



FEMA

FINDING OF NO SIGNIFICANT IMPACT

YORK COUNTY EMERGENCY OPERATIONS CENTER PROJECT

YORK COUNTY, MAINE

2022-EO-00004

INTRODUCTION

The Maine Emergency Management Agency submitted to the Federal Emergency Management Agency (FEMA) a Grant Programs Directorate (GPD) grant application on the behalf of York County, Maine (County). FEMA coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror. The mission of GPD is to manage federal assistance to measurably improve capability and reduce the risks the Nation faces in times of man-made and natural disasters. As such, GPD-funded grants involve a wide variety of projects designed to improve the preparedness and readiness of public safety and first response agencies, as well as improve homeland security through increased protection of the Nation's critical infrastructure.

Under the Proposed Action York County would construct their All-Hazards Training Facilities, consisting of 41,963 square feet of floor area and a 58-bed, 54,530 square foot, Regional Drug Treatment and Recovery Center on a County-owned parcel in the Town of Alfred, ME (Town). In addition to providing a training facility for first responders, a portion of the facility would house an Emergency Operations Center (EOC) for the monitoring, preparation for, and management of emergency and disaster events and a regional drug recovery center. These buildings would be built at the same time on the same site. Details include the following:

- First responder training that would be conducted on-site would include emergency vehicle operations training, vehicle extrication; physical fitness training; hose training such as hose line advancement, loading and packing, and flow testing; ground ladder carries; emergency diver drills; and simulated prop burns.
- The project would include updated stormwater management consisting of a grassed under-drained soil filter and wet ponds.
- A 9,824 gallon per day septic system would be installed between the responder training center and the treatment center to manage wastewater from both facilities. By utilizing an advanced treatment system, the project proponent anticipates a reduction in wastewater contaminants and a reduction of the disposal fields by approximately 50 percent compared to a traditional system.
- Utilities including water, electric and telecommunications would be installed underground and tie into existing public utilities currently servicing the adjacent jail. The treatment center and first responder training center would include backup generator installation which would be used intermittently to maintain operations during emergencies. Additionally, a well would be installed recharge the fire pond for training exercises.
- Equipment and materials staging would occur within the limit of the newly cleared portions of the site. Erosion, sedimentation, and spill protection measures will be implemented on-site prior to equipment and materials staging.
- Following construction, unhardened surfaces within the site would be mulched and seeded, planted with deciduous or decorative trees, or planted with perennial/shrub beds. Portions of the cleared areas between the facilities and the remaining wooded areas would be seeded with a native meadow/wildflower mix.

FINDING OF NO SIGNIFICANT IMPACT
York County Emergency Operations Center Project
York County, Maine - 2022-EO-00004

In addition to the Proposed Action, the No Action Alternative was considered and dismissed in the environmental assessment (EA). Under the No Action alternative, there would be no federal financial assistance provided to construct the County facilities which include the EOC. Unless alternative funding were secured, the County would remain without an adequate facility to train first responders or to practice and prepare tactics for joint operations. The No Action Alternative would not meet the purpose and need of the proposed project. No other additional alternatives were evaluated in the EA.

ENVIRONMENTAL IMPACT EVALUATION

FEMA prepared the EA pursuant to NEPA 42 U.S.C. §§ 4321–4347 (2000), as implemented by the regulations promulgated by the President’s Council on Environmental Quality (40 C.F.R. §§ 1500–1508) and in accordance with FEMA Instruction 108-1-1, Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements, and Department of Homeland Security (DHS) Instruction Manual 023-01-001-01 Implementation of the National Environmental Policy Act.

The Proposed Action, as described in the EA, would not result in any significant adverse impacts on the natural and human environment, and the Proposed Action is anticipated to have a long-term beneficial effect on public health and safety.

During the construction period, short-term (negligible to moderate) impacts are anticipated on land use and planning, air quality, water quality, wetlands, vegetation, wildlife and fish, spread of invasive species, endangered species, noise levels, transportation, hazardous waste, and environmental justice communities. Additionally, development of the site and operation of the facilities would be expected to result in long-term (negligible to moderate) impacts to the above listed resource areas. All potential short- and long-term impacts require conditions to avoid, minimize, and mitigate adverse effects as listed below. When considering the potential impacts of the proposed action within the contexts of the geographic area and the areal extent of these impacts, which would be limited to the local and regional levels, none of the potential effects would be of a level of intensity, as outlined in 40 CFR § 1501.3(d)(2), to be determined significant with the implementation of the required project conditions.

MITIGATION COMMITMENTS AND PROJECT CONDITIONS

The County is responsible for obtaining all required federal, state, and local permits and clearances. While a good faith effort was made to identify all necessary permits in the EA, the following list may not include every approval or permit required for this project.

1. Prior to the installation and operation of any generators or emissions producing features, the County must obtain any required air permits from the Maine Department of Environmental Protection and comply with all terms and conditions of the issued permit(s). The County must provide a copy of the approval(s)/permit(s), or documentation from the permitting agency that approval(s)/permit(s) are not required, to the State and FEMA for inclusion in the administrative record at or before closeout.
2. Before conducting any facility operations that produce emissions or airborne particulate matter, i.e., operation of the burn tower or open burning the County must obtain any required state (i.e., Maine Bureau of Air Quality and Maine Forest Service) or local (i.e., Town of Alfred) permits regulating air quality and comply with all terms and conditions of the issued permit(s). The County must provide a copy of the approval(s)/permit(s), or documentation from the permitting agencies that approval(s)/permit(s) are not required, to the State and FEMA for inclusion in the administrative record at or before closeout.

FINDING OF NO SIGNIFICANT IMPACT
York County Emergency Operations Center Project
York County, Maine - 2022-EO-00004

3. Before construction begins, the County must obtain any required stormwater permits including National Pollutant Discharge Elimination System Permits required by Sections 401 and 402 of the Clean Water Act and State Stormwater Law, i.e., a Construction Stormwater Discharge Permit, and/or Chapter 500 Permit from the Maine Department of Environmental Protection and comply with all terms and conditions of the issued permit(s). The County must provide a copy of the approval(s)/permit(s), or documentation from the permitting agency that approval(s)/permit(s) are not required, to the State and FEMA for inclusion in the administrative record at or before closeout.

Additionally, the County must adhere to the following conditions during project implementation. Failure to comply with grant conditions may jeopardize federal funds.

1. The County and/or their contractors must comply with all requirements of the Land Use Permit approvals issued by the Town of Alfred Planning Board dated June 03, 2024.
2. The County and/or their contractors must comply with all requirements of the Site Location of Development permit (License Number L-20324-26-D-A) issued by the Maine Department of Environmental Protection dated May 09, 2024.
3. The County and/or their contractor(s) must limit all tree removal and construction activities involving drilling or blasting to between August 16 and May 31 of any given year, i.e., no tree removal activities can be conducted from June 1 to August 15 to protect ESA-listed bat species.
4. The County must design and ensure that all outdoor lighting must point downwards to protect ESA-listed bat species. Examples include, but are not limited to, parking lot, walkway, facility entranceway and doorway lights.
5. During construction activities, the County and/or their contractor(s) must utilize best management practices to minimize the transport of fugitive airborne dust particles from the project site. These include but are not limited to minimizing disturbed areas by phasing construction activities, maintaining topsoil, and preserving vegetation to the extent possible; enclosing piles of fill and overburden; and watering down the construction site and fill and overburden piles two to three times per day if necessary.
6. During construction activities, the County and/or their contractor(s) must ensure adequate maintenance of equipment, including proper engine maintenance, adequate tire inflation, and proper maintenance of pollution control devices. Additionally, the County and/or their contractor(s) must reduce construction equipment idling to the maximum extent practicable.
7. During construction activities, the County and/or their contractor(s) must utilize best management practices to minimize the transport of sediment off site and/or into surface waters and wetlands. These include but are not limited to controlling stormwater flowing to and through the project site; protecting slopes by using erosion control blankets, bonded fiber matrices, turf reinforcement mats, silt fences (for moderate slopes), etc.; protecting storm drain inlets until stabilized; retaining sediment on-site and controlling dewatering practices by using sediment traps or basins for large areas (> 1 acre) when appropriate; establishing stabilized construction entrances/exits (e.g. large crushed rocks, stone pads, steel wash racks, hose-down systems, pads); and minimizing the impacts of equipment staging areas.
8. The County and/or their contractor(s) are responsible for complying with all federal, state, and local regulations, including obtaining any required permit(s), for the transportation and disposal of potentially contaminated debris as identified by USDA APHIS and the Maine Department of Agriculture, Conservation, and Forestry. All regulated articles having originated or previously been held in a regulated area or under quarantine are prohibited entry into non-quarantined areas without permit. Materials are not prohibited from moving within the regulated/quarantined area. A copy of the approval/permit, or documentation from the

FINDING OF NO SIGNIFICANT IMPACT
York County Emergency Operations Center Project
York County, Maine - 2022-EO-00004

permitting official that an approval/permit is not required, must be forwarded to the State and FEMA for inclusion in the administrative record. Contact the Maine Department of Agriculture, Conservation, and Forestry (foresth@maine.gov, (207) 287-2431) for specifics regarding regulations and permit requirements.

9. Stop Work if archaeological deposits (for example Indian pottery, stone tools, shell, old house foundations, old bottles) are found/uncovered during construction. The County and/or their contractor(s) must immediately stop all work in the vicinity of the find, take reasonable measures to avoid or minimize harm to the finds, secure all archaeological finds (without removing them), and restrict access to the area of the find. The County must immediately report the archaeological discovery to the State Emergency Management Agency and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will determine the next steps.
10. Stop Work if human remains are discovered. The County and/or their contractor(s) must immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the remains, project all human remains discoveries, and restrict access to discovery sites. The project proponents and their contractor must follow all state laws associated with the discovery of human remains, including immediately notifying the proper authorities. Violation of state law will jeopardize FEMA funding for this project. County must inform the Office of the Chief Medical Examiner, the State Archaeologist, the State Emergency Management Agency, and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will consult with the SHPO and Tribes, if remains are of tribal origin. Work in the vicinity of the discovery(s) may not resume until consultation is completed and appropriate measures have been taken to ensure that the project is compliant with the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.
11. All borrow or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches (provided the designed width or depth of the ditch is not increased), or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (e.g., a new pit, agricultural fields, road ROWs, etc.) in whole or in part, regardless of cost, the County must notify FEMA and the Recipient (State EMA) prior to extracting material. FEMA must review the source for compliance with all applicable federal environmental planning and historic preservation laws and executive orders prior to a Subrecipient or their contractor commencing borrow extraction. Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. Documentation of borrow sources utilized is required at closeout.
12. During construction activities, the County and/or their contractor(s) must ensure equipment at the project site uses the manufacturer's standard noise control devices (i.e., mufflers, baffling, and/or engine enclosures).
13. The County and/or their contractor(s) must limit construction and maintenance activities, including operation of heavy machinery to the hours between 7:00 AM and 7:00 PM or during daylight hours, whichever is longer and must also abide by local noise ordinances that restrict construction to the hours of 6:30 AM to 8:00 PM, whichever is more restrictive.
14. The County and/or their contractor(s) must implement plans to eliminate and minimize oil or fuel spills from construction equipment. This includes the preparation and implementation of a Spill Prevention, Control, and Countermeasure Plan to avoid releases and manage unexpected releases as necessary.
15. The County and/or their contractor(s) must adopt measures to minimize traffic impacts during construction such as providing warning signage, limit the use of public rights-of-way for staging of equipment or materials, use of flag-persons when needed, and coordinate detours if traffic access points will be obstructed.

FINDING OF NO SIGNIFICANT IMPACT
York County Emergency Operations Center Project
York County, Maine - 2022-EO-00004

16. During construction, the County and/or their contractor(s) must establish an inspection and maintenance approach to ensure the above listed measures are working adequately.
17. If hazardous materials (or evidence thereof) are discovered during the implementation of the project, the Project Proponent must handle, manage, and dispose of petroleum products, hazardous materials, and/or toxic waste in accordance with the requirements and to the satisfaction of the governing local, state, and federal regulations.
18. During construction, the Project Proponent and/or their Contractor must notify the Maine Department of Environmental Protection of any sudden release or spill of any fuels or lubricants (800-482-0777) or other hazardous materials (800-452-4664) within 2 hours.

PUBLIC AND AGENCY INVOLVEMENT

To solicit input on the project and its potential impacts, FEMA distributed an EA scoping document to the following entities on June 23, 2023:

- U.S. Environmental Protection Agency, Region 1
- U.S. Department of Housing and Urban Development, Region 1 Environmental Office
- U.S. Army Corps of Engineers, Maine Field Office
- U.S. Fish and Wildlife Service, Maine Field Office
- U.S. Natural Resources Conservation Service
- ME Department of Environmental Protection (ME DEP)
- ME Department of Inland Fisheries and Wildlife
- ME Floodplain Management Program
- ME Division of Environmental Assessment
- ME State Historic Preservation Office
- ME Emergency Management Agency

Following the distribution of the scoping checklist, FEMA received correspondence from two federal agencies:

- **EPA – Region 1:** On July 21, 2023, EPA provided comments suggesting consideration of air and water quality impacts associated with use of the burn tower and fire training pond. Specific mention was made of fire suppressants using PFAS; effects on drinking water; the facility in light of climate change and climate resiliency; the effects on air quality due to open burning, construction, and stationary engines; and environmental justice communities.
- **ME DEP:** On July 21, 2023, ME DEP responded and although they did not offer initial comments, they suggested further discussion of the project. Continued coordination with ME DEP resulted a project scoping meeting held on August 24, 2023. During this meeting County representatives addressed questions from ME DEP regarding stormwater management and phosphorous allocation/compensation. Concern was expressed by ME DEP regarding a Wetlands of Special Significance at the north end of the parcel outside of the project area and possible work within the buffer.

FINDING OF NO SIGNIFICANT IMPACT
York County Emergency Operations Center Project
York County, Maine - 2022-EO-00004

FEMA made the draft EA available to agencies and the public for a review and comment for a period of 15 days from March 12 through March 27, 2021. Public notice of the draft EA's availability for review was published in the Portland Press Herald, and the EA was made available on County's website <https://www.yorkcountymaine.gov/post/public-notice> and FEMA's website at [Region 1 - Environmental Documents and Public Notices | FEMA.gov](https://www.fema.gov/region-1-environmental-documents-and-public-notice). A hard copy of the draft EA was provided at the York County Government Building at 49 Jordan Springs Road, Alfred, ME. Additionally, the Notice of Availability was sent to owners of properties abutting the proposed project site via direct mailer. Following publication of the Notice of Availability, two comments were received from local property owners:

- On March 16, 2024, a respondent commented that the impact of the proposed project is larger than analyzed and that the project would have a greater impact on noise pollution, water usage, water run-off, lighting and visual pollution, and traffic. Specific concern was raised over the ability of Alfred's water main to handle the increased water usage of the facility and traffic increases related to staffing at the facility. FEMA coordinated with the County to prepare a reply to the respondent's concerns and provided a response on April 02, 2024. No further comments were received from the respondent.
- On March 19, 2024, a respondent commented on a number of concerns including those pertaining to the formerly proposed emergency vehicle operations course and the associated impacts on noise, site integrity, water drainage, and well water; the amount of tree removal that would occur; and facility access. FEMA coordinated with the County to prepare a reply to the respondent's concerns and forwarded the County's response to the respondent on April 11, 2024. No further comments were received from the respondent.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based upon conditions and information contained in the GPD grant application and the EA, and in accordance with the FEMA Instruction 108-1-1, *Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements*; the DHS Instruction Manual 023-1-1; CEQ regulations in Title 40 C.F.R., Parts 1500-1508 National Environmental Policy Act Implementing Regulations; Executive Orders (EOs) addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898); and the County's anticipated adherence to the prescribed standard and special conditions, FEMA has determined that the Proposed Action would not have significant impacts on the quality of the natural and human environment. As a result of this FONSI, an environmental impact statement will not be prepared and the project, as described in the grant application, the PEA, and SEA with the conditions listed above, may proceed.

FEMA APPROVAL AUTHORITY:

ERIC B KUNS Digitally signed by ERIC B KUNS
Date: 2024.09.13 13:54:38
-04'00'

Eric Kuns, Senior Environmental Protection Specialist



Final Environmental Assessment

York County Maine Emergency Operations Center Project

Alfred, York County, Maine

GPD Project No. 2022-EO-00004

September 12, 2024



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency, Region I
220 Binney Street
Cambridge, MA 02142

TABLE OF CONTENTS

1.0	Introduction.....	1
2.0	Purpose and Need	2
3.0	Project Location and Background.....	2
4.0	Alternatives.....	2
4.1	No Action Alternative.....	3
4.2	Proposed Action.....	3
5.0	Affected Environment and Potential Effects	4
5.1	Physical Resources.....	4
5.1.1	Topography and Soils	4
5.1.2	Air Quality (Clean Air Act)	6
5.1.3	Climate Change.....	7
5.2	Water Resources	7
5.2.1	Water Quality	7
5.2.2	Floodplains.....	10
5.2.3	Wetlands.....	11
5.3	Coastal Resources	13
5.4	Biological Resources	13
5.4.1	Vegetation/Invasive Species	13
5.4.2	Wildlife and Fish.....	15
5.4.3	Threatened and Endangered Species.....	17
5.4.4	Migratory Birds and Bald Eagle.....	18
5.5	Cultural Resources.....	19
5.5.1	Identification of APE, Historic Context and Consultation Process.....	19
5.5.2	Standing Structures	20
5.5.3	Archaeological Resources.....	20
5.6	Socioeconomic Resources	21
5.6.1	Land Use and Planning	21
5.6.2	Noise	22
5.6.3	Transportation.....	23
5.6.4	Public Services and Utilities	24
5.6.5	Public Health and Safety	25
5.6.6	Environmental Justice	26
5.6.7	Hazardous Materials.....	27
5.7	Cumulative Impacts	29
6.0	Permits and Project Conditions.....	29
7.0	Agency Coordination and Public Involvement.....	33
7.1	Comments and Response	36
8.0	List of Preparers.....	36
9.0	References.....	37

LIST OF TABLES

Table 5-1: Classification of Potential Effects 4
Table 7-1: Correspondence Summary..... 33

APPENDICES

APPENDIX A: Figures

Figure 1: Project Location/Topo Map

Figure 2: Flood Insurance Rate Map

Figure 3: Wetlands Map

APPENDIX B: Documents

Document 1: Design Plans

Document 2: Wetlands 8-Step Analysis

ACRONYMS

APE	Area of Potential Effect
AWD	Alfred Water District
BLR	Bureau of Land Resources
BMP	Best Management Practice
CWA	Clean Water Act
DOT	Department of Transportation
EA	Environmental Assessment
EO	Executive Order
EOC	Emergency Operations Center
EPA	United States Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
GHG	Green House Gases
GPD	Grant Programs Directorate
IPaC	Information for Planning and Consultation
LOS	Level of Service
ME DEP	Maine Department of Environmental Protection
ME DOT	Maine Department of Transportation
MDIFW	Maine Department of Inland Fish and Wildlife
NAVD88	North American Vertical Datum 88
NEPA	National Environmental Policy Act
NLEB	Northern long-eared bat
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
PFAS	Per- and Polyfluoroalkyl Substances
SCF	Stormwater Compensation Fee
SHPO	State Historic Preservation Officer
SLODA	Site Location of Development Act
TCP	Tricolored bat
TMP	Traffic Movement Permit
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service

1.0 INTRODUCTION

The Maine Emergency Management Agency submitted to the Federal Emergency Management Agency (FEMA) a Grant Programs Directorate (GPD) grant application on the behalf of York County, Maine (County). FEMA coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror. The mission of GPD is to manage federal assistance to measurably improve capability and reduce the risks the Nation faces in times of man-made and natural disasters. As such, GPD-funded grants involve a wide variety of projects designed to improve the preparedness and readiness of public safety and first response agencies, as well as improve homeland security through increased protection of the Nation's critical infrastructure.

The Proposed Action would construct York County's All-Hazards Training Facilities, consisting of 41,963 square feet of floor area and a 58-bed, 54,530 square foot, Regional Drug Treatment and Recovery Center on a County-owned parcel in the Town of Alfred, ME (Town). In addition to providing a training facility for first responders, a portion of the facility would house an Emergency Operations Center (EOC) for the monitoring, preparation for, and management of emergency and disaster events and a regional drug recovery center. These buildings would be built at the same time on the same site.

The National Environmental Policy Act (NEPA) requires FEMA to follow a specific planning process to ensure that it has considered the consequences of a proposed federal action and that the general public is fully informed. This includes funding new construction projects under the GPD Program. To meet its NEPA requirements, FEMA has prepared this Environmental Assessment (EA) to analyze potential effects of the Proposed Action and alternatives to that action on the human environment. That analysis will determine whether the project warrants preparation of an Environmental Impact Statement or will result in a Finding of No Significant Impact (FONSI). FEMA has prepared this EA in accordance with NEPA, its implementing regulations, and FEMA and Department of Homeland Security policy.

2.0 PURPOSE AND NEED

The purpose of the proposed GPD project is to provide an EOC that would be utilized in the preparation and planning for emergency response activities and to execute emergency operations as part of the Incident Command System. This facility would be scalable in design to accommodate needs as an incident expands or contracts. Operational planning, logistics, communications, and other functions of an EOC would be conducted from this facility including the daily monitoring of events around the country and region to maintain situational awareness.

In addition to the EOC, the project would provide facilities to train first responders, as the County currently has no adequate site to train responders or to practice and prepare tactics for joint operations. There are currently no law enforcement, technical rescue, or hazardous material training sites in the County, and the two existing fire training sites are over 30-years old and in need of repair. The expanded facilities would provide a facility to manage emergencies and maintain continuity of operations of essential public services for the County.

3.0 PROJECT LOCATION AND BACKGROUND

The proposed project location is located off Maine Route-4 (Jordan Springs Road) in the Town of Alfred, ME (**Appendix A, Figure 1**). The project area consists of approximately 16.8-acres of undeveloped, wooded land on a County-owned parcel adjacent to the York County Jail. The project area starts at the current County Jail access road (Layman Way) at the north end of the site and extends approximately 2,650 feet to the southwest. The project area is located behind several residential and commercial properties which separate the proposed project from Jordan Springs Road to the west. Land directly to the east of the project area is predominantly undeveloped, and Hay Brook is located approximately 900 feet east of the site. Libby Pit Road is situated approximately 450 feet south of the project area limits and is separated from the site by wooded land.

The County selected the site as the preferred alternative, because it is the only County-owned parcel large enough to accommodate the proposed facilities.

4.0 ALTERNATIVES

NEPA regulations state that an agency must explore and objectively evaluate all reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their elimination (40 C.F.R. 1502.14). Additionally, a No Action alternative must be included. This section describes the No Action Alternative, the Proposed Action (that would provide for the purpose and need), and other alternatives that were considered but eliminated from the full analysis. Since the proposed site was the only County-owned parcel with adequate size to construct the proposed facilities, and because purchasing land was not feasible, no alternatives were presented that would fulfill the purpose and need of the Proposed Action, no other alternatives have been considered in this analysis.

As part of this EA, two alternatives were considered, the proposed action and the No Action Alternative (see **Section 4.1** and **Section 4.2**).

4.1 No Action Alternative

Under the No Action alternative, there would be no federal financial assistance provided to construct the County facilities. Unless alternative funding were secured, the County would remain without an adequate facility to train first responders or to practice and prepare tactics for joint operations. York County would remain without an EOC.

4.2 Proposed Action

Under the Proposed Action alternative, approximately 16.8-acres of predominantly undeveloped, wooded land owned by the County would be cleared to construct York County's All Hazards Training Facility, a portion of which would house the County's EOC. The new facilities would include a first responder training center, substance abuse treatment facility, burn tower, fire training pond, a 300-ft by 500-ft concrete training pad, vehicle storage, and a K-9 training area (**Appendix B, Document 1**). Details include the following:

- First responder training that would be conducted on-site would include emergency vehicle operations training, vehicle extrication; physical fitness training; hose training such as hose line advancement, loading and packing, and flow testing; ground ladder carries; emergency diver drills; and simulated prop burns.
- The project would include updated stormwater management consisting of a grassed under-drained soil filter and wet ponds.
- A 9,824 gallon per day septic system would be installed between the responder training center and the treatment center to manage wastewater from both facilities. By utilizing an advanced treatment system, the project proponent anticipates a reduction in wastewater contaminants and a reduction of the disposal fields by approximately 50 percent compared to a traditional system.
- Utilities including water, electric and telecommunications would be installed underground and tie into existing public utilities currently servicing the adjacent jail. The treatment center and first responder training center would include backup generator installation which would be used intermittently to maintain operations during emergencies. Additionally, a well would be installed to recharge the fire pond for training exercises.
- Equipment and materials staging would occur within the limit of the newly cleared portions of the site. Erosion, sedimentation, and spill protection measures will be implemented on-site prior to equipment and materials staging.
- Following construction, unhardened surfaces within the site would be mulched and seeded, planted with deciduous or decorative trees, or planted with perennial/shrub beds. Portions of the cleared areas between the facilities and the remaining wooded areas would be seeded with a native meadow/wildflower mix.

5.0 AFFECTED ENVIRONMENT AND POTENTIAL EFFECTS

This section describes the environment potentially affected by the alternatives, evaluates potential environmental effects, and recommends measures to avoid or reduce those effects. Effects are changes to the existing environment including ecological, aesthetic, historic, cultural, economic, social, or health conditions. Effects may also include consequences resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effect would be beneficial (40 C.F.R. 1508.1(g)(1)).

When possible, quantitative information is provided to establish the magnitude of potential effects; otherwise, the potential effects are evaluated qualitatively based on the criteria listed in Table 5-1.

Table 5-1: Classification of Potential Effects

Effect Scale	Criteria
None/Negligible	Resource area would not be affected and there would be no effect, OR changes or benefits would either be nondetectable or, if detected, would have effects that would be slight and local. Effects would be well below regulatory standards, as applicable.
Minor	Changes to the resource would be measurable, but the changes would be small and localized. Adverse or beneficial effects would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse effects.
Moderate	Changes to the resource would be measurable and have either localized or regional scale effects/benefits. Effects would be within or below regulatory standards, but historic conditions would be altered on a short-term basis. Mitigation measures would be necessary, and the measures would reduce any potential adverse effects.
Major	Changes to the resource would be readily measurable and would have substantial consequences/benefits on a local or regional level. Effects would exceed regulatory standards. Mitigation measures to offset the adverse effects would be required to reduce effects, though long-term changes to the resource would be expected.

5.1 Physical Resources

5.1.1 Topography and Soils

5.1.1.1 Existing Conditions

Based on elevations provided within the County’s design plans, the project site is relatively flat with elevations ranging from approximately 243 feet to 266 feet North American Vertical Datum 88 (NAVD88) (Oak Point Associates 2024). The surrounding area slopes steeply to the southeast toward the Hay Brook located approximately 900-ft from the proposed project site.

Based on the Maine Geological Survey Surficial Geology Map for the Alfred, ME Quadrangle, the site is located at the head of a marine delta (Pmdi) formed by glacial streams flowing into a glacial sea. Materials in this area are comprised of coarse sand and gravel which is commonly kettled. This area also contains poorly drained areas which form wooded swamps (Maine Geological Survey 1999). As part of project

design, a geotechnical survey was conducted by Miller Engineering & Testing Inc. in January of 2023 which consisted of test borings and excavated test pits. Drilling refusal was not encountered during test borings which were advanced to a maximum depth of 51 feet below surface grade (Miller Engineering & Testing Inc. 2023).

Based on U.S. Department of Agriculture's Web Soil Survey, the site contains soil types that could be classified as prime farmland (Madawaska fine sandy, 0 to 8 percent slopes – MaB) and farmland of statewide importance (Adams loamy sand, 0 to 8 percent slopes – AdB; Allagash very fine sandy loam, 8 to 15 percent slopes – AIC; and Croghan loamy fine sand, 0 to 8 percent slopes, wooded – CrB). However, based on land evaluation and site assessment criteria, scoring of the site resulted in less than 160 points; therefore, the Farmland Policy Protection Act would not apply (FEMA 2023a). Portions of the site also contain soils not classified as prime farmland including Adams loamy sand, 8 to 15 percent slopes (AdC) and Sebago peat (Sg). The results of the geotechnical survey conducted by Miller Engineering & Testing Inc. indicated forest mat and topsoil were between 6 and 12 inches thick at the proposed site and subsoils were generally between 6 to 18 inches thick but up to 4.5 feet thick. A naturally occurring sand deposit is present below the topsoils and subsoils (Miller Engineering & Testing Inc. 2023).

5.1.1.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no construction that would disturb topography or soils; therefore, effects of the No Action alternative would be **none**.

Proposed Action

The proposed project would result in regrading of the site for the construction of the proposed facilities; however, based on design plans, construction would predominantly occur on moderately sloping areas, so extensive regrading would not be expected. Final site elevations would range from 249 feet to 266 feet NAVD88, which would be within the range of pre-construction elevations within at the site (Oak Point 2024). Effects of the proposed project on topography would be **minor**. Short-term changes in topography due to construction activities such as the stockpiling of materials would be temporary in nature and therefore **negligible**.

In order for the County facilities to be constructed, forest mat, topsoils, and subsoils would need to be stripped to the level of the naturally occurring sand deposit which is suitable to support the shallow foundation associated with these structures. Review of the geotechnical data conducted by the Maine Bureau of Land Resources (BLR) during Maine's Site Location of Development Act (SLODA) permit application process concluded that the soils present on site have no limitations that could not be overcome through standard engineering practices. Due to removal of topsoils and subsoils and the hardening of surfaces associated with the post construction structures and parking areas, the effects of the proposed project on soils would be **minor**. Since no bedrock was encountered during test borings, which were conducted to depth beyond proposed soil disturbance, effects to bedrock geology would be **none**.

5.1.2 Air Quality (Clean Air Act)

The Clean Air Act regulates air emissions from area, stationary, and mobile sources. Air quality standards have been set for lead, nitrogen dioxide, ozone, carbon monoxide, sulfur dioxide, and particulate matter to protect public health and the environment. Areas where the monitored concentration of a pollutant exceeds air quality standards are designated as nonattainment areas. Areas where all pollutants are below the standards are classified as in attainment areas. Air quality standards are maintained and implemented at a state level through regulations set forth by a State Implementation Plan (SIP).

The Town of Alfred's zoning ordinances prohibit the emission of dust, dirt, fly ash, fumes, vapors, or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission (Town of Alfred 1996).

5.1.2.1 Existing Conditions

There are currently no non-attainment areas for critical pollutants in the State of Maine; however, the Town of Alfred is within the U.S. Environmental Protection Agency's (EPA) designated Ozone Transport Region (EPA 2023b). As such, additional levels of control are required by the State of Maine's SIP to control pollutants that form ozone in this area.

5.1.2.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action Alternative, there would be no emissions related to construction or facilities operations. Effects to air quality would be **none**.

Proposed Action

The Proposed Action would result in short-term emissions related to the use of construction equipment. Emissions would be reduced by minimizing equipment idling times to the extent possible and using equipment in good working order. Additionally, all construction equipment would be required to meet current EPA emissions standards (EPA 2016a). Construction related emissions would be expected to be below *de minimis* levels. Excavation and grading activities during construction could result in a temporary increase in airborne particulate matter; however, best management practices including watering down construction areas, enclosing soil storage piles, and phasing construction to minimize disturbed areas and preserve vegetation to the extent possible would be expected to reduce airborne particulate matter. Short-term effects to air quality because of construction activities would be **negligible**.

Operation of the facilities including use of the burn tower and emergency generators could result in a long-term, intermittent increase in pollutant emissions. Effects to air quality from operation of the burn tower would be managed through compliance with the Maine Department of Environmental Protection's open burning regulations and the Maine Forest Service's requirements. Burns conducted during exercises would also need to be compliant with National Fire Protection Association (NFPA) standards (i.e., NFPA 1403), and Maine Bureau of Air Quality regulations which restrict what can be burned during exercises to straw and clean wood pallets and propane or natural gas fueled props. Additionally, burns would be subject to Town ordinances prohibiting the emissions of gas and vapor beyond the property line of the facility.

Backup generator use would be limited to emergency situations to maintain the facility's continuity of operations and routine maintenance cycles, so effects on air quality are expected to be minimal. Additionally, generator installation and usage would be subject to the regulations of the Maine SIP. Long-term air quality effects resulting from facility operation is expected to be **minor**.

5.1.3 Climate Change

Climate change refers to changes in Earth's climate caused by a general warming of the atmosphere caused by Greenhouse gases (GHG), which are emitted by both natural processes and human activities, and their accumulation in the atmosphere regulates temperature. GHGs include water vapor, carbon dioxide, methane, nitrous oxides, and other compounds. Climate change is capable of affecting species distribution, temperature fluctuations, sea level dynamics, and weather patterns.

Executive Order (EO) 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, directs federal agencies to review and address regulations that conflict with national objectives, such as reducing greenhouse gas emissions, strengthening climate resilience, and prioritizing environmental justice and public health.

5.1.3.1 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no construction equipment or vehicles used on site that would be short-term sources of GHGs. Effects of the No Action alternative related to climate change would be **none**.

Proposed Action

In the short term, the Proposed Action would create a temporary source of GHGs due to the use of construction equipment and vehicles; however, the use of equipment at the site would be below *de minimus* levels of regulated air pollutants and would represent a negligible contribution to GHGs and climate change on a local, regional, and global scale. In the long-term, the operation of the training facility would become a reoccurring source of GHGs, as exercises would result in limited emissions from controlled burns. However, these burns would involve only small fires utilizing materials such as straw, pallets, and natural gas, so GHG emissions would be negligible on local, regional and global scale. Additionally, the intermittent use of emergency generators would result in brief reoccurring GHG emissions in the long-term. Effects of the Proposed Action on Climate Change would be **negligible**.

5.2 Water Resources

5.2.1 Water Quality

The Clean Water Act (CWA) regulates discharge of pollutants into water with sections falling under the jurisdiction of the U.S Army Corps of Engineers (USACE) and the EPA. Section 404 of the CWA establishes the USACE permit requirements for discharge of dredged or fill materials into Waters of the United States and traditional navigable waterways. USACE regulation of activities within navigable waters is also authorized under the 1899 Rivers and Harbors Act. Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) authorizing the EPA to regulate both point and non-point pollutant sources, including stormwater and stormwater runoff. Activities that disturb one acre of ground or more are required to apply for an NPDES permit through the Maine Department of Environmental

Protection (ME DEP) as authorized by the EPA. A CWA Section 401 Water Quality Certification from the ME DEP is required when obtaining a CWA Section 402 or 404 permit.

The Maine Stormwater Management Law (38 M.R.S.A. §420-D) requires that projects which would disturb more than one acre obtain prior approval from ME DEP. These projects are subject to the Basic Standards set forth in Maine's Stormwater Management Rules (Chapter 500). These standards include requirements pertaining to the reduction of pollution, the installation and maintenance of sediment barriers, construction entrance stabilization, temporary and permanent stabilization of disturbed soils, and the design and construction of stormwater channels, sediment basins, roads, culverts, and parking areas. Additional requirements may be applied on a site-specific basis.

The Maine Stormwater Management Law also requires ME DEP to maintain a list of Watersheds of Bodies of Water Most at Risk (38 M.R.S.A. §420-D.3) as well as Degraded, Sensitive or Threatened Regions or Watersheds (38 M.R.S.A. §420-D.4). Chapter 500 sets forth Phosphorus Standards for projects that create more than 20,000 feet² of impervious area or 5 acres or more of development within the direct watershed of a Lake Most at Risk. Degraded, Sensitive or Threatened Regions or Watersheds are included in the ME DEP's list of the State's Nonpoint Source Priority Watersheds. Lakes in these watersheds are either impaired or threatened based on threats to water quality and value of the resource. Unimpaired lakes listed as threatened include lakes on the DEP Watch List, lakes having a recent or long-term significant negative trend in water clarity, lakes determined as being sensitive to additional phosphorus inputs, and lakes having a recent increased threat to the watershed by development or agriculture (ME DEP 2020). The Maine Stormwater Management Law (38 M.R.S.A. Section 420-D.11) allows for the collection of Stormwater Compensation Fees (SCFs) from developers who cannot achieve full on-site reduction of phosphorus in certain watersheds. These SCFs are paid to the Stormwater Administrator for phosphorus mitigation projects within that watershed. To be eligible to use the compensation fee option, the project must incorporate on-site measures to reduce the project's phosphorus export by at least 60% (ME DEP 2012).

5.2.1.1 Existing Conditions

Although the proposed project would not take place within any surface waters, the project site is located approximately 900-feet northwest of the Hay Brook and approximately 500-feet west of an unnamed tributary to Hay Brook. The Hay Brook flows into Estes Lake/Mousam River approximately 1,600-ft east of the proposed project site. The Estes Lake watershed is listed as Threatened on the Nonpoint Source Priority List under both the DEP's Watchlist and Sensitive criteria. Lakes listed on the DEP's Watchlist are still sensitive due to being recently impaired or data suggests their water quality is close to the impairment threshold. Lakes listed as Sensitive are sensitive to additional phosphorus inputs due to the lake's hydrology and threats in the watershed (ME DEP 2020). The Estes Lake is also listed by the ME DEP as a Lake Most at Risk (Chapter 502).

Based on test borings completed during a geotechnical survey conducted at the site in January of 2023, ground water at the site is present at depths of approximately 34 feet below grade at the proposed treatment center location and 12 to 14 feet below grade at the proposed training center location. These depths are not believed to be representative of stabilized groundwater levels and fluctuations in groundwater levels at the site would be expected due to precipitation and snow melt (Miller Engineering & Testing Inc. 2023). Per the Official Zoning Map for the Town of Alfred, the proposed site is not located within a wellhead protection district (Southern Maine Planning Commission 2010).

Based on the EPA's online Sole Source Aquifer mapper, there are no designated sole source aquifers within the influence of the project area. The closest designated sole source aquifer is located over 70-miles from the project area. There are no designated Wild and Scenic Rivers within the influence of the project area. The closest designated Wild and Scenic River, the York River, is located approximately 17-miles south of the project area. Estes Lake/Mousam River does not drain to the York River.

5.2.1.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no construction related runoff or sedimentation at the site that could affect surface waters. Since the project site is predominantly forested, erosion would be expected to be controlled by current site conditions. The No Action alternative would have no effect on water quality.

Proposed Action

Under the Proposed Action, construction activities could result in erosion of disturbed areas which could impact surface waters, including wetlands, within and downgradient of the site. The implementation of best management practices (BMPs), including those required by permitting, would be expected to minimize adverse impacts. The Maine Stormwater Management Rules (Chapter 500) require adherence to the Stormwater Management Basic Standards which would be implemented through the use of sediment barriers placed down gradient of exposed soils; the installation of inlet protection on downstream structures; the use of mulch or temporary seeding for temporary stabilization; the use of erosion control blankets, netting, or rip rap in erosion-prone areas (e.g. steep slopes and vegetated ditches); pipe protection (rip rap) at storm drain outfalls; and excavation dewatering (silt bags or sediment ponds) when excavating below groundwater (Oak Point 2023). As such, an Erosion and Sedimentation Control Plan has been developed in accordance with the Maine Erosion and Sediment Control Best Management Practices to minimize impacts due to construction related runoff. The project would be conditioned for compliance with all applicable stormwater permitting including National Pollutant Discharge Elimination System Permits required by Section 402 of the Clean Water Act. This would require the County to obtain authorization from the ME DEP under the Maine Construction General Permit. Using stormwater management BMPs and compliance with all other stormwater permitting requirements, short-term impacts to water quality related to construction activities would be expected to be **minor**.

In the long term, the proposed project would result in the creation of 8.8 acres of impervious surface. Runoff from impervious surfaces would be managed through a combination of overland flow, drainage swales, culverts, and closed drainage systems. Stormwater quality would be addressed using three wet ponds (Wet Ponds A, B, and C) and a grassed under-drained soil filter. The three wet ponds will be lined and capture stormwater from the training pad and the training center building (Wet Pond A); training center parking lots, plaza, and a portion of the access road (Wet Pond B); and the treatment center building and parking lot, fire lane, and the remainder of the access road (Wet Pond C) (Oak Point 2023). The training pad would be designed so that water pumped from Wet Pond A during training exercises, e.g., hose flow testing, would drain back into the wet pond. Stormwater from the grass training area and adjacent gravel roadway would be collected in a grassed under-drained soil filter located at the southern portion of the site.

Long-term site operations could result in the release of contaminants from unexpected leaks or spills of fuel or lubricants from vehicles and equipment or from on-site fuel storage, and the County would develop a Spill Prevention, Control, and Countermeasure Plan to address any releases resulting from site operations.

Although training activities could involve the use of chemical fire suppressants such as encapsulating agents, if permitted by ME DEP, no PFAS containing Aqueous Film Forming Foams would be utilized on site. Additionally, the ash produced during simulated burn trainings would be contained within a burn box and disposed of off-site along with solid waste. Runoff from hard surfaces such as the training pad would drain to the wet ponds which would maintain a permanent water storage level for the treatment of stormwater. Based on comments received from the BLR during the SLODA permitting process, the County revised the wet pond plans to incorporate extended liners and changes to the filter medium. Following these design updates, BLR determined the potential impacts to groundwater quality would be very low. Therefore, retention of stormwater would be expected to minimize the amount of nutrients and contaminants entering surface water or infiltrating into groundwater.

The reduction of nutrients and suspended solid loads in stormwater would be accomplished by on-site filtration through the grassed under-drained soil filter, the retention of runoff in the wet ponds, and the capture of stormwater carried sediment in forebays prior to entering the wet ponds and grassed under-drained soil filter. Additionally, phosphorus containing fertilizers would be prohibited by deed restriction. On-site treatment would be expected to reduce phosphorus export by more than 60 percent; however, the total export resulting from the project would exceed the site's phosphorus budget when combined with the existing yearly export from the jail. As such, an SCF would be required which would be paid to the York County Soil and Water Conservation District and be applied to phosphorus reduction projects at compensation sites within the Estes Lake Watershed.

The proposed project would also result in the installation of a 9,824 gallon per day engineered septic system between the responder training center and the treatment center. The proposed septic design would incorporate an advance secondary treatment system which would be expected to reduce wastewater contaminant loads by approximately 50 percent when compared to a traditional system. The septic system would require approval by the Local Plumbing Inspector in accordance with Maine's Wastewater Disposal Rules (Code of Maine Rules Chapter 241 §10-144).

Through implementation of stormwater BMPs as required by regulatory permits, the treatment of runoff through infiltration and retention in stormwater management systems, and the use of engineered wastewater disposal treatment systems the short- and long-term impacts of the proposed action on both surface water and groundwater quality would be expected to be **minor**.

5.2.2 Floodplains

Executive Order (EO) 11988 Floodplain Management requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. Each federal agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. FEMA uses the 8-Step decision-making process to evaluate potential effects on and mitigate effects to floodplains in compliance with EO 11988 and 44 C.F.R. Part 9. The Maine Department of Agriculture, Conservation and Forestry administers and regulates floodplains through the Maine Floodplain Management Program in Maine in accordance with the National Flood Insurance Act and the National Flood Insurance Program.

5.2.2.1 Existing Conditions

Based on Flood Insurance Rate Map (FIRM) panel number 23031C0403G effective July 17,2024, the proposed project site is located outside of all Special Flood Hazard Areas (SFHA). As defined by 44 CFR Part 9, construction of the York County facilities would be a critical action and would be subject to review against the 0.2 percent annual chance flood hazard area (500-year floodplain); therefore, the minimization criteria set forth in 44 CFR 9.11(d)(3)(ii) requiring that new construction be elevated to the 500-year floodplain would apply. Based on the year of the grant application and associated notice of funding opportunity, the freeboard standards set forth in FEMA’s Partial Implementation of the Federal Flood Risk Management Standard (FFRMS) for Hazard Mitigation Assistance Programs (Interim) Policy (FEMA Policy FP-206-21-0003) do not apply to the proposed project. However, based on elevations depicted on design plans, the project is more than 20-ft above the SFHA at its lowest point; therefore, the current FEMA floodplain standards for elevation have been met. Additionally, based on an assessment using FEMA’s Federal Flood Standard Support Tool Beta, the project is not located within the FFRMS floodplain for critical actions.

5.2.2.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no new construction that could potentially affect the floodplain. Effects to the floodplain would be **none**.

Proposed Action

No portion of the proposed project site is located within, nor would it affect the SFHA. As part of the SLODA permit review process the BLR commented that the proposed stormwater management system is designed in accordance with the Flooding Standard contained in the Code of Maine Rules Chapter 500 § 4(F) which requires stormwater systems to detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2-year, 10-year, and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. Based on this standard, the effect of the project on the flood plain is expected to be **none**. Based on the distance from and the elevation of the project site above the SFHA the effects of the floodplain on the project is expected to be **none**.

5.2.3 Wetlands

Executive Order (EO) 11990 Protection of Wetlands requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. Each federal agency shall provide leadership and shall take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities. FEMA uses the 8-step analysis to evaluate potential effects on, and mitigate effects to, wetlands in compliance with EO 11990 and 44 C.F.R. Part 9. The Maine Department of Environmental Protection, administers and regulates wetlands in Maine.

Initial public notice for the project was published on June 23, 2023, in the *Portland Press Herald*, and FEMA issued a final notice in the *Portland Press Herald* on March 12, 2024, as part of the EA public notification process in accordance with 44 C.F.R. 9.8 and 9.12. The purpose of the notices is to inform and solicit feedback from the public regarding potential effects on wetlands and notify the public of FEMA's final decision.

5.2.3.1 Existing Conditions

Per U.S. Fish and Wildlife Service's National Wetlands Inventory, a portion of an approximately 33-acre palustrine, freshwater forested/shrub wetland is located within the proposed project site (**Appendix A: Figure 3**). Wetland delineation was conducted by Marc J. Hampton, Soil Scientist in October 2021, which identified wetlands designated as a Significant Vernal Pool habitat by the State, on the southern portion of the property. On June 15th and 16th, 2023 a rare, threatened, and endangered plant species survey was conducted by Basswood Environmental at the site to determine the presence of state-listed plant species known by the Maine Natural Areas Program to be located within the vicinity of the project area. The wetland areas surveyed were found to be forested and dominated by red maple with a dense understory predominantly of common winterberry (*Ilex verticillata*), highbush blueberry (*Vaccinium corymbosum*), cinnamon fern (*Osmundastrum cinnamomeum*), and New York fern (*Parathelypteris noveboracensis*). The survey did not identify any of the four state-listed wetland plant species known by Maine Natural Areas Program to be present in the vicinity of the area which include Atlantic white cedar (*Chamaecyparis thyoides*), smooth winterberry (*Ilex laevigata*), hollow Joe-Pye weed (*Eutrochium fistulosum*), and northern spicebush (*Lindera benzoin*) (Basswood Environmental 2023).

5.2.3.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no construction at the project site that could affect wetlands. The site would remain undeveloped barring any future development of the project area; therefore, the No Action alternative would have no effect on wetlands. The 8-step analysis determined that the No Action alternative is not a practicable alternative because it would not meet the purpose and need for the project (**Appendix B, Document 2**).

Proposed Action

Under the Proposed Action, work would occur adjacent to wetlands. See **Appendix B, Document 2**. There would be no direct wetland impacts (a previous design included an emergency vehicles operation course that would have converted 4,120-ft² of wetlands). Construction activities adjacent to wetlands could result in an accidental release of fuels or lubricants which could have short-term impacts on the wetlands. Additionally, potential runoff from construction activities could result in sedimentation within adjacent wetlands. Adverse effects caused by pollutant release and sedimentation would be avoided and minimized through BMPs required by Clean Water Act permitting such as a National Pollution Discharge Elimination System General Construction Permit, Maine Natural Resources Protection Act (Permit By Rule requirements), and Maine Stormwater Permit. Effects to wetlands would be **none to negligible**.

5.3 Coastal Resources

As part of this EA, FEMA evaluated the effects of the Proposed Action on coastal resources. These resources include areas regulated under the Coastal Zone Management Act (CZMA) and Coastal Barrier Resource Act (CBRA). In evaluating these resources, FEMA considered the distance of the Proposed Action from these resources and its potential range of impacts. The Town of Alfred is not designated by the Maine Coastal Program as a Coastal Zone community and is located approximately 4.6 miles west of the closest designated coastal community, Kennebunk, ME. Additionally, the closest Coastal Resources Barrier Unit, A08 (Crescent Surf Unit), is approximately 11 miles to the southeast. Based on the distance and limited range of impacts, the effects of the Proposed Action on coastal resources would be **none**.

5.4 Biological Resources

5.4.1 Vegetation/Invasive Species

The proposed project site is within the Gulf of Maine Coastal Plain ecoregion which is currently mostly forested despite historic agricultural use. Wooded areas predominantly consist of Appalachian oak-pine forest and some hemlock-hardwood-pine forest (bplant.org 2023).

EO 13112, Invasive Species, 64 FR 25 (February 8, 1999) requires federal agencies, to the extent practicable, to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. Invasive species prefer disturbed habitats and generally possess high dispersal abilities, enabling them to out-compete native species. There are four State forestry related quarantines in effect within the State of Maine (emerald ash borer, European larch canker, hemlock woolly adelgid, and white pine blister rust) and one federal quarantine for the spongy moth (ME DACF 2024).

5.4.1.1 Existing Conditions

The June 2023 Rare, Threatened, and Endangered Plant Species Survey completed by Basswood Environmental identified the site as almost entirely upland habitat except for one wetland crossing (which was removed from the project in subsequent design amendments). The site was found to be uniformly covered with mixed oak-pine forest with pockets dominated by hemlock (*Tsuga canadensis*). The overstory is dominated by red oak (*Quercus rubra*), black oak (*Quercus velutina*), white oak (*Quercus alba*), and white pine (*Pinus strobus*). American beech (*Fagus grandifolia*) and red maple (*Acer rubrum*) are present in lower densities. The site exhibits sparse understory dominated by lowbush blueberry (*Vaccinium angustifolium*) and other typical dry-site understory species such as eastern spicy-wintergreen (*Gaultheria procumbens*), starflower (*Lysimachia borealis*), and bracken fern (*Pteridium aquilinum* ssp. *latiusculum*). The site shows evidence of past selective timber harvest (Basswood Environmental 2023).

One state-listed plant species, upright false bindweed (*Calystegia spithamea*), has been identified immediately outside of the project area along Maine Route-4 but was not identified within the project area during the survey. None of the four other state-listed rare, threatened, or endangered plant species, Atlantic white cedar (*Chamaecyparis thyoides*), smooth winterberry (*Ilex laevigata*), hollow Joe-Pye weed (*Eutrochium fistulosum*), or northern spicebush (*Lindera benzoin*) were identified the within the project site, as these species are generally associated with wetland or mesic habits outside of the proposed project area. Since the federally listed small whorled pogonia (*Isotria medeoloides*) has been known to be present

in the area, it was also included in the survey; however, its presence was not observed at the site (Basswood Environmental 2023).

The proposed project site is within the state forestry quarantine zones for emerald ash borer and hemlock woolly adelgid and the federal quarantine zone for spongy moth.

5.4.1.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, existing vegetation would not be disturbed by construction activities and the site would remain in its current forested condition. Effects of the No Action Alternative on vegetation would be **none**.

Proposed Action

Under the Proposed Action, development of the site would permanently remove approximately 16.8-acres of vegetation within the project area to construct the County facilities. Areas where vegetation is removed are often subject to additional erosion from wind and rain and the possible introduction of invasive species. The proposed project would involve planting a mix of deciduous shade trees and decorative flowering trees in unhardened areas throughout the site following construction. Additionally, a native meadow/wildflower mix would be seeded in portions of the buffer between the facility and remaining wooded parcel. These design features would preclude the establishment of invasive species populations in disturbed areas. In the long-term, drainage features including grassed under-drained soil filters and wet ponds would minimize erosion that could result from devegetation and site development.

The disposal of woody debris created by site clearing could become a vector for the spread of invasives if not properly handled or moved outside of designated quarantine zones. Merchantable trees requiring removal would be sold as firewood, pulpwood, or saw logs; and stumps would be ground on-site for use as stabilization and erosion control. Any other woody debris generated during construction would be removed and disposed of at ME DEP permitted sites. The currently proposed disposal sites include those in Topsham, Waterboro, Buxton, Auburn, and/or Sanford, ME, none which would require the transport of woody debris outside of regulated quarantine areas for emerald ash borer, hemlock woolly adelgid, or spongy moth. If woody debris would be disposed of or sold outside of the state or federally regulated quarantine areas applicable to those materials, the County would be required to abide by any state and/or federal regulations pertaining to the handling and transportation of those materials.

Based on the June 2023 Rare, Threatened, and Endangered Plant Species Survey, the primary cover of the proposed project site is a uniform mixed oak-pine forest with pockets of hemlock. This cover is typical of the Gulf of Maine Coastal Plain ecoregion, and very low species diversity was observed at the site. Although some potential habitat for rare plant species exists at the site, the presence of these species was not observed (Basswood Environmental 2023). Additionally, the 16.8 acres that would be developed represents a small portion of the vegetated/forested area in the project vicinity. Therefore, impacts to vegetation from the proposed project would be **moderate**.

5.4.2 Wildlife and Fish

The Maine Department of Inland Fisheries and Wildlife (MDIFW) is responsible for the preservation, protection, and enhancement of Maine's wildlife resources including both game and nongame species as well as threatened and endangered species. Currently, there are 26 inland fish and wildlife species listed as endangered and 25 listed as threatened under the Maine Endangered Species Act which MDIFW are responsible for, some of which are also federally protected under ESA (MDIFW 2023b).

5.4.2.1 Existing Conditions

Oak-pine forest habitat in Maine is predominantly comprised of land that was previously pastured or subject to timber harvest. These areas are often subject to fragmentation due to agriculture and development. These habitats are host to a variety of passerine birds such as Wood Thrush, Scarlet Tanager, Ovenbird, Pine Warbler, and rare Whip-poor-will. They are also host to a variety of butterflies such as the persius duskywing and the frosted elfin as well as the state-listed rare species red-winged sallow moth which uses the red oak as one of its host plants (MDACF 2023).

Based on the *Beginning with Habitat – High Value Plant & Animal Habitat Map* for Alfred, ME prepared by MDIFW, there are no known occurrences of endangered or threatened inland fish or wildlife species within or in the immediate vicinity of the proposed project site. The nearest known occurrences of rare, threatened, or endangered animal species are over 1-mile to the east of the site. Here, there are multiple known occurrences in and around the Massabesic Experimental Forest (MDIFW 2019a).

Additionally, MDIFW tracks Undeveloped Habitat Blocks, which are areas remaining outside of Development Buffers. These Development Buffers are 250 to 500-foot buffers around improved roads and developed areas based on development intensity. Based on the *Beginning with Habitat – Undeveloped Habitat Blocks & Connectors and Conserved Lands Map* for Alfred, ME, most of the project site is located within a Development Buffer with a small portion of the project area extending into a 529-acre Undeveloped Habitat Block directly to the east (MDIFW 2019b).

As part of the initial scoping process, the County coordinated with MDIFW regarding the presence of endangered, threatened, and special concern species; designated Essential or Significant Wildlife Habitats; and inland fisheries habitat concerns in the project area. In a letter dated June 15, 2023, MDIFW responded that there were no mapped Essential Habitats that would be directly affected by the project (MDIFW 2023c).

MDIFW also concluded that based on historical evidence, it is likely that several of the eight bat species present in the State of Maine are likely to be present at the proposed site. These could include the state endangered little brown bat and northern long-eared bat; the state threatened eastern small foot bat; and state species of special concern big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat (MDIFW 2023c).

In their response to the County, MDIFW also noted that there are known occurrences of the state threatened spotted turtle, state endangered Blanding's turtle, and state species of special concern wood turtle in the vicinity of the proposed project. These turtles are known to utilize small streams and wetland types that are present within or near the project site including shrub swamps, forested swamps, and bogs (MDIFW 2023c).

As discussed in Section 5.2.1, Water Quality, the project site is located approximately 900-feet northwest of the Hay Brook and approximately 500-feet west of an unnamed tributary to Hay Brook. The Hay Brook flows into Estes Lake approximately 1,600-ft east of the proposed project site. Estes Lake is part of the Mousam River watershed, which is not designated as Essential Fish Habitat for Atlantic salmon, and the proposed project is outside of the range of influence of any Essential Fish Habitat.

5.4.2.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, the site would not be disturbed by construction activities and current habitat would remain unchanged. No wildlife would be displaced and effects to this resource would be **none**.

Proposed Action

Under the Proposed Action, construction would result in the loss of vegetation that could serve as habitat for wildlife. Additionally, construction activities would increase noise levels that could result in the temporary displacement of wildlife from areas around the site during construction as wildlife moves away from noise sources. Although deciduous and decorative trees and native wildflower mix would be planted in and around the site following construction, which could attract wildlife species which prefer open and edge habitat, the majority of forested habitat within the 16.8-acre project site would be lost. However, the project site represents a relatively small percentage of the available habitat in the area. Based upon the *Beginning with Habitat – Undeveloped Habitat Blocks & Connectors and Conserved Lands Map* for Alfred, ME, there is a 529-acre Undeveloped Habitat Block directly to the east of the project area and a 1,303-acre Undeveloped Habitat Block to the west of the site across Route 4. Since the project is located almost entirely within a Development Buffer and the project area represents approximately 1% of the available habitat in the immediate vicinity, the effects of the Proposed Action on potential wildlife habitat would be expected to be **moderate**.

Since there are no known occurrences of state-listed rare, threatened, or endangered animal species nor any state-designated Significant Wildlife Habitats within the project area, no effect to High-Value Habitat is expected from the project (MDIFW 2019a). Based on correspondence with MDIFW, despite the likely presence of several bat species in the project area, no significant impacts to any of these bats is anticipated because of the proposed project (MDIFW 2023c). In an email provided to ME DEP on October 19, 2023, as part of the Site Location and Development review process, MDIFW stated that it does not appear there would be direct impacts to any wetlands that would support rare turtles, and Hay Brook appears to be adequately buffered with no other stream crossings or buffer impacts (ME DEP 2024a). Therefore, the effects of the Proposed Action on state-listed species would be expected to be **minor**.

5.4.3 Threatened and Endangered Species

The Endangered Species Act (ESA) provides for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead Federal agencies for implementing the ESA are the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). The law requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a “taking” of any listed species of endangered fish or wildlife. “Take” is defined in regulation (50 C.F.R. 10.12) as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities.”

5.4.3.1 Existing Conditions

Utilizing the US Fish and Wildlife Service’s (USFWS) Information for Planning and Consultation (IPaC) system, one ESA-listed endangered species, the northern long-eared bat (NLEB), and one proposed endangered species, the tricolored bat (TCB) were identified as potentially present at the project site. As discussed in the previous section, MDIFW reviewed the project site as part of the scoping process, and in their June 2023 response to the County, stated that several of the bat species present in Maine, including the NLEB and TCB, were likely present at the site.

5.4.3.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no tree removal, increase in construction related noise, or artificial lighting which would potentially affect the roosting or foraging behavior of bat species.

Proposed Action

Using the US Fish and Wildlife Service's (USFWS) NLEB Rangewide Determination Key, a determination of not likely to adversely affect (NLAA) was made on July 08, 2023, and USFWS concurrence was assumed after 15 calendar days with no response. Additionally, based on discussions with USFWS between July and September of 2024, FEMA made a determination of No Jeopardy for TCB, this fulfilling FEMA’s obligations under Section 7 of the ESA.

Based on technical assistance provided by USFWS, avoidance and minimization measures were incorporated into the conference process to lessen the impacts on the TCB. These minimization measures were agreed to by the County and include the following:

- All tree removal activities and any construction activities involving drilling or blasting must occur between August 16 – May 30 of any given year, and
- All lighting at the facility must point downward to minimize light effects to listed bat species.

As previously discussed, based on Beginning with Habitat information, the amount of tree removal proposed for the completion of the project represents less than 1% of the habitat in the surrounding area, and since much of the area is forested, the effects of tree removal on roosting and foraging would be minimal. Additionally, any temporary changes in foraging behavior caused by NLEB or TCB avoiding construction noise would be negligible since construction would predominantly occur during daylight hours based on local land use and state permitting conditions. In the long term, effects on foraging behavior would be minimized due the use of downward facing lighting at the facility. Based on these factors, effects of the Proposed Action on ESA-listed species, would be expected to be **minor**.

5.4.4 Migratory Birds and Bald Eagle

The Migratory Bird Treaty Act of 1918 provides a program for the conservation of migratory birds that fly through lands of the United States. The lead Federal agency responsible for implementing the Migratory Bird Treaty Act is the USFWS. The law makes it unlawful at any time, by any means or in any manner to take any part, nest, or egg of migratory birds. “Take” is defined in regulation (50 CFR 10.12) as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities.”

The Bald and Golden Eagle Protection Act, enacted in 1940, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" Bald and Golden Eagles, including their parts, nests, or eggs. Like the MBTA, the law makes it illegal for anyone to “take,” possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or their parts, feathers, nests, or eggs. “Take” is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities. There are no Golden Eagles in any New England state.”

5.4.4.1 Existing Conditions

The proposed project is located within the Atlantic Flyway, and USFWS documents eight species of migratory birds potentially present in the project area: Bald Eagle, Black-billed Cuckoo, Bobolink, Canada Warbler, Chimney Swift, Eastern Whip-poor-will, Prairie Warbler and Wood Thrush (USFWS 2023).

Per the USFWS's online mapper for Bald Eagle Nest Locations and Buffer Zones, the closest known bald eagle nest is located approximately 2.75-miles south of the project site (USFWS 2023a). There are currently no known golden eagle nesting locations within the State of Maine (MDIFW 2023a).

5.4.4.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no tree clearing or vegetation removal for the construction of the new facilities. Effects on migratory birds and eagles would be **none**.

Proposed Action

The proposed project would result in the removal of vegetation potentially used by migratory birds for nesting and foraging. Based on the County’s anticipated commencement of project construction, FEMA expects tree and vegetation clearing would be completed during the fall and winter of 2024 to 2025; therefore, effects on habitat would occur outside of the migratory bird nesting season. Following construction, the planting of trees and native wildflower mix in unhardened areas throughout the site would be expected to minimize the long-term adverse effects on migratory birds by replacing some foraging habitat. Of the migratory bird species identified as possibly present in the project area by USFWS's IPaC,

the Black Billed Cuckoo, Bobolink, Whip-poor-will, Prairie Warbler, and Wood Thrush are known to be found in open or edge habitat including old pastures, meadows, well planted parks and gardens, sparse woodland, or woodlands near fields (Bull and Farrand 1977). Adverse effects to migratory birds would be expected to be **minor**. Although bald eagles could potentially use the proposed project site for forage, based on the distance of the site from the nearest known nest, impacts of the project on bald eagle is expected to be **negligible**.

5.5 Cultural Resources

Federal agencies must consider the potential effects of their actions upon cultural resources prior to engaging in any undertaking. Cultural resources are defined under NEPA as prehistoric and historic sites, structures, districts, buildings, objects, artifacts, or any other physical evidence of human activity considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. Section 106 of the National Historic Preservation Act (NHPA) codifies this obligation and is implemented by regulation in 36 CFR Part 800. The NHPA defines a historic property as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register.” Eligibility criteria for listing a property on the National Register of Historic Places (NRHP) are found at 36 C.F.R. Part 60. While the definition of a cultural resource under NEPA can be broader, FEMA regularly uses Section 106 to meet its obligations to consider effects to cultural resources. For this project, FEMA determined that it was appropriate to utilize its NHPA review to fulfill its NEPA obligations.

Federally funded projects require that effects to cultural resources determined to be eligible for or listed in the National Register of Historic Places (NRHP) are considered prior to commencing work. To be determined eligible for listing, a cultural resource must meet one or more of the criteria established by the National Park Service. The term “eligible for inclusion in the NRHP” includes all properties that meet the NRHP listing criteria, which are specified in the Department of Interior regulations Title 36, Part 60.4 and NRHP Bulletin 15. Resources that have not been evaluated at the time of the undertaking may be considered potentially eligible for inclusion in the NRHP and, as such, are afforded the same regulatory consideration as listed and nominated properties.

5.5.1 Identification of APE, Historic Context and Consultation Process

Pursuant to 36 CFR 800.4(a)(1), the Area of Potential Effects (APE) is defined as the geographic area(s) within which the undertaking may directly or indirectly affect cultural resources. Within the APE, effects to cultural resources are evaluated prior to the undertaking for both Standing Structures (above ground resources) and Archaeology (below ground resources).

The APE for this undertaking consists of the entire parcel of land owned and to be developed by York County; given the isolation of the land parcel and the expected continued presence of a buffer of mature woodland growth between the proposed undertaking and other surrounding properties, visual effects are also limited to the parcel of land owned by York County.

Requirements for review include the identification of significant cultural resources that may be affected by the undertaking. Cultural resources are defined as prehistoric and historic sites, structures, districts, buildings, objects, artifacts, or any other physical evidence of human activity considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. FEMA utilized available resources to identify eligible resources within the APE including the Maine Historic Preservation

Commission's Cultural and Architectural Resource Management Archive (CARMA) map interface, the National Register of Historic Places (NRHP) database, and historical aerial images and historic maps.

5.5.2 Standing Structures

5.5.2.1 Existing Conditions

According to the NRHP database, there are five properties listed on the NRHP in the town of Alfred. The nearest NR-listed property to the APE is the Alfred Historic District (NR # 83000479), the southernmost boundary of which is located approximately 1.2 miles north of the intersection of Layman Way and Jordan Springs Road. There are no NR-listed resources within the APE.

According to CARMA, there are no surveyed properties within the APE. The nearest surveyed property is identified as 006-0015, located on Oak Street at the corner of Route 111 and 202/4, approximately one mile north of the intersection of Layman Way and Jordan Spring Road.

The existing York County Jail building located on the property/Layman Way was reportedly constructed in 2002. Buildings less than 50 years of age are not eligible for listing on NRHP unless they meet the requirements of Criteria Consideration G for properties achieving significance within the past 50 years. A resource under 50 years of age is eligible only if it is of exceptional importance. There is no evidence to suggest that the York County Jail is of exceptional importance. Therefore, FEMA has determined that it is currently not eligible for listing on the NRHP.

5.5.2.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no construction that could impact eligible structures. Effects would be **none**.

Proposed Action

As part of the evaluation of impacts on cultural resources, FEMA consulted with the Maine State Historic Preservation Office (SHPO) and Tribal Historic Preservation Officer (THPO) of the Passamaquoddy Tribe. In consultations sent to the SHPO and Passamaquoddy THPO on March 27, 2023, and in subsequent consultations dated June 27, 2023, FEMA determined that there are no currently NR-eligible properties within the APE of the proposed project. On June 28, 2023, the SPHO concurred that the proposed project would have no effect on architectural historic properties. No response was received from the THPO within 30 days, and FEMA assumed concurrence with the determination of No Historic Properties Effected. Effects of the proposed project on standing structures would be **none**.

5.5.3 Archaeological Resources

5.5.3.1 Existing Conditions

As part of FEMA's review of potential impacts on archaeological resources, FEMA contacted the Senior Archaeologist with the Maine Historic Preservation Commission (MHPC) on February 13, 2023, regarding the archaeological sensitivity of the proposed project site. Based on correspondence from the MHPC, regarding the probability of prehistoric and historic archaeological sites, FEMA submitted consultations to the SHPO and Passamaquoddy THPO recommending a Phase 1 Archaeological Survey be completed at the subject site. In a letter dated April 10, 2023, the MHPC concurred with the recommendation for the Phase 1

survey based on predictive modeling for the likely presence of prehistoric archaeological sites. No response was received from the Passamaquoddy THPO.

In May of 2023, Archaeologist Tim Spahr completed a walk over survey and shovel testing of the APE. No cultural materials were during the survey, and it was determined that archaeological sites of potential significance are unlikely within the APE.

5.5.3.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, no ground disturbance would occur, and the site would likely remain in its current condition. Effects on archaeological resources would be **none**.

Proposed Action

Based on the results of the May 2023 Phase 1 archaeological survey, FEMA submitted a determination of No Historic Properties Affected to the Maine SHPO and THPO of the Passamaquoddy Tribe on June 27, 2023. Included in the consultation were project conditions intended to minimize the impacts to archeological resources if they are discovered during construction. The SHPO concurred with the determination on June 28, 2024. No response was received from the Passamaquoddy Tribe within 30 days of submission of consultation. Given the unlikelihood of the presence of significant archaeological sites within the APE, the anticipated impacts of the proposed project would be **none**. In the event that archaeological resources are found during construction, project conditions associated with the discovery of artifacts and human remains would avoid impacts until FEMA can reevaluate the need for additional avoidance and minimization measures.

5.6 Socioeconomic Resources

5.6.1 Land Use and Planning

5.6.1.1 Existing Conditions

The project area is located on a County-owned parcel within a commercial district based upon the Town of Alfred's Zoning Ordinances and Official Zoning Map (Southern Maine Planning Commission 2010). Land use within zoning districts is managed pursuant to the Zoning Ordinances enumerated within Chapter 160 of Alfred's General Legislation. A portion of the project site is located within a Forested Wetlands Resource Protection District (Southern Maine Planning Commission 2010). Pursuant to Article XV §160-82 of the Town of Alfred's Legislation, the Resource Protection District is created as one of the Shoreland Zones, pursuant to the Department of Environmental Protection Shoreland Zoning Guidelines. This district contains those areas mandated in the ME DEP rules as well as locally designated areas. The purpose of this district is to protect these critical natural resource areas and the surface water quality from the adverse impacts of development, and to protect productive habitat, biological ecosystems, and scenic and natural values (Town of Alfred 1996). Dependent upon the type of development, land use permits may be required from the local Code Enforcer or Planning Board.

The ME DEP, Bureau of Land Resources administers Maine's SLODA process and reviews developments that may have a substantial effect upon the environment. This includes developments occupying more than 20-acres, involving large structures and subdivisions, and oil terminal facilities.

5.6.1.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, the site would remain undeveloped. No Resource Protection Districts would be affected, and no land use permits would be required. Effects would be **none**.

Proposed Action

Under the Proposed Action, approximately 16.8-acres of wooded land would be cleared and developed. Construction of the facilities would require local Land Use Permits from the Town of Alfred which were approved by the Town of Alfred's Planning Board (Board) on June 03, 2024. In their review, the Board reviewed the project against the performance standards and requirements of the Town's ordinances. These included, but were not limited to, standards for ingress and egress, road frontage, zoning, noise, landscape, water supply, stormwater runoff, and sanitary standards. In their approval, the Board determined that a community impact statement was not required since (1) steps had been taken by the County to address abutters' concerns raised at the public hearing (such as addressing traffic impacts through improvements to Route 4, removing the EVOC training track, providing a photometric plan to address concerns regarding glare; and (2) the facility would have limited impact on municipal services (given that the County will be attending to snow removal and garbage disposal), and that available data does not suggest an unduly burdensome number of emergency calls to the existing treatment center in prior years (Town of Alfred 2024). Additionally, the proposed project would require a Site Location of Development Permit, and a SLODA permit application was submitted by the County in July of 2023, and approved by the State on May 09, 2024 (License Number L-020324). Based on the ME DEP's findings during the SLODA review process, ME DEP concluded that the proposed project provides sufficient buffers between the project site and abutting properties to adequately shield adjacent properties from adverse effects related to noise and visual qualities. The County would be required to abide by any conditions of local and state permits regulating land use and development. Though compliance with land development permit conditions, effects to local land use would be expected to be **negligible**.

5.6.2 Noise

EPA developed federal noise-emission standards in accordance with the Noise Control Act of 1972 identifying major sources of noise and determining appropriate noise levels for activities that would infringe on public health and welfare in accordance with the law. The EPA identifies a 24-hour exposure level of 70 decibels as the level of environmental noise which would prevent any measurable hearing loss over a lifetime. Likewise, levels of 55 decibels outdoors and 45 decibels indoors are identified as preventing activity interference and annoyance. The levels are not single event, or "peak" levels. Instead, they represent averages of acoustic energy over periods of time such as 8 hours or 24 hours, and over long periods of time such as years (EPA 1974). Additionally, the Federal Highway Administration established acceptable noise levels and ranges for construction equipment (FHWA 2006) and the Occupational Safety and Health Administration established thresholds for occupational noise exposure to protect the health and safety of workers (29 C.F.R. 1926.52). Land uses that are considered sensitive to noise effects are referred to as "sensitive receptors." Noise sensitive receptors consist of, but are not limited to, schools, residences, libraries, hospitals, and other care facilities.

5.6.2.1 Existing Conditions

Existing noise in and near the project area includes traffic from Maine Route 4 (a minor arterial roadway), neighborhood traffic, the York County Jail, an auto salvage yard, and a Maine Department of Transportation (DOT) yard. The closest sensitive receptors to the project area are single-family homes, some of which are within 75 feet of the project area. Alfred, Maine's zoning ordinances restrict noise from construction and maintenance activities that occur outside of the hours of 6:30 a.m. to 8:00 p.m. and based on ME DEP review of the SLODA application, construction would be limited to between the hours of 7:00a a.m. and 7:00 p.m. or daylight hours, whichever is longer.

5.6.2.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, no construction related noise would occur. Noise from facility operations including use of the burn tower and emergency backup generators would also not occur. Noise from existing sources such as roadways, the DOT yard, jail, and salvage yard would remain. Effects on noise levels would be **none**.

Proposed Action

Under the Proposed Action, construction activities would temporarily increase noise levels in and around the project area. Short-term adverse effects to noise levels would be minimized by leaving a natural wooded buffer between residences where possible. Additionally, construction equipment would be required to use the manufacturers standard noise control devices such as mufflers, baffling, and/or engine enclosures.

Facility operations including use of the burn tower, and backup generators would result in a long-term, reoccurring increase in noise levels in and around the project area resulting from the use of vehicles and equipment. Noise levels at nearby sensitive receptors would be minimized by maintaining a wooded buffer between the proposed facilities and adjacent residences to the maximum extent possible. Where possible, additional plantings would be added as a noise buffer. In addition to firefighter training, the burn tower would be used for police exercises; however, no live-fire firearms training would be part of operations. The management of reoccurring noise sources would be addressed in an operating guidelines and procedures plan to be prepared by the County. Impacts from noise resulting from the proposed project would be **moderate**.

5.6.3 Transportation

5.6.3.1 Existing Conditions

The proposed project site is located off Lyman Way, a private access road currently servicing the York County Sherriff's Department and County Jail. Access to Lyman way is located at its northwestern terminus where it intersects with Jordan Spring's Road (Maine Route 4). According to the Maine Department of Transportation (ME DOT) Public Map Viewer, Maine Route 4 is a two-lane minor arterial (Federal Functional Classification 4) which is designed to allow motorists to travel to their destinations at high speeds and with as little delay as possible. Based on ME DOT information, Maine Route 4 has a posted speed limit of 50 miles per hour and an hourly capacity of 2,400 vehicles. Most approaches to the site are currently operating at Level of Service (LOS) D, the level at which speeds begin to decline with increasing flows, with density increasing more quickly. Some approaches to the site currently operate at LOS E, the

level at which a roadway is operating at capacity (Town of Alfred 2024). Operations at this level become highly volatile because there are no usable gaps within the traffic stream, little room to maneuver within the traffic stream, and any disruption to the traffic stream can propagate throughout the upstream traffic flow (NCDOT 2024).

5.6.3.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be no construction of County facilities therefore no increase in traffic due to construction or long-term facility operations. Effects on traffic would be **none**.

Proposed Action

The proposed project could result in short-term traffic impacts due to the ingress and egress of construction equipment and materials; however, grant conditions require the County to must adopt measures to minimize traffic impacts during construction such as providing warning signage, use of flag-persons when needed, and coordinating detours if traffic access points will be obstructed. All staging of equipment and materials would take place within the limits of the project site and outside of public rights of way. As such temporary impacts on traffic would be expected to be **minor**.

In the long-term, operation of the County facilities would include 85 students and 15 staff daily (Monday through Friday) at the training center, a peak number of 28 staff, and an undetermined number of outpatients at the treatment center. These numbers are not expected to result in any impacts to traffic or transportation beyond minimal. The county has proposed improvements to Route 4 at the intersection of Lyman Way including left and right-hand turning lanes and signalization improvements which should be sufficient to handle any additional traffic resulting from the project. Most approaches are expected to continue to operate at LOS D and proposed improvements are anticipated to address the increased traffic at those operating at LOS E. The proposed project would be subject to permitting by ME DOT, and a Traffic Movement Permit (TMP) was issued on May 08, 2024. By implementing the proposed improvements and abiding by the conditions of the ME DOT TMP, long-term effects on traffic are expected to be **minor**.

5.6.4 Public Services and Utilities

5.6.4.1 Existing Conditions

The existing County facilities off Lyman Way, the York County Jail and Sherriff's Department, are currently serviced by municipal water provided by the Alfred Water District (AWD) by way of an 8-inch water main. Solid waste generated at the current facilities are currently removed by Casella Waste Systems.

5.6.4.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, no new facilities would be built and there would be no additional burden on public services and utilities. Impacts would be **none**.

Proposed Alternative

The daily water usage of the proposed County facilities is anticipated to be approximately 10,532 gallons. In a letter dated August 18, 2023, the AWD issued a statement that the AWD has the capacity to meet the needs of the of the new facility provided that no underground lawn irrigation or fire hydrants were used at

the training center. However, as a stipulation of the Land Use Permit issued by the Town of Alfred, the County must provide the AWD with a payment of \$212,000 upon demand for the replacement of the existing 8-inch water main with a 12-in main to service the County facilities. The training facilities will include the installation of a water supply well to recharge the fire pond for training activities, and no AWD water may be used for training purposes as a condition of the Land Use Permit.

As discussed previously in Section 5.2.1 Water Quality, the facility design incorporates the use of an advanced treatment wastewater system, therefore, no public sewer would be utilized. The County also plans to utilize private solid waste disposal and snow clearing services. No interruptions of public services are anticipated as part of construction therefore, impacts are expected to be **none**.

5.6.5 Public Health and Safety

5.6.5.1 Existing Conditions

As discussed in Section 2.0 Purpose and Need, the County currently has no adequate site to train first responders or to practice and prepare tactics for joint operations. There are currently no law enforcement, technical rescue, or hazardous material training sites in the County, and the two existing fire training sites are over 30-years old and in need of repair.

The Town of Alfred, where the proposed facilities would be located, is serviced by the Alfred Fire and Rescue Squad which consists mainly of call-force members. There is one ambulance to provide emergency medical services to the Town including current County facilities. Law enforcement services in the area are provided by the Maine State Police barracks in Alfred and the York County Sheriff's office located at the County's current facilities on Lyman Way. Additionally, there is a substance abuse treatment center currently located at the County facilities on Lyman Way.

5.6.5.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action alternative, there would be relatively little effect to local public health and safety services; however, the County would remain without an EOC and continue to be without facilities to train for and coordinate responses to disasters and train emergency response personnel. Although immediate effect could be **minor**, long-term effects on preparedness would be **moderate**.

Proposed Alternative

The proposed project would provide facilities for first responders to train and improve preparedness for incidents (natural and man-made) that affect public health and safety. Since the training facilities would be utilized by responders beyond the local area, county-wide preparedness would be expected to improve. Public health within the area would also benefit from the proposed improved substance abuse treatment center. During a Town of Alfred Planning Board meeting held on February 06, 2023, concern was expressed regarding the ability of the Town's one ambulance to provide adequate coverage for the new treatment facility; however, in the Town's Finding of Facts for Land Use Permit Application dated June 03, 2024, it was concluded that data does not demonstrate an unduly burdensome number of emergency calls associated with the existing treatment center (Town of Alfred 2024). Therefore, increased burden on emergency response due to the new treatment center would not be expected. In the event of a natural disaster the

County would have a facility to coordinate response to public health and safety risks throughout the County. The proposed project would have **moderate** beneficial effects to public health and safety.

5.6.6 Environmental Justice

EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires each Federal agency to identify and address, as appropriate, "disproportionately high and adverse human health or environmental effects" its activities may have on minority or low-income populations. EO 14096, Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All, advances the goals of EO 12898 and requires federal agencies to leverage the NEPA process to avoid, minimize and mitigate effects to Environmental Justice populations. Guidance released by the Council on Environmental Quality following publication of the EO makes clear that environmental effects include economic and social effects when considering Environmental Justice during the NEPA process (CEQ 1997).

The CEQ guidance also provides criteria for Identifying minority and low-income populations. Specifically, low-income populations are identified based on the annual statistical poverty income thresholds of the U.S. Census Bureau, and minority populations are defined as persons in the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. Any area where the minority population exceeds 50 percent is considered to have an environmental justice population, based on the CEQ guidance.

5.6.6.1 Existing Conditions

According to the EPA's online environmental justice mapper, EJ Screen, there are 193 people in the immediate project area. Of the surrounding population, 41% are low income (77th percentile in the state), 12% are unemployed (93rd percentile in state), 4% live in limited English-speaking households (91st percentile in the state), 19% have less than a high school education (96th percentile in the state), 5% are under the age of 5 (63rd percentile in the state), and 26% are over the age of 64 (70th percentile in the state) (EPA, 2023c). Based on the population with demographic indicators above the 50th percentile in the state, there are several environmental justice populations in the immediate area of the project. Additionally, the surrounding population is in the 99th state percentile for Air Toxics Cancer Risk.

5.6.6.2 Potential Effects and Proposed Mitigation

No Action Alternative

Under the No Action Alternative, the site would remain undeveloped, and there would be no impacts on environmental justice communities in the area related to changes in noise levels or potential air quality around the site. However, under the No Action alternative, the County would remain without an adequate facility to train first responders and to monitor and manage emergencies. All communities would be adversely affected by the reduced ability to maintain continuity of operations of essential public services within the County during a disaster; however, it is likely that lower income communities with fewer resources would be less equipped to respond to emergency events on their own and could suffer greater impacts without the support of County services provided by the EOC. Adverse impacts to environmental justice communities would be expected to be **minor**.

Proposed Action

Under the Proposed Action, construction noise would be expected to affect environmental justice populations in the immediate project area. It is also possible that emissions and airborne dust caused by construction could affect these populations. Noise and air quality effects would be temporary and would be expected to be minor. These effects would be minimized by previously mentioned BMPs including watering down construction areas, enclosing soil storage piles, and phasing construction to minimize disturbed areas, maintaining equipment in proper working order and with factory noise control, and limiting hours of construction to normal business hours. Since the project is located along a minor arterial road, Maine Route 4, which would be expected to be able to accommodate any additional volume resulting from construction vehicles, no adverse traffic related impacts are expected within the vicinity of the project.

Facility operations including operation of the burn tower, and backup generators could have intermittent adverse effects to noise levels and air quality in the area. As discussed in Section 5.4.1, noise from operations would be minimized by maintaining a wooded buffer or reestablishing vegetated buffers where possible along the boundaries of the site and through the establishment of operating procedures to manage site noise. Air quality impacts would be minimized through compliance with local zoning ordinances and state Forest Service, Bureau of Air Quality, and SIP regulations.

A notice of FEMA's intent to fund the proposed project, which included a summary of anticipated effects and a notice of availability of the draft EA, was sent to the owners of property directly abutting the project area parcel abutters via direct mailing of FEMA's final public notice, and comments received by FEMA would be addressed prior to issuing a FONSI. Both short-term and long-term effects on environmental justice communities would be **minor**.

5.6.7 Hazardous Materials

5.6.7.1 Existing Conditions

Based on Maine DEP's Spills and Site Cleanup Online Mapper, there are no known hazardous material releases within the project area; however, there are three recent spill sites on nearby parcels (ME DEP 2024b). According to ME DEP records, there was a discharge of approximately 35-gallons of #2 fuel oil caused by a line leak in 2008 at the County Jail directly adjacent to the site; the discharge of diesel fuel from a leaking 1,000-gallon underground storage tank in 1995 at the ME DOT maintenance facility on Stone Road approximately 900 feet northeast of the proposed site; and petroleum and salt contamination detected in a private potable well in 2009 at 21 Harvest Circle located approximately 1,200 feet to the east of the proposed site (with additional sodium contamination in wells at 31 and 32 Harvest Circle) and likely emanating from the previously mentioned ME DOT facility. These spill projects have all been closed in accordance with state standards; however, low levels of petroleum and salt remain in soil and groundwater in the area of the later ME DOT release (ME DEP 2024c).

According to the US EPA's NEPAassist tool, both the ME DOT maintenance facility and the York County Jail are listed as Very Small Quantity Generators for hazardous waste under the Resource Conservation and Recovery Act (EPA 2023a).

There are no hazardous waste sites in the Town of Alfred listed on EPA's National Priorities List (EPA 2023a). There are also no other hazardous sites within the proposed project parcel.

5.6.7.2 Existing Conditions

No Action Alternative

Under the No Action alternative, there would be no construction that could result in possible accidental discharges or fuels or lubricants. Additionally, any unknown releases potentially present at the site would remain undisturbed. In the long term, there would be no onsite use of hazardous materials since the site would remain undeveloped. Impacts related to hazardous materials would be **none**.

Proposed Alternative

In the short term, construction activities could potentially result in the release of hazardous materials due to fuel and lubricant leaks from vehicles and equipment; however, the County would be required to prepare and implement a Spill Prevention, Control, and Countermeasure Plan to avoid such releases and manage unexpected releases in the event they occur. Additionally, the County would be required to notify the ME DEP emergency spill hotline of any releases of hazardous materials within 2 hours. Barring accidental spills, no hazardous waste is expected to be produced as a result of construction activities. If evidence of previously unknown releases is discovered in the course of construction, e.g., soils exhibiting staining or petroleum odors, the County would be required to notify the ME DEP of any hazardous materials discoveries, and contaminated media would need to be remediated to state standards. Given the unlikelihood of discovering unknown releases on a previously undeveloped, predominantly forested site and the requirements set forth to prevent and manage unexpected releases, the anticipated short-term impacts of hazardous materials due to the proposed project would be **none to negligible**.

In the long term, training activities occurring at the site could also result in accidental releases of hazardous materials from equipment. These would be required to be reported, managed, and remediated in accordance with state laws and regulations regarding hazardous releases. The Land Use Permit issued by the Town of Alfred prohibits the use of any toxic chemicals or fire retardants during training exercises as well as the burning of any toxic materials. Waste produced during fire department training would be required to be tested in accordance with ME DEP requirements and if determined to be hazardous would need to be disposed of in accordance with State and federal law. Additionally, the County is required to line the detention/fire training pond with rubber or other impermeable material to prevent any materials used during fire suppression from seeping into the ground. This requirement has been incorporated through project design. The project has been designed in a manner so that water supplied by the pond for training exercises drains back to the pond. Per the County's SLODA application, hazardous materials would not be stored on site. Based on the minimal use of hazardous materials at the proposed facilities and design methodology incorporated to prevent the spread of potential releases, the long-term impact of hazardous materials due to the proposed project would be **negligible**.

5.7 Cumulative Impacts

This section addresses the potential cumulative effects associated with the implementation of the Proposed Action. Cumulative effects on the environment are those that result from the incremental effects of a proposed action when added to the effects of other past, present, and reasonably foreseeable actions, regardless of the agency (federal or nonfederal) or person that undertakes those other actions (40 CFR 1508.1, 2022). CEQ's regulations for implementing NEPA require an assessment of cumulative effects during the decision-making process for federal projects. The CFR also states that cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The proposed project would construct new infrastructure on 16.8-acres of predominantly wooded undeveloped land; however, the training and treatment centers are not the type of infrastructure that would result in or support significant additional residential or commercial development. Lyman Way is a private road that functions solely to access County-owned property and facilities; therefore, no new access for development would be created by the expansion of facilities off this road. Although the increased number of people in the area due to staff and students could result in minor ancillary development locally, this would not be expected to be significant. Potential future public infrastructure improvements, i.e., water main upgrades, may improve public services locally; however, they would not be expected to directly induce future development.

Due to the topography and presence of wetlands on the remainder of the parcel surrounding the proposed site, continued development or expansion of facilities beyond the currently proposed footprint is not practicable. The County has agreed to remove a previously proposed emergency vehicle operations course from project scope based on noise concerns expressed by the surrounding community as well as additional permitting required to cross wetlands; therefore, it is unlikely this scope element would be reconsidered in the future. Cumulative impacts associated with the proposed project are expected to be **negligible**.

6.0 PERMITS AND PROJECT CONDITIONS

The County is responsible for obtaining all required federal, state, and local permits. While a good faith effort was made to identify all necessary permits for this EA, the following list may not include every approval or permit required for this project.

1. Prior to the installation and operation of any generators or emissions producing features, the County must obtain any required air permits from the Maine Department of Environmental Protection and comply with all terms and conditions of the issued permit(s). The County must provide a copy of the approval(s)/permit(s), or documentation from the permitting agency that approval(s)/permit(s) are not required, to the State and FEMA for inclusion in the administrative record at or before closeout.
2. Before conducting any facility operations that produce emissions or airborne particulate matter, i.e., operation of the burn tower or open burning the County must obtain any required state (i.e., Maine Bureau of Air Quality and Maine Forest Service) or local (i.e., Town of Alfred) permits regulating air quality and comply with all terms and conditions of the issued permit(s). The County must provide a copy of the approval(s)/permit(s), or documentation from the permitting agencies that approval(s)/permit(s) are not required, to the State and FEMA for inclusion in the administrative record at or before closeout.

3. Before construction begins, the County must obtain any required stormwater permits including National Pollutant Discharge Elimination System Permits required by Sections 401 and 402 of the Clean Water Act and State Stormwater Law, i.e., a Construction Stormwater Discharge Permit, and/or Chapter 500 Permit from the Maine Department of Environmental Protection and comply with all terms and conditions of the issued permit(s). The County must provide a copy of the approval(s)/permit(s), or documentation from the permitting agency that approval(s)/permit(s) are not required, to the State and FEMA for inclusion in the administrative record at or before closeout.

Additionally, FEMA would require the County and/or their subcontractor(s) to adhere to the following conditions during project implementation. Failure to comply with grant conditions may jeopardize federal funds.

1. The County and/or their contractors must comply with all requirements of the Land Use Permit approvals issued by the Town of Alfred Planning Board dated June 03, 2024.
2. The County and/or their contractors must comply with all requirements of the Site Location of Development permit (License Number L-20324-26-D-A) issued by the Maine Department of Environmental Protection dated May 09, 2024.
3. The County and/or their contractor(s) must limit all tree removal and construction activities involving drilling or blasting to between August 16 and May 31 of any given year, i.e., no tree removal activities can be conducted from June 1 to August 15 to protect ESA-listed bat species.
4. The County must design and ensure that all outdoor lighting must point downwards to protect ESA-listed bat species. Examples include, but are not limited to, parking lot, walkway, facility entranceway and doorway lights.
5. During construction activities, the County and/or their contractor(s) must utilize best management practices to minimize the transport of fugitive airborne dust particles from the project site. These include but are not limited to minimizing disturbed areas by phasing construction activities, maintaining topsoil, and preserving vegetation to the extent possible; enclosing piles of fill and overburden; and watering down the construction site and fill and overburden piles two to three times per day if necessary.
6. During construction activities, the County and/or their contractor(s) must ensure adequate maintenance of equipment, including proper engine maintenance, adequate tire inflation, and proper maintenance of pollution control devices. Additionally, the County and/or their contractor(s) must reduce construction equipment idling to the maximum extent practicable.
7. During construction activities, the County and/or their contractor(s) must utilize best management practices to minimize the transport of sediment off site and/or into surface waters and wetlands. These include but are not limited to controlling stormwater flowing to and through the project site; protecting slopes by using erosion control blankets, bonded fiber matrices, turf reinforcement mats, silt fences (for moderate slopes), etc.; protecting storm drain inlets until stabilized; retaining sediment on-site and controlling dewatering practices by using sediment traps or basins for large areas (> 1 acre) when appropriate; establishing stabilized

- construction entrances/exits (e.g. large crushed rocks, stone pads, steel wash racks, hose-down systems, pads); and minimizing the impacts of equipment staging areas.
8. The County and/or their contractor(s) are responsible for complying with all federal, state, and local regulations, including obtaining any required permit(s), for the transportation and disposal of potentially contaminated debris as identified by USDA APHIS and the Maine Department of Agriculture, Conservation, and Forestry. All regulated articles having originated or previously been held in a regulated area or under quarantine are prohibited entry into non-quarantined areas without permit. Materials are not prohibited from moving within the regulated/quarantined area. A copy of the approval/permit, or documentation from the permitting official that an approval/permit is not required, must be forwarded to the State and FEMA for inclusion in the administrative record. Contact the Maine Department of Agriculture, Conservation, and Forestry (foresthealth@maine.gov, (207) 287-2431) for specifics regarding regulations and permit requirements.
 9. Stop Work if archaeological deposits (for example Indian pottery, stone tools, shell, old house foundations, old bottles) are found/uncovered during construction. The County and/or their contractor(s) must immediately stop all work in the vicinity of the find, take reasonable measures to avoid or minimize harm to the finds, secure all archaeological finds (without removing them), and restrict access to the area of the find. The County must immediately report the archaeological discovery to the State Emergency Management Agency and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will determine the next steps.
 10. Stop Work if human remains are discovered. The County and/or their contractor(s) must immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the remains, protect all human remains discoveries, and restrict access to discovery sites. The project proponents and their contractor must follow all state laws associated with the discovery of human remains, including immediately notifying the proper authorities. Violation of state law will jeopardize FEMA funding for this project. County must inform the Office of the Chief Medical Examiner, the State Archaeologist, the State Emergency Management Agency, and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will consult with the SHPO and Tribes, if remains are of tribal origin. Work in the vicinity of the discovery(s) may not resume until consultation is completed and appropriate measures have been taken to ensure that the project is compliant with the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.
 11. All borrow or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches (provided the designed width or depth of the ditch is not increased), or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (e.g., a new pit, agricultural fields, road ROWs, etc.) in whole or in part, regardless of cost, the County must notify FEMA and the Recipient (State EMA) prior to extracting material. FEMA must review the source for compliance with all applicable federal environmental planning and historic preservation laws and executive orders prior to a Subrecipient or their contractor commencing borrow extraction.

- Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. Documentation of borrow sources utilized is required at closeout.
12. During construction activities, the County and/or their contractor(s) must ensure equipment at the project site uses the manufacturer's standard noise control devices (i.e., mufflers, baffling, and/or engine enclosures).
 13. The County and/or their contractor(s) must limit construction and maintenance activities, including operation of heavy machinery, to the hours between 7:00 AM and 7:00 PM or during daylight hours, whichever is longer, and must also abide by local noise ordinances that restrict construction to the hours of 6:30 AM to 8:00 PM, whichever is more restrictive.
 14. The County and/or their contractor(s) must implement plans to eliminate and minimize oil or fuel spills from construction equipment. This includes the preparation and implementation of a Spill Prevention, Control, and Countermeasure Plan to avoid releases and manage unexpected releases as necessary.
 15. The County and/or their contractor(s) must adopt measures to minimize traffic impacts during construction such as providing warning signage, limit the use of public rights-of-way for staging of equipment or materials, use of flag-persons when needed, and coordinate detours if traffic access points will be obstructed.
 16. During construction, the County and/or their contractor(s) must establish an inspection and maintenance approach to ensure the above listed measures are working adequately.
 17. If hazardous materials (or evidence thereof) are discovered during the implementation of the project, the Project Proponent must handle, manage, and dispose of petroleum products, hazardous materials, and/or toxic waste in accordance with the requirements and to the satisfaction of the governing local, state, and federal regulations.
 18. During construction, the Project Proponent and/or their Contractor must notify the Maine Department of Environmental Protection of any sudden release or spill of any fuels or lubricants (800-482-0777) or other hazardous materials (800-452-4664) within 2 hours.

7.0 AGENCY COORDINATION AND PUBLIC INVOLVEMENT

NEPA and FEMA procedures stress the importance of engagement with partner agencies, applicants, and the public, to the extent practicable, while preparing an EA. To solicit input on the project and its potential effects, FEMA distributed an EA scoping document to the following agencies on June 23, 2023:

- U.S. EPA, Region 1
- U.S. Department of Housing and Urban Development, Bangor Field Office
- USFWS, Maine Field Office
- USACE, Maine Project Office
- ME DEP, Portland Field Office
- MDIFW, Office of Environmental Review
- Maine Floodplain Management Program
- U.S. Natural Resource Conservation Service
- ME SHPO
- Maine Emergency Management Agency

The scoping document was subsequently sent to ME DEP, Division of Environmental Assessment on July 06, 2023.

Following distribution of the scoping document, FEMA received correspondence from the agencies. The correspondence is summarized in **Table 7.1**.

Table 7-1: Correspondence Summary

From	Date	Subject
EPA-R1	July 21, 2023	<p>Comments provided suggested consideration of air and water quality impacts associated with use of the burn tower and fire training pond. Specific mention was made of fire suppressants using PFAS.</p> <p>Suggested consideration of effects on drinking water.</p> <p>Suggested consideration of the facility in light of climate change and climate resiliency.</p> <p>Suggested consideration of effects on air quality due to open burning, construction, and stationary engines.</p> <p>Suggested consideration of environmental justice communities.</p>
Maine Department of Environmental Protection	July 21, 2023	<p>Initial reply did not provide comments; however, continued coordination with ME DEP resulted a project scoping meeting held on August 24, 2023. During this meeting County representatives addressed questions from ME DEP regarding stormwater management and phosphorous allocation/compensation. Concern was expressed by ME DEP regarding a Wetlands of Special Significance at the north end of the parcel outside of the project area and possible work within the buffer.</p>

Additionally, the following agencies were consulted during the preparation of this EA:

- U.S. Natural Resource Conservation Service – Consultation under the Farmland Protection Policy Act regarding effects to prime farmland and farmland of state-wide importance from May 01 to May 10, 2023.
- Maine State Historic Preservation Officer – Consultation under Section 106 of the National Historic Preservation Act from March 27, 2023, to June 28, 2023.
 - Phase I Archaeological Survey recommendation submitted to Maine SHPO's office on March 27, 2023.
 - Response received from SHPO on April 10, 2023, concurring with Phase I survey recommendation and stating no further information was necessary for architectural resources determination.
 - Based on results of a May 2023 Phase I Survey, a determination of No Historic Properties Affected was submitted to the SHPO's office on June 26, 2023.
 - Concurrence with No Historic Properties Affected determination received from SHPO's office on June 28, 2023.
- Passamaquoddy Tribe – Consultation under Section 106 of the National Historic Preservation Act from March 27, 2023, to June 28, 2023.
 - Phase I Archaeological Survey recommendation submitted to Passamaquoddy Tribal Historic Preservation Officer on March 27, 2023. No response received within 30 days.
 - Based on results of a May 2023 Phase I Survey, a determination of No Historic Properties Affected was submitted to the THPO's office on June 27, 2023. No response received within 30 days, and consultation was concluded.
- U.S. Fish and Wildlife Service – Submittal of Northern Long-Eared Bat Rangewide Determination Key as streamlined consultation under Section 7 of the Endangered Species Act on July 07, 2023. Determination verification letter received upon submittal. No response received from USFWS within 15 calendar days, and consultation was concluded on July 22, 2023.
- U.S. Fish and Wildlife Service – Email correspondence and telephone conversations between July 2024 and September 2024. Based on technical assistance provided during conversations and a concluding email from USFWS on September 10, 2024, No Jeopardy for the tricolored bat was determined by FEMA.

Two meetings were held with the Town of Alfred's Planning Board on February 06, 2023, and May 01, 2023, for the Town's Planning Board to review the application for completeness. During the February meeting, project information was provided to the Planning Board by representatives of the County, their engineering consultant, and project architectural firm. The following concerns were raised at the meeting:

- The representative from the Alfred Water District expressed concern regarding the age of the district's water supply piping in that area;
- The Town's Code Enforcement Officer expressed that the project plans were out of compliance with the Route-4 frontage requirement; and
- The addition of the treatment center could tax the ability of the Town's one ambulance to serve the rest of the community.

Additional information was requested so the Planning Board could vote on completeness of the application.

During the May Planning Board Meeting, additional documentation provided by the County was reviewed by the board and the following comments and concerns were expressed:

- A legal opinion would be sought from the Town's attorney regarding an interpretation of Alfred's Zoning Code as it related to the project. This was resolved and the planning board approved the 58-bed limit for the treatment center during the 1/8/24 meeting.
- The Town Code Enforcement Officer requested the Land Use Permit be resubmitted in two applications: one for the training center and one for the treatment center.
- Concern was once again raised over the potential burden the treatment center could place on the Town's ambulance service. Factors of concern included Alfred's aging population demographic, including the Keywood Manor 55+ age community, and the Town's geographic layout. This issue was resolved. A study was conducted for the Fire Department and the Planning Board accepted the results of the study and would not pursue the issue further.
- There would be the need for additional discussion regarding peak traffic flows in the area of the project.

Additional meetings were held on September 18, 2023, October 23, 2023, and January 8, 2024. There was also a site walk on November 05, 2023, and a public hearing on November 27, 2023, as part of the Town's Land Use permitting review process.

A Notice of Intent to File and Public Meeting was posted on the County's website at <https://www.yorkcountymaine.gov/post/public-notice-notice-of-intent-to-file-and-public-meeting> on June 09, 2023. The notice informed the public of the County's intent to file a SLODA permit application and to hold an informational meeting to discuss the anticipated environmental impacts of the proposed project. The meeting was held on June 29, 2023. During the June 2023 public hearing, County representatives summarized the project scope of work, permitting requirements, and environmental issues associated with the project. Comments received from attendees included questions regarding effects on abutting properties, traffic and egress, an existing nitrate plume beneath the prison,

archeological study of an historic cemetery in the vicinity of the site, project contracting, and the use of public water.

Early Public Notice notifying the public of FEMA's decision to prepare a Supplemental Environmental Assessment was published in the *Portland Press Herald* on June 23, 2023. FEMA received one response requesting maps and more information on environmental impacts on June 06, 2023. FEMA replied with the requested information on August 08, 2023. No other comments were received.

Notice of Availability (NOA) of the draft EA was published on the County's website at <https://www.yorkcountymaine.gov/post/public-notice> on March 08, 2024, and in the *Portland Press Herald* on March 12, 2024. Additionally, NOA was sent via direct mailers to the owners of all properties abutting the proposed project parcel.

The comment period ended 15 days from the date of the legal notice publication. Written comments could be emailed to christian.pakse@fema.dhs.gov and eric.kuns@fema.dhs.gov or sent to the FEMA Regional Environmental Officer, 220 Binney St., Cambridge, MA 02142. If no substantive comments were received, the EA would become final and a Finding of No Significant Impact will be signed.

7.1 Comments and Response

During the public comment period for the draft EA, FEMA received questions and comments from two individuals that live in the project area expressing concerns about the proposed project:

- On March 16, 2024, a respondent commented that the impact of the proposed project is larger than analyzed and that the project would have a greater impact on noise pollution, water usage, water run-off, lighting and visual pollution, and traffic. Specific concern was raised over the ability of Alfred's water main to handle the increased water usage of the facility and traffic increases related to staffing at the facility. FEMA coordinated with the County to prepare a reply to the respondent's concerns and provided a response on April 02, 2024. No further comments were received from the respondent.
- On March 19, 2024, a respondent commented on several concerns including those pertaining to the formerly proposed emergency vehicle operations course and the associated impacts on noise, site integrity, water drainage, and well water; the amount of tree removal that would occur; and facility access. FEMA coordinated with the County to prepare a reply to the respondent's concerns and forwarded the County's response to the respondent on April 11, 2024. No further comments were received from the respondent.

8.0 LIST OF PREPARERS

- Christian Paske (Environmental Protection Specialist)
- Kathleen Philp (Environmental Protection Specialist)
- Eric Kuns (Senior Environmental Protection Specialist)
- David Robbins (Regional Environmental Officer)
- Mary Shanks (Regional Environmental Officer)

9.0 REFERENCES

- Basswood Environmental. 2023. Rare, Threatened and Endangered Plant Species Surveys, York County Jail, Alfred, Maine. June 20, 2023.
- Bplant.org. 2023. Gulf of Maine Coastal Plain. Accessed June 22, 2023. Located at <https://bplant.org/region/807>
- Bull, John and Ferrand, John, Jr. 1977. The Audubon Society Field Guide to North American Birds – Eastern Range. July 26, 1977.
- CEQ (Council on Environmental Quality). 1997. Environmental Justice: Guidance Under the National Environmental Policy Act. Executive Office of the President dated December 10, 1997. Located at https://www.epa.gov/sites/production/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf
- Federal Emergency Management Agency (FEMA). 2023a. Consultation with US Natural Resource Conservation Service on Prime Farmland. May 10, 2023.
- _____. 2021b. Consultation concurrence letter from Kirk Mohny, Maine State Historic Preservation Officer to FEMA. Recommendation for Project Conditions and Determination of “No Historic Properties Affected,” York County Emergency Management Campus; Lyman Way Expand Alfred Campus. Dated June 28, 2023.
- _____. 2021c. Consultation letter from FEMA to Kirk Mohny, Maine State Historic Preservation Officer. Recommendation of Phase 1 Archaeological Survey York County Emergency Management Campus Expansion (Alfred, ME). Dated March 27, 2023.
- Federal Highway Administration. 2006. FHWA Roadway Construction Noise Model User’s Guide. Accessed April 18, 2021. Located at <https://oysterzone.files.wordpress.com/2012/03/fhwa-2006.pdf>
- Maine Department of Agriculture, Conservation & Forestry (MDACF). 2023. Accessed August 15, 2023. <https://www.maine.gov/dacf/mnap/features/communities/oakpineforest.htm>.
- _____. 2024. Accessed January 23, 2024. https://www.maine.gov/dacf/mfs/forest_health/quarantine_information.html#spongy_moth
- Maine Department of Environmental Protection (ME DEP). 2020. MDEP Nonpoint Source Priority Watersheds List. Dated December 2020.
- _____. 2012. Stormwater Compensation Fund Program Guidance. Dated October 2012.
- _____. 2024a. In the Matter of Site Location of Development Act First Responder Training Center and Substance Abuse Treatment Center Findings of Fact and Order. Dated May 09, 2024.
- _____. 2024b. Maine Department of Environmental Protection – Spills and Site Cleanup Information Mapper. Accessed August 28, 2024. <https://maine.maps.arcgis.com/apps/webappviewer/index.html?id=67cf3519cd0b4bb2be7097ddafc21892>
- _____. 2024c. Maine Department of Environmental Protection – Spill Project Portal. Accessed August 28, 2024. <https://www.maine.gov/dep/maps-data/data.html#doc>

- Maine Division of Inland Fish and Wildlife (MDIFW). 2023a. Accessed November 20, 2023.
<https://www.maine.gov/ifw/fish-wildlife/wildlife/species-information/birds/golden-eagles.html>.
- _____. 2023b. Accessed November 27, 2023. <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/listed-species.html>.
- _____. 2023c. RE: Information Request – York County Jail site 1 Layman Way, Alfred Project.
June 15, 2023.
- _____. 2019a. Beginning with Habitat High Value Plant & Animal Habitats – Alfred, ME. Dated August 2019.
- _____. 2019b. Beginning with Habitat Undeveloped Habitat Blocks & Connectors ad Conserved Lands – Alfred, ME. Dated August 2019.
- Maine Geological Survey. 1999. Surficial Geology – Alfred Quadrangle, Maine. Dated 1999
- Miller Engineering & Testing Inc. 2023. Geotechnical Engineering Report York County Facility Expansion. February 22, 2023.
- NCDOT. 2024. Appendix E – Level of Service Definitions. Accessed August 28, 2024.
<https://connect.ncdot.gov/projects/planning/TPBCTP/Durham-Chapel%20Hill-Carrboro/AppE-LOS%20Definitions.pdf>
- Oak Point Associates. 2023. Site Location of Development – Major Amendment. Dated July 27, 2023.
- Oak Point Associates. 2024. York County Regional Training Center and Regional Recovery Center – Plan Set. Dated January 17, 2024.
- Southern Maine Regional Planning Commission. 2010. Official Zoning Map Town of Alfred, Maine Annual Town Meeting, March 2010. Printed January 08, 2010.
- Town of Alfred, Maine. 1996. General Legislation. Accessed August 14, 2023.
<https://ecode360.com/11767542>.
- _____. 2024. Findings of Fact for Land Use Permit Application. Dated June 03, 2024.
- U.S. Environmental Protection Agency (EPA). 2023a. NEPA Assist. Accessed April 03, 2023.
<https://www.epa.gov/nepa/nepassist>.
- _____. 2023b. EPA Greenbook. Accessed November 21, 2023.
<https://www3.epa.gov/airquality/greenbook/astate.html>.
- _____. 2023c. EJ Screen. Accessed March 16, 2023, <https://ejscreen.epa.gov/mapper/>.
- _____. 1974. *EPA Identifies Noise Levels Affecting Health and Welfare*. Accessed April 4, 2021,
<https://archive.epa.gov/epa/aboutepa/epa-identifies-noise-levels-affecting-health-and-welfare.html>.
- U.S. Fish and Wildlife Service (USFWS). 2023a. Maine – Bald Eagle Nest Locations and Buffer Zones. Accessed March 31, 2023.
<https://www.arcgis.com/apps/webappviewer/index.html?id=796b7baa18de43b49f911fe82dc4a0f1>.

_____. 2023b. Information for Planning and Consultation (IPaC) Search of the Project Vicinity. Accessed May 17, 2023, 2021. <https://ipac.ecosphere.fws.gov/>.