

ATTACHMENT
FULL ENVIRONMENTAL ASSESSMENT FORM
TOWN OF OAKFIELD - WATER DISTRICT NO. 3

PART 1 - PROJECT INFORMATION

A. SITE DESCRIPTION

2. Total Acreage of Project

The project involves construction within the right-of-ways of local and State roads. A total of approximately 16,350 linear feet of watermain will be installed. Assuming that construction will disturb an area approximately 20 feet in width along the length of the project, the total acreage of the project is 7.5 acres.

3. Predominant Soil Types

The predominant soil types along the proposed route include Lyons and Appleton Silt Loam and Niagara and Collamer silt loam. Other soil types found in the project area are listed in Table 1 on the following page. Soils found along the majority of the route are indicated to be poorly drained.

Watermain construction would affect soils in soil groups 1 through 4 of the NYS Land Classification System, as shown in Table 1. It is estimated that about fifty percent (50%) of the total length of watermain to be installed will be constructed within soils with a classification of 1 through 4. However, given the location of the watermain within the road right-of-way, no significant impact is expected.

A Notice of Intent (NOI) was submitted to the New York State Department of Agriculture and Markets on December 21, 2011.

6. State or National Register of Historic Places

The project was submitted for review to the State Historic Preservation Office (SHPO) of the NYS Office of Parks, Recreation and Historic Preservation on December 19, 2011. In a letter dated February 13, 2012, SHPO determined that the project will have No Effect upon cultural resources (see attached correspondence). No further coordination with SHPO is required.

Table 1		
Soil Type		Classification
CaA	Canandaigua	7
CeB	Cazenovia	3
CeC	Cazenovia	5
Ee	Teel	2 or 5
GmA	Galen-Minoa	3
GnB	Galen	3
HIB	Hilton	2
LmA	Lima	2
LoA	Lyons & Appleton	7
NaA	Niagara & Collamer	4
OnB	Ontario	2
OvA	Ovid	5
OvB	Ovid	5

11. Threatened and Endangered Species

On December 19, 2011, letters were sent to the New York State Department of Environmental Conservation (NYSDEC) Natural Heritage Program and NYSDEC Region 8 requesting information on the presence of threatened or endangered species within the project area.

The NYSDEC Natural Heritage Program responded on January 5, 2012 (see attached correspondence), indicating:

We have no records of rare or state-listed animals or plants, significant natural communities, or other significant habitats on or in the immediate vicinity of your site.

No response has been received to date from NYSDEC Region 8.

In letters dated December 19, 2011, and January 5, 2012, the Town submitted information to the U.S. Fish and Wildlife Service (USFAWS) regarding potential impacts to endangered and threatened species based upon a review of the information on the USFAWS website. No significant impacts were identified as a result of this evaluation. In a fax dated January 6, 2012, USFAWS acknowledged receipt of the "no impact" determination and requested that a copy of the information be shared with other involved Federal agencies (see attached correspondence). The Town will comply with this request.

The information submitted for species in Genesee County was as follows:

- Bald eagle
No impacts based on information provided at USFAWS website and a review of the *National Bald Eagle Management Guidelines* (May 2007). The watermain will be installed within the road right-of-way. No impacts to bald eagle habitat (large trees or structures near aquatic areas) will occur. Once the watermain is installed, vegetative cover will be restored and no further ground disturbance, development, paving, increased traffic or other disruptions to bald eagle habitat will occur.
- Bog turtle (Historic)
No impact. The preferred habitat of bog turtles is sedge dominated wet meadow or open calcareous bogs. This habitat is not present in the area affected by watermain installation, specifically the rights-of-way of Maltby Road (south side), Fox Road (east side), Drake Street (south side), and Fisher Road (east side).
- Eastern massasauga
No impact. The eastern massasauga rattlesnake is a candidate species which is currently not listed as threatened or endangered and has no legal protection. They inhabit wet areas such as wet prairies, marshes and low areas along rivers and lakes, as well as portions of adjacent upland areas. This habitat is not present in the area affected by watermain installation, specifically the rights-of-way of Maltby Road (south side), Fox Road (east side), Drake Street (south side), and Fisher Road (east side).
- Eastern prairie fringed orchid (Historic)
No impact based on information provided at USFAWS website. This species is listed as a "historic" record and as "possibly extirpated" in New York State. The plant is found in wet prairie habitat. This habitat is not present in the area affected by watermain installation, specifically the rights-of-way of Maltby Road (south side), Fox Road (east side), Drake Street (south side), and Fisher Road (east side).
- Houghton's goldenrod
This goldenrod is found primarily in Michigan in interdunal wetlands along the Great Lakes shoreline. However, according to the Recovery Plan, there is also an outlier population in the Bergen Swamp in the Town of Byron, Genesee County. The Bergen Swamp is protected through the cooperative efforts of the Bergen Swamp Preservation Society and the Western Office of the New York Nature Conservancy.

As Water District No. 3 is located in the Town of Oakfield, no impacts to the Houghton's goldenrod population in Bergen Swamp will occur.

16. Lakes, Ponds, and Wetland Areas

No State-designated wetlands are located in the project area. A Federally-designated wetland is associated with the stream course of the tributary to Oak Orchard Creek which crosses through the project area near the intersection of North Pearl Street and Maltby Roads. This wetland is classified as freshwater emergent wetland.

18. Agricultural District

Segments of the proposed project will be located within Genesee County Agricultural District No. 2. Of the properties included in Water District No. 3, it is estimated that 23 parcels, encompassing approximately 911 acres, are used for agriculture in some capacity. Approximately 172 acres of the total 911 acres will be included within service area of Water District No. 3.

A Notice of Intent has been prepared and was submitted to the NYS Department of Agriculture and Markets on December 21, 2011.

B. PROJECT DESCRIPTION

The project involves the installation of 16,350 feet of 8-inch watermain along portions of Maltby Road, Fox Road, Drake Street (NYS Route 262) and Fisher Road. In addition to the watermain, the project includes hydrants, valves, road crossings, manholes, excavation, bedding materials, watermain connections, residential hook-ups, and surface restoration. The project will provide public water service to properties which are currently dependent on individual wells which produce an inadequate supply of poor quality water. The service area includes 47 residential units.

These improvements are to be undertaken within the framework of the proposed Town of Oakfield Water District No. 3. The Town Board is in the process of legally creating the District. Water District No. 3 will receive water from the Village of Oakfield which purchases water from the City of Batavia. The Village of Oakfield and the City of Batavia have sufficient capacity to meet the demands required for the Town of Oakfield Water District No. 3.

20. Noise

The project will not produce operating noise exceeding the local ambient noise level. Minor increases in noise may occur during the construction period, however, any impacts on ambient noise levels will be temporary.

21. Energy Usage

Energy will be used to fuel construction vehicles during the construction period. However, any impacts on energy usage will be temporary and minor in nature.

23. Water Usage

It is estimated that residents within the service area will use an average of approximately 14,100 gallons of water per day. The Village of Oakfield and the City of Batavia have sufficient excess capacity available to serve Water District No. 3 and has agreed to supply water to this area of Oakfield.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Impact on Water

3. Protected Water Bodies

The proposed route of the new watermain will involve construction in or near a Federally-designated wetland. Construction will involve excavation of a trench, placement of the piping within the trench, restoration of the ground surface, and re-seeding of vegetation. Construction will not exert significant physical impacts on the wetland resources, as it will primarily occur within the road right-of-way and previously disturbed and graded areas. Excavation will not be extensive and the ground surface will be restored within a relatively short time. The wetlands are set back from the road right-of-way and no construction within the wetland itself will occur.

The U.S. Army Corps of Engineers oversee a permit process for actions within or adjacent to wetlands. This permit process provides ample opportunity to establish construction practices that would mitigate potential adverse impacts associated with development in or adjacent to the wetland areas. All work in wetlands and streams will be done in accordance with the permit requirements.

Impact on Agricultural Land Resources

Short-term effects primarily involve construction-related impacts associated with excavation of a trench to contain the watermain. Such ground disturbance could potentially disrupt drainage or tile lines within an agricultural field. However, it is not expected that construction will exert significant physical impacts on agricultural resources as it will primarily occur within the road right-of-way. Standard construction practices will be used to minimize ground disturbance, erosion and drainage problems that may result during and after construction until ground cover is established. In order to minimize the direct impact of construction on agricultural lands, the Town will require the contractor to comply with specific construction requirements established by the Department of Agriculture and Markets. The Town will restore any drainage or tile lines disturbed as a result of the construction project to existing conditions as closely as possible.

The potential long-term impacts on agricultural resources involve the removal of farmland from production as a result of the availability of a public water supply. Approximately 172 acres of farmland are within both the Water District No. 3 service area and Agricultural District No. 2.

This is the maximum amount of land within this Agricultural District that may be removed from production as a result of the availability of a public water supply.

The Town will use zoning regulations and site plan review procedures to minimize the potential impacts of the project on agricultural land resources. As previously described, the project has been proposed to solve serious public health and safety concerns that face residents of this area and not as a means to stimulate new growth. The Town is rural residential-agricultural in nature and is not within a major growth corridor. The proposed water system improvement project will not reverse recent development trends and will not alter the character of the community.

The Town of Oakfield participates in the Genesee County Smart Growth Plan. The Genesee County Smart Growth Plan was prepared by the Genesee County Water Resources Agency on behalf of the County Legislature, in conjunction with a plan to extend water service in Genesee County. The primary function of the Smart Growth Plan is to ensure that the extension of public water does not result in additional new development that is inconsistent with the principles of "smart growth." The Plan includes a map designating "Smart Growth Development Areas," within which development and re-development is encouraged. Outside of these designated areas, the Plan may be used to limit new non-agricultural hookups into the County water system, thereby discouraging growth and development.

The majority of the service area of Water District No. 3 is located outside a Smart Growth Development Area. Only a small portion of the service area (the westernmost end of Drake Street within the water district area) is included within a Smart Growth Development Area.

The Town has filed a Notice of Intent with the New York State Department of Agriculture and Markets regarding the proposed action within the Agricultural District. The Town will consider the recommendations of the Department of Agriculture and Markets as well as those of other organizations before making a determination of environmental significance and making a decision to proceed with the project. It is anticipated that the Town will adopt lateral restrictions to limit new hookups to the system to existing homes and farm-related uses.

Impact on Public Health

Individual water supplies in the Town of Oakfield have a long history of producing limited yields of extremely poor quality water. The capacity of individual water supply sources is severely restricted throughout a large area of the Town, and the problem has become increasingly serious during the last several years due to drought conditions and lower snowfall totals. The absence of a sufficient water supply makes it impossible for local residents to have adequate fire protection. In addition, water quality tests document that the composition of the groundwater supply is high in minerals and undesirable organic chemicals.

The proposed project will completely resolve these water quantity and quality issues, as well as assuring an adequate water supply for fire protection purposes.



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

February 13, 2012

Kathleen Spencer
Stuart I. Brown Associates
300 State St
Suite 201
Rochester, New York 14614

Re: RD
Oakfield Water District 3 Improvements
Maltby Rd, Drake St/NY 262, Fox
Rd/OAKFIELD, Genesee County
09PR05893

Dear Ms. Spencer:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



January 5, 2012

Kathy Spencer
Stuart I. Brown
300 State Street, Suite 201
Rochester, NY 14614

Joe Martens
Commissioner
Received By
LaBella Associates

JAN 09 2012

Client: _____
Proj.#: _____

Dear Ms. Spencer:

In response to your recent request, we have reviewed the New York Natural Heritage Program database, with respect to an Environmental Assessment for the proposed Update – Town of Oakfield Water District #3 – Installation of Waterline, area as indicated on the map you provided, located in the town of Oakfield, Genesee County..

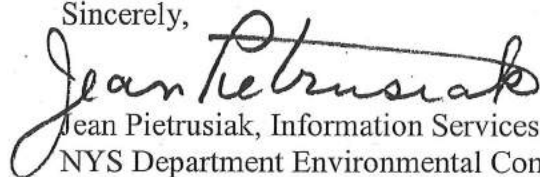
We have no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,


Jean Pietrusiak, Information Services
NYS Department Environmental Conservation

Enc.
cc: Region 8

1292



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo>

To: Kathy Spencer

Date: Jan 6, 2012

USEWS File No: 100054

Regarding your: ☒ Letter ☐ FAX ☐ Email

Dated: January 5, 2012

For project: Water District #3

Located:

In Town/County: Town of Oakfield / Genesee County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the U.S. Fish and Wildlife Service:

- ☐ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.
- ☒ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.
- ☐ Is taking no action pursuant to ESA or any other legislation at this time but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (<http://www.fws.gov/northeast/nyfo/es/section7.htm>) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project area is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s):

Robyn A. Nier

Supervisor:

Patricia Cole

Date:

1/9/2012