

## **FINDING OF NO SIGNIFICANT IMPACT**

**Department of Homeland Security-Federal Emergency Management Agency  
Interoperable Radio System Construction  
Seneca Nation of Indians  
Cattaraugus County, NY  
2011-SS-00090 (13913)**

### **BACKGROUND**

The Department of Homeland Security-Federal Emergency Management Agency (DHS-FEMA) plans to provide federal funding to the Seneca Nation of Indians, as a grantee, for the construction of a new Interoperable Radio System throughout the reservation in Cattaraugus County, NY. The communications system would be used for both daily operations and emergency communications, and would improve the ability to respond to natural disasters, terrorist threats, and other emergency needs. The proposed project would be funded through the Homeland Security Grant Program (HSGP).

Pursuant to the National Environmental Policy Act and 44 CFR Part 9, DHS-FEMA and the sub-grantee evaluated alternatives to achieve enhanced security and enhanced communications capability for the Seneca Nation of Indians. The No Action alternative was evaluated, but would not achieve the security improvements necessary to protect the Nation and the general public. DHS-FEMA and the sub-grantee concluded that the selected site location was the best location based on communications needs and the proximity of existing infrastructure.

### **PROJECT DESCRIPTION**

The proposed project would include installing repeaters on two existing water tanks (Jimersontown and Steamsburg) and one existing radio tower (Irving/DPW Tower), along with the construction of two new radio towers at two different sites (Indian Hill and Sunfish Run). Two of the sites (Irving/DPW and Indian Hill) are located in the Cattaraugus Territory of the Seneca Nation of Indians Reservation, and three of the sites (Jimersontown, Steamsburg, and Sunfish Run) are located in the Allegheny Territory of the Reservation.

An Environmental Assessment (EA) was prepared by FEMA with grantee and sub-grantee 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 Parts 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance (44 CFR Part 10). 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, visual resources, socioeconomics, public safety or transportation. During the construction period, short-term impacts to soils, air quality, transportation, and noise are anticipated. Short-term impacts will be mitigated utilizing construction best management practices, proper equipment maintenance, and appropriate signage. The proposed alternative has been reviewed, and to the best of our knowledge, does not have the potential for significant cumulative effects when combined with past, present or reasonably foreseeable future actions in the project area.

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The public comment period for the federal agency's EA was from April 26 – May 10, 2013. A public notice was issued in the Gowanda News on April 21, 2013, the Seneca Nation of Indians Newsletter on April 26, 2013, the Salamanca Press on April 18, 2013, and the Buffalo News on April 17, 2013. No public comments were received during the public comment period.

### CONDITIONS

The Seneca Nation of Indians is responsible for obtaining all applicable local, State, Tribal and Federal permits and approvals for project implementation prior to construction, and to adhere to permit conditions. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The grantee must also adhere to the following conditions during project implementation:

1. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state and federal regulations. The grantee shall be responsible to comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) General 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 applicant shall provide DHS-FEMA a copy of the Stormwater Pollution Prevention Plan and a copy of the Notice of Intent Form at grant project close-out or other time identified by DHS-FEMA Grant Programs Directorate per grant administrative documentation guidance requirements. If an individual SPDES permit is determined to be required, the applicant shall provide a copy of the obtained permit, as well as supporting Stormwater Pollution Prevention Plan to DHS-FEMA at grant project close-out or other time identified by DHS-FEMA Grant Programs Directorate per grant administrative documentation guidance requirements. For more information regarding SPDES, visit <http://www.dec.ny.gov/chemical/43133.html>.
2. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the grantee and grantee 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 grantee, through the grantee, will inform FEMA immediately of all archaeological findings, and FEMA will consult with the Tribal Historic Preservation Officer (THPO). 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.
3. It is expected that the grantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation & erosion during construction.
4. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
5. Cattaraugus County is currently identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB). It is required that woody tree and shrub material to be removed for the proposed action be chipped on site to chips of less than one inch in two dimensions or not transported whole outside the tribal lands in order to adhere with EO13112 Invasive Species, federal regulations at 7 CFR Part 301.53-1 through 301.53-9

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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:

[http://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/)

<http://www.agriculture.ny.gov/PI/eab.html>

[http://www.nyis.info/?action=news\\_detail&event\\_id=306](http://www.nyis.info/?action=news_detail&event_id=306)

6. It is recommended that the grant applicant 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/>

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/>

<http://www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml>

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

5-13-2013