

FEDERAL EMERGENCY MANAGEMENT AGENCY
FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT
RAYHILL MEMORIAL TRAIL
TOWN OF NEW HARTFORD, FEMA-4472-DR-NY

BACKGROUND

On December 19, 2019, the president declared a major disaster for severe storms, straight-line winds, and flooding affecting counties north and west of the Hudson Valley. The declaration authorized federal public assistance to affected communities and certain non-profit organizations per FEMA, and in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S. Code [U.S.C.] 5172) as amended; the Sandy Recovery Improvement Act of 2013; and the Bipartisan Budget Act of 2018 (Public Law 115-123). New York State Division of Homeland Security and Emergency Services (NYS DHSES) is the recipient partner for the proposed action and the Town of New Hartford is the subrecipient.

FEMA prepared an Environmental Assessment (EA) in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, *as amended*; and the Council on Environmental Quality (CEQ *Regulations for Implementation of the National Environmental Policy Act* (40 Code of Federal Regulations [CFR] Parts 1500 to 1508); FEMA Directive 108-1-1; and the DHS Instruction Manual 023-1-1. The EA analyzed the potential environmental impacts of the proposed action and alternatives.

The purpose of the project was to restore the damaged trail and reduce local flooding needed after the storms eroded the embankment the trail was on. The project was further needed to reduce risk to area residents accessing the site, trail users bypassing the damaged portion of the trail, and on-going erosion of the embankment threatening neighboring properties.

ALTERNATIVES

The assessment considers two alternatives: no action where FEMA funds would not be available for the project and the proposed project. The Town intends to restore the eroded embankment, address chronic flooding, and restore the function of the trail for public use. This includes removal of debris, sediment, and gravel from the stream channel; construction of floodplain benches to reduce flooding of neighboring properties; restoring the embankment using nature-based solutions; restoring the paved trail and utilities in the project area; and, installation of rock structures in the channel to slow the flow of water to reduce future erosion. The project area extends from just downstream of Chenango Road by the New Hartford Highway Department to the New York Mills Clinton Street Bridge downstream.

SUMMARY OF IMPACTS

FEMA anticipates no beneficial impacts by taking the no action alternative. Through incorporation of applicable permits, project conditions, and industry best practices, FEMA anticipates predominantly beneficial long-term impacts through the proposed action. FEMA anticipates that negative impacts will be limited, short-term impacts associated with construction activities. Minor negative impacts during construction include changes to the immediate project area topography, air quality from construction equipment and vehicles, floodplains and water quality during work along the creek; environmental justice until the trail is restored; and to public infrastructure during work. FEMA anticipates moderate impacts to wetlands during the work and as planted vegetation is established; FEMA anticipates unquantified cumulative benefits to area wetlands and floodplains for the proposed project's relative effects on other larger risk reduction planning efforts within the watershed.

PROJECT CONDITIONS

The subrecipient is responsible for obtaining and adhering to all applicable federal, state, and local permits, permit conditions, regulatory compliance, and authorizations for project implementation prior to construction and to adhere to all permit conditions. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The subrecipient must also adhere to the following conditions during project implementation:

1. The subrecipient is responsible for completing state and local environmental and land-use reviews in accordance with state and local regulations.
2. Excavated soil and waste materials must be managed and disposed of in accordance with applicable federal, state, and local regulations. In the event of discovery of soil or water contaminants exceeding reportable levels, the subrecipient and its construction contractor(s) will follow applicable federal, state, and local protocol to report and respond to the contaminants.
3. The subrecipient is responsible for ensuring that excavated material to be disposed or stored adjacent to the project area is not placed in the floodplain and must be stabilized to limit eroding back into Sauquoit Creek.
4. The work may be authorized by USACE permits. The subrecipient is responsible for obtaining all necessary permits and complying with all conditions of the permit including but not limited to notification and signature requirements to insure validation of permits.
5. The subrecipient may be required to obtain a New York SPDES permit prior to construction. The subrecipient is responsible for contractor compliance with any soil stabilization, inspection, and other requirements of erosion and sedimentation plans.

6. If unexpected archaeological resources are encountered during construction, the subrecipient must stop work and notify the DHSES and FEMA. FEMA will determine what additional consultation with the SHPO and Tribal Nations are required, and what additional conditions or avoidance measures may apply.
7. The subrecipient is responsible for following local and state requirements for locating underground utilities and coordinating planned construction with National Grid to protect or relocate overhead lines.
8. Submit copies of all permits obtained to FEMA at or prior to final closeout of the grant.
9. Do not initiate construction activities until fifteen (15) days after the date that the FONSI has been signed as “APPROVED.”

PUBLIC ENGAGEMENT

The environmental assessment was available online at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa/environmental-assessment-rayhill> and at <https://www.townofnewhartfordny.gov/>. FEMA also welcomed conventional mail addressed to the FEMA Albany Office at the Leo O’Brian Building. FEMA shared a copy of the environmental assessment with the Sauquoit Creek Basin Intermunicipal Commission through the Oneida County Planning Department. A printed copy of the environmental assessment was available at the Town Clerk's Office at The Orchards, 8635 Clinton Street.

FEMA received comments on the EA during the thirty-day public comment period that ended September 21, 2024. Attachment A summarizes the commenter, nature of comments made, and FEMA’s incorporation.

FINDINGS

In accordance with NEPA and its implementing regulations at 40 CFR Parts 1500-1508, FEMA Directive 108-1 and FEMA Instruction 108-1-1, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this FONSI, an EIS will not be prepared, and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED BY:

[original signed 10/24/2024]

John J. McKee

Regional Environmental Officer, FEMA Region 2

PROGRAM ENDORSEMENT:

[original signed 10/25/2024]

Jennifer A. DiLorenzo

Recovery Division, Public Assistance Branch Chief, FEMA Region 2

Appendix A: Comment and Response Summary

Commenter	Comment	FEMA Response
Private Citizens	Two private citizens reached to FEMA advocating for the trail to be restored as a valued local amenity and restoring the creek to help the community.	Noted, thank you
Karl E. Schrantz, Oneida County Commissioner	The Oneida County Department of Water Quality and Water Pollution Control provides regional wastewater services in the area and is in support of the proposed project.	Noted, thank you
	The County recommends design considerations for the project including: <ol style="list-style-type: none">1. Sewers and manhole should be located outside of flood-prone areas2. Relocated sewers and manholes should be easily accessible, including paved or gravel equipment access3. All sewers and manholes should be watertight to prevent inundation	Proposed sanitary sewer line relocation along the east side of the creek moves a portion farther from the creek, within existing public property, aligning with the proposed trail location. As of the Town's April 2024 permit plan set, relocated sewer line remains in the floodplain along the proposed new alignment for the trail. The subrecipient is required to obtain all applicable federal, state, and local permits or authorizations and related project conditions.