

FINDING OF NO SIGNIFICANT IMPACT
KEENE VALLEY FIRE DEPARTMENT
FACILITY REPLACEMENT PROJECT
TOWN OF KEENE, ESSEX COUNTY, NEW YORK
FEMA-4020-DR-NY

BACKGROUND

The Keene Fire Department (Subgrantee) has requested federal financial assistance from the US Department of Homeland Security - Federal Emergency Management Agency (FEMA) to build a new permanent replacement Fire Department Building at 10858 Route 9N, Town of Keene, Essex County, New York to replace the former Keene Fire Department Building that had been located at 1300 Hurricane Road in the Town of Keene. From August 26 - September 5, 2011, high winds and heavy rains associated with Hurricane Irene caused flooding in watersheds throughout the state. The storm incident period was declared a major disaster by President Barack Obama on 08/31/2011. Federal public assistance was made available to affected communities and certain nonprofit organizations per FEMA 4020-DR-NY and in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (Stafford Act; 42 U.S.C. 5172), as amended. The Grantee for the proposed action is the New York State Division of Homeland Security and Emergency Services (NYS DHSES). The FEMA project worksheet reference number is 4020-DR-NY PW#7289.

The applicant's Fire Department Facility and its site at 1300 Hurricane Road were substantially damaged during the disaster when Gulf Brook overtopped its bank, washing out part of the building site, causing floodwaters to rise within the building to a depth of approximately 2 feet. The east side of the original structure's foundation was undermined which led to the partial collapse of the building. The Applicant had been operating out of the remains of the old building, which Hurricane Irene had made inadequate and unsafe for long-term occupancy, until completion of the new facility in June 2013.

The Subgrantee considered several alternatives for restoration of a permanent facility to provide necessary fire and emergency services to the affected community (the fire district). The alternatives considered include 1) No Action 2) Reconstruction at the original location and 3) Reconstruction at an alternate location (the Applicant had previously ruled out several locations based on emergency services planning studies). The No Action Alternative was eliminated as it would limit the Applicant's ability to provide the same level of emergency and fire services as had been provided the fire district at its original facility. New construction of the Fire Department building at the original location was eliminated because the site was heavily damaged and is no longer buildable. The Applicant arrived at the selected permanent relocation site at 10858 Rt 73/9N. From this site, the Keene Fire District has access to the entire Town of Keene and can also respond to calls in Upper Jay, Jay, Ausable Forks, Lake Placid, Wilmington, Elizabethtown, and New Russia. The proposed site is located outside the 100-year floodplain. The 500-year floodplain is not mapped, but the proposed site is located approximately 10 feet above the limits of the 100-year floodplain (Zone A). The proposed project would involve costs associated with demolition and stabilization of the Fire Department's previous facility and new construction of a permanent facility at a new location. New construction includes property acquisition, planning, engineering & design, and construction costs for the new building with site

utilities and amenities. The new facility grant project is to be funded per public assistance FEMA-4020-DR-NY.

The project is partially funded by HUD NYS CDBG through the Essex County Department of Community Development and the NYS Office of Community Renewal. Essex County has assumed NEPA environmental review responsibilities for this project from the U.S. Department of Housing and Urban Development (HUD) according to HUD environmental review regulations at 24 CFR Part 58. In accordance with the environmental review guidelines of the Council of Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the implementing environmental review procedures of the United States Environmental Protection Agency (EPA) found at 40 CFR Part 6, entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the HUD performed an environmental review and prepared an Environmental Assessment (EA). The purpose of the EA was to analyze the potential environmental impacts associated with the development of the new Keene Fire Department Facility on the subject property and to determine whether to prepare an Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI).

PROJECT DESCRIPTION

The Subgrantee elected to construct the new 8000 square-foot Fire Department Building on a 1-acre parcel at 10858 NYS Rt. 9N. The applicant's original building at Hurricane Road sustained damage as a result of overtopping of Gulf Brook. Project elements involve demolition of several small mid-20th century buildings found on the new lot, site grading, facility construction, a stormwater management system, water and sewer service connections and landscaping. The original Fire Department Building would be demolished, and its site would be stabilized.

An Environmental Assessment (EA) was prepared by Essex County Office of Community Resources on behalf of the Subgrantee, and submitted to the US Department of Housing and Urban Development (HUD). The HUD EA resulted in a Finding of No Significant Impact (FONSI). HUD's EA concluded that "The project is not of sufficient size, scale or mass and does not exceed the threshold for preparation of a [n environmental impact] statement nor will the project have significant impact on the human environment under NEPA." FEMA has conducted a review of HUD's EA and has adopted it pursuant to the Council on Environmental Quality's Implementing Procedures for NEPA at 40 CFR 1506.3.

A cooperating federal agency may adopt another federal or state agency's EA, and is encouraged to do so when such adoption would save time and money (40 CFR 1500.4(n), 1500.5(h) and 1506.3), providing the original document satisfies the agency's National Environmental Policy Act (NEPA) requirements. The cooperating agency may also reject or supplement portions of the original agency's review to satisfy its requirements. In lieu of preparing a new EA, FEMA has reviewed the HUD EA to assess the proposed project's impacts on the human environment in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA (40 CFR Parts 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance (44 CFR Part 10).

In reviewing the HUD EA, FEMA agrees that the proposed action will not result in any known significant adverse impacts to geology, hydrology, air quality, floodplains, wetlands, water quality, wildlife or fisheries habitat, vegetation, socioeconomics, public safety, transportation or agricultural or forest land. However, FEMA has undertaken an independent review under Section 106 of the National Historic Preservation Act (NHPA) to clarify the location of the project site and identify potential adverse effects resulting from excavation in an archeologically sensitive area and demolition of structures that are 50 years old or older. FEMA has obtained concurrence from the New York State Office of Historic Preservation (SHPO) that no historic properties are affected by the proposed action (dated 10/26/2012; SHPO response reference # 12PR04625, dated October 30, 2012).

COORDINATION, PUBLIC REVIEW AND COMMENTS

In preparation of the EA, the HUD coordinated with federal and state agencies such as the New York State Department of Environmental Conservation, the U.S. Environmental Protection Agency, New York State Housing Trust Fund Corporation, the New York State Historic Preservation Office, and the Adirondack Park Agency. Public notice was issued in the *Press Republican* newspaper on 08/30/2012. The public comment period for the proposed project was open from August 30, 2012, to September 14, 2012. No adverse public comments or concerns were received either in person or in writing.

CUMULATIVE EFFECTS

Cumulative effects are defined by the Council on Environmental Quality (CEQ) as the impact on the environment resulting from the incremental impacts of the evaluated actions when combined with other past, present, and reasonably foreseeable future actions, regardless of the source, such as federal or non-federal. Cumulative impacts can result from individually minor but collectively significant actions taken over time. HUD's documentation summarized the potential environmental impacts of the Proposed Action. None of these alternatives would significantly adversely impact the environment due to the cumulative assessment of potential impacts. There are no known past or reasonably foreseeable future actions in the Project vicinity that would change the cumulative impact determination for the Proposed Action or that would be anticipated to cause a threshold to be exceeded in terms of cumulative impacts on the human environment.

CONDITIONS

The Subgrantee must meet these conditions as part of the project. Failure to comply with these conditions may jeopardize Federal funds:

1. The Subgrantee shall obtain and adhere to all applicable local, state and federal permits. The Subgrantee shall provide copies of all environmental permits to the NYSDHSES/FEMA at close-out. Note that if a New York State Department of Environmental Conservation General Permit for Stormwater Discharges is needed for

construction, the Subgrantee shall provide NYSDHSES/FEMA a copy of the Stormwater Pollution Prevention Plan and a copy of the Notice of Intent form at close-out.

2. It is expected that the Subgrantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust, sedimentation and erosion during construction.
3. If cultural resources are unexpectedly discovered during construction, activities would cease in the immediate area and the New York State Historic Preservation Office, the FEMA Regional Environmental Officer and NYSDHSES would be notified before work would continue.
4. This FONSI applies only to the project area that has been specifically described and evaluated in the HUD EA. 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.
5. It is recommended that the proposed project be landscaped with native plant material to avoid the spread of non-native or invasive plants, which is a recommendation consistent with Executive Order 13112 Invasive Species and in support of sustainable site development.

FINDINGS

In accordance with NEPA and 44 CFR Part 10, and based upon the findings of HUD's EA and adherence to project conditions, FEMA adopts the HUD EA, supplemented with SHPO Consultation under Section 106 (dated 10/26/2012; SHPO response reference # 12PR04625, dated October 30, 2012), and has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this Finding of No Significant Impact (FONSI), an Environmental Impact Statement will not be prepared and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED



Michael Grisham
Acting REO Representative
Federal Emergency Management Agency, Region II

August 20, 2015