

**Environmental Assessment**

# Highway Garage Facility

**Town of Colchester, Delaware County, New York**

**FEMA-1650-DR-NY**

*December 2009*



**FEMA**

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

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## **1.0 INTRODUCTION**

### **1.1 Disaster Background and Project Location**

A severe storm and flood event that took place during the period of June 26-July 10, 2006, was declared a disaster (FEMA-1650-DR) by President Bush on July 1, 2006 under Section 401 of the Stafford Act and included the counties of Broome, Chenango, Delaware, Herkimer, Montgomery, Oneida, Orange, Otsego, Schoharie, Sullivan, Tioga and Ulster. Damages suffered in Delaware County include approximately 1,143 projects totaling \$88,570,049, and in the Town of Colchester 94 projects totaling \$12,826,044.

Russell Brook Road in the Town of Colchester (Town), Delaware County, was damaged during the 2006 storm event. The repair of Russell Brook Road was determined eligible for public assistance funding. The Town elected not to pursue roadway repair and requested that the public assistance funds be applied to an alternate project. The Town has pursued a town resolution for permanent abandonment of the damaged Russell Brook Road. The Town is responsible for securing this original facility (road).

When an applicant determines that the public welfare would not be best served by restoring a damaged facility or its function, the applicant may request approval of an alternate project from FEMA, in accordance with Section 406(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5172(c), and 44 Code of Federal Regulations (CFR) §206.203(d), 44 CFR §206.204, and 44 CFR §206.226. Applicants receive Federal funding based on a percentage of the Federal cost share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility.

The Town has requested to utilize the alternate project funding for construction of a new Town Highway Garage Facility. The existing Town Highway Garage is located at 15500 State Highway 30, Tax Parcel SBL#: 358.2-4-30. The existing site is also shown on Figure 1 - Site Location Map in Appendix A. The proposed new highway garage facility site is located in the Delaware River Basin just south of the East Branch of the Delaware River. Specifically, the site is located off the south side of River Road, Downsville, NY, and is part of existing Tax Parcel SBL#: 358.-1-22.61. The proposed site is shown on Figure 1 - Site Location Map, included in Appendix A.

### **1.2 Purpose and Need**

The objectives of the FEMA programs are to reduce the impact of natural disasters on the built environment and to assist communities in recovery from natural disaster. The purpose of the alternate project discussed in this Environmental Assessment (EA) is to relocate and rebuild an existing Town structure and infrastructure in an area outside of the flood plain, thereby reducing future losses. The need for the project is to reduce future damages caused by flooding of public infrastructure and public buildings. The existing highway garage facility property is located within the 100-Year Floodplain. The relocation of the garage structures to a new location outside the 100-Year Floodplain would minimize future risk of flood damages and related economic losses for the facility structures and highway operation. The proposed project would also minimize the risk of

potential contaminant releases to the Delaware River waterway due to relocation of fuel tanks and other materials & equipment storage outside the floodplain.

The purpose of this Environmental Assessment is to evaluate project alternatives and assess the potential environmental impacts of the proposed Federal action, in accordance with the National Environmental Policy Act (NEPA). The FEMA regulations, which establish FEMA's process for implementing NEPA, are set forth in 44 CFR Subpart 10. As part of this NEPA review the requirements of other environmental laws and executive orders are addressed. This document is utilized to inform the public of the proposed federal action and solicit review comments from the public and stakeholder government agencies.

## **2.0 ALTERNATIVES CONSIDERED**

This section describes in detail Alternative 1 - No Action Alternative and Alternative 2 - the Proposed Alternative. Section 2.1 serves to dismiss the No Action Alternative and states the reasons why it is deemed infeasible and Section 2.2 describes the Proposed Alternative in detail.

### **2.1 Alternative 1 - No Action Alternative**

The No Action Alternative is for the Town to continue utilization of the existing Town highway garage and continue operations at its current location at 15500 State Highway 30. The existing highway garage site is located in Zone AE (Special Flood Hazard Area inundated by the 100-year Flood), and flooding is problematic. The existing building has been periodically flooded and has incurred significant damage over several years. Repair, restoration or rebuilding is not considered to be economically feasible or practical. The Local Law for Flood Damage Prevention requires that new construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be flood proofed. The Town plans to demolish the existing building structures and maintain a shed on property for cold storage and supplemental equipment storage. The Town is legally responsible for securing the existing facility. The Town is responsible for obtaining and complying with all applicable permits for demolition, potential site remediation, and for securing of the existing facility.

### **2.2 Alternative 2 - Proposed Alternative**

The Proposed Alternative is to construct a new Town highway garage and associated subsurface sanitary system and stormwater management system at a site located on River Road on the south side of the East Branch Delaware River. This site is downstream of the Pepacton reservoir and outside of the NYC Watershed. The property is currently owned by Harmonie Farms and a portion will be sub-divided and purchased by the Town. The portion to be sub-divided is currently used as a gravel pit. Figure 2 in Appendix A provides the proposed Site Plan of this Alternative.

The proposed site is disturbed due to past gravel pit operations. Vegetation is limited to herbaceous cover and a hedgerow of trees perpendicular to the access road. The trees follow the alignment of an old railroad corridor. Farmland and open pasture surround the proposed site. The proposed structures would be setback from River Road and would be partially screened by the tree hedgerow.

The proposed structure will be an insulated metal building on an 8" thick reinforced concrete slab. The building will be 110' wide x 125' long and will include provisions to allow for future expansion (i.e., electrical provisions, piping layout, mechanical needs, etc.). The building will be used for vehicle maintenance and storage with three drive-through truck bays, one drive through vehicle maintenance bay, one non-drive through vehicle maintenance bay, office space, a break room as well as bathrooms and a mechanical room. Future expansion would consist of additional vehicle storage/maintenance bays on either the West side of the proposed garage facility structure (see Figure 2 Site Plan) or the East side of the proposed facility. The proposed Building Layout is shown on Figure 3 in Appendix A.

### **3.0 AFFECTED ENVIRONMENTS AND POTENTIAL IMPACTS OF THE ALTERNATIVES CONSIDERED**

The following table summarizes the potential impacts analyzed for the major areas of concern in the following sections.

**Table 1. Summary of Potential Impacts**

<b>Section</b>	<b>Topic</b>	<b>Alternative 1 Impact</b>	<b>Alternative 2 Impact</b>
<b>3.1</b>	<b>Farmland Protection</b>	No	Site structures to be located on non-prime farmland soils. Property Subdivision requires local coordination for farmland conversion impacts.
<b>3.2.2</b>	<b>Floodplains</b>	Potential Impacts	No
<b>3.5.1</b>	<b>Environmental Justice</b>	No	No
<b>3.10.1</b>	<b>Wetlands</b>	No	No
<b>3.10.2</b>	<b>Endangered Species</b>	No	No
<b>3.11</b>	<b>Historic/Cultural Resources</b>	No	No

### **3.1 Geology and Soils**

Executive Order 12699 requires that Federal preparedness and mitigation activities include the development and promulgation of specifications, building standards, design criteria, and construction practices to achieve appropriate earthquake resistance for new structures, and directs Federal agencies to incorporate cost-effective seismic safety measures in all new buildings that are constructed, leased, assisted, or regulated by the Federal Government.

The potential for earthquakes exists across the entire state of New York. Scientific and historical data indicate those areas of the state having a higher seismic risk due to likelihood of occurrence and the resulting ground motion. Most regions of New York State are characterized by a moderate level of seismicity and seismic hazard. The highest levels of seismicity are concentrated in the northern Adirondacks, the New York City Metropolitan area, and Western New York, including Attica and Buffalo.

The United States Geological Survey (USGS) Percent Peak Ground Acceleration (%PGA) Seismic Hazard Map and the National Earthquake Hazard Reduction Program (NEHRP) Maps adopted by the New York State Building Code (NYSBC) were used to evaluate the Percent Peak Ground Acceleration (%PGA) for both alternative sites. The maps show %PGA values for New York State with a 10% chance of being exceeded over 50 years. PGA is a common earthquake measurement that demonstrates the geographic area affected, the probability of an earthquake of each given level of severity (10% chance in 50 years), and the strength of ground movement (severity) expressed in terms of percent of the acceleration force of gravity (%g).

A preliminary assessment of the earthquake hazard indicates the locations of both alternatives are in an area of moderate hazard. To reduce the earthquake risk in New York State, a variety of seismic hazard reduction measures are considered in seismic codes and regulations. During the design phase of the project, the building will be designed to meet the seismic provisions of the New York State Building Code.

Natural Resource Conservation Service (NRCS) Delaware County Soil Maps indicate that the Alternative 2 site consists of the following soil types within the project vicinity: Barbour loam (Bc), Pits, gravel (Pg), Tunkhannock gravelly loam, 15-20% slopes (TkD), Unadilla silt loam (Un), Morris flaggy silt loam, 3-8% slopes (MrB) and Wellsboro channery silt, 8-15% slopes (WeC) (See Figure 4A). The majority of the project area is made up of what is classified as Pits, known to be gravel (map unit Pg) associated with gravel mining in that area. Due to the gravel mining, no soil description is composed. Barbour loam series which consists of very deep well drained soils formed in recent alluvial deposits derived from areas of acid, reddish sandstone, siltstone, and shale. They are nearly level or gently sloping soils on flood plains. MrB and WeC are both described as loamy till derived mainly from reddish sandstone, siltstone, and shale. TkD is described as gravelly loamy glaciofluvial deposits over sandy and gravelly glaciofluvial deposits, derived mainly from reddish sandstone, siltstone, and shale; and Un is described as glaciolacustrine deposits, eolian deposits, or old alluvium, comprised mainly of silt and very fine sand.

Bc, MrB, Un and WeC soils are rated as prime farmland or farmland of statewide importance. USDA-Natural Resources Conservation Service (NRCS) was contacted regarding the proposed site and potential impacts related to the Farmland Protection & Policy Act. As the majority of the site proposed for structural development will be located on land that is Pg soils, no impact to prime farmland is anticipated as a result of the highway garage facility construction. Correspondence is included in Appendix B. The overall site subdivision will require conversion of agricultural land and further coordination by the Town in accordance with NYS Agriculture and Markets Law §25-AA.

### **3.2 Land Use**

The Town of Colchester is located in the southeastern portion of Delaware County in southern New York. It is bordered by the Town of Andes to the east, the Town of Rockland to the south, the Town of Hancock to the west and the Towns of Walton and Hamden to the north. Land in the Town is used primarily for residential, agricultural and recreational purposes with minor commercial and industrial activity. The Catskill State Park and State Forest Preserves occupy large portions of land mostly in southern Colchester. In addition, portions of the Pepacton Reservoir, part of the New York City (NYC) water supply system, are located in the Town with the dam structure within sight of both alternative sites.

#### **3.2.1 Zoning**

The Town of Colchester adopted a Comprehensive Plan in 2003, prepared by Community Planning and Environmental Associates. The Town currently has no Zoning or Site Plan Review regulations. The Planning Board reviews proposed Subdivisions.

A Land Use Map was prepared of the site vicinity based on the 2008 Delaware County Real Property Classification Codes. This Land Use Map is included as Figure 4 in Appendix A. The surrounding land use is a mix of residential, small commercial, and community service facilities in the hamlet of Downsville on the north side of the Delaware River, agricultural, residential, vacant and forested land on the south side of the River, and the large NYC Pepacton Reservoir lands to the east.

#### ***Alternative 1 (No-Action)***

The existing highway garage site is located on the northern bank of the Delaware River along State Highway 30 in the hamlet of Downsville. The site is located approximately 400' east of the historic Downsville Covered Bridge, in a primarily residential area across the street from a cemetery. NYC Watershed Lands lie about 900 feet to the east. Continued use of the site as a highway garage will have no impact on zoning or planning.

#### ***Alternative 2***

The proposed highway garage site is located off River Road about 1,200 feet south of banks of the Delaware River and 7,000 feet west of the Pepacton Reservoir. The site is part of a 133.6 parcel that has historically been farmed as Harmonie Farm. Although the

fields along River Road have recently been used for corn cultivation, a portion of the property south of an old railroad bed has been quarried as a gravel mine. The real property classification for the entire site is 105, or agricultural vacant land, and it is listed as part of Delaware County NYS Certified Agricultural District #6.

The Town plans to subdivide a 22.4 acre parcel to include the existing gravel mine, the proposed highway garage, parking, septic and stormwater management facilities. This proposed use is in keeping with the character of the existing gravel mine and will have no impact on local planning or zoning. Delaware County Planning Board §239-n review of the proposed subdivision is required. In addition, the requirements of NYS Agriculture and Markets Law §25-AA regarding conversion of agricultural land must be followed.

### **3.2.2 Floodplains**

Executive Order (EO) 11988 requires federal agencies to take action to minimize occupancy and modification of the floodplain. Specifically, EO 11988 prohibits Federal agencies from funding construction in the 100-year floodplain unless there are no practicable alternatives. FEMA's regulations for complying with EO 11988 are promulgated in 44 CFR Part 9.

The Town of Colchester participates in the National Flood Insurance Program. The 1987 Flood Insurance Study for the Town of Colchester and Flood Insurance Rate Map (FIRM) Community Panel #360191 0225 C were reviewed to determine the relationship of the sites to the flood zones as presented in a previous iteration of this environmental assessment document. In addition, the *USGS Open-File Report 2005-1166, Flood of September 18-19, 2004 in the Upper Delaware River Basin, New York* was reviewed. The *USGS Open-File Report 2006-1650, Flood of June 26-July 10, 2006* was not reviewed as it has not yet been released.

During preparation of this environmental assessment, new flood insurance rate maps for Delaware County were released to the public as Preliminary Maps dated August 1, 2009. The below alternative descriptions for floodplains are based on the Preliminary Flood Insurance Rate Maps for the Town of Colchester, Map Number 36025C0778D.

#### ***Alternative 1 (No-Action)***

The existing highway garage site is located entirely within Zone AE (Special Flood Hazard Areas inundated by 100 Year Flood). A small section of the property adjacent to the Delaware River is located within the floodway. The FIRM map shows the Base Flood Elevation (BFE) immediately west of the site as 1103' above sea level (NAVD 1988). High water mark elevations after the 2004 Flood near the Downsville Covered Bridge were recorded as 1,103.12 feet above sea level. This site was inundated in previous floods and its continued use could potentially discharge oil, gasoline, diesel fuel, salt and building maintenance chemicals into flood waters.

### ***Alternative 2***

The proposed site development including the new highway garage, parking, septic and stormwater management systems will not be located in the 100-Year Floodplain. The immediate project site and the location of new structural features is designated Zone X (Areas Determined to be Outside the 500 Year Floodplain). The garage will be designed so that finished floor elevation will be at least 2 feet above the closest Base Flood Elevation of 1,100' above sea level. The existing gravel access drive from River Road is located in Zone AE (Special Flood Hazard Areas inundated by 100 Year Flood). A portion of the site access road is located within the floodway, as is the vicinity of River Road. Should improvements to this site access road be necessary, it will be undercut by one foot and replaced with a suitable subbase material. The final elevation of the roadway will not be increased above the existing elevation. This project will have no impact on floodplains.

### **3.3 Traffic Circulation and Parking Access**

#### ***Alternative 1 (No-Action)***

NYS Department of Transportation estimated the 2007 traffic volume along State Highway 30 by the existing garage site to be 1,762 AADT (average annual daily traffic). This is a relatively low traffic volume for a state highway. Land use in the immediate area is a mix of residential, commercial and community services which tend to generate moderate volumes of traffic. The existing highway garage site does not impact current traffic patterns nor does it encumber access to parking to any of the surrounding areas.

#### ***Alternative 2***

River Road is a town road and no traffic counts are available. However, land use in the immediate area a mix of agriculture, rural vacant land and residences and the resulting traffic volume is low. Other than a temporary increase in traffic during the construction phase due to the need to bring equipment, materials and labor onto the project site, the project will not generate any long-term changes in traffic patterns, volumes or create any traffic safety concerns. The long term permanent use will potentially house six Town tandem trucks and three Town vehicles and will generate vehicular traffic based on approximately 12 Town employees. The proposed project will have little to no significant impact on the surrounding areas.

### **3.4 Public Health and Safety**

Neither Alternative 1 nor Alternative 2 impose imminent public health and safety issues. However, due to the location of the existing Alternative 1 site it could potentially discharge oil, gasoline, diesel fuel, salt and building maintenance chemicals to the East Branch of the Delaware River, especially during a 100 year flood event. The proposed Alternative 2 facility site will be built above the closest Base Flood elevation and include a stormwater management system which will control any off-site drainage.

### **3.5 Socioeconomic Issues**

#### **3.5.1 Executive Order 12898 – Environmental Justice**

On February 11, 1994, President Clinton signed EO 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The EO directs Federal agencies “to make achieving 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 in the United States...”

The NYSDEC Environmental Justice website includes New York State County Maps showing Potential Environmental Justice Areas. The Delaware County Map indicates that there are no potential environmental justice areas in the Town of Colchester.

In addition, 2000 Census Data was reviewed for the project area. The site is in Census Block 3001, part of Tract 991300. In 2000, this Block had a population of 171, with no minorities, and a median-age of 41.3 years. It is part of larger Block Group 3 which had a population of 679 including 5 minorities, a median age of 38.9, and a median family income of \$37,083 with 11% of families below the poverty level. There are no significant minority, elderly or low-income populations in the vicinity of the sites, and therefore there will be no socioeconomic impacts associated with either alternative.

### **3.6 Air Quality**

Delaware County is located in an attainment area for all pollutant criteria regulated by the U.S. Environmental Protection Agency in accordance with the Clean Air Act of 1977. The Town does not currently have local Air Quality Regulations. Based on the nature of the activities, the existing and the proposed Town highway garages are exempt from New York State regulations under 6 NYCRR Chapter III Air Resources. Subpart 201-3.3 (c) Trivial Activities. The following sub-sections deal specifically with the activities proposed for the sites: (11) engine exhaust and refueling emissions, (31) emissions for storage and application of road salt, (34) snow plowing, sanding and ashing of streets and (45) maintenance and construction related activities.

### **3.7 Noise**

The Town does not currently have a local Noise Ordinance and there are no applicable New York State regulations.

#### ***Alternative 1 (No-Action)***

The existing highway garage site is located in a hamlet setting proximate to residential and commercial properties. This no-action alternative will not create any increase in ambient noise levels.

#### ***Alternative 2***

The proposed 22.4 acre garage site is located on the site of an existing gravel mine, which employs large scale earth moving equipment and dump trucks. The northern and western

sides of the site are surrounded by agricultural land, with periodic use of farm equipment. The eastern edge of the site is located about 400 feet from a lumber yard which utilizes power equipment. All of these existing uses create a high ambient noise level. The Town Highway garage and trucks will operate 8 hours per day, 5 days per week. The proposed project will not create noise levels that are substantially different from the existing ambient noise levels.

### **3.8 Public Services and Utilities**

Both the existing highway garage and the proposed site are located in the Town of Colchester and utilize the Downsville Volunteer Fire Department, the Downsville Volunteer Emergency Squad, Town of Colchester Police Department, Delaware County Sheriff's Department and the NY State Police.

#### ***Alternative 1 (No-Action)***

The existing highway garage utilizes the municipal system for water supply, and an on-site subsurface sanitary disposal system. Stormwater drainage is overland flow to existing drainage features. Electric and telephone service are provided by National Grid and Frontier Communications, respectively. The existing highway garage and daily operations have no adverse impacts on public services or utilities.

#### ***Alternative 2***

The proposed site will utilize a new drilled well and a new subsurface septic system for water and sanitary service, respectively. Additionally, the proposed site will utilize a stormwater management system to capture and treat surface run-off from all impervious surfaces. Electric and telephone service will be provided by National Grid and Frontier Communications, respectively. The proposed facility will not impact public services as there will be no significant increase in the demand for such services. When the highway garage is relocated to this site, the utility demand at the existing facility will be reduced significantly and most of the current demands will be transferred to the new location.

### **3.9 Water Resources/Water Quality**

#### ***Alternative 1 (No-Action)***

The existing highway garage is located immediately upgradient of the Delaware River. Stormwater runoff follows existing drainage corridors and discharges directly to the Delaware River. There is no existing stormwater management system in place.

#### ***Alternative 2***

Currently, the proposed site drains generally to the north and to the east through natural drainage corridors and culverts that ultimately discharge to the Delaware River. The proposed drainage system will include a permanent stormwater management system that will capture and treat run-off from all impervious surfaces.

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for the construction of the proposed Town highway garage. The project will result in a disturbance greater

than 1 acre of soil disturbance, therefore the NYSDEC GP-0-08-001 Permit requires that a full SWPPP be prepared that includes water quality and water quantity controls.

The intent of the SWPPP is to minimize erosion and sedimentation associated with the construction activities, provide for treatment of stormwater runoff from the developed site and to maintain stormwater runoff rates from the developed site consistent with pre-development conditions.

The SWPPP will be designed in accordance with the technical standards outlined in the NYSDEC New York State Stormwater Management Design Manual, dated August 2003 and the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005.

### **3.10 Biological Resources**

#### **3.10.1 Executive Order 11990 – Wetlands**

Executive Order 11990, Protection of Wetlands, requires federal agencies to take action to minimize the loss of wetlands. The NEPA compliance process requires federal agencies to consider direct and indirect impacts to wetlands, which may result from federally financed actions.

The NYSDEC Freshwater Wetlands Maps for the Town of Colchester were reviewed and it was determined that there are no DEC Freshwater Wetlands in the vicinity of either alternative site. The closest DEC Wetland is Wetland ID CO-4, which is more than 1 mile southwest of the sites.

In addition, the U.S. Fish & Wildlife Service National Wetlands Inventory (NWI) maps were reviewed. NWI maps are prepared from the analysis of high altitude imagery and are based on vegetation, visible hydrology and geography. These maps provide reconnaissance level information on the location, type and size of potential wetlands and deepwater habitats. There are several NWI wetlands in the vicinity of the alternative sites, however they are not jurisdictional or regulatory wetlands.

A Wetlands Map was prepared by superimposing the NYSDEC and NWI digital wetland layers on the 2004 NYS Orthoimagery of the area. This Wetlands Map is included as Figure 6 in Appendix A.

#### ***Alternative 1 (No-Action)***

The existing highway garage site sits on the bank of the Eastern Branch of the Delaware River. NWI maps indicate that this section of the Delaware River is a 377.43 acre Riverine wetland, classified as R2UBH (Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded.) The no-action alternative has the potential to impact the quality of this non-jurisdictional wetland through off-site drainage into the river.

#### ***Alternative 2***

There is a 0.88 acre NWI Freshwater Pond located approximately 750 feet east of the proposed highway garage. It is classified as PUBHh (Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded.) A Stormwater Pollution Prevention Plan will be prepared for this project in accordance with NYSDEC SPDES General Permit GP-0-08-001. All permanent and temporary stormwater management practices will be designed in accordance with New York State Standards and Specifications for Erosion and Sediment Control. The highway garage project will create no short-term or long-term impacts to this freshwater pond.

### **3.10.2 Threatened and Endangered Species**

In accordance with Section 7 of the Endangered Species Act (ESA) of 1973, the project area was evaluated for the potential occurrences of federally-threatened and endangered species. The ESA requires any federal agency that funds, authorizes or carries out an action to ensure that their action is not likely to jeopardize the continued existence of any endangered or threatened species (including plant species) or result in the destruction or adverse modification of designated critical habitats.

Delaware County's federally listed endangered and threatened species include the endangered Dwarf wedge mussel (*Alasmidonta heterodon*) and the threatened Northern wild monkshood plant (*Aconitum noveboracense*). Due to the site's prior disturbance and lack of suitable habitat, neither species would be found at the proposed property. Similarly, the disturbed site does not provide forage or nesting habitat to the Bald Eagle (*Haliaeetus leucocephalus*) or other migratory birds, protected in accordance with Bald and Golden Eagle Protection Act and/or the Migratory Bird Treaty Act. FEMA has determined that the proposed project will have no adverse effect on federally threatened and endangered species, and no adverse effect on migratory birds, including the Bald Eagle.

The NYSDEC Environmental Resource Mapper was consulted as a preliminary check of rare plants or animals or significant natural communities in the vicinity. This mapping application shows no significant natural communities in the area, but indicates there are potential rare plants or animals within a ½ mile radius of the Pepacton Reservoir. Both alternative sites are located immediately outside this area of potential rare plants or animals.

The New York Natural Heritage Program was contacted for a determination on the presence of endangered or threatened species on or near the site. They issued a response letter on April 1, 2009 which states that there are no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the site. A copy of all correspondence with the Natural Heritage Program is included in Appendix B.

### **3.11 Cultural Resources**

Cultural resources include archaeological or cultural sites, standing structures, and other historic properties considered to be eligible for or listed on the National Register of Historic Places (NRHP). Section 106 of the National Historic Preservation Act (NHPA)

mandates that federal agencies consider the impact of their undertaking on historic properties within the project's area of potential effect (APE). If adverse effects on historic, archaeological, or cultural properties are identified, then agencies must attempt to avoid, minimize, or mitigate these impacts to resources considered important in our nation's history.

A Phase 1A Literature Review and Sensitivity Assessment was prepared by Birchwood Archaeological Services for the Town of Colchester in February 2009. A subsequent Phase 1B investigation was performed for the affected area of the Alternative 2 site. These documents were submitted to NYS Office of Parks Recreation and Historic Preservation (OPRHP) for review and determination of significance. Copies of these reports are included in Appendix E. OPRHP issued a determination letter on April 20, 2009 stating that the planned Alternative 2 project will have No Effect on historic properties listed or eligible for listing on the National Register of Historic Places. FEMA evaluated the cultural resource investigation and assessment accomplished by the Town's consultant and has made a federal agency determination that the proposed action will have no adverse effect on historic properties. A copy of all correspondence with OPRHP is included in Appendix B.

### **3.11.1 Historic Properties**

The Phase 1A Literature Review and Sensitivity Assessment identified two sites listed on the National Register of Historic Places within one mile of the project area. The first is the Downsville Covered Bridge, a local historic landmark which was restored in 1998 and is one of only three intact long truss bridges remaining in New York State. The second is the Union Free School, which was constructed in 1903 and remained in use as a school until 1938.

#### ***Alternative 1 (No-Action)***

The existing highway garage is located approximately 300 feet east of the Downsville Covered Bridge. As an existing use, it will create no new impacts to this cultural resource.

#### ***Alternative 2***

The proposed highway garage site is located approximately 3,000 feet southeast of the Downsville Covered Bridge, and 4,100 feet southeast of the Union Free School. It is set back from River Road approximately 700 feet and partially screened by vegetation. The garage site will not be visible from either historic site and will have no impact on these cultural resources.

### **3.11.2 Archaeological Resources**

The Phase 1A Literature Review and Sensitivity Assessment found no prehistoric sites within one mile of the proposed Alternate 2 project area, but concluded it was moderately sensitive for prehistoric remains due to its vicinity to the East Branch of the Delaware River. However, the Phase 1A Assessment identified four historic archaeological sites within one mile of the project area and concluded that the site should be considered highly sensitive for historic remains. The report recommended that a Phase 1B subsurface

investigation be conducted for the undisturbed areas of the project site. The subsequent Phase 1B investigation found no evidence of historic or prehistoric archaeological resources on the proposed Alternative 2 site.

#### ***Alternative 1 (No-Action)***

The existing highway garage will create no new impacts to any archaeological resources.

#### ***Alternative 2***

A Phase 1B field examination was conducted on the Alternative 2 site to test for cultural deposits in the area of the proposed garage and related facilities. A 15 meter grid was placed over the 4 acre area of potential effects. A total of 83 shovel test pits were located, but only 71 were over undisturbed areas and were excavated. Seven of these pits (10%) contained cultural material. All of the recovered artifacts appear to represent modern trash such as rope, aluminum can fragments, auto safety glass and coal. Based on the results of this survey, it appears that no historic or prehistoric archaeological resources will be impacted by the proposed project.

### **3.12 Cumulative Impacts**

There are no cumulative impacts for any given resource.

### **3.13 Coordination and Permits**

#### ***Alternative 1 (No-Action)***

This No Action Alternative currently requires no Federal, State or local permits. The Town is legally responsible for securing the existing facility. The Town is responsible for obtaining and complying with all applicable permits for demolition, potential site remediation, and for securing of the existing facility.

#### ***Alternative 2***

The proposed highway garage site would require a Town Building Permit and NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity. Delaware County Planning Board §239-n review of the proposed subdivision is required. In addition, the requirements of NYS Agriculture and Markets Law §25-AA regarding conversion of agricultural land must be followed.

## **4.0 PUBLIC INVOLVEMENT, AGENCIES CONSULTED & REFERENCES**

A Draft Environmental Assessment (EA) Report was coordinated with the local community by the Town of Colchester. A 15-day public review and comment period was advertised by the Town via a public notice in The Walton Reporter newspaper on June 10, 2009 (See Appendix C). A hard copy of the Draft EA was made available at the Town Hall, 72 Tannery Road, Downsville, NY for review and a Town Board meeting was held on July 1, 2009. No comments were received during the public comment

period. The Draft EA was circulated to the State Emergency Management Office, and later coordinated with FEMA.

In accordance with the National Environmental Policy Act, this Environmental Assessment (EA) will be made for an additional 15-day public review and comment period. This EA reflects the evaluation and assessment of the Federal government, the decision-maker for the federal action. A public notice of document availability will be advertised in The Walton Reporter. A copy of the EA will be available at the Town of Hancock, Town Hall, 661 West Main Street, Hancock, NY 13783. An electronic copy of the EA will be available for download from the FEMA website at <http://www.fema.gov/plan/ehp/envdocuments/ea-region2.shtm>. The public is invited to submit written comments by mail to Megan Jadrosich, Regional Environmental Officer, FEMA Region II, Mitigation Division, RM1337F, 26 Federal Plaza, NY, NY 10278 or via email to [Megan.Jadrosich@dhs.gov](mailto:Megan.Jadrosich@dhs.gov). If no substantive comments are received from the public and/or agency reviewers the EA will be adopted as final and a Finding of No Significant Impact will be issued by FEMA. If substantive comments are received, FEMA will evaluate and address comments as part of Final Environmental Assessment documentation.

Copies of the EA will be sent to:

- Town of Colchester  
72 Tannery Road  
Downsville, NY 13755  
(607) 363-7169
- State Emergency Management Office (SEMO)  
1220 Washington Avenue, Suite 101, Building 22  
Albany, NY 12226-2251
- NYSDEC Region 4  
65561 State Highway 10, Suite 1  
Stamford, NY

The following agencies will receive notices of availability of the Draft Environmental Assessment:

- Mr. John Bonafide  
New York State Office of Parks, Recreation and Historic Preservation  
Peebles Island, PO Box 189  
Waterford, New York 12188-0189
- Mr. David Stilwell  
U.S. Fish and Wildlife Service, New York Field Office  
3817 Luker Road  
Cortland, NY 13045

- USDA Natural Resources Conservation Service  
44 West Street  
Walton, NY 13856-1041

The following is a list of federal, state, and local agencies that were consulted during the preparation of the EA. Coordination letters are presented in Appendix B.

- Mr. Philip Perazio  
NYS Office of Parks, Recreation and Historic Preservation  
Peebles Island PO Box 189  
Waterford, New York 12188-0189  
(518) 237-8643
- Ms. Tara Salerno  
NYSDEC-DFWMR  
NY Natural Heritage Program-Information Services  
625 Broadway, 5th Floor  
Albany, NY 12233-4757  
(518) 402-8935
- NYSDEC-Bureau of Water Permits  
625 Broadway, 4th Floor  
Albany, NY 12233-3505  
(518) 402-8114
- USDA Natural Resources Conservation Service  
44 West Street  
Walton, NY 13856-1041

## **5.0 CONCLUSION**

During the construction period, short-term impacts to soils, surface water, transportation, air quality, and noise are anticipated. Short-term impacts will be mitigated utilizing Best Management Practices, such as silt fences, proper equipment maintenance, and appropriate signage. Environmental impacts of construction will also be minimized per adherence to a Stormwater Pollution Prevention Plan (SWPPP) and conditions of a NYSDEC GP-0-08-001 Permit that the Town plans to obtain.

At this time, it is anticipated that the proposed action, Alternative 2, will not have any significant impact upon the human environment. FEMA anticipates that a Finding of No Significant Impact (FONSI) will be issued upon closure of the public review period. The FONSI will be made available on the FEMA website.

**6.0 LIST OF PREPARERS**

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