Draft Site-Specific Environmental Assessment: Proposed Construction and Operation of the Western New York National Cemetery

1232 Indian Falls Road

Town of Pembroke, Genesee County, New York

U.S. Department of Veterans Affairs

425 I Street, NW

Washington, DC 20001

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EXECUTIVE SUMMARY AND CONCLUSIONS

In this Site-Specific Environmental Assessment (SEA), the U.S. Department of Veterans Affairs (VA), National Cemetery Administration (NCA) identifies, analyzes, and documents the potential physical, environmental, cultural, and socioeconomic impacts associated with the Proposed Action to construct and operate the initial phase (Phase 1) of the proposed Western New York National Cemetery at 1232 Indian Falls Road, Pembroke, Genesee County, New York. The Phase 1 cemetery development includes the Early turn-over area and would cover approximately 79 acres. The Phase 1 cemetery would provide for 10 years of burial operations including casket, columbarium, and in-ground cremation sites; and provide a committal shelter, supporting infrastructure, parking, irrigation, landscaping, visitor amenities, signage, and operational facility improvements. The Phase 1 cemetery development includes the physical infrastructure needed for future potential phases of cemetery development. Development of future potential phases of the Western New York National Cemetery would undergo separate environmental assessments prior to the design, construction and operation of those phases.

This SEA assesses the impacts associated with constructing and operating the Phase 1 cemetery configured in two different designs, which were developed during the VA's master planning process. One design calls for constructing and operating the Phase 1 cemetery entirely within the boundary of the 132-acre parcel already owned by the VA. The second design calls for acquiring the 60-acre and 77-acre parcels located adjacent to the eastern border of the 132-acre parcel. Under this second design, the Phase 1 cemetery would be constructed and operated across portions of both the 132-acre and 60-acre parcels; approximately 70 acres would be developed within the 132-acre parcel, and approximately 9 acres would be developed within the 60-acre parcel. The remainder of the 60- and 77-acre parcels would not be developed as part of the Phase 1 cemetery, but would be available for future potential cemetery development.

The ***purpose*** of the Proposed Action is to enable the NCA to provide eligible Veterans and their families with a National Cemetery of sufficient size and capacity to serve the projected needs in the Western New York region for the next 10 years.

The Proposed Action is ***needed*** to meet the NCA's goal of providing eligible Veterans with reasonable access to VA burial options.

Three alternatives are analyzed in this SEA:

- The ***Preferred Alternative***, which is the Proposed Action, to acquire the adjacent 60-acre and 77-acre eastern parcels, and construct and operate the Phase 1 Western New York National Cemetery across 79 acres spanning the 132-acre parcel and the 60-acre parcel. The remainder of the 60-acre parcel and the entirety of the 77-acre parcel would be available for future potential cemetery development.
- The ***Alternative Action*** to construct and operate the Phase 1 Western New York National Cemetery within only the 132-acre parcel (i.e. do not acquire the adjacent 60- and 77-acre parcels.)
- The ***No Action*** alternative to not construct and operate the Phase 1 Western New York National Cemetery at either site. A National Cemetery would remain unavailable in the Western New York region, and the VA would continue to underserve veterans in the Western New York region.

The following table summarizes the potential environmental impacts of the Proposed Action, Alternative Action, and No Action.

Resource / Issue	Proposed Action	Alternative Action	No Action
Meets Purpose of and Need for Action	Yes.	Yes.	No.
Aesthetics	Minor, short-term impact from presence of heavy equipment and unfinished work during construction.	Minor, short-term impact from presence of heavy equipment and unfinished work during construction.	None.
Air Quality	Minor, short-term impact from particulate emissions during construction, which are below the de minimis threshold level. Emissions would comply with all permit requirements and regulations. No significant impact.	Minor, short-term impact from particulate emissions during construction, which are below the de minimis threshold level. Emissions would comply with all permit requirements and regulations. No significant impact.	None.
Cultural Resources	Comply with Memorandum of Agreement during construction and operation. No significant impact in the 132-acre parcel; no significant impacts to cultural resources in the 60-acre or 70-acre parcels during Phase 1 construction by extending the MOA to the 60- and 77-acre parcels and implementing the avoidance plan per NYOPRHP and the Tonawanda Seneca Nation. Continuing consultation with NYOPRHP and the Tonawanda Seneca Nation during subsequent construction phases.	Comply with Memorandum of Agreement during construction and operation. No significant impact.	None.
Geology, Topography, and Soils	Minor, short-term potential for erosion and sedimentation during construction; impacts would be minimized through best management practices and conformance with SPDES permit requirements. Minor long-term loss of farmland. No significant impact.	Minor, short-term potential for erosion and sedimentation during construction; impacts would be minimized through best management practices and conformance with SPDES permit requirements. Minor long-term loss of farmland. No significant impact.	None.
Hydrology and Water Quality	Minor, short-term potential for erosion and sedimentation during construction; impacts would be minimized through best management practices and conformance with SPDES permit requirements. No significant impact.	Minor, short-term potential for erosion and sedimentation during construction; impacts would be minimized through best management practices and conformance with SPDES permit requirements. No significant impact.	None.
Wildlife and Habitat	Minor, long-term loss of habitat, but no significant impact on listed flora or fauna. No significant impact.	Minor, long-term loss of habitat, but no significant impact on listed flora or fauna. No significant impact.	None.
Noise	Minor, short-term adverse noise impacts during construction. Continued minor, intermittent, long-term adverse noise impacts during operation from ceremonial M-16 rifle salutes and grounds maintenance equipment. No significant impact.	Minor, short-term adverse noise impacts during construction. Continued minor, intermittent, long-term adverse noise impacts during operation from ceremonial M-16 rifle salutes and grounds maintenance equipment. No significant impact.	None.

Resource / Issue	Proposed Action	Alternative Action	No Action
Land Use	Minor, long-term loss of farmland, no impact on zoning or land use. No significant impact.	Minor, long-term loss of farmland, no impact on zoning or land use. No significant impact.	None.
Floodplains, Wetlands, and Coastal Zone Management	Minor, long-term loss of wetlands, no significant impact to floodplains or coastal zones. No significant impact.	Minor, long-term loss of wetlands, no significant impact to floodplains or coastal zones. No Significant impact.	None.
Socioeconomics	Potential short-term localized beneficial impact to employment during construction and operation. No significant impact.	Potential short-term localized beneficial impact to employment during construction and operation. No significant impact.	No increase in short-term construction employment and local spending opportunities.
Community Services	Beneficial impact by providing burial services for Veterans and their families. No significant impact on other community services.	Beneficial impact by providing burial services for Veterans and their families. No significant impact on other community services.	Adverse impact because Veterans' families must travel long distances for burial and visitation. Not in compliance with Service Members Civil Relief Act.
Solid and Hazardous Materials	Minor, short-term increase in solid waste during construction, and negligible during operations. No significant impact.	Minor, short-term increase in solid waste during construction, and negligible during operations. No significant impact.	None.
Transportation and Parking	Minor, short-term adverse impact from construction traffic. Entrance along Indian Falls Road improves operational transportation safety. No significant impact.	Minor, short-term adverse impact from construction traffic. Moderate, long-term, but less-than-significant adverse impact on transportation (safety) due to entrance along Alleghany Road. No significant impact.	None
Utilities	Minor, short-term. Obtain SPDES permit for septic. No significant impacts.	Minor, short-term. Obtain SPDES permit for septic. No significant impacts.	None.
Environmental Justice	No significant impact.	No significant impact.	None.
Potential for Generating Substantial Controversy	No significant impact.	No significant impact.	None.

No cumulative significant adverse effects to any resources are anticipated from either the Proposed Action or the Alternative Action.

Comments received during the 30-day comment period for this Draft SEA will be documented in and considered during preparation of the Final SEA.

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ABSTRACT

LEAD AGENCY: Department of Veterans Affairs (VA), National Cemetery Administration (NCA)

COOPERATING AGENCIES: None

TITLE OF PROPOSED ACTION: Proposed Construction and Operation of the Western New York National Cemetery

AFFECTED JURISDICTION: Genesee County, New York

POINT OF CONTACT: Mr. Glenn Elliott, Environmental Engineer, VA Project Manager, 425 I Street NW, Room 6W417a, Washington, DC 20001; (202) 632-5879; Glenn.Elliott@va.gov

PROPONENT: NCA

DOCUMENT DESIGNATION: Draft Site-Specific Environmental Assessment (SEA)

In this Draft Site-Specific Environmental Assessment (SEA), the U.S. Department of Veterans Affairs, National Cemetery Administration (NCA) identifies, analyzes, and documents the potential physical, environmental, cultural, and socioeconomic impacts associated with the Proposed Action to construct and operate the initial phase (Phase 1) of the proposed Western New York National Cemetery at 1232 Indian Falls Road, Pembroke, Genesee County, New York. The purpose of the Proposed Action is to enable the NCA to provide eligible Veterans and their families with a National Cemetery of sufficient size and capacity to serve the projected needs in the Western New York region for at least the next 10 years. The Proposed Action is needed to meet the NCA's goal of providing eligible Veterans with reasonable access to VA burial options.

Under the Proposed Action, the VA would acquire the 60- and 77-acre parcels located immediately east of the 132-acre parcel, which is currently owned by the VA. The Phase 1 cemetery would be constructed on the 132-acre parcel and an approximately 10-acre portion of the 60-acre parcel, with the main entrance at the northern end of the 60-acre parcel along Indian Falls Road. The Phase 1 cemetery would be constructed over a period of approximately 30 months (summer of 2017 through fall of 2019). The remainder of the 60-acre parcel and the entirety of the 77-acre parcel would remain undeveloped but available for potential future cemetery use. Development of future phases would undergo separate NEPA analyses prior to the design, construction and operation of those phases.

The Phase 1 cemetery would provide for 10 years of burial operations including the Early turn-over area, casket, columbarium, and in-ground cremation sites; and provide a committal shelter, supporting infrastructure, parking, irrigation, landscaping, visitor amenities, signage, and operational facility improvements. This physical infrastructure would also be used for potential future phases of cemetery development.

This SEA evaluates the environmental impacts associated with implementing the Proposed Action, as well as the Alternative Action and a No Action alternative. Under the Alternative Action, the Phase 1 cemetery would be constructed and operated within only the 132-acre parcel. Under the No Action alternative, the Phase 1 cemetery would not be constructed at the site and the purpose and need would not be met.

Based on the Draft SEA findings, the Proposed Action nor the Alternative Action would cause an adverse significant impact on environmental resources. However, the Proposed Action is the Preferred Alternative because it causes fewer less-than-significant adverse impacts compared with the Alternative Action.

ACRONYMS AND ABBREVIATIONS

AMSL	Above Mean Sea Level
BGS	Below Ground Surface
BMP	Best Management Practice
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CH4	Methane
CO	Carbon monoxide
CO2	Carbon dioxide
dBA	A-weighted decibel
EA	Environmental Assessment
EIS	Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FPPA	Farmland Protection Policy Act
FONSI	Finding of No Significant Impact
GCPD	Genesee County Planning Department
GPD	Gallons per day
GSF	Gross Square Feet
LMIN	A-weighted minimum sound level (dBA)
LMAX	A-weighted maximum sound level (dBA)
MCWA	Monroe County Water Authority
MG	Million gallons
MOA	Memorandum of Agreement
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NCA	National Cemetery Administration
NEPA	National Environmental Policy Act
NOA	Notice of Availability
NOx	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
O3	Ozone
PEA	Programmatic Environmental Assessment
PM	Particulate Matter; PM2.5 and PM10 have average diameters less than 2.5 and 10 micrometers, respectively
ROG	Reactive Organic Gases
SEA	Site-Specific Environmental Assessment
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SOx	Sulfur Dioxide
SPDES	State Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
TSN	Tonawanda Seneca Nation
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VA	U.S. Department of Veterans Affairs
VOC	Volatile Organic Compound

1 INTRODUCTION

The U.S. Department of Veterans Affairs (VA) National Cemetery Administration (NCA) honors Veterans and their families with final resting places in national shrines and with lasting tributes that commemorate their service and sacrifice to the nation. NCA maintains approximately 3.3 million gravesites at 134 National cemeteries and 33 soldiers' lots and monument sites in 40 states and Puerto Rico (VA 2014a). VA's Office of Construction and Facility Management's mission is to advance VA's mission in support of the nation's Veterans by planning, designing, constructing, and acquiring major facilities; and setting design and construction standards.

On May 9, 2014, NCA issued the Final P*rogrammatic Environmental Assessment of the proposed site selected, construction, and operation of the Western New York National Cemetery, Erie and Genesee Counties, New York* (VA, 2014) (PEA), which documented the National Environmental Protection Act (NEPA) analysis of the potential impacts from constructing and operating a new National Cemetery at three separate locations in western New York. The PEA concluded that the 132-acre parcel at 1232 Indian Falls Road, Town of Pembroke, Genesee County, New York, to be most suitable for the proposed new Western New York National Cemetery, and a Finding of No Significant Impact (FONSI) was issued for the anticipated acquisition, construction, and operation of the Western New York National Cemetery at this parcel. Accordingly, on May 30, 2014, the VA purchased the parcel for $625,000 for this intended purpose (VA OPIA, 2014). Following acquisition of the 132-acre parcel, the VA began additional master planning for the National Cemetery. Through the master planning process, the VA subsequently determined that a more ideal design involved developing a portion of the Phase 1 cemetery onto a 60-acre parcel located adjacent to the eastern border of the 132-acre parcel, as well as potential future cemetery development onto a 77-acre parcel located adjacent to the 60-acre parcel. Figure 1-1 depicts the locations of the parcels selected for the proposed Western New York National Cemetery.

Accordingly, in this Site-Specific EA (SEA), the VA identifies, analyzes, and documents the potential physical, environmental, cultural, and socioeconomic impacts associated with acquiring the 60- and 77-acre parcels and constructing and operating the Phase 1 portion of the Western New York National Cemetery under the two different design configurations.

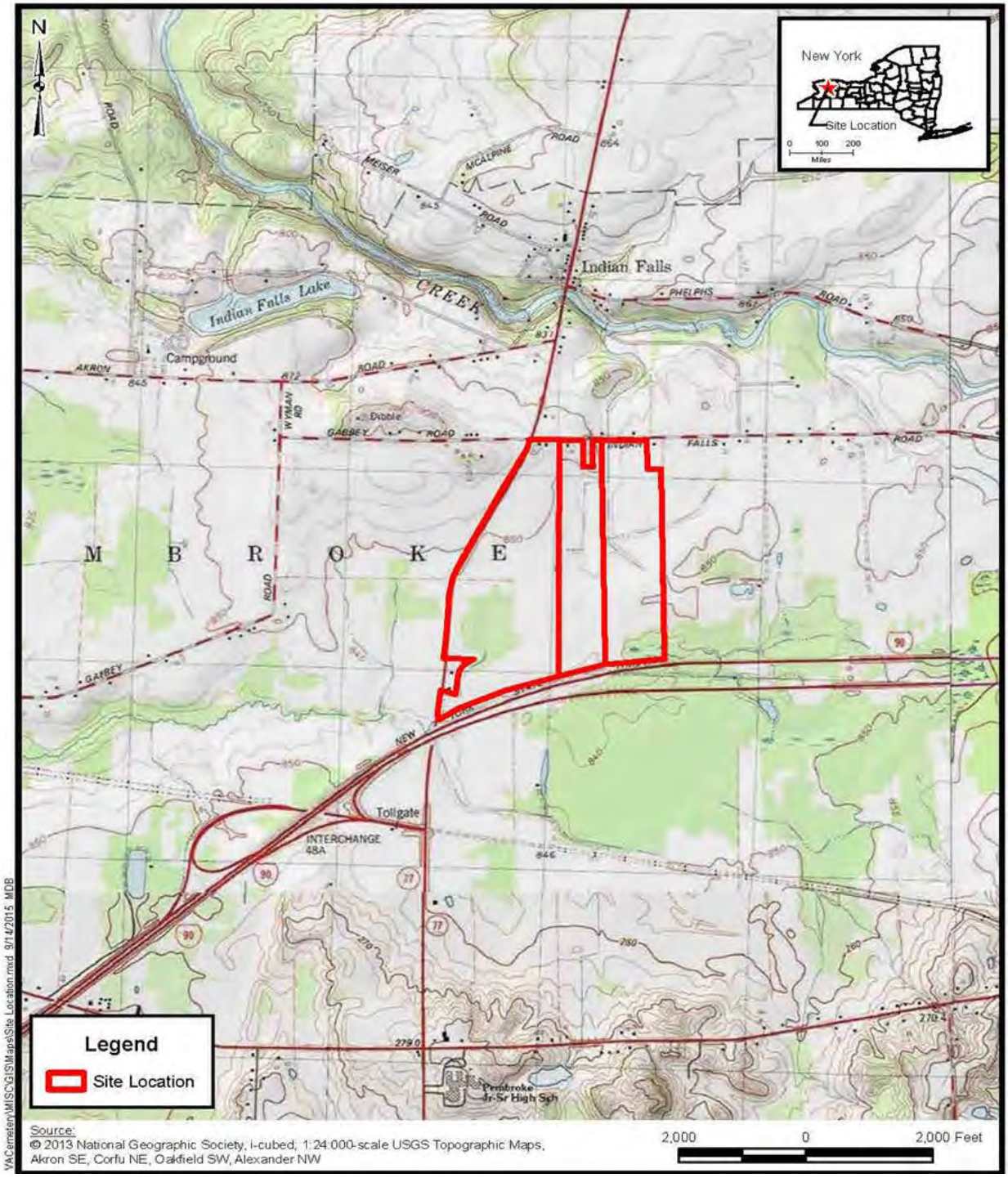
The Phase 1 cemetery would be an approximately 79-acre area and provide for 10 years of burial capacity including casket, columbarium, and in-ground cremation sites. The Phase 1 cemetery would also include a committal shelter, supporting infrastructure, parking, irrigation, landscaping, visitor amenities, and signage. The Phase 1 development includes the physical infrastructure needed for future potential cemetery development. Potential future cemetery development would be evaluated in 10-year phases, and separate NEPA analyses would be prepared in advance of each subsequent development phase.

The three alternatives analyzed in this SEA are:

- VA's ***Proposed Action*** to acquire the 60-acre and 77-acre parcels located immediately adjacent to the eastern boundary of the 132-acre parcel, and construct and operate Phase 1 cemetery on approximately 79 contiguous acres spanning portions of both the 132-acre and 60-acre parcels. Approximately 70 acres would be developed within the 132-acre parcel, and approximately 9 acres would be developed within the 60-acre parcel. The remainder of the 60-acre parcel and the 77-acre parcel would be available for potential future cemetery development. The Proposed Action would provide all facilities necessary to maintain and operate the cemetery and sufficient internment capacity for 10 years. The Proposed Action provides the physical infrastructure needed for potential future cemetery development.
- VA's ***Alternative Action*** to construct and operate Phase 1 cemetery within only the 132-acre parcel (i.e. do not acquire the adjacent 60-acre or 77-acre parcels). The Alternative Action would provide all physical infrastructure necessary to maintain and operate the cemetery and sufficient internment capacity for 10 years.

- The ***No Action*** alternative to not construct and operate the Western New York National Cemetery at this location under either design. Under the No Action alternative, a National Cemetery would remain unavailable in the Western New York region. Veterans and their families residing in western New York would continue to be underserved.

Figure 1-1. Site Location and Parcel Boundaries for the Proposed Western New York National Cemetery (from left: 132-, 60, and 77-acre parcels)



This site-specific analysis is conducted in accordance with the *National Environmental Policy Act* of 1969 (NEPA) (42 United States Code 4321 et seq.), the White House Council on Environmental Quality (CEQ) "Regulations Implementing the Procedural Provisions of NEPA" (40 Code of Federal Regulations [CFR] 1500–1508), VA's NEPA regulations titled "Environmental Effects of the Department of Veterans Affairs Actions" (38 CFR Part 26), and VA's *NEPA Interim Guidance for Projects* (VA, 2010). These requirements specify that VA must evaluate the potential environmental impacts of VA facilities, operations, and related funding decisions prior to taking action. VA must apply the NEPA review process and use the information to make an informed decision prior to undertaking a proposed action. An EA provides sufficient evidence and analysis for determining whether an action would cause significant environmental impacts (requiring an EIS) or the agency can issue a finding of no significant impact (FONSI) (40 CFR 1508.9). A FONSI is a decision document that briefly presents the reasons why an action would not have a significant effect on the human environment (40 CFR 1508.13). As required by NEPA and the implementing regulations from CEQ and VA, the alternative of taking no action is evaluated, providing a baseline for comparison of potential impacts from the action alternative(s).

This SEA tiers to selected portions of the broader Final PEA (VA, 2014) where the impacts of the broader analysis still remain valid for the site-specific design defined in the Master Plan 5 (MP5) dated February 9, 2016. This approach is in full compliance with CEQ Regulations that state that NEPA documents should be "analytic rather than encyclopedic" (40 CFR Part 1502.2a) and that scoping should be used to "identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (40 CFR Part 1506.3), narrowing the discussion of these issues in the statement [EA] to a brief presentation of why they would not have a significant effect on the human environment or providing a reference to their coverage elsewhere" (40 CFR Part 1501.7(a)(3)).

Accordingly, VA is using "Incorporation by Reference" per 40 CFR Part 1502.21 and "Tiering" per 40 CFR Part 102.20 to reduce the volume of this SEA, and relies on information previously developed and analyzed in the Final PEA (VA, 2014).

This SEA presents the purpose of and need for the Proposed Action and the project background (Chapter 1), provides details of the alternatives (Chapter 2), and describes the affected environment and evaluates the potential environmental consequences (Chapter 3). The remainder of the document provides a summary of agency coordination and public involvement (Chapter 4), best management practices and monitoring (Chapter 5), a list of preparers (Chapter 6), references (Chapter 7), and a glossary (Chapter 8).

1.1 Purpose and Need for the Proposed Action

The ***purpose*** of the Proposed Action is to enable the NCA to provide eligible Veterans and their families with a National Cemetery of sufficient size and capacity to serve the projected needs in the Western New York region for the next 10 years.

The Proposed Action is ***needed*** to meet the NCA's goal of providing eligible Veterans with reasonable access to VA burial options.

1.2 Project Background and Existing Site Details

Project Background

On May 9, 2014, the VA finalized the PEA, which evaluated the beneficial and adverse effects of creating a new National Cemetery at three different sites in western New York (VA, 2014). The PEA identified the 132-acre parcel at 1232 Indian Falls Road, Pembroke, Genesee County, as the environmentally preferred alternative for the proposed Western New York National Cemetery, and concluded with a Finding of No Significant Impact (FONSI). The Final PEA, and the FONSI by reference, specified measures the VA would use to avoid, mitigate, and manage via Best Management Practices (BMPs) anticipated impacts on natural resources that could occur as a result of constructing and operating a "typical" National Cemetery at the 132-acre parcel. As a result of the Final PEA and FONSI, the VA purchased the 132-acre parcel on

May 30, 2014. The Final PEA and FONSI are provided in Appendix A. The reader is referred to those documents for additional background information.

Following acquisition of the 132-acre parcel, the VA proceeded with site-specific master planning to develop a suitable design for the Phase 1 cemetery within this boundary. The Phase 1 cemetery would be designed to provide for 10 years of burial operations including casket, columbarium, and in-ground cremation sites; and provide a committal shelter, supporting infrastructure, parking, irrigation, landscaping, visitor amenities, and signage. The Phase 1 cemetery would also provide the physical infrastructure needed for potential future cemetery development within the 132-acre parcel. Additionally, the VA incorporated to the extent practicable the avoidance, mitigation, and BMP measures as specified in the Final PEA and FONSI into the master planning process for developing design alternatives for the Phase 1 cemetery within the 132-acre parcel.

During the master planning process for designing the Phase 1 cemetery within the 132-acre parcel, the VA drafted several designs, eliminating all but the one design that both met the NCA requirements and had the least potential to adversely impact natural resources.

However, during this Phase 1 master planning process, the VA recognized that the 132-acre parcel did not offer a suitable entrance to the proposed National Cemetery; the entrance would have to be along the heavily travelled Alleghany Road rather than Indian Falls Road. During this same time, the 60-acre and 77-acre parcels located immediately adjacent to the eastern boundary of the 132-acre parcel became available for sale. The VA recognized that if the 60-acre and 77-acre parcels were acquired, it would allow the proposed National Cemetery entrance to be located along Indian Falls Road, and the Phase 1 cemetery could be constructed over a contiguous 79-acre area spanning portions of both the 132-acre and 60-acre parcels; the majority of the 60-acre parcel and the entirety of the 77-acre parcel would be available for potential future cemetery development. Additionally, this new design alternative would cause fewer potential adverse impacts on natural resources than at the 132-acre parcel.

Accordingly, the VA incorporated this new design alternative into the master planning process and subsequently identified the final MP5 design as the VA's preferred alternative—and therefore, the Proposed Action—evaluated in this SEA. As previously described, this SEA also evaluates the Alternative Action, which calls for constructing and operating the Phase 1 cemetery within only the 132-acre parcel (i.e. the 60- and 77-acre parcels would not be acquired). The No Action alternative, to avoid constructing or operating the National Cemetery under either design, is also evaluated in this SEA.

Existing Site Details

The 132-acre parcel consists of a large reverting (successional) agriculture field in the north section, a forested complex in the central and western sections, a reverting old field (saturated soils) in the east central section, and old reverting fields and shrublands in the southern section. Historically, the 132-acre parcel has been used primarily for agricultural purposes. Field evidence including size and abundance of shrubby vegetation, suggests the agriculture fields in the north, central, and southeastern sections of the site have been fallow for approximately 5-8 years.

Two small residences are located adjacent to the southwest section of the 132-acre parcel, between the parcel and Allegany Road (NYS Route 77).

The 132-acre parcel topography is relatively flat at 840-850 feet above mean sea level (amsl). The parcel is bounded by Allegany Road to the west, Indian Falls Road to the north and New York State (NYS) Thruway I-90 to the south. To the east of the 132-acre parcel is the 60-acre parcel, and the 77-acre parcel is to the east of that.

The 60-acre parcel is predominately successional old field transitioning to shrubland with minor areas of forested growth. It is relatively flat with an approximate elevation ranging from 842-868 feet amsl (Empire Geo-Services, 2015). A single family residence and dilapidated barn are present on the northwestern

portion of the 60-acre parcel. The Indian Falls Cemetery, approximately 1.2 acres in size, juts into the northern portion of the 60-acre parcel, but is not part of the 60-acre parcel. The 77-acre parcel contains two (2) agriculture fields (corn and carrots) and a shrub/forest mixed area in the south and central section. There is a large swale, classified as an intermittent stream, running through the middle of (east to west) the 77-acre parcel; the swale then runs north along the western border of the 77-acre parcel, then travels under Indian Falls Road and eventually into Tonawanda Creek. The 77-acre parcel is relatively flat with an approximately elevation of approximately 862 feet amsl (Great Lakes, 2015). Mixed residential/agricultural land is present to the east of the 77-acre parcel. Both the 60- and 77-acre parcels are bounded by Indian Falls Road to the north and NYS Thruway I-90 to the south.

The presence and distribution of local vegetative communities is attributable to the socioeconomic development within the rural residential and agricultural landscape of the Town of Pembroke. The dispersion and density of land cover within this area is indicative of adjacent land use, development, and existing natural resources. The Town of Pembroke is predominantly farmland and an upland forest/wetland mosaic with some residential and commercial areas.

1.3 Decision-Making

This SEA has been prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic effects associated with VA's proposed construction and operation of the Phase 1 portion of the Western New York National Cemetery at 1232 Indian Falls Road, Town of Pembroke, Genesee County, New York. As previously described, this SEA analyzes the Proposed Action, the Alternative Action, and the No Action alternative. As previously described, this SEA tiers to the Final PEA (VA, 2014) where the Final PEA conclusions for the broader action still remain valid for the site-specific action based on the site-specific MP5 design for the National Cemetery. Otherwise, this SEA includes the necessary analysis to address and support decision making for this site-specific design.

The VA, as a federal agency, is required to incorporate environmental considerations into its decision-making process for the actions it proposes to undertake. This is done in accordance with the regulations and guidance identified in Section 1.0. This SEA:

- informs the public of the possible environmental impacts of the Proposed Action and its considered alternatives, as well as methods to reduce these impacts
- provides for public, state, inter-agency, and tribal input into VA's planning and evaluation
- documents the NEPA process
- supports informed decision-making by the federal government

The decision document for this proposed federal undertaking also identifies the actions to which VA would commit to minimize environmental effects, as required under NEPA, its implementing regulations from CEQ (40 CFR 1500–1508) and VA (38 CFR Part 26), and VA's NEPA guidance (VA, 2010).

The decision to be made is whether—having considered the potential physical, environmental, cultural, and socioeconomic effects—VA should implement the Proposed Action including, as appropriate, measures to reduce adverse effects.

2 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

NEPA, and the regulations of CEQ and VA for implementing NEPA, require all reasonable alternatives to be rigorously explored and objectively evaluated. Accordingly, this chapter summarizes the process used to develop alternatives and provides a description of the subsequently selected Proposed Action and its alternatives, as well as alternatives considered but ultimately eliminated from further analysis, and the reasons for elimination.

2.1 Description of Proposed Action and Alternatives

Alternatives were developed during the master planning process for designing the Phase 1 portion of the proposed Western New York National Cemetery. As part of this process, NCA worked with an architecture-engineering consultant to consider options for layout of the site-specific Phase 1 cemetery elements, identifying a concept for each alternative that efficiently developed the available area, complemented existing area aesthetics, and minimized adverse impacts to the environment. The master planning process considered the findings of site-specific studies, including but not limited to wetland and biological surveys, traffic studies, geotechnical analyses, and cultural resource investigations, as well as input received from regulatory agencies and the public during a scoping meeting held on September 8, 2015 (described in Section 4.3). As a result, the master planning process sought to develop alternatives with the best design and location for constructing and operating the Phase 1 cemetery within the 132-acre parcel alone, or a combination of the 132-acre parcel and the adjacent 60-acre parcel. Additionally, alternatives considered the best alignment for the physical infrastructure (roads, grading, utilities, etc.) needed to provide the foundation from which potential future phases of cemetery development could be expanded. It is noted that the VA will perform separate NEPA analyses for and prior to any potential future cemetery expansion occurring beyond the Phase 1 cemetery design evaluated in this SEA.

2.2 Alternatives

The alternatives evaluated in this SEA are the Proposed Action, the Alternative Action, and No Action. The No Action alternative serves as the baseline for identifying the impacts from the Proposed Action and Alternative Action.

2.2.1 Proposed Action: Acquire the Adjacent 60- and 77-Acre Parcels, and Construct and Operate the Phase 1 Western New York National Cemetery Across the 132-Acre and 60-Acre Parcels

Under the Proposed Action, the VA would acquire the 60-acre and 77-acre parcels located immediately adjacent to the eastern boundary of the 132-acre parcel. The Phase 1 cemetery would then be constructed and operated across a contiguous area spanning portions of both the 132-acre and 60-acre parcels, and the entrance to the proposed National Cemetery would be located along Indian Falls Road. Figure 2-1 depicts the Proposed Action (identified in the legend as *Phase 1A* and *1B*). The Phase 1 cemetery development would encompass approximately 79 acres: of this, approximately 70 acres are within the 132-acre parcel, and approximately 9 acres are within the 60-acre parcel. The remainder of the 60-acre parcel and the entirety of the 77-acre parcel would be available for potential future cemetery development. The Proposed Action (Phase 1 cemetery) would provide for 10 years of burial operations including casket, columbarium, and in-ground cremation sites; and provide a committal shelter, supporting infrastructure, parking, irrigation, landscaping, visitor amenities, and signage. The need for future phases of cemetery development would be evaluated approximately every 8-10 years; separate NEPA analyses would be prepared for and in advance of any potential future cemetery development phase.

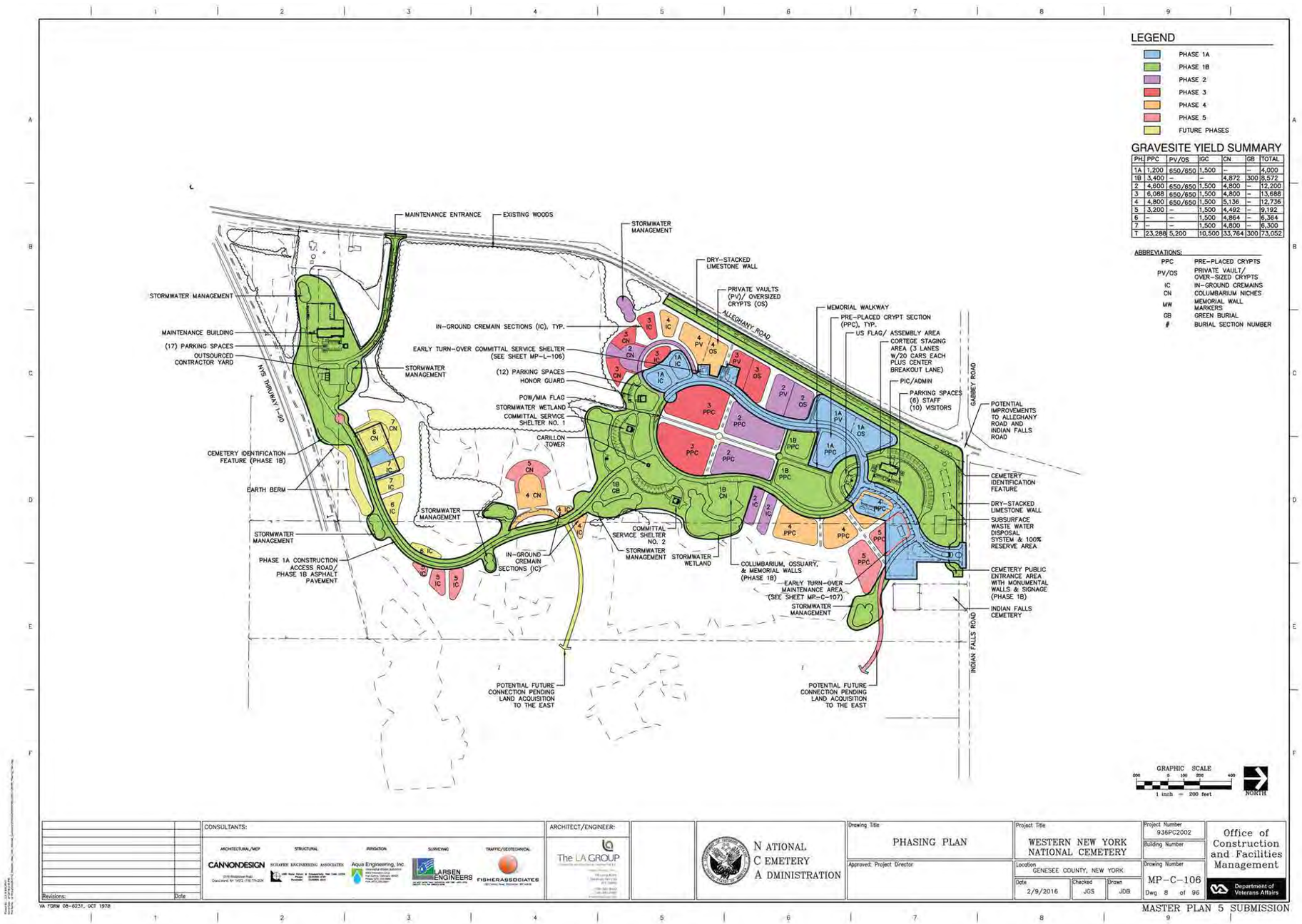
The Proposed Action would include the following elements:

- **Early Turn-Over:** The Early turn-over would be the first stage of Phase 1 cemetery development. This consists of areas to be developed and made accessible for use while further construction is underway for the remaining elements of the Phase 1 cemetery.

- **Interment Areas:** Burial sections, including Early turn-over area
  - Casketed Remains:
    - Approximately 4,600 pre-placed crypt full casket gravesites; 3' x 8' plot size
  - Private Vault/Oversized Casket Burial Section; 4'x10' plot size:
    - Approximately 650 oversized pre-placed crypt full casket gravesites
    - Approximately 650 in-ground traditional full casket gravesites (to accommodate private vaults) with headstone support beam system
  - Cremated Remains:
    - Approximately 1,500 in-ground cremains
    - Approximately 4,872 columbarium niches
  - Hybrid Natural Burial
    - Approximately 300 gravesites

- **Infrastructure and Additional Program Elements:**
  - Administration/Public Information Center Building (approximately 5,200 gross square feet [gsf]) with Electronic Gravesite Locator (kiosk), Public Restrooms, security system and associated parking for 6 staff and 10 visitors
  - Maintenance Complex (approximately 7,700 gsf) with Buildings, Service Yard, associated parking, and security system
  - Honor Guard Building (approximately 1,200 gsf) with lounge/gun cleaning area, restrooms, rifle storage/safe area, and associated parking for 12 volunteers
  - Cortege Staging Area (3 lanes with space for 20 cars each, plus breakout center lane)
  - Memorial Walls (2)
  - Committal Service Shelters (2)
  - Memorial Walkway/Donation Area
  - Carillon Tower (to be donated in the future)
  - Entrance Area and Paved Roadway
  - Maintenance Access Road
  - Flag/Assembly Area
  - Earthen Berms
  - Site Furnishings, Receptacles, Signage
  - Grading, Drainage (stormwater management area ponds)
  - Landscaping with Native Vegetation
  - Irrigation System
  - Subsurface Wastewater Disposal System & 100% Reserve Area
  - Utility Distribution Systems, including off-site infrastructure, if necessary, to bring utilities to the site (water, electric, telecommunications).
  - Incorporate Guiding Principles for High Performance and Sustainable Buildings MOU and Renewable Energy Initiatives. LEED and Green Globe requirements may be used to improve sustainability and reduce energy usage. Admin/PIC building will be LEED Silver.
  - Protected Habitat Preservation, Wetlands, and Mitigation
  - Global Positioning System (GPS) Site Integration
  - Night-time Lighting (around flagpole, entrance, and security lighting around buildings)
  - Stone wall (along portion of Alleghany Road)
  - Vegetation Buffers (along Alleghany and Indian Falls Roads)

Figure 2-1. Conceptual Layout of the Proposed Action



The following paragraphs summarize major design elements considered in the Proposed Action.

Avoidance of Environmentally Sensitive Areas. Based on the MP5 design (LAG, 2016), VA has designed the National Cemetery to avoid on-site jurisdictional wetlands/"Waters of the US", including appropriate buffers around these areas, to the greatest extent possible; under the Proposed Action, approximately 0.74 acres of total wetland disturbance is anticipated. Unavoidable impacts to jurisdictional wetlands will be offset through the VA's purchase of wetland mitigation credits. The VA also has designed the National Cemetery to retain and maintain as many healthy, mature, native trees as possible: under the Proposed Action approximately 1.26 acres of trees would be cleared on the 132-acre parcel, 0.20 acres on the 60-acre parcel, and no tree clearing would be necessary on the 77-acre parcel. Additionally, the VA intends to avoid impacting wetlands and limit tree clearing during any potential future cemetery development phases.

Proposed Use Levels. Upon completion of the Phase 1 cemetery, the National Cemetery would typically be used every day throughout the year. Approximately 110 visitors could be expected on a daily basis. On weekdays, six (6) administrative and 17 maintenance staff (VA employees) would be present on-site (LAG, 2015). Based on the MP5 burial program for the Phase 1 cemetery, the VA anticipates up to approximately six funeral processions (average 15 cars per procession), between 9:00 AM and 3:00 PM, Monday through Friday, generating approximately 170 vehicle trips per day (LAG, 2016). The cemetery would be closed to the public at night.

Stormwater Management. The Proposed Action would create approximately 383,000 square feet of new impervious surfaces (LAG, 2015). To accommodate this and other known storm water management issues at the site, VA plans to design and construct up to 10 active (wet) storm water retention ponds as part of the Phase 1 cemetery development (LAG, 2015).

As part of the design process, VA would specifically comply with the USEPA's Technical Guidance on Implementing the Stormwater Run-off Requirements for Federal Projects under Section 438 of the EISA (USEPA, 2009).

Utility Requirements - Electricity, Natural Gas, Telecommunications, Septic Sewer, and Potable and Irrigation Water Supply. Operation of the proposed National Cemetery would require consumption of utilities from municipal and private suppliers. Local utilities would provide electricity, natural gas, telecommunications, and water (potable and irrigation uses) to the cemetery. Existing infrastructure connections are available along Alleghany Road for potable water, telecommunications, electrical, and natural gas. Sanitary septic sewerage is not available from local utility providers. Accordingly, an underground septic system holding tank with an on-site leach field would be installed to support sanitary sewerage needs.

Based on the MP5 design irrigation plan, the Phase 1 cemetery includes approximately 23.6 acres of irrigated landscaping. The estimated watering needs for this area is approximately 107,800 gallons per day (GPD) at peak season and 6.77 million gallons (MG) annually. The irrigation water would be supplied by the municipal utility.

Sustainability Considerations. Cost-effective energy conserving features would be incorporated into the National Cemetery's design, including energy management control systems and high-efficiency motors; lighting; and heating, ventilation, and cooling (HVAC) systems (LAG, 2015). The proposed facilities would be designed to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification, utilizing the LEED 2009 New Construction and Major Renovations standards. (The LEED Green Building Rating System, developed by the US Green Building Council (USGBC), provides a suite of standards for environmentally sustainable construction.) In accordance with VA's sustainability principles and applicable requirements, the proposed facilities would be designed and constructed to comply with current and emerging Green Infrastructure/Low-Impact Development (GI/LID) requirements of Federal proposed actions, including Executive Order (EO) 13423: Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007); EO 13514: Federal Leadership in Environmental, Energy,

and Economic Performance (October 5, 2009); Section 438 of the Energy Independence Security Act (EISA) (March 3, 2007); and the Energy Policy Act (EPAct) of 2005 (August 8, 2005).

The VA will also consider to the extent practicable the sustainability tools provided by the Green Burial Council (greenburialcouncil.org), as well as the VA's own directives on implementing sustainable burial practices (currently under development).

2.2.2 Alternative Action: Construct and Operate the Phase 1 Portion of the Western New York National Cemetery Within Only the 132-Acre Parcel

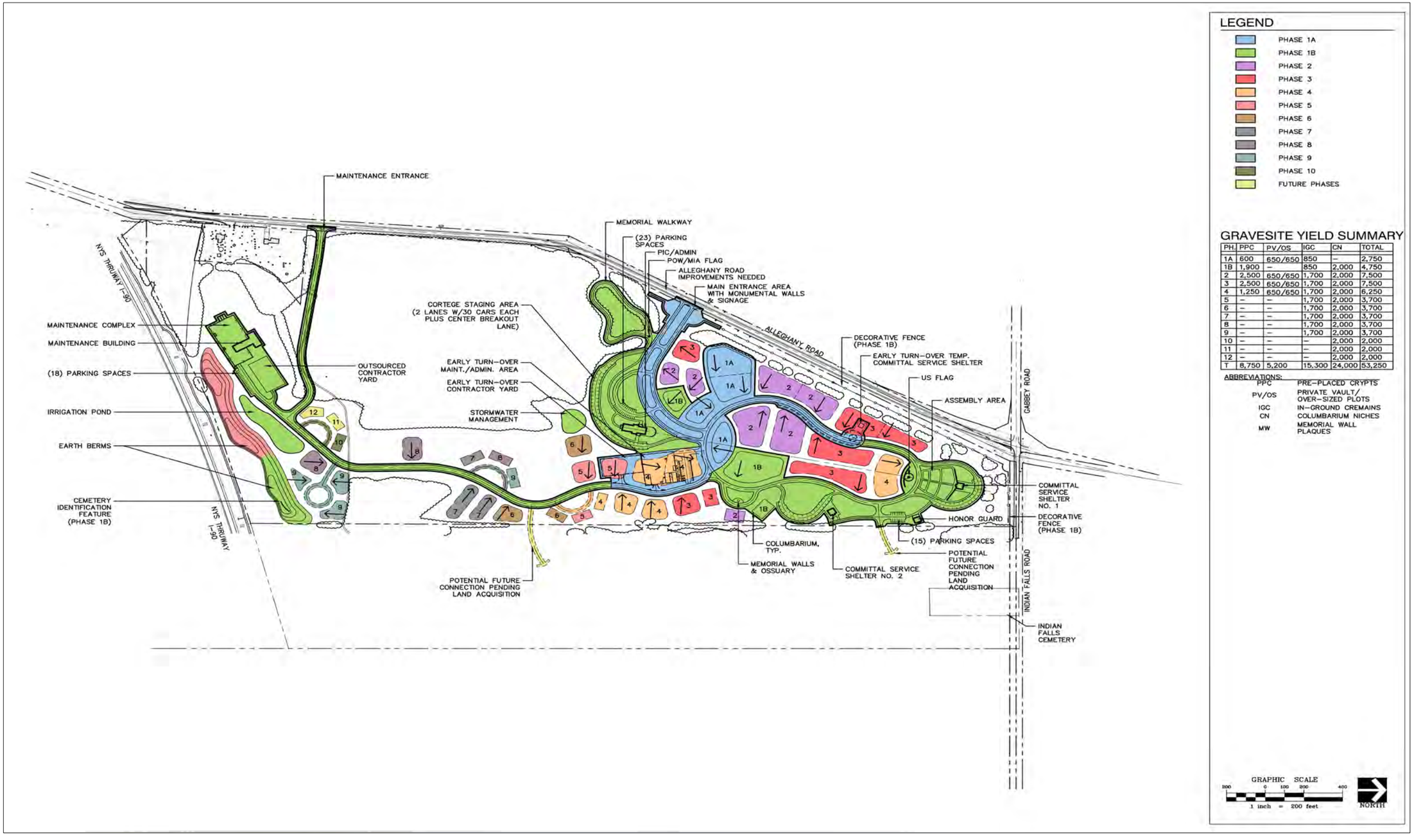
Under the Alternative Action, the VA would construct and operate the entirety of the Phase 1 cemetery within only the 132-acre parcel (i.e. the VA would not acquire the adjacent 60-acre or 77-acre parcels). The entrance to the proposed National Cemetery would be along the highly trafficked Alleghany Road. Figure 2-2 depicts the conceptual layout of the Alternative Action.

Similar to the Proposed Action, the Alternative Action would provide for 10 years of burial operations including casket, columbarium, and in-ground cremation sites; and provide a committal shelter, supporting infrastructure, parking, irrigation, landscaping, visitor amenities, and signage. The need for future phases of cemetery development would be evaluated approximately every 8-10 years; separate NEPA analyses would be prepared at the time each future phase is considered.

The Alternative Action would include the same elements at the Proposed Action, but the design would be modified to accommodate a layout limited to the 132-acre parcel. The major design elements of the Alternative Action that differ from the Proposed Action are described in the following list:

- Main entrance located on Alleghany Road
- Two stormwater retention ponds
- Location and layout of buildings and roadways within the Phase 1 cemetery area
- Approximately 0.95 acres of wetland disturbance and approximately 1.26 acres of tree clearing

Figure 2-2. Conceptual Layout of the Alternative Action



2.2.3 No Action

The No Action alternative serves as a benchmark against which the effects of the Proposed Action and the Alternative Action can be evaluated, as required under the CEQ Regulations (40 CFR Part 1502.14). For this project, No Action is defined as not implementing either the Proposed Action or the Alternative Action.

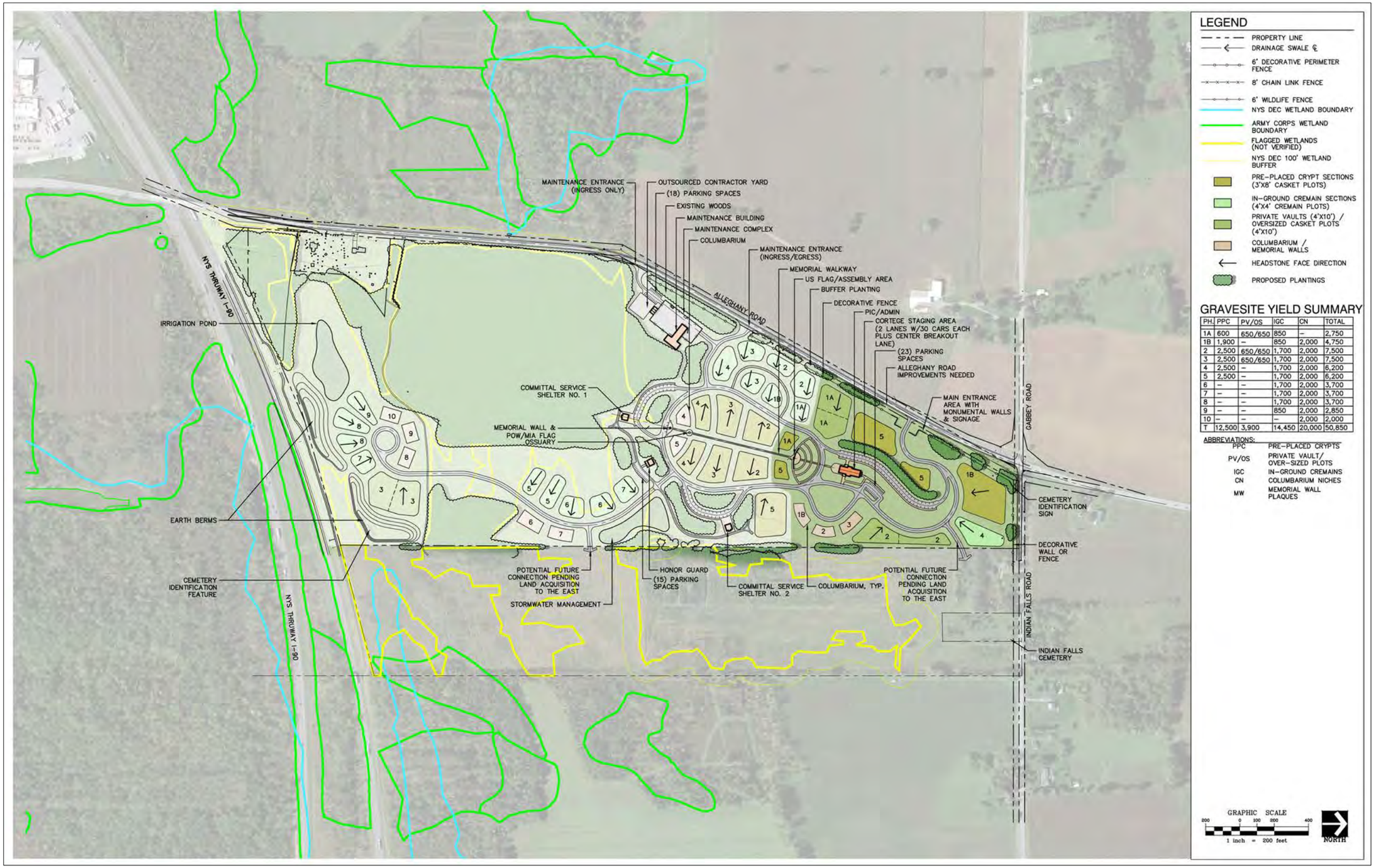
The No Action alternative would challenge NCA's goal of providing eligible Veterans and their family members with reasonable access to VA burial options in western New York and, therefore, would not meet the purpose of and need for action. Veterans and their families residing in western New York would be underserved in the future; in many cases, this would require Veterans and their families to travel farther to another available National Cemetery or to use a private cemetery. The distribution of National Cemeteries in the region would be unequal, and VA would not be in compliance with the requirements of the *Service Members Civil Relief Act*. Furthermore, the No Action alternative would create a hardship for the survivors attending the funerals and for grave visitations of deceased Veterans interred in other National Cemeteries, because of the distances between homes and the burial sites. If Veterans and their families must resort to private burials, they are deprived of the honor and privilege bestowed upon them by a grateful nation for their service to their country.

2.3 Alternatives Identified But Not Evaluated In Detail

During development of the master plan, several design alternatives were considered for the 132-acre parcel when, at that time, the 132-acre parcel was the only area under consideration for the proposed National Cemetery. Accordingly, several modified site layout concepts were identified for the 132-acre parcel, but were ultimately rejected and not evaluated in detail. These modified concepts for the 132-acre parcel included locating the maintenance building near the northern border of the parcel, locating the maintenance road entrance nearer to the central western border along Alleghany Road, and different placement of stormwater management/irrigation ponds. A modified layout of the **Alternative Action** (development of only the 132-acre parcel) that was identified but not evaluated in detail is provided in Figure 2-3.

The master planning process for the subsequent **Proposed Action** (acquisition of the 60- and 77-acre parcels; develop of Phase 1 on the 132- and 60-acre parcels) did not result in substantively different modified layout concepts; accordingly, no other alternative designs for the Proposed Action (as depicted in Figure 2-1) were identified.

Figure 2-3. Modified Layout of the Alternative Action Identified but Not Analyzed in Detail



PH.	PPC	PV/OS	IGC	CN	TOTAL
1A	600	650/650	850	–	2,750
1B	1,900	–	850	2,000	4,750
2	2,500	650/650	1,700	2,000	7,500
3	2,500	650/650	1,700	2,000	7,500
4	2,500	–	1,700	2,000	6,200
5	2,500	–	1,700	2,000	6,200
6	–	–	1,700	2,000	3,700
7	–	–	1,700	2,000	3,700
8	–	–	1,700	2,000	3,700
9	–	–	850	2,000	2,850
10	–	–	–	2,000	2,000
T	12,500	3,900	14,450	20,000	50,850

3 AFFECTED ENVIRONMENT and ENVIRONMENTAL CONSEQUENCES

3.1 Aesthetics

3.1.1 Existing Environment

A combination of natural and built features influence and contribute to the aesthetic environment of an area. Natural features may include topography and vegetation, which themselves may have been altered over time by human action, while built features can include buildings and other constructed elements. Beneficial or adverse impacts may occur depending on how changes to the existing aesthetic environment are perceived by human receptors, which can include visitors and residents living adjacent to and in vicinity of the area.

The existing topography across the three parcels is relatively flat, ranging from approximately 840-870 feet amsl (FoitAlbert, 2014). All three parcels slope gradually from the north to the south (AECOM, 2015). Figure 3-1 depicts the boundaries of the three parcels at the site.

The presence and distribution of local vegetative communities at the site is attributable to the socioeconomic development within the rural residential and agricultural landscape of the Town of Pembroke. The dispersion and density of land cover within this area is indicative of adjacent land use, development, and existing natural resources. The Town of Pembroke is predominantly farmland and an upland forest/wetland mosaic with some residential and commercial areas.

132-Acre Parcel

The 132-acre parcel consists of a large reverting (successional) agriculture field in the north section, a forested complex in the central and western sections, a reverting old field (saturated soils) in the east central section, and old reverting fields and shrublands in the southern section. Historically the 132-acre parcel has been used primarily for agricultural purposes. Field evidence including size and abundance of shrubby vegetation, suggests the agriculture fields in the north, central, and southeastern sections of the site have been fallow for approximately 5-8 years.

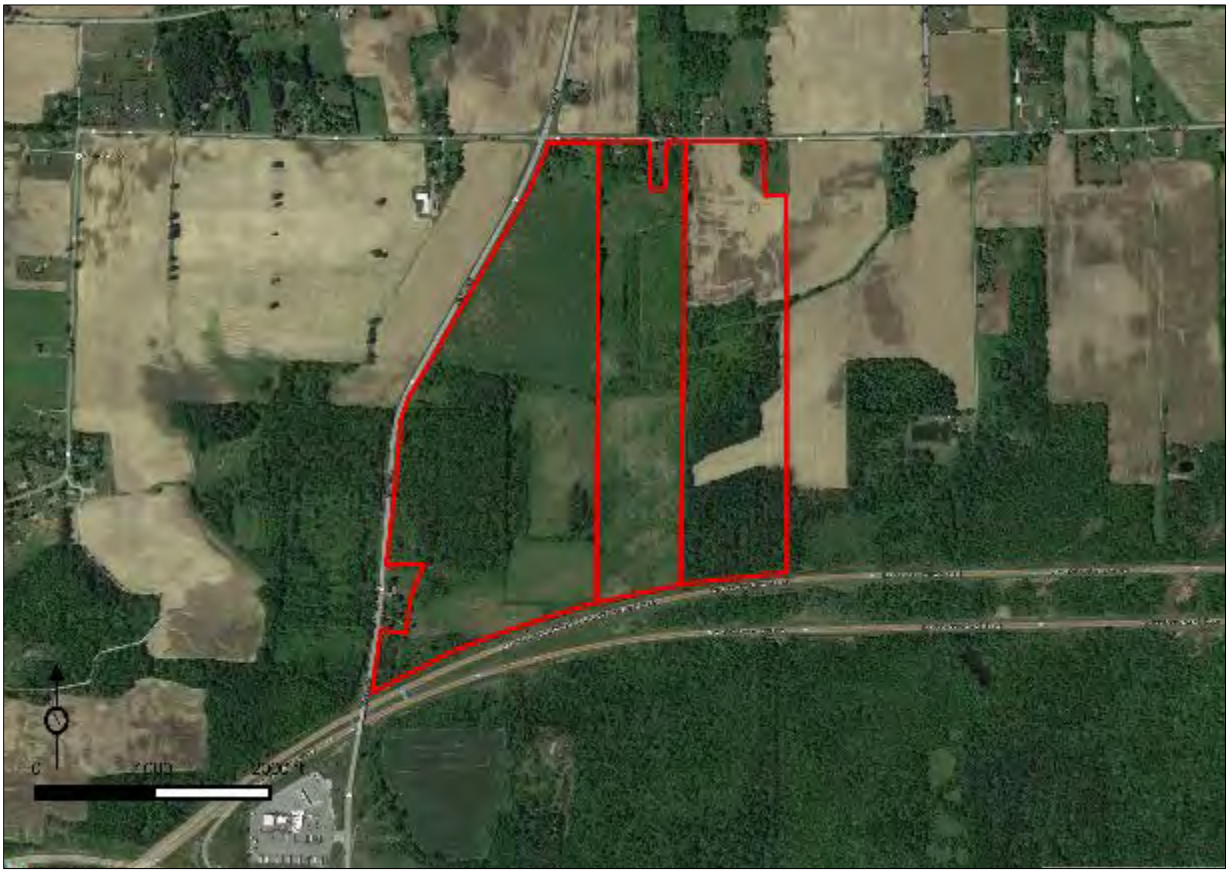
Two small privately-owned residences are located adjacent to the southwest section of the 132-acre parcel, between the parcel and Allegany Road.

60-Acre and 77-Acre Parcels

The 60-acre parcel is predominately successional old field transitioning to shrubland with minor areas of forested growth. The 60-acre parcel was utilized as a farm as early as 1874 and operated as a farm until approximately the 1990s (GZA, 2014). A single family residence constructed in 1915 and a dilapidated wooden barn constructed in 1890 and shed are present on the northwestern portion of the parcel (GZA, 2014). The residence, barn and shed would be razed under the Proposed Action. The Indian Falls Cemetery, which is approximately 1.2 acres in size, extends into the northern portion of the 60-acre parcel (the Indian Falls Cemetery is not part of the 60-acre parcel). The Indian Falls Cemetery is accessed from Indian Falls Road. The 60-acre parcel is bounded by Indian Falls Road to the north, NYS Thruway I-90 to the south, the 132-acre parcel to the west, and the 77-acre parcel to the east. A buried natural gas line and fixtures owned by US Gypsum is present on portion of the 60- and 77-acre parcels. The line and fixtures will be removed by US Gypsum under the Proposed Action.

The 77-acre parcel contains two (2) agriculture fields (corn and carrots) and a shrub/forest mixed area in the south and central section. There are no residences on the 77-acre parcel. There is a large swale, classified as an intermittent stream, running through the middle of (east to west) the 77-acre parcel; the swale then runs north along the western border of the 77-acre parcel, then travels under Indian Falls Road and eventually into Tonawanda Creek. The 77-acre parcel is bounded by Indian Falls Road to the north, NYS Thruway I-90 to the south, the 60-acre parcel to the west, and mixed residential/agricultural land to the east.

Figure 3-1. Three parcels comprising the site (from left: 132-, 60-, and 77-acre parcels)



3.1.2 Environmental Consequences

3.1.2.1 Proposed Action

Acquiring the 60- and 77-acre parcels would have no impact on aesthetics.

Construction. During the construction periods associated with the Phase 1 cemetery, there would be direct, short-term, less-than-significant adverse effects on aesthetics. The presence of construction-related equipment would disrupt the agricultural/rural appearance of the Site. Actual construction activities including excavation, grading, and vehicle travel on paved and unpaved surfaces could generate fugitive dust emissions that can lead to nuisance concerns, such as reduced visibility on nearby roadways. Construction grading would also remove vegetation, as well as exposing underlying soils.

Heavy equipment would also be used for grading and crypt placement and for the initial stages of building the structures and columbarium. The heavy equipment phase of construction is expected to require no more than a total of approximately 30 months (estimated construction period is approximately the summer of 2017 through the fall of 2019) and would not necessarily be one continuous period. The presence of heavy equipment and unfinished stages of site preparation and construction would temporarily impact the visual quality of the area for visitors to the Early turn-over portion of the Phase 1 cemetery. However, the remaining Phase 1 cemetery construction areas would be spatially separate from the Early turn-over area, and these construction activities would be conducted with sensitivity for memorial and interment services.

Construction would require removal of approximately 1.46 acres of trees; approximately 1.26 acres would be cleared primarily on the central portion of the 132-acre parcel, and 0.2 acres on the northwestern portion of the 60-acre parcel. Tree clearing activities would be conducted between October 1 and March 31, which

is outside of the Northern long-eared bats roosting/nesting season. This clearing period is recommended by the USFWS to avoid potential impacts to Northern long-eared bats, because during these cooler months Northern long-eared bats hibernate in caves and are not using trees.

Vegetation will be maintained between the residences located on the southwestern portion of the 132-acre parcel and the Phase 1 cemetery to further reduce visual impacts on these receptors from the National Cemetery.

These aesthetic and visual changes would be partially visible from Alleghany Road and Indian Falls Road, as well as from the residences located on the southwestern boundary of the 132-acre parcel. Therefore, with so few visual receptors and viewsheds, the construction impacts are considered to be temporary, minor, and not significant.

Operation. During operation of the Proposed Action, there would be direct, long-term, less-than-significant beneficial aesthetic effects on the local area of influence. The appearance of the project site would change from currently unmanaged grassland and wooded areas to a professionally landscaped National Shrine with a park-like setting, water features, and buildings designed in accordance with regionally-appropriate architectural features.

Operations within the cemetery would include routine and scheduled professional landscape maintenance to ensure the upkeep of the park-like appearance of the cemetery grounds and associated physical infrastructure (e.g. roads, buildings). Night-time lighting would be limited to illumination of the flagpole, the main entrance road, and security lighting around the buildings. This level of limited lighting is not anticipated to be visible beyond the cemetery border, with the exception of the entrance road lighting. Accordingly, the limited lighting is not anticipated to have a significant adverse impact on neighboring residential receptors.

Management practices to limit and further reduce these potential less-than-significant impacts are summarized in Section 5.0 in this SEA.

3.1.2.2 Alternative Action

No significant adverse impacts to aesthetics or visual character are expected from the Alternative Action.

Construction. Effects would be similar to those identified for the Proposed Action, except that the construction activity and changed visual character potentially would have greater visibility from outside the cemetery boundary along Indian Falls Road compared to the Proposed Action. However, the construction activities would be temporary, and the overall site appearance would be likely experienced as a neutral or positive change. Therefore, the changed aesthetics from offsite viewpoints are not considered to be adverse impacts.

Operation. Effects would be similar to those identified for the Proposed Action.

3.1.2.3 No Action

No changes to the aesthetic or visual character of the site would occur from the No Action. Therefore, there would be no impacts to aesthetics.

3.2 Air Quality

3.2.1 Existing Environment

3.2.1.1 Regional Climate

The air quality of the regional and local area of impact was described in the Final PEA (VA, 2014) and has not changed as of the date of this Draft SEA. As a tiered document, this SEA does not repeat detailed information regarding the regional and local air quality already presented in the Final PEA. A copy of the

Final PEA is provided in Appendix A. A summary of regional and local air quality information is provided in the following sections.

3.2.1.2 National Ambient Air Quality Standards (NAAQS)

As described in the Final PEA (VA 2014), the Site is located in the western portion of Genesee County, which is in full attainment with the National Ambient Air Quality Standards (NAAQS) for carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter (PM), and sulfur dioxide (SO_2) (NYSDEC 2014; http://www.dec.ny.gov/chemical/29318.html). Accordingly, a Conformity Determination is not required.

3.2.1.3 State and Local Air Quality Requirements

NYSDEC coordinates statewide air compliance and enforcement activities through the NYSDEC Air Quality Management Plan (AQMP). NYSDEC carries out both the State and Federal air pollution control and monitoring programs. During preparation of the Final PEA (VA 2014), the NYSDOT stated that the Proposed Action is not transportation related, and is therefore not subject to NYSDOT conformity regulations. In addition, the NYSDOT stated that a microscale air quality analysis was not required.

Genesee County does not have local ordinances pertaining to air quality standards, but is part of the New York State Region 8 Air Quality area (NYSDEC, 2014). The Town of Pembroke only maintains air quality through dust control as detailed in Section 507 (Commercial Excavation) of the Town of Pembroke Zoning Law (Town of Pembroke 2015).

3.2.1.4 Existing Emissions Sources

There are no existing emissions sources at the site. As of 2013, there are two regulated stationary emission sources in Genesee County: Batavia Power Plant, and US Gypsum Company Oakfield Plant (obtained June 1, 2015: http://www.dec.ny.gov/chemical/99760.html#Genesee).

3.2.1.5 Sensitive Receptors

The CEQ NEPA regulations require evaluation of the degree to which the proposed action affects public health (40 CFR 1508.27). Children, elderly people, and people with illnesses are especially sensitive to the effects of air pollutants; therefore, hospitals, schools, convalescent facilities, and residential areas are considered to be sensitive receptors for air quality impacts.

No schools or hospitals are located within 0.5 mile of the Proposed Action site. The nearest school, Pembroke High School (8750 Alleghany Road, Pembroke, NY), approximately 2 miles south of the site, and the nearest hospital, Genesee Memorial (Batavia, NY) is approximately 15 miles from the site (NEPAssist, 2015).

Sensitive air quality receptors in the vicinity of the site are limited and include a residences located to the north, east, and west of the site. Two residences are located immediately adjacent to the southwestern portion of the 132-acre parcel, and one residence on the northwestern portion of the 60-acre parcel.

No other sensitive air quality receptors were identified.

3.2.2 Environmental Consequences

3.2.2.1 Proposed Action

Acquiring the 60- and 77-acre parcels would have no impact on air quality.

Construction. Under the Proposed Action, the construction period would include approximately 30 months (about summer of 2017 through fall of 2019) of earthwork activities associated with excavation and

grading, and construction of roadways and buildings described for the Proposed Action (LAG, 2015). Particulates are the main air pollutant of concern from construction projects. As described in Section 5.0, project construction activities would comply with state requirements (NYS Standards and Specification for Erosion and Sediment Control, Section 5A.87, Dust Control; NYSDEC, 2005) by implementing reasonably available control measures (generally including water or chemical dust suppression) to prevent fugitive dust from becoming airborne. Still, construction activities would generate both coarse and fine particulate emissions from soil excavation and removal, grading and sloping, and small-scale road construction. The amount of particulate emissions can be estimated from the amount of ground surface exposed, the type and intensity of activity, soil type and conditions, wind speed, and dust control measures used. Total suspended particulates were calculated using the emission factor for heavy construction activity operations from "AP-42, Compilation for Air Pollutant Emission Factors" (USEPA, 1995), to provide a conservative estimate of PM emissions. Estimates are shown in Table 3-1.

Table 3-1. Estimate of Annual Non-Road Emissions of Criteria Pollutants During Construction of the Proposed Action

Total Area (acres)	Exposed Area (acres)	Construction Duration (months)	Emission Factor (tons/acre/month)1	Control Efficiency (%)	Total Suspended Particulate Emissions (tons/year)
192	53	30	1.2	80	227.5

Notes:
1 - Emission factor for "Heavy Construction Operations" (USEPA, 1995)

Non-road construction vehicles would emit criteria pollutants during construction of the Phase 1 cemetery. Criteria pollution emissions from construction equipment were calculated assuming the use of six backhoes, two graders, and two bulldozers operating for approximately eight hours per day for a total of 390 weekdays. Emissions were estimated using "Off-Road – Model Mobile Source Emission Factors" from the California South Coast Air Quality Management District (SCAQMD, 2014) because New York and federal EPA emission factors are not available. Tables 3-2 through 3-5 show estimated annual emissions, projected equipment operating hours, and equipment emission factors, while Table 3-5 shows the total emissions for the 30-month construction period. Emissions of SOx, lead, NOx, and VOCs are below *de minimis* thresholds; therefore, a General Conformity determination is not required.

Table 3-2. Estimate of Annual Non-Road Emissions of Criteria Pollutants During Construction of the Proposed Action

Criteria Pollutant[1]	SO_x	NO_x	VOCs[3]	CO	Lead
Emissions (tons/year)[2]	0.018	12.3	1.6	7.8	0
***de minimis* level (tons/year)**	100	100	100	100	25

Notes:
1 - PM emissions from non-road construction vehicles are included in the general construction emissions factor applied in the estimates in Table 3-3, and therefore non-road emissions of PM are not included in this table.
2 - Calculated using "Off-road Mobile Source Emission Factors (Scenario Years 2007 – 2025) (SCAQMD 2014).
3 - VOCs are assumed to be equivalent to Reactive Organic Gases (ROG) for calculating non-road construction equipment emissions.

Table 3-3. Estimated Total Operational Hours for Construction Equipment

Equipment Type	Number	Hours/Day	Total Days	Total Hours
Grader	2	8	653	10,448
Tractors/Loaders/Backhoes	6	8	653	31,344
Rubber Tired Dozers	2	8	653	10,448

Table 3-4. SCAB Fleet Average Emission Factors (Diesel)

Chemical	ROG (lb/hr)	CO (lb/hr)	NOx (lb/hr)	SOx (lb/hr)	PM (lb/hr)	CO_2 (lb/hr)	CH_4 (lb/hr)
Graders	0.1197	0.5883	0.8866	0.0015	0.0441	133.0000	0.0108
Tractors/Loaders/Backhoes	0.0610	0.3689	0.4070	0.0008	0.0258	66.7979	0.0055
Rubber Tired Dozers	0.2591	0.9834	2.0891	0.0025	0.0858	239.0905	0.0234

Notes:
http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/off-road-mobile-source-emission-factors
Emission factor year 2016. Composite emission factor used.

Table 3-5. Total Criteria Pollutant Emissions from Non-Road Construction Vehicles

Chemical	Total Hours	ROG (total pounds)	CO (total pounds)	NOx (total pounds)	SOx (total pounds)	PM (total pounds)	CO_2 (total pounds)
Graders	10,448	1,250.6	6,146.5	9,263.2	15.7	460.8	1,389,584
Tractors/Loaders/ Backhoes	31,344	1,912.4	11,563.5	12,756.4	24.3	809.0	2,093,714
Rubber Tired Dozers	10,448	2,707.1	10,274.4	21,827.2	25.6	896.8	2,498,017
Total Pounds	--	5,870.2	27,984.5	43,846.7	65.6	2166.6	5,981,315
Total Tons	--	2.9	14.0	21.9	0.03	1.1	2,990

The Proposed Action would require raising the ground elevation in selected areas of the Phase 1 cemetery; approximately 304,185 cubic yards of soil fill would be imported to the site. This would require approximately 30,000 truck loads of soil (based on the approximate capacity of 16 cubic yards per truck) (LAG, 2016b). A borrow pit located approximately 30 minutes from the site has been identified as the source of fill for the Proposed Action. The estimated air emissions from this on-road activity, presented in Table 3-6, are less than those estimated from the non-road construction activities and would not significantly increase overall project air emissions. Therefore, construction of the Proposed Action would result in direct, short-term, less-than-significant impacts on air quality.

Table 3-6. Estimated On-Road Haul Truck Emissions for Construction of the Proposed Action

Chemical	ROG	CO	NOx	SOx	PM	CO_2
Emissions, lbs	143.8	368	1,246	5.3	85.4	550,245
Emissions, tons	0.00016	0.0004	0.001	<0.00001	0.0001	0.62

Notes:
1. Emission Estimation Method for Hauling Excavation Materials and Construction Supplies: United States Air Force (USAF) Institute for Environment, Safety and Occupational Health Risk Analysis (IERA) Air Emissions Inventory Guidance Document for Mobile Sources at Air Force Installations (Revised December 2013) (USAF 2013).
2. Emissions factors for all pollutants for Heavy Duty Diesel Vehicle Average Emission Factors (in USAF 2013).

Direct, short-term, adverse air quality impacts associated with construction would be less than significant and further minimized through dust control measures, construction scheduling, and vehicle speed limits. These minimization opportunities are described in Section 5.0.

Operation. Based on the MP5 design, during operation of the Phase 1 cemetery, sources of air emissions would include two natural gas-fueled standby generators, and from vehicles visiting the site. The two natural gas-fueled standby generators would be considered exempt from NYSDEC air permit requirements because they meet the criteria for "emergency power generating stationary internal combustion engine" (as defined in *Subpart 201-3.2: Exempt Activities; NYSDEC 2015).*

Although the Proposed Action would result in an increase of approximately 75 vehicles per day to the local

area compared to the No Action alternative, the Proposed Action would result in fewer overall vehicle emissions in the region because Veterans and their families would not be required to travel as far to reach other National Cemeteries throughout New York. Though considerably minor, this reduction in distance traveled would have a long-term, less-than-significant beneficial impact on overall regional air emissions.

Therefore, operation of the Proposed Action would result in long-term, less-than-significant beneficial impacts on air quality.

3.2.2.2 Alternative Action

The Alternative Action will require a similar amount of development as the Proposed Action, except all of the development will occur on the 132-acre parcel. Accordingly, the air emissions from the Alternative Action would be similar to those of the Proposed Action. Direct, short-term, adverse air quality impacts associated with construction would be less than significant and further minimized through dust control measures, construction scheduling, and vehicle speed limits. These minimization opportunities are described in Section 5.0.

Overall, direct, short-term and long-term air quality impacts from construction and operation, respectively, would be less than significant.

3.2.2.3 No Action

Under No Action, the National Cemetery would not be constructed; therefore, no significant adverse air quality impacts would result at the site. However, greater vehicle emissions would be generated in the region by visitors' vehicles because Veterans and their families would be required to travel greater distances to other National Cemeteries in New York.

3.3 Cultural Resources

Cultural resources include both historic and prehistoric archaeological resources, as well as historic structures in the built environment. This impact analysis focused on sites and structures listed in, or eligible for nomination to, the National Register of Historic Places (NRHP), and the regulations (36 CFR Part 800) for implementing Section 106 of the *National Historic Preservation Act* of 1966.

3.3.1 Existing Environment

As identified in the Final PEA (VA, 2014), a Phase I Cultural Resource Investigation was conducted in 2012 followed by a Phase II Archeological Investigation in the spring of 2013. Based on the combined findings of the Phase I and II archaeological survey, the VA and the New York State Office of Parks, Recreation and Historic Preservation (NYOPRHP) agreed that a Phase III Data Recovery investigation of the Indian Falls VA Precontact Site (A031712.000035) would be required. A Memorandum of Agreement (MOA) between the VA, NYOPRHP, Tonawanda Seneca Nation (TSN) and the Estate of Leroy Veenedhaal (former owner of the 132-acre parcel) was signed on May 29, 2014, which contained a plan for conducting the Data Recovery investigation of the archaeological site. The MOA also contained several stipulations for archaeological monitoring during construction. A copy of the MOA is provided in Appendix A.

The Phase III field investigation of the 132-acre parcel was completed in 2015. Findings include precontact (prehistoric) lithic artifacts (projectile points and point fragments) and black soil anomalies and charcoal suggesting hearth features. The Data Recovery findings were discussed with the NYOPRHP, TSN, and the Estate of Leroy Veenedhaal, and all parties agreed that the research potential of the site had been achieved and no further investigation would be necessary. The Data Recovery Report has been approved by NYOPRHP. According to the terms of the aforementioned MOA, all artifacts currently held by the VA will be delivered to the TSN.

A Phase IB archaeological survey was also conducted in 2015 on the 60-acre and 77-acre parcels included

in the Proposed Action, and a Building-Structure Inventory Form was submitted for the structures standing in the northwest corner of the 60-acre parcel (TetraTech, 2015). Historic archaeological deposits were reported in the northwest corner of the 60-acre parcel and prehistoric archaeological deposits were reported in both areas. The historic archaeological site consists of the remains of a building foundation and domestic artifacts associated with a late nineteenth-century farmstead. The historic site area measures approximately two acres.

Six separate concentrations of prehistoric stone tools and the lithic debris resulting from tool manufacturing and maintenance were also reported during the archaeological survey of the 60-acre and 70-acre parcels. Dateable prehistoric artifacts from these deposits are limited to the Late Woodland Period (AD 1000-1500). These six loci have been collectively designated the 'VA Expansion Prehistoric Site.' The historic archaeological deposits have been recommended not eligible for listing on the National Register of Historic Places (NRHP); the VA Expansion Prehistoric Site has been assessed to be potentially eligible for NRHP listing. The Phase IB Archaeological Investigations Report and the Inventory Form have been reviewed and approved by the NYOPRHP.

3.3.2 Environmental Consequences

The Section 106 Criteria for Adverse Effect (36 CFR 800.5) defines an undertaking (action) as having an adverse effect on historic properties if the undertaking would alter, directly or indirectly, any of the characteristics that qualify a property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The analysis considers potential effects to cultural resources located in and within view of the project area.

3.3.2.1 Proposed Action

Adverse impacts to NRHP-eligible archaeological resources discovered in the Area of Potential Effect (APE) in the 132-acre parcel have been mitigated in accordance with the terms of MOA. Accordingly, the Proposed Action would have no significant adverse effects to archeological resources eligible for or listed on the NRHP within the APE) at the 132-acre parcel. The Data Recovery field investigation has been completed; delivery of the final Data Recovery Report and the artifacts for curation to TSN are outstanding. They are currently held by the VA and will be delivered to the TSN, as stipulated in the MOA. Monitoring commitments made in the MOA will be met during the construction and operation phases of the Proposed Action (a copy of the MOA is provided in Appendix A). These measures are found in Section 5.0 of this SEA.

Based on the Phase IB archaeological survey conducted within the 60- and 77-acre parcels (TetraTech, 2015), the NYOPRHP requested in a letter dated April 13, 2016 that the VA develop either a work plan to conduct a Phase II investigation of the VA Expansion Prehistoric Site, or a plan to avoid the VA Expansion Prehistoric Site. On May 13, 2016, the VA submitted a plan to avoid the archaeologically sensitive loci within the footprint of Phase 1 construction of the National Cemetery. A record of the Section 106 consultation and the avoidance plan is provided in Appendix B. The avoidance plan contains the following commitments:

- Erect temporary construction fencing at the limit of fill associated with the Site so that no construction personnel or vehicles enter the site area during or after construction;
- Install geo-textile fabric over the portion of the site onto which fill is to be introduced;
- Deposit the initial fill onto the site area via mechanical equipment from outside the site area; no construction vehicles shall enter the limits of the Site until after the first lift of fill soil is in place;
- Hire a professional archaeologist to monitor and document compliance with these measures during the construction phase associated with the burial of 30,000 square feet of the Indian Falls VA Precontact Site; and
- A cultural monitor will be provided both for the 132- and 60-acre parcels for construction activities

requiring excavation or earthwork ground disturbance of a depth in excess of 36 inches. (This provision is consistent with the language of the aforementioned MOA.)

The NYOPRHP reviewed the commitments outlined in the avoidance plan and stated in correspondence dated May 26, 2016 that "…it is the SHPO's opinion that this undertaking will have no adverse effect on historic properties with the understanding that these commitments are documented in the forthcoming construction bid documents, Draft EA, and the potential Finding of No Significant Impact (FONSI)." Additionally, the VA has committed to continue to consult with the NYOPRHP and TSN to assess potential impacts to archaeological resources prior to any potential future cemetery development within the 60- or 77-acre parcels. Consultation with TSN is on-going to clarify the documentation of these aforementioned commitments.

3.3.2.2 Alternative Action

With completion of the commitments agreed upon by the signatories of the aforementioned MOA, the Alternative Action would have no significant adverse effects to archeological resources or on any historic structures eligible for or listed on the NRHP within the APE at the 132-acre parcel. The Data Recovery field investigation has been completed; delivery of the final Data Recovery Report and the artifacts for curation to TSN are outstanding. Construction monitoring commitments made in the MOA and commitments made by the VA to monitor construction in archaeologically sensitive portions of the 60-acre parcel will be met during the construction phase of the Alternative Action. Any potential effects that may occur would be reduced or avoided with implementation of the BMPs identified in Section 5 of this SEA.

3.3.2.3 No Action

Under No Action, the National Cemetery would not be constructed; therefore, no impacts on cultural resource would result.

3.4 Geology, Soils, and Topography

3.4.1 Existing Environment

The proposed project area is part of the Ontario-Erie Plain and Finger Lakes Region, which encompasses approximately 9,960 square miles. Most of this area is in the Eastern Lake Section of the Central Lowland Province of the Interior Plains (Fenneman, 1946). Bedrock underlying this area consists of alternation beds of limestone, dolomite, sandstone, and shale of Ordovician to Devonian age. Most of the ground surface of this area consists of glacial till or lake sediments (USDA-NRCS, 2015). The underlying rocks form a carbonate rock aquifer that stretches from east to west across a two to three-mile wide zone in Genesee County. While karst conditions have been identified in other portions of the county that overlie this aquifer, no sinkholes or swallets have been identified to date on the 132-acre parcel (LAG, 2015), or the 60- and 77-acre parcels (GZA, 2014; Empire Geo-Services, Inc., 2015).

3.4.1.1 Geology

132-Acre Parcel

The Final PEA (VA, 2014) provided background information on geology, topography, and soils. Additionally, the Final PEA described potential impacts to geology, topography, and soils from construction and operation of a National Cemetery at the 132-acre parcel, as well as BMPs to mitigate potential impacts on these resources. These BMPs are presented in Section 5.0 in this SEA.

As part of the site-specific master planning process, additional testing and geological evaluation was done in May 2015 to augment the previous geotechnical studies performed as part of the Final PEA. As part of the MP1 process, key geological issues identified included high bedrock and high groundwater conditions (LAG, 2015). As with previous studies, the site was categorized into four zones, A through D for analysis.

Zone D was not included within the studies as it is designated wetlands. The finding from the May 2015 report were as follows (from MP1; LAG, 2015):

- Zone A was explored as part of the preliminary investigation. Previous studies indicated approximately 14' of overburden, consisting of a heterogeneous mixture of sand, silt and clay, overlying weathered limestone bedrock. Limestone was encountered at elevation 847'.
- Zone B subsurface conditions consist of approximately 3.5-7.5' of overburden overlying weathered limestone bedrock. The top of bedrock ranged between elevation 846 and elevation 848 in the majority of this area, dipping slightly to the south. The weathered limestone was generally hard and unrippable. The overburden generally consisted of a kame deposit containing a heterogeneous mix of sand, gravel, clay, cobbles and boulders. Very large boulders were noted.
- Zone C subsurface conditions explored in the May 2015 study found more favorable/less restrictive conditions than the prior study (VA, 2014). The depth to bedrock appears to increase rapidly from north to south in this area and ranged from 9.5' to over 20'. Bedrock found ranged from elevation 838.5' to below elevation 824'. The soils in this area were predominantly clay, but large cobbles and boulders were also present which may have provided misleading information during the prior study (VA, 2014).
- Zone D includes the wetlands and so no borings done in this area.

The MP1 study (LAG, 2015) stated that the shallow depth to bedrock and presence of solution-prone bedrock indicates that utilization of Zone B will require the installation of a low permeability liner to prevent infiltration and a drainage system to provide conveyance of accumulated water. Index testing of the clay encountered in Zone C suggests it may have a sufficiently low permeability to be utilized as a liner.

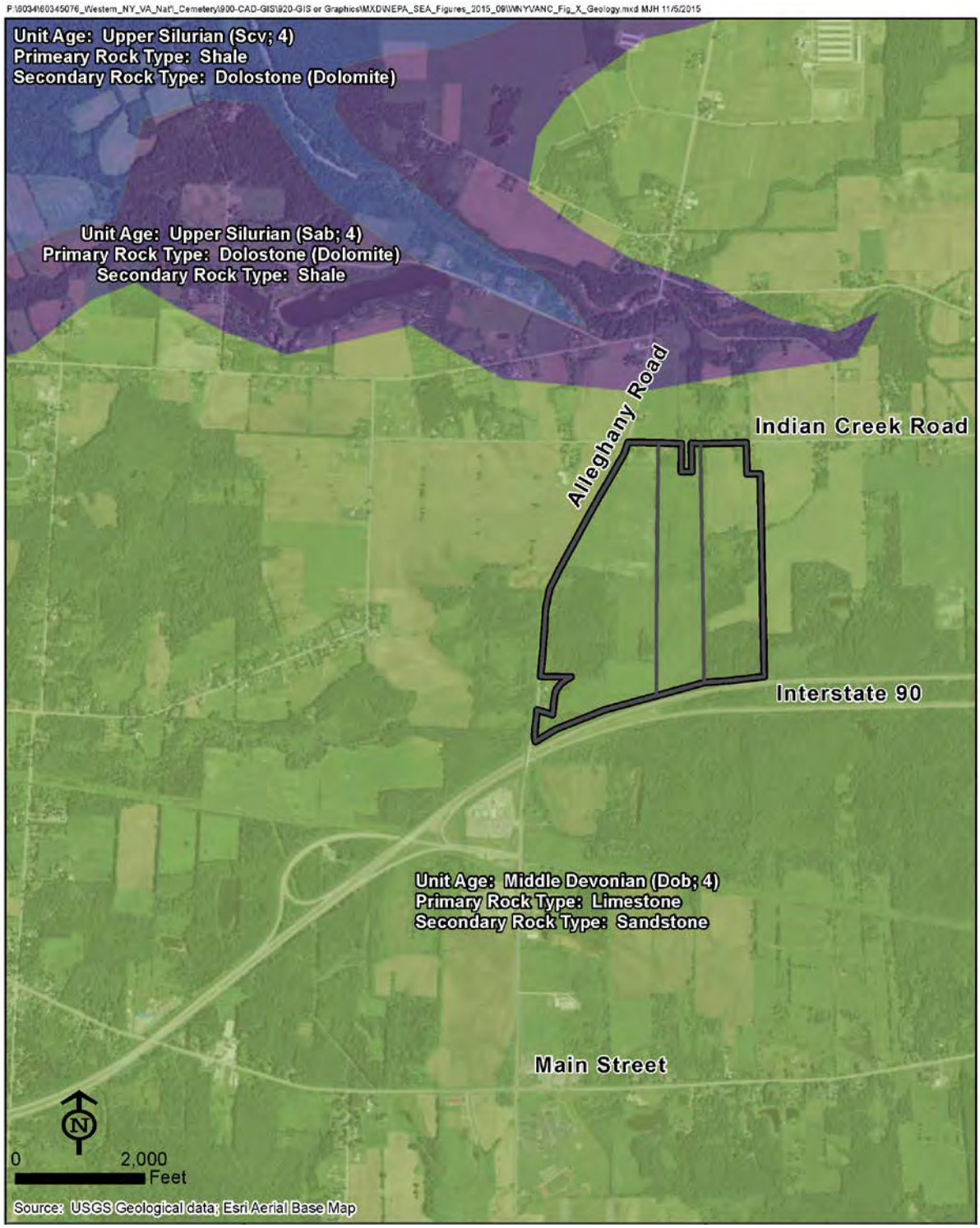
60-Acre and 77-Acre Parcels

A geotechnical evaluation was performed at the 60-acre parcel in May 2014 (Empire Geo-Services, 2014). The evaluation included the advancement of 59 soil borings completed up to 12 feet bgs, test pits at 14 locations, and installation of four groundwater observation wells. Based on the field data, Empire reported that limestone bedrock (or boulders) was encountered at depths ranging from approximately 4.5- to 11.0-feet bgs. Bedrock or boulders below a depth of approximately 7.5 feet were not considered to be rippable. Groundwater was encountered at approximately 5-6 feet bgs. The report concluded that the far northern portion of the site generally appeared suitable for cemetery use with limited site improvements. However, significant site improvements, including re-grading the 60-acre parcel and implementation of storm and surface water drainage, appeared to be necessary in other portions of the 60-acre parcel where development for the Phase 1 cemetery would occur (Empire Geo-Services, 2014).

A geotechnical evaluation was performed at the 77-acre parcel in October 2015 (Empire Geo-Services, 2015). The evaluation included the advancement of 20 soil borings completed up to 12 feet bgs, test pits at seven locations, and installation of two groundwater observation wells. Based on the field data, Empire reported that limestone bedrock was encountered at approximately 6.5 feet bgs at one of the test pits, and the bedrock did not appear to be rippable at this location. Groundwater was encountered at approximately 5-6 feet bgs. The report concluded that the northern portion of the 77-acre parcel would be suitable for use of a cemetery with limited site improvements. However, physical improvements, including re-grading the 77-acre parcel and implementation of storm and surface water drainage appear will be necessary for the remaining portions of the 77-acre parcel for development (Empire Geo-Services, 2015).

Figure 3-2 illustrates the geology at the site and general vicinity.

Figure 3-2. Geology at the Site and Vicinity (from left: 132-, 60-, and 77-acre parcels)



3.4.1.2 Soils

132-Acre Parcel

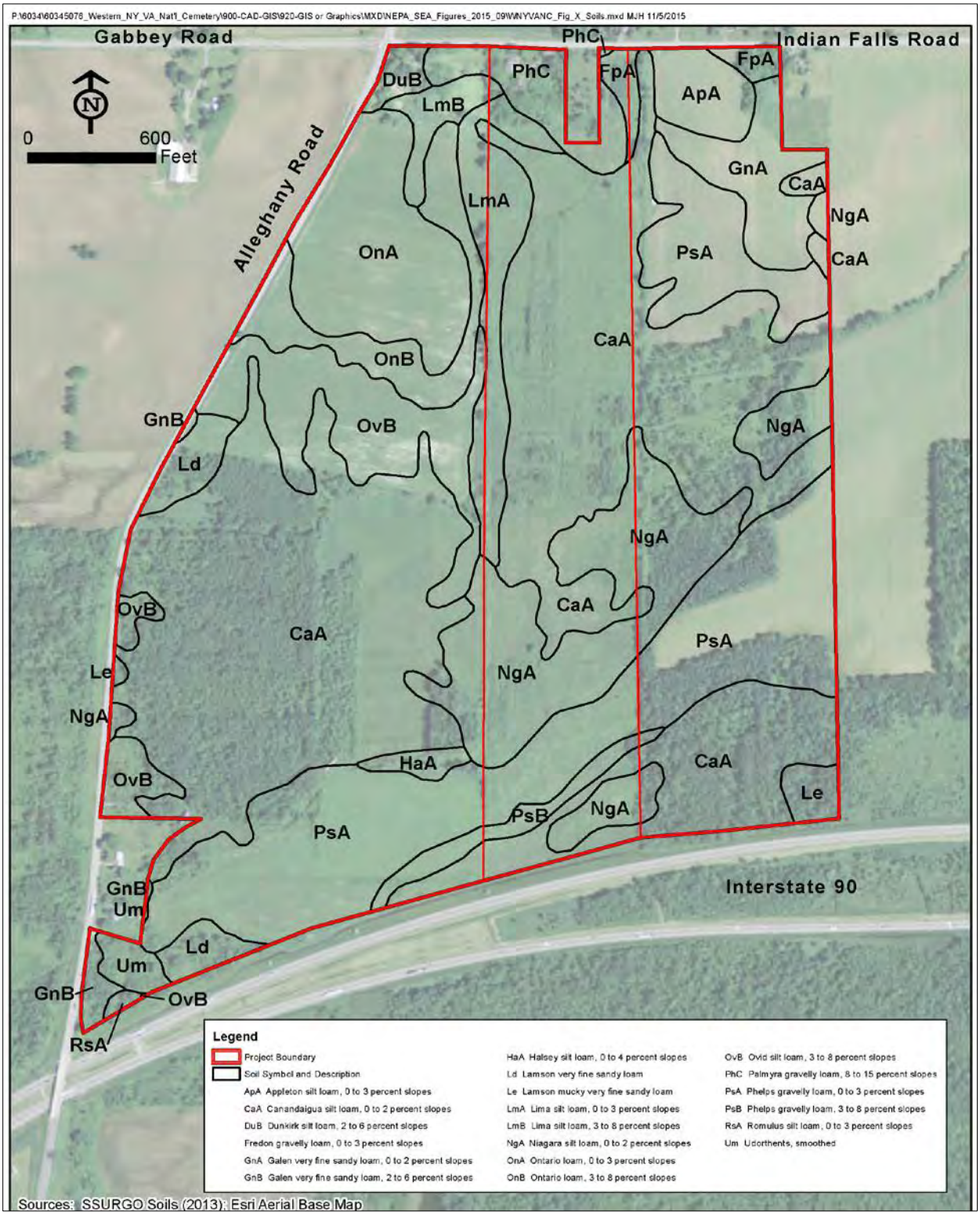
Soils information was obtained from the United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS) (USDA-NRCS, 2015). Soils mapped on the proposed project site by the NRCS are listed in Table 3-7 and shown in Figure 3-3. The dominant soils mapped on the site include poorly drained Canandaigua silt loam, moderately well drained Phelps gravelly loam, well drained Ontario loam, and somewhat poorly drained Ovid silt loam.

Approximately 40% of the soils mapped at the proposed project site are Canandaigua silt loam, which are poorly drained soils (Table 3-7). Ovid silt loam, somewhat poorly drained (12%) and Ontario loam, well drained (12%) are also mapped on the site.

Table 3-7. Soils Mapped Within the 132-Acre Parcel

Soil Map Unit Symbol	Soil Map Unit Name	Drainage Class	Prime Farmland
CaA	Canandaigua silt loam, 0 to 2 percent slopes	Poorly drained	Yes
DuB	Dunkirk silt loam, 2 to 6 percent slopes	Well drained	Yes
GnB	Galen very fine sandy loam, 2 to 6 percent slopes	Moderately well drained	Yes
HaA	Halsey silt loam, 0 to 4 percent slopes	Very poorly drained	No
Ld	Lamson very fine sandy loam	Poorly drained	No
Le	Lamson mucky very fine sandy loam	Very poorly drained	No
LmA	Lima silt loam, 0 to 3 percent slopes	Moderately well drained	Yes
LmB	Lima silt loam, 3 to 8 percent slopes	Moderately well drained	Yes
NgA	Niagara silt loam, 0 to 2 percent slopes	Somewhat poorly drained	If Drained
OnA	Ontario loam, 0 to 3 percent slopes	Well drained	Yes
OnB	Ontario loam, 3 to 8 percent slopes	Well drained	Yes
OvB	Ovid silt loam, 3 to 8 percent slopes	Somewhat poorly drained	If Drained
PhC	Palmyra gravelly loam, 8 to 15 percent	Well drained	Yes
PsA	Phelps gravelly loam, 0 to 3 percent	Moderately well drained	Yes
PsB	Phelps gravelly loam, 3 to 8 percent	Moderately well drained	Yes
RsA	Romulus silt loam, 0 to 3 percent slopes	Poorly drained	Yes
Um	Udorthents, smoothed	Well drained	No

Figure 3-3. USDA NRCS Mapped Soil Types at the Site (from left: 132-, 60-, and 77-acre parcels)



Prime Farmland

The 132-acre parcel contains approximately 120 acres (91%) of "farmland", as defined and regulated by the USDA NRCS Farmland Protection Policy Act (FPPA). According to the USDA NRCS, Genesee

County contains approximately 258,324 acres characterized as prime, unique, or locally important farmland (NRCS 2015). Therefore, the 132-acre parcel contains approximately 0.05% of farmland within Genesee County.

The 132-acre parcel is not identified as being within a Genesee County Agricultural District (NYS Dept. of Agriculture and Markets, 2014).

60-Acre and 77-Acre Parcels

Soils information was obtained from the United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS) (USDA-NRCS, 2015). Soils mapped on the proposed project area by the NRCS are listed in Table 3-8 and shown in Figure 3-3. The dominant soils mapped on the site include poorly drained Canandaigua silt loam, moderately well drained Phelps gravelly loam, and somewhat poorly drained Niagara silt loam.

Prime Farmland

In total, the 60- and 77-acre parcels contain approximately 92 acres (67%) of prime farmland. According to the USDA NRCS, Genesee County contains approximately 258,324 acres characterized as prime, unique, or locally important farmland (NRCS, 2015). Therefore, the farmland on the 60- and 77-acre parcels represents approximately 0.04% of farmland within Genesee County.

The 60- and 77-acre parcels are identified as being within Genesee County Agricultural District 1 (NYS Dept. of Agriculture and Markets, 2014).

Table 3-8. Soil Mapped Within the 60- and 77-Acre Parcels

Soil Map Unit Symbol	Soil Map Unit Name	Drainage Class	Prime Farmland
ApA	Appleton silt loam, 0 to 3 percent slopes	Somewhat poorly drained	If Drained
CaA	Canandaigua silt loam, 0 to 2 percent slopes	Poorly drained	Yes
DuB	Dunkirk silt loam, 2 to 6 percent slopes	Well drained	Yes
FpA	Fredon silt loam, 0 to 3 percent slopes	Somewhat poorly drained	If Drained
GnA	Galen very fine sandy loam, 0 to 2 percent slopes	Moderately well drained	Yes
GnB	Galen very fine sandy loam, 2 to 6 percent slopes	Moderately well drained	Yes
HaA	Halsey silt loam, 0 to 4 percent slopes	Very poorly drained	No
Ld	Lamson very fine sandy loam	Poorly drained	No
Le	Lamson mucky very fine sandy loam	Very poorly drained	No
LmB	Lima silt loam, 3 to 8 percent slopes	Moderately well drained	Yes
LmA	Lima silt loam, 0 to 3 percent slopes	Moderately well drained	Yes
NgA	Niagara silt loam, 0 to 2 percent slopes	Somewhat poorly drained	If Drained
OnA	Ontario loam, 0 to 3 percent slopes	Well drained	Yes
OnB	Ontario loam, 3 to 8 percent slopes	Well drained	Yes
OvB	Ovid silt loam, 3 to 8 percent slopes	Somewhat poorly drained	If Drained
PhA	Palmyra gravelly loam, 0 to 3 percent slopes	Well drained	Yes
PhB	Palmyra gravelly loam, 3 to 8 percent slopes	Well drained	Yes
PhC	Palmyra gravelly loam, 8 to 15 percent slopes	Well drained	Yes
PsA	Phelps gravelly loam, 0 to 3 percent slopes	Moderately well drained	Yes
PsB	Phelps gravelly loam, 3 to 8 percent slopes	Moderately well drained	Yes
RsA	Romulus silt loam, 0 to 3 percent slopes	Poorly drained	Yes
Um	Udorthents, smoothed	Well drained	No

3.4.1.3 Topography

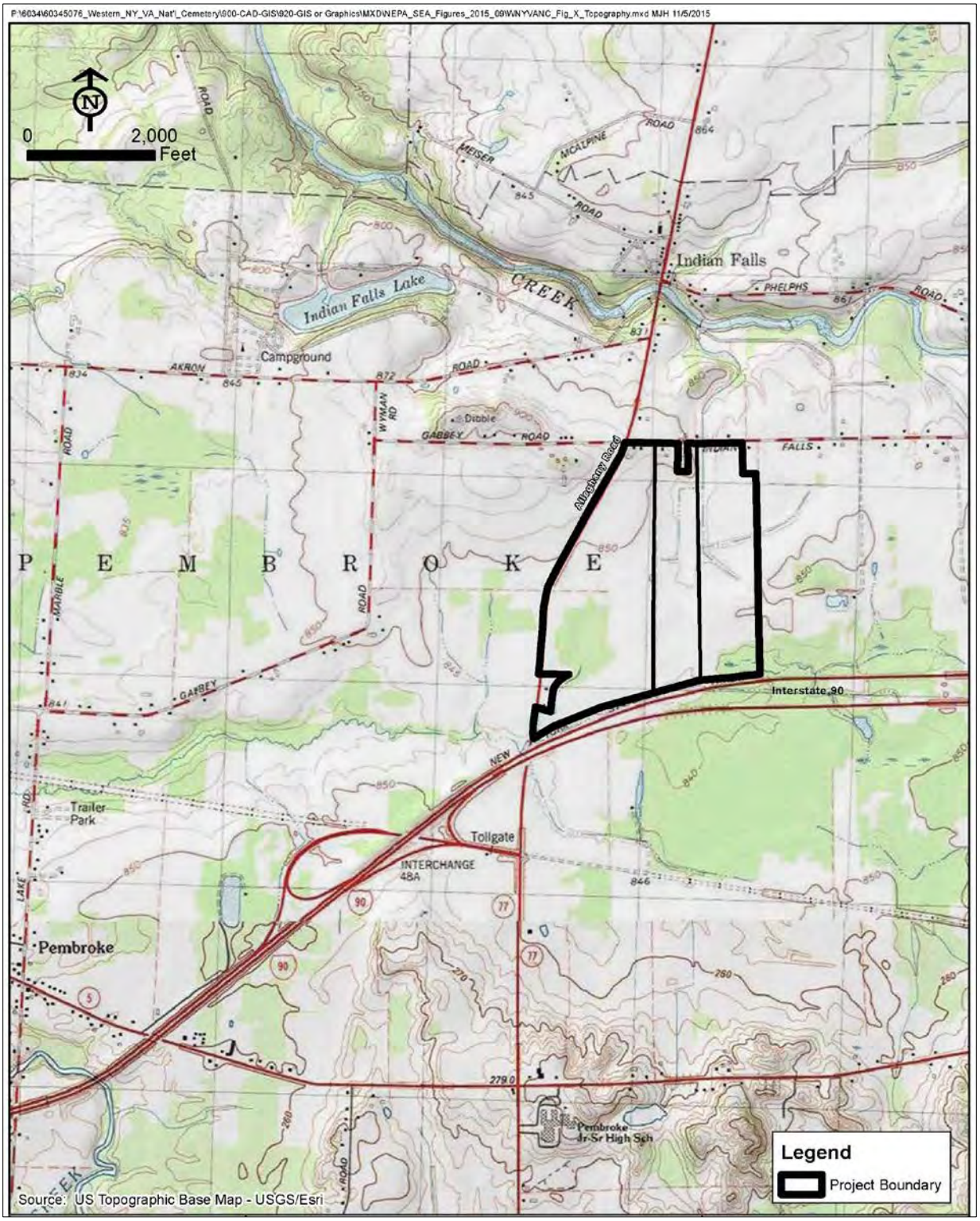
132-Acre Parcel

The 132-acre parcel topography is relatively flat (840-870 amsl) (Figure 3-4).

60-Acre and 77-Acre Parcels

Based on a ground elevation survey at the 60-acre parcel, the topography of is considered generally flat, with elevations ranging from approximately 840-868 feet amsl, and sloping generally toward the south (FoitAlbert, 2014) (Figure 3-4). A similar ground elevation survey was not available for the 77-acre parcel. However, based on field reconnaissance and USGS topographical maps, the topography of the 77-acre parcel is similar to the 60-acre parcel: elevations range from approximately 840-845 amsl, with a general slope toward the south (AECOM, 2015; USGS, 1981).

Figure 3-4. Topography of the Site (from left: 132-, 60-, and 77-acre parcels)



3.4.2 Environmental Consequences

3.4.2.1 Proposed Action

Acquisition of the 60- and 77-acre parcels would have no impact on soils, topography, or geology.

Construction. The Proposed Action would require modifying the existing topography and soils to allow for in-ground burials and drainage improvements in selected areas of the Phase 1 cemetery. Based on the MP5 design, approximately 304,1853 cubic yards of soil fill would be imported to the site. Approximately 17,630 cubic yards of on-site soils will be cut (excavated) and reused on-site. Although construction will modify the existing topography and grade, the overall topography and grade of the site will remain flat, while retaining the site's current slight slope to the south. The majority of the grading would be performed on approximately 70 acres on the 132-acre parcel, and approximately 9 acres on the 60-acre parcel. The remainder of the 60-acre parcel and the entirety of the 77-acre parcel would not be developed and therefore not graded as part of the Proposed Action.

Minor short-term adverse erosion and sedimentation impacts would be possible during the construction phase of the project. Construction activities (including vegetative clearing, adjustments to site grading, new roadway construction, and construction of new cemetery administrative and maintenance buildings) would disturb and expose subsurface soils, increasing susceptibility to wind and surface runoff erosion. Wind erosion could temporarily increase airborne particulate matter in the area, resulting in short-term health, visibility, and aesthetics impacts. Temporary increases in sedimentation in stormwater drainages could occur as a result of surface runoff erosion.

Minor short-term adverse erosion and sedimentation impacts could be minimized through implementation of construction best management practices and conformance with State Pollutant Discharge Elimination System (SPDES) permit requirements. These minimization opportunities are described in Section 5.0.

Additionally, as described in the MP1 (LAG, 2015), NYSDEC's General Permit GP-0-15-002 is the SPDES general permit for stormwater discharges from construction activity issued pursuant to Article 17, Titles 7 and 8 and Article 70 of the ECL. All construction activities that will require soil disturbance of more than one acre must obtain coverage under this general permit. The owner or operator of a construction activity cannot disturb more than 5 acres of soil at any one time with first obtaining additional authorization from NYSDEC.

Coverage under the General Permit is obtained by submitting a Notice of Intent form that contains a certification that sediment and erosion control plans and an accompanying Stormwater Pollution Prevention Plan (SWPPP) document have been prepared in accordance with the General Permit requirements and in accordance with NYSDEC's New York State Standards and Specifications for Erosion and Sediment Control.

Operation. During operation of the Phase 1 cemetery, minor short-term adverse erosion and sedimentation impacts would be possible if soils are eroded due to wind, surface erosion, or lack of vegetative cover. As described under construction, BMPs would be employed during operation to minimize these potential less than significant impacts, as described in Section 5.0 in this SEA.

Prime Farmland

The 269 acres (total area of all three parcels) of the Proposed Action contain approximately 212 acres (79%) of "farmland", as defined and regulated by the FPPA. These 212 acres of farmland at the site account for approximately 0.08% of the total farmland available in Genesee County. The actions evaluated in this SEA would not result in conversion of additional farmlands outside of the combined 132-, 60- and 77-acre parcels.

The Proposed Action would leave the majority of the 60-acre parcel and the entirety of the 77-acre parcel (e.g. areas outside of the Phase 1 cemetery) available for agricultural use until such time that potential future

cemetery phases are developed. Further, the loss of farmland following potential future build-out of the MP5 design over the next 100 years would have a minor effect on available farmland in Genesee County. As such, the NRCS Farmland Conversion Impact Rating conclusion is anticipated to be minimal. The VA will consult with the NRCS as part of the SEA process. Additionally, if requested by the NRCS, the VA will complete Form AD-1006, Farmland Conversion Impact Rating, and submit the completed form to NRCS for review.

3.4.2.2 Alternative Action

Anticipated impacts to geology, soils, and topography for the Alternative Action would be the same as those for the Proposed Action, but would be limited to the 132-acre parcel.

Minor short-term adverse erosion and sedimentation impacts associated with construction could be minimized through implementation of construction best management practices and conformance with SPDES permit requirements. These minimization opportunities are described in Section 5.0.

Prime Farmland

The 132-acre parcel contains approximately 120 acres (91%) of "farmland", as defined and regulated by the FPPA. Therefore, the 120 acres of farmland at the 132-acre parcel account for approximately 0.05% of the total farmland available in Genesee County. The actions evaluated in this SEA would not result in conversion of additional lands outside of the 132-acre parcel. Soils that are not within this classification are along the western-central boundary and the southwestern portion of the 132-acre parcel.

The design for the Alternative Action would leave selected portions of the 132-acre parcel (e.g. those outside of the Phase 1 cemetery) remaining as agricultural land until such time that future phases are constructed. Further, the loss of farmland following full build-out of the final MP5 design over the next 100 years would have a minor effect on available farmland in Genesee County. As such, the NRCS Farmland Conversion Impact Rating conclusion is anticipated to be minimal. The VA will consult with the NRCS as part of the SEA process. Additionally, if requested by the NRCS, the VA will complete Form AD-1006, Farmland Conversion Impact Rating, and submit the completed form to NRCS for review.

3.4.2.3 No Action

Under No Action, no acquisition, and no construction and operation of the Western New York National Cemetery would occur, and no impacts to geology, topography, or soils would result.

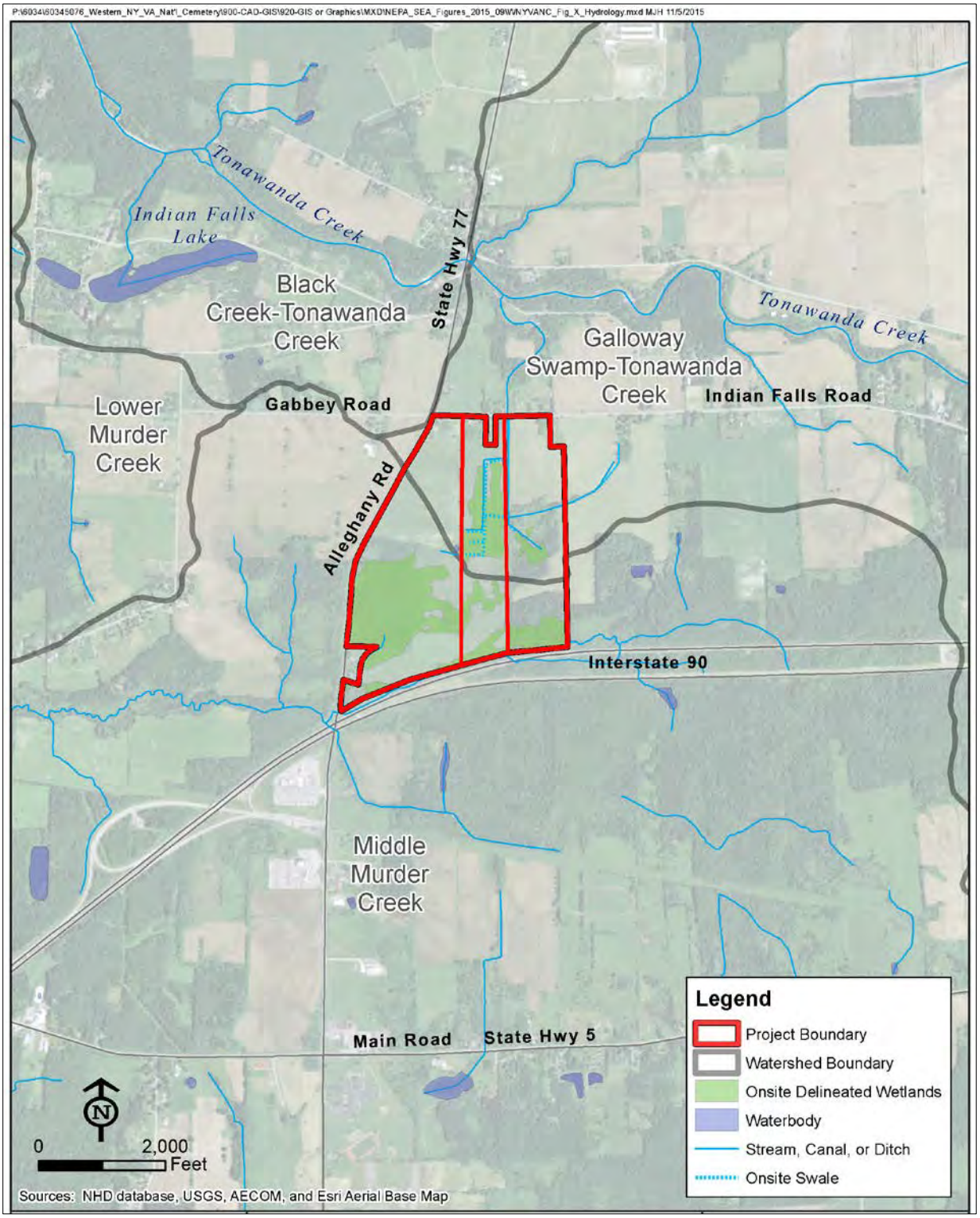
3.5 Hydrology and Water Quality

3.5.1 Existing Environment

The proposed National Cemetery is located within the Galloway Swamp-Tonawanda Creek watershed (HUC 041201040301) and Middle Murder Creek watershed (HUC 041201040202) (Figure 3-5). Local hydrology is influenced by seasonal pooling of storm and melt water, rainfall runoff and perched groundwater.

According to the Groundwater Atlas of the United States, the site and vicinity is underlain by scattered surficial aquifers constructed of course-grained, stratified outwash and ice-contact deposits, and fine-grained and unstratified glacial deposits. In addition, the vicinity is underlain by carbonate rock aquifers of the Lake Erie-Niagara River Basin.

Figure 3-5. Hydrology of the Site and Vicinity (from left: 132-, 60-, and 77-acre parcels)



3.5.2 Surface waters

132-Acre Parcel

According to the Genesee County Soil and Water Conservation District, the northern +/- 33 acres of the 132-acre parcel are located within the Middle Tonawanda Creek Watershed and the southern +/- 99 acres of the parcel are located within the Murder Creek Watershed. In addition, the entire 132-acre parcel is located within the Niagara River/Lake Erie Regional Watershed.

During the PEA site reconnaissance process in July 2012, a creek bed was observed in the southwestern portion of the 132-acre parcel and appeared to be surficially connected to Murder Creek, located approximately 500 feet south of the property (VA, 2014). Subsequent surveys performed at the 132-acre parcel in April 2015 did not identify any existing surface water ponds or streams on the parcel (Figure 3-5) (AECOM, 2015). However, the un-named tributary to Murder Creek was observed to the south of the southern boundary of the 132-acre parcel. It is a medium sized man-made swale that runs parallel to NYS Thruway I-90 (approximately 10 feet wide and 1 foot deep). As described in the following section on Wetlands (Section 3.8), Wetland W-5 (see Figure 3-10) outfalls into this feature in the southwest corner of the 132-acre parcel via a small man-made drainage swale (2- to 3-feet wide and 0.5- to 1-foot deep) that runs parallel to Allegany Road.

The closest surface water body is on the northwest side of the intersection of NYS Thruway I-90 and Alleghany Road (AECOM, 2015; LAG, 2015). There is a stream in this area that is fed by the 6-by10-foot box culvert that flows under NYS Thruway I-90 (LAG, 2015). This stream receives discharge from the two package sewage treatment plants for the truck stops on the south side of the Thruway. There is flow year round in this stream as a result of these treatment plant discharges (LAG, 2015).

60- and 77-Acre Parcels

The boundary limits of the 60- and 77-acre parcels are also located within the Middle Tonawanda Creek and Murder Creek Watersheds (Figure 3-5). These watersheds are located within the Niagara River/Lake Erie Regional Watershed.

An intermittent stream separates the two active agricultural fields in the eastern portion of the 60-acre parcel; the stream flows east to west until it reaches the central successional old field and flows north along the western boundary of 77-acre parcel (Figure 3-5) (AECOM, 2015). This feature crosses Indian Falls Road via a culvert. This stream connects with Tonawanda creek (NYSDEC class B Stream) approximately 0.3-miles north of the site. Water was only found in the northernmost reach near Indian Falls Road. A drainage ditch complex in the 60-acre parcel spreads throughout Wetland 1 and connects with the intermittent stream approximately 600 feet from Indian Falls Road. The ditch complex was dry during the time of the site survey (AECOM, 2015).

One small ditch was observed along a hedgerow separating the north and south fields within the 77-acre parcel (AECOM, 2015). The ditch varies from 2- to 5-feet wide, 1- to 2-feet deep and is approximately 284-feet long. The majority of the ditch is vegetated with emergent and shrubby plants with a few trees along the top of bank. This feature is likely a remnant of the past agricultural activity and does not meet the criteria for regulation (AECOM, 2015).

3.5.3 Groundwater

132-Acre Parcel

Groundwater at the 132-acre parcel was encountered in soils borings on the southern portion of the parcel from 4- to 6-feet bgs (Empire Geo-Services, 2015). Groundwater was not encountered in the soil borings completed on the northern portion of the parcel, which is at a generally higher elevation. Empire installed two observation wells in the northern and southern portions of the parcel to assess groundwater elevations. The wells were monitored during March and April 2013. No groundwater was encountered in the

observation well in the northern portion of the parcel; however, groundwater elevations were less than 1-foot bgs in the observation well in the southern portion of the parcel. It should be noted that the observation well installed in the southern portion of the parcel was located within a known wetland area.

As part of the MP1 process, a second geotechnical investigation was performed at the 132-acre parcel (Fisher, 2015a). On April 24, 2015, depths from surface to groundwater were measured in new on-site observation wells in the southern portion of the 132-acre parcel. The depth to groundwater ranged from 0- to 6.5-feet bgs. The most recent depth to groundwater measurements were on October 7, 2015; the data indicated depth to groundwater ranged from 3-feet bgs to greater than 12-feet bgs.

60-Acre and 77-Acre Parcels

During the geotechnical evaluation at the 77-acre parcel, groundwater was encountered at depths ranging from 5.3- to 11.2-feet bgs (Empire Geo-Services, 2015), and from approximately 1- to 7-feet bgs on the 60-acre parcel (Empire Geo-Services, 2014).

3.5.4 Environmental Consequences

3.5.4.1 Proposed Action

Acquisition of the 60- and 77-acre parcels would have no impact on hydrology and water quality at the site.

Construction. Construction of the Proposed Action could result in minor, short-term adverse impacts to shallow groundwater, which was confirmed to be present at the 132-acre and 77-acre parcels (similar conditions are likely at the 60-acre parcel). However, it should be noted that the Proposed Action will not require development of the 77-acre parcel. In general, construction of the Proposed Action on the 132-acre and 60-acre parcels is not anticipated to impact groundwater. This is because groundwater is present at depths greater than 4-6 feet bgs in areas where Phase 1 cemetery development will occur, and deeper excavation (significantly below the water table) is not anticipated. If limited areas of deeper excavation are required during construction, or excavation is required in areas of the site where groundwater is shallower, appropriate groundwater engineering controls would be utilized to ensure that no long-term adverse impacts to groundwater occur. As such, construction-related groundwater impacts are anticipated to be short-term and less-than-significant.

Construction of the Proposed Action could result in minor, short-term adverse impacts to off-site surface water resources through sedimentation via transport of sediments from on-site stormwater runoff. NYSDEC's General Permit GP-0-15-002 is the SPDES general permit for stormwater discharges from construction activity issued pursuant to Article 17, Titles 7 and 8 and Article 70 of the ECL. All construction activities that will require soil disturbance of more than one acre must obtain coverage under this general permit. The owner or operator of a construction activity cannot disturb more than 5 acres of soil at any one time with first obtaining additional authorization from NYSDEC. Coverage under the General Permit is obtained by submitting a Notice of Intent form that contains a certification that sediment and erosion control plans and an accompanying Stormwater Pollution Prevention Plan (SWPPP) document have been prepared in accordance with the General Permit requirements and in accordance with NYSDEC's New York State Standards and Specifications for Erosion and Sediment Control. Accordingly, the VA will submit the SWPPP with an application for a General Permit prior to construction activities. Required stormwater management techniques described in the SWPPP will be implemented during construction of the Proposed Action. This commitment is documented in Section 5.0 in this SEA.

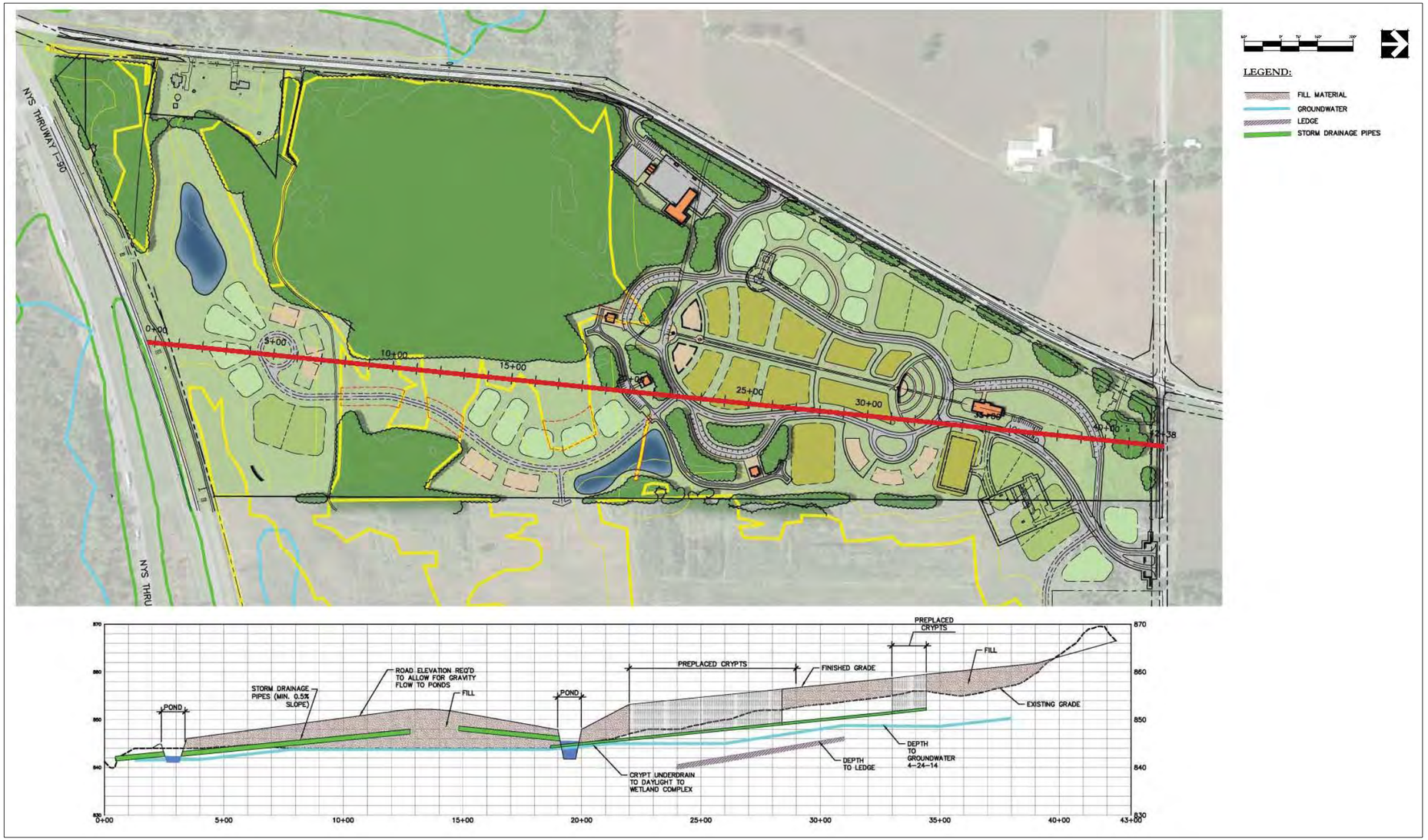
Additionally, the General Permit requires that post-construction stormwater management practices meet the performance criteria in the "New York State Stormwater Management Design Manual," dated January 2015 or newer. The General Permit stipulates that post-construction stormwater management practices must be implemented to provide the following:

- Treatment of the Water Quality Volume (1" storm event)

- Provide reduction of the Water Quality Volume by application of Runoff Reduction techniques.
- Provide 24-hour extended detention of the post-developed 1-year, 24-hour storm event remaining after runoff reduction.
- Attenuation of the 10-year and 100-year, 24-hour storm event peak discharge rate to pre-development rates.

Accordingly, during construction, stormwater management devices (to be specified in the SWPPP) will be created to result in acceptable post-construction (operational) stormwater discharge performance. Stormwater runoff will be attenuated on-site in order to meet pre-development flow rates. The Proposed Action will include construction of up to ten stormwater management ponds that will allow the peak discharge rate to be controlled using a restricted outflow structure. Stormwater management ponds will be partially above grade, to allow for attenuation of stormwater runoff. The roadways will generally be raised above existing grade to allow for stormwater to be collected and gravity flow to the ponds with sufficient cover over the pipes (LAG, 2015). A general drainage profile across the site is presented in Figure 3-6.

Figure 3-6. General Site Drainage Profile



Operation. Based on standard modern burial practices, it is unlikely that embalming fluid or other decomposition products would be released into the soil and/or groundwater during operation of the National Cemetery. The standard NCA design incorporates (for full casket burials) subsurface concrete crypts, an entire section of which would be installed during site construction. Using this technique, the caskets are not buried directly in the soils, rather set in a pre-placed concrete crypt (established turf and soils temporarily removed crypt lid removed, casket placed, followed by the reverse process to complete). Modern embalming fluids are markedly less toxic as the primary active ingredients are no longer arsenic based. Additionally, as selection of either cremain internment or columbaria placement increase, the potential for soil or groundwater contamination commensurately decreases as no embalming fluids are used. The VA is also providing for 300 hybrid natural burial gravesites.

The proposed crypt fields will utilize an adequate underdrainage system designed to keep water from reaching the inside of the lowest crypt. As a result, operation of crypt fields is not anticipated to encounter groundwater; therefore, no impact to groundwater quality is anticipated.

During operations, pesticide applications (as part of routine maintenance activities) and the use of road deicing chemicals during the winter will be conducted to the minimum extent necessary and in accordance with manufacturer specifications, resulting in minimal impacts to surface water and groundwater resources.

Additionally, during operation potential impacts to hydrology and water quality would be minimized by maintaining erosion and sedimentation controls and responsible use of pesticides and road deicing chemicals, as further described in Section 5.0 in this SEA.

The aforementioned stormwater management systems constructed for the Proposed Action will ensure that operational-phase stormwater management is consistent with NYSDEC's New York State Stormwater Management Design Manual, 2015 or newer. The SWPPP referenced above will include a stormwater management design report with supporting calculations showing how design standards will be met. These design standards will include selection of proper stormwater management practices based on-site conditions and site development plans, attenuating peak storm discharges so as not to exceed pre-development rates at the project site design points, proper implementation of green infrastructure practices to reduce runoff volumes, and meeting or exceeding minimum runoff reduction volume requirements. These commitments are summarized in Section 5.0 in this SEA.

3.5.4.2 Alternative Action

Impacts related to the Alternative Action would be similar to the Proposed Action, but would be located only on the 132-acre parcel.

Minor short-term adverse erosion and sedimentation impacts associated with construction activities would be possible; long-term impacts would not be expected. Cemetery operations (including both burial operations and site maintenance activities) would have minimal impacts on surface water and groundwater, as previously described.

Impacts to hydrology and water quality could be minimized through erosion and sedimentation controls and responsible use of pesticides and road deicing chemicals. These minimization opportunities are described in Section 5.0 in this SEA.

3.5.4.3 No Action

Under the No Action, the National Cemetery would not be constructed. Therefore, no impacts to hydrology or water quality would occur.

3.7 Habitat and Wildlife

3.7.1 Existing Environment

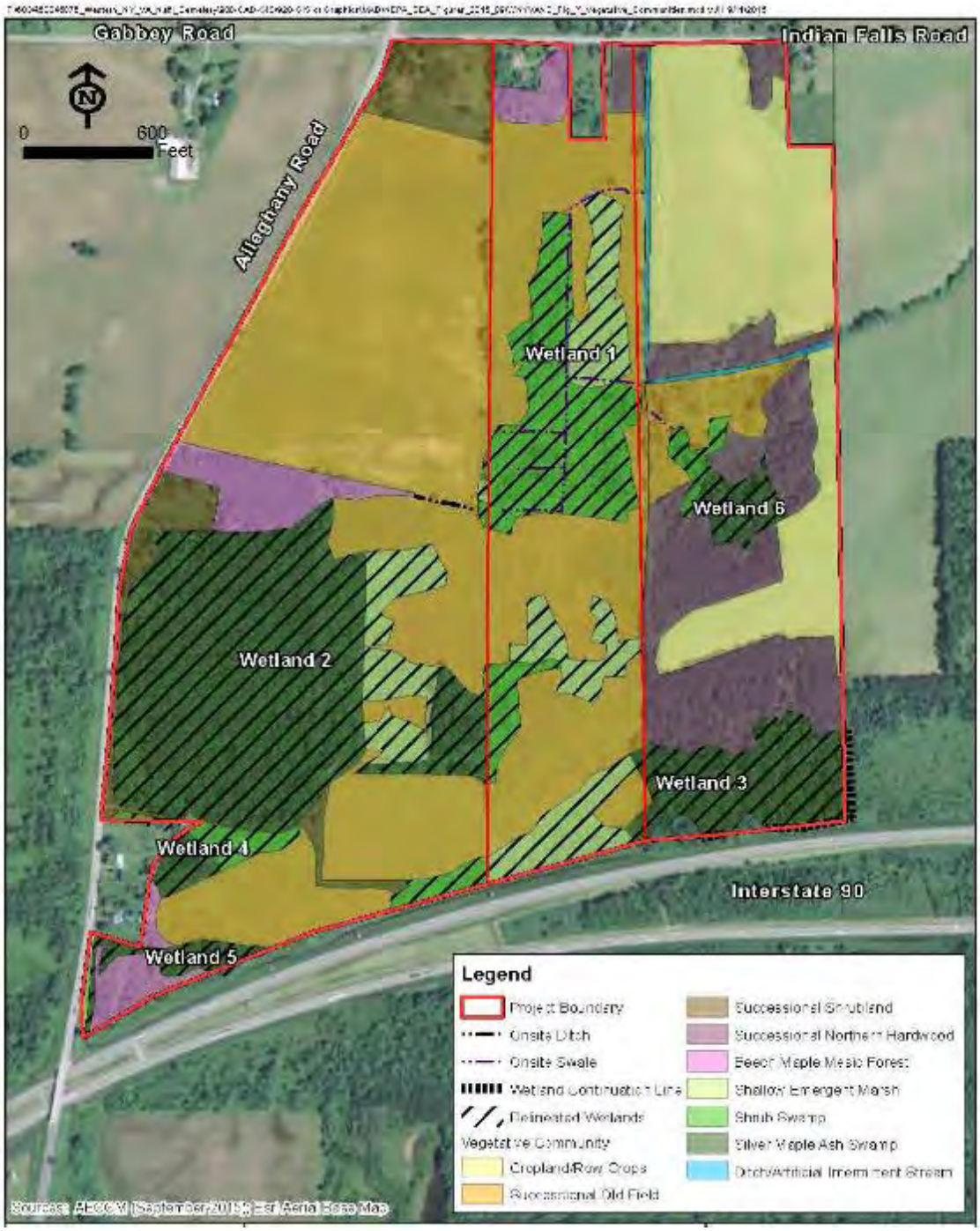
The presence and distribution of local vegetative communities is attributable to the socioeconomic development within the rural residential and agricultural landscape of the Town of Pembroke. The dispersion and density of land cover within this area is indicative of adjacent land use, development, and existing natural resources. The Town of Pembroke is predominantly farmland and an upland forest/wetland mosaic with some residential and commercial areas. Historically the site has been used primarily for agricultural purposes. Field evidence including size and abundance of shrubby vegetation at the site, suggests these agricultural fields no longer in use have been fallow for approximately 5-8 years (AECOM, 2015).

3.7.2 Habitat

132-Acre Parcel

In April 2015, AECOM performed a biological assessment at the 132-acre site (AECOM, 2015). The 132-acre site for the proposed National Cemetery project includes a large (successional) agricultural field in the north section, a forested complex in the central and western sections, a reverting old field (saturated soils) in the eastern section, and old reverting fields and shrublands in the southern section. Within these areas, there are six basic ecological communities: silver maple/ash swamp, shallow emergent swamp, shrub swamp, successional shrubland, beech-maple mesic forest, and successional old field (Figure 3-7Figure 3-67).

Figure -. Vegetative Communities at the Site



Silver Maple/Ash Swamp

Silver maple/ash swamps are hardwood basin swamps that typically occur in poorly-drained depressions or along the borders of large lakes, and less frequently in poorly drained soils along rivers. These sites are characterized by uniformly wet conditions with minimal seasonal fluctuations in water levels. Distribution is in lowlands of central and western New York in the Appalachian Plateau and Great Lakes Plain ecozones, the St. Lawrence and Lake Champlain Valley ecozones, and the northernmost part of the Central Hudson subzone of the Hudson Valley ecozone. The dominant trees are typically silver maple and green ash. Other

trees include black ash, white ash, swamp white oak, red maple. Characteristic shrubs observed on site include various shrubby dogwoods, viburnums, speckled alder and sapling canopy trees. Characteristic vines observed on site include poison ivy and grapevine.

Shallow Emergent Marsh

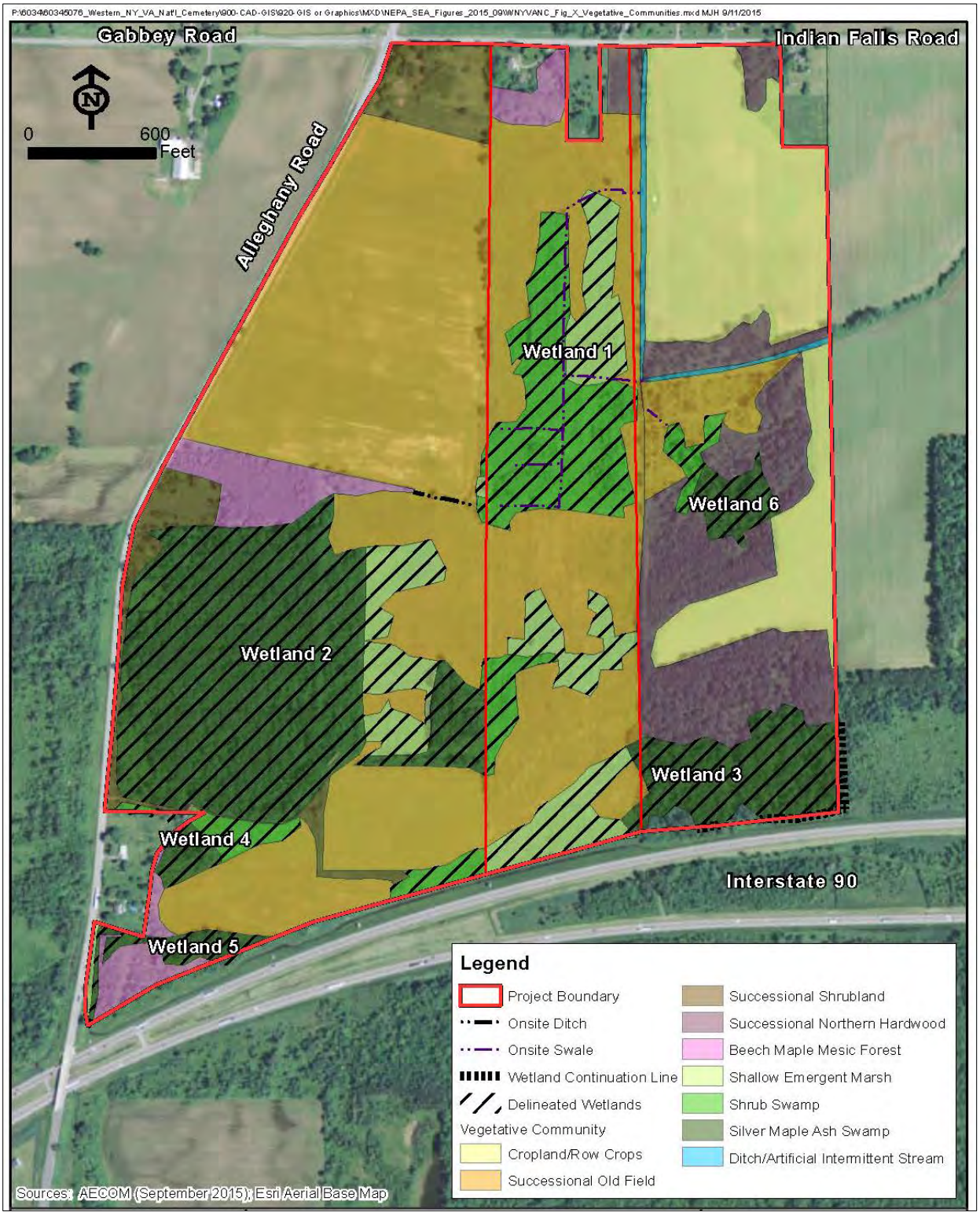
A shallow emergent marsh (wet meadow) community occurs on mineral soil or deep muck soils (rather than true peat) that are permanently saturated and seasonally flooded. This marsh is better drained than a deep emergent marsh; water depths may range from 15 cm to 1 m (6 in to 3.3 feet) during flood stages, but the water level usually drops by mid to late summer and the substrate is exposed during an average year. This is a very broadly defined type that includes several distinct variants and many intermediates. Shallow emergent marshes are very common and quite variable. They may be co-dominated by a mixture of species, or have a single dominant species.

Shallow emergent marshes typically occur in lake basins and along streams often intergrading with deep emergent marshes, shrub swamps, and sedge meadows and they may occur together in a complex mosaic in a large wetland. Commonly found herbaceous plants and those observed during the field investigations include cattail, bulrush, goldenrods, jewelweed, reed canary grass, blue flag iris, sensitive fern, speckled alder, shrubby dogwoods and willows.

Shrub Swamp

Shrub swamps are mostly inland wetlands dominated by tall shrubs, occurring along the shores of lakes or rivers, in wet depressions/valleys not associated with lakes, or as a transition zone between a marsh, fen, or bog and a swamp or upland community. The substrate is usually mineral soil or muck. It is a broadly defined type that includes several distinct communities and many intermediates. They may be co-dominated by a mixture of species, or a single dominant shrub. Shrub swamp species observed on site include alder, red osier dogwood, willows, northern arrowwood, and saplings of red maple, American elm and green ash.

Figure 3-7. Vegetative Communities at the Site (from left: 137-, 60-, and 77-acre parcels)



Successional Old Field

A successional old field is characterized as a meadow, dominated by forbs and grasses, that occurs on sites that have been cleared and plowed for farming or development and then abandoned. Fields that are mowed at an interval (e.g., less than once per year) favor the growth of characteristic successional old field species. This is a relatively short-lived community that succeeds to a shrubland woodland, or forest community. Characteristic vegetation includes goldenrods, bluegrasses, timothy, orchard grass, common chickweed, New England aster, wild strawberry, Queen-Anne's-lace, ragweed, hawkweeds, and dandelion. Shrubs may be present, but collectively they have less than 50% cover in the community. Characteristic shrubs include gray dogwood, silky dogwood, arrowwood, raspberries, and sumac.

Successional Shrubland

Successional shrublands occur on sites that have been cleared (for farming, logging, development, etc.) or otherwise disturbed. Shrublands typically replace old field plant communities and have at least 50% cover of shrubs. Characteristic shrubs include alder, red-osier dogwood, willows, arrowwood, and shrubby honeysuckles.

Beech-Maple Mesic Forest

A beech-maple mesic forest is a northern hardwood forest with sugar maple and American beech co-dominant. This is a broadly defined community type with several regional and edaphic variants. These forests occur on moist, well-drained, usually acid soils. Common associates are yellow birch, white ash, hop hornbeam, and red maple. Characteristic small trees or tall shrubs are hobblebush, American hornbeam, striped maple, witch hazel, and alternate-leaved dogwood. Typically, there is also an abundance of tree seedlings, especially of sugar maple. American beech and sugar maple saplings are often the most abundant “shrubs” and small trees.

60-Acre and 77-Acre Parcels

In September 2015, AECOM performed the field reviews necessary to summarize findings in a biological assessment of the 60-acre and 77-acre parcels (AECOM, 2015). The 60-acre parcel is predominantly successional fields that are transitioning to shrubland with minor areas of forested growth. The 77-acre parcel contains two (2) agriculture fields (corn and carrots) and two (2) shrub/forest mixed areas in the central and southern sections. There is a swale, classified as an intermittent stream, running through the middle of the 77-acre parcel. The swale runs east to west until it reaches the western edge of the 77-acre parcel and then heads north along the western parcel boundary, where it then goes under Indian Falls Road and eventually into Tonawanda Creek (Figure 3-7).

The successional shrubland areas within the site are all very similar to each other and are dominated by dogwoods, willows, goldenrods, ragweed, and bush honeysuckle.

The Beech-Maple mesic forest areas on site are dominated by maple and beech. The maple component ranged from large areas of saplings to old dead standing timber. There are some very tall cottonwoods on the fringe of the wetland/upland area adding to the dense canopy. Ash trees were the dominant species in some areas. The fringe and pocket open areas of this community contained shrubby plants including dogwoods, willows, honeysuckle, and alders.

The silver maple/ash swamp community located within Wetland W-3 (Figure 3-7) is a classic mix of maple and ash trees. There were many maple saplings and quite a few old growth trees and large standing dead timber. Moss was plentiful on the tree trunks and fallen dead wood. Blue flag iris and water horsetail were observed in several small patches throughout this complex. In addition, poison ivy and grapevine were well established in areas. There is a dense forest canopy here allowing very little sunlight to penetrate. Cottonwoods are a co-dominant species in this area and extend to the wetland boundaries into adjacent shrublands. The shrubby component of this community consisted mostly of dogwood and alders.

The shallow emergent marsh areas were dominated by reed canary grass, willow, and goldenrods with small

populations of sensitive fern and sparse patches of dogwood. These were found in the northeastern section of Wetland W-1, the eastern part of Wetlands W-3 and in a small northern section of Wetland W-6. Wetland W-3, and intermittent stream S-1 contained the largest area of cattails in the study area.

The shrub swamp areas are dominated by maple and ash saplings, dogwoods, willow, goldenrods and reed canary grass. Wetland W-1 Contains the largest section of shrub swamp with many patches of willow, dogwood, northern arrowwood and the occasional autumn olive.

Carrots and corn were planted in the croplands of the 77-acre parcel. Poison ivy, queen-anne's-lace and ragweed are present around the edges.

The ditch/artificial intermittent stream community along the drainage stream is dominated by reed canary grass, cattails and dogwoods. Joe-pie weed and various sedges are found along with willows and the occasional maple and ash.

Successional northern hardwoods are found in small patches around the site and extend outward from the boarders in the southeastern sections. They are dominated by aspens, red maple and cherries with multiple patches of white pine. The understory includes saplings of maples, ashes and aspens along with Virginia creeper and poison ivy.

3.7.3 Wildlife

132-Acre Parcel

Animal species observed during the April 2015 field investigations included: American robin, red-tailed hawk, wild turkey, turkey vulture, red-winged blackbird, common American toad, green frog, eastern chipmunk, eastern gray squirrel, and white-tailed deer (AECOM, 2015). A complete list of fauna observed during field investigations can be found below in Table 3-9.

Table 3-9. Fauna Scientific Names Referenced

Common Name	Scientific Name
American robin	*Turdus migratorius*
common American toad	*Anaxyrus americanus*
eastern chipmunk	*Tamias striatus*
eastern gray squirrel	*Sciurus carolinensis*
green frog	*Rana clamitans*
red-tailed hawk	*Buteo jamaicensis*
red-winged black bird	*Agelaius phoeniceus*
spotted turtle	*Clemmys guttata*
turkey vulture	*Cathartes aura*
white-tailed deer	*Odocoileus virginianus*
wild turkey	*Meleagris gallopavo*

As part of the plant and animal species surveys, rare, threatened and endangered species and unique habitats potentially present in the Project area were researched through desktop analysis and groundtruthed during field investigations. No existing known or proposed nature reserves, scenic rivers, unique ecological sites, geological features, breeding animal concentrations, champion trees, or parks were mapped and/or observed on the site. A discussion of rare, threatened and endangered species that were identified with the potential to occur in literature is provided below.

Bog Turtle

The bog turtle is New York's smallest turtle, reaching a maximum length of 4.5 inches. It is one of seventeen species of turtles found in New York State, including marine turtles. A bright yellow or orange blotch on each side of its head and neck are a distinctive feature of this species. The body color is dark with an orange-red wash on the inside of the legs of some individuals. The carapace (upper shell) is domed and somewhat rectangular, often with prominent rings on the shell plates (scutes). In some older individuals, or those that

burrow frequently in coarse substrates, the shell may become quite smooth and polished. Although generally black, the carapace is sometimes highlighted by a chestnut sunburst pattern in each scute. The plastron (lower shell) is hingeless, with a pattern of cream and black blotches. As with most turtles, the plastron of the male is slightly concave while the female's is flat.

Areas within the proposed National Cemetery possessing characteristics of bog turtle habitat including shallow surface water or soil saturation, soft mucky bottom substrate, and low grass/sedge emergent wetlands (often with a shrub component) were investigated for species presence and supporting data. The site meets the elevation requirement (below 1000 amsl) for potential bog turtle habitat and does possess areas of proper hydrologic conditions necessary to harbor a bog turtle population, however, no vegetation considered to be calciphiles (tussock sedge, grass-of-Parnassus, poison sumac, or shrubby cinquefoil) was observed during the 2015 field investigations. As such, no bog turtles were observed during the field review.

Northern Long Eared Bat

The northern long-eared bat is a medium-sized bat with a body length of 3 to 3.7 inches and a wingspan of 9 to 10 inches. Their fur color can be medium to dark brown on the back and tawny to pale-brown on the underside. As its name suggests, this bat is distinguished by its long ears, particularly as compared to other bats in its genus, Myotis (USFWS, 2015).

Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They use areas in various sized caves or mines with constant temperatures, high humidity, and no air currents. Within hibernacula, surveyors find them hibernating most often in small crevices or cracks, often with only the nose and ears visible. During the summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities or in crevices of both live trees and snags (dead trees). Males and non-reproductive females may also roost in cooler places, like caves and mines. Northern long-eared bats seem to be flexible in selecting roosts, choosing roost trees based on suitability to retain bark or provide cavities or crevices. This bat has also been found rarely roosting in structures, like barns and sheds.

Some areas of potential habitat were identified including individual trees (hickory and dead standing wood) and tree stands of suitable size located within the beech/maple mesic forest and silver maple/ash swamp communities. Acceptable feeding/foraging range also exists within the project site forested areas and old field communities. No Northern long eared bats were observed during the April 2015 field investigations. As part of the Draft SEA process, additional consultation with regulatory agencies (USFWS/NYSDEC) was be performed to determine if there is a need for additional species presence/absence investigation.

Consultation with NYSDEC was initiated for the 132-acre parcel on June 9, 2015. A letter was received from Ms. Andrea Chaloux (NYSDEC) on June 29, 2015 stating that two state listed species were indicated as having the potential to occur within the site: the Northern Long-eared Bat and the Northern Wild Comfrey. The response indicated that the results provided to VA at the time were issued based upon database records only, and were not the results of comprehensive field surveys; which could ultimately be required as part of a permit application should VA move forward with permitting the site for development. Although the VA is not required to address state-listed species, AECOM looked for but did not find any Northern Wild Comfrey during the biological assessment of the parcel. The Northern long-eared bat was not sighted; however, it is unlikely that biologists performing diurnal surveys would have been able to identify the presence of nocturnal species. Due to the presence of forested habitat, it has been assumed that the Northern long-eared bat is present.

Consultation with USFWS was initiated for the 132-acre parcel on July 16, 2015. A response was received from Ms. Robyn Niver (USFWS) via email on August 7, 2015 stating that the federally-listed species of concern for the site included the Northern Long-eared Bat and the Houghton's Goldenrod. A follow-up email from Ms. Niver dated August 12, 2015 indicated the potential for Houghton's Goldenrod had been reviewed and was no longer a species of concern. Additional information was requested by USFWS regarding the total forested area within the site and the proposed tree removal as part of the project. On

October 1, 2015, the VA requested concurrence that the project would result in a "may affect, not likely to adversely affect" (MANLAA) Endangered Species Act (ESA) determination for this species. On October 6, 2015, Ms. Niver responded to VA with official concurrence of the MANLAA determination, with support for the conservation measure of limiting tree clearing on-site (approximately 1.46-acres total clearance in Phase 1) to only occur between October 1 and March 31, outside of roosting/nesting periods in trees. Documentation of consultation communications is provided in Appendix B.

60-Acre and 77-Acre Parcels

Additional field investigations were performed in September 2015 to assess the biological conditions of the 60- and 77-acre parcels. Animal species observed during the September 2015 field investigations included: American robin, red-tailed hawk, wild turkey, turkey vulture, red-winged blackbird, common American toad, green frog, eastern chipmunk, eastern gray squirrel, and white-tailed deer (AECOM, 2015).

As part of the plant and animal species surveys; rare, threatened and endangered species and unique habitats potentially present in the Project study area were researched through desktop analysis and groundtruthed during field investigations. No existing known or proposed nature reserves, scenic rivers, unique ecological sites, geological features, breeding animal concentrations, champion trees, or parks were mapped and/or observed on the site.

The field and desktop reviews of the 60- and 77-acre parcels resulted in identical species considerations as presented within the 132-acre parcel. The bog turtle and the Northern long-eared bat were both identified as having potential to occur within the site boundary (See Section 3.6.1.2 for discussion related to each species). Field investigations did not result in the positive identification of either species within the site. The habitat required for the successful inhabitance of a bog turtle population does not exist within the 60- and 77-acre parcels. The 77-acre parcel does contain a large area of forested community suitable for foraging area for the Northern long-eared bat. The potential occurrence of these species will be considered in greater detail during the consultation process with NYSDEC and USFWS.

Consultation with NYSDEC and USFWS relating to the 60- and 77-acre parcels was formally initiated on December 3, 2015. On December 11, 2015, USFWS responded to VA with official concurrence of the MANLAA determination for the Northern Long-eared bat on the 60- and 77-acre parcels. Documentation of consultation communications is provided in Appendix B.

3.7.4 Environmental Consequences

3.7.4.1 Proposed Action

Acquisition of the 60- and 77-acre parcels will have no impact on wildlife and habitat at the site.

Construction. The Proposed Action at the Site would have minor, less-than-significant adverse effects on biological resources. Some of the natural vegetation communities on the Site, comprised of mixed forested wetlands and hardwood communities, represent original native communities and the vast majority of these natural habitats would remain intact on the Site. The remainder of the Site has been converted to improved pastures. Some of this improved pasture area is currently reverting back to shrubland due to cessation of agricultural activities within these areas.

Based on the MP5 design for the Phase 1 cemetery, approximately 1.46 acres of trees and shrubs would be removed: approximately 1.26 acres from the 132-acre parcel, and 0.20 acres from the 60-acre parcel. The remainder of the 60-acre parcel and the entirety of the 77-acre parcel would not be developed under the Proposed Action, but would be preserved by VA for potential future cemetery development. (As previously described, the VA would prepare separate NEPA evaluations prior to any future development phases.) The Phase 1 cemetery design has been tailored to avoid and minimize wetland impacts; based on the current Master Plan the amount of wetland disturbance is approximately 0.74 acres. The majority of the forested area removal occurs outside of the identified wetland areas. VA plans to limit tree clearing activities to

occur outside of the nesting season for the Northern long-eared bat in order to avoid potential impacts to the species. Specifically, tree clearing would only be performed between October 1 and March 31, when Northern long-eared bats are not using trees for nesting or roosting.

At this time, the Northern long-eared bat is the only listed species that is being assumed present within the site. The forested communities containing the necessary hardwoods for nesting and hibernacula would, in general, not be impacted. Any impacts to forested or wetland communities would be minimized to include only the necessary space needed to establish roadways within the property for ingress and egress of traffic.

Operation. During operation of the Proposed Action, the Phase 1 cemetery will include landscaped grounds and surface water retention ponds, which may serve as habitat for common animals (squirrels, birds, etc.). The Proposed Action does not include plans for further habitat loss or creation beyond the Phase 1 cemetery. Accordingly, the remainder of the 60-acre parcel and the entirety of the 77-acre parcel will not be developed as part of the Proposed Action. Therefore, impacts to wildlife and habitat during operation of the Proposed Action are expected to be minimal and less than significant.

3.7.4.2 Alternative Action

Impacts related to construction and operation of the Alternative Action would be similar to the Proposed Action, but would be limited to the 132-acre parcel. It is possible that containing the cemetery within this parcel would result in an increase in clearing needed to accommodate present and future burial and internment capacity needs.

3.7.4.3 No Action

Under the No Action, the National Cemetery would not be constructed. Therefore, no impacts to wildlife or habitat would result.

3.8 Noise

3.8.1 Existing Environment

The site is located to the southeast of the intersection of Indian Falls and Alleghany Roads. With the exception of commercial development at Exit 48A (just south of NYS Thruway I-90), the surrounding lands are rural in character with agricultural and residential uses. The site is zoned under the Town of Pembroke zoning code as Agricultural Residential.

Sensitive noise receptors can include hospitals, schools, churches and cemeteries, libraries, and public parks. No schools or hospitals are located within 0.5 mile of the Proposed Action site (NEPAssist, 2015). The following list identifies the location of sensitive receptors relative to the site:

- The nearest school, Pembroke High School (8750 Alleghany Road, Pembroke, NY), is approximately 2 miles south of the site.
- The nearest hospital, Genesee Memorial (Batavia, NY), is approximately 15 miles from the site.
- The nearest cemetery, Indian Falls Cemetery, is located on the northern end of the 60-acre parcel.
- The nearest church, Indian Fall Methodist Church (7908 Alleghany Road, Village of Corfu, Pembroke, NY), is located approximately 1-mile north of the site.
- The nearest library, Newstead Public Library (33 Main Street, Akron, NY), is located approximately 10-miles west of the site.
- The nearest public park, Akron Falls Park (14 Skyline Drive, Akron, NY), is located approximately 10-miles west of the site.

Other potentially sensitive noise receptors include two residences bordering the western side of the 132-

acre parcel, and two residences located on the northern side of Indian Falls Road across from the 77-acre parcel. The overall noise levels are typical of a quiet rural area and are consistent with a cemetery setting.

The principal sources of noise in the area are from vehicle traffic along Alleghany Road along the western boundary of the 132-acre parcel, NYS Thruway I-90Interstate 90 along the southern boundaries of all three parcels, and Indian Falls Road along the northern boundaries of all three parcels.

As part of the master planning process, an assessment of existing sound levels was performed on April 27, 2015 (LAG, 2015). Collection of data included recording the maximum (Lmax) and minimum (Lmin) sound levels (dBA) within a 5-minute duration at 14 locations throughout the 132-acre parcel. The sound levels were measured with a Quest Technologies 2200 Integrating Sound Level Meter equipped with a wind shield. Winds were generally 5 mph with gusts to 10 mph.

As anticipated, sound levels were highest, approximately 72 dBA, in the southern end of the 132-acre parcel adjacent to the NYS Thruway I-90 and lowest, approximately 50 dBA, in the middle portion of the 132-acre parcel adjacent to the tree line. Sounds levels have not been surveyed at the 60- and 77-acre parcels, but similar sounds levels would be anticipated at the other parcels due to their proximity to and similar uses as the 132-acre parcel.

3.8.2 Environmental Consequences

3.8.2.1 Proposed Action

Acquiring the 60- and 77-acre parcels will not have any noise impacts.

Construction. Construction activities under the Proposed Action would result in minor short-term adverse noise impacts on sensitive receptors, primarily to the nearby residences. Construction is anticipated to last 30 months, beginning approximately in the summer of 2017 and ending around the fall of 2019. Sources of noise would include construction equipment (including land clearing and grading equipment, trucks importing fill, and road construction and paving equipment) and other contractor vehicles commuting to and from the site. Construction vehicles would be equipped with noise-dampening equipment operated according to the manufacturers' instructions. Construction vehicles would be turned off when not in use. Construction will take place during daylight hours unless there is a specific action that would directly impact the operation of the cemetery. Construction activities performed after Early turnover would be scheduled to minimize impacts to interment ceremonies to the extent possible. These construction noise minimization practices that will be implemented are summarized in Section 5.0 in this SEA.

Operation. During operation of the Proposed Action, there would be minor, intermittent, long-term adverse noise impacts due to routine cemetery maintenance activities and committal services. Sources of operational-related grounds maintenance equipment include mowers, leaf blowers, and small vehicles. These operational-related noise sources are similar to common commercial landscaping activities. The operational maintenance activities would occur on an approximately weekly basis, and would occur during daylight hours. Additionally, these operational maintenance activities are similar to those performed at other National Cemeteries; no noise complaints from neighboring residents have been received.

M-16 rifle (5.56 caliber) salutes are performed at a Committal Shelter during Veteran interment ceremonies. The VA anticipates that an average of 5 to 8 interment ceremonies will be performed daily of which approximately 60 percent are for Veterans and are accompanied with a rifle salute (resulting in an approximate average of six rifle salutes performed daily). Rifle salutes typically consist of three to five rifles. The A-weighted maximum levels (Lmax dBA) for M-16 blanks from rifle salutes at various distances and angles from a source (e.g. Phase 1 committal shelters) is provided in Table 3-10 (VA, 2014b). These sound levels correspond to firing directly (0 degrees) or at different angles to the receptor, and do not account for sound shielding from tree lines, berms, and other buffers; thus, actual sound levels are expected to be lower than those shown. For comparison purposes, speech ranges from 50 to 80 dBA, and area background sound levels were measured between 50 and 72 dBA (LAG, 2015). Additionally, the shortest

distance between a Phase 1 Committal Shelter (Committal Shelter No. 1) and the nearest residence (along Alleghany Road) is approximately 550 meters. As such, noise from ceremonial rifle salutes is anticipated to be a minor contributor to overall sound levels.

Table 3-10. Azimuth Predicted Noise Levels from Rifle Salutes

Distance from Source	A-Weighted Maximum Sound Level (Lmax, dBA), Degrees from Source		
Meters	**0º**	**90º**	**180º**
50	66-76	64-74	64-74
100	60-70	58-68	58-68
200	53-63	51-61	51-61
400	39-49	38-48	38-48
800	31-41	30-40	30-40
1600	21-31	20-30	20-30

With the exception of the residences neighboring the parcels, other noise-sensitive receptors would not be affected under the Proposed Action due to their distance from the cemetery.

Minor short-term and long-term adverse noise impacts could be further minimized through construction scheduling, interment service planning, and utilization of sound shielding. These minimization opportunities are described in Section 5.0 in this SEA.

3.8.2.2 Alternative Action

Predicted noise impacts during construction and operation of the Alternative Action would be the same as those for the Proposed Action.

With the exception of the residences neighboring the cemetery property, other noise-sensitive receptors would not be affected under the Alternative Action due to their distance from the cemetery.

3.8.2.3 No Action

Under No Action, development of the proposed Western New York National Cemetery would not be constructed or operated, and no related noise impacts would result.

3.8.3 Land Use

3.8.4 Existing Environment

All three parcels are located in the Town of Pembroke, Genesee County in the western portion of New York State. The site is approximately 15 miles east of the City of Buffalo, 47 miles west of the City of Rochester, 10 miles west of the Town and Village of Batavia, and 3 miles north of the Village of Corfu.

The three parcels are located southeast of the intersection of Indian Falls and Alleghany Roads. With the exception of commercial development at Exit 48A (just south of NYS Thruway I-90), the surrounding lands are rural in character with agricultural and residential uses. The three parcels are identified on the Town of Pembroke Tax Assessors Map Section 10, Block 1, and Lots 9, 18, and 28 (132-acre parcel); Lots 8 and 19 (60-acre parcel); and Lots 7 and 20 (77-acre parcel) (Figure 3-8Figure 3-78).

The site is zoned under the Town of Pembroke zoning code as Agricultural Residential. Agricultural Residential, which allows for residential, agricultural, religious institutions, and public uses (i.e., parks and playgrounds), private stables, schools, and accessory buildings, structures, and uses. Cemeteries are not specifically listed as part of the current Agricultural Residential zoning designation; however, cemeteries are permitted under current zoning with a special use permit. However, as a federal agency, the VA is not required to obtain municipal permits.

The neighboring properties to the north, east, and west are currently zoned by the Town of Pembroke as Agricultural Residential. The neighboring properties to the south are currently zoned as Agricultural

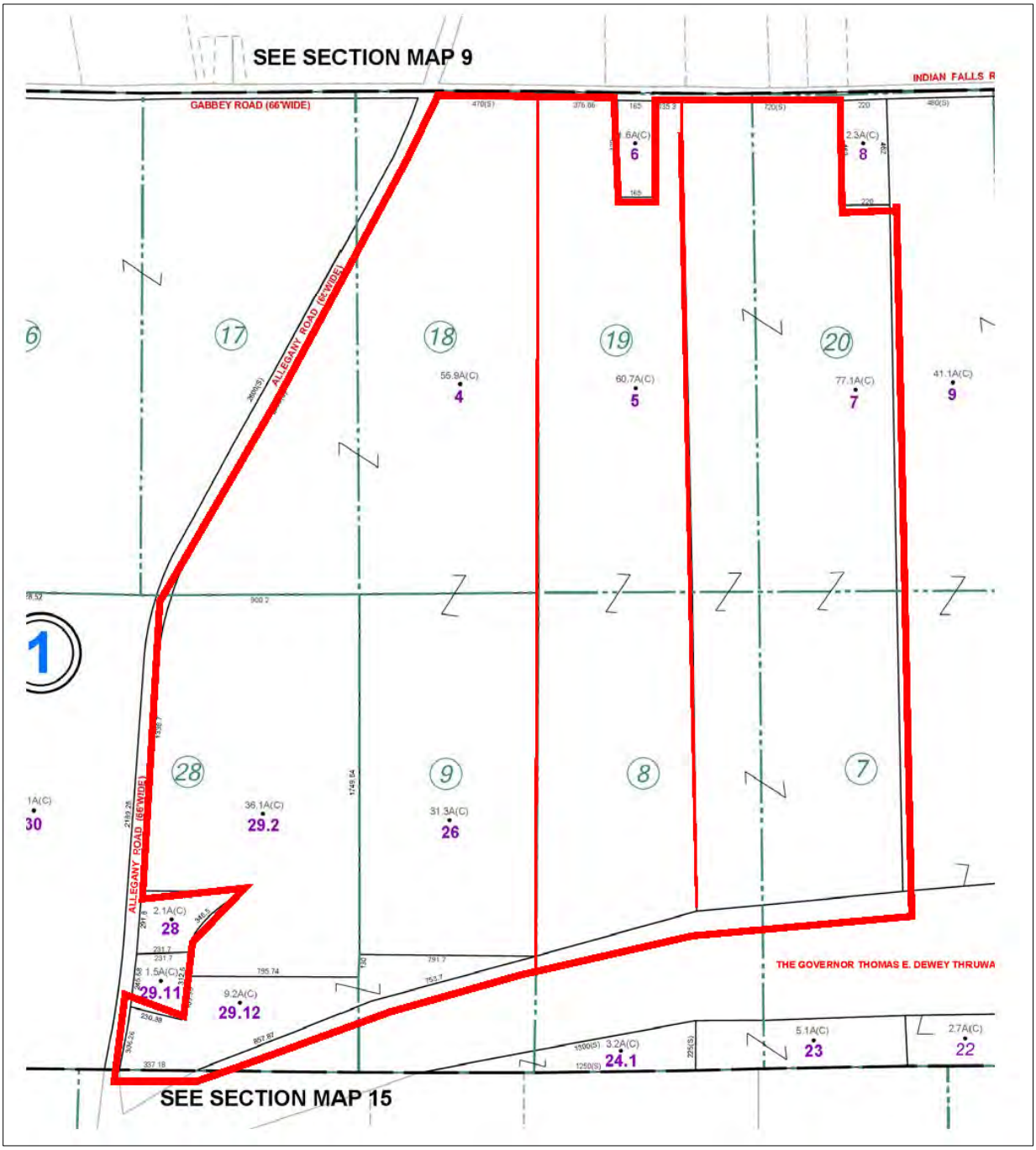
Residential and Highway Interchange.

The site is not located in a Genesee County Smart Growth Development Area (Genesee County, 2013).

The Final PEA analyzed area land uses prior to acquisition of the 132-acre parcel (VA 2014). No new land uses occurred at the 132-acre site prior to VA's acquisition of the 132-acre parcel on May 30, 2014. Additionally, no change in land use at the 60- or 77-acre parcels has occurred during development of this Draft SEA.

Additional discussion of the natural land use conditions at the three parcels was previously described in Section 3.1.1 (Aesthetics – Existing Conditions).

Figure 3-8. Town of Pembroke Tax Assessors Map (from left: 137-, 60- and 77-acre parcels)



3.8.5 Environmental Consequences

3.8.5.1 Proposed Action

Acquisition of the 60- and 77-acre parcels would have a long-term, less than significant impact on land use. The parcels would no longer be available for development by other individuals or organizations.

Construction and Operation. Construction and operation of the Proposed Action would permanently change the land use of the three parcels from Agricultural Residential to a cemetery. However, the physical change in land use on the majority of the 60-acre parcel and the entirety of the 77-acre parcel would not be impacted during construction and operation of the Phase 1 cemetery. Potential future development on these parcels as part of planned expansion phases could occur, but would undergo separate NEPA analyses prior to actual development of each phase.

The Proposed Action would convert the Phase 1 area from unmanaged agricultural land into a National Shrine to honor Veterans. Although the Proposed Action would result in the loss of agricultural farmland, the amount of lost agricultural farmland is negligible within Genesee County and New York State (see Prime Farmland under Section 3.4). Additionally, the VA designed the Phase 1 cemetery to limit the amount of wetland impacts to approximately 0.5574 acres and approximately 1.46 acres of tree clearing.

As is the case at all National cemeteries, the property is reserved for public use only for Veterans' funeral services, visitation, and occasional ceremonies. No recreational use is permitted.

Construction and operation of the Proposed Action would not change land use designations or prevent and restrict land uses beyond the site.

As a result, the Proposed Action would have a long-term, minor, less-than-significant adverse impact on land use at the site, and would have no impact on land use beyond the site.

3.8.5.2 Alternative Action

The Alternative Action would develop the Phase 1 cemetery only within the 132-acre parcel. Approximately 0.64 acres of wetlands would be impacted, and approximately 1.26 acres of trees would be cleared. The VA would purchase wetland mitigation credits to off-set the wetlands impacts, and trees would be cleared

Similar to the Proposed Action, the Alternative Action would have long-term, minor, less-than-significant impact on land use within the 132-acre parcel, converting it from unmanaged farmland to a National Shrine, and would have no impact on land use beyond the boundaries of the 132-acre parcel.

3.8.5.3 No Action

Under No Action, the Western New York National Cemetery would not be developed, and no land use impacts would result.

3.9 Floodplains, Wetlands, and Coastal Zone Management

3.9.1 Existing Environment

3.9.1.1 Floodplains

132-Acre Parcel

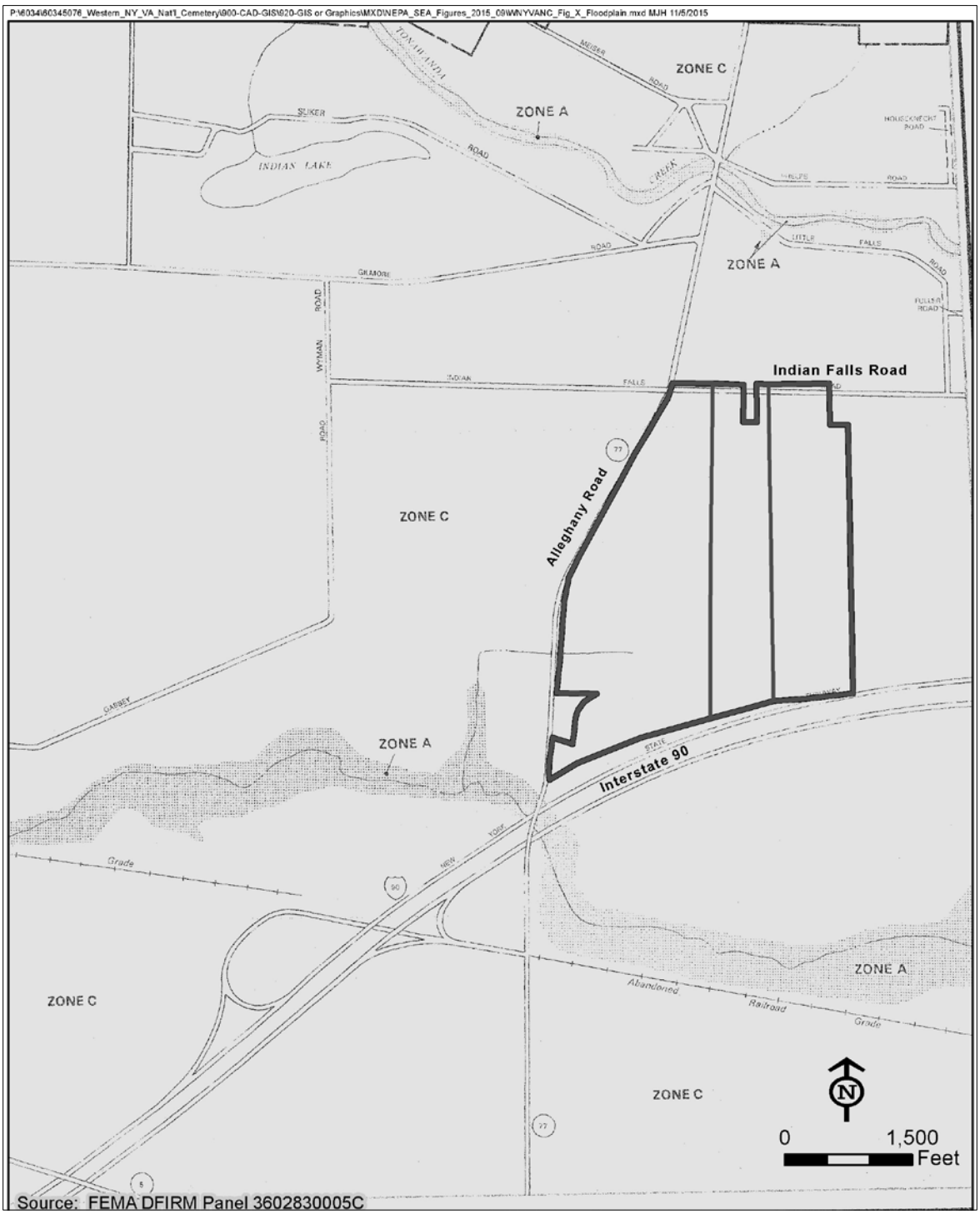
According to available FEMA floodplain mapping, the entire parcel is located in Floodzone C (FEMA FIRM Panel Number 360283 0005C, dated January 20, 1984; FEMA, 1984). This zone includes areas above the 0.2% (500 year) annual chance flood and have minimal flood hazard risk. Accordingly, the 132- acre parcel is outside the 100-year floodplain. However, a 100-year floodplain associated with Murder Creek is

located approximately 400 feet southwest of the 132-acre parcel (Figure 3-9Figure 3-89).

60-Acre and 77-Acre Parcels

According to available FEMA floodplain mapping, both parcels are located in Floodzone C (FEMA FIRM Panel Number 360283 0005C, dated January 20, 1984; FEMA, 1984). This zone includes areas above the 0.2% (500 year) annual chance flood and have minimal flood hazard risk (Figure 3-9Figure 3-89).

Figure 3-9. Floodplain Map of the Site and Vicinity (from left: 137-, 60-, and 77-acre parcels)



3.9.1.2 Wetlands

The VA retained Mabbett & Associates, Inc. and AECOM Technical Services, Inc. to complete a jurisdictional wetland determination at the three parcels. On April 28 and 29, 2015, August 26, 27, 28 and 31, 2015, and September 8, 2015, wetlands were delineated using the routine methodology set forth in the USACE Wetland Delineation Manual (USACE 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0) (USACE 2012). The field delineation results were documented in the Wetland Delineation Report provided to the VA on October 19, 2015 (a copy is provided in Appendix C) (AECOM, 2015).

Six (6) wetlands totaling approximately 86.1 acres were delineated within the site, as summarized in Table 3-11 and depicted in Figure 3-10.

Based on the results of the field survey and the review of topographic maps, aerial imagery, and hydrology data, it appeared some of the wetland areas delineated have a hydrologic connection to adjacent off-site wetland areas, as described in the comment field in Table 3-11. Local hydrology is influenced by seasonal pooling of storm and melt water, rainfall runoff and perched groundwater. Surface water observed during the field work in the 132-acre parcel included a small open water wetland (Wetland 1) and ponded water towards the center of the forested area in Wetland 2, as depicted in Figure 3-10. The emergent wetlands in Wetland 2 in the central and eastern sections were ponded to a depth of approximately 2 inches. Wetland 4 contained areas of open water up to approximately 8-inches deep, and Wetland 5 contained an open water "swale" with water depth ranging from 4-24 inches. Wetland 2 is included in mapped NYSDEC Wetland AK-14. All of delineated Wetland 2 and 100-foot adjacent buffer area would likely be regulated by the NYSDEC. Due to close proximity to Wetland 2 and NYSDEC State Wetland AK-14, Wetland 4 may also be considered by the NYSDEC as part of the mapped Wetland AK-14 complex and fall under State jurisdiction. Wetland 3 is connected to NYSDEC Wetland AK-15 and may fall under State jurisdiction.

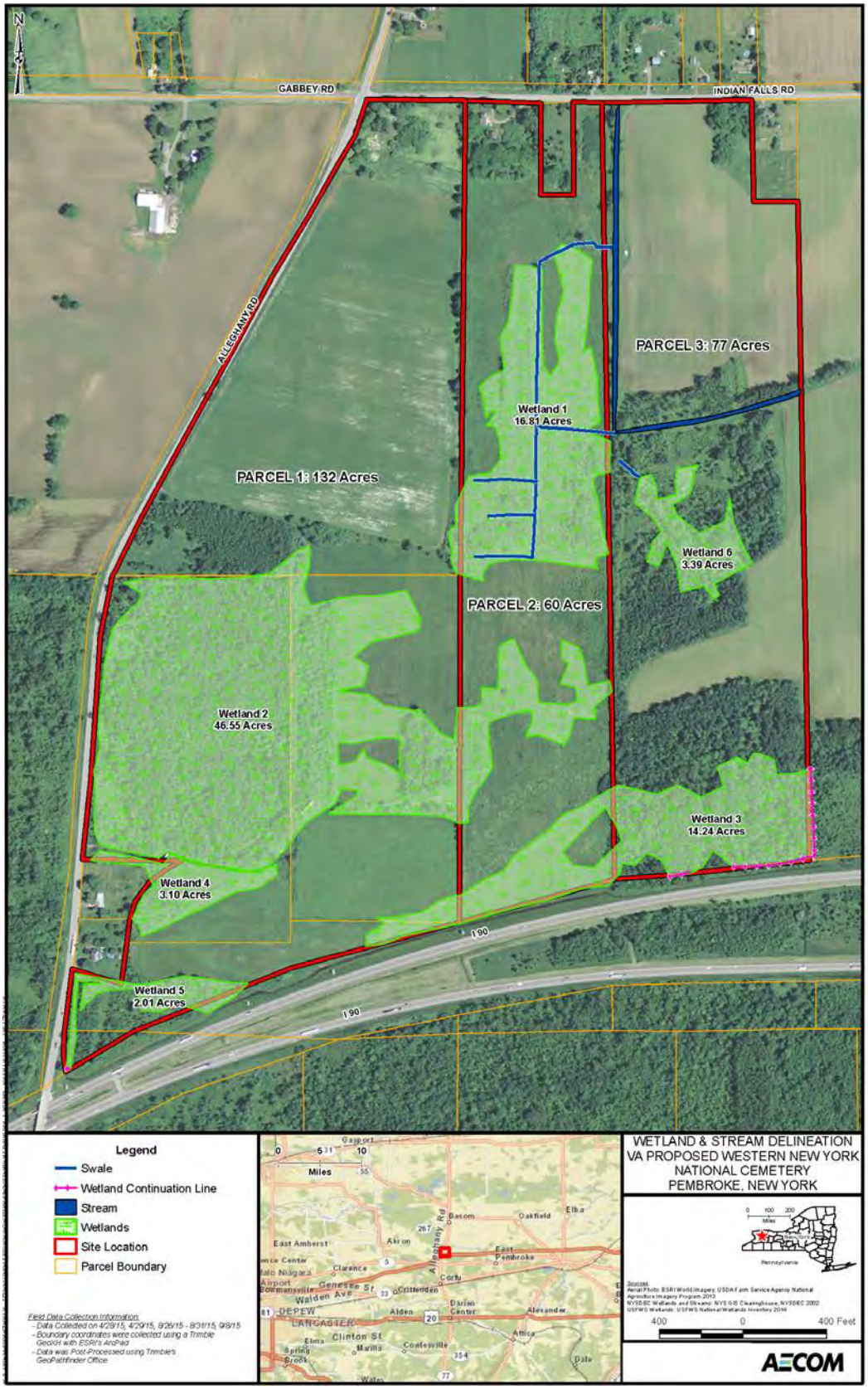
On October 30, 2015, the VA submitted a Jurisdictional Determination request to the USACE and NYSDEC via a Joint Application for Permit in accordance with NYSDEC Article 24-Freshwater Wetlands, and Section 401-Water Quality Certification, and Section 404 of the Clean Water Act (a copy is provided in Appendix B). A site walk performed by AECOM and USACE was performed on November 12, 2105. Based on the site walk and additional information provided to USACE on February 2, 2016, the USACE accepted the wetland delineation and issued a Jurisdictional Determination on March 30, 2016 (a copy of the letter is provided in Appendix B). On April 7, 2016, the NYSDEC issued a Notice of Incomplete Application for Section 401 – Clean Water Act Water Quality Certification, indicating that additional information regarding limits of disturbance, stormwater management, and SHPO determinations were needed prior to issuance of a permit. The VA is currently preparing the requested information and will continue consultations with NYSDEC regarding this permit.

Table 3-11. Wetland Summary

Wetland	Cowardin Class (1)	NYSDEC Wetland	132-Acre Parcel	60-Acre Parcel	77-Acre Parcel	Acres (approx.)	Comments
W1	PEM/PSS	NA	0.3	16.5	NA	16.8	Large shrubland wetland with a complex of historic agricultural swales.
W2	PFO/PSS/PEM	AK-14	42.0	4.6	NA	46.6	Borders Alleghany Road to the west.
W3	PSS	AK-15	1.1	4.0	8.77	14.2	Attached hydrologically to NYSDEC AK-15 to the east.
W4	PFO/PSS	AK-14	2.8	NA	NA	3.1	Just south of Wetland 2, separated by a gravel access road.
W5	PFO/PSS	NA	1.8	NA	NA	2.0	Connects to unnamed tributary of Murder Creek.
W6	PSS/PEM/PFO	NA	NA	NA	3.4	3.4	Part of NWI wetland.
Total	-	-	48.0	25.1	12.2	86.1	-

Notes:
1 – Cowardin et al. 1979
NA – Not applicable

Figure 3-10. Delineated Wetland Boundaries at the Site (from left: 137-, 60-, and 77-acre parcels)



3.9.1.3 Coastal Zone Management

The Coastal Zone Management Act (CZMA) was promulgated to control nonpoint pollution sources that affect coastal water quality. The CZMA of 1990, as amended (16 USC 1451 et seq.), encourages States to preserve, protect, develop, and where possible, restore or enhance valuable natural coastal resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats. According to the New York State Office of Communities and Waterfronts (NYOCW), none of the three parcels are located within a designated coastal zone.

3.9.2 Environmental Consequences

3.9.2.1 Proposed Action

Acquisition of the 60- and 77-acre parcels will have no impact on floodplains, wetlands, or coastal zone management.

Floodplains

Construction and Operation. According to FEMA FIRM Panel 360283 0005C, dated January 20, 1984, all three parcels being considered as part of the Proposed Action are within Zone C, which is outside of the 100- and 500-year flood zones (Figure 3-9). The nearest 100-year floodplain is located approximately 400-feet southwest of the 132-acre parcel. As such, the Proposed Action will have no impact on floodplains.

Wetlands

Construction. The Proposed Action could result in minor, less-than-significant adverse impacts to wetland resources. A total of 86.1 acres of wetlands exists within the boundaries of the Proposed Action (Figure 3-10). During the Master Plan design process VA structured the development plan, and considered several alignments for the interior roadway, to avoid and minimize wetland impacts to the greatest extent feasible. The subsequent MP5 design avoids constructing the Phase 1 cemetery within wetland areas to the greatest extent possible. However, approximately 0.74 acres of wetlands will be impacted during construction of the interior maintenance road entering the site from Alleghany Road on the western portion of the 132-acre parcel, and from the portion of this interior roadway that curves onto the eastern portion of the 60-acre parcel. Minimal tree clearing will be performed on site, predominantly outside of the forested wetland area.

The VA is committed to mitigating the impacts to the onsite wetlands through the purchase of up to 1.0 Wetland Mitigation credit from Ducks Unlimited or a similar organization operating in the Niagara River service area. This commitment is documented in Section 5.0 in this SEA.

Operation. Operation of the Proposed Action will have no additional adverse impacts on wetlands, and there is no plan for additional wetland impacts beyond those occurring during construction. The capability of the aforementioned constructed stormwater management ponds to develop new onsite wetland areas will be considered.

Coastal Zone Management

Construction and Operation. The Proposed Action will not result in any adverse impacts to a designated coastal zone, as the site does not occur within a designated coastal zone.

3.9.2.3 Alternative Action

Floodplains

Construction and Operation. According to FEMA FIRM Panel 360283 0005C, dated January 20, 1984, the 132-acre parcel is within Zone C, which is outside of the 100- and 500-year flood zones (See Figure 3-9). The nearest 100-year floodplain is located approximately 400-feet southwest of the 132-acre parcel. As such, floodplain impacts associated with the implementation of the Alternative Action would be less-than-significant.

Wetlands

Construction. Construction-related impacts to wetlands under the Alternative Action would be similar to the Proposed Action, but would be limited to the 132-acre parcel. However, developing the Phase 1 cemetery only with then 132-acre parcel would require locating the cemetery entrance along Alleghany Road, which would subsequently increase the clearing needed to accommodate present and future burial and internment capacity needs. The master planning design process for the Alternative Action considered several options to minimize and avoid wetland impacts required to establish access from Alleghany Road into the northern section of the 132-acre parcel, where the majority of the site development would take place. However, due to the need to traverse the wetlands in the central and southern portions of the 132-acre parcel, the wetland impacts were greater in acreage under the Alternative Action as compared to the Proposed Action.

Operation. Operation of the Alternative Action will have no impacts on wetlands. However, additional wetland impacts beyond those occurring during construction of the Phase 1 cemetery could occur as additional internment areas are developed.

Coastal Zone Management

Construction and Operation. The Alternative Action will not result in any adverse impacts to a designated coastal zone, as the Alternative Action does not occur within a designated coastal zone.

3.9.2.4 No Action

Under No Action, the proposed National Cemetery would not be constructed, and no impacts to floodplains, wetlands or coastal zone management would result.

3.10 Socioeconomics

3.10.1 Existing Environment

The following information updates the summary socioeconomic data, which at the time was based on available census data from 2010, provided in the Final PEA (VA, 2014).

3.10.1.1 Demographics

Population totals for Genesee County and New York State have remained relatively stable from 2011 to 2014. Genesee County's estimated population was 59,993 in 2011 and 59,162 in 2014 (US Census, 2014). The estimated population total for the State of New York was 19,456,197 in 2011 and 19,746,227 in 2014.

Genesee County has higher white populations and lower African-American, Asian Pacific or Other Islander, and Hispanic populations than the State of New York as a whole, which includes the very diverse, highly populated New York City (Table 3-12).

Table 3-12. Demographic Profile for Genesee County and New York State

Area	All	White	African-American	American Indian and Alaska Native	Asian or Pacific Islander	Hispanic or Latino	Other Race
New York State	19,746,227	70.4	17.6	1.0	8.6	18.6	2.4
Genesee County	59,162	93.1	3.2	1.2	0.7	3.0	1.8

Note: As of July 1, 2014. http://www.census.gov/quickfacts/table/PST045214/36037,36

Similar to 2011 US Census data, in 2014 Genesee County had a slightly higher percentage of high school graduates than the New York as a whole and a lower percentage of bachelor's degrees or higher than the New York. Educational attainment data are presented in Table 3-13.

Table 3-13. Educational Attainment in Genesee County and New York State

Educational Attainment	Genesee County	New York State
High School Graduate (%)	90.3	85.2
Bachelor's degree or higher (%)	20.8	33.2

According to the 2009-2013 US Census data, Genesee County had a relatively higher percentage of Veterans among the entire population compared to New York State (Table 3-14).

Table 3-14. Veteran Population in Genesee County and New York State

Veterans (2009-2013)	Genesee County	New York State
Population	4,392	912,499
Percentage	7.4%	4.6%

3.10.1.2 Employment and Income

Genesee County's employment is primarily centered on educational services (21%), healthcare (19%), accommodation and food services (12%), trades (12%), and public administration (10%).

Unemployment rates for Genesee County are lower than New York State (Table 3-15). Median household and per capita incomes for Genesee County residents slightly lower than New York State. However, the population below the poverty level for Genesee County is lower than New York State.

Table 3-15. Income and Employment Data for Genesee County and New York State

Area	Number of Households (2009-2013)	Median Household Income (2009-2013)	Per Capita Income (2009-2013)	Unemployment Rate (2013)
New York State	7,234,743	$58,003	$32,382	15.9%
Genesee County	23,884	$49,922	$25,403	14.7%

3.10.1.3 Housing

Rates of owner-occupied housing in Genesee County are higher than New York State (Table 3-16). This is likely reflective of the large rural and suburban areas of Genesee County compared with the large urban areas in and around New York City.

Table 3-16. Housing Data for Genesee County and New York State

Area	Total Housing Units	Owner-Occupied (percent)	Median Value	Median Contract Rent
New York State	8,191,040	54.2	$288,200	$1,088
Genesee County	25,617	72.7	$105,000	$716

3.10.1.4 Protection of Children

Because children may suffer disproportionately from environmental health risks and safety risks, EO 13045, *Protection of Children From Environmental Health Risks and Safety Risks*, was introduced in 1997 to prioritize the identification and assessment of environmental health risks and safety risks that may affect children and to ensure that Federal agencies' policies, programs, activities, and standards address environmental risks and safety risks to children. This section identifies the distribution of children and locations where numbers of children may be proportionately high (e.g., schools, childcare centers, family housing, etc.) in areas potentially affected by the Proposed Action. Children are not regularly present at any of the three parcels, which are largely vacant farmland. Children are present in the surrounding residential areas. The percentage of the population under age 18 in Genesee County is similar to New York State (Table 3-17).

Table 3-17. Adolescent Population in Genesee County and New York State

Area	Under 18 (population)	Under 18 (percent)
New York State	4,225,693	21.4
Genesee County	12,247	20.7

3.10.2 Environmental Consequences

3.10.2.1 Proposed Action

Acquisition of the 60- and 77-acre parcels would have no significant impact on socioeconomics. The 60-acre parcel has been assessed at approximately $138,000 (Rapid Title Services, 2014), while the 77-acre parcel has been valued at approximately $150,000 (KLW, 2015).

Construction. Construction of the Proposed Action is anticipated to take 30 months, starting approximately in the summer of 2017 and ending around the fall of 2019 (LAG, 2015). Construction will require hiring qualified and skilled workers; preference would be given to hiring workers from the local and regional area. Construction supplies would be sourced from the local or regional area, as available. Accordingly, construction of the Proposed Action would temporarily increase local employment opportunities and local tax revenue through the purchase of supplies and from spending on personal items by construction workers. As a result, construction of the Proposed Action would have a short-term, temporary, minor and less-than-significant beneficial impact on socioeconomics.

Operation. Operation of the Proposed Action would require hiring approximately seven (7) new staff to maintain the Phase 1 cemetery (LAG, 2015). Preference would be given to qualified veterans in the local or regional area, as available. This long-term addition in employment opportunity would have a long-term, but minor and less-than-significant beneficial impact on socioeconomics. The influx of visitors to the cemetery may result in increased personal spending at local area businesses, resulting in a potential long-term, minor and less-than-significant beneficial socioeconomic impact.

Overall, the Proposed Action would cause no changes to the area population, income levels, education, housing, or protection of children, and therefore have no significant adverse impact on socioeconomics.

3.10.2.2 Alternative Action

The socioeconomic impacts would be the same as under the Proposed Action, with no adverse impacts and a possible short-term, minor beneficial but less-than-significant impact to employment during construction activities, and long-term, minor but less-than-significant beneficial impact to employment and visitors' spending at local businesses.

3.10.2.3 No Action

Under No Action, the proposed Western New York National Cemetery would not be developed, and no

significant adverse or beneficial impacts to socioeconomic conditions would result.

3.11 Community Services

3.11.1 Existing Environment

The Final PEA (VA 2014) provided community service data that remains consistent for the MP5 design of the Proposed Action analyzed in this Draft SEA.

As previously described in the SEA Introduction, the western New York region does not have adequate Veterans' burial services, requiring Veterans' and their family members to travel outside of the western New York region to obtain burial services at a National Cemetery. The nearest National Cemetery is the Bath National Cemetery, San Juan Avenue, Bath, New York, which is located approximately 85 miles southeast of the site. The three other VA National Cemeteries in New York are Gerald B. Solomon Saratoga, Calverton, Long Island. There are no state Veterans Cemeteries in New York.

Other community services include police protection, fire protection, emergency services, schools, health care, and parks and recreation. Because no additional load is expected to be placed on the fire or police departments, and changes are not expected in use of or access to other public or community services as a result of the Proposed Action, impacts to community services other than Veterans' burial services were not analyzed in this SEA.

3.11.2 Environmental Consequences

3.11.2.1 Proposed Action

Acquisition of the 60- and 77-acre parcels would have no impact on community services.

Construction and Operation. Construction and subsequent operation of the Proposed Action would have a beneficial impact on community services (burial services). During operation of the Proposed Action, the Phase 1 cemetery would allow the NCA to provide burial services to Veterans' and their families in the western New York region for at least the next 10 years, filling the previously described void. Therefore, operation of the Proposed Action would provide a long-term, beneficial impact on this community service.

3.11.2.2 Alternative Action

Construction and Operation. Under the Alternative Action, the environmental consequences on community services would be the same as the Proposed Action. During operation of the Alternative Action, the Phase 1 cemetery would allow the NCA to provide burial services to Veterans' and their families in the western New York region for at least the next 10 years. Therefore, operation of the Alternative Action would provide a long-term, beneficial impact on this community service.

3.11.2.3 No Action

Under No Action, the Western New York National Cemetery would not be developed. In order for Veterans in the western New York region to be provided the honor and earned privilege of burial in a National Cemetery, families and friends would have to travel to the Bath National Cemetery, located approximately 85 miles southeast from the proposed Western New York National Cemetery. Families visiting the cemetery after a burial would be required to travel a round-trip distance of approximately 170 miles or more; traveling this distance can prove to be prohibitive. Accordingly, No Action would have a long-term adverse effect on Veterans' burial services.

3.12 Solid and Hazardous Materials

3.12.1 Existing Environment

Hazardous and toxic materials are materials that pose a risk through either physical or chemical reactions

to human health or the environment.

132-Acre Parcel

A Phase I Environmental Site Assessment (ESA) performed as part of the Final PEA for the 132-acre parcel identified no evidence of negative environmental impacts and no recognized environmental conditions warranting further action or investigation.

60-Acre and 77-Acre Parcels

A Phase I ESA for the 60-acre parcel was performed on April 2014 (GZA, 2014). The authors concluded that due to historical agricultural use on the majority of the parcel, herbicides and pesticides may have been applied to the agricultural portions of the parcel. Accordingly, the authors recommended that a Phase II investigation be conducted for herbicide and pesticide contamination to surficial soil, surficial water, and groundwater. However, based on historical photographs, the agricultural use on the 60-acre parcel occurred to the south of the area that would be developed for the proposed Phase 1 cemetery.

The authors also noted that the residence located on the northern portion of the 60-acre parcel had evidence of a historical fuel oil release, potentially from an aboveground storage tank. However, the authors were unable to gain access inside the residence to evaluate this potential recognized environmental condition.

A Phase I ESA for the 77-acre parcel was performed in October 2015 (Great Lakes, 2015). The authors concluded that that due to historical agricultural use on the parcel, herbicides and pesticides may have been applied. Accordingly, the authors recommended that a Phase II investigation be conducted for herbicide and pesticide contamination to surficial soil, surficial water, and groundwater.

3.12.2 Environmental Consequences

3.12.2.1 Proposed Action

Acquisition of the 60- and 77-acre parcels would have no impact on solid and hazardous wastes.

Although the Phase I ESA reports for both the 60-acre and 77-acre parcels recommended Phase II investigations for potential impacts to soil and groundwater from potential historical use of herbicides and pesticides, the portion of the 60-acre parcel were the Phase 1 cemetery would be constructed and operated appears to be north of the historical agricultural fields; accordingly, a Phase II investigation for historical agricultural contaminants may not be warranted in this northern portion of the 60-acre parcel. However, upon acquisition of the 60-acre parcel, the VA intends to demolish and remove the residential structure, including any potential aboveground oil storage tanks. Due to the advanced age of the residence, there is the potential for lead-based paint, asbestos, and potentially other regulated building materials to be present in and/or on the residence. Accordingly, prior to demolition, the VA would perform an assessment for these materials and remove them prior to or during demolition according to existing federal and any applicable state regulations. The Proposed Action for the Phase 1 cemetery does not involve development on the remainder of the 60-acre parcel, or anywhere on the 77-acre parcel. The Proposed Action will not develop the 77-acre parcel; therefore, a Phase II investigation of the 77-acre parcel is not warranted until such time that the VA considers developing this parcel for potential future internment areas.

Construction. Construction-related activities under the Proposed Action have the potential to generate solid waste. However, solid waste generation from these activities is anticipated to be a minor contributor to overall solid waste generation in the region and would not result in adverse impacts. Excavated soils would be reutilized on-site in accordance with site-specific design specifications. Excess soils could be reutilized off-site. Staging and operation of construction equipment carries an increased potential for incidental releases of vehicle fluids. Proper vehicle maintenance and inspection would reduce this potential, and adverse impacts are not expected. As previously described, prior to demolition of the residential structure on the 60-acre parcel, regulated building materials would be removed and transported off-site for disposal according to applicable federal and state requirements.

Operation. Operation of the Proposed Action would generate a consistent quantity and type of solid waste on a routine basis. Solid waste generally consists of routine office waste, flowers and other items left behind at burial sites, and container waste associated with minor vehicle maintenance activities. Solid waste would be collected weekly in designated dumpsters and transferred by a qualified private contractor to an appropriate municipal solid waste landfill.

Minimal quantities of hazardous materials would be stored at the Phase 1 cemetery. Typically, hazardous materials are brought onsite by contractors on an as-needed basis for activities such as pest control, weed management, and road deicing. The cemetery would maintain a qualified private contractor for disposal of routinely generated used oils. Spent vehicle batteries would be exchanged and recycled.

Small volumes of excess soils would be generated from routine burial operations. These soils would be reutilized onsite where possible. Small volume storage of excess soils would not be visible from areas outside of the cemetery or areas normally accessed by cemetery visitors (i.e. excess soils would be stored near the proposed maintenance area in the southern area of the 132-acre parcel).

Anticipated future solid waste generation would be a minor contributor to overall solid waste generation in the area and would not result in significant adverse impacts to solid waste quantities or management.

Recommended management actions are described in Section 5.0 in this SEA.

3.12.2.2 Alternative Action

Anticipated solid waste and hazardous materials impacts for the Alternative Action would be similar to those identified for construction and operation of the Proposed Action, but would be limited to the 132-acre parcel.

Recommended management actions are described in Section 5.0 in this SEA.

3.12.2.3 No Action

Under No Action, the proposed Western New York National Cemetery would not be developed, and no impacts to solid waste and hazardous materials would result.

3.13 Transportation and Parking

3.13.1 Existing Environment

As part of the master planning process for development of the 132-acre parcel, a traffic study was conducted on May 11, 2015 (Fisher, 2015). As indicated in the traffic study, Alleghany Road and Indian Falls Road were analyzed, and safe zones were established for placement of cemetery access roads. Alleghany Road/State Route 77 is a two-lane paved State Highway classified as a rural minor arterial roadway with a recently documented average daily traffic of 6,535 vehicles. Indian Falls Road/Genesee County Route 4 is a two lane paved roadway classified as a rural minor collector east of Alleghany Road and as a local road west of Alleghany Road, with recently documented average daily traffic of 931 vehicles.

No direct site access exists from the adjacent NYS Thruway, however the exit 48A toll plaza southwest of the project site provides access to Alleghany Road, approximately 0.5-mile south from the site. With the largest population centers in the cities of Buffalo and Rochester, it is anticipated the majority of visitors will use the NYS Thruway to access Alleghany Road and the site (LAG, 2015).

As indicated in the 2015 Traffic Study, Alleghany Road and Indian Falls Road have been analyzed, and safe zones established for placement of cemetery access roads. Due to existing road configuration, vertical/horizontal geometry, and travel speed, safety concerns are the primary factor in the design and placement of the main and service entries.

During the Draft SEA Public Meeting on September 8, 2015, Ms. Annie M. Lawrence, the Pembroke Town

Supervisor, provided a written comment stating her hope that the VA's traffic analyses would result in improvement to the intersection of Alleghany Road and Indian Falls Road, "where numerous accidents have occurred" (a copy of the letter is provided in Appendix D).

3.13.2 Environmental Consequences

3.13.2.1 Proposed Action

Acquisition of the 60- and 77-acre parcels would have no impact on transportation and parking.

Construction. The Proposed Action places the main entrance to the National Cemetery on Indian Falls Road, along the northern boundary of the 60-acre parcel (Figure 3-11). Indian Falls Road is less highly trafficked compared with Alleghany Road (Fisher, 2015; LAG, 2015). Indian Falls Road also has a lower speed limit (35 mph) than Alleghany Road (55 mph). These factors make Indian Falls Road a much safer access alternative compared to an entrance along Alleghany Road (LAG, 2015).

The National Cemetery would have separate entrance and exit lanes along Indian Falls Road and would be approximately 600-feet east of the intersection with Alleghany Road. The VA will coordinate with the NYDOT to determine whether a traffic signal at the entrance is required on Indian Falls Road.

The National Cemetery will have a one-lane maintenance access road located on Alleghany Road, near the southwestern portion of the 132-acre parcel (Figure 3-11); only VA employees and maintenance contractors will be allowed to use the maintenance road. A maintenance access road will be constructed to connect the maintenance area to the northern portion of the site; the maintenance road will be located primarily on the 132-acre parcel, with an approximately 600-foot segment on the 60-acre parcel.

During construction, increased traffic would consist of haul trucks, construction workers' personal vehicles, and construction equipment. Installation and connection of utilities could also impact local roadways through the potential need to slow traffic (i.e. temporary lane closures) along Alleghany Road and/or Indian Falls Road. Based on current and predicted future traffic volumes on roadways around the site, the likely increase in construction traffic volumes during morning and evening peak travel periods, as well as potential delays/rerouting caused by utility work at the site, would result in minor, short term, less-than-significant adverse effects on local residents' travel access and degradation of road quality (Fisher, 2015). These minor impacts would end following completion of the 18-month construction period.

Operation. During operation of the Proposed Action, visitors would travel to and from the National Cemetery at various times during daylight hours, likely outside of peak travel times, and corresponding to weekday burial service hours (between 9 AM and 3 PM) (Fisher, 2015). Based on the MP5 burial program for the Phase 1 cemetery, up to approximately six funeral processions (average 15 vehicles per procession) would be held on weekdays between 9:00 AM and 3:00 PM. Additional daily vehicle traffic would include approximately 40 vehicles associated with visitors, and 35 vehicles associated with administration and maintenance staff (LAG, 2016).

Given the very low traffic volumes and sporadic use of the service access, a detailed capacity analysis was not conducted; however, acceptable levels of operations are expected (Fisher, 2015).

Based on the 2015 Traffic Study and the MP5, approximately 170 vehicles per day are estimated to enter and exit the Phase 1 cemetery (Fisher, 2015; LAG, 2016). This increase in traffic volume along Indian Falls Road during operations is less than 20% above current traffic volumes (931 vehicles) and therefore would not produce a long-term, significant adverse impact to local traffic conditions as defined at 38 CFR 26(2)(ii); this regulation defines a significant traffic impact as "an increase in average daily traffic volume of at least 20% on access roads to the Site or the major roadway network."

The Phase 1 cemetery is designed to provide ample parking for all visitors and employees. Therefore, no impacts to parking would occur at on in vicinity of the site.

Accordingly, construction and operation of the Proposed Action is anticipated to have minor, short- and long-term, less-than-significant adverse impacts to transportation and parking at and in the vicinity of the site. Management recommendations to limit adverse impacts are provided in Section 5.0 in this SEA.

Figure 3-11. Traffic Patterns and Parking for the Proposed Action

3.13.2.2 Alternative Action

Under the Alternative Action, the main entrance to the National Cemetery would be along Alleghany Road, approximately 700-feet south of the intersection between Alleghany Road and Indian Falls Road (Figure 3-12). The maintenance entrance would be in the same location as the Proposed Action.

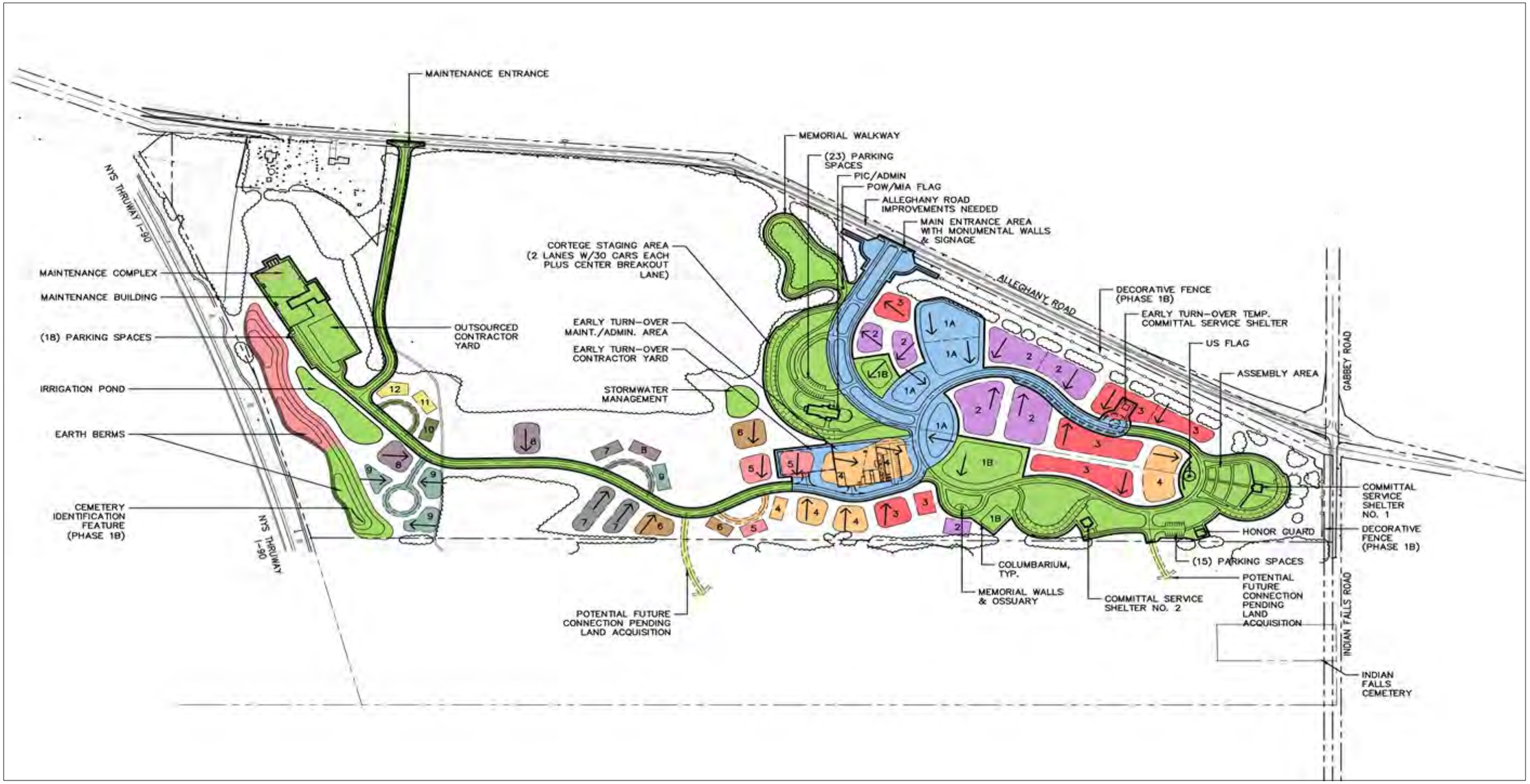
Construction. Construction impacts would be similar to the Proposed Action, except that construction equipment and vehicles would be required to access the 132-acre parcel from Alleghany Road.

Operation. Based on the 2015 Traffic Study, left- and right-turn lanes at the cemetery entrance were recommended to reduce the potential for accidents, with follow-up discussions between the VA and NYDOT to identify the best geometrics for these turn lanes (Fisher, 2015). Additional 2015 Traffic Study recommendations included a possible traffic circle (roundabout) at either the entrance along Alleghany Road, or at the intersection of Alleghany Road and Indian Falls Road; roadway restriping; speed limit pavement legend; speed feedback signs; and advance warning signals. Each of these recommendations was designed to control travels speeds along Alleghany Road and prevent potential accidents.

Accordingly, the anticipated increase in vehicle accidents along Alleghany Road—caused by placing the cemetery entrance along Alleghany Road—would result in long-term, adverse significant impacts to transportation. This significance level could be reduced by implementing one or more of the aforementioned recommended traffic engineering controls. However, the NYSDOT would be required to implement these controls because the VA does not have authority to make modifications to these state roadways.

The Alternative Action is designed to provide ample parking for all visitors and employees. Therefore, no impacts to parking would occur at on in vicinity of the site.

Figure 3-12. Traffic Patterns and Parking for the Alternative Action



3.13.2.3 No Action

Under No Action, the National Cemetery would not be constructed. Therefore, no impact to transportation and parking would result.

3.14 Utilities

3.14.1 Existing Environment

As part of the master planning process, and extensive analysis of current utility conditions was completed (LAG, 2015). Utilities required during the construction and operation of the National Cemetery include sanitary sewerage, potable water, electricity, natural gas, telecommunication services, and irrigation water. A summary of the current status of these utilities is presented in the following sections.

Sanitary Sewer Service

The closest municipal sewer system is operated by the Village of Corfu. The closest point of connection to the system is at the intersection of Routes 77 (Alleghany Road) and 5, which is approximately 6,000 feet from the southwest corner of the site (LAG, 2015). Creation of a new sewer district would be required to serve the cemetery. The Corfu system is an activated sludge treatment plant. While the plant presently appears to have capacity to serve the cemetery, the present surplus capacity is at risk due to development potential for the industrial park where the new Cheese Factory is located and potential connection of the two truck stops on Route 77, south of NYS Thruway I-90.

Potable/Fire Protection/Irrigation Water Service

Municipal water for potable use is available from the Monroe County Water Authority (MCWA) which has a 12-inch diameter water main along the eastern side of Alleghany Road (LAG, 2015). It is fed from the south and crosses under NYS Thruway I-90, across the southern portion of the project site that fronts Alleghany Road and terminates at the second residential property at 8331 Alleghany Road. This termination is approximately 100 feet from 8331 Alleghany Road's northern property line, which abuts the 132-acre parcel. According to the MCWA, MCWA took over this line after it was constructed by the County. The water line was installed across the three parcels (132-, 60-, 77-acre) without additional easements. The crossing of the Thruway parcel was authorized by the New York State Thruway Authority Occupancy and Work Permit. Service taps are provided for the two residential lots but neither one of them has connected to the tap and rely on on-site wells for potable water. The 12-inch diameter water line, once it passes the last customer (the TA Pembroke Truck Stop) on the south side of NYS Thruway I-90, is a dead end line with no customers. There is a fire hydrant on the residential lot at 8331 Alleghany Road, and the end of the line has a blow-off connection installed (LAG, 2015).

Electricity Service

Overhead powerlines are located along the easterly side of Alleghany Road (LAG, 2015). The line extends northerly to the wooded area along the 132-acre parcel, then crosses Alleghany Road overhead at the center part of the 132-acre parcel and proceeds up the Westerly side of Alleghany road. The power line includes 3-phase power 13.2KVA (LAG, 2015).

Natural Gas Service

Natural gas service, provided by National Fuel, is available approximately 750-feet south of NYS Thruway I-90 along Allegany Road (LAG, 2015). Extension to the project site would be required. A private gas main, owned by US Gypsum, is located to the north of the site across Indian Falls Road. This line takes natural gas from US Gypsum to their plant in Oakwood. The gas main is rated for 125 psi, however the pressure in the line is between 60 and 65 psi. US Gypsum, while not a utility company, does have the legal authority to provide service to others (LAG, 2015).

Telecommunication Service

Underground and overhead communication lines run along the easterly side of Alleghany Road and include fiber optic cables and 25-pair copper line for telephone communications (LAG, 2015). Buried fiber optic line is available and follows the overhead power lines. The fiber optic line is available for T-1 connection to the site. There is capacity in the telephone lines, which are run overhead, as currently only two customers are using the 25 pairs (LAG, 2015).

3.14.2 Environmental Consequences

3.14.2.1 Proposed Action

Acquisition of the 60- and 77-acre parcels will have no impact on utilities.

Construction. The Proposed Action will require extending selected existing utility services, with the cooperation of local and private utility providers, to the new National Cemetery. Utility usage during construction of the Proposed Action would be insignificant compared to regional utility usage and would not have adverse impacts on utility suppliers. The utility providers would be able to continue servicing existing customers without a decrease in service levels. The following subsections describe the impact to the applicable selected utilities from constructing the Proposed Action.

Sanitary Sewer Service

An on-site septic wastewater system (OWTS) with subsurface discharge would be constructed under the Proposed Action. As described in MP1 (LAG, 2015), the OWTS requires very little maintenance and is the least complicated in terms of design and permitting. The system will be designed and constructed to comply with the requirements presented in New York State Department of Environmental Conservation's "Design Standards for Intermediate Sized Wastewater Treatment Systems," March 5, 2014 or newer. This type of system consists of a septic tank for primary settling and treatment, a dosing tank which could be a siphon or pump system, and a subsurface disposal system. The disposal system would be an on-site absorption trench field (leach field). These reserve areas are usually 100% the size of the constructed field. To extend the life of onsite disposal fields, the use of aeration equipment and disposal of aerated effluent is an option that will be evaluated. To address the possibility of overloading the system on peak use days, an emergency overflow storage tank may be considered in the design. Preliminary percolation tests completed at the northern end of the 132-acre parcel resulted in rates of 18-minutes per inch, which is an acceptable rate for sewage disposal (LAG, 2015).

NYSDEC requires that a SPDES permit be obtained for a private, commercial or institutional on-site discharge of primarily domestic sewage that exceeds 1,000-gallons per day (gpd) for an on-site, in-ground wastewater disposal system. The current wastewater flow estimate for the project is 2,025 gpd (LAG, 2015). A SPDES permit will be required if one centralized system treats the entire 2,025 gpd. If there are multiple separate disposal systems that each treat less than 1,000 gpd, then a permit for wastewater disposal will not be required.

Potable Water Service

Under the Proposed Action, the MCWA would provide water for potable uses, fire protection, and irrigation needs (LAG, 2015). The MP1 concluded that the use of potable water for irrigation meets a maintenance goal of a simple system to operate and maintain. MCWA has the capacity to provide sufficient water for the Proposed Action and appears to be willing to enter into a long-term contract with the VA regarding the cost of water and quantity of water to be provided.

Therefore, the Proposed Action would have no significant adverse impact on potable water service.

In an email dated July 6, 2015, from NYSDEC to VA, the NYSDEC indicated that if the VA's irrigation system has the potential to exceed 100,000 gpd (based on pump capacity) then an NYSDEC water

withdrawal permit may be required (see Appendix B). At a September 9, 2015 meeting between the VA and NYSDEC, the NYSDEC representative indicated that he would research whether or not the permit applied to this VA project. To date, no response regarding the applicability of this permit for the Proposed Action has been received from NYSDEC. However, if required, the VA will complete the application for the permit.

Electricity

The existing power feed is adequate to meet the needs of the Proposed Action (LAG, 2015). Power from the overhead lines can be brought underground into the site and provided throughout the site as required. Depending on site amenities load requirements, an on-site transformer may be required.

Natural Gas Service

Natural gas is available from Natural Fuel Gas Company or the private gas main owned by US Gypsum as previously described (LAG, 2015). US Gypsum will require an agreement addressing liability for service reliability. US Gypsum does not want to be held responsible to provide gas at all time in case of an emergency. Since US Gypsum is not a utility company there would be no control for the rate charged for gas, which may allow them to significantly increase the gas rate charge.

Communication

Fiber optic and telephone communication is available off of Alleghany Road. Communication lines can be brought underground into the site and provided to the Administration/Public Information Center Building, as required (LAG, 2015). It is recommended the lines be installed in a water-tight conduit due to relatively high groundwater.

3.14.2.2 Alternative Action

Under the Alternative Action, the impacts on utilities would be similar to the Proposed Action.

3.14.2.3 No Action

Under No Action, the proposed National Cemetery would not be constructed, and no impacts to utilities would result.

3.15 Environmental Justice

3.15.1 Existing Environment

The Final PEA (VA, 2014) concluded that the construction and operation of the National Cemetery at the 132-acre parcel would have no adverse environmental justice effects. This conclusion remains consistent for the MP5 design analyzed for both the Proposed Action and the Alternative Action in this SEA. There remains no distinct concentrations of minority or low-income populations located at or in the vicinity of the proposed National Cemetery.

Therefore, this topic is not analyzed in more detail in this SEA beyond the following discussion.

3.15.2 Environmental Consequences

3.15.2.1 Proposed Action

Acquisition of the 60-and 77-acre parcels will have no impact on Environmental Justice.

Construction and Operation. Construction and operation of the Proposed Action would have no significant impact on Environmental Justice. However, the Proposed Action is likely to have a negligible but short- and long-term beneficial socioeconomic effect on local employment and personal income, as previously described in Section 3.10.

3.15.2.2 Alternative Action

The Alternative Action would have no significant impact on Environmental Justice. Similar to the Proposed Action, the Alternative Action is likely to have a negligible but short- and long-term beneficial socioeconomic effect on local employment and personal income, as previously described in Section 3.10.

3.15.2.3 No Action

Under No Action, no development by VA would occur and there would be no significant impact on Environmental Justice. However, the No Action alternative would not result in the negligible yet beneficial short- and long-term socioeconomic impacts on local employment associated with the construction and operation of the National Cemetery as previously described in Section 3.10.

3.16 Cumulative Impacts

The CEQ regulations for implementing NEPA define cumulative effects as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR 1508.7). This SEA considers past, present, and reasonable foreseeable short-term and long-term future effects from implementing the Proposed Action and other projects that coincide with the location and timetable of the Proposed Action.

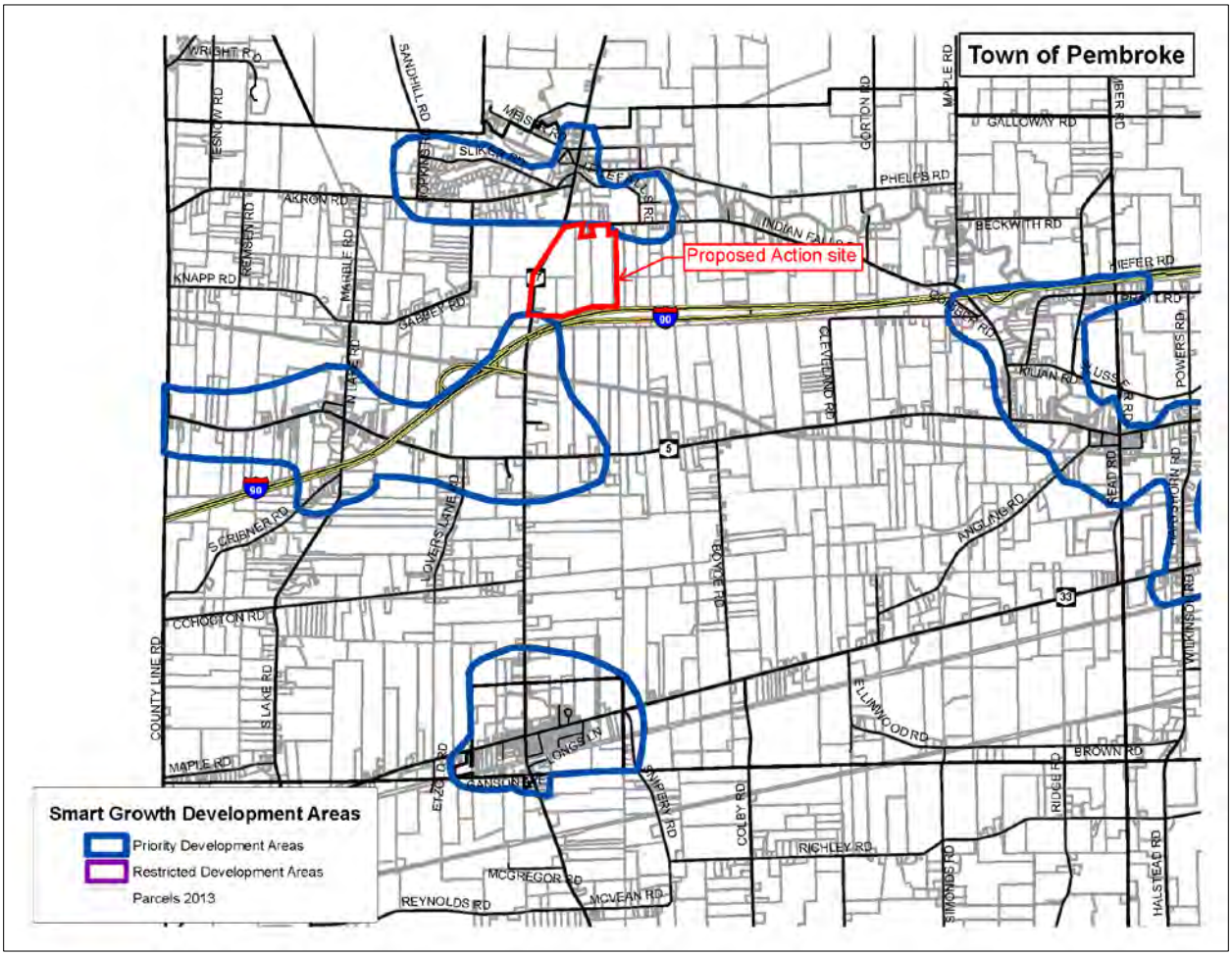
Projects and activities in the vicinity of the proposed National Cemetery were identified as part of the Final PEA (VA, 2014) and generally remain consistent for analysis in this Draft SEA. These projects and activities include:

The Genesee County Planning Department (GCPD) indicated that municipal water supply lines have been proposed to be extended along Alleghany and Indian Falls Roads; however, the schedule for the water line installation has not been finalized.

According to the GCPD, proposed Western New York Science and Technology Advanced Manufacturing Park approximately 5 miles south of the proposed National Cemetery.

All three parcels included in the Proposed Action are outside of the GCPD Smart Growth Development Area (Figure 3-13) (GCPD, 2013).

Figure 3-13. Genesee County Smart Growth Development Areas



No significant cumulative adverse effects to any resources are anticipated as a result of the Proposed Action or the Alternative Action. The area where the proposed National Cemetery would be located is primarily comprised of rural/agricultural uses. Construction and operation of the National Cemetery in this area will not result in a significant loss of agricultural lands or a change in the rural/agricultural nature of the surrounding community. The appearance of the proposed National Cemetery as a park-like National Shrine with buildings constructed in concert with regional architectural design will ensure that the proposed National Cemetery "fits" within the larger community. Additionally, cumulative impacts are not anticipated because the VA has constructed and operated dozens of similar National Cemeteries without resulting in cumulative impacts; this is primarily due to the VA's implementation of best management practices during construction and operation, ensuring that any potential adverse impacts are maintained at less-than-significant levels. Further, while construction and operation of a National Cemetery requires changes to several aspects of the environment (e.g. topographical ground elevation; landscaping), the overall action is generally low-intensity. Accordingly, no significant cumulative adverse impacts are anticipated from the Proposed Action or the Alternative Action.

3.17 Potential for Generation Substantial Controversy

NCA has solicited input from various federal, state, and local government agencies regarding the Proposed Action. None of these agencies expressed opposition to the Proposed Action. These agencies will also now have an opportunity to comment on this Draft SEA, with their input incorporated into the Final SEA.

Additionally, as described under Public Involvement in the following Section 4.2, during the public

informational meeting held on September 8, 2015, the VA received only positive support for constructing and operating the National Cemetery at this site. The majority of public concern focused on eliminating the main entrance to the National Cemetery along Alleghany Road (e.g. the Alternative Action) due to the potential for vehicle accidents between cemetery visitors and routine travelers along this heavily-travelled, high-speed roadway (a copy of the public informational meeting transcript is provided in Appendix D).

4 AGENCY COORDINATION AND PUBLIC INVOLVEMENT

4.1 Federal, State, and Local Agency Coordination

During development and review of the Draft SEA for construction and operation of the Western New York National Cemetery (including the potential acquisition of the 60- and 77-acre parcels for constructing and operating the Phase 1 National Cemetery), NCA contacted federal, state, and local agencies with oversight responsibilities related to this project. Table 4-1 lists the coordination and consultation activities conducted to date in support of this Draft SEA.

Table 4-1. Federal, State, and Local Agency Coordination Summary

Entity	Coordination and Input
U.S. Fish and Wildlife Service – New York Field Office	The VA sent a letter on June 9, 2015, requesting input from the USFWS on the preliminary plans for the Alternative Action. The VA and USFWS representatives reviewed the draft wetland and biological assessment findings for the Proposed Action during a site visit on September 9, 2015. The VA sent a letter pursuant to consultation required by Section 7 of the Endangered Species Act on October 1, 2015, formally presenting the Alternative Action assessment and findings, and requesting USFWS concurrence with a conclusion of no adverse effect to federally protected species. USFWS responded on October 6, 2015, indicating "may affect, not likely to adversely affect" (MANLAA) for the Northern long-eared bat, the only Endangered Species Act (ESA) requiring a determination. On December 3, 2015, the VA initiated Section 7 consultation for the 60- and 77-acre parcels. On December 11, 2015, USFWS concurred with the MANLAA for the Proposed Action.
U.S. EPA – Region 2	The VA sent a letter on June 9, 2015, requesting input from the EPA on the preliminary plans for the Alternative Action. On July 2, 2015, EPA requested additional information regarding the project. Additionally, EPA on July 16, 2015, sent an email to the VA to bring attention to the Green Burial Council (GBC), an industry organization that promotes use of GBC-certified burial services. The VA also sent a letter to the EPA inviting them to the public information meeting held on September 8, 2015.
U.S. Army Corps of Engineers – Buffalo District	The VA sent a letter on June 9, 2015, requesting input from the USACE on the preliminary plans for the Alternative Action. The VA and USACE representatives reviewed the draft wetland delineation maps for the Proposed Action during a site visit on September 9, 2015. The VA requested a Jurisdictional Determination (JD) for the Proposed Action on October 1, 2015. The JD site review was performed on November 12, 2015. On March 30, 2016, USACE issued the JD for all three parcels.
NY Department of Environmental Conservation – Region 8 (Western Finger Lakes)	The VA sent a letter on June 9, 2015, requesting input from the NYSDEC on the preliminary plans for the Alternative Action. On June 29, 2015, the NYSDEC identified two species with the potential to occur for the VA to look for during the subsequent biological survey.

Entity	Coordination and Input
	The VA and NYSDEC representatives reviewed the draft wetland and biological assessment findings for the Proposed Action during a site visit on September 9, 2015. The VA requested Section 401 Certification for the Proposed Action on October 1, 2015. On April 7, 2016, NYSDEC issued a Notice of Incomplete Application. The VA will submit the information requested.
Pembroke Highway Department Pembroke Parks Department Pembroke Zoning and Codes Department Genesee County Highway Department Genesee County Parks, Recreation, and Forestry Genesee County Public Health Department Genesee County Department of Planning New York State Department of Transportation, Genesee Valley Region	The VA sent a letter on June 9, 2015, requesting input from each municipal agency to provide input on the Alternative Action during the NEPA process. The VA also sent a letter to these agencies inviting them to the public information meeting held on September 8, 2015.
New York State Historic Preservation Office	The VA sent a letter on June 9, 2015, requesting input from the SHPO on the Alternative Action during the NEPA process. The VA also sent an invitation letter to the SHPO to attend the public information meeting held on September 8, 2015. The VA met with the SHPO on May 5, 2016. On May 13, 2016, the VA provided a letter outlining the avoidance plan for the maintenance roadway described for the Proposed Action. On May 26, 2016, the SHPO provided an email concurring the Proposed Action will have no adverse effect on historic properties provided the MOA and avoidance plan actions are implemented.

The above Federal, state, and local entities have received the Draft SEA for review and comment.

4.2 Native American Tribal Coordination

During development of the Final PEA regarding acquisition of the 132-acre parcel, the VA consulted with Federally-recognized Native American Tribes, identified as those having current or historical ties to the site (VA, 2014). In response to this consultation request, the Tonawanda Band of Seneca Indians of New York (TSN) requested that the VA conduct an archaeological investigation at the 132-acre parcel. Based on the investigation findings, the MOA outlining the VA's commitments to protect, acquire, and transfer cultural artifacts during the proposed construction and operation of the cemetery at the 132-acre parcel was signed by the VA, TSN, and NY SHPO on May 29, 2014 (a copy of the MOA is provided in Appendix A).

Following acquisition of the 132-acre parcel and development of the preliminary design of the Phase 1 cemetery within the 132-acre parcel, the VA on June 9, 2015 mailed consultation letters to Native American

Tribes (those previously contacted during the Final PEA) to request input regarding any concerns, issues, or other feedback pertaining to the proposed design for the Phase 1 cemetery within the 132-acre parcel. Additionally, the VA mailed letters inviting the Native American Tribes to attend the public information meeting on September 8, 2015; none of the Native American Tribes attended the meeting.

Subsequently, the VA developed the Proposed Action to include acquisition of the 60- and 77-acre parcels and develop the Phase 1 cemetery on portions of the 132- and 60-acre parcels. Accordingly, the VA completed a Phase 1B archaeological investigation at the 60- and 77-acre parcels (TetraTech, 2015). The Phase 1B results indicated the presence of archaeological loci on the 60- and 77-acre parcels. A locus on the southwestern portion of the 60-acre parcel was in the same location as a portion of the planned roadway for the Phase 1 cemetery. Accordingly, the VA and TSN met on May 5, 2016, to discuss an avoidance plan to confirm the measures and commitments the VA would implement to avoid causing significantly adverse impacts to cultural resources within the locus and that are underlying the proposed roadway footprint. The VA presented the avoidance plan in writing to TSN on May 13, 2016 (a copy is provided in Appendix B). Consultation between the VA and TSN is still ongoing to clarify the documentation of commitments described in the avoidance plan. The avoidance plan measures and commitments are outlined in the following list.

- Erect temporary construction fencing at the limit of fill associated with the Site so that no construction personnel or vehicles enter the site area during or after construction;
- Install geo-textile fabric over the portion of the site onto which fill is to be introduced;
- Deposit the initial fill onto the site area via mechanical equipment from outside the site area; no construction vehicles shall enter the limits of the Site until after the first lift of fill soil is in place;
- Hire a professional archaeologist to monitor and document compliance with these measures during the construction phase associated with the burial of 30,000 square feet of the Indian Falls VA Precontact Site;
- A cultural monitor will be provided both for the 132- and 60-acre parcels for construction activities requiring excavation or earthwork ground disturbance of a depth in excess of 36 inches (consistent with the language in the MOA signed on May 29, 2014); and
- All other commitments specified in the May 29, 2014 MOA for the 132-acre parcel will extend to the 60- and 77-acre parcels (a copy of the MOA is provided in Appendix A).

As part of the coordination process for the Draft SEA, the VA will notify and request input from the aforementioned Native America Tribes when the Draft SEA becomes available for review during the 30-day public comment period. Any comments received will be documented and considered in the Final SEA.

Table 4-2 lists the Native American Tribe coordination and consultation activities conducted to date in support of this Draft SEA.

Table 4-2. Native American Tribes Coordination Summary

Entity	Coordination and Input
Wyandotte Tribe of Oklahoma Seneca-Cayuga Nation Seneca Nation of Indians Onondaga Nation of New York Seneca Nation of New York Oneida Tribe of Indians of Wisconsin Tuscarora Nation of New York	The VA sent a letter on June 9, 2015, requesting input from each federally-recognized Native American Tribe identified as having current or historical ties to this location, presenting the assessment and finding of no adverse effect to historic properties for the Alternative Action (132-acre parcel), and inviting tribal input and feedback to the assessment and the NEPA process.
St. Regis Band of Mohawk Indians of New York Shinnecock Indian Nation	The VA also sent a letter to these Tribes inviting them to the public information meeting held on September 8, 2015.
Tonawanda Band of Seneca Indians of New York Oneida Nation of New York Cayuga Nation of New York	The VA met with the Tonawanda Band of Seneca Indians of New York (TSN) on May 5, 2016. On May 13, 2016, the VA sent TSN the written avoidance plan for the maintenance roadway described for the Proposed Action. Consultation is ongoing.

4.3 Public Involvement

4.3.1 Scoping

On September 8, 2015, the VA held a public information meeting to inform the public about the Proposed Action prior to finalizing the current master plan or the Draft SEA. The public meeting was held from 6-8 p.m. at the American Legion Post 900, 9 Eckerson, Avenue, Akron, NY. VA published a meeting announcement in the *Buffalo News* on August 15 and 16, 2015 (a copy of the announcement is provided in Appendix D). During the meeting, the VA presented the background of the NCA, the purpose and need for the Proposed Action, major components of the Proposed Action and Alternative Action, and answered comments from the meeting attendees.

4.3.1.1 Summary of Scoping Comments

The public comments received during the public information meeting on September 8, 2015 indicated overwhelming approval for the National Cemetery at this location. The majority of public concerns were related to the dangers of locating the cemetery entrance on Alleghany Road (Alternative Action), and overwhelming support to place the entrance on Indian Falls Road (Proposed Action). A transcript of the public information meeting is provided in Appendix D.

4.3.2 Public Review of Draft Site-Specific Environmental Assessment

The VA's NEPA guidance states that the NEPA process must include at least a 30-day public comment period on the Draft SEA, which starts with the publication of a Notice of Availability (NOA). The NOA for this Draft SEA will be published in the *Buffalo News* weekly newspaper on August 15 and 16, 2015. In addition, letters will be mailed to notify stakeholders (in Tables 4-1 and 4-2) of the availability to review and comment on the Draft SEA.

Comments on this Draft SEA may be submitted by email to Glenn.Elliott@va.gov (please include "Western New York Draft SEA" in the subject line) or by U.S. Postal Service mail to Mr. Glenn Elliott / Western New York Draft SEA, U.S. Department of Veterans Affairs, Office of Construction & Facilities Management, 425 I Street NW, Room 6W417a, Washington DC 20001. Comments should be submitted by the end of the 30-day public comment period. Any comments received on this Draft SEA will be documented in, and considered during preparation of, the Final SEA.

5 BEST MANAGEMENT PRACTICES AND MONITORING

The best management practices, impact minimization techniques, required commitments, and monitoring opportunities to maintain the impacts of the Proposed Action at acceptable levels are described below.

Aesthetics

Construction. Short-term, less-than-significant impacts could be minimized through implementation of the following:

- Control fugitive dust emissions through routine construction BMPs, including covering haul trucks, minimizing construction vehicle speeds entering the site and within the site.
- Turn off construction vehicles when not in use or idling more than five minutes.
- Limit tree clearing, and schedule clearing to occur between October 1 and March 31 to avoid impacting potential habitat for Northern long-eared bats.
- As needed, install view-restricting fencing between the residences located on the southwestern portion of the 132-acre parcel and the cemetery to further reduce visual impacts.

Operation. Long-term, less-than-significant impacts could be minimized through implementation of the following:

- Plant and maintain landscaped areas with native vegetation.
- Limit nighttime lighting to the flagpole, entrance, and security lights around buildings.
- Maintain the cemetery entrance and grounds, and conduct maintenance activities (mowing, etc.) the limit disruptions during burial services.

Air Quality

Construction. Short-term, less-than-significant air quality impacts could be minimized through implementation of the following:

- Use appropriate dust control methods during construction activities. Dust control methods include water sprays, chemical soil additives, and wheel washers.
- Suspend construction activities during periods of high winds.
- Reduce vehicle speeds to reduce dust generated by vehicles and equipment on unpaved surfaces.
- Quickly re-vegetate exposed soils following completion of construction activities.

Operation. Long-term, less-than-significant air quality impacts could be minimized through implementation of the following:

- Maintain standby backup generators in good working condition.

Cultural Resources

Construction. Short-term, less-than-significant cultural resources impacts could be minimized through implementing the following:

- The commitments and stipulations in the May 29, 2014 MOA (included in Appendix A) for the 132-acre parcel will extend to the 60- and 77-acre parcels. The May 13, 2016 Avoidance Plan (included in Appendix B) will be included in the Final SEA and in the construction specifications for the construction bid documents. These MOA and Avoidance Plan requirements have to be followed by the NCA and contracted construction firm during construction; these requirements include construction monitoring plan, construction monitoring, etc. that the NCA is responsible for

and which require coordination with the TSN.

- Should human remains or other cultural items as defined by the Native American Graves Protection and Repatriation Act (NAGPRA) be discovered during project construction, the construction contractor would immediately cease work until VA, a qualified archaeologist, and the SHPO and Native American Tribes are contacted to properly identify and appropriately treat discovered items in accordance with applicable State and Federal law(s).

Operation. Long-term, less-than-significant cultural resources impacts could be minimized through implementing the following:

- Should human remains or other cultural items as defined by NAGPRA be discovered during project construction, the construction contractor would immediately cease work until VA, a qualified archaeologist, and the SHPO and Native American Tribes are contacted to properly identify and appropriately treat discovered items in accordance with applicable State and Federal law(s).

Geology, Soils, and Topography

Construction. Short-term, less-than-significant geology, soil and topography impacts could be minimized through implementation of the following:

- Design, install, and maintain erosion and sediment controls during the duration of construction activities and any subsequent soil disturbance activities near site drainages. Such controls may include silt fences, runoff control berms, erosion control fabric, and rip-rap.
- Minimize the amount of exposed soils at any given time during construction activities. Quickly re-vegetate disturbed areas following completion of activities.
- Minimize the disturbance or creation of steep slopes.
- Provide an undisturbed natural buffer between the activity area and surface drainages, and direct stormwater runoff to vegetated areas.
- Develop a Stormwater Pollution Prevention Plan (SWPPP), consistent with the requirements of the NPDES General Permit.
- Implement spill and leak prevention and response procedures for construction equipment.
- If requested by NRCS, submit an NRCS Farmland Conversion Impact Rating Form.

Operation. Long-term, less-than-significant impacts could be minimized through implementation of the following:

- Maintain cemetery grounds with healthy vegetative cover to prevent soil exposure and subsequent soil erosion.

Hydrology and Water Quality

Construction and Operation. Short-term (construction) and long-term (operation), less-than-significant adverse erosion and sedimentation impacts on hydrology and water quality could be minimized through implementation of the best management practices listed above for Geology, Soils, and Topography. Additional impacts could be minimized through implementation of the following:

- Utilize native vegetation and drought-resistant vegetation for area landscaping to reduce irrigation requirements.
- As previously described, develop and implement a SWPPP meeting the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). Implement SWPPP stormwater management control systems to also meet NYSDEC post-

construction requirements. Maintain these stormwater management systems during operation of the Proposed Action.

- Ensure the SWPPP is updated should any post-construction stormwater modifications be made.
- Route stormwater runoff from impervious surfaces to stormwater retention and drainage areas.
- Implement spill and leak prevention and response procedures, including maintaining a complete spill kit at the project area, to reduce the impacts of incidental releases of vehicle fluids.
- Engage contractors or regulatory agencies in locating any new groundwater well(s) to minimize impacts to other groundwater users. Additionally, if warranted, obtain the NYSDEC water withdrawal permit if extracting more than 100,000 gpd of groundwater.
- Limit use of pesticides and road deicing chemicals, following label requirements and keeping usage to the lowest quantities possible, thereby reducing the potential for water quality impacts.
- Construction and maintain crypts and other internments to avoid contact with groundwater.
- As warranted, consider implementing sustainable burial practices recommended by the Green Burial Council.

Habitat and Wildlife

Construction. Short-term, less-than-significant impacts to wildlife and habitat could be minimized through implementation of the following:

- Limit tree clearing activities to occur outside of the nesting season for the Northern long-eared bat in order to avoid potential impacts to the species. Specifically, perform tree clearing between October 1 and March 31, when Northern long-eared bats are not using trees for nesting or roosting.
- Avoid impacts to forested or wetland communities by clearing only the necessary space needed to establish roadways within the property for ingress and egress of construction (and subsequent visitor) traffic.

Operation. Avoid impacting wildlife and degrading habitat by implementing the BMPs described above and those previously described for hydrology and water quality and for wetlands.

Noise

Construction. Short-term, less-than-significant impacts to sensitive receptors from noise could be minimized through implementation of the following:

- Schedule construction activities for daylight hours, attempting to minimize impacts to ongoing cemetery operations.
- Maintain mufflers and sound shielding on construction equipment and routine maintenance equipment.
- Minimize equipment idling, and shut down construction equipment when not in use.

Operation. Long-term, less-than-significant impacts to sensitive receptors from noise could be minimized through implementation of the following:

- Limit rifle salutes during committal services to daytime hours, and only at committal service shelters.
- Operate maintenance equipment during daylight working hours and away from committal services, thereby maintaining the dignity and solemnity of the National Cemetery environment during these services.

Land Use

Construction and Operation. Long-term, less-than-significant adverse impacts on land use could be minimized through implementation of the following:

- Develop the Phase 1 cemetery according to the MP5 and construction design documents.
- Utilize the site as a National Cemetery, consistent with NCA operational guidance.
- Reserve areas of the site that will not be developed under the Proposed Action for potential future use as a National Cemetery.

Floodplains, Wetlands, and Coastal Zone Management

Construction and Operation. Short- and long-term, less-than-significant adverse impacts to wetlands could be minimized through implementation of the following:

- Limit wetland clearing to the 0.74 acres specified in the MP5 design. Perform wetland clearing during relatively dry periods.
- Establish new site drainages potentially capable of developing new wetland areas.
- Purchase up to 1.0 Wetland Mitigation credit in the Niagara River service area.

Solid Waste and Hazardous Materials

Construction. Short-term, less-than-significant adverse impacts to the environment from solid waste and hazardous material handling could be minimized through implementation of the following:

- Prior to demolition, remove regulated building materials and any aboveground storage tanks from the residence on the 60-acre parcel. Dispose of regulated building materials according to applicable federal and state regulations.
- Re-use excess soils on-site.
- Stage and operate construction equipment in designated areas and away from sensitive receptors (wetlands) when not in use.
- Perform construction vehicle maintenance and inspections to reduce the potential for incidental releases of vehicle fluids.
- Maintain spill kits to rapidly respond to and limit impacts from accidental releases of vehicle fluids. Report releases of regulated quantities of regulated fluids (gasoline, diesel, etc.) to the VA and NYSDEC. Perform cleanup according to applicable regulatory requirements.

Operation. Long-term, less-than-significant adverse impacts to the environment from solid waste and hazardous material handling could be minimized through implementation of the following:

- Perform proper vehicle maintenance and routine inspections to reduce the potential for incidental releases of vehicle fluids.
- Manage solid wastes in designated areas, and establish routine pickup and disposal to appropriate landfill facilities by qualified vendors.

Transportation and Parking

Construction. Short-term, less-than-significant adverse impacts on transportation could be minimized through implementation of the following:

- Schedule construction activities such that traffic increases do not coincide with typical morning and evening periods of increased traffic.

- Route transportation of construction equipment (namely haul trucks bringing fill soils to the site) to minimize impacts on neighboring communities.
- Coordinate with NYSDOT regarding any necessary signage needed near the construction entrance to alert vehicles of entering and exiting construction traffic. As warranted, utilize law enforcement for traffic control during construction periods.

Operation. Long-term, less-than-significant adverse impacts on transportation could be minimized through implementation of the following:

- Implement the Proposed Action, thereby allowing the entrance to the National Cemetery to be located along Indian Falls Road.
- Install signage near the cemetery main entrance to alert travelers of vehicles entering and existing the site.
- Continue coordination with the NYSDOT to identify traffic improvements that reduce the potential for accidents involving visitors' vehicles.

Utilities

Construction. Short-term, less-than-significant adverse impacts on utilities could be minimized through implementation of the following:

- Design and install a properly-sized on-site septic wastewater system according to the NYSDEC "Design Standards for Intermediate Sized Wastewater Treatment Systems" (March 5, 2014 or newer).
- Obtain NYSDEC SPDES permit, as applicable.
- If required by NYSDEC, obtain water withdrawal permit if the VA's irrigation system has the potential to exceed 100,000 gpd (based on pump capacity).
- Design and install stormwater management system (retention ponds) such that the General Permit-required post-construction stormwater management system meets the performance criteria in the "New York State Stormwater Management Design Manual," dated January 2015 or newer.
- In advance of extending private utilities to the site, communicate with private utility providers to ensure no or minimal disruptions occur to existing customers during the construction period.

Operation. Long-term, less-than-significant adverse impacts on utilities could be minimized through implementation of the following:

- Routinely maintain and inspect the on-site septic system to ensure proper operation and compliance with an NYSDEC SPDES permit, as applicable.

6 LIST OF PREPARERS

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- NEPA Glossary, U.S. Fish and Wildlife Service, http://www.fws.gov/r9esnepa/Intro/Glossary.PDF

Aesthetic resources: The components of the environment as perceived through the visual sense only. Aesthetic specifically refers to beauty in both form and appearance.

Affected environment: A portion of the NEPA document that succinctly describes the environment of the area(s) to be affected or created by the alternatives under consideration. Includes the environmental and regulatory setting of the proposed action.

Alternative: A reasonable way to fix the identified problem or satisfy the stated need.

Attainment area: An area that the Environmental Protection Agency has designated as being in compliance with one or more of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, lead, and particulate matter. An area may be in attainment for some pollutants but not for others.

Conformity analysis: The *Clean Air Act* requires the Environmental Protection Agency to promulgate rules to ensure that federal actions conform to the appropriate state implementation plans (SIP) for air quality. Two sets of rules (one for transportation and one for all other actions) developed by EPA establish the criteria and procedures governing the determination of this conformity. A conformity analysis follows these criteria and procedures to quantitatively assess whether a proposed federal action confirms with the SIP.

Council on Environmental Quality (CEQ): Established by Congress within the Executive Office of the President as part of the *National Environmental Policy Act of 1969*, CEQ coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. The Council's Chair, who is appointed by the President with the advice and c consent of the Senate, serves as the principal environmental policy adviser to the President. The CEQ reports annually to the President on the state of the environment, oversees federal agency implementation of the environmental impact assessment process, and acts as a referee when agencies disagree over the adequacy of such assessments.

Criteria pollutant: An air pollutant that is regulated by National Ambient Air Quality Standards (NAAQS). Criteria pollutants include sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, lead, and two size classes of particulate matter, PM_{10} and $PM_{2.5}$ New pollutants may be added to, or removed from, the list of criteria pollutants as more information becomes available.

Cumulative effect (cumulative impact): The impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Decibel (dB): A unit for expressing the relative intensity of sounds on a logarithmic scale from zero for the average least perceptible sound to about 130 for the average level at which sound causes pain to humans. For traffic and industrial noise measurements, the A-weighted decibel (dBA), a frequency-weighted noise unit, is widely used. The A-weighted decibel scale corresponds approximately to the frequency response of the human ear and thus correlates well with the loudness perceived by people.

Effects: Effects and impacts, as used in NEPA, are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems),

aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effect would be beneficial. There are direct effects and indirect effects. Direct effects are caused by the action and occur at the same time and place. Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Endangered species: Plants or animals that are in danger of extinction through all or a significant portion of their ranges and that have been listed as endangered by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service following the procedures outlined in the *Endangered Species Act* and its implementing regulations.

Environmental assessment (EA): A concise public document for which a federal agency is responsible that serves to briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact; aid an agency's compliance with NEPA when no environmental impact statement is necessary; or facilitate preparation of an EIS when one is necessary. Includes brief discussions of the need for the proposal, of alternatives, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

Environmental impact statement (EIS): A detailed written statement required by Section 102(2)(C) of NEPA, analyzing the environmental impacts of a proposed action, adverse effects of the project that cannot be avoided, alternative courses of action, short-term uses of the environment versus the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitment of resources.

Environmental justice: The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Executive Order 12898 directs federal agencies to make achieving environmental justice part of their missions by identifying and addressing disproportionately high and adverse effects of agency programs, policies, and activities on minority and low-income populations.

Finding of no significant impact (FONSI): A public document issued by a federal agency briefly presenting the reasons why an action for which the agency has prepared an environmental assessment has no potential to have a significant effect on the human environment and, thus, would not require preparation of an environmental impact statement.

Floodplain: The lowland and relatively flat areas adjoining inland and coastal waters including flood- prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Fugitive emissions: Emissions that do not pass through a stack, vent, chimney, or similar opening where they could be captured by a control device. Any air pollutant emitted to the atmosphere other than from a stack. Sources of fugitive emissions include pumps; valves; flanges; seals; area sources such as ponds, lagoons, landfills, and piles of stored material (such as coal); and road construction areas or other areas where earthwork is occurring.

Hazardous material: Any material that poses a threat to human health and/or the environment. Hazardous materials are typically toxic, corrosive, ignitable, explosive, or chemically reactive.

Historic property: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior.

This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

Impacts: see Effects.

Impervious surface: A hard surface area that either prevents or retards the entry of water into the soil or causes water to run off the surface in greater quantities or at an increased rate of flow. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, and gravel roads.

National Ambient Air Quality Standards (NAAQS): Standards defining the highest allowable levels of certain pollutants in the ambient air (i.e., the outdoor air to which the public has access). Primary standards are established to protect public health; secondary standards are established to protect public welfare (for example, visibility, crops, animals, buildings).

National Pollutant Discharge Elimination System (NPDES): A provision of the *Clean Water Act* that prohibits discharge of pollutants into waters of the United States unless a special permit is issued by the Environmental Protection Agency, a state, or, where delegated, a tribal government on an Indian reservation.

National Register of Historic Places: The nation's inventory of known historic properties that have been formally listed by the National Park Service (NPS). The National Register of Historic Places is administered by the NPS on the behalf of the Secretary of the Interior. National Register listings include districts, landscapes, sites, buildings, structures, and objects that meet the set of criteria found in 36 CFR 60.4.

No action alternative: The alternative where current conditions and trends are projected into the future without another proposed action.

Particulate matter (PM), PM_{10}, $PM_{2.5}$: Any finely divided solid or liquid material, other than uncombined (that is, pure) water. A subscript denotes the upper limit of the diameter of particles included. Thus, PM_{10} includes only those particles equal to or less than 10 micrometers (0.0004 inch) in diameter; $PM_{2.5}$ includes only those particles equal to or less than 2.5 micrometers (0.0001 inch) in diameter.

Proposed action: In a NEPA document, this is the primary action being considered. Its impacts are analyzed together with the impacts from alternative ways to achieve the same objective and the required no action alternative, which means continuing with the status quo.

Runoff: The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams. Runoff can pick up pollutants from the air or the land and carry them to streams, lakes, and oceans.

Scope: Consists of the range of actions, alternatives, and impacts to be considered in an environmental analysis. The scope of an individual statement may depend on its relationships to other statements (also see tiering).

Scoping: An early and open process for determining the extent and variety of issues to be addressed and for identifying the significant issues related to a proposed action (40 CFR §1501.7). The scoping process helps not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the NEPA process accordingly, and for early identification of what are and what are not the real issues (40CFR §1500.5(d)). The scoping process identifies relevant issues related to a proposed action through the involvement of all potentially interested or affected parties (affected federal, state, and local agencies; recognized Indian tribes; interest groups, and other interested persons) in the environmental analysis and documentation.

Significantly: As used in NEPA, requires considerations of both context and intensity. *Context*—significance of an action must be analyzed in its current and proposed short- and long-term effects on the whole of a given resource (for example, affected region). *Intensity*—refers to the severity of the effect.

Solid waste: Non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid wastes also include sewage sludge, agricultural refuse, demolition wastes, and mining residues. Technically, solid waste also refers to liquids and gases in containers.

Wetlands: Those areas that are inundated by surface water or groundwater with a frequency sufficient to support, and under normal circumstances do, or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas.

Jurisdictional wetlands are those wetlands protected by the *Clean Water Act*. They must have a minimum of one positive wetland indicator from each parameter (vegetation, soil, and hydrology). The U.S. Army Corps of Engineers requires a permit to fill or dredge jurisdictional wetlands.

APPENDICES

Appendix A – Background Documents

Appendix B – Regulatory Communications

Appendix C – Environmental Survey Reports

Appendix D – Public Meeting Documentation and Comments