

**FINAL**

# **PROGRAMMATIC ENVIRONMENTAL ASSESSMENT**

**OF THE PROPOSED SITE SELECTION, CONSTRUCTION,  
AND OPERATION OF THE**

## **WESTERN NEW YORK NATIONAL CEMETERY ERIE AND GENESEE COUNTIES, NEW YORK**



**DEPARTMENT OF VETERANS AFFAIRS**

**810 VERMONT AVENUE, NW**

**WASHINGTON, DC 20420**

PREPARED BY:

**TTL Associates, Inc.**

**9 MAY 2014**

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## PROGRAMMATIC ENVIRONMENTAL ASSESSMENT

### ABSTRACT

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LEAD AGENCY: Department of Veterans Affairs (VA)

COOPERATING AGENCIES: None

TITLE OF PROPOSED ACTION: Proposed Western New York National Cemetery

AFFECTED JURISDICTION: Erie and Genesee Counties, New York

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PROPONENT: Department of Veterans Affairs (VA)

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DOCUMENT DESIGNATION: Programmatic Environmental Assessment (PEA)

ABSTRACT: This Programmatic Environmental Assessment (PEA) analyzes the potential environmental effects of the Department of Veterans Affairs' (VA's) Proposed Action to select and acquire a site for a new National Cemetery within a defined area of Erie and Genesee Counties in western New York.

This PEA evaluates four alternatives: (1) *1232 Indian Falls Road Site* - select and acquire the approximately 132-acre 1232 Indian Falls Road Site, located southeast of the intersection of Indian Falls and Alleghany Roads in Genesee County, for the future construction and operation of the proposed National Cemetery; (2) *Main Road Site* - select and acquire the approximately 104-acre Main Road Site, located south of the intersection of Main and Cleveland Roads in Genesee County, for the future construction and operation of the proposed National Cemetery; (3) *4106 Walden Avenue Site* - select and acquire the approximately 120-acre 4106 Walden Avenue Site, located northwest of the intersection of Walden Avenue and Pavement Road in Erie County, for the future construction and operation of the proposed National Cemetery and (4) the *No Action Alternative* - do not select and acquire a new site for a proposed National Cemetery. This PEA evaluates possible effects to aesthetics; air quality; cultural resources; geology and soils; hydrology and water quality; wildlife and habitat; noise; land use; floodplains, wetlands, and coastal zone management; socioeconomics; community services; solid and hazardous materials; transportation and parking; utilities; and environmental justice. The PEA concludes there would be no significant direct, indirect, or cumulative impacts to the local environment or quality of life associated with implementing the Proposed Action at any of the three Action Alternative Sites, provided the avoidance and management measures, Best Management Practices (BMPs), and mitigation measures (1232 Indian Falls Road Site only) identified in this PEA are implemented. Site-specific impacts will be further evaluated in a subsequent, tiered site-specific EA (SEA) once a site has been selected and acquired, and the cemetery design process has been initiated. The proposed avoidance and management measures, BMPs, and mitigation measures identified in this PEA would be incorporated into that future process and analysis. Therefore, this PEA concludes that a Finding of No Significant Impact (FONSI) is appropriate for the Main Road and 4106 Walden Avenue Sites, a mitigated FONSI is appropriate for the 1232 Indian Falls Road Site, and an Environmental Impact Statement (EIS) is not required.

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## EXECUTIVE SUMMARY

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This Programmatic Environmental Assessment (PEA) has been prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic effects associated with the Department of Veterans Affairs' (VA's) proposed selection and acquisition of a site for the future establishment of a new National Cemetery in western New York. Preparation of this PEA is required in accordance with the National Environmental Policy Act of 1969 ([NEPA]; 42 United States Code [USC] 4321 *et seq.*), the President's Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and 38 CFR Part 26 (*Environmental Effects of the Department of Veterans Affairs Actions*). This PEA has also been prepared in accordance with the VA NEPA Interim Guidance for Projects dated 30 September 2010.

Once a site is selected and acquired through this programmatic NEPA process, VA would prepare a subsequent, tiered site-specific EA (SEA) to more precisely analyze and evaluate the potential effects of the construction and operation of the proposed National Cemetery. At this latter point in time, additional design information would be available upon which to conduct this future environmental effects analysis. VA would incorporate the management, avoidance and mitigation measures identified in this PEA into that future design process and tiered NEPA analysis to minimize potential environmental effects.

This approach is fully consistent with the NEPA and CEQ Regulations. In cases such as these, the CEQ Regulations establish and recommend a "tiered" approach to the environmental impact analysis process: "Agencies are encouraged to tier their environmental (documents)...to focus on the actual issues ripe for decision at each level of environmental review....Tiering may also be appropriate for different stages of actions" (40 CFR Part 1502.20). These regulations specify that such potentialities (i.e., the ultimate construction and operation of VA National Cemetery) should be introduced, but can be deferred to future analyses and documentation when they have "ripened," or when more complete information becomes available.

As such, this PEA assesses the potential effects of selecting and acquiring a site for the future development of the proposed National Cemetery, and broadly assesses the effects of the future proposed construction and operation of the cemetery under each alternative considered. Again, site-specific effects would be more thoroughly analyzed and evaluated in a subsequent SEA, once an alternative (i.e., site) has been selected and acquired by VA and concurrent with site design.

### PROPOSED ACTION

VA's Proposed Action is to select and acquire a site on which to ultimately establish a new National Cemetery, including the necessary infrastructure, on at least 100 contiguous acres in western New York (Buffalo - Rochester, New York region). The proposed cemetery would provide additional capacity, as well as improved access to Veterans and their families (i.e., reduced travel time to a National Cemetery), and would balance the currently unequal geographic distribution of National Cemeteries in the region.

Currently there are no design plans for this proposed National Cemetery. However, VA would follow the VA's National Cemetery Administration (NCA) *Facilities Design Guide* (VA 2008, or its successor) in developing the proposed cemetery design. VA would acquire the site in 2013 and would initiate the formal cemetery design process within 12 months thereafter and prior to initiating any construction. At that time, VA would complete a tiered, site-specific EA, in accordance with the above regulations, as part of the formal cemetery design process (VA 2012).

## PURPOSE AND NEED

The *purpose* of the Proposed Action is to select and acquire a suitable site for the proposed future construction and operation of a National Cemetery within a delineated area of Erie and Genesee Counties in western New York. This new National Cemetery must be of sufficient size and capacity to serve the projected needs of VA National Cemetery Administration (NCA) in this region for at least the next 100 years.

The Proposed Action would provide burial facilities for eligible Veterans and their eligible family members in western New York, with a Veteran population currently not served by an open National Cemetery. NCA estimated an unserved Veteran population of approximately 96,000 living within the 75-mile radius for this proposed National Cemetery in 2010.

A new National Cemetery is *needed* to better serve the needs of Veterans and their families in western New York. The new cemetery would provide additional capacity, as well as improved access to Veterans and their families (i.e., reduced travel time to a National Cemetery), and would balance the currently unequal geographic distribution of National Cemeteries in the region. There is no National Cemetery within 75 miles of the Buffalo–Rochester area. The nearest National Cemetery to the Buffalo–Rochester area is the Bath National Cemetery in Bath, New York. In addition, the new National Cemetery is needed for VA to comply with the Service Members Civil Relief Act, which directs VA to establish a new National Cemetery in western New York.

VA has established three objectives that define outcomes for VA burial programs. One of these objectives is to ensure that burial needs of Veterans and eligible family members are met. NCA further defines this objective on the assumption that the burial needs of a Veteran are met if they have reasonable access to a burial option, where reasonable access to a burial option is defined as "...a first interment option (whether for casketed remains or cremated remains, either in-ground or in columbaria) in a National or State Veterans Cemetery...available within 75 miles of the Veteran's place of residence." VA established a 75-mile service area standard because NCA data show that more than 80 percent of persons interred in National Cemeteries resided within 75 miles of the cemetery at the time of death.

VA has also developed an unserved Veteran population threshold for eligibility to establish a new National Cemetery. In the independent *Evaluation of the VA Burial Benefits Program* (August 2008), NCA reviewed its future burial strategy to continue meeting the needs of our Nation's Veterans. This evaluation noted that there is a gap between the size of population centers served by a National Cemetery and State cemeteries. Hence, based upon that study, NCA established a new Veteran population threshold to increase access to a burial option where the unserved Veteran population is at least 80,000. Western New York (Buffalo–Rochester area) meets this threshold.

In accordance with the Service Members Civil Relief Act, also known as the Veteran's Benefit Act of 2010, Public Law 111-275, Sec. 503, *Reports on Selection of New National Cemeteries* (38 USC 2400), VA was directed to establish five new National Cemeteries, including a cemetery in western New York.

## ALTERNATIVES

After identifying the need for a new National Cemetery in western New York, VA published a solicitation for an appropriate new site in August 2010. In accordance with VA's requirements, the solicitation indicated that the site should include at least 200 contiguous acres and be located within a delineated area. Responses to this solicitation were evaluated by NCA and determined to not adequately meet NCA needs and criteria for new cemetery property. NCA published a second advertisement with an expanded delineated area in January 2011.

A number of responses to the second solicitation (i.e., offering of sites) were received by VA and subsequently evaluated by a Site Selection Board (SSB) based on specific site selection criteria. During subsequent negotiations with the landowners of the top ranked sites, the landowners

advised that they were not interested in selling their property to VA based on the appraised fair market value. As a result, NCA reduced the minimum acreage to 100 acres in a subsequent (third) advertisement seeking land in February 2012. In accordance with VA's requirements, the third solicitation stated that the site should include at least 100 contiguous acres within a specific delineated area located within Erie and Genesee Counties in western New York.

VA received a number of responses to the third solicitation, and a SSB visited and ranked each site based on specific site selection criteria. Through this screening process, described in Section 2.3.1 of this PEA, VA determined that three sites [i.e., an approximately 132-acre site referred to as the 1232 Indian Falls Road Site (Site 1), an approximately 104-acre site referred to as the Main Road Site (Site 2), and an approximately 120-acre site referred to as the 4106 Walden Avenue Site (Site 3)] in Genesee and Erie Counties, New York best met the selection criteria and were reasonable. These numerical assignments are utilized for reference only; they do not necessarily indicate site ranking or preference.

This PEA examines in-depth four alternatives, three Action Alternatives (the 1232 Indian Fall Road Site, the Main Road Site, and the 4106 Walden Avenue Site), and the No Action Alternative, defined as follows:

- **1232 Indian Falls Road Site (Site 1):** Select and acquire the 1232 Indian Falls Road Site for the future construction and operation of the proposed National Cemetery. This site is located southeast of the intersection of Indian Falls and Alleghany Roads, and includes approximately 132 acres of unimproved farmland and undeveloped vacant and wooded land. Under this alternative, VA would acquire Site 1 for the development of a National Cemetery that would be owned, developed, and operated by VA.
- **Main Road Site (Site 2):** Select and acquire the Main Road Site for the future construction and operation of the proposed National Cemetery. This site is located south of the intersection of Main and Cleveland Roads, and includes approximately 103 acres of unimproved vacant land. Under this alternative, VA would acquire Site 2 for the development of a National Cemetery that would be owned, developed, and operated by VA.
- **4106 Walden Avenue Site (Site 3):** Select and acquire the 4106 Walden Avenue Site for the future construction and operation of the proposed National Cemetery. This site is located northwest of the intersection of Walden Avenue and Pavement Road, and includes approximately 120 acres of vacant land with limited infrastructure improvements (i.e., access roads and utilities). Under this alternative, VA would acquire Site 3 for the development of a National Cemetery that would be owned, developed, and operated by VA.
- **No Action Alternative:** Do not select and acquire a new site and continue with operations as currently conducted. The existing National Cemeteries in New York would continue to service the VA, but would leave Veterans and their families in western New York underserved.

The Action Alternatives effectively provide the options that most closely meet the requirements of VA. The No Action Alternative would not enable VA to provide adequate, long-term cemetery facilities in western New York, or comply with the requirements of the Service Members Civil Relief Act. However, the No Action Alternative is assessed in this PEA to provide a comparative baseline analysis, as required under the CEQ Regulations.

## AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

The affected environment of the Action Alternative Sites and their immediate surroundings, or the Region of Influence (ROI) of the Proposed Action, is discussed in Section 3 of this PEA.

The three Action Alternatives and the No Action Alternatives are evaluated in this PEA to determine their potential direct, indirect, and cumulative effect(s) on the physical, environmental, cultural, and socioeconomic aspects of the Proposed Action's ROI. Technical areas evaluated in this PEA include:

- *Aesthetics*
- *Air Quality*
- *Cultural Resources*
- *Geology, Topography, and Soils*
- *Hydrology and Water Quality*
- *Wildlife and Habitat*
- *Noise*
- *Land Use*
- *Floodplains, Wetlands, and Coastal Zone Management*
- *Socioeconomics*
- *Community Services*
- *Solid and Hazardous Materials*
- *Transportation and Parking*
- *Utilities*
- *Environmental Justice*
- *Cumulative Impacts*
- *Potential for Generating Substantial Controversy*

### **1232 Indian Falls Road Site (Site 1)**

Implementation of the Proposed Action at Site 1 would result in the impacts identified throughout Section 3. These effects primarily include potential less-than-significant adverse impacts to aesthetics, air quality, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, solid and hazardous materials, transportation, and utilities. All of these impacts would be further reduced through careful implementation of the general best management practices (BMPs), management measures, and compliance with regulatory requirements as identified throughout Section 3 and Section 5. Potential adverse cultural resources and wetlands impacts could be avoided (wetlands) or mitigated (cultural resources) to less-than-significant levels as described below. These potential impacts would be more thoroughly analyzed and evaluated in a subsequent SEA, if Site 1 is selected and acquired by VA and concurrent with site design. Note: An adverse affect under NHPA does not necessarily equal a significant impact under NEPA.

- ***Cultural Resources.*** A 2012 Phase I Cultural Resource Investigation conducted by Commonwealth Cultural Resources Group, Inc. (CCRG) identified 593 prehistoric lithic artifacts at the 1232 Indian Falls Road Site, primarily in the northern agricultural area. In addition, shovel tests in the northern agricultural area identified dark, black soil anomalies and charcoal, suggesting the potential for possible subsurface historic hearth features. CCRG concluded that additional archeological investigation at Site 1 was necessary to determine the significance of the cultural resources at this site and whether it is potentially eligible for inclusion in the National Registry of Historic Places (NRHP).

CCRG conducted the field work for the Phase II Archeological Investigation at the 1232 Indian Falls Road Site during April through June 2013. Efforts of the Phase II investigation included shovel testing in close-interval grids around Phase I Cultural Resource Investigation find spots. Phase II field activities typically would have also included plowing and disking the agricultural field; however, these activities were not conducted to avoid damage to the already planted wheat crop. Though a formal analysis has not yet been completed, rough counts indicated that approximately 6,000 lithic artifacts were recovered during the Phase II field activities. These artifacts include several projectile points or point fragments. Based on the Phase II findings, the site is eligible for inclusion on the NRHP.

VA and CCRG discussed the Phase II findings with the New York State Historic Preservation Office (SHPO) and the affected Native American Tribe (Seneca Nation) and determined that a Phase III investigation would be conducted immediately after the harvest of the wheat crop. The Phase III field investigation was conducted in August and September 2013 and included plowing, disking, and inspecting the approximately 40-acre cultivated area of the site and mechanically stripping the topsoil from a one acre area in the northern portion of the site for further investigation. In total, approximately 16,000 lithic artifacts were recovered and several prehistoric burn/thermal features were identified and investigated. The Phase III investigation includes laboratory processing and analysis of all artifacts recovered during Phase II and Phase III investigations. The SHPO and Seneca Nation

agreed that upon completion of the reporting of the Phase III investigation, the research potential of the site will have been achieved and that no further investigation activities would be necessary.

VA entered into a Memorandum of Agreement with the SHPO and the Seneca Nation for the ownership and curation of uncovered artifacts. All artifacts will be provided to the Seneca Nation, as requested.

VA is completing investigations to explore, recover, and inventory the archeological resources at the site. VA anticipates that through compliance with the National Historic Preservation Act (NHPA), as well as consultation with the SHPO and the Seneca Nation, potentially adverse effects associated with the construction of a National Cemetery at the 1232 Indian Falls Road Site would be mitigated. The SHPO and Seneca Nation agree that no additional investigation or mitigation will be required beyond the completion of the Phase III investigation.

- **Wetlands/Waters of the US.** Implementation of the Proposed Action at Site 1 could result in adverse impacts to wetlands/Waters of the US. A forested wetland (approximately 30 acres or 23% of the site) and a stream bed are located in the southwestern portion of Site 1. The wetland and stream bed appear to be surficially connected to Murder Creek and would likely be under the jurisdiction of the US Army Corps of Engineers (USACE) under the Federal Clean Water Act (CWA) due to their connection to Waters of the US. The wetland also appears to be regulated by the New York State Department of Environmental Conservation (NYSDEC) under the New York Freshwater Wetlands Act (FWA).

If Site 1 is selected, VA would conduct a wetlands delineation of the site to determine the boundaries of the identified wetland. The delineation report would be submitted to the USACE and/or NYSDEC for their review and approval. VA would implement avoidance measures to maintain potential effects to wetlands/Waters of the US at acceptable, less-than-significant levels. These measures would be more fully developed as part of the subsequent SEA, concurrent with the design efforts. VA would avoid onsite wetlands/Waters of the US to the extent possible through environmentally sensitive site design. VA anticipates that final cemetery design would maintain a buffer of undisturbed land around the majority of the identified wetlands/Waters of the US. However, in those cases where impacts to wetlands/Waters of the US cannot be avoided, VA would obtain and comply with all necessary permits from the USACE and NYSDEC prior to construction to minimize adverse effects.

### **Main Road Site (Site 2)**

Implementation of the Proposed Action at Site 2 would result in the impacts identified throughout Section 3. These effects primarily include potential less-than-significant adverse impacts to aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, solid and hazardous materials, transportation, and utilities. All of these impacts would be further reduced through careful implementation of the general BMPs, management measures, and compliance with regulatory requirements as identified throughout Section 3 and Section 5. Potential adverse floodplains and wetlands impacts could be avoided or maintained at less-than-significant levels as described below. These potential impacts would be more thoroughly analyzed and evaluated in a subsequent SEA, if Site 2 is selected and acquired by VA and concurrent with site design.

- **Wetlands and Floodplains.** Implementation of the Proposed Action at Site 2 could result in adverse impacts to wetlands and floodplains. The southern and eastern portions of Site 2 contain wetlands (approximately 35 acres or 34% of the site) that appear to be connected to Waters of the US and regulated by the USACE under the CWA. In addition, approximately 8 acres of the southwestern portion of Site 2 were identified as being located within the 100-year floodplain.

If Site 2 is selected, VA would conduct a wetlands delineation of the site to determine the boundaries of the identified wetlands. The delineation report would be submitted to the USACE and/or NYSDEC for their review and approval. VA would implement avoidance measures to maintain potential adverse effects to wetlands and floodplains at acceptable, less-than-significant levels. These measures would be more fully developed as part of the subsequent SEA, concurrent with the design efforts. VA would avoid construction in the 100-year floodplain and would avoid onsite wetlands to the extent possible through environmentally sensitive site design. VA anticipates that final cemetery design would maintain a buffer of undisturbed land around the majority of the identified wetlands. However, in those cases where impacts to wetlands cannot be avoided, VA would obtain and comply with all necessary permits from the USACE and NYSDEC prior to construction to minimize adverse effects.

### **4106 Walden Avenue Site (Site 3)**

Implementation of the Proposed Action at Site 3 would result in the impacts identified throughout Section 3. These effects primarily include potential less-than-significant adverse impacts to aesthetics, air quality, cultural resources, geology and soils, wildlife and habitat, noise, land use, wetlands, solid and hazardous materials, transportation, and utilities. All of these impacts would be further reduced through careful implementation of the general BMPs, management measures, and compliance with regulatory requirements as identified throughout Section 3, and summarized in Section 5. Potential adverse hydrology impacts could be avoided or maintained at less-than-significant levels as described below. These potential impacts would be more thoroughly analyzed and evaluated in a subsequent SEA, if Site 3 is selected and acquired by VA and concurrent with site design.

- **Hydrology (Waters of the US).** Implementation of the Proposed Action at Site 3 could result in adverse impacts to Waters of the US. The North Branch of Plum Bottom Creek crosses the southeastern portion of the site and includes approximately 1,100 linear feet on-site. This creek would likely be under the jurisdiction of the USACE due to its connection to Waters of the US. However, VA anticipates that through environmentally sensitive site design and following good engineering practices, these potential impacts would be avoided or maintained at less-than-significant levels. Adverse effects to Waters of the US would be avoided to the extent possible during the site design process; unavoidable effects would be maintained at less-than-significant levels through consultation and permitting with the USACE and NYSDEC under Sections 401 and 404 of the CWA. VA anticipates that final cemetery design would maintain a buffer of undisturbed land around the on-site creek. VA would specifically analyze and address this issue within the SEA, in consultation with appropriate agencies, when additional design data are unavailable.

### **All Action Alternatives**

With implementation of the management, avoidance, and mitigation measures identified in this PEA, no significant direct or indirect effects are anticipated for the Action Alternatives.

Under the No Action Alternative, the Proposed Action would not be implemented and approximately 96,000 Veterans in western New York would continue to reside greater than 75 miles from the nearest National Cemetery. VA's ability to provide essential cemetery facilities to the region's Veterans would be compromised, resulting in adverse socioeconomic impacts, including additional cost and time associated with travel for Veterans and additional costs for funeral services. In addition, VA would not comply with the Service Members Civil Relief Act.

The PEA also examines the potential cumulative effects of implementing each of the considered alternatives. This analysis finds that implementation of the Action Alternatives, with the implementation of the management, avoidance, and mitigation measures specified in this PEA, would not result in significant cumulative impacts to onsite or regional natural or cultural resources, and would maintain or enhance the socioeconomic environment of the area through long-term provision of required cemetery facilities in western New York. The No Action Alternative would not

produce this positive socioeconomic effect and would not meet the purpose and need of the Proposed Action.

### **AGENCY AND PUBLIC INVOLVEMENT**

VA consulted with the following agencies during the preparation of this PEA: the US Fish and Wildlife Service (USFWS) Northeast Region; US Environmental Protection Agency (USEPA) Region 2; US Army Corps of Engineers (USACE) Buffalo District; New York State Department of Environmental Conservation (NYSDEC), Regions 8 and 9; New York State Department of Transportation (NYSDOT), Districts 4 and 5; New York State Office of Parks, Recreation and Historic Preservation (State Historic Preservation Office or SHPO); NYSDEC Division of Fish, Wildlife, and Marine Resources (FWMR); Genesee County Parks, Recreation, and Forestry (GCPRF); Genesee County Soil and Water Conservation District (GCSWCD); Genesee County Department of Planning (GCDP); Genesee County Highway Department (GCHD); Genesee County Public Health Department (GCPHD); Erie County Environment and Planning Department (ECEPD); Erie County Parks and Recreation (ECPR); Erie County Public Works Department (ECPWD); Erie County Department of Health (ECDH); Pembroke Highway Department (PHD); Pembroke Parks Department (PPD); Pembroke Zoning and Codes Department (PZCD); Lancaster Building and Zoning Department (LBZD); Lancaster Highway Department (LHD); Lancaster Parks, Recreation, and Forestry Department (LPRFD); Lancaster Industrial Development Agency (LIDA); Lancaster Department of Public Works (LDPW); and Lancaster Community Development Corporation (LCDC).

VA received responses from the following agencies concerning the Action Alternatives. The following summarizes that input, which VA used to focus this PEA's analysis:

## 1232 Indian Falls Road Site (Site 1) Agency Input

## Cultural Resources

Agency	Agency Comments	PEA Section Cross-Reference
<b>NYSDEC</b>	NYSDEC stated that portions of Site 1 is located within an area of potential cultural (archeological) significance and recommended consultation with SHPO to prevent impacts to cultural resources.	<b>Section 3.4</b>
<b>SHPO</b>	<p>SHPO stated that Site 1 does not include buildings or structures that are eligible for the NRHP. However, SHPO recommended a Phase I Archeological Investigation of Site 1.</p> <p>In response to this input, VA retained Commonwealth Cultural Resources Group (CCRG) to conduct a Phase I Cultural Resource Investigation of Site 1 in 2012. This investigation did not identify any significant historical resources at the site. However, the investigation identified 593 prehistoric lithic artifacts, primarily in the northern portion of the site, and concluded that additional investigation (Phase II Cultural Resource Investigation) was necessary to determine the significance of the prehistoric resources at Site 1.</p> <p>CCRG initiated the Phase II Archeological Investigation of Site 1 in April 2013. Efforts of the Phase II investigation included shovel testing in close-interval grids around Phase I Cultural Resource Investigation find spots. Though a formal analysis has not yet been completed, rough counts indicated that approximately 6,000 lithic artifacts were recovered during the field activities associated with the Phase II investigation, including several projectile points or point fragments.</p> <p>After consultation with SHPO and the Seneca Nation, it was determined that a Phase III investigation would be conducted after the harvest of the wheat crop. Field work for this investigation was completed in August and September 2013. In total, approximately 16,000 lithic artifacts were recovered and several prehistoric burn/thermal features were identified and investigated. The SHPO and Seneca Nation agreed that upon completion of the reporting of the Phase III investigation, the research potential of the site will have been achieved and that no further investigation activities will be necessary.</p>	<b>Section 3.4</b>

## Geology, Topography, and Soils

Agency	Agency Comments	PEA Section Cross-Reference
<b>GCDP</b>	The GCDP stated that Site 1 is not enrolled in a New York State Certified Agricultural District (NYSCAD). However, Site 1 has prime farmland with fields in agricultural production.	<b>Section 3.5</b>

**Water Resources**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>USACE</b>	The USACE stated that the forested area in the southwestern portion of Site 1 is mapped in the USDA soil survey as containing wetland soils and also is depicted as a forested wetland on the National Wetland Inventory (NWI) map. The USACE indicated that this information strongly suggests that wetlands may be present in the forested area. The USACE noted that an on-site investigation will be required to generate a conclusive determination and recommended that qualified wetland consultant be retained to further investigate the site.	<b>Sections 3.6 and 3.10</b>
<b>NYSDEC</b>	<p>According to the NYSDEC, New York Freshwater Wetland AK-14 is located on Site 1 and recommended that a wetland delineation be conducted early in the planning process to determine the actual wetland boundary. NYSDEC stated that VA may not be subject to the New York wetland regulations; however, a Section 401 of the CWA, Water Quality Certification (WQC) would likely be required for any wetland disturbance. The NYSDEC also recommended that a 100-foot buffer be maintained around the wetland, to the extent practicable.</p> <p>According to the NYSDEC, Federally regulated wetlands are also likely present on Site 1 and should be addressed through consultation with the USACE, Buffalo District.</p> <p>According to the NYSDEC, there is a Class C, Non-Navigable waterway located near the southern boundary of Site 1, adjacent to Interstate 90.</p>	<b>Sections 3.6 and 3.10</b>

**Wildlife and Habitat**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>USFWS</b>	The USFWS did not provide a site-specific response to VA's request for input. USFWS noted that a list of Federally-listed threatened and endangered species in Genesee County is available on its website and reminded VA of its obligations to comply with the Endangered Species Act.	<b>Section 3.7</b>
<b>NYSDEC</b>	NYSDEC FWMR indicated that a review of the New York Natural Heritage Program database for rare or state-listed animals and plants, significant natural communities and other significant habitats identified one plant, the Northern Wild Comfrey, as a state-listed endangered species located in the vicinity of Site 1. However, NYSDEC FWMR stated that the last documented sighting of this plant in the area was in June 1922.	<b>Section 3.7</b>

**Land Use**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>GCPD</b>	According to the GCDP, Site 1 is located approximately 5 miles south of the proposed Western New York Science and Technology Advanced Manufacturing Park and is not located in a Genesee County Smart Growth Development area. The GCDP noted that Site 1 has prime farmland soils with fields in agricultural production. The Genesee County Planning Board expressed interest in having the proposed cemetery in Genesee County.	<b>Section 3.9</b>

**Transportation and Parking**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>GCHD</b>	The GCHD stated that they have no concerns regarding the Proposed Action at Site 1. The GCHD stated that Indian Falls Road is a County Road and any new utilities or access roads to Site 1 would require a County Highway ROW permit from the GCHD.	<b>Section 3.14</b>

**Utilities**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>GCPD</b>	According to the GCPD, Site 1 is included in a proposed water district. Potable water supply lines have been proposed to be extended to the north along Alleghany Road along the western boundary of Site 1 and then be extended to the east along Indian Falls Road along the northern boundary of Site 1. However, a schedule for these extensions has not been finalized.	<b>Section 3.15</b>

**Main Road Site (Site 2) Agency Input  
Cultural Resources**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>NYSDEC</b>	NYSDEC stated that all of Site 2 is located within an area of potential cultural (archeological) significance and recommended consultation with SHPO to prevent impacts to cultural resources.	<b>Section 3.4</b>
<b>SHPO</b>	<p>SHPO stated that Site 2 does not include buildings or structures that are eligible for the NRHP. SHPO stated that a portion of the Main Road Site was surveyed in 2007 by CCRG. One precontact archeological site was identified during the 2007 investigation. SHPO recommended a Phase II Site Examination or avoidance measures for the previously identified archeological site. SHPO also recommended a Phase I Archeological Investigation for any portions of the Main Road Site that were not included in the 2007 investigation.</p> <p>In response to this input, VA retained CCRG to conduct a Phase II Cultural Resource Investigation of the previously identified archeological site and a Phase I Cultural Resource Investigation of the portions of Site 2 that had not been previously assessed. CCRG completed this investigation in 2012. CCRG identified prehistoric lithic artifacts at Site 2; however, none of the identified archeological resources were determined to be significant and eligible for inclusion on the NRHP. The CCRG Phase I/Phase II Cultural Resources Investigation report will be submitted to SHPO for review and concurrence.</p>	<b>Section 3.4</b>

**Geology, Topography, and Soils**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>GCDP</b>	The GCDP stated that Site 2 is not enrolled in a NYSCAD. In addition, Site 2 is not being farmed and would have minimal, if any, impacts on agriculture.	<b>Section 3.5</b>

**Water Resources**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>USACE</b>	The USACE stated that the Main Road Site is partially located on a property for which a wetland delineation was submitted in 2008 for the Buffalo Shooting Club. The USACE indicated that the application was withdrawn and the delineation was never verified; however, the submitted delineation map showed wetland areas woven throughout Site 2 and the adjoining areas. The USACE recommended that a qualified wetland consultant be retained to further investigate the site for the presence of wetlands/Waters of the US.	<b>Sections 3.6 and 3.10</b>
<b>NYSDEC</b>	According to the NYSDEC, New York Freshwater Wetland AX-1 is located on Site 2 and recommended that a wetland delineation be conducted early in the planning process to determine the actual wetland boundary. NYSDEC stated that VA may not be subject to the New York wetland regulations; however, a Section 401 of the CWA, WQC would likely be required for any wetland disturbance. The NYSDEC also recommended that a 100-foot buffer be maintained around the identified wetland, to the extent practicable. According to the NYSDEC, Federally regulated wetlands are also likely present on Site 2 and should be addressed through consultation with the USACE, Buffalo District. NYSDEC also noted that a portion of Site 2 is located within a mapped 100-year floodplain.	<b>Sections 3.6 and 3.10</b>

**Wildlife and Habitat**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>USFWS</b>	The USFWS did not provide a site-specific response to VA's request for input. USFWS noted that a list of Federally-listed threatened and endangered species in Genesee County is available on its website and reminded VA of its obligations to comply with the Endangered Species Act.	<b>Section 3.7</b>
<b>NYSDEC</b>	NYSDEC FWMR indicated that a review of the New York Natural Heritage Program database did not identify any records of rare or state-listed animals or plants, significant natural communities, or other significant habitats on or in the vicinity of Site 2.	<b>Section 3.7</b>

**Land Use**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>GCDP</b>	According to the GCDP, Site 2 is located approximately 8 miles southeast of the proposed Western New York Science and Technology Advanced Manufacturing Park and is not located in a Genesee County Smart Growth Development area. GCDP noted that Site 2 is not being farmed and would have minimal, if any, impacts on agriculture. The GCDP stated that the Genesee Planning Board expressed interest in having the proposed cemetery in Genesee County.	<b>Section 3.9</b>

**Solid and Hazardous Materials**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>NYSDEC</b>	The NYSDEC indicated that an active natural gas well may be located on Site 2; however, additional resources indicate that the natural gas well is located at least 700 feet west of Site 2.	<b>Section 3.13</b>

**Transportation and Parking**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>GCHD</b>	The GCHD stated that they have no concerns regarding the Proposed Action at Site 2.	<b>Section 3.14</b>

**Utilities**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>GCPD</b>	GCPD stated that Site 2 is already serviced by potable water supply lines along Main Road (northern boundary).	<b>Section 3.15</b>

**4106 Walden Avenue Site (Site 3) Agency Input  
Air Quality**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>NYSDOT</b>	The NYSDOT stated that the Proposed Action at Site 3 is not transportation related and is, therefore, not subject to NYSDOT conformity regulations. In addition, the NYSDOT stated that a microscale air quality analysis is not required.	<b>Section 3.3</b>
<b>EPECD</b>	The ECEPD stated that no known air quality concerns exist for the 4106 Walden Avenue Site.	<b>Section 3.3</b>

**Cultural Resources**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>NYSDOT</b>	The NYSDOT stated that there should not be any historic and cultural resources concerns associated with the 4106 Walden Avenue Site; however, the Proposed Action must be coordinated with SHPO.	<b>Section 3.4</b>
<b>NYSDEC</b>	NYSDEC stated that all of Site 3 is located within an area of potential cultural (archeological) significance and recommended consultation with SHPO to prevent impacts to cultural resources.	<b>Section 3.4</b>
<b>SHPO</b>	SHPO stated that Site 3 does not include buildings or structures that are eligible for the NRHP. SHPO stated that a large portion of the 4106 Walden Avenue Site was surveyed by CCRG in 2007 (two investigations). The CCRG Phase I Archeological Investigations identified prehistoric archeological resources at Site 3. However, SHPO stated that the identified archeological resources were not eligible for the NRHP. SHPO recommended a Phase I Archeological Investigation for any portions of the 4106 Walden Avenue Site that were not included in the previous Phase I Archeological Investigation.  CCRG reviewed the Site 3 boundaries and determined that the entirety of the site was included in the previous investigations; therefore, no additional investigation was conducted for VA.	<b>Section 3.4</b>

**Geology, Topography, and Soils**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>NYSDOT</b>	NYSDOT stated that Site 3 is located in an Agricultural District and the land is considered prime farmland and farmland of statewide importance. In addition, NYSDOT stated that farmlands would be converted by the Proposed Action at Site 3.  NYSDOT stated that the Proposed Action would disturb more than an acre of land and that a State Pollutant Discharge Elimination System (SPDES) permit will likely be needed.	<b>Section 3.5</b>

## Water Resources

Agency	Agency Comments	PEA Section Cross-Reference
<b>USACE</b>	The USACE stated that the 4106 Walden Avenue Site was the subject of an approved jurisdictional determination (JD) in 2001. The site was determined to be upland with the exception of approximately 400-500 lineal feet of an unnamed tributary in the southeastern portion and an approximately 3 to 5-acre wetland in the west-central portion. The wetland was determined to be isolated and outside USACE jurisdiction. The USACE stated that the previous wetland delineation has expired and that a new delineation would be required to re-verify the previous findings.	<b>Sections 3.6 and 3.10</b>
<b>NYSDOT</b>	<p>The NYSDOT stated that no streams, wild, scenic or recreational rivers, or navigable waters are located within the project limits. Therefore, no impacts to waterbodies are anticipated.</p> <p>The NYSDOT stated that State/Federal wetlands are located in close proximity to the project limits and further investigation is necessary.</p> <p>According to the NYSDOT, Site 3 is not located over an aquifer, but is near an unconsolidated aquifer to the northeast. In addition, NYSDOT stated that the project is not located over and/or in close proximity to any wells or reservoirs and no impacts are anticipated.</p> <p>NYSDOT stated that no known floodplains are present at Site 3.</p> <p>NYSDOT stated that the 4106 Walden Avenue Site is not located in area subject to Coastal Zone Management regulations, is not located within a Coastal Hazard Area, and is not located in a municipality subject to review under the Niagara Greenway Plan.</p>	<b>Sections 3.6 and 3.10</b>
<b>NYSDEC</b>	According to the NYSDEC, soils at Site 3 are classified as partially hydric and the site may contain Federally regulated wetlands. NYSDEC noted that if a Federal wetland permit is required, it is possible that a Section 401 of the CWA WQC from the NYSDEC would be required.	<b>Sections 3.6 and 3.10</b>
<b>ECEPD</b>	According to the ECEPD, no known NYSDEC regulated wetlands are present at Site 3; however, Federally regulated wetlands are suspected to be present.	<b>Sections 3.6 and 3.10</b>

**Wildlife and Habitat**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>USFWS</b>	The USFWS did not provide a site-specific response to VA's request for input. USFWS noted that a list of Federally-listed threatened and endangered species in Erie County is available on its website and reminded VA of its obligations to comply with the Endangered Species Act.	<b>Section 3.7</b>
<b>NYS DOT</b>	NYS DOT stated that there are no State or Federally-listed threatened or endangered species in the area of Site 3 and that wildlife and habitat resources impacts are not anticipated as a result of the Proposed Action.  NYS DOT noted that Site 3 is populated with aggressive invasive plant species that have established themselves at the site since it was graded approximately 10 years ago. NYSDOT recommended that a determination for the four NYSDOT targeted invasive species be conducted and stated that BMPs would need to be used during the development of the National Cemetery to prevent the introduction and spreading of invasive species to other areas.	<b>Section 3.7</b>
<b>NYS DEC</b>	NYS DEC FWMR indicated that a review of the New York Natural Heritage Program database did not identify any records of rare or state-listed animals or plants, significant natural communities, or other significant habitats on or in the vicinity of Site 3.	<b>Section 3.7</b>

**Land Use**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>NYS DOT</b>	NYS DOT stated that no land use-related impacts are anticipated as a result of the Proposed Action at Site 3.	<b>Section 3.9</b>
<b>LIDA</b>	In a letter dated June 22, 2012, LIDA stated that Site 3 is owned by LIDA and is a prime location within the Town of Lancaster for future development of an industrial or manufacturing business park. LIDA stated that it has leased the site to Uniland Development Company (Uniland), who has made significant capital investment at the site in anticipation of the future development. LIDA requested that Site 3 be withdrawn from consideration for future development as a National Cemetery.  A letter dated July 17, 2012 from Uniland's attorney stated that Uniland has full equity interest and development rights for Site 3 and would welcome a National Cemetery on Site 3.	<b>Section 3.9</b>

**Solid and Hazardous Materials**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>NYSDEC</b>	The NYSDEC indicated that one plugged natural gas well is located in the northwestern portion of the site. The well was reported as plugged and abandoned in 1993.	<b>Section 3.13</b>
<b>NYSDOT</b>	NYSDOT indicated that there were 6 spills on roads near Site 3, all of which have been closed for at least 8 years. NYSDOT indicated that no impacts are anticipated.	<b>Section 3.13</b>

**Transportation and Parking**

<b>Agency</b>	<b>Agency Comments</b>	<b>PEA Section Cross-Reference</b>
<b>EPECD</b>	ECEPD stated that Site 3 is currently designated for use as an office/industrial park; therefore, the current infrastructure is adequate to accommodate the traffic of a cemetery.	<b>Section 3.14</b>
<b>NYSDOT</b>	The NYSDOT stated did not have any concerns related to traffic for the Proposed Action at Site 3.	<b>Section 3.14</b>

For Federal proposed actions, Federal agencies are required to consult with Federally-recognized Native American Tribes in accordance with the NEPA, the National Historic Preservation Act (NHPA), the Native American Graves Protection and Repatriation Act (NAGPRA), and Executive Order (EO) 13175. As part of this PEA, VA identified the following twelve Native American Tribes as having possible ancestral ties to the Proposed Action's ROI (i.e., western New York), and invited each Tribe to consult on this Proposed Action: the Cuyaga Nation of New York, the Oneida Nation of New York, the Onondaga Nation of New York, the Oneida Tribe of Indians of Wisconsin, the Seneca-Cayuga Nation, the Seneca Nation of Indians, the Shinnecock Indian Nation, the Seneca Nation of New York, the St. Regis Band of Mohawk Indians of New York, the Tonowanda Band of Seneca Indians of New York, the Tuscarora Nation of New York, and the Wyandotte Tribe of Oklahoma.

VA received responses from the Seneca Nation of New York and the Tonawanda Band of Seneca Indians of New York (Seneca Nation) indicating their interest in participating in the Section 106 process of the NHPA process. The Seneca Nation has participated in discussions between VA and SHPO and monitored the Phase II Archeological Investigation of Site 1. Additionally, VA is performing a Phase III investigation at Site 1 as recommended by the SHPO and the Seneca Nation. VA entered into a Memorandum of Agreement with the SHPO and the Seneca Nation for the ownership and curation of uncovered artifacts. All artifacts will be provided by the owner of the site to the Seneca Nation, as requested. As of the date of this PEA, no other responses have been received from the consulted tribes (VA 2014).

VA, as the Federal proponent of this Proposed Action, published and distributed the Draft PEA for a 30-day public comment period as announced by a Notice of Availability (NOA) published in the *Buffalo News* from August 4 to August 6, 2013. Review copies were also made available for public review at community libraries in the region and made available for download via a link on the VA internet website. VA received two responses from the public during the public comment period. Both responses offered the opinion that the 4106 Walden Avenue site in Lancaster (Site 3) is an inappropriate location for the proposed National Cemetery.

The public comments stated that Site 3 has been prepared for industrial use and is located in an area of light industrial and noisy commercial development and, as such, is inappropriate for a cemetery which should be located in a quiet place. The commenters stated that the selection of Site 3 for the Proposed Action would deprive the Town of Lancaster and the Lancaster Central School District of current land assessment tax revenues, and from the potential of a much larger

amount should the land be developed as intended, for Light Industrial purpose and job creation. The commenters also indicated that it was their opinion that the Draft PEA understated the existing noise, commercial development, and traffic levels in the vicinity of Site 3.

The public comments received by VA are included in Appendix E. Where applicable, the Final PEA was modified to reflect these comments.

## CONCLUSIONS

The Action Alternatives would result in the effects identified throughout Section 3 of this PEA. These effects primarily include potential less-than-significant adverse impacts to aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, floodplains and wetlands, solid and hazardous materials, transportation, and utilities. All of these potential impacts would be further reduced through careful implementation of the general BMPs and management measures, and compliance with regulatory requirements.

The Proposed Action at the 1232 Indian Falls Road Site (Site 1) could result in adverse impacts to cultural resources and wetlands (Waters of the US). VA anticipates, that through compliance with the NHPA and other applicable regulations, as well as consultation with the SHPO and Federally recognized Native American Tribes, VA would mitigate potential adverse cultural resources effects to acceptable, less-than-significant levels. VA also anticipates that through environmentally sensitive site design and consultation with the USACE and NYSDEC, potential adverse impacts to wetlands/Waters of the US would be avoided or managed at less-than-significant levels. Wetlands/Waters of the US would be avoided during the site design with appropriate buffers of undisturbed land around these resources to the extent possible. These issues would be specifically analyzed and addressed within a subsequent, tiered site-specific SEA.

The Proposed Action at the Main Road Site (Site 2) could result in adverse impacts to wetlands and/or floodplains. However, VA anticipates that through environmentally sensitive site design and following good engineering practices, as well as consultation with the USACE and NYSDEC, these potential adverse impacts would be avoided or managed at less-than-significant levels. VA would avoid construction in the 100-year floodplain and would avoid wetlands with an appropriate buffer of undisturbed land to the extent possible. These issues would be specifically analyzed and addressed within a subsequent, tiered site-specific SEA.

The Proposed Action at the 4106 Walden Avenue Site (Site 3) could result in adverse impacts to Waters of the US. However, VA anticipates that through environmentally sensitive site design and following good engineering practices, as well as consultation with the USACE and NYSDEC, these potential impacts would be avoided or managed at less-than-significant levels. The on-site creek would be avoided with an appropriate buffer of undisturbed land to the extent possible. These issues would be specifically analyzed and addressed within a subsequent, tiered site-specific SEA.

This PEA concludes there would be no significant direct, indirect, or cumulative effect to the local environment or quality of life associated with implementing the Proposed Action at any of the Action Alternative Sites, provided the best management practices and avoidance, management and mitigation (1232 Indian Falls Road Site only) measures identified in this PEA are implemented. Site-specific impacts will be further evaluated in a subsequent, tiered SEA once a site has been selected and acquired, and the cemetery design process has been initiated. The proposed management, avoidance, and mitigation measures and BMPs identified in this PEA would be incorporated into that future process and analysis. Therefore, this PEA concludes that a Finding of No Significant Impact (FONSI) is appropriate for the Main Road and Walden Avenue Sites, a mitigated FONSI is appropriate for the 1232 Indian Falls Road Site, and that an Environmental Impact Statement (EIS) is not required.

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**APPENDIX D** — Other Relevant Environmental Data

**APPENDIX E** — Public Notices and Comments

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## SECTION 1: INTRODUCTION

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### 1.1 Introduction

This Section provides the reader with necessary introductory and background information concerning the Proposed Action for proper analytical context; identifies the purpose of and need for the Proposed Action; describes the Federal decision to be made concerning the Proposed Action; and identifies relevant environmental documents. Section 4 provides a summary of public and agency involvement (and key issues and concerns identified). Section 11 identifies Federal, State, and local regulations applicable to the Proposed Action.

This Programmatic Environmental Assessment (PEA) has been prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic effects associated with the Department of Veterans Affairs' (VA's), a Federal agency, Proposed Action. VA's Proposed Action is the selection and acquisition of a site suitable for the future establishment of a new National Cemetery within a delineated area of Erie and Genesee Counties in western New York.

Preparation of this PEA is required in accordance with the National Environmental Policy Act of 1969 ([NEPA]; 42 United States Code [USC] 4321 *et seq.*), the President's Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and 38 CFR Part 26 (*Environmental Effects of the Department of Veterans Affairs Actions*). This PEA also has been prepared in accordance with the VA's *NEPA Interim Guidance for Projects* (VA 2010).

Once a site is selected and acquired through this programmatic NEPA process, VA will prepare a subsequent, "tiered" site-specific EA (SEA) to more precisely analyze and evaluate the potential effects of the construction and operation of the proposed National Cemetery. At this latter point in time, additional design information would be available upon which to conduct this future environmental effects analysis. VA would incorporate the mitigation, avoidance, and management measures identified in this PEA into that future design process and tiered NEPA analysis to minimize potential environmental effects.

This approach is fully consistent with the NEPA and CEQ Regulations. In cases such as these, the CEQ Regulations establish and recommend a "tiered" approach to the environmental impact analysis process: "Agencies are encouraged to tier their environmental (documents)...to focus on the actual issues ripe for decision at each level of environmental review....Tiering may also be appropriate for different stages of actions" (40 CFR Part 1502.20). These regulations specify that such potentialities (i.e., the ultimate construction and operation of the National Cemetery) should be introduced, but can be deferred to future analyses and documentation when they have "ripened," or when more complete information becomes available.

As such, this PEA assesses the potential effects of selecting and acquiring a site for the future development of the proposed National Cemetery (i.e., direct effects), and broadly assesses the effects of the future proposed construction and operation of the cemetery (i.e., indirect effects) under each alternative considered. Again, site-specific effects would be analyzed and evaluated in the SEA, once this NEPA process is complete and a site has been selected and acquired by VA.

This PEA examines four alternatives, including three Action Alternatives and the No Action Alternative, as defined below:

- **1232 Indian Falls Road Site (Site 1):** Select and acquire the 1232 Indian Falls Road Site for the future construction and operation of the proposed National Cemetery. This site is located in the Town of Pembroke (Genesee County) and consists of four contiguous parcels totaling approximately 132 acres. The site is unimproved agricultural land, wooded land, and vacant land near the intersection of Indian Falls Road and Alleghany Road.
- **Main Road Site (Site 2):** Select and acquire the Main Road Site for the future construction and operation of the proposed National Cemetery. This site is located south of the intersection of Main Road and Cleveland Road in the Town of Pembroke (Genesee County) and consists of two contiguous parcels totaling approximately 103 acres. The northern portion of the site is separated from the southern portion of the site by an electrical easement. The site is unimproved vacant land.
- **4106 Walden Avenue Site (Site 3):** Select and acquire the 4106 Walden Avenue Site for the future construction and operation of the proposed National Cemetery. This site is located at the northwest corner of the intersection of Walden Avenue and Pavement Road in the Town of Lancaster (Erie County) and consists of two parcels that comprise approximately 120 acres. The site is unimproved vacant land with limited infrastructure improvements (i.e., access roads and utilities).
- **No Action Alternative:** Do not implement the Proposed Action as identified (do not establish a new National Cemetery in western New York) and continue to operate only the existing National Cemeteries in the region.

These numerical assignments are utilized for reference only; they do not necessarily indicate site ranking or preference.

## **1.2 Background**

VA is proposing to select and acquire a site on which to ultimately establish a new National Cemetery, including the necessary infrastructure, on at least 100 contiguous acres in western New York (i.e., Erie and Genesee Counties). The proposed cemetery would provide additional capacity, as well as improved access to Veterans and their families (i.e., reduced travel time to a National Cemetery), and would balance the currently unequal geographic distribution of National Cemeteries in the region.

Currently there are no design plans for this proposed National Cemetery. However, VA would follow the VA's National Cemetery Administration (NCA) *Facilities Design Guide* (VA 2008, or its successor) in developing the proposed cemetery design. VA would acquire the site in 2013 and would initiate the formal cemetery design process within 12 months thereafter and prior to initiating any construction. At that time, VA would complete a tiered, site-specific EA, in accordance with the above regulations, as part of the formal cemetery design process (VA 2012).

## **1.3 Purpose and Need**

The *purpose* of the Proposed Action is to select and acquire a suitable site for the proposed future construction and operation of a National Cemetery within a delineated area of Erie and Genesee County in western New York. This new National Cemetery must be of sufficient size and capacity to serve the projected needs of VA National Cemetery Administration in this region for at least the next 100 years.

The Proposed Action would provide burial facilities for eligible Veterans and their eligible family members in western New York, with a Veteran population currently not served by an open

National Cemetery. NCA estimated an unserved Veteran population of approximately 96,000 living within the 75-mile radius for this proposed National Cemetery in 2010.

A new National Cemetery is *needed* to better serve the needs of Veterans and their families in western New York. The new cemetery would provide additional capacity, as well as improved access to Veterans and their families (i.e., reduced travel time to a National Cemetery), and would balance the currently unequal geographic distribution of National Cemeteries in this region. There are currently no National Cemeteries located in western New York. The nearest National Cemetery to the Buffalo-Rochester area is the Bath National Cemetery in Bath, New York, (see **Figure 1**). In addition, the new National Cemetery is needed for VA to comply with the Service Members Civil Relief Act, which directs VA to establish a new National Cemetery in western New York.

VA has established three objectives that define outcomes for VA burial programs. One of these objectives is to ensure that burial needs of Veterans and eligible family members are met. NCA further defines this objective on the assumption that the burial needs of a Veteran are met if they have reasonable access to burial option, where reasonable access to a burial option is defined as "...a first interment option (whether for casketed remains or cremated remains, either in-ground or in columbaria) in a National or State Veterans Cemetery...available within 75 miles of the Veteran's place of residence." VA established a 75-mile service area standard because NCA data show that more than 80 percent of persons interred in National Cemeteries resided within 75 miles of the cemetery at the time of death.

VA has also developed an unserved Veteran population threshold for eligibility to establish a new National Cemetery. In the independent *Evaluation of the VA Burial Benefits Program* (August 2008), NCA reviewed where it has been and reflected on future burial strategy to continue meeting the needs of our Nation's Veterans. This evaluation also noted that there is a gap between the size of population centers served by a National Cemetery and state cemeteries. Hence, based upon that study, NCA established a new Veteran population threshold to increase access to a burial option where the unserved Veteran population is at least 80,000. Western New York (Buffalo-Rochester area) meets this threshold.

In accordance with the Service Members Civil Relief Act, also known as the Veteran's Benefit Act of 2010, Public Law 111-275, Sec. 503, Reports on Selection of New National Cemeteries (38 USC 2400), VA was directed to establish five new National Cemeteries, including a cemetery in western New York.

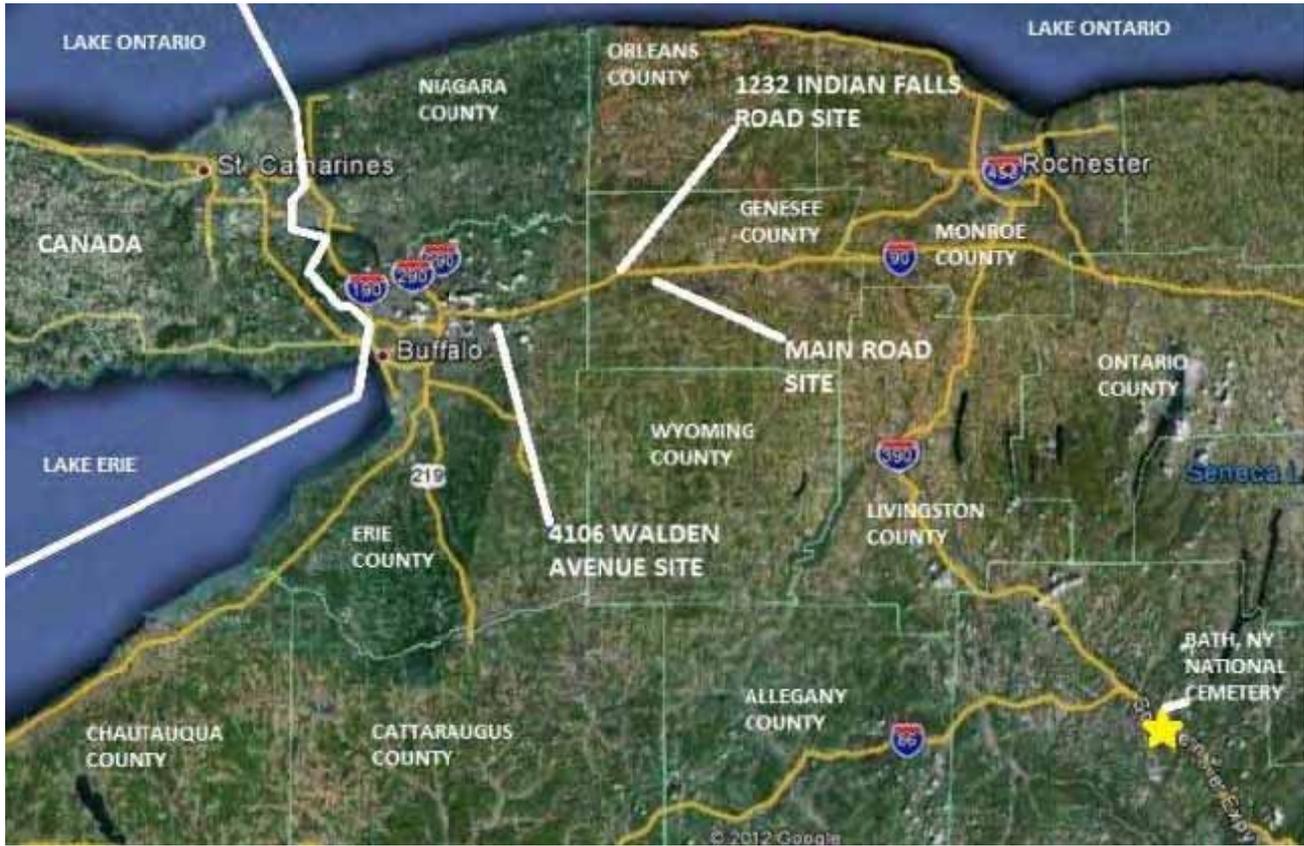
#### **1.4 Decision-Making**

This PEA has been prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic effects associated with VA's proposed selection and acquisition of a site for the future establishment of a new National Cemetery in western New York.

VA, as a Federal agency, is required to incorporate environmental considerations into their decision-making process for the actions they propose to undertake. This is done in accordance with the regulations identified in Section 1.1.

In accordance with the NEPA regulations described above, this PEA: allows for public input into the Federal decision-making process; provides Federal decision-makers with an understanding of potential environmental effects of their decisions, before making these decisions; identifies measures the Federal decision-maker could implement to reduce potential adverse environmental effects; and documents the NEPA process.

Ultimately, VA will decide, in part based on the analysis presented in this PEA and after having taken potential physical, environmental, cultural, and socioeconomic effects into account, whether VA should implement the Proposed Action, and, as appropriate, carry out management, mitigation, and avoidance measures to reduce effects to the environment.



**FIGURE 1  
REGIONAL LOCATION MAP**

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT  
PROPOSED WESTERN NEW YORK  
NATIONAL CEMETERY

PREPARED FOR  
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## 1.5 Related Environmental Documents

Related environmental documents include:

General Site Assessment and Preliminary Geotechnical Evaluation Report for Proposed Veterans Affairs Cemetery, 1232 Indian Falls Road, prepared by Empire Geo-Services, Inc., dated May 23, 2013.

Initial Findings of Phase 2 Investigations and Proposed Phase 3 Methodology, Proposed Western New York U.S. Department of Veterans Affairs Cemetery Location in East Pembroke, New York, prepared by CCRG, dated July 3, 2013.

National Cemetery Administration (NCA) Fact Sheet, prepared by NCA, dated April 2012.

National Cemetery Administration FY 2011 – FY 2015 NCA Strategic Plan, prepared by NCA, undated.

Phase I Cultural Resources Management Summary, 1232 Indian Falls Road Site, prepared by Commonwealth Cultural Resources Group, Inc. dated December 2012.

Phase 3 Cultural Resources Investigations, Initial Findings of Completed Phase 3 Field Investigations/Mechanical Stripping, Indian Falls Precontact Site (A03712.000035), Corfu, Genesee County, New York, prepared by Commonwealth Cultural Resources Group, Inc. dated December 2012.

Phase I Environmental Site Assessment, Proposed National Cemetery, 1232 Indian Falls Road Site, prepared by TTL, dated September 2012.

Phase I Environmental Site Assessment, Proposed National Cemetery, Main Road Site, prepared by TTL, dated September 2012.

Phase I Environmental Site Assessment, Proposed National Cemetery, 4106 Walden Avenue Site, prepared by TTL, dated September 2012.

Subsurface Explorations and Geotechnical Engineering Report, Proposed Walden Commerce Center, prepared by Barron and Associates, Inc., dated October 2000.

Transaction Screen Environmental Site Assessment, East Port Commerce Center, prepared by KayVer Group, Inc., dated December 2002.

Western New York National Cemetery, Phase I Development (Project No. 936CM200x), prepared by NCA and VA, dated July and August 2011.

Copies of relevant portions of the above reports are presented in Appendix D of this PEA.

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## SECTION 2: DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

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### 2.1 Introduction

This Section provides the reader with necessary information regarding the Proposed Action and its alternatives, including those that VA initially considered, but eliminated, and the reasons for eliminating them. The screening criteria and process developed and applied by VA to hone the number of reasonable alternatives are described, providing the reader with an understanding of VA's rationale in ultimately retaining for analysis three Action Alternatives that best meet the VA's purpose of and need for the Proposed Action.

### 2.2 Proposed Action

VA's Proposed Action is to select and acquire a site on which to ultimately establish a new National Cemetery, including the necessary infrastructure, on at least 100 contiguous acres within a defined area of Erie and Genesee Counties in western New York. The proposed cemetery would provide additional capacity, as well as improved access to Veterans and their families (i.e., reduced travel time to a National Cemetery) and would balance the currently unequal geographic distribution of VA National Cemeteries in the region.

Currently, there are no design plans for this proposed National Cemetery. However, VA would follow the VA's *NCA Facilities Design Guide* (VA 2008, or its successor) in developing the proposed cemetery design. **Figure 2** presents a typical layout of a National Cemetery, including various standard components.

VA would select and acquire the site in 2013 and would initiate the formal cemetery design process within 12 months thereafter, prior to initiating any construction. At that time, VA would complete a tiered, site-specific SEA, in accordance with the regulations identified in Section 1.1, as part of the formal cemetery design process (VA 2012).

Based on the NCA Guide (VA 2008) and preliminary conceptual design data, the proposed National Cemetery would, at minimum, include the following components:

- Appropriate turning and deceleration lane(s) on adjacent public road(s) and, potentially, a stop light or other traffic-signaling device.
- A gated entrance, designed to provide a sense of a National Shrine or ceremonial place. The entrance road would be a divided boulevard with a stone or masonry wall at the entrance, indicating the name of the cemetery.
- An Administration and Public Information Building in the vicinity of the cemetery entrance. This building would be architecturally consistent with the cemetery design, and would be an approximately 3,600 square foot building designed to serve as office space for approximately 3 to 5 staff members. The structure would include appropriate storage, administration, visitor reception, and public restroom facilities, as well as adjacent parking for staff and an appropriate number of visitor spaces. All facilities would be American with Disabilities Act (ADA) compliant. No parking facilities, other than those associated with the Administration and Public Information Building, would be included.

- Near the Administration and Public Information Building would be three separate parallel lanes that split off from the main entrance road, used for staging funeral processions. These lanes would be designed to hold at least 30 vehicles each. Beyond this would be an approximately 28-foot wide road that would wind throughout the cemetery in harmony with the natural grade and environmental features of the land. This road would loop back around the property to maintain a complete, simple traffic pattern around the cemetery. All of the onsite roads would have a speed limit of 15 miles per hour (mph).
- Two permanent committal shelters would be constructed for committal services (i.e., there are no grave-side services at National Cemeteries). These shelters would be designed and located where there are scenic views, maximum weather protection, and minimal potential for noise disruption. Each shelter would be designed to accommodate up to six committal services per day, resulting in a maximum potential of 12 burial services per day.
- An assembly area would be centrally located at a visible high elevation area, and would include a flagpole bearing the US flag. Non-burial ceremonies and public gatherings would occur at the assembly area. The ideal location would present a natural amphitheater setting
- A Memorial Wall with markers for those Veterans not physically able to be at the cemetery (i.e., missing in action, buried at sea, etc.) or having no specific gravesite (i.e. cremains scattered, cremains placed in ossuary, etc.) is proposed, to be located within the cemetery grounds. A Prisoner of War/Missing in Action (POW/MIA) flagpole and Memorial Walkway would be located in an aesthetically pleasing area of the site.
- An approximately 7,800 square foot maintenance facility is proposed, and would be located in an area out of general view, while still being convenient for maintenance staff. A secondary entrance to this maintenance facility would be developed.
- The National Cemetery would be developed in phases. The initial phase would include the construction of the interment areas, cemetery roads, entrance, Administration and Public Information Building, committal shelters, maintenance facility, memorial walls, memorial walkway/donations area, flag/assembly area, site furnishings, site grading and drainage, fencing and landscaping, irrigation, utility distribution systems, energy conservation savings features, protected habitat preservation, and global positioning system (GPS) site integration. Each subsequent phase of future cemetery development would have space for approximately 300 casket grave sites per year for 10 years, and 120 cremation sites and 200 columbarium niches per year for 10 years, bringing the approximate collective total for each phase to 3,000 casket grave sites, 1,200 cremation sites, and 2,000 columbarium niche sites. The size of each phase, and the total number of phases, is currently unknown.
- The standard for NCA design is to achieve on-site cut-and-fill soil balance to the extent possible. Proposed development would primarily be located in relatively level areas, following natural contours to the extent possible. Areas may be minimally leveled to develop a consistent grade within each phase. Development would include the installation of grave sites, which would consist of a gravel base, drainage piping, and pre-placed concrete vaults/crypts. Approximately 20-22 inches of soil would be placed on top of each vault/crypt. This design would provide the most space-efficient option. Each grave site would be marked with an upright marble headstone.
- Utilities, including potable and irrigation water, sewer, electric, natural gas and other supporting infrastructure, would be extended to and throughout the site, as required.

The National Cemetery would typically be used every day throughout the year by approximately 100 to 150 visitors, and on weekdays by 7 to 10 staff, and up to 5 funeral processions per weekday (averaging 20 cars per procession), generating about 250 vehicle round trips/day on a busy day.

Prior to construction, VA would obtain all required Federal and State permits for the proposed cemetery development from appropriate government authorities (see Section 11). Due to the nature of the proposed cemetery, it is likely that VA would avoid any significant onsite environmental resources through sensitive site design, including avoidance of significant natural resources.

Figure 2. Representative (Example Only) National Cemetery Design Layout.





## 2.3 Alternatives Analysis

The NEPA, CEQ Regulations, and 38 CFR Part 26 require that all reasonable alternatives to be rigorously explored and objectively evaluated. Alternatives that are eliminated from detailed study must be identified along with a brief discussion of the reasons for eliminating them. For purposes of analysis, an alternative was considered "reasonable" only if it would enable VA to accomplish the primary mission of providing a suitable cemetery site that meets the purpose of and need for the Proposed Action. "Unreasonable" alternatives would not enable VA to meet the purpose of and need for the Proposed Action.

### 2.3.1 Alternatives Development (Screening Criteria)

After identifying the need for a new National Cemetery in western New York, VA published a solicitation for an appropriate new site in August 2010. In accordance with VA's requirements, the solicitation indicated that the site should include at least 200 contiguous acres and be located within a delineated area. Responses to this solicitation were evaluated by NCA and determined to not adequately meet NCA needs and criteria for new cemetery property, NCA published a second advertisement with an expanded delineated area in January 2011.

A number of responses to the second solicitation (i.e., offering of sites) were received by VA and subsequently evaluated by a Site Selection Board (SSB) based on specific site selection criteria. During subsequent negotiations with the landowners of the top ranked sites, the landowners advised that they were not interested in selling their property to VA based on the appraised fair market value. As a result, NCA reduced the minimum acreage to 100 acres in a subsequent (third) advertisement seeking land in February 2012. In accordance with VA's requirements, the third solicitation stated that the site should include at least 100 contiguous acres within a specific delineated area within or bordering the area delineated as 10 miles north of Interstate 90 (north boundary), the intersection of Interstate 90 and State Route 98 (east boundary), State Route 20 (south boundary), and the intersection of Interstate 90 and State Route 78 (west boundary).

VA received several responses (i.e., offering of sites) to the third solicitation. The VA SSB, composed of VA professionals from various disciplines, visited each site. Each member of the SSB evaluated and scored each of the sites based on specific site selection criteria. Site ranking was determined by the aggregate scores of each individual SSB member for each site.

The following are the Evaluation Factor Guidelines which describe the factors (under five broad headings) that the VA's SSB applied to score and rank each site. VA completed this process based on the information that was available to the SSB at the time of the evaluation:

- **Compatibility of the Surrounding Area**
  - Site Adjacencies
  - Aesthetic Quality and Zoning
- **Accessibility**
  - Distance from Focal Point and Travel Time Expansion Possibilities Above 100 Acres
  - Access to Major Highways and Connecting Roadways
  - Public Transportation
- **Man-made Conditions**
  - Acreage
  - Site Configuration
  - Utilities
  - Hazardous Substances and Materials
  - Restrictions or Obstructions to Development

- **Environmental (Natural) Conditions**

- Topography
- Soil/Geology
- Environmental Conditions

Through this analysis, VA identified three suitable sites that best met all of the VA's screening criteria. These sites included the 1232 Indian Falls Road Site, the Main Road Site, and the 4106 Walden Avenue Site.

### **2.3.2 Evaluated Alternatives**

Based on VA's analysis of all of the sites submitted, VA identified three preferred sites to establish the proposed National Cemetery. This PEA examines in-depth four alternatives, the three Action Alternatives [the 1232 Indian Falls Road Site (Site 1), the Main Road Site (Site 2), and the 4106 Walden Avenue Site (Site 3)], and the No Action Alternative, defined as follows:

#### **1232 Indian Falls Road Site (Site 1)**

Site 1 is approximately 132 acres in area, located southeast of the intersection of Indian Falls Road and Alleghany Road in Pembroke, Genesee County, New York (see **Figures 3 through 6**). Site 1 currently consists of a scattered wooded area along the northern boundary; a wooded wetland in the southwestern portion; active cultivated farmland in the northern portion; and unimproved vacant land with scattered wooded areas in the southern and southeastern portions. Two billboards are located in the southern portion of the site and face Interstate 90 to the south. Site 1 was unimproved farmland and unimproved vacant and wooded land with a residential structure and associated outbuildings along the northern site boundary from 1885 until 2012. The site was used as a dairy farm with milking operations from at least 1925 to at least 1949. An area in the southwestern portion of the site has gradually been reforested since the 1960s.

The Proposed Action at Site 1 would be implemented as described in Section 2.2. The majority of Site 1 would be developed or altered in several phases to accommodate the National Cemetery. The National Cemetery would likely be accessed from Alleghany Road (western boundary). Improvements to local roads would likely be required. Utilities would be extended to the site from adjacent areas.

The Region of Influence (ROI) of Site 1 is relatively stable. Site 1 is located in a relatively rural area approximately 15 miles east of Buffalo, New York.

#### **Main Road Site (Site 2)**

Site 2 is approximately 103 acres in area, located south of the intersection of Main and Cleveland Roads in Pembroke, Genesee County, New York (see **Figures 3 and 7 through 9**). The northern two-thirds of Site 2 was unimproved farmland from the early 1900s to the 1990s and has been unimproved, vacant land since the 1990s. The southern one-third of Site 2 has been undeveloped, wooded land and wetlands since the early 1900s. Site 2 is divided into northern and southern portions by an electrical easement (former railroad easement) owned by Niagara Mohawk Power Corporation that is not included as part of Site 2.

The Proposed Action at Site 2 would be implemented as described in Section 2.2. The majority of Site 2 would be developed or altered in several phases to accommodate the National Cemetery. The National Cemetery would be accessed from Main Road (northern boundary). Improvements to local roads would likely be required. Utilities would be extended to the site from adjacent areas.

The ROI of Site 2 is relatively stable. Site 2 is located in a relatively rural area approximately 18 miles east of Buffalo, New York.

#### **4106 Walden Avenue Site (Site 3)**

Site 3 is approximately 120 acres in area and is located northwest of the intersection of Walden Avenue and Pavement Road (see **Figures 3 and 10 through 12**). Site 3 consists of one approximately 116.3-acre parcel owned by the Town of Lancaster Industrial Development Authority (LIDA) and one approximately 3.7-acre easement parcel owned by National Fuel Supply. The easement parcel crosses the northeastern portion of the main parcel and contains a natural gas pipeline. Site 3 was prepared for an industrial park (Eastport Commerce Center) in approximately 2002-2003 and is primarily unimproved, vacant land with two access roads (Eastport Drive and Eastport Cross) and three retention ponds. A segment of a tributary of the North Branch Plum Bottom Creek is located in the southeastern portion of the site. Site 3 was primarily unimproved farmland with a residence and associated outbuildings in a wooded area along the northeast boundary from the early 1900s until 2002. The Proposed Action at Site 3 would be implemented as described in Section 2.2. The majority of Site 3 would be developed or altered in several phases to accommodate the National Cemetery. The National Cemetery would likely be accessed from Walden Avenue (southern boundary) and Pavement Road (eastern boundary). Improvements to local roads would likely be required. Utilities would be extended to the site from adjacent areas.

The ROI of Site 3 is growing and developing. Site 3 is located in a suburban area that is experiencing in-fill development. Site 3 is located approximately 4 miles east of Buffalo, New York.

#### **No Action Alternative**

Under the No Action Alternative, the Proposed Action would not be implemented. Veterans and their families residing in western New York would continue to be underserved and would continue to be required to travel a substantial distance to a National Cemetery (see **Figure 1**). The distribution of National Cemeteries in the region would continue to be unequal and VA would not be in compliance with the requirements of the Service Members Civil Relief Act. The Action Alternative Sites would likely remain undeveloped (Sites 1 and 2) or would be developed for other uses (Site 3) by others in accordance with local zoning regulations.

While the No Action Alternative would not satisfy the purpose of or need for the Proposed Action, this alternative was retained to provide a comparative baseline against which to analyze the effects of the Proposed Action, as required under the CEQ Regulations (40 CFR Part 1502.14). The No Action Alternative reflects the *status quo* and serves as a benchmark against which the effects of the Proposed Action can be evaluated.

#### **2.3.3 Alternatives Eliminated From Detailed Consideration**

As described in Section 2.3.1, VA eliminated other potential alternative sites for the proposed National Cemetery through the site screening and section process. The other sites offered in response to VA's advertisement were eliminated as a result of the VA's screening analyses. These sites did not meet VA's screening criteria as well as the Action Alternative Sites. As such, these other alternatives were eliminated from further consideration.



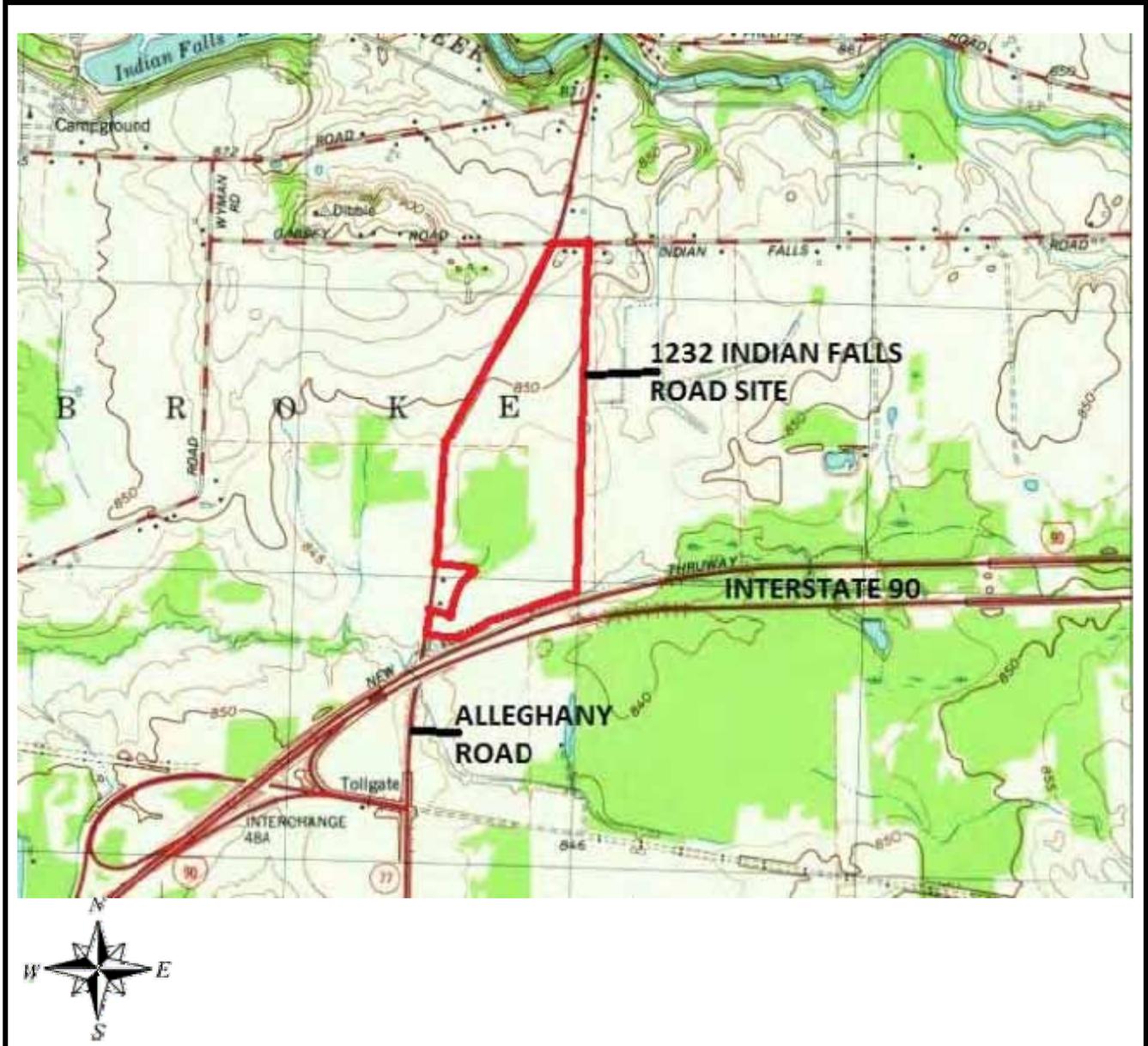
**FIGURE 3  
ACTION ALTERNATIVES LOCATION MAP  
(AERIAL MAP)**

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PROPOSED WESTERN NEW YORK  
NATIONAL CEMETERY

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**FIGURE 4**  
**1232 INDIAN FALLS ROAD SITE**  
**TOPOGRAPHIC LOCATION MAP**

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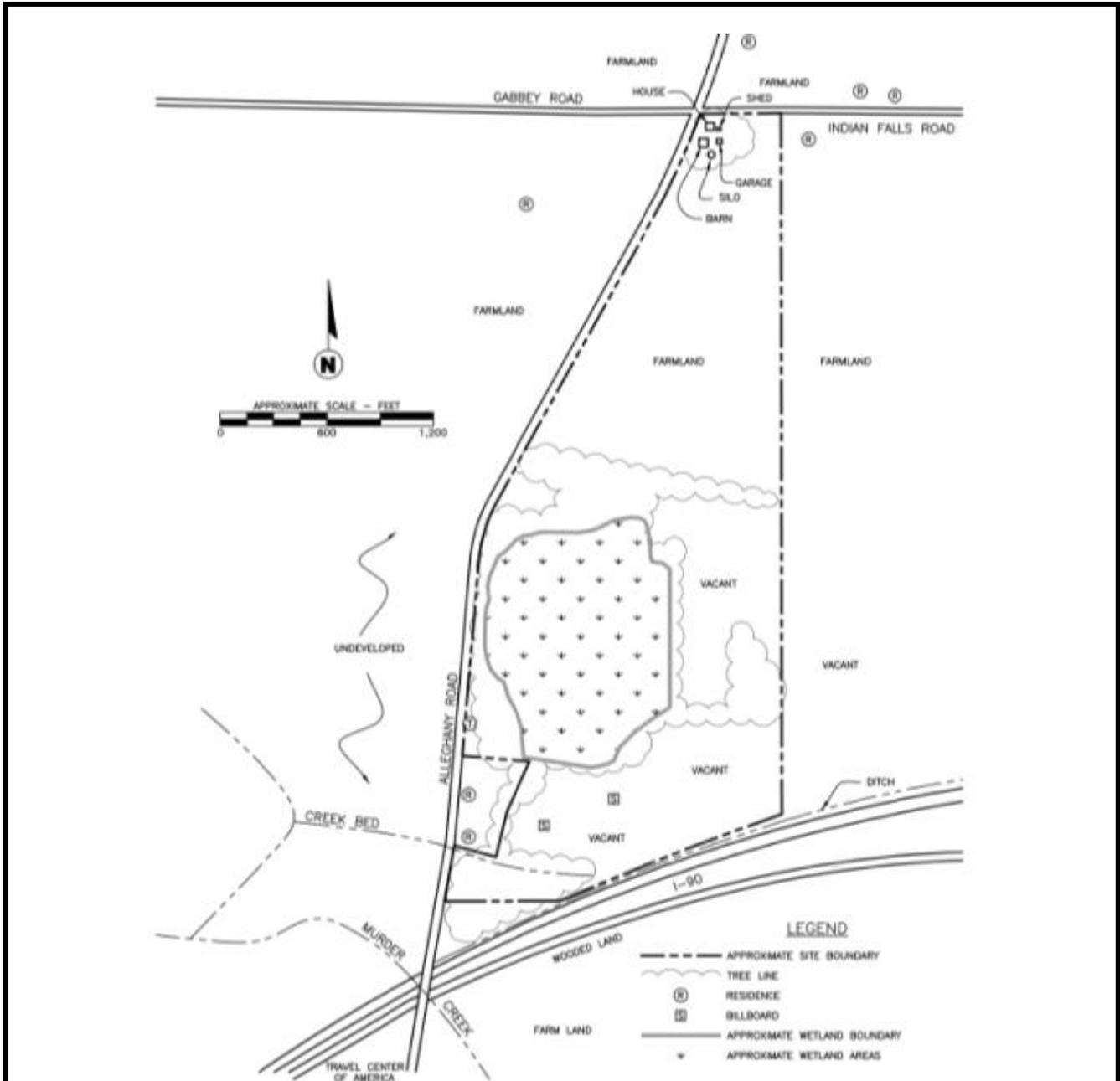
**FIGURE 5**  
**1232 INDIAN FALLS ROAD SITE**  
**AERIAL LOCATION MAP**

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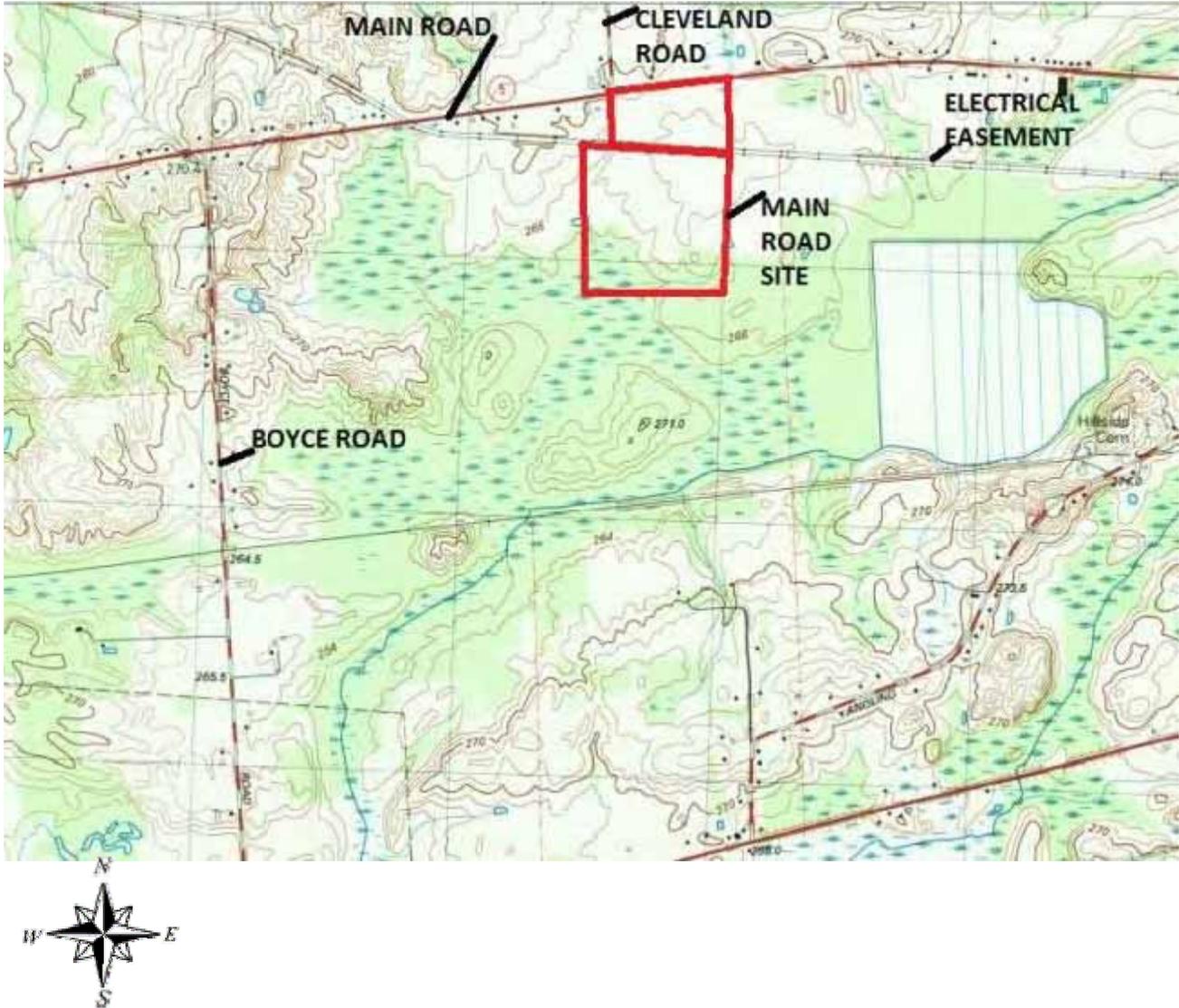
**FIGURE 6**  
**1232 INDIAN FALLS ROAD SITE**  
**SITE SKETCH**

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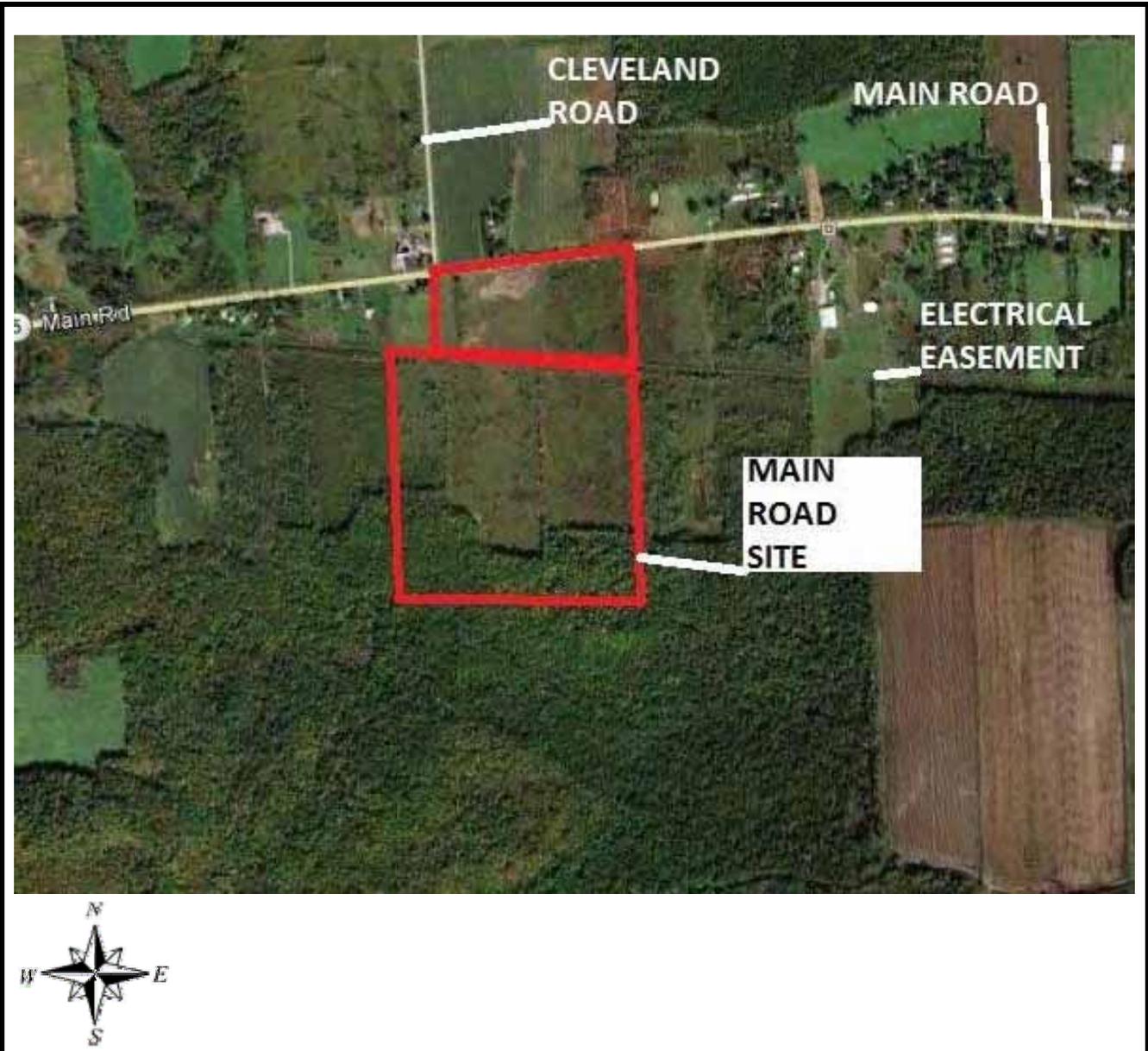
**FIGURE 7  
MAIN ROAD SITE  
TOPOGRAPHIC LOCATION MAP**

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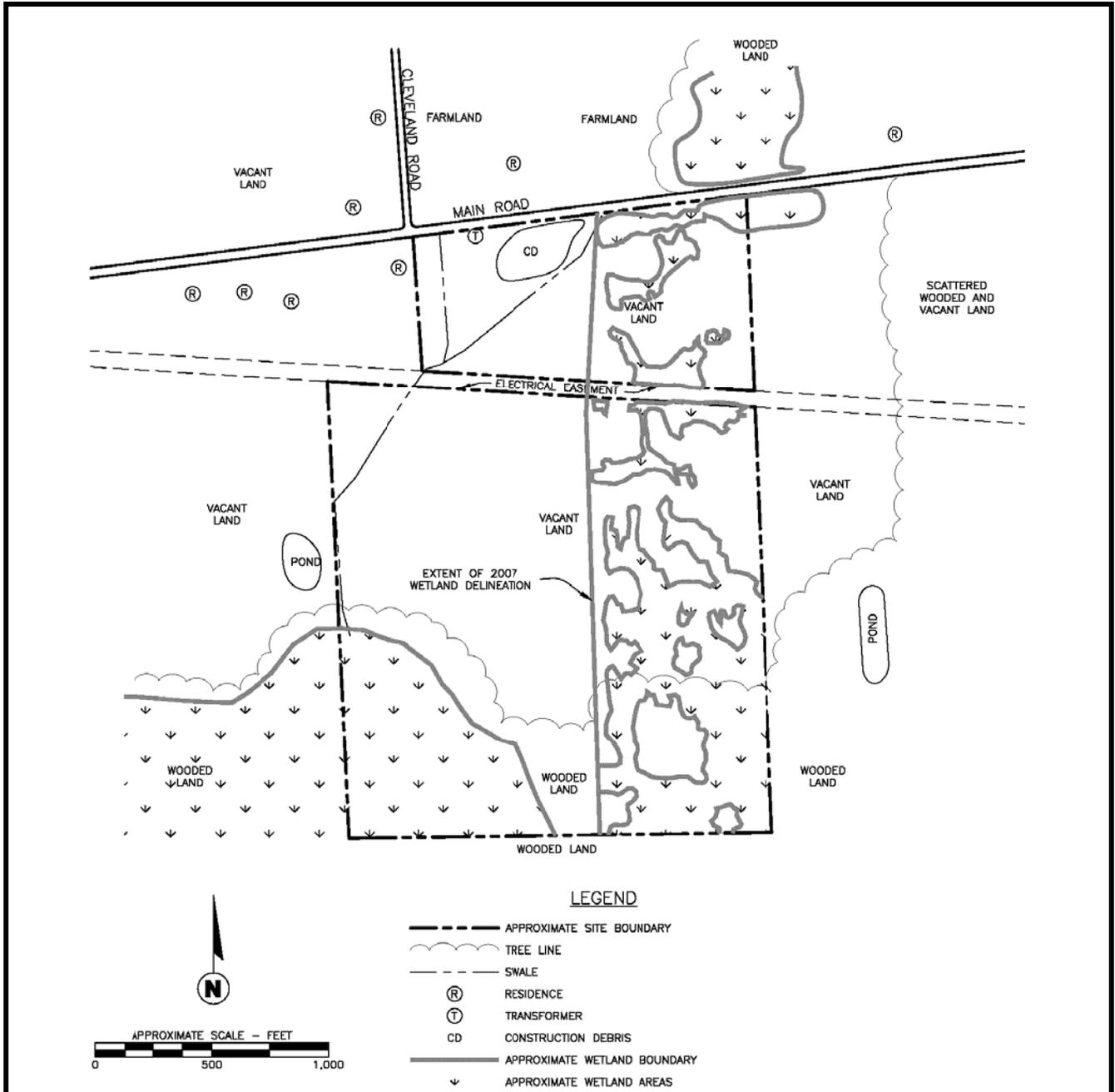
**FIGURE 8  
MAIN ROAD SITE  
AERIAL LOCATION MAP**

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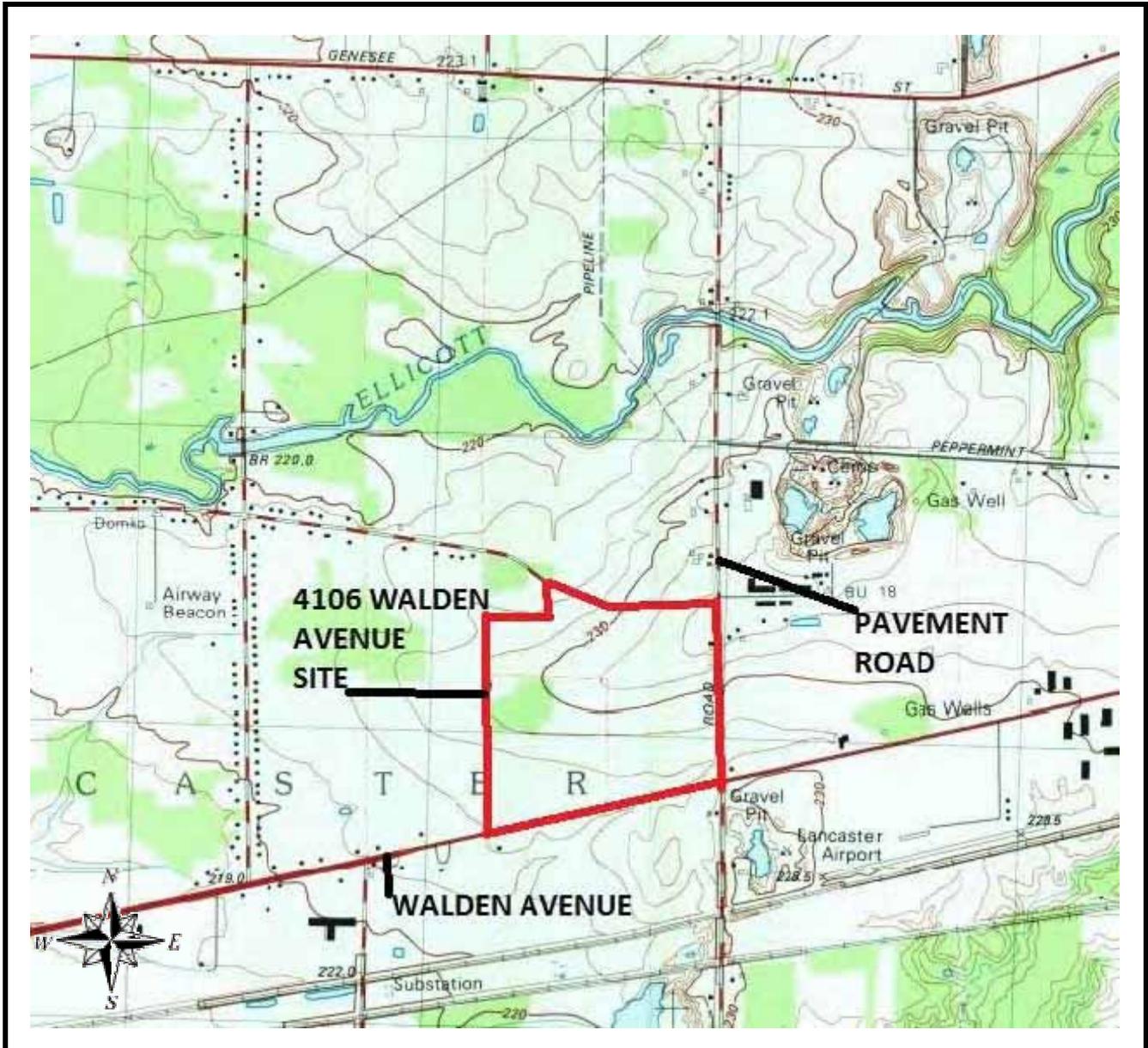
**FIGURE 9  
MAIN ROAD SITE  
SITE SKETCH**

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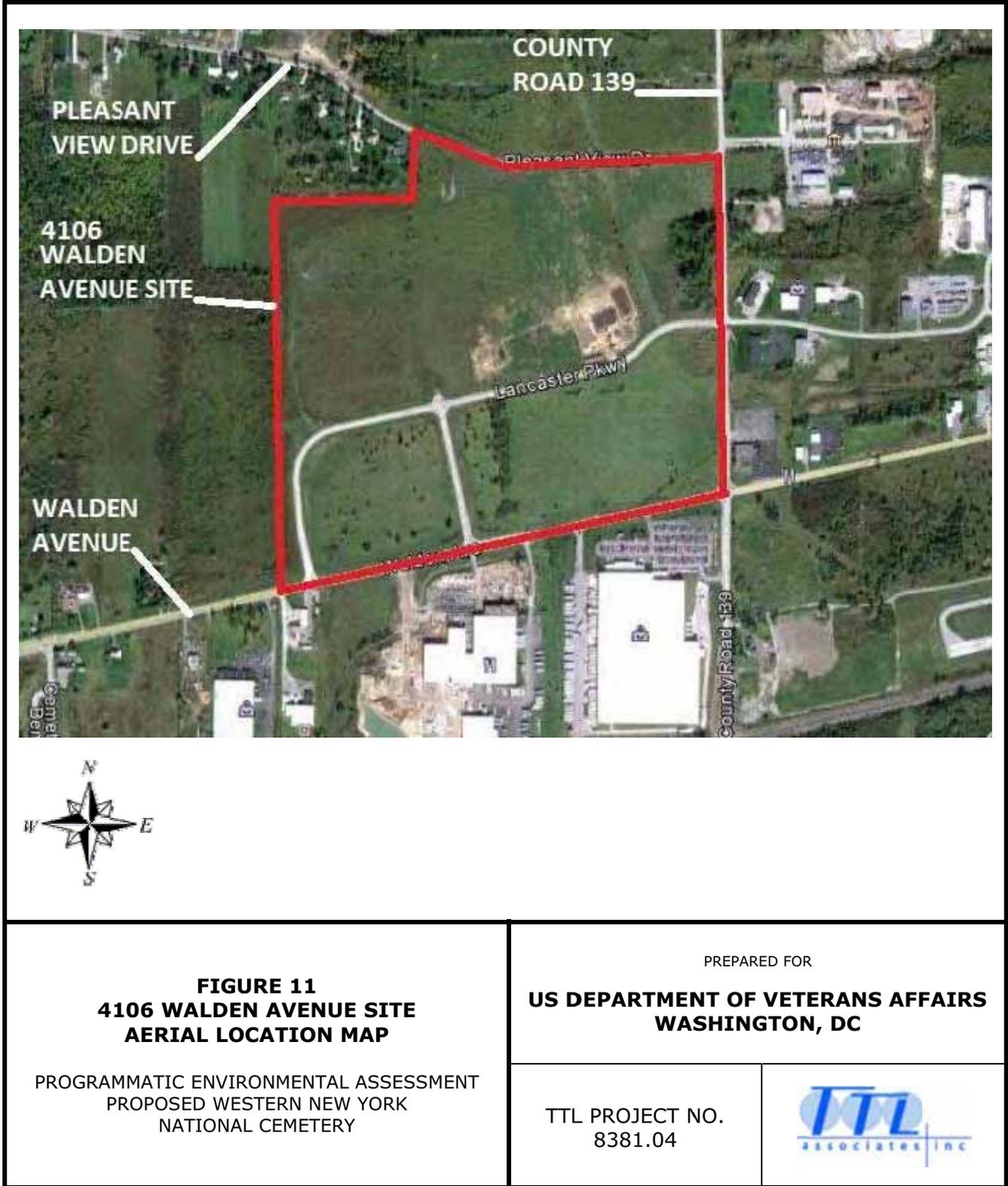
**FIGURE 10**  
**4106 WALDEN AVENUE SITE**  
**TOPOGRAPHIC LOCATION MAP**

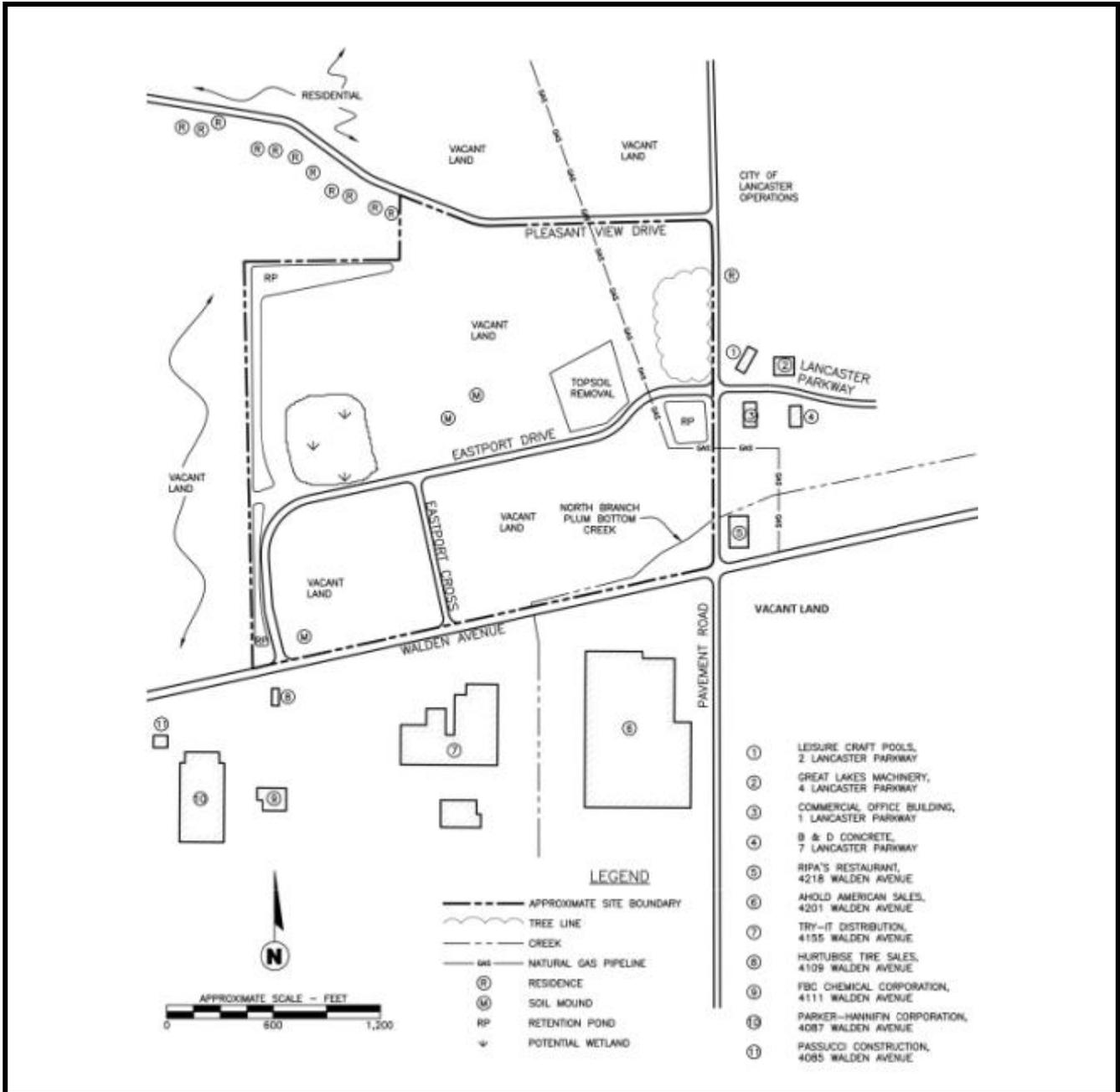
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**FIGURE 12**  
**4106 WALDEN AVENUE SITE**  
**SITE SKETCH**

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## SECTION 3: AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

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### 3.1 Introduction

This Section describes the baseline (existing) physical, environmental, cultural, and socioeconomic conditions at the three Action Alternative Sites (i.e., 1232 Indian Falls Road Site, Main Road Site, and 4106 Walden Avenue Site) in Erie and Genesee Counties, New York and their general vicinities, with emphasis on those resources potentially affected by the Proposed Action. Appendix C provides photographs, with captions, of the sites and their surroundings. Under each resource area, the potential direct and indirect effects of implementing the Proposed Action on these environments and the No Action Alternative on these environments are identified.

In this PEA, impacts are identified as either significant, less than significant (i.e., common impacts that would not be of the context or intensity to be considered significant under the NEPA or CEQ Regulations), or no impact. As used in this PEA, the terms "effects" and "impacts" are synonymous. Where appropriate and clearly discernible, each impact is identified as either adverse or positive.

The CEQ Regulations specify that in determining the significance of effects, consideration must be given to both "context" and "intensity" (40 CFR 1508.27):

**Context** refers to the significance of an effect to society as a whole (human and national), to an affected region, to affected interests, or to just the locality. In other words, the context measures how far the effect would be "felt."

**Intensity** refers to the magnitude or severity of the effect, whether it is beneficial or adverse. Intensity refers to the "punch strength" of the effect within the context involved. In this PEA, the significance of potential direct, indirect, and cumulative effects has been determined through a systematic evaluation of each considered alternative in terms of its effects on each individual environmental resource component.

Significance criteria for resource areas considered in this PEA are as follows:

- *Aesthetics*. An alternative could significantly affect visual resources if it resulted in abrupt changes to the complexity of the landscape and skyline (i.e., in terms of vegetation, topography, or structures) when viewed from points readily accessible by the public.
- *Air quality*. An alternative could have a significant air quality effect if it would result in substantially higher air pollutant emissions or cause established air quality standards to be exceeded.
- *Cultural resources*. An alternative could have a significant effect on cultural resources if it would: result in damage, destruction, or demolition to an archaeological site or building that is eligible or listed on the National Register of Historic Places (NRHP); promote neglect of such a resource, resulting in resource deterioration or destruction; introduce audio or visual intrusion to such a resource; or decrease access to resources of value to Federally recognized Native American tribes.

- *Geology and Soils.* If an alternative would result in an increased geologic hazard or a change in the availability of a geologic resource, it could have a significant effect. Such geologic and soil hazards would include, but not be limited to, seismic vibration, land subsidence, and slope instability.
- *Hydrology and Water Quality.* If an alternative would result in a reduction in the quantity or quality of water resources for existing or potential future use, it could have an adverse effect. A significant effect could occur if the demand exceeded the capacity of the potable water system or the local aquifer.
- *Wildlife and Habitat.* The effect of an alternative on biological resources and ecosystems could be significant if it would disrupt or remove any endangered or threatened Federally-listed species or its designated critical habitat. The loss of a substantial number of individuals of any plant or animal species (sensitive or non-sensitive species) that could affect the abundance or diversity of that species beyond normal variability could also be considered significant.
- *Noise.* An alternative could have a significant noise effect if it would generate new sources of substantial noise, increase the intensity or duration of noise levels to sensitive receptors, or result in exposure of more people to unacceptable levels of noise.
- *Land use.* If an alternative would conflict with adopted plans and goals of the affected community or if it would result in a substantial alteration to the present or planned land use of an area, it could have a significant direct effect. If an alternative would result in substantial new development or prevent such development elsewhere, it could have a significant indirect land use effect.
- *Floodplains, Wetlands, and Coastal Zone Management.* An alternative could have a significant effect on water resources if it would cause substantial flooding or erosion, if it would subject people or property to flooding or erosion, or if it would adversely affect a significant water body, such as a stream, lake, floodplain, or coastal zone. The measurable degradation of wetlands could also be significant.
- *Socioeconomics.* If an alternative would substantially alter the location and distribution of the population within the geographic ROI or cause the population to exceed historical growth rates, or substantially affect the local housing market and vacancy rates, the effect would be significant. Significant effects could occur if an alternative caused disproportionate risks to children that resulted from environmental health risks or safety risks. *It is important to note that, per CEQ Regulations (40 CFR 1508.14), social or economic effects are not intended by themselves to require preparation of an EIS.* Only when social or economic effects are interrelated with natural or physical environmental effects would all of these effects be analyzed as part of the NEPA process.
- *Community Services.* An alternative could have a significant effect on community services if it would create a need for new or increased fire or police protection, or medical services, beyond the current capability of the local community, or would decrease public service capacities so as to jeopardize public safety.
- *Solid and Hazardous Materials.* An alternative could have a significant effect if it would result in a substantial increase in the generation of hazardous substances, increase the exposure of persons to hazardous or toxic substances, increase the presence of hazardous or toxic materials in the environment, or place substantial restrictions on property use due to hazardous waste, materials, or site remediation. Data provided in site-specific Phase I ESAs and other prior HTMW studies helps to identify these potential impacts, as well as their significance.

- *Transportation and Parking.* An alternative could have a significant effect on transportation and parking if it would increase the volume of traffic beyond the existing roadway capacity, cause parking availability to fall below minimum local standards, or require new or substantially improved roadways or traffic control systems.
- *Utilities.* An alternative could have a significant effect on utility infrastructure if it would increase demand over capacity, requiring a substantial system expansion or upgrade, or if it would result in substantial system deterioration over the current condition.
- *Environmental Justice.* Significant effects could occur if an alternative would disproportionately affect minority, low-income, or Title VI of the Civil Rights Act populations.

## 3.2 Aesthetics

### 1232 Indian Falls Road Site (Site 1)

The approximately 132-acre Indian Falls Road Site is located in a rural area in Pembroke, Genesee County, New York (see **Figures 1 and 3 through 6**) and is located approximately 3 miles north of Corfu, New York, approximately 10 miles west of Batavia, New York, and approximately 15 miles east of Buffalo, New York. LeRoy Veenendaal currently owns Site 1 (Genesee County 2012). Site 1 is located southeast of the intersection of Indian Falls Road and Alleghany Road, and northeast of the intersection of Interstate 90 and Alleghany Road. Site 1 currently consists of a scattered wooded area along the northern boundary; a wooded wetland in the southwestern portion; active cultivated farmland in the northern portion; and unimproved vacant land with scattered wooded areas in the southern and southeastern portions. Two billboards are located in the southern portion of Site 1 and face Interstate 90 to the south.

The area located to the north across Indian Falls Road is occupied by farmland and residential properties. The area located to the east is occupied by unimproved vacant and wooded land, and a residence. The area located to the south is occupied by unimproved land and Interstate 90. The area located to the west of the site, but east of Alleghany Road, is occupied by two residential properties and the area across Alleghany Road is unimproved farmland and wooded land. The surrounding land uses are depicted on **Figure 6**.

The Town of Pembroke maintains aesthetics through the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations).

### Main Road Site (Site 2)

The approximately 103-acre Main Road Site is located in a rural area in Pembroke, Genesee County, New York (see **Figures 1, 3, and 7 through 9**) and is located approximately 4 miles northeast of Corfu, New York, approximately 7 miles west of Batavia, New York, and approximately 18 miles east of Buffalo, New York. Site 2 includes two parcels owned by John Zoladz (eastern parcel), and Michael, Mark, and David Roetzer (western parcel) (Genesee County 2012). Site 2 is located south of the intersection of Main and Cleveland Roads. The northern two-thirds of Site 2 is unimproved, vacant land. The southern one-third of Site 2 is undeveloped, wooded land and wetlands. Site 2 is divided into northern and southern portions by an electrical easement (former railroad easement) owned by Niagara Mohawk Power Corporation that is not included as part of Site 2.

The area located to the north across Main Road is occupied by farmland and a residence. The area located to the east is unimproved vacant land and wooded land with wetlands. The area located to the south is undeveloped, wooded land and wetlands. The area located to the west

is occupied by a residential property, unimproved farmland, and wooded land/wetlands. The surrounding land uses are depicted on **Figure 9**.

The Town of Pembroke maintains aesthetics through the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations).

### **4106 Walden Avenue Site (Site 3)**

The approximately 120-acre Walden Avenue Site is located in a suburban area in Lancaster, Erie County, New York (see **Figures 1, 3, and 10 through 12**) and is located approximately 11 miles west-southwest of Corfu, New York and approximately 4 miles east of Buffalo, New York. Site 3 includes one parcel owned by the LIDA (approximately 116 acres) and one easement parcel owned by National Fuel Supply (approximately four acres) (Erie County 2012). The easement parcel crosses the northeastern portion of the main parcel and contains a natural gas pipeline. Although the main parcel is owned by the LIDA, the equity interest and development rights are under the control of the Uniland Development Company (Uniland 2012). Site 3 is located northwest of the intersection of Walden Avenue and Pavement Road. Site 3 was prepared for an industrial park by Uniland in approximately 2002-2003 and is primarily unimproved, vacant land with two access roads (Eastport Drive and Eastport Cross) and three retention ponds. A segment of a tributary of the North Branch Plum Bottom Creek crosses the southeastern portion of the site.

The area located to the north is occupied by eight residential properties and across Pleasant View Drive by unimproved farmland. The area located to the east across Pavement Road is currently occupied by the Town of Lancaster Operations (525 Pavement Road), a residential property, Leisure Craft Pools (2 Lancaster Parkway), a commercial building (1 Lancaster Parkway), B&D Concrete (7 Lancaster Parkway), Great Lakes Machinery (4 Lancaster Parkway), a continuation of the National Fuel Supply pipeline, and Ripa's restaurant (4218 Walden Avenue). The area located to the south across Walden Avenue is currently occupied by Parker-Hannifin Corporation - Airtek Division (4087 Walden Avenue), the entrance to FBC Chemical Corporation (4111 Walden Avenue), Hurtubise Tire Sales (4109 Walden Avenue), Try-It Distribution (4155 Walden Avenue), and Ahold American Sales (4201 Walden Avenue). The area located to the west is unimproved farmland and vacant land. The surrounding land uses are depicted on **Figure 12**.

The New York State Department of Transportation (NYSDOT) stated that no aesthetic resources impacts at Site 3 are anticipated due to the limited scope of the Proposed Action at this site. NYSDOT provided no comments regarding aesthetic impacts at Sites 1 and 2.

The Town of Lancaster maintains aesthetics through the Town of Lancaster Zoning Code (Chapter 50), Article VII (Regulations Applying to All Districts) and Section 50-29 (Landscaping).

#### **3.2.1 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct aesthetics effects, as no changes to the aesthetics would occur. Future development of a new National Cemetery on the selected site would produce visual changes, most notably to the scattered residences in the vicinity of the sites. However, VA would develop the National Cemetery in concert with its existing features, such as hills, wetlands, and ponds and would preserve some wooded areas. It is not anticipated that there would be an abrupt change to the landscapes; aesthetic impacts would be less-than-significant.

#### **3.2.2 Effects of the No Action Alternative**

Under the No Action Alternative, no adverse aesthetics impacts would result from VA's actions. Should the Action Alternative Sites ultimately be developed for another use, aesthetics impacts could result from that changed land use.

### 3.2.3 Mitigation/Management Measures

No project-specific mitigation measures are required. Future proposed cemetery development of any of the Action Alternative Sites would comply, as applicable, with the following local regulations:

- VA would comply, to the extent practicable, with the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations) for Site 1 and Site 2.
- VA would comply, to the extent practicable, with the Town of Lancaster Zoning Code (Chapter 50), Article VII (Regulations Applying to All Districts) and Section 50-29 (Landscaping) for Site 3.

In addition, VA would implement the following BMP to reduce aesthetic impacts:

- Maintain landscaping along site boundaries with residences.

These practices would ensure that future aesthetics effects are maintained at acceptable levels.

## 3.3 Air Quality

### 3.3.1 Regulatory Background

#### Ambient Air Quality

The ambient air quality in an area can be characterized in terms of whether or not it complies with the National Ambient Air Quality Standards (NAAQS). The Clean Air Act, as amended (CAA and CAAA) requires the US Environmental Protection Agency (USEPA) to set NAAQS for pollutants considered harmful to public health and the environment. NAAQS are provided for "criteria pollutants", which include carbon monoxide, lead, nitrogen oxides, particulate matter, and sulfur dioxide.

Areas are designated by the USEPA as "attainment", "non-attainment", "maintenance", or "unclassified" with respect to the NAAQS. Regions in compliance with the standards are designated as "attainment" areas. In areas where the applicable NAAQS are not being met, a "non-attainment" status is designated. Areas that have been classified as "non-attainment" but are now in compliance can be re-designated "maintenance" status if the state completes an air quality planning process for the area. Areas for which no monitoring data is available are designated as "unclassified", and are by default considered to be in attainment of the NAAQS.

According to the USEPA, Erie and Genesee Counties, New York were designated as non-attainment areas for 8-hour ozone in 1997. However, according to the New York State Department of Environmental Conservation (NYSDEC), the eastern portion of Genesee County was included as part of the Rochester, New York Metropolitan Statistical Area (MSA). Site 1 and Site 2 are located in the western portion of Genesee County and do not fall within the boundaries of the Rochester, New York MSA. In addition, the NYSDEC has designated the Rochester MSA as a "full attainment" area for 8-hour ozone since 2008.

According to the NYSDEC, Erie County has been designated as a "full attainment" area for 8-hour ozone since 2008. As such, all three of the Action Alternative Sites are located in areas currently designated as full attainment areas (NYSDEC 2012).

### **Operating Permits**

The CAA regulates criteria pollutants as well as 187 specifically listed hazardous air pollutants (HAPs). The Title V Operating Permit Program under 40 CFR Part 70 requires sources that meet the definition of a "major source" of criteria pollutants or HAPs to apply for and obtain a Title V operating permit. A major source of HAPs has the potential to emit (PTE) more than 10 tons per year (tpy) of any individual HAP, or 25 tpy of any combination of HAPs. The definition of major source for criteria pollutants is dependent on the air quality attainment status of the region where the source is located (i.e., areas that are in attainment or non-attainment with the NAAQS). Major sources have a PTE more than 100 tpy of any criteria pollutant in an attainment area or lower levels in various classifications of non-attainment (i.e., marginal, moderate, serious, severe, and extreme).

Given current land use (i.e., unimproved land) at the Action Alternative Sites, no sources of regulated air emissions exist (e.g., from boilers, generators, or other minor equipment).

### **State and Local Regulations**

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, which help control emissions of pollutants as well as measure and monitor ambient pollutant levels.

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 is not required.

The Erie County Environment and Planning Department (ECEPD) stated that no known air quality concerns exist for the 4106 Walden Avenue Site.

Erie and Genesee Counties and the Town of Lancaster do not have local ordinances pertaining to air quality standards. The Town of Pembroke only maintains air quality through dust control as detailed in Section 507 (Air Quality) of the Town of Pembroke Zoning Law (Pembroke 2012).

### **Conformity with State Implementation Plans**

The General Conformity Provision of the CAA of 1970 (42 USC 7401 *et seq.*; 40 CFR Parts 50-87) Section 176(c), including the USEPA's implementation mechanism, the General Conformity Rule (40 CFR Part 51, Subpart W), prohibits the Federal government from conducting, supporting, or approving any actions that do not conform to a USEPA-approved State Implementation Plan (SIP). A SIP is a state's self-authored blueprint for achieving and maintaining compliance with the goals of the CAA. Federal agencies prepare written Conformity Determinations for Federal actions in or affecting NAAQS non-attainment areas or maintenance areas when the total direct and indirect emissions of non-attainment pollutants (or their precursors) exceed specified thresholds. Conformity with the SIP is demonstrated if project emissions fall below threshold values.

As all of the Action Alternative Sites are currently located in *full attainment* areas, a Conformity Determination is not required for VA's Proposed Action.

#### **3.3.2 Sensitive Receptors**

Sensitive air quality receptors in the vicinity of the 1232 Indian Falls Road Site are limited and include scattered residences located to the north, east, and west of the site (see **Figure 6**).

Sensitive air quality receptors in the vicinity of the Main Road Site are limited and include scattered residences located adjoining to the north and west of the site (see **Figure 9**).

Sensitive air quality receptors in the vicinity of the 4106 Walden Avenue Site are limited and include residences located northwest and east of the site (see **Figure 12**).

There are no hospitals or schools located within one mile of any of the Action Alternative Sites. No other sensitive air quality receptors were identified in this analysis.

### **3.3.3 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct air quality effects. Future development of a new National Cemetery would produce minimal air quality effects, as discussed below.

Air emissions generated from the future proposed cemetery development would be expected to have less-than-significant direct and indirect, short-term adverse and long-term effects to the existing air quality environment around the Site. Impacts would include short-term and long-term changes in air emission levels as a result of: 1) Construction activities and 2) Operation of the proposed National Cemetery and onsite activities.

Construction activities would be performed in accordance with Federal and State air quality requirements. Construction-related emissions are generally short-term, but may still have adverse impacts on air quality, primarily due to the production of dust. Dust can result from a variety of activities, including excavation, grading, and vehicle travel on paved and unpaved surfaces. Dust from construction can lead to adverse health effects and nuisance concerns, such as reduced visibility on nearby roadways. Implementing dust control measures (BMPs) significantly reduces dust emissions from construction. The amount of dust is dependent on the intensity of the activity, soil type and conditions, wind speed, and dust suppression activities used. Implementation of BMPs, discussed below, would further minimize these anticipated less-than-significant adverse, short-term impacts.

Over the long-term, the Proposed Action would result in site visits by Veterans and their families, including travel to and from the new National Cemetery. A minor long-term net increase in local vehicle miles (and associated emissions) is anticipated as visitors would visit the cemetery. However, overall regional vehicle emissions would decrease because Veterans and their families in the region would not be required to travel greater distances to other National Cemeteries. This would result in a minor positive air quality effect to the region.

The Action Alternative Sites are located in full attainment areas; as such, a Record of Non-Applicability (RONA) under the Clean Air Act of 1990 is not required. A Title V operating permit is not anticipated to be required for the cemetery's proposed minor equipment as, based upon preliminary sizing, this equipment is not anticipated to emit more than 100 tpy of any individual HAP or combination of HAPs. However, VA would secure any required, individual minor air emissions permits from the NYSDEC, as appropriate and based on the final design.

### **3.3.4 Effects of the No Action Alternative**

Under the No Action Alternative, no significant adverse air quality impacts would result. Should the Action Alternative Sites ultimately be developed for other uses, air quality impacts could result from that changed land use, and would depend upon the nature of the development. In addition, the additional driving required by area Veterans to visit distant National Cemeteries, which would contribute to increased regional air emissions, would be a less-than-significant, long-term adverse impact under the No Action Alternative.

### **3.3.5 Mitigation/Management Measures**

No project-specific mitigation measures are required. Implementing BMPs to reduce fugitive dust emissions during construction would further minimize the potential impacts on local air quality. To minimize the potential for adverse, short-term air quality impacts, VA would

implement the following typical dust control BMPs, as applicable, and in accordance with State and local requirements:

- Comply with the NYSDEC AQMP.
- Comply, to the extent practicable, with Section 507 (Air Quality) of the Town of Pembroke Zoning Law for Site 1 and Site 2.
- Use appropriate dust suppression methods during onsite construction activities. Available methods include application of water, dust palliative, or soil stabilizers; use of enclosures, covers, silt fences, or wheel washers; and suspension of earth-moving activities during high wind conditions.
- Maintain an appropriate speed to minimize dust generated by vehicles and equipment on unpaved surfaces.
- Cover haul trucks with tarps.
- Stabilize previously disturbed areas through re-vegetation or mulching if the area would be inactive for several weeks or longer.
- Visually monitor all construction activities regularly, particularly during extended periods of dry weather, and implement dust control measures when appropriate.

These dust-reducing BMPs would be briefed to the construction contractors. The onsite construction manager would be responsible for addressing air quality issues if they arise. Implementation of these BMPs would reduce the potential for short-term adverse air quality impacts to acceptable levels, notably for nearby sensitive receptors (i.e., residential areas).

In addition, VA would secure any required, individual minor air emissions permits from the NYSDEC, as appropriate and based on the final design and prior to operation of the proposed National Cemetery.

### 3.4 Cultural Resources

Cultural resources are the physical evidence of our heritage. Cultural resources include: historic properties as defined in the National Historic Preservation Act (NHPA), cultural items as defined in the Native American Graves Protection and Repatriation Act (NAGPRA), archeological resources as defined in the Archaeological Resources Protection Act (ARPA), sacred sites as defined in EO 13007 to which access is provided under the American Indian Religious Freedom Act (AIRFA), and collections as defined in 36 CFR Part 79, *Curation of Federally Owned and Administered Collections*. Requirements set forth in NEPA, NHPA, ARPA, NAGPRA, AIRFA, 36 CFR Part 79, EO 13007, and Presidential Memorandum on *Government-to-Government Relations with Native American Tribal Governments* define the basis of VA's compliance responsibilities for management of cultural resources. Regulations applicable to VA's management of cultural resources include those promulgated by the Advisory Council on Historic Preservation (ACHP) and the National Park Service (NPS).

#### 3.4.1 Architectural and Archaeological Resources

In a response to a request for input on the Proposed Action, the New York State Office of Parks, Recreation, and Historic Preservation (State Historic Preservation Office, or SHPO) stated that none of the Action Alternative Sites include buildings or structures that are eligible for the National Register of Historic Places (NRHP). However, SHPO stated the following in regards to archeological resources:

- **1232 Indian Falls Road Site:** SHPO recommended a Phase I Archeological Investigation.

- **Main Road Site:** SHPO stated that a portion of the Main Road Site was surveyed in 2007 by Commonwealth Cultural Resources Group (CCRG). One precontact archeological site (Pembroke Precontact Site A03712.000024) was identified during the 2007 Phase I Archeological Investigation. SHPO indicated that it had no further concerns with Pembroke Precontact Site Loci 1 and 2; however, SHPO recommended a Phase II Site Examination or avoidance measures for Pembroke Precontact Site Loci 3 and 4. SHPO also recommended a Phase I Archeological Investigation for any portions of the Main Road Site that were not included in the 2007 Phase I Archeological Investigation.
- **4106 Walden Avenue Site:** SHPO stated that a large portion of the 4106 Walden Avenue Site was surveyed by CCRG (two investigations) in 2007. The Phase I Archeological Investigations identified the Lutz-Roll Findspots Site (A02917.000101) and stated that these findspots included a spokeshave, a flake/scrapper, and a flake tool. The second Phase I Archeological Investigation identified the Try-It Site, Loci 1 and 2 (A02917.000111) and included three flake fragments (Report 1081). SHPO stated that the previous archeological finds were not eligible for the NRHP and that it had no further concerns for these finds; however, SHPO recommended a Phase I Archeological Investigation for any portions of the 4106 Walden Avenue Site that were not included in the previous Phase I Archeological Investigations.

### 1232 Indian Falls Road Site

In response to SHPO's request, VA retained CCRG to conduct a Phase I Cultural Resource Investigation for the 1232 Indian Falls Road Site in 2012. According to CCRG, SHPO file research identified the 1232 Indian Falls Road Site as being located in an area with high sensitivity for previously unrecorded prehistoric archeological sites due to its proximity to Tonawanda Creek (0.5-mile north) and other previously recorded prehistoric archeological sites. In addition, CCRG stated that a farmhouse and associated outbuildings from the mid-nineteenth century (1866) were removed from the north portion of the 1232 Indian Falls Road Site in late 2012. CCRG concluded that the Proposed Action would not have any impacts on any historic cultural resources listed, or eligible for listing on the NRHP. However, CCRG concluded that the Proposed Action could impact prehistoric cultural resources at Site 1.

CCRG recovered 593 prehistoric lithic artifacts from 188 shovel test locations conducted during the Phase I Cultural Resource Investigation of the 1232 Indian Falls Road Site. The majority of the prehistoric lithic artifacts (172 shovel test locations) were recovered from the northern agricultural portion of the site (Area F, see **Figure 13**). In addition, CCRG stated that two shovel test locations in the southeastern portion of Area F included dark, black soil anomalies and charcoal, suggesting the potential for possible subsurface hearth features. The remaining artifacts were recovered from the west-central wooded area of the Site (Area A/1 shovel test location), the northern former residential area of the site (Area G/1 shovel test location), and the east-central agricultural area of the site (Area E/14 shovel test locations). CCRG concluded that additional investigation is necessary to determine the significance of the prehistoric resources at Site 1. CCRG recommended a Phase II Archeological Investigation to obtain detailed information on the integrity, limits, structure, function and cultural/historical context of the archeological findings at the 1232 Indian Falls Road Site sufficient to evaluate its potential NRHP eligibility. The results of the Phase I Cultural Resources Investigation were discussed with the SHPO and the Seneca Nation of Indians (Seneca Nation) and a plan for additional investigation was agreed upon.

CCRG completed the field work for the Phase II Archeological Investigation between April and June 2013. Efforts of the Phase II investigation included shovel testing in close-interval grids around Phase I Cultural Resource Investigation find spots in Area F. Radial shovel tests were also placed around 15 find spots south of Area F (in areas A, B, D and E) and 3 find spots north of Area F (in Area G and in the vicinity of the former farmhouse). Phase II field activities typically would have included plowing and disking the agricultural field in Area F; however, these activities were not conducted to avoid damage to the already planted wheat crop.

CCRG concluded that aside from Area F, all prehistoric finds in Areas A, B, D, E and G appear to be small single-use lithic scatters of short temporal duration and minimal spatial extent. However, based on the prehistoric finds in Area F, Site 1 is considered eligible for inclusion on the NRHP.

Though a formal analysis has not yet been completed, rough counts indicated that approximately 6,000 lithic artifacts were recovered during the the Phase II investigation. These artifacts includes numerous bifaces and biface fragments (lithic material with flaking on both sides), as well as several projectile points or point fragments.

VA and CCRG discussed the Phase II findings with the SHPO and the Seneca Nation and determined that a Phase III investigation would be conducted immediately after the harvest of the wheat crop. The Phase III field investigation was conducted in August and September 2013 and included plowing, disking, and inspecting the approximately 40-acre cultivated area of the site (Area F) and mechanically stripping the topsoil from a one acre area within Area F for further investigation. In total, approximately 16,000 lithic artifacts were recovered and several prehistoric burn/thermal features were identified and investigated. The Phase III investigation includes laboratory processing and analysis of all artifacts recovered during Phase II and Phase III investigations. The SHPO and Seneca Nation agreed that upon completion of the reporting of the Phase III investigation, the research potential of the site will have been achieved and that no further investigation activities will be necessary.

VA entered into a Memorandum of Agreement with the SHPO and the Seneca Nation for the ownership and curation of uncovered artifacts. All artifacts will be provided by the owner of the site to the Seneca Nation, as requested.

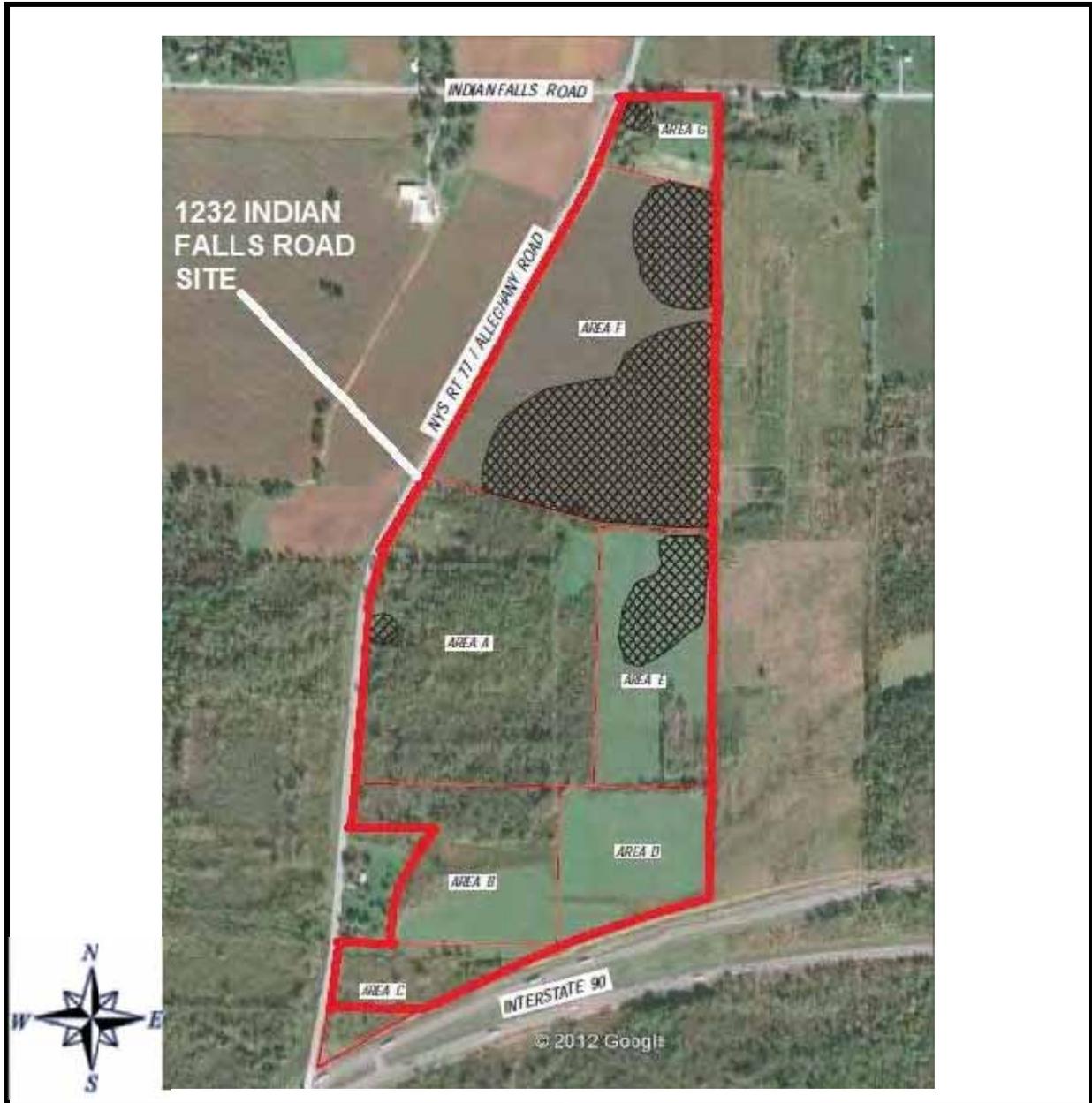
### **Main Road Site**

In response to SHPO's request, VA also retained CCRG to conduct a Phase I and Phase II Cultural Resource Investigation for the portions of the Main Road Site that had not been previously assessed. CCRG stated that Main Road Site is unimproved land and concluded that the Proposed Action would not have any impacts on any historic cultural resources listed, or eligible for listing on the NRHP.

CCRG indicated that three shovel test locations at Site 2 yielded prehistoric lithic artifacts. Close-interval testing was conducted in the three locations, which did not produce any further artifacts. CCRG concluded that the Main Road Site does not likely contain archeological resources that would be of research value or eligible for the NRHP and recommended no further investigations. The CCRG Phase I/Phase II Cultural Resources Investigation report will be submitted to SHPO for review and concurrence.

### **4106 Walden Avenue Site**

CCRG reviewed the Site 3 boundaries and the previous cultural resources reports and determined that the entirety of the site was included in the previous archeological investigations, which identified no archeological resources eligible for inclusion in the NRHP. Therefore, no additional investigation of Site 3 was conducted for VA.



**FIGURE 13**  
**1232 INDIAN FALLS ROAD SITE**  
**PHASE I CULTURAL RESOURCES**  
**INVESTIGATION FINDINGS MAP**

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT  
PROPOSED WESTERN NEW YORK  
NATIONAL CEMETERY

PREPARED FOR  
**US DEPARTMENT OF VETERANS AFFAIRS**  
**WASHINGTON, DC**

TTL PROJECT NO.  
8381.04



### 3.4.2 Native American Consultation/Coordination

For all Federal proposed actions, Federal agencies are required to consult with Federally-recognized Native American Tribes in accordance with the NEPA, the NHPA, the NAGPRA, and EO 13175. VA consulted with 12 Federally-recognized Native American Tribes as part of this NEPA process, in accordance with 36 CFR Part 800.2 and EO 13175, *Consultation and Coordination with Indian Tribal Governments*, 6 November 2000. These Tribes, identified as having possible ancestral ties to the area by the Native American Consultation Database (NACD) and SHPO, were invited by VA to participate in the PEA process as Sovereign Nations per EO 13175. VA sent a coordination and consultation letter to each of these Tribes, via certified mail, in June and July 2012. All correspondence was conducted by certified letters. A sample letter sent to the tribes and their responses are included in Appendix B. The Tribes consulted included: the Cuyaga Nation of New York, the Oneida Nation of New York, the Onondaga Nation of New York, the Oneida Tribe of Indians of Wisconsin, the Seneca-Cayuga Nation, the Seneca Nation of Indians, the Shinnecock Indian Nation, the Seneca Nation of New York, the St. Regis Band of Mohawk Indians of New York, the Tonowanda Band of Seneca Indians of New York, the Tuscarora Nation of New York, and the Wyandotte Tribe of Oklahoma.

VA received responses from the Seneca Nation of New York and the Tonawanda Band of Seneca Indians of New York (Seneca Nation) indicating their interest in participating in the Section 106 process of the NHPA process. The Seneca Nation has participated in discussions between VA and SHPO and monitored the Phase II Archeological Investigation of Site 1. Additionally, VA is performing a Phase III investigation at Site 1 as recommended by the SHPO and the Seneca Nation. VA entered into a Memorandum of Agreement with the SHPO and the Seneca Nation for the ownership and curation of uncovered artifacts. All artifacts will be provided by the owner of the site to the Seneca Nation, as requested. As of the date of this PEA, no other responses have been received from the consulted tribes (VA 2014).

### 3.4.3 Effects of the Proposed Action

#### 1232 Indian Falls Road Site

Future development of a new National Cemetery at the 1232 Indian Falls Road Site could produce direct adverse effects on archeological resources. Based on the discovery of prehistoric archeological resources at this site, it is considered eligible for inclusion in the NRHP. VA has actively engaged the SHPO and affected tribes throughout the cultural resource investigations at the 1232 Indian Falls Road Site.

VA is completing additional investigations to explore, recover, and inventory the archeological resources at the site. VA anticipates that through the completion of these activities in compliance with the NHPA and consultation with the SHPO and the Seneca Nation, potential adverse effects associated with the construction of a new National Cemetery at Site 1 would be mitigated. All artifacts will be provided to the Seneca Nation by the site owner, as requested. The SHPO and Seneca Nation agreed that upon completion of the reporting of the Phase III investigation, the research potential of the site will have been achieved and that no further investigation activities will be necessary.

Based on the extensive archeological work already conducted at Site 1, it is not anticipated that the cemetery development activities would uncover additional significant intact archeological resources.

#### Main Road Site

Future development of a new National Cemetery at the Main Road Site could produce cultural resources effects; however, based on the findings and conclusions of CCRG's Phase I and Phase II Cultural Resource Investigation, no impacts to NRHP-listed or eligible historic structures or archeological resources are anticipated as a result of the Proposed Action at this

site. The Phase I/Phase II Cultural Resources Investigation Report would be submitted to the SHPO for review and concurrence. Cultural resources impacts at the Main Road Site would be less-than-significant.

#### **4106 Walden Avenue Site**

Future development of a new National Cemetery at the 4106 Walden Avenue Site could produce cultural resources effects; however, the SHPO concluded that no NRHP-eligible historic structures or archeological resources are present at Site 3. Therefore, cultural resources impacts at the 4106 Walden Avenue Site would be less-than-significant.

VA anticipates, that through compliance with the NHPA and other applicable regulations identified in Section 3.4, as well as consultation with the SHPO and Federally recognized Native American Tribes, VA would maintain cultural resources effects at acceptable, less-than-significant levels.

#### **3.4.4 Effects of the No Action Alternative**

Under the No Action Alternative, no cultural resources impacts would occur due to VA's proposed cemetery development. If Sites 2 or 3 were to be developed by others, less-than-significant cultural resource impacts similar to those associated with the Proposed Action would occur. However, if Site 1 is found to contain NRHP-eligible archeological resources and this site were to be developed by others, cultural resources could be destroyed because the NHPA does not apply to non-Federal actions.

#### **3.4.5 Mitigation/Management Measures**

##### **Main Road and 4106 Walden Avenue Sites**

No project-specific mitigation measures are required for the Main Road and 4106 Walden Avenue Sites. VA would confirm SHPO concurrence on the Phase I/Phase II Cultural Resources Investigation for the Main Road Site prior to the selection of this site. In addition, VA would implement BMPs to reduce impacts during construction to further minimize potential impacts to local cultural resources.

Should human remains or other cultural items as defined by NAGPRA be discovered during project construction at the Main Road or 4106 Walden Avenue Sites, the construction contractor would immediately cease work until VA, a qualified archeologist, and the SHPO are contacted to properly identify and appropriately treat discovered items in accordance with applicable State and Federal law(s). In addition, if human remains are discovered, the local police department would be immediately contacted, as required.

##### **1232 Indian Falls Road Site**

Future development of a new National Cemetery at the 1232 Indian Falls Road Site could cause adverse impacts to prehistoric archeological resources. VA has actively engaged the SHPO and affected tribe (Seneca Nation) throughout the cultural resource investigations at the 1232 Indian Falls Road Site and through this consultation, has developed a plan to mitigate the adverse effects to less-than-significant levels. VA would:

- Complete the Phase III Archeological Investigation that is designed to further explore, recover, and inventory archeological resources at the site. Field work for this investigation was completed in August and September 2013.
- Complete the combined Phase I/Phase II/Phase III Cultural Resources Investigation Report and submit it to the SHPO and Seneca Nation for review and concurrence.

- Enter into a Memorandum of Agreement with the SHPO and the Seneca Nation for the ownership and curation of the recovered artifacts (completed in April/May 2014).

In addition, implementing BMPs to reduce impacts during construction would further minimize potential impacts to local cultural resources. Should human remains or other cultural items as defined by NAGPRA be discovered during project construction at the 1232 Indian Falls Road Site, the construction contractor would immediately cease work until the VA, a qualified archeologist, the SHPO, and the Seneca Nation are contacted to properly identify and appropriately treat discovered items in accordance with applicable State and Federal law(s). In addition, if human remains are discovered, the local police department would be immediately contacted, as required.

### 3.5 Geology and Soils

According to the New York Geological Survey, the Action Alternative Sites are included in the Central Lowland Physiographic Province. According to the Groundwater Atlas of the United States, this area is underlain by Cambrian and Ordovician-aged sedimentary rocks (primarily carbonate rocks, sandstone, and shale).

#### 1232 Indian Falls Road Site

The Akron, New York United States Geological Survey (USGS) Topographic Quadrangle (dated 1982) indicates that surficial topography at Site 1 [elevation ranging from approximately 870 feet above mean sea level (amsl) in the northern portion to approximately 830 feet amsl in the southern portion] is gently sloping to the south. An intermittent stream is depicted in the southwestern portion of the site. The nearest surface water body is a tributary of Murder Creek, located approximately 500 feet to the south of Site 1.

According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey, Site 1 contains seventeen soil types. Site 1 soils are characterized as follows:

- Canandaigua silt loam, 0 to 2 percent slopes (CaA) soils are characterized as poorly drained soils with a moderately high permeability.
- Dunkirk silt loam, 2 to 6 percent slopes (DuB) soils are characterized as well drained soils with a moderately high permeability.
- Galen very fine sandy loam, 2 to 6 percent slopes (GnB) soils are characterized as moderately well drained soils with a moderately high to high permeability.
- Halsey silt loam, 0 to 4 percent slopes (HaA) soils are characterized as very poorly drained soils with a moderately high to high permeability.
- Lamson very fine sandy loam (Ld) and Lamson mucky very fine sandy loam (Le) soils are characterized as poorly drained soils with a moderately high to high permeability.
- Lima silt loam, 0 to 3 percent slopes (LmA) and Lima silt loam, 3 to 8 percent slopes (LmB) soils are characterized as moderately well drained soils with a moderately low to moderately high permeability.
- Niagara silt loam, 0 to 2 percent slopes (NgA) soils are characterized as somewhat poorly drained soils with a moderately low to moderately high permeability.
- Ontario loam, 0 to 3 percent slopes (OnA) and Ontario loam, 3 to 8 percent slopes (OnB) soils are characterized as well drained soils with a moderately low to moderately high permeability.

- Ovid silt loam, 3 to 8 percent slopes (OvB) soils are characterized as somewhat poorly drained soils with a moderately low to moderately high permeability.
- Palmyra gravelly loam, 8 to 15 percent slopes (PhC) soils are characterized as well drained soils with a moderately high to high permeability.
- Phelps gravelly loam, 0 to 3 percent slopes (PsA) and Phelps gravelly loam, 3 to 8 percent slopes (PsB) soils are characterized as moderately well drained soils with a moderately high to high permeability.
- Romulus silt loam, 0 to 3 percent slopes (RsA) soils are characterized as poorly drained soils with a moderately low to moderately high permeability.
- Udorthents, smoothed (Um) soils are characterized as well drained soils with a moderately high to very high permeability.

Site 1 soils are illustrated on **Figure 14**.

A General Site Assessment and Preliminary Geotechnical Investigation Report (Geotech Report) was prepared for the 1232 Indian Falls Road Site by Empire Geo Services, Inc. (Empire), and dated May 23, 2013. The Geotech Report indicates that literature for the site area maps the site's surficial strata as silt and clay that were deposited in glacial lakes. In addition, the northern portion of the site is noted as glacial moraine that is 30 to 90 feet thick. The geotechnical investigation included 27 soil borings to a depth of approximately 8 feet below ground surface (bgs). Soils encountered generally consisted of fine silty sand underlain by clayey silt and silty clay. The fine sand layer contains varying amounts of medium to coarse sand, silt, clay and gravel. Occasional to numerous cobbles and boulders were also encountered within the sand, particularly in the northern portion of the site, which is consistent with the literature's description of till moraine in this area. Soil boring refusal was encountered in seven soil borings in the northern portion of the site at depths ranging from 4 feet bgs to 7.9 feet bgs. Empire stated that soil boring refusal was likely to be a result of cobbles and boulders present within the indigenous soil deposits, not shallow bedrock. A copy of the Geotech Report is included in Appendix D.

### **Main Road Site**

The Alexander, New York USGS Topographic Quadrangle (dated 1982) indicates that surficial topography at Site 2 (elevation ranging from approximately 885 feet amsl in the northern portion to approximately 870 feet amsl in the southern portion) is gently sloping to the south. A small stream segment and an associated wetland are depicted in the southern portion of the site. A tributary to Murder Creek is located approximately 2,000 feet south of Site 2.

According to the USDA NRCS Web Soil Survey, Site 2 contains nine soil types. Site 2 soils are characterized as follows:

- Appleton silt loam, 3 to 8 percent slopes (ApB) soils are characterized as somewhat poorly drained soils with a moderately low to moderately high permeability.
- Canandaigua silt loam, 0 to 2 percent slopes (CaA) soils are characterized as poorly drained soils with a moderately high permeability.
- Canandaigua mucky silt loam, 0 to 2 percent slopes (CbA) soils are characterized as very poorly drained soils with a moderately high permeability.
- Collamer silt loam, 2 to 6 percent slopes (ClB) soils are characterized as moderately well drained soils with a moderately low to moderately high permeability.

- Galen very fine sandy loam, 2 to 6 percent slopes (GnB) soils are characterized as moderately well drained soils with a moderately high to high permeability.
- Lamson very fine sandy loam (Ld) soils are characterized as poorly drained soils with a moderately high to high permeability.
- Niagara silt loam, 0 to 2 percent slopes (NgA) soils are characterized as somewhat poorly drained soils with a moderately low to moderately high permeability.
- Ovid silt loam, 0 to 3 percent slopes (OvA) soils are characterized as somewhat poorly drained soils with a moderately low to moderately high permeability.
- Palms muck (Pd) soils are characterized as very poorly drained soils with a moderately high to high permeability.

Site 2 soils are illustrated on **Figure 15**.

#### **4106 Walden Avenue Site**

The Lancaster and Clarence, New York USGS Topographic Quadrangles (both dated 1982) indicate that surficial topography at Site 3 (elevation ranging from approximately 770 feet amsl in the northeastern portion to approximately 735 feet amsl in the southwestern portion) is gently sloping to the southwest. A small pond is depicted along the western boundary of the site. A tributary of the North Branch of Plum Bottom Creek is located on the southeastern portion of Site 3.

According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey, Site 3 contains seven soil types. Site 3 soils are characterized as follows:

- Appleton silt loam, 0 to 3 percent slopes (ApA) soils are characterized as somewhat poorly drained soils with a moderately low to moderately high permeability.
- Canandaigua silt loam (Cc) soils are characterized as poorly drained soils with a moderately high permeability.
- Cazenovia silt loam, 3 to 8 percent slopes (CgB) soils are characterized as well drained soils with a moderately low to moderately high permeability.
- Lima silt loam, 0 to 3 percent slopes (LmA) and Lima silt loam, 3 to 8 percent slopes (LmB) soils are characterized as moderately well drained soils with a moderately low to moderately high permeability.
- Odessa silt loam (Od) soils are characterized as somewhat poorly drained soils with a moderately low to moderately high permeability.
- Ovid silt loam, 0 to 3 percent slopes (OvA) soils are characterized as somewhat poorly drained soils with a moderately low to moderately high permeability.

Site 3 soils are illustrated on **Figure 16**.

A Subsurface Explorations and Geotechnical Engineering Report prepared by Barron and Associates, Inc. (Barron) and dated October 2000 indicated that soils in the western portion of Site 3 are cohesive (clay-silt) glacial till soils to a maximum depth explored of 30-40 feet bgs. In the central portion of the site, the clay-silt till extends to approximately 18 to 30 feet bgs and is underlain by fine to coarse-grained granular (sand) glacial till. In the northeastern portion of the site, the topographic high portion of the site, the fine to coarse-grained sand till extended from the ground surface to at least 30 feet bgs. Bedrock was not encountered.

### 3.5.1 Prime and Unique Farmland Soils

Prime and Unique Farmlands are regulated in accordance with the Farmland Protection Policy Act (FPPA) (7 USC 4201, *et seq.*) to ensure preservation of agricultural lands that are of statewide or local importance. Soils designated as prime farmland are capable of producing high yields of various crops when managed using modern farming methods. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. Unique farmlands are also capable of sustaining high crop yields and have special combinations of favorable soil and climate characteristics that support specific high-value foods or crops.

#### 1232 Indian Falls Road Site

According to the USDA NRCS Web Soil Survey, approximately 120 acres (91%) of Site 1 soils are characterized as prime farmland or farmland of statewide importance (USDA NRCS 2012). Soils that are not prime farmland are limited to the western-central boundary and the southwestern portion of the site.

The Genesee County Department of Planning (GCDP) stated that agriculture is the County's top industry and the GCDP looks closely at the effects that a proposed project will have on agriculture and its viability. GCDP indicated that Site 1 is not enrolled in a New York State Certified Agricultural District (NYSCAD). However, Site 1 has prime farmland with fields in agricultural production.

#### Main Road Site

According to the USDA NRCS Web Soil Survey, approximately 83 acres (81%) of Site 2 soils are characterized as prime farmland or farmland of statewide importance. Soils that are not prime farmland are limited to the southern boundary and the northeastern portion of the site.

The GCDP stated that Site 2 is not enrolled in a NYSCAD. The GCDP also noted that Site 2 is not being farmed and implementation of the Proposed Action at this site would have minimal, if any, impacts on agriculture.

#### 4106 Walden Avenue Site

According to the USDA NRCS Web Soil Survey, the Cazenovia silt loam, 3 to 8 percent slopes (central portion), Lima loam, 0 to 3 percent slopes (northeastern portion), and Lima loam, 3 to 8 percent slopes (northwestern portion) soils are characterized as prime farmland. The Canandaigua silt loam soils (southeastern portion) are characterized as farmland of statewide importance (USDA NRCS 2012). These soils comprise approximately 36 acres or 30% of Site 3. Site 3 soils are illustrated in **Figure 16**.

NYSDOT stated that Site 3 is located in an Agricultural District and the land is considered prime farmland and farmland of statewide importance. NYSDOT stated that farmlands would be converted by the Proposed Action at Site 3 and further investigation is necessary.

### 3.5.2 Soil Erosion and Stormwater Management

The USEPA authorized the NYSDEC to implement the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program in the State of New York (i.e., in all areas except Indian Country lands). NYSDEC's authority to administer the NPDES program is set forth in Article 17 (Water Pollution Control) of the New York Environmental Conservation Law (ECL). The State Pollutant Discharge Elimination System (SPDES) stormwater program regulates point source discharges of stormwater into surface waters and groundwater of the State of New York from certain municipal, industrial, and construction activities. As the SPDES stormwater permitting authority, NYSDEC is responsible for promulgating rules and issuing permits, managing and reviewing permit applications, and performing compliance and enforcement activities. New York State law requires a permit for constructing or using an outlet or discharge pipe (referred to as a "point source") that discharges wastewater into the surface waters or groundwaters of the State and requires a permit for construction activities that disturb more than one acre of land (General Permit For Construction Activity).

In populated areas of New York (e.g., Erie County), NYSDEC has delegated the responsibility of stormwater management to local municipalities. In western New York, the Western New York Stormwater Coalition (WNYSC) issued a Model Stormwater Management Plan (MSP) in October 2008, which has been adopted by both Erie County and the Town of Lancaster. Identified as a SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4), the MSP includes descriptions of minimum control measure, general permit requirements, compliance requirements, best management practices, reporting requirements, and flood hazard mitigation for illicit discharges detection and elimination, construction site runoff control, post-construction stormwater management, and pollution prevention.

In addition, the WNYSC has provided local municipalities with a Sample Local Law for Stormwater Management and Erosion and Sediment Control (Sample Local Law). In Lancaster, the Sample Local Law is identified as Chapter 42 of the Town of Lancaster Code of Ordinances. The goal of the Sample Local Law is to assist communities in amending existing laws and ordinances and/or adopting new provisions of local law to meet the new federal and state guidelines for stormwater control. The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public, including:

- Meet the requirements of minimum measures of the SPDES General Permit for Stormwater.
- Require land development activities to conform to the substantive requirements of the SPDES General Permit for Construction Activities or Discharges from MS4s.
- Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels.
- Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality.
- Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable.
- Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Both Erie County and the Town of Lancaster have adopted the Sample Local Law.

Due to the low population distribution, Genesee County and the Town of Pembroke have not adopted the MSP or Sample Local Law, and Site 1 and Site 2 are not included in established MS4 districts. Instead, stormwater and sediment and erosion control are managed through the NYSDEC under the SPDES regulations.

### 3.5.3 Effects of the Proposed Action

Acquisition of any of the Action Alternative Sites by VA would produce no direct geology or soils effects, as no changes to the geology, soils, or topography of the sites would occur. Future development of a new National Cemetery on any of the Action Alternative Sites would produce geology and soils effects, as discussed below.

No significant changes to topography or drainage would be expected due to future proposed cemetery development. The proposed cemetery would be designed in concert with the natural topography and current drainage patterns of the selected site. Paved areas would be designed to drain to a suitable, site-specific, and properly engineered and designed stormwater management system.

Based on currently available data, no active significant faults are known at this time to extend through the subsurface geology of the Sites. As such, no impacts associated with seismic hazards are identified. No significant impacts to mineral resources are anticipated, as the proposed cemetery would not involve the commercial extraction of mineral resources, nor affect mineral resources considered important on a local, State, national, or global basis.

During construction of the future proposed cemetery, less-than-significant, direct and indirect, short-term adverse soil erosion and sedimentation (E&S) impacts would be possible as the proposed buildings, parking areas, entrance road, grave sites, and other project components are developed. Construction and grading activities would remove vegetative cover, disturb the soil surface, and compact the soil. The soil would then be susceptible to erosion by wind and surface runoff.

Exposure of the soils during construction has the potential to result in sedimentation to on-site surface waters and wetlands and offsite discharges of sediment-laden runoff. However, such potential adverse E&S effects would be prevented through utilization of appropriate BMPs and adherence to the terms of the SPDES *General Permit for Construction Activity*. Permit standards would be adhered to during all construction activities.

Once construction is complete, no long-term E&S impacts would be anticipated due to the nature of the Proposed Action. No long-term soil erosion impacts would occur as a result of increased impervious surfaces onsite; these effects would be mitigated by including appropriately designed stormwater system as part of final site design.

Approximately 91 percent of the 1232 Indian Falls Road Site, approximately 81 percent of the Main Road Site, and approximately 30 percent of the 4106 Walden Avenue Site contain prime farmland and farmland of statewide importance soils. In addition, the 1232 Indian Falls Road Site includes areas (northern 50 acres) that are actively farmed. The Main Road Site and 4106 Walden Avenue Site are not actively farmed. The Proposed Action would irreversibly convert prime farmland into non-agricultural use. As such, all of the Action Alternatives would be subject to the FPPA requirements. VA would be required to complete, in conjunction with the NRCS, a Farmland Conversion Impact Rating (Form AD-1006) for the Proposed Action. This process evaluates the relative value of the site as farmland compared to other farmland in the area, and assesses the site by examining the site, surrounding areas, and the programs and policies of the State or local government agency. The intent of this process is to consider alternative actions, as appropriate, that could lessen adverse effects on prime farmland. Based on the characteristics of the Action Alternative Sites and surrounding areas, the Proposed Action is anticipated to have a less-than-significant adverse impact on prime farmland soils.

### 3.5.4 Effects of the No Action Alternative

Under the No Action Alternative, no construction by VA would occur. No impacts to soils, topography, or geology would occur. Should the Action Alternative Sites ultimately be developed for another use, impacts would result from that new development, and would depend upon the nature of that development.

### 3.5.5 Mitigation/Management Measures

No project-specific mitigation measures are required. Implementing BMPs to reduce impacts during construction would further minimize potential impacts to geology and soils resources. These management measures will be more fully developed as part of the SEA, concurrent with site design efforts:

#### Topography

- VA would design the proposed cemetery in concert with the natural topography and current drainage patterns. Paved areas would be designed to drain to a suitable and properly engineered and designed on-site stormwater management system.

#### Prime Farmland Soils

- To satisfy the requirements of FPPA, VA would complete Form AD-1006, Farmland Conversion Impact Rating, and submit the completed form to the local USDA NRCS office.

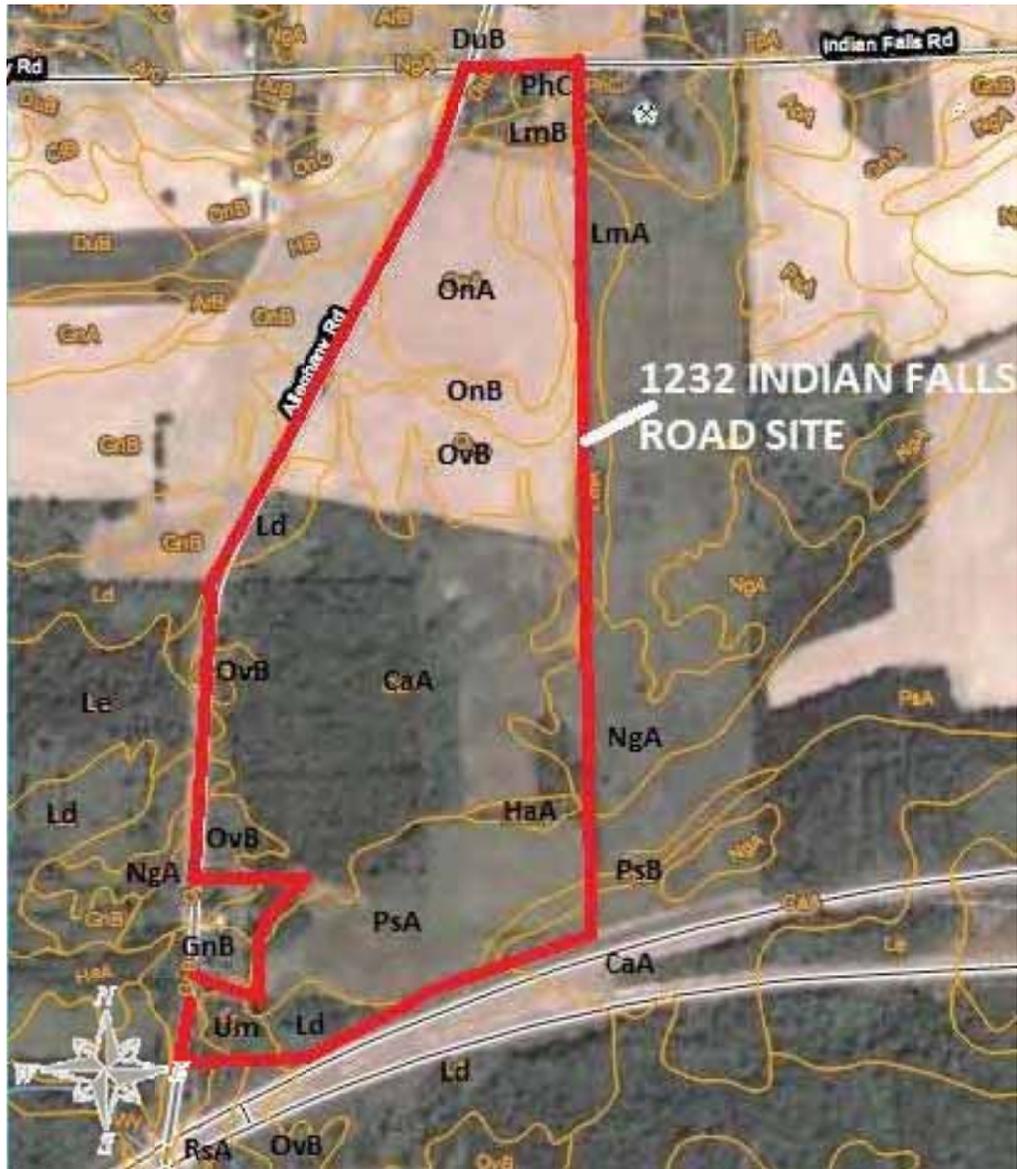
#### Soil Erosion and Sedimentation

Implementing BMPs to reduce E&S impacts during future construction would further minimize the potential impacts on local soils and water quality. The construction contractor would develop, submit to the Town of Lancaster (Site 3) or NYSDEC (Site 1 and Site 2), and have approved, a SPDES permit for the Proposed Action. The SPDES permit would require stormwater runoff and erosion management using BMPs, earth berms, detention basins, vegetative buffers and filter strips, and spill prevention and management techniques. The construction contractor would implement the following as appropriate and necessary to protect surface water quality, as part of the SPDES permit:

- Install and monitor erosion-prevention measures (BMPs), such as silt fences and water breaks, detention basins, filter fences, sediment berms, interceptor ditches, straw bales, rip-rap, and/or other sediment control structures; re-spread stockpiled topsoil; and seed/re-vegetate areas temporarily cleared of vegetation.
- Retain on-site vegetation to the maximum extent possible.
- Plant and maintain soil-stabilizing vegetation on disturbed areas.
- Use native vegetation to re-vegetate disturbed soils.

The construction contractor would obtain all required permits before any proposed construction activities commence and would adhere to permit conditions during all onsite construction activities.

If measures in the SPDES permit are correctly utilized for site development, direct soil erosion and resulting indirect sedimentation impacts would be maintained at less-than-significant levels. Successful implementation of these measures would ensure that the Proposed Action is in compliance with local, State, and Federal water quality standards and minimizes both the short- and long-term potential for erosion and sedimentation.



**FIGURE 14**  
**1232 INDIAN FALLS ROAD SITE**  
**SOILS MAP**

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT  
PROPOSED WESTERN NEW YORK  
NATIONAL CEMETERY

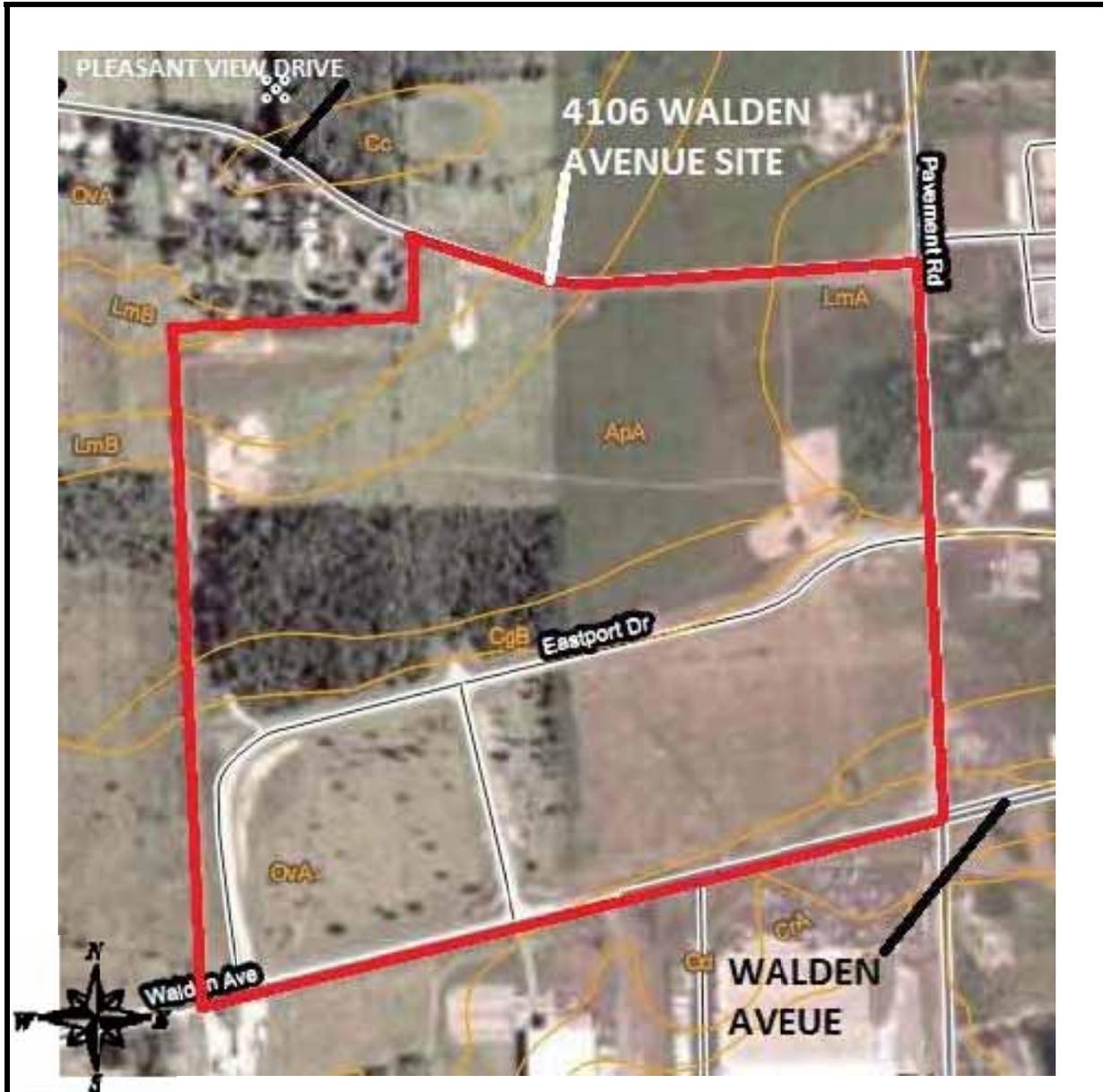
PREPARED FOR

**US DEPARTMENT OF VETERANS AFFAIRS**  
**WASHINGTON, DC**

TTL PROJECT NO.  
8381.04







**FIGURE 16**  
**4106 WALDEN AVENUE SITE**  
**SOILS MAP**

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT  
PROPOSED WESTERN NEW YORK  
NATIONAL CEMETERY

PREPARED FOR  
**US DEPARTMENT OF VETERANS AFFAIRS**  
**WASHINGTON, DC**

TTL PROJECT NO.  
8381.04



## 3.6 Hydrology and Water Quality

### 3.6.1 Surface Waters

Information pertaining to surface waters other than wetlands is provided in this section; information specific to wetlands is provided in Section 3.10.

#### 1232 Indian Falls Road Site

According to Genesee County, the northern approximately 33 acres of Site 1 is located within the Middle Tonawanda Creek Watershed and the southern approximately 99 acres of the site is located within the Murder Creek watershed. In addition, all of Site 1 is included in the Niagara River/Lake Erie Regional Watershed.

During TTL's site reconnaissance of Site 1 in July 2012, a creek bed was observed in the southwestern portion of the site and appeared to be surficially connected to Murder Creek, located approximately 500 feet south of Site 1 (see **Figure 6**). In addition, a forested wetland area was observed in the southwestern portion of Site 1 (see Section 3.10).

As part of the preparation of this PEA, the USFWS, US Army Corps of Engineers (USACE), NYSDEC, and the Genesee County SWCD were contacted to identify hydrology and water quality information for Site 1 and vicinity. The agencies provided the following information:

- According to the NYSDEC, there is a Class C, Non-Navigable waterway located near the southern boundary of Site 1, adjacent to Interstate 90. TTL identified this surface water feature (a ditch) during the site reconnaissance and determined it to not be within the boundaries of Site 1.
- According to the NYSDEC, impacts to surface waters (Waters of the US/wetlands) would likely require a Section 401 of the Clean Water Act (CWA) Water Quality Certification (WQC) from the NYSDEC.

In addition, the USACE and NYSDEC provided agency input regarding wetlands. Please refer to Section 3.10 for a discussion of wetlands information.

#### Main Road Site

According to Genesee County, Site 2 is located within the Murder Creek Watershed. Site 2 is also included in the Niagara River/Lake Erie Regional Watershed.

During TTL's site reconnaissance of Site 2 in July 2012, no on-site streams or ponds were identified. A swale was observed on the western portion of the site that led from the north to the south. The swale was dry and had recently been mowed. A forested wetland was observed in the southern portion of the site and a wetland was observed in the northeastern portion of the site (see Section 3.10). A small pond was observed on the western adjoining property near the site boundary (see **Figure 9**).

As part of the preparation of this PEA, the USFWS, USACE, NYSDEC and Genesee County SWCD were contacted to identify hydrology and water quality information for Site 2 and vicinity. The agencies provided the following information:

- According to the NYSDEC, impacts to surface waters (Waters of the US/wetlands) would likely require a Section 401 of the CWA WQC from the NYSDEC. Refer to Section 3.10.

In addition, the USACE and NYSDEC provided agency input regarding wetlands. Please refer to Section 3.10 for a discussion of wetlands information.

### 4106 Walden Avenue Site

According to Erie County, Site 3 is located within the Ellicott Creek Watershed and the Niagara River/Lake Erie Regional Watershed.

Information provided by Erie County, the USFWS Online Wetland Mapper, and the NYSDEC ERM indicates that Site 3 includes a small pond along the west-central boundary. However, during TTL's site reconnaissance of Site 3 in July 2012, this pond was not present. This area had been graded to construct two retention ponds along the western boundary of Site 3 in approximately 2003, which likely destroyed the pond.

TTL observed a segment of the North Branch of Plum Bottom Creek (approximately 1,100 linear feet) crossing the southeastern portion of Site 3 (see **Figure 12**).

As part of the preparation of this PEA, the USFWS, USACE, NYSDEC, ECEPD were contacted to identify hydrology and water quality information for Site 3 and vicinity. The agencies provided the following information:

- The USACE stated that the 4106 Walden Avenue Site was the subject of an approved jurisdictional determination (JD) in 2001 (File No. 2001-00392). The site was determined to be upland with the exception of approximately 400-500 lineal feet of an unnamed tributary in the southeastern portion and an approximately 3 to 5-acre wetland in the west-central portion. The wetland was determined to be isolated and outside USACE jurisdiction.
- According to the NYSDEC, impacts to surface waters (Waters of the US/wetlands) would likely require a Section 401 of the CWA WQC from the NYSDEC.
- The NYSDOT stated that no streams, wild, scenic or recreational rivers, or navigable waters are located within the project limits. Therefore, NYSDOT indicated that no impacts to waterbodies are anticipated.

In addition, the USACE and NYSDEC provided additional agency input regarding wetlands. Please refer to Section 3.10 for a discussion of wetlands information.

### 3.6.2 Groundwater

According to the Groundwater Atlas of the United States, the Action Alternative Sites are underlain by scattered surficial aquifers constructed of coarse-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.

### 1232 Indian Falls Road Site

According to the Empire Geotechnical Report, groundwater at the 1232 Indian Falls Road Site was encountered in soil borings on the southern portion of the site between 4 and 6 feet bgs. Groundwater was not encountered in the soil borings completed on the northern portion of the site, which is at a higher elevation.

Empire installed two observation wells in the northern and southern portions of the site 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 site; however, groundwater elevations were less than 1 foot bgs in the observation well in the southern portion of the site. In addition, Empire noted that standing water was observed in the central portion of the site during a site visit on April 21, 2013. It should be noted that the observation well installed in the southern portion of the site and the area of observed standing water are located within a known wetland area (see Section 3.10).

Empire stated that some localized zones of perched or trapped groundwater may also be present where more permeable silt, sand and gravel soils overlie the less permeable clay soils. Empire also stated that perched groundwater conditions can be more prevalent following heavy or extended periods of rain and during seasonally wet periods, and further stated that it should be expected that perched and permanent groundwater conditions will vary with changes in soil conditions, precipitation and seasonal conditions.

Additional site-specific information pertaining to groundwater conditions at the 1232 Indian Falls Road Site was not identified. However, the groundwater table often mimics the ground surface topography. Therefore, shallow groundwater at Site 1 is inferred to flow to the south, toward a tributary of Murder Creek.

Although the Batavia Water Department supplies public drinking water to the general area of Site 1, individual private water wells are commonly used in the site area for drinking water and irrigation.

Genesee County and the Town of Pembroke do not maintain ordinances related to groundwater.

#### **Main Road Site**

Site-specific information pertaining to the groundwater conditions at the Main Road site was not identified. Based on ground surface topography, shallow groundwater at Site 2 is inferred to flow to the south, toward a tributary of Murder Creek.

Although the Batavia Water Department supplies public drinking water to the area of Site 2, private water wells may still be used in the area for drinking water and irrigation.

#### **4106 Walden Avenue Site**

According to the Barron Subsurface Explorations and Geotechnical Engineering Report, groundwater was encountered within a sand layer in four soils borings in the central and southeastern portions of Site 3 at depths ranging from 18 to 35 feet bgs. Site-specific information pertaining to groundwater flow direction at Site 3 was not identified. Based on ground surface topography, shallow groundwater at the site is inferred to generally flow to the southwest. There may also be some localized shallow groundwater flow to the southeast, toward the creek that crosses this portion of the site.

Individual private water wells are generally not used for drinking water in the area of Site 3 due to the presence of a public drinking water supply system.

According to the NYSDOT, Site 3 is not located over an aquifer, but is near an unconsolidated aquifer to the northeast. In addition, NYSDOT stated that the project is not located over and/or in close proximity to any wells or reservoirs and no groundwater impacts are anticipated.

Erie County and the Town of Lancaster do not maintain ordinances related to groundwater.

### **3.6.3 Effects of the Proposed Action**

#### **Surface Waters**

Acquisition of any of the Action Alternative Sites by VA would produce no direct hydrology or water quality effects. Future development of a new National Cemetery on any of the Action Alternative Sites would produce hydrology and water quality effects, as discussed below.

### **1232 Indian Falls Road Site**

The Proposed Action at the 1232 Indian Falls Road Site could result in adverse impacts to surface water resources. A creek bed was observed in the southwestern portion of Site 1 and would likely be under the jurisdiction of the USACE (Section 404) due to its apparent connection to Waters of the US (i.e., Murder Creek). On-site wetlands also appear to be connected to Murder Creek and under the jurisdiction of the USACE. Please refer to Section 3.10.4 for a detailed discussion of Waters of the US/wetlands effects.

### **Main Road Site**

No on-site streams or ponds were identified at the Main Road Site; therefore, implementation of the Proposed Action at Site 2 is not anticipated to have significant surface water impacts, except to wetlands. Please refer to Section 3.10.4 for a detailed discussion of wetlands effects.

### **4106 Walden Avenue Site**

The Proposed Action at Site 3 could result in direct or indirect adverse impacts to surface water resources. Approximately 1,100 linear feet of the North Branch of Plum Bottom Creek crosses the southeastern portion of the site and was previously determined to be under the jurisdiction of the USACE (Section 404) due to its connection to Waters of the US.

VA anticipates that through environmentally sensitive site design and following good engineering practices, as well as consultation with pertinent Federal, State, and local regulatory agencies, potential surface water impacts would be avoided or managed to less-than-significant levels. Surface waters would be avoided to the extent possible (see Section 3.6.5). In addition, VA would implement BMPs described in Section 3.5.7 to control potential soil erosion and sedimentation impacts. These measures would be fully developed as part of the subsequent, site-specific SEA, concurrent with the site design efforts.

### **Groundwater**

It is not anticipated that groundwater would be impacted by the Proposed Action; groundwater at the Action Alternative Sites is likely present at a depths of greater than 8 feet bgs in areas where cemetery operations are likely to occur. Deep excavation, significantly below the water table, is not anticipated. If limited areas of deeper excavation are required, or excavation is required in areas of the site where groundwater is shallower, appropriate groundwater engineering controls would be utilized during construction to ensure no long-term adverse effects to groundwater. As such, construction-related groundwater impacts are anticipated to be less-than-significant.

Based on standard modern burial practices, it is unlikely that embalming fluid or other decomposition byproducts would be released into the soil and/or groundwater. The standard NCA design incorporates (for full casket burials) sub-surface concrete crypts, an entire section of which would be installed during site construction. Using this technique, the caskets are not buried directly in the soil, rather set in a pre-placed concrete crypt (established turf and soil 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 cretain interment or columbaria placement increase, the potential for soil or groundwater contamination commensurately decreases as no embalming fluids are use.

VA anticipates that the Proposed National Cemetery would utilize one or more on-site irrigation wells installed within a deep aquifer beneath the selected site. The wells would be installed by a licensed water well driller in accordance with State requirements. Prior to the use of the wells, well capacity tests would be conducted to ensure that the wells provide enough volume for the cemetery irrigation needs without dewatering or adversely impacting the aquifer and well yields in the surrounding area, as such potential groundwater withdrawal

impacts would be less-than-significant. Irrigation well testing and design would be fully developed as part of the subsequent, site-specific SEA, concurrent with the site design efforts.

#### **3.6.4 Effects of the No Action Alternative**

Under the No Action Alternative, no construction by VA would occur. No impacts to hydrology or water quality by VA would occur. Should the Action Alternative Sites ultimately be developed for another use, impacts would result from that new development, and would depend upon the nature of the development.

#### **3.6.5 Mitigation/Management Measures**

##### **1232 Indian Falls Road Site**

VA would implement avoidance and management measures to reduce potential adverse effects to surface waters (Waters of the US/wetlands) at Site 1 to less-than-significant levels. Please refer to Section 3.10.6 for a detailed discussion of these measures.

##### **Main Road Site**

No project-specific mitigation measures are required to address potential water resource impacts, except potential wetlands impacts, at Site 2. Mitigation and management measures for potential wetland impacts are discussed in Section 3.10.6.

##### **4106 Walden Avenue Site**

VA would implement the following avoidance and management measures to reduce potential adverse effects to surface water resources at Site 3 to acceptable, less-than-significant levels. These measures would be fully developed as part of the subsequent SEA, concurrent with the site design efforts. VA anticipates that impacts to the North Branch of Plum Bottom Creek would be avoided through environmentally sensitive site design.

VA would avoid on-site surface waters to the extent possible during the site design process. VA would consult with and obtain the permits (as necessary) from the USACE under Section 404 of the CWA and NYSDEC under Section 401 of the CWA to minimize adverse effects to surface waters prior to construction. VA anticipates that final cemetery design would maintain a buffer of undisturbed land around the on-site creek. However, in those cases where impacts to surface waters cannot be avoided, VA would obtain and comply with all necessary permits from the USACE and NYSDEC.

##### **All Action Alternative Sites**

To minimize potential adverse impacts to water resources, VA would implement the following BMPs:

- VA would ensure, as part of the SPDES-related permitting process, the site design includes sufficient, properly engineered stormwater management infrastructure so as to not adversely affect the flood elevations or water quantity/quality in receiving waters and/or offsite areas. Post-project hydrology shall replicate pre-project hydrology through the appropriate engineering design and implementation of a proposed stormwater management system located at the site, working closely with NYSDEC (Sites 1 and 2) or the Town of Lancaster (Site 3).
- VA would implement BMPs to reduce soil erosion and sedimentation impacts as described in Section 3.5.7.
- VA would develop a site design that prevents surface water runoff to the onsite and adjacent surface waters, and avoids interaction with onsite and adjacent surface waters.

- Site improvements would be designed in accordance with the requirements of EO 13514/EISA Section 438 with respect to stormwater runoff and characteristics.
- VA would implement the requirements of the SPDES permit.
- VA would conduct water well and aquifer capacity tests during the design of the irrigation wells to ensure that the local aquifer is not dewatered and nearby well yields are not affected.

Implementation of these mitigation measures and BMPs would ensure identified water resources impacts are maintained at less-than-significant levels.

### **3.7 Wildlife and Habitat**

#### **3.7.1 Vegetation and Wildlife**

##### **1232 Indian Falls Road Site**

Natural vegetation communities, comprised of wooded land and wetlands (approximately 35 acres) are present on the southwestern portion of Site 1. The remainder of Site 1 is mostly cultivated farmland and vacant, fallow land (approximately 97 acres). The area surrounding Site 1 is generally unimproved wooded land or cultivated agricultural land with scattered residences. Interstate 90 and limited commercial properties adjoin the site to the south.

The Town of Pembroke maintains landscaping requirements through the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations).

##### **Main Road Site**

Natural vegetation communities, comprised of wooded land and wetlands (approximately 35 acres) are present in the southern and eastern portions of Site 2. The remainder of Site 2 is mostly unimproved fallow land (approximately 68 acres). The area surrounding Site 2 is generally unimproved land with residences along Main Road. There are significant wooded and wetland areas adjacent to the south, southeast, and southwest of Site 2.

The Town of Pembroke maintains landscaping requirements through the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations).

##### **4106 Walden Avenue Site**

Little of the natural vegetation communities are present at Site 3. The majority of Site 3 was cleared of trees and graded for development in approximately 2003. Site 3 is mostly graded vacant land (approximately 120 acres), with an approximately 3-acre scattered, wooded area along the eastern boundary where a former residence and outbuildings were located. Areas north and west of the site are primarily unimproved land. Residences are located northwest of the site and commercially and industrially developed areas are located east and south of Site 3.

NYSDOT noted that the 4106 Walden Avenue Site is populated with invasive plant species that have established themselves at the site since it was graded approximately 10 years ago. NYSDOT stated that EO 13112 and New York Environmental Conservation Law Article 9, Title 17 require preventing the introduction and spread of invasive species, as well as, provide for their control, where practicable. NYSDOT recommended that a determination for four targeted invasive species [*Phragmites (Phragmites australis)*, Japanese Knotweed (*Polygonum cuspidatum*), Giant Hogweed (*Hercacleum mantegazzianum*), and Purple Loosestrife (*Lythrum salicaria*)] be conducted and stated that BMPs would need to be used during the development of the National Cemetery to prevent the introduction or spread of these invasive species to

other areas. NYSDOT provided the NYSDOT Design Guidance for the Removal of Invasive Plant Species and the NYSDOT Special Specification for Invasive Plant Species Control, both dated March 2009, as guidance for managing invasive species.

The Town of Lancaster maintains landscaping requirements, include vegetation preservation, through the Town of Lancaster Zoning Code (Chapter 50), Article VII (Regulations Applying to All Districts) and Section 50-29 (Landscaping).

### 3.7.2 Threatened and Endangered Species

As part of the preparation of this PEA and the USFWS and the NYSDEC Division of Fish, Wildlife, and Marine Resources (FWMR) were contacted to identify any potential for presence of State or Federal-listed threatened or endangered species on or in the vicinity of the Action Alternative Sites. The following provides a summary of the information provided by these agencies (please see Appendix A for these agencies' complete responses):

- In a letter dated July 12, 2012, the USFWS indicated that resources pertaining to Federally threatened and endangered species are available on its internet website (<http://www.fws.gov/endangered>) and reminded VA of its obligations to comply with the Endangered Species Act. The USFWS did not provide a site-specific response to VA's request for input.
- According to the USFWS Species Report for Genesee County, New York, one threatened plant species (Houghton's goldenrod or *Solidago houghtonii*), one threatened reptile species (Bog Turtle or *Clemmys muhlenbergi*), and one candidate reptile species (Eastern Massasauga Rattlesnake or *Sistrurus catenatus*) were identified in Genesee County. According to the USFWS Species Report for Erie County, New York, no threatened or endangered species were identified.

According to the USFWS Fact Sheet for Houghton's goldenrod, the species is found along shorelines of the Great Lakes and, therefore, is not likely to occur at any of the Action Alternative Sites.

According to the USFWS Fact Sheet for the Bog Turtle, the species is typically found in open-canopy, herbaceous sedge meadows and fens bordered by wooded areas, with dry pockets, saturated areas, and areas that are periodically flooded.

According to the USFWS Fact Sheet for the Eastern Massasauga Rattlesnake, the species is found in wet areas including wet prairies, marshes and low areas along rivers and lakes. In many areas, Eastern Massasauga Rattlesnakes also use adjacent uplands during part of the year. They often hibernate in crayfish burrows, but they may also be found under logs and tree roots or in small mammal burrows.

### 1232 Indian Falls Road Site

- During TTL's reconnaissance at Site 1, no suitable habitat for the Bog Turtle or the Eastern Massasauga Rattlesnake was observed. Therefore, these species are not likely to occur on Site 1.
- In a letter dated July 2, 2012, NYSDEC FWMR indicated that a review of the New York Heritage Program database for rare or State-listed animals and plants, significant natural communities, and other significant habitats identified one plant, the Northern Wild Comfrey (*Cynoglossum virginianum var. boreale*), as a State-listed endangered species located in the vicinity of Site 1. However, the NYSDEC FWMR stated that the last documented sighting of this plant in the site area is from June 1922. Information regarding the Northern Wild Comfrey indicates that it is typically found in rich woods and thickets and is often associated with hemlocks. During TTL's reconnaissance at Site 1, potential habitat for the Northern Wild Comfrey was observed in the

southwestern portion of Site 1; however, this area was active agricultural land from at least the 1930s to the 1960s and has gradually been reforested since the 1960s, decreasing the likelihood that the Northern Wild Comfrey would occur at Site 1.

### **Main Road Site**

- During TTL's reconnaissance at Site 2, no suitable habitat for the Bog Turtle or the Eastern Massasauga Rattlesnake was observed; therefore, the species are not likely to occur at Site 2.
- In a letter dated July 2, 2012, the NYSDEC FWMR indicated that a review of the New York Natural Heritage Program database did not identify any records of rare or State-listed animals or plants, significant natural communities, or other significant habitats on or in the vicinity of Site 2.

### **4106 Walden Avenue Site**

- In a letter dated July 2, 2012, the NYSDEC FWMR indicated that a review of the New York Natural Heritage Program database did not identify any records of rare or State-listed animals or plants, significant natural communities, or other significant habitats on or in the vicinity of Site 3.
- NYSDOT stated that wildlife and habitat resources impacts are not anticipated as a result of the Proposed Action on Site 3.

### **3.7.3 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct wildlife and habitat effects. Future development of a new National Cemetery on any of the Action Alternative Sites would produce less-than-significant biological resources effects, as discussed below.

Based on a review of the habitat requirements of the Federally-listed threatened and endangered species that may occur in Genesee County and site observations (no suitable habitat for these species observed), no impact to Federally-listed species would likely occur at Sites 1 and 2. No Federally-listed species were identified in Erie County; therefore, no impact to such species would occur at Site 3. Based on New York Natural Heritage Program database information provided by the NYSDEC FWMR, no impacts to State-listed plants or animals or protected habitats would likely occur at any of the Action Alternative Sites.

Some of the original natural vegetation communities, comprised of wooded land and wetlands, are present on the southwestern portion of Site 1 and the southern portion of the Site 2, and a stream crosses Site 3. VA anticipates that through environmentally sensitive site design and following good engineering practices, potential impacts to biological resources in these habitats would be less-than-significant. The cemetery would be designed in consonance with the existing habitats on the selected site. Wooded and wetland areas and surface waters would be avoided to the extent possible.

### **3.7.4 Effects of the No Action Alternative**

Under the No Action Alternative, no construction by VA would occur. No impacts to vegetation or wildlife habitat would occur. Should any of the Action Alternative Sites ultimately be developed for another use, impacts would result from that new development, and would depend upon the nature of the development.

### 3.7.5 Mitigation/Management Measures

No project-specific mitigation measures are required. VA would implement the following management measures and BMPs to reduce biological resources impacts during construction and operation:

- Construction should be timed to avoid nesting periods of migratory birds and protected under the Migratory Bird Treaty Act. This Act prohibits the taking of migratory birds, their nests, and eggs. Thus, it is recommended that tree removal be conducted outside the migratory bird nesting seasons of April through July so that nests are not disturbed. If it is not practicable to clear trees outside of this time frame, a qualified biologist should survey the selected site prior to tree and brush clearing to ensure that no active nests are disturbed.
- Develop a site design that avoids impacts to wetlands, surface waters, and forested areas, to the extent possible.
- Native species would be used to the extent practicable when re-vegetating land disturbed by construction to avoid the potential introduction of non-native or invasive species.
- VA would comply with EO 13112 and New York Environmental Conservation Law Article 9, Title 17 to prevent the spread of invasive species. If Site 3 is selected, VA would survey the site for the four NYSDOT targeted-invasive species and implement practices, as necessary, to prevent the introduction/spread of these species to other areas.
- VA would comply, to the extent practicable, with the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations) for Site 1 and Site 2.
- VA would comply, to the extent practicable, with the Town of Lancaster landscaping requirements if Site 3 is selected.

Implementation of these BMPs would ensure biological resources impacts are maintained at less-than-significant levels.

### 3.8 Noise

Erie and Genesee Counties, the Town of Lancaster, and the Town of Pembroke do not maintain noise ordinances. However, the NYSDEC maintains an Assessing and Mitigating Noise Impacts Policy (ECL Articles 3, 8, 23, and 27). This policy is intended to provide for the evaluation of sound levels and characteristics (such as pitch and duration) generated from proposed or existing facilities. The Policy also serves to identify when noise levels may cause a significant environmental impact and gives methods for noise impact assessment, avoidance, and reduction measures. Additionally, the Policy explains the regulatory authority for undertaking noise evaluations and for imposing conditions for noise mitigation measures.

#### 1232 Indian Falls Road Site

The existing noise environment around Site 1 is dominated by vehicular traffic along adjoining roadways (i.e., Interstate 90 and to a lesser degree Allegheny and Indian Falls Roads). No other notable noise-generating sources are present in the immediate vicinity of Site 1. As such, the noise environment of the site can be characterized as that typical of a rural area.

### **Main Road Site**

The existing noise environment around Site 2 is dominated by vehicular traffic along the adjoining roadway (i.e., Main Road). No other notable noise-generating sources are present in the immediate vicinity of Site 2. As such, the noise environment of the site can be characterized as that typical of a rural area.

### **4106 Walden Avenue Site**

The existing noise environment around Site 3 is dominated by vehicular traffic along adjoining roadways (i.e., Walden Avenue, Pavement Road, and Pleasant View Drive). Contributions to the existing noise environment come from the commercial and industrial businesses adjoining to the east of the site across Pavement Road and to the south of the site across Walden Avenue. In addition, Buffalo-Lancaster Regional Airport, a privately owned airport, is located approximately 0.25 mile southeast of Site 3. The airport experiences approximately 123 flights per day, the vast majority of which are small, single-engine private aircraft. The flight pattern for the airport is west southwest to east northeast and, as such, the majority of the air traffic associated with the airport does not fly directly over Site 3. No other notable noise-generating sources are present in the immediate vicinity of Site 3. As such, the noise environment of the site can be characterized as that typical of a mixed-use suburban area.

### **3.8.1 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct noise effects. Future development of a new National Cemetery would produce noise effects, as discussed below.

Based on the proposed use of the selected site as a cemetery, no long-term noise impacts would be anticipated. Noise generated from the Proposed Action would have short-term impacts to the existing noise environment due to construction activities. Noise generating sources during construction activities would be associated primarily with standard construction equipment and construction equipment transportation. These increased noise levels could affect the neighboring area, including the residential properties located adjacent to the selected site.

Construction activities generate noise by their very nature and are highly variable, depending on the type, number, and operating schedules of equipment. Construction projects are usually executed in stages, each having its own combination of equipment and noise characteristics and magnitudes. Construction activities are expected to be typical of other similar construction projects and would include mobilization, site preparation, excavation, placing foundations, utility development, heavy equipment movement, and paving roadways and parking areas. The most prevalent noise source at typical construction sites is the internal combustion engine. General construction equipment using engines includes, but is not limited to: heavy, medium, and light equipment such as excavators; roller compactors; front-end loaders; bulldozers; graders; backhoes; dump trucks; water trucks; concrete trucks; pump trucks; utility trucks; cranes; sheet pile drivers; man lifts; forklifts; and lube, oil, and fuel trucks.

Peak noise levels vary at a given location based on line of sight, topography, vegetation, and atmospheric conditions. In addition, peak noise levels would be variable and intermittent because each piece of equipment would only be operated when needed. However, peak construction noise levels would be considerably higher than existing noise levels. Relatively high peak noise levels in the range of 93 to 108 dBA (decibels, A-weighted scale) would occur on the active construction site, decreasing with distance from the construction areas. Table 1 presents peak noise levels that could be expected from a range of construction equipment during proposed construction activities.

Generally speaking, peak noise levels within 50 feet of active construction areas and material transportation routes would most likely be considered "striking" or "very loud", comparable to

peak crowd noise at an indoor sports arena. At approximately 200 feet, peak noise levels would be loud - approximately comparable to a garbage disposal or vacuum cleaner at 10 feet. At 0.25 mile, construction noise levels would generally be quiet enough so as to be considered insignificant, although transient noise levels may be noticeable at times. Combined peak noise levels, or worst-case noise levels when several loud pieces of equipment are used in a small area at the same time as described in Table 1, are expected to occur rarely, if ever, during the project. However, under these circumstances, peak noise levels could exceed 90 dBA within 200 feet of the construction area, depending on equipment being used.

Although noise levels would be quite loud in the immediate area, the intermittent nature of peak construction noise levels would not create the steady noise level conditions for an extended duration that could lead to hearing damage. Construction workers would follow standard Federal Occupational Safety and Health Administration (OSHA) requirements to prevent hearing damage.

Areas that could be most affected by noise from construction include those closest to the construction footprint, including the residential properties adjoining the sites. Indoor noise levels would be expected to be 15-25 decibels lower than outdoor levels.

Indirect impacts include noise from workers commuting and material transport. Area traffic volumes and noise levels would increase slightly as construction employees commute to and from work at the project area, and delivery and service vehicles (including trucks of various sizes) transit to and from the Site. Because trucks are present during most phases of construction and leave a construction site via local thoroughfares, truck noises tend to impact more people over a wider area. For this Proposed Action, persons in the residential areas near the Site would experience temporary increases in traffic noise during day-time hours. These effects are not considered significant because they would be temporary and similar to existing traffic noise levels in the area.

**Table 1. Peak Noise Levels Expected from Typical Construction Equipment**

Source	Peak Noise Level (dBA, attenuated)							
	Distance from Source (feet)							
	0	50	100	200	400	1,000	1,700	2,500
Heavy Truck	95	84-89	78-93	72-77	66-71	58-63	54-59	50-55
Dump Truck	108	88	82	76	70	62	58	54
Concrete Mixer	108	85	79	73	67	59	55	51
Jack-hammer	108	88	82	76	70	62	58	54
Scraper	93	80-89	74-82	68-77	60-71	54-63	50-59	46-55
Bulldozer	107	87-102	81-96	75-90	69-84	61-76	57-72	53-68
Generator	96	76	70	64	58	50	46	42
Crane	104	75-88	69-82	63-76	55-70	49-62	45-48	41-54
Loader	104	73-86	67-80	61-74	55-68	47-60	43-56	39-52
Grader	108	88-91	82-85	76-79	70-73	62-65	58-61	54-57
Pile driver	105	95	89	83	77	69	65	61
Forklift	100	95	89	83	77	69	65	61
<b>Worst-Case Combined Peak Noise Level (Bulldozer, Jackhammer, Scraper)</b>								
Combined Peak Noise Level	Distance from Source (feet)							
	50	100	200	¼ Mile		½ Mile		
	103	97	91	74		68		

Source: Tipler 1976

Proposed operational activities at the National Cemetery would include vehicle traffic to and from the cemetery, use of powered equipment for grave site preparation, maintenance, and upkeep, and period ceremonial rifle discharges. These activities would not produce excessive noise, and would not produce an adverse noise impact on surrounding land uses. The facility would be a relatively quiet cemetery.

### 3.8.2 Effects of the No Action Alternative

Under the No Action Alternative, the noise environment surrounding the Action Alternative Sites would not change. The noise environment of the Action Alternative Sites would not be altered by activities of VA; however, the ultimate development of the Action Alternative Sites by others would likely produce similar (or greater) construction and operation noise impacts as identified under the Proposed Action.

### 3.8.3 Mitigation/Management Measures

No project-specific mitigation measures are required. Implementing BMPs to reduce noise generated during construction would further minimize the potential impacts on the local noise environment. To minimize the potential for adverse, short-term noise impacts, the construction contractor would implement the following typical noise control BMPs, as applicable. These measures would be briefed to the contractor at the construction kick-off meeting, and daily at tailgate safety meetings. The onsite construction manager would be responsible to immediately address noise issues, if they arise.

- Comply, to the extent practicable, with the NYSDEC Assessing and Mitigating Noise Impacts Policy.
- VA would make best efforts to conduct construction activities between the hours of 7:00 a.m. and 7:00 p.m. (weekdays) and 8:00 a.m. and 7:00 p.m. (weekends and legal holidays).
- Coordinate proposed construction activities in advance with adjacent sensitive receptors. Let the local residents know what operations would be occurring at what times, including when they would start and when they would finish each day. Post signage, updated daily, at the entry points of the site providing current construction information, including schedule and activity.
- Locate stationary operating equipment as far away from sensitive receptors as possible.
- Select material transportation routes as far away from sensitive receptors as possible.
- Shut down noise-generating heavy equipment when it is not needed.
- Maintain noisy equipment per manufacturer's recommendations.
- Encourage construction personnel to operate equipment in the quietest manner practicable (e.g., speed restrictions, retarder brake restrictions, engine speed restrictions, etc.).

Implementation of these BMPs would reduce the potential for short-term adverse noise impacts to acceptable levels, notably for nearby sensitive receptors (nearby residents).

## 3.9 Land Use

### 1232 Indian Falls Road Site

Based on a review of historical aerial photographs, topographic maps, and other historical resources for the 1232 Indian Falls Road Site as part of a Phase I ESA, Site 1 was mostly unimproved farmland and wooded land, with a residential structure and associated outbuildings along the northern site boundary from the 1880s to 2012. The residential structure and associated outbuildings were demolished and removed in late 2012. Site 1 was used as a dairy farm with milking operations from at least 1925 to at least 1949. An area in

the southwestern portion of the site has gradually been reforested since the 1960s. Two billboards are located in the southern portion of Site 1 and face Interstate 90 to the south.

The area located to the north across Indian Falls Road is occupied by farmland and residential properties. The area located to the east is occupied by unimproved vacant and wooded land, and a residence. The area located to the south is occupied by unimproved land and Interstate 90. The area located to the west of the site, but east of Alleghany Road, is occupied by two residential properties and the area across Alleghany Road is unimproved farmland and wooded land. The surrounding land uses are depicted on **Figure 6**.

Site 1 is located in the Town of Pembroke and consists of four parcels. All four parcels are owned by LeRoy Veenendaal. The Town of Pembroke is responsible for long-range planning and zoning for Site 1 and surrounding properties through the Town of Pembroke Zoning Law. Site 1 is currently zoned 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.

The neighboring properties to the north, east, and west are currently zoned as Agricultural Residential. The neighboring properties to the south are currently zoned as Agricultural Residential and Highway Interchange. The current zoning classifications of Site 1 and the surrounding properties are depicted on **Figure 17**.

According to the GCDP, Site 1 is located approximately 5 miles south of the proposed Western New York Science and Technology Advanced Manufacturing Park and is not located in a Genesee County Smart Growth Development area. The GCDP stated that Site 1 would have reasonable access to Interstate 90 and recommended consultation with the Town of Pembroke. The Genesee County Planning Board expressed interest in having the proposed cemetery in Genesee County.

### **Main Road Site**

Based on a review of historical resources for the Main Road Site as part of a Phase I ESA, the northern two-thirds of Site 2 was unimproved farmland from at least 1905 to the 1990s and has been unimproved, vacant land since the 1990s. The southern one-third of Site 2 has been undeveloped, wooded land and wetlands since at least 1905. Site 2 is divided into northern and southern portions by an easement that was used as a railroad from at least 1905 to the 1960s and has been used as an electrical easement since the 1960s. The easement is currently owned by Niagara Mohawk Power Corporation and is not part of Site 2.

The area located to the north across Main Road is occupied by farmland and a residence. The area located to the east is unimproved vacant land and wooded land with wetlands. The area located to the south is undeveloped, wooded land and wetlands. The area located to the west is occupied by a residential property, unimproved farmland, and wooded land/wetlands. The surrounding land uses are depicted on **Figure 9**.

Site 2 is located in the Town of Pembroke and consists of two parcels owned by John Zoladz (eastern parcel) and Michael, Mark, and David Roetzer (western parcel). The Town of Pembroke is responsible for long-range planning and zoning for Site 2 and surrounding properties through the Town of Pembroke Zoning Law. Site 2 and the surrounding properties to the north, south, east, and west are currently zoned Agricultural Residential. Cemeteries are not specifically listed as part of the current zoning designation; however, cemeteries are permitted under current zoning with a special use permit. The current zoning classifications of Site 2 and the surrounding properties are depicted on **Figure 18**.

According to the GCDP, Site 2 is located approximately 8 miles southeast of the proposed Western New York Science and Technology Advanced Manufacturing Park and is not located in

the Genesee County Smart Growth Development Plan districts. The GCDP stated that Site 2 would have reasonable access to Interstate 90 and recommended consultation with the Town of Pembroke. The Genesee County Planning Board expressed interest in having the proposed cemetery in Genesee County.

#### **4106 Walden Avenue Site**

Based on a review of historical resources for the 4106 Walden Avenue Site as part of a Phase I ESA, Site 3 was primarily unimproved farmland with a residential property and associated outbuildings in a wooded area along the Pavement Road (northeast boundary) with a wooded area and a small pond in the western portion from at least 1905 to approximately 2002. Site 3 was prepared for an industrial park development (Eastporte Commerce Center) by Uniland Development Company (Uniland) in approximately 2002-2003 and is currently primarily unimproved, vacant land with a small wooded area along the east-central boundary, two access roads (Eastport Drive and Eastport Cross), and three retention ponds.

The area located to the north is occupied by eight residential properties and across Pleasant View Drive by unimproved farmland. The area located to the east across Pavement Road is currently occupied by the Town of Lancaster Operations (525 Pavement Road), a residential property, Leisure Craft Pools (2 Lancaster Parkway), a commercial building (1 Lancaster Parkway), B&D Concrete (7 Lancaster Parkway), Great Lakes Machinery (4 Lancaster Parkway), a continuation of the National Fuel Supply pipeline, and Ripa's restaurant (4218 Walden Avenue). Southeast, across the intersection of Walden Avenue and Pavement Road, is a newly constructed NOCO fueling station and trucking facility (4221 Walden Avenue). The area located to the south across Walden Avenue is currently occupied by Parker-Hannifin Corporation – Airtex Division (4087 Walden Avenue), the entrance to FBC Chemical Corporation (4111 Walden Avenue), Hurtubise Tire Sales (4109 Walden Avenue), Try-It Distribution (4155 Walden Avenue), and Ahold American Sales (4201 Walden Avenue). The area located to the west is unimproved farmland and vacant land. The surrounding land uses are depicted on **Figure 12**.

Site 3 is located in the Town of Lancaster and consists of one approximately 116-acre parcel owned by the Town of Lancaster Industrial Development Authority (LIDA) and one approximately 4-acre easement parcel owned by National Fuel Supply. The easement parcel crosses the northeastern portion of the main parcel and contains a natural gas pipeline. The Town of Lancaster is responsible for long-range planning and zoning for Site 3 and surrounding properties through the Town of Lancaster Zoning Code (Chapter 50), Article VII (Regulations Applying to All Districts), Section 50-24 (Light Industrial District). Site 3 is currently zoned Light Industrial (LI), which includes commercial and motor services, administrative and general offices, research-development facilities, compounding, manufacturing, and assembly, warehousing and distribution centers, commercial recreation activities, and accessory buildings, structures, and uses. Cemeteries are not listed as part of the current zoning designation for Site 3. The neighboring properties to the north and west of Site 3 are currently zoned as Residential. The neighboring properties to the south and east are currently zoned as Light Industrial. The current zoning classifications of Site 3 and the surrounding properties are depicted on **Figure 19**.

In a letter dated June 22, 2012, the LIDA stated that Site 3 is a prime location within the Town of Lancaster for future development of an industrial or manufacturing business park. LIDA stated that it has leased Site 3 to Uniland, who has made a substantial capital investment at the site, including the installation of roadway infrastructure, curbing, and utility infrastructure in anticipation of future industrial development. LIDA requested that Site 3 be withdrawn from consideration for future development as a National Cemetery.

A letter dated July 17, 2012 from Uniland's attorney stated that Uniland has full equity interest and development rights for Site 3 and would welcome a National Cemetery on Site 3.

### **3.9.1 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct land use effects. Future development of a new National Cemetery on any of the Action Alternative Sites would have land use effects, as discussed below.

#### **1232 Indian Falls Road and Main Road Sites**

As a Federal agency, VA is not subject to local zoning regulations. However, the proposed cemetery is generally compatible with the current zoning of Sites 1 and 2. Both of these sites are zoned Agricultural Residential, which provides for cemeteries as a special permitted use. In addition, the use of Sites 1 and 2 as a cemetery would be consistent with the surrounding land uses, mostly unimproved agricultural and vacant land.

#### **4106 Walden Avenue Site**

Site 3 is zoned, planned, and prepared for light industrial development. The use of the site as a cemetery would be inconsistent with the planned use of this property. However, Uniland, the developer who prepared the site for industrial development and who holds the full equity interest and development rights to the property, has been unable to develop the site as planned for the past 10 years and would welcome the sale of the property to VA for a cemetery. Therefore, although the proposed cemetery would not be consistent with zoning and LIDA's plans for the site, this potential adverse land use impact would be less-than-significant. Use of Site 3 as a cemetery would be somewhat consistent with the surrounding land uses which include large vacant parcels as well as residential, commercial and light industrial uses.

#### **All Action Alternatives**

Short-term dust and noise from construction have the potential to adversely affect adjacent offsite areas and land uses, including nearby sensitive receptors (residences). BMPs would be used to reduce construction dust and noise emissions to the maximum extent possible, in accordance with local ordinances and requirements; no long-term dust or noise effects are anticipated. Implementation of these BMPs and compliance with local requirements would result in a short-term, less-than-significant effects to adjacent land uses.

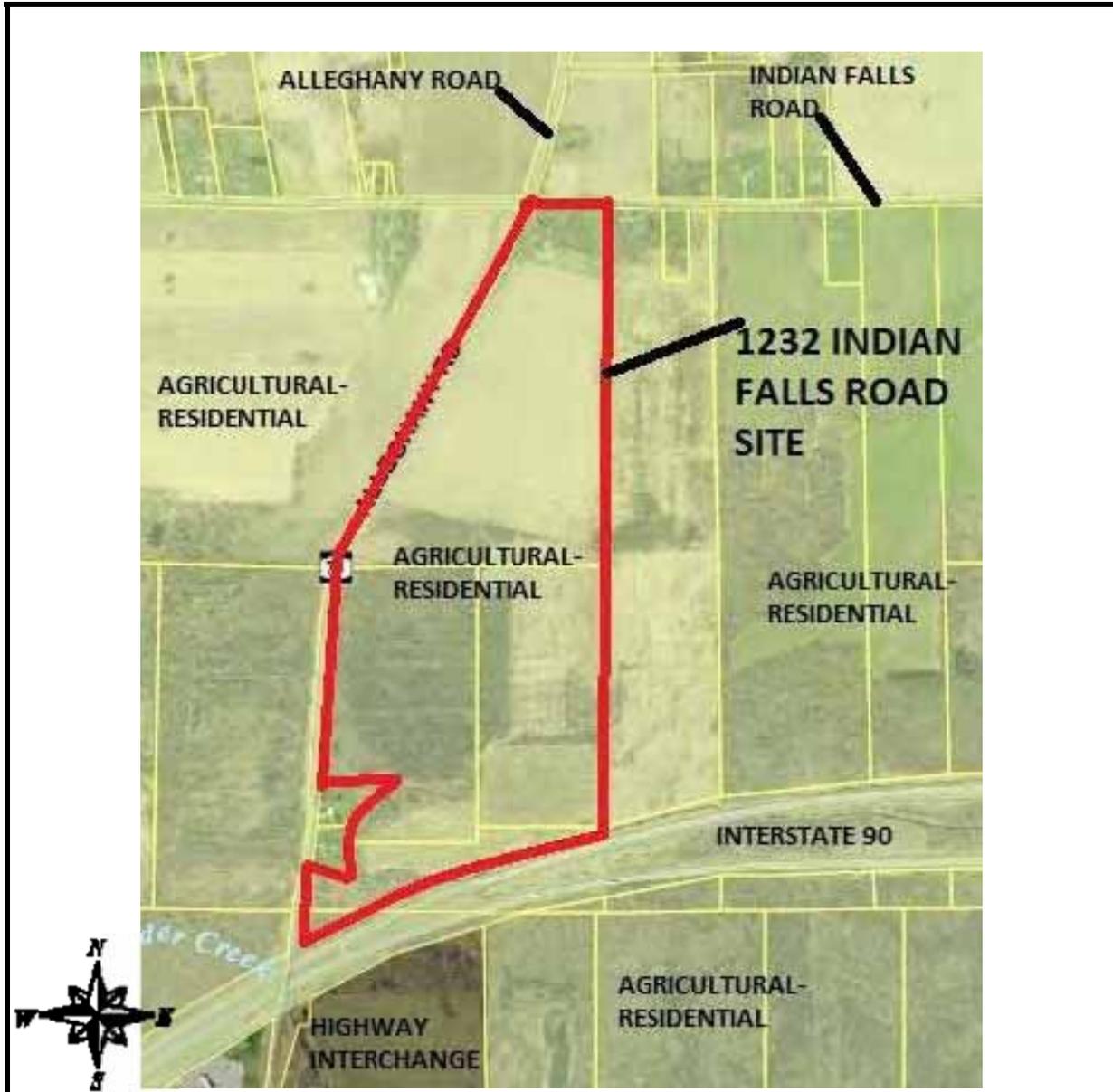
Potential air quality and noise effects to off-site land uses and sensitive receptors are discussed in Sections 3.3 and 3.8.

### **3.9.2 Effects of the No Action Alternative**

Under the No Action Alternative, no land use impacts due to VA's Proposed Action would occur. The Action Alternative Sites would likely be developed by others in accordance with local zoning regulations. The land use impacts (and associated community benefits) of any future proposed development would be dependent upon the use proposed.

### **3.9.3 Mitigation/Management Measures**

No project-specific mitigation measures are required.



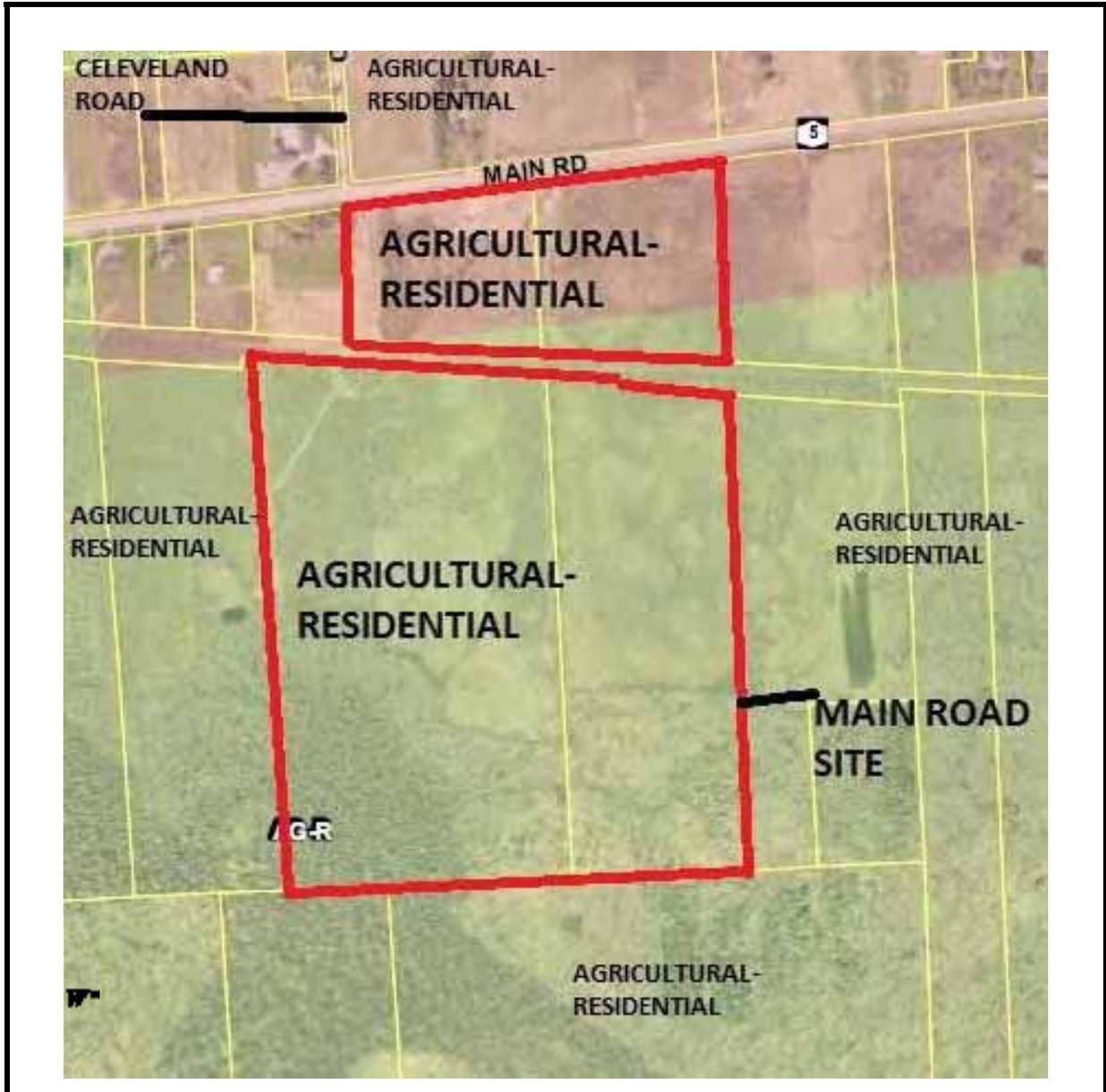
**FIGURE 17**  
**1232 INDIAN FALLS ROAD SITE**  
**CURRENT ZONING MAP**

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT  
PROPOSED WESTERN NEW YORK  
NATIONAL CEMETERY

PREPARED FOR  
**US DEPARTMENT OF VETERANS AFFAIRS**  
**WASHINGTON, DC**

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**FIGURE 18  
MAIN ROAD SITE  
CURRENT ZONING MAP**

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### 3.10 Wetlands, Floodplains, and Coastal Zone Management

#### 3.10.1 Wetlands

This section discusses wetlands at or near the Action Alternative Sites and surface waters (ponds and streams) as they pertain to wetlands. Additional information regarding surface waters is provided in Section 3.6.

##### 1232 Indian Falls Road Site

Information provided by Genesee County GIS and the USFWS Online Wetland Mapper indicates that Site 1 includes one area of mapped wetlands, a forested wetland complex in the southwestern portion of the site (**Figures 6, 20 and 21**). In addition, the FEMA floodplain map indicates that an intermittent stream originates in the southwestern portion of the site (the mapped wetland location) and flows to the west and south to Murder Creek.

The USACE and NYSDEC provided the following information specific to wetlands at Site 1:

- The USACE stated that the forested area in the southwestern portion of Site 1 is mapped in the USDA soil survey as containing wetland soils and also is depicted as a forested wetland on the National Wetland Inventory (NWI) map. The USACE stated that neither of these resources provides a conclusive determination regarding the presence of Waters of the US, but strongly suggest that wetlands may be present in the forested area. The USACE noted that an on-site investigation would be required to generate a conclusion determination and recommended that a qualified wetland consultant be retained to further investigate the site.
- NYSDEC stated that New York Freshwater Wetland AK-14 is located on Site 1 and recommended that a wetland delineation be conducted early in the planning process to determine the actual wetland boundary. NYSDEC also noted that Federally regulated wetlands are also likely present on Site 1 and should be addressed through consultation with the USACE. The NYSDEC stated that VA may not be subject to the New York Freshwater Wetlands Act (FWA); however, a Section 401 of the Clean Water Act (CWA), Water Quality Certification (WQC) would likely be required for any wetland disturbance. The NYSDEC also recommended that a 100-foot buffer be maintained around all identified wetlands, to the extent practicable.

During TTL's site reconnaissance of Site 1 in July 2012, the wetland identified by Genesee County GIS, USFWS, NYSDEC and USACE was observed and the wetland area was observed to be generally consistent with the available mapping. In addition, a creek bed was observed in the southwestern portion of Site 1 (see **Figure 6**). The wetland at Site 1 appears to be surficially connected to Murder Creek, located approximately 500 feet south of Site 1 and; therefore, would likely be considered Waters of the US and under the jurisdiction of the USACE.

Based on the available wetlands mapping information, the wetland area occupies approximately 30 acres (23%) of Site 1.

##### Main Road Site

Information provided by Genesee County GIS and the USFWS Online Wetland Mapper indicates that Site 2 includes two areas of mapped wetlands, two forested wetland complexes in the southern portion of the site (**Figures 9, 22 and 23**).

The USACE and NYSDEC provided the following information specific to wetlands at Site 2:

- The USACE stated that the Main Road Site is partially located on a property for which a wetland delineation was submitted in 2008 for the Buffalo Shooting Club. The USACE

indicated that the application was withdrawn and the delineation was never verified, but the submitted delineation map showed significant wetland areas woven throughout the southern and eastern portions of Site 2 and the adjoining areas. The USACE recommended that a qualified wetland consultant be retained to further investigate Site 2.

USACE provided a copy of the Wetland Delineation Report for the Buffalo Shooting Club, prepared by Earth Dimensions, Inc. (EDI) and dated August 2007 that included the eastern parcel of the Main Road Site and identified eight wetland areas throughout this parcel. Based on EDI's delineation, it is estimated that approximately 17 acres of wetlands are present on the eastern parcel of Site 2, of which EDI estimates that approximately 15 are connected to Waters of the US and likely under the jurisdiction of the USACE. The wetland areas identified on the eastern parcel of the site by EDI are approximated on **Figure 9**.

- NYSDEC stated that New York Freshwater Wetland AX-1 is located on Site 2 and recommended that a wetland delineation be conducted early in the planning process to determine the actual wetland boundary. NYSDEC also noted that Federally regulated wetlands are also likely present on Site 2 and should be addressed through consultation with the USACE. NYSDEC also recommended that a 100-foot buffer be maintained around all identified wetlands, to the extent practicable.

During TTL's site reconnaissance of Site 1 in July 2012, the wetland resources identified by Genesee County GIS, USFWS, NYSDEC and USACE were observed and the total area was observed to be greater in acreage than the agency mapping, including additional wetland areas in the northeastern portion of the site and along the northern and southern boundaries of the electrical easement. Wetlands in the northeastern and southern portions of Site 2 appear to be surficially connected to Waters of the US and would likely be under the jurisdiction of the USACE (Section 404) due to their connection to Waters of the US (i.e., Murder Creek). Wetlands in the central portion of Site 2 appear to be isolated and would not likely be under the jurisdiction of the USACE or the NYSDEC.

Based on the available wetlands mapping and the previous EDI wetlands delineation for the eastern portion of the site, it is estimated that there are approximately 35 acres of USACE and NYSDEC regulated wetlands at Site 2 (approximately 34% of the site).

#### **4106 Walden Avenue Site**

Information provided by Erie County GIS and the USFWS Online Wetland Mapper indicates that Site 3 includes three areas of mapped surface waters, including a small pond along the western boundary, a forested wetland complex in the west-central portion of the site, and a small wetland in the southeastern portion of the site (**Figures 24 and 25**).

The USACE and NYSDEC provided the following information specific to wetlands at Site 3:

- The USACE stated that the 4106 Walden Avenue Site was the subject of an approved jurisdictional determination in 2001 (File No. 2001-00392). The site was determined to be upland with the exception of approximately 400-500 lineal feet of an unnamed tributary in the southeastern portion and an approximately 3 to 5-acre wetland in the west-central portion. The wetland was determined to be isolated and outside USACE jurisdiction. The USACE also stated that the previous wetland delineation has expired, so a new delineation would be required to re-verify the previous findings.
- According to the NYSDEC, soils at Site 3 are classified as partially hydric and the site may contain Federally-regulated wetlands. NYSDEC noted that if a Federal wetland permit is required, a Section 401 of the CWA may be required for any wetland disturbance.

- In addition, according to the ECEPD, no known NYSDEC regulated wetlands are present at Site 3; however, Federally-regulated wetlands are suspected to be present.

During TTL's site reconnaissance of Site 3 in July 2012, the wetland resources identified by Erie County GIS, USFWS and USACE were not observed due to tree-clearing and grading activities and the construction of three retention ponds at Site 3 in approximately 2003. However, remnant wetland vegetation and evidence of wetland hydrology were observed in the area depicted by the agencies in the west-central portion of the site.

The 2001 jurisdictional determination identified approximately 3 to 5 acres of wetlands in the west-central portion of the site. However, previously identified wetlands have been significantly altered during the 2003 site development preparation activities. This wetland was previously determined not to be under the jurisdiction of the USACE or the NYSDEC based on its isolated nature and size, respectively. As such, any remaining wetlands would not likely be under the jurisdiction of the USACE or the NYSDEC.

A segment of the North Branch of Plum Bottom Creek (approximately 1,100 linear feet) was observed in the southeastern portion of Site 3; however, no evidence of adjacent wetlands was observed.

### **3.10.2 Floodplains**

#### **1232 Indian Falls Road Site**

According to available FEMA floodplain mapping, Site 1 is located in Floodzone C; areas outside the 500-year floodplain (FEMA Panel Number 360283 0005 C, dated January 20, 1984). However, a 100-year floodplain associated with Murder Creek is located approximately 400 feet southwest of Site 1 (**Figure 26**).

#### **Main Road Site**

According to available FEMA floodplain mapping, the southwestern approximately 8 acres (8%) of Site 2 is located on Floodzone A; area within the 100-year floodplain. The floodplains correspond with an identified wetland at Site 2. The remaining portions of Site 2 are Zone C; areas outside the 500-year floodplain (FEMA Panel Numbers 360283 0010 C, dated January 20, 1984 and 360283 0020 C, dated January 20, 1984). Refer to **Figure 27**.

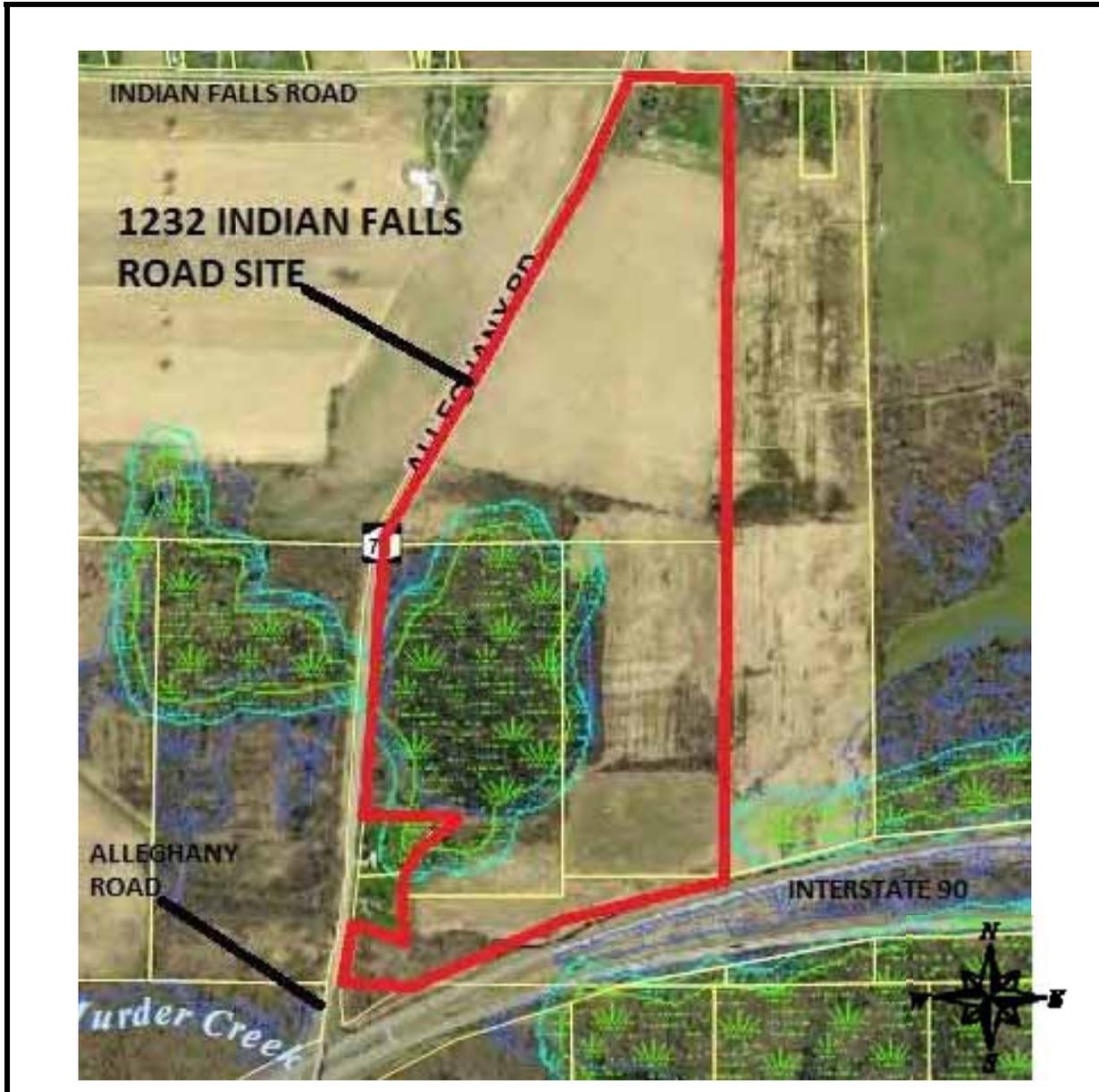
#### **4106 Walden Avenue Site**

According to available FEMA floodplain mapping, Site 3 is located in Zone X (unshaded); areas outside the 500-year floodplain (FEMA Panel Numbers 360283 0010 C, dated January 20, 1984 and 360249 0005 C, dated February 23, 2001). Areas adjacent to Site 3 are also not included in the 100-year or 500-year floodplain.

### **3.10.3 Coastal Zone**

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 Office of Communities and Waterfronts (NYOCW), none of the Action Alternative Sites are located within a designated coastal zone.



**FIGURE 20**  
**1232 INDIAN FALLS ROAD SITE**  
**GENESEE COUNTY WETLANDS MAP**

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**FIGURE 21**  
**1232 INDIAN FALLS ROAD SITE**  
**NWI MAP**

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**FIGURE 22  
MAIN ROAD SITE  
GENESEE COUNTY WETLANDS MAP**

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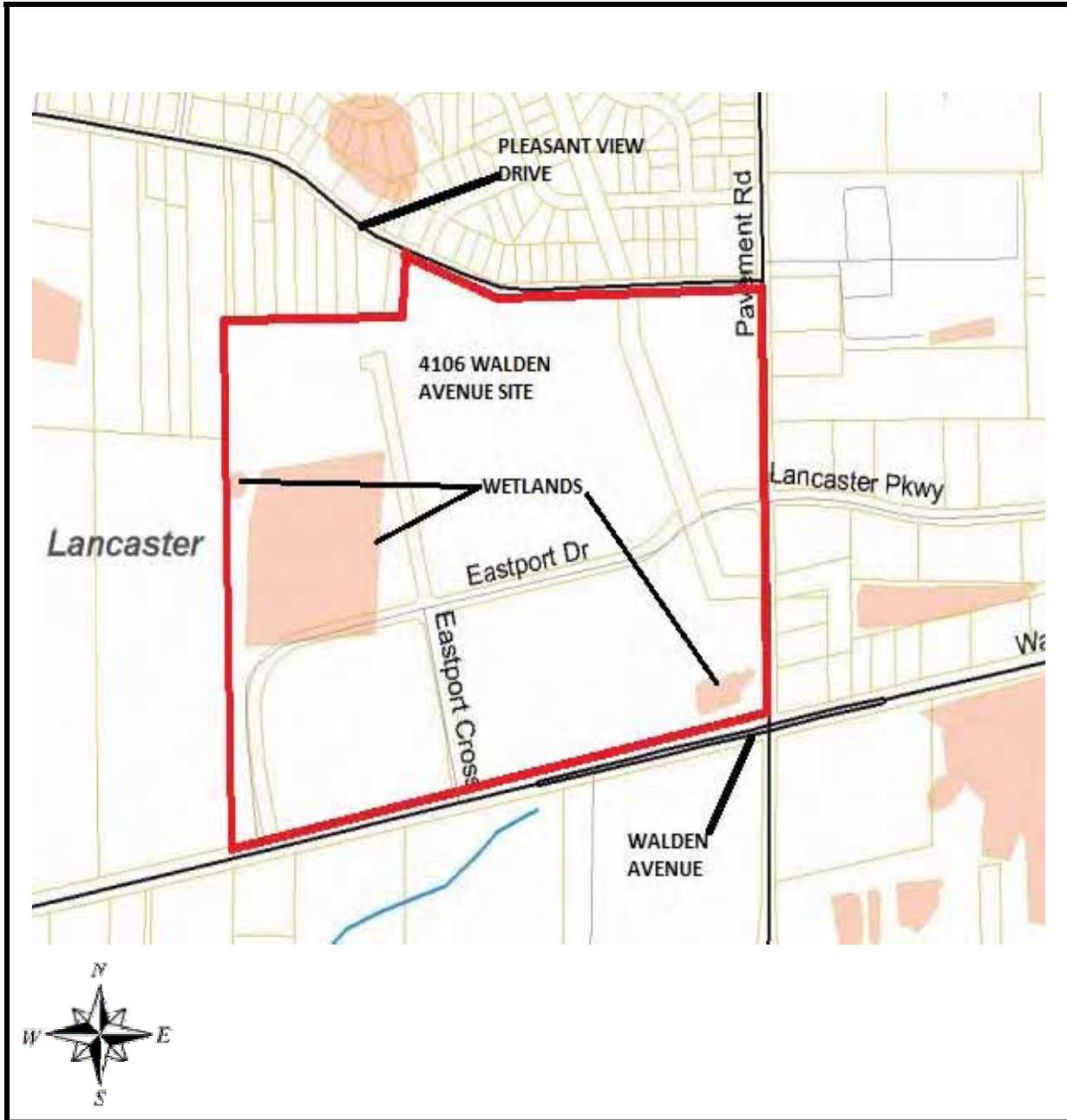
**FIGURE 23  
MAIN ROAD SITE  
NWI MAP**

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**FIGURE 24**  
**4106 WALDEN AVENUE SITE**  
**ERIE COUNTY WETLANDS MAP**

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**FIGURE 25  
4106 WALDEN AVENUE SITE  
NWI MAP**

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**FIGURE 26**  
**1232 INDIAN FALLS ROAD SITE**  
**FLOODPLAIN MAP**

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**FIGURE 27  
MAIN ROAD SITE  
FLOODPLAIN MAP**

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### 3.10.4 Effects of the Proposed Action

Acquisition of the selected site by VA would produce no direct wetlands, floodplains, or coastal zone effects. However, future development of a new National Cemetery at the selected site could have adverse impacts to wetlands and/or floodplains as described below.

#### 1232 Indian Falls Road Site

The Proposed Action at Site 1 could result in adverse impacts to wetland resources. One on-site, approximately 30-acre area supporting wetlands was identified in the southwestern portion of the site and has been mapped by State and Federal agencies. In addition, a creek bed was observed in the southwestern portion of Site 1.

Wetlands and the creek bed at Site 1 appear to be surficially connected to Murder Creek and would likely be under the jurisdiction of the USACE (Section 404) due to their connection to Waters of the US. Wetlands at Site 1 determined not to be Waters of the US (isolated surface waters/wetlands), would likely be under the jurisdiction of the NYSDEC under the FWA because the wetland is greater than 12.4 acres.

Adverse effects to the on-site wetlands and the creek bed could occur. However, VA anticipates that through environmentally sensitive site design and following good engineering practices, as well as consultation with pertinent Federal (USACE) and State (NYSDEC) regulatory agencies, potential wetland/Waters of the US impacts would be avoided or managed to less-than-significant levels. The wetland and the creek bed would be avoided to the extent possible (see Section 3.10.6).

The nearest 100-year floodplain to Site 1 is located approximately 400 feet southwest of the site. As such, floodplain impacts associated with the implementation of the Proposed Action at Site 1 would be less-than-significant.

#### Main Road Site

The Proposed Action at Site 2 could result in adverse impacts to wetland and floodplain resources. Based on available wetland mapping by State and Federal agencies and the previous wetland delineation by EDI for the east portion of the site, it is estimated that there are approximately 35 acres of USACE and NYSDEC regulated wetlands at Site 2 (34% of the site). These wetlands are located in the southern and northeast portions of the site. In addition, approximately 8 acres of Site 2 (southwest corner of the site) were identified as being located within the 100-year floodplain.

Adverse effects to the on-site wetlands and floodplains could occur. However, VA anticipates that through environmentally sensitive site design and following good engineering practices, as well as consultation with the USACE and NYSDEC, potential wetland and floodplain impacts would be avoided or managed to less-than-significant levels. VA would avoid construction in the 100-year floodplain and would avoid on-site wetlands to the extent possible (see Section 3.10.6).

#### 4106 Walden Avenue Site

Implementation of the Proposed Action at Site 3 would have less-than-significant wetland impacts. A 2001 jurisdictional determination of Site 3 identified an isolated, small wetland on the west-central portion of the site that was not regulated by the USACE or NYSDEC. Since that time, the site has been significantly altered as a result of tree clearing, grading activities, and the construction of retention ponds. Only remnants of the original wetlands remain and any remaining wetlands would not likely be under the jurisdiction of the USACE or the NYSDEC due their isolated nature and size.

The Proposed Action at Site 3 could result in adverse impacts to the North Branch of Plum Bottom Creek, which crosses the southeastern portion of Site 3 and would likely be under the jurisdiction of the USACE due to its connection to Waters of the US. VA anticipates that through environmentally sensitive site design and following good engineering practices, potential impacts to the North Branch of Plum Bottom Creek would be avoided or managed to less-than-significant levels (see Section 3.6.5).

No floodplains are located at Site 3 or the surrounding properties. As such, no floodplain impacts would occur with the implementation of the Proposed Action at Site 3.

### **3.10.5 Effects of the No Action Alternative**

Under the No Action Alternative, no construction by VA would occur. No impacts to wetlands or floodplains would occur. Should any of the Action Alternative Sites ultimately be developed for another use, impacts would result from that new development, and would depend upon the nature of the development.

### **3.10.6 Mitigation/Management Measures**

VA would implement the following avoidance and management measures to reduce potential adverse effects to wetlands/Waters of the US and floodplains to acceptable, less-than-significant levels. These measures would be more fully developed as part of the subsequent SEA, concurrent with the design efforts. VA anticipates that through environmentally sensitive site design and following good engineering practices, wetlands/Waters of the US and floodplains would be avoided.

VA would avoid the 100-year floodplain (Site 2 only) and the on-site wetlands/Waters of the US resources to the extent possible during the site design process. VA would consult with, and obtain the necessary permit(s) from the USACE and NYSDEC to minimize adverse effects to wetlands/Waters of the US prior to construction. VA anticipates that final cemetery design would maintain a buffer of undisturbed land around the majority of the identified wetlands/Waters of the US. However, in those cases where impacts to wetlands/Waters of the US cannot be avoided, VA would obtain and comply with all necessary permits from the USACE and NYSDEC.

To minimize potential adverse impacts to the selected site area, VA would:

- Complete a wetland delineation for the selected site.
- Obtain a jurisdictional determination from the USACE and/or NYSDEC regarding identified wetlands and Waters of the US.
- Develop a site design that avoids interaction with onsite and adjacent wetlands, surface waters, and floodplains.
- Develop a site design that accounts for pre/post 100-year volume drainage.
- Obtain and execute any requirements of necessary permits from the USACE and NYSDEC.

In addition, VA would implement the BMPs described in Sections 3.5.7 and 3.6.5. These BMPs would control future construction-related impacts of soil erosion and sedimentation, and would provide a proper onsite stormwater management system.

Implementation of these avoidance measures and BMPs would ensure identified potential wetlands and floodplain impacts are maintained as less-than-significant levels.

### 3.11 Socioeconomics

The following subsections identify and describe the socioeconomic environment of Erie and Genesee Counties and the State of New York. Presented data provide an understanding of the socioeconomic factors that have developed the area. Socioeconomic areas of discussion include the local demographics of the area, regional and local economy, and local housing. Data used in preparing this section were collected from the 2010 Census of Population and Housing (US Census Bureau), subsequent US Census Bureau data, and the US Department of Commerce Bureau of Economic Analysis (BEA).

#### 3.11.1 Demographics

Genesee County's estimated population in 2011 was 59,993 citizens. Erie County's estimated population in 2011 was 918,028 citizens. Erie County's population is much greater than Genesee County's population because it includes the City of Buffalo. The estimated population total for the State of New York was 19,456,197 residents in 2011.

Population totals for Genesee County have remained relatively stable from 1990 to 2011, while Erie County population totals have decreased and the State of New York population totals have increased from 1990 to 2011 (see **Table 2**).

Area	1990	2011 (estimate)
State of New York	17,990,445	19,456,197
Genesee County	60,060	59,993
Erie County	968,532	918,028

Sources: US Census Bureau, 2010 Census and 2011 Estimates, Profile of General Demographic Characteristics.

Baseline information identified that Genesee County has higher white population and lower African-American, Asian Pacific or Other Islander, and Hispanic populations than Erie County. This is reflective of the urban characteristics of the City of Buffalo in Erie County. Both Genesee and Erie Counties have 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**).

Area	All Individuals	White (%)	African-American (%)	American Indian and Alaska Native (%)	Asian or Pacific Islander (%)	Other Race (%)	Hispanic or Latino* (%)
State of New York	19,456,197	71.5	17.5	1.0	7.9	2.2	18
Genesee County	59,993	93.4	3.0	1.0	0.7	1.7	2.9
Erie County	918,028	81.1	13.9	0.7	2.7	1.6	4.7

Note: The six percentages reported by the US Census Bureau for each geographic region may total more than 100% because individuals may report more than one race.  
Source: US Census Bureau, 2010 Census, Profile of General Demographic Characteristics.

According to the 2006-2010 US Census statistics, Erie and Genesee Counties have a slightly higher percentage of high school graduates than the State of New York as a whole and a lower percentage of bachelor’s degrees or higher than the State of New York as a whole. Educational attainment data are presented in **Table 4**.

<b>Educational Attainment</b>	<b>Genesee County (%)</b>	<b>Erie County (%)</b>	<b>State of New York (%)</b>
High school graduate (incl. equivalency)	90.4	88.4	84.4
Bachelor's degree or higher	20.2	29.1	32.1

Source: US Census Bureau 2006 - 2010.

**3.11.2 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%).

Erie County's employment is primarily centered on healthcare (28%), educational services (22%), accommodation and food services (15%), professional, scientific, and technical (12%), and finance and insurance (12%).

Unemployment rates for Genesee County are lower than for Erie County and both are lower than the State of New York as a whole as depicted in **Table 5**. Median household and per capita incomes for Erie and Genesee Counties residents are similar and lower than that of the State of New York as a whole. In addition, the population below the poverty level for Genesee County is lower than Erie County and the State of New York.

<b>Area</b>	<b>Number of Households</b>	<b>Median Household Income (\$)</b>	<b>Per Capita Income (\$)</b>	<b>Population Below Poverty Level (%)</b>	<b>Unemployment Rate (%) May 2012</b>
State of New York	7,205,740	55,603	30,948	14.2	8.9
Genesee County	23,790	49,750	20,323	11.7	7.5
Erie County	378,080	47,372	26,378	14	8.4

Source: US Census Bureau 2006 - 2010.

**3.11.3 Commuting Patterns**

Residents of Action Alternative Site areas are largely dependent on personal automobiles for transportation to and from work. Other methods of transit include public transportation, carpooling, and walking. Local commuting times are approximately 30 minutes (one-way).

Public transportation is available for Genesee County from the City of Batavia Bus Service; however, available bus service to the Site 1 and Site 2 vicinities is currently limited to Thursdays only and requires prior scheduling. Public Transportation is available to Site 3 from the Niagara-Frontier Transportation Authority (NFTA) via a Metro Bus Route along Walden Avenue.

### 3.11.4 Housing

Rates of owner-occupied housing in Genesee County are higher than Erie County and both are higher than the State of New York as a whole. This is likely reflective of the large rural and suburban areas of Erie and Genesee Counties (see **Table 6**) and the urban character of New York City.

Area	Total Housing Units	Occupied (%)	Owner-Occupied (%)	Median Value (\$)	Renter-Occupied (%)	Median Contract Rent (\$)
State of New York	8,108,103	N/A	55.2	303,900	N/A	N/A
Genesee County	25,589	N/A	73.7	101,400	N/A	N/A
Erie County	419,974	N/A	66.2	117,700	N/A	N/A

Source: US Census Bureau 2006 - 2010.

### 3.11.5 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 Action Alternative Sites, which are largely unimproved land (wooded, farmland, and/or vacant land). Children are present in the surrounding residential areas. The percentage of the population under age 18 is similar within Erie and Genesee Counties as compared to the rest of New York (see **Table 7**).

Area	Total Population (2011)	Population Under 18	
		Number	Percent
State of New York	19,456,197	4,280,363	22
Genesee County	59,993	13,018	21.7
Erie County	918,028	195,540	21.3

Source: US Census Bureau, 2010 Census, Profile of General Demographic Characteristics.

### 3.11.6 Effects of the Proposed Action

Acquisition of any of the Action Alternative Sites by VA would produce no direct socioeconomic effects. Future development of a new National Cemetery is not likely to have adverse socioeconomic effects.

Construction of the proposed cemetery is anticipated to result in short-term positive socioeconomic impacts to local employment and personal income. Construction of the proposed National Cemetery would potentially provide additional temporary construction jobs in the private sector, thus providing short-term socioeconomic benefit to the area. However,

due to the intermittent and finite nature of these construction projects, no long-term impacts to the construction labor force are anticipated. Increased development in the region would indirectly benefit the local economy through the spending of business and personal income generated from the construction and operation of the proposed facility. As such, a long-term positive impact to the local economy is anticipated from operation of the facility. The Proposed Action would result in long-term positive socioeconomic impacts by providing a regionally proximate National Cemetery to US Veterans.

No adverse health or safety risks to children are anticipated to result from construction or operation of the National Cemetery. In addition, children would only be present at the selected site as visitors. Construction areas would be secured to prevent unauthorized access by children from the nearby residential areas. The construction contractor would limit and control construction dust and noise as discussed in Sections 3.3 and 3.8, thereby minimizing adverse effects to children in the area.

### **3.11.7 Effects of the No Action Alternative**

The No Action Alternative would result in no new construction and no increased short- or long-term economic benefit due to VA's action. Under this alternative, no new construction or cemetery jobs would be created, and no additional incidental spending (e.g., at local restaurants, shops, and hotels) by an increased number of people potentially traveling to the National Cemetery would occur.

Most importantly, the inability of VA to provide adequate regional burial sites commensurate with the need for these services would result in a significant adverse, long-term, indirect impact to US Veterans. Should any of the Action Alternative Sites be developed in the future by others, similar short- and long-term, positive socioeconomic impacts as realized under the Proposed Action could occur, depending upon the use.

### **3.11.8 Mitigation/Management Measures**

No project-specific mitigation or management measures are required.

## **3.12 Community Services**

### **1232 Indian Falls Road and Main Road Sites**

Site 1 and Site 2 are both located within the Pembroke Central School District (PCSD). This school district includes one elementary school, one middle school, and one high school (PCSD 2012). No schools are located within one mile of Site 1 or Site 2 (PCSD 2012).

The Genesee County Sheriff's Department and the New York State Police provide police protection to Site 1 and Site 2 and their vicinities. The Pembroke Fire Department provides fire protection and emergency medical services to Site 1 and Site 2 and their vicinities. The NYS DOT, Genesee County Highway Department (GCHD), and Pembroke Highway Department (PHD) provide local road and bridge maintenance to Site 1 and Site 2 and their vicinities. The PHD stated that they have no concerns regarding the Proposed Action at Site 1 or Site 2; however, the PHD stated that any new utilities or access roads to Site 1 would require a County Highway Right-Of-Way (ROW) permit from the PHD.

United Memorial Medical Center (127 North Street, Batavia, New York) is located approximately 11.5 miles east of Site 1 and approximately 9 miles east of Site 2. No other hospitals are located within 15 miles of Site 1 and Site 2.

There are no developed recreational facilities on or in the immediate vicinities of Site 1 or Site 2.

### **4106 Walden Avenue Site**

Site 3 is located within the Lancaster Central School District #1 (LCSD). This school district includes five elementary schools, one middle school, and one high school (LCSD 2012). No schools are located within one mile of Site 3. Lancaster High School is located approximately two miles west-northwest of Site 3 (LCSD 2012).

The Lancaster Police Department and the New York State Police provide police protection to Site 3 and its vicinity. The Lancaster Fire Department provides fire protection and emergency medical services to Site 3 and its vicinity. The NYSDOT and Erie County Highway Department (ECHD) provide local road and bridge maintenance to Site 3 and its vicinity.

The Millard Filmore Suburban Hospital (540 Maple Road, Williamsville, New York) is located approximately 7 miles northeast of Site 3; the Sisters of Charity Hospital, St. Joseph Campus (605 Harlem Road, Cheektowaga, New York) is located approximately 7.5 miles west of Site 3; and the Buffalo General Medical Center (100 High Street, Buffalo, New York) is located approximately 12 miles west-southwest of Site 3. No other major hospitals are located within 15 miles of Site 3.

There are no developed recreational facilities on or in the immediate vicinity of Site 3.

#### **3.12.1 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct community services effects. Future development of a new National Cemetery would have minimal community services effects.

No significant additional load is expected to be placed on the fire or police departments as the result of implementing the Proposed Action. Use of other public or community services as a result of the proposed National Cemetery is not expected. As such, the Proposed Action is expected to have a negligible impact on local public services.

#### **3.12.2 Effects of the No Action Alternative**

Under the No Action Alternative, no construction by VA would occur and no community services effects would be anticipated. Should any of the Action Alternative Sites be developed in the future by others, impacts are likely to occur, depending upon the developed use.

#### **3.12.3 Mitigation/Management Measures**

No mitigation or management measures are required.

### **3.13 Solid and Hazardous Materials**

Hazardous and toxic materials or substances are generally defined as materials or substances that pose a risk (i.e., through either physical or chemical reactions) to human health or the environment. Regulated hazardous substances are identified through a number of Federal laws and regulations. The most comprehensive list is contained in 40 CFR Part 302, and identifies quantities of these substances, when released to the environment, that require notification to a Federal agency. Hazardous wastes, defined in 40 CFR Part 261.3, are considered hazardous substances. Generally, hazardous wastes are discarded materials (e.g., solids or liquids) not otherwise excluded by 40 CFR Part 261.4 that exhibit a hazardous characteristic (i.e., ignitable, corrosive, reactive, or toxic), or are specifically identified within 40 CFR Part 61. Petroleum products are specifically exempted from 40 CFR Part 302, but some are also generally considered hazardous substances due to their physical characteristics (i.e., especially fuel products), and their ability to impair natural resources.

### **1232 Indian Falls Road Site**

TTL conducted a Phase I ESA for Site 1 on behalf of VA in July 2012 (see Appendix D). The Phase I ESA included a site visit, interviews with persons knowledgeable about the site, a review of historic information, and a review of local, State and Federal environmental regulatory information for the site and surrounding area. At the time of the Phase I ESA site visit, the northern portion of Site 1 contained a vacant dilapidated residential structure and associated outbuildings (garage, shed, barn, and silo). The remainder of the site was cultivated farmland and unimproved vacant land with two billboard signs in the southern portion of the site. The structures in the northern portion of the site have since been demolished and removed. The Phase I ESA identified no evidence of negative environmental impacts on the site and no recognized environmental conditions (RECs) warranting further action or investigation. In addition, a review of reasonably ascertainable public documents did not identify evidence of known or reported environmental impacts related to petroleum or hazardous materials in the vicinity of the site that were considered likely to impact the site. The Phase I ESA recommended no additional investigations.

In addition, none of the agencies contacted as part of this PEA were aware of any hazardous and toxic materials or wastes associated with Site 1 and its vicinity (see Appendix A).

### **Main Road Site**

TTL conducted a Phase I ESA for Site 2 on behalf of VA in July 2012 (see Appendix D). At the time of the site visit, Site 2 was vacant unimproved land. The Phase I ESA identified no evidence of negative environmental impacts on the site and no RECs warranting further action or investigation. An area of construction debris (asphalt and concrete) was identified in the northern portion of Site 2. No evidence of hazardous substances or petroleum was observed within the debris. Based on historical resources reviewed during the Phase I ESA, the construction debris was placed on the site in the early 2000s; no evidence of current dumping was observed. Based on the observed conditions (no visual evidence of petroleum or hazardous substances), the construction debris was not considered to be a REC. A review of reasonably ascertainable public documents did not identify evidence of known or reported negative environmental impacts related to petroleum or hazardous materials in the vicinity of Site 2. The Phase I ESA recommended no additional investigations.

NYSDEC indicated that an active natural gas well may be located on Site 2; however, a review of additional resources indicated that the natural gas well is located at least 700 feet west of Site 2. None of the other agencies contacted as part of this PEA were aware of any hazardous and toxic materials or wastes associated with Site 2 and its vicinity (see Appendix A).

### **4106 Walden Avenue Site**

TTL conducted a Phase I ESA for Site 3 on behalf of VA in July 2012 (see Appendix D). At the time of the site visit, Site 3 was vacant land that had been prepared for development, with two access roads and three retention ponds. The Phase I ESA identified no evidence of negative environmental impacts on the site and no RECs warranting further action or investigation. A National Fuel Supply natural gas pipeline crosses the northeastern portion of Site 3. No evidence of environmental concern associated with the natural gas pipeline was identified during the site reconnaissance or the review of available environmental database information. The Phase I ESA identified a record of a natural gas well that was formerly located on or near the northwestern portion of Site 3. The gas well was installed in 1966 and was reportedly plugged and abandoned in 1993. No evidence of the former natural gas well was observed on the site during the site reconnaissance. The environmental database information did not identify any concerns associated with the former gas well. Environmental database information identified petroleum and/or hazardous substance storage, use, and handling at off-site properties in the vicinity of Site 3, as well as reported spills at some of these facilities. However, based on a review of the available information (including

documentation of spill cleanup), none of the off-site facilities were considered likely to have impacted Site 3. The Phase I ESA recommended no additional investigations.

NYSDEC indicated that one historic natural gas well was located in the northwestern portion of the site; however, the well was reported as plugged and abandoned in 1993. None of the other agencies contacted as part of this PEA were aware of any hazardous and toxic materials or wastes associated with Site 3 and its vicinity (see Appendix A).

### **3.13.1 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct solid and hazardous materials effects. Future development of a new National Cemetery would result in minimal solid and hazardous materials effects.

The Proposed Action could result in short-term, less-than-significant adverse impacts due to the increased presence and use of solid and hazardous materials during construction. During construction, a small increase in construction vehicle traffic would increase the likelihood for release of vehicle operating fluids (e.g., oil, diesel, gasoline, antifreeze, etc.) and maintenance materials. As such, a less-than-significant, short-term adverse impact is possible. Implementation of standard construction BMPs would serve to ensure this impact is further minimized.

No significant adverse long-term impacts during cemetery operation are anticipated; long-term operational solid and hazardous materials would be managed in accordance with VA's solid and hazardous materials standard operating procedures (SOPs) and applicable Federal and State laws. The Proposed Action would not result in a substantial increase in the generation of solid or hazardous substances or wastes, increase the exposure of persons to hazardous or toxic substances, increase the presence of hazardous or toxic materials in the environment, or place substantial restrictions on property use due to hazardous waste, materials, or site remediation. As noted in Section 3.6.3, based on standard modern burial practices, it is unlikely that embalming fluid would be released into the soil or groundwater.

### **3.13.2 Effects of the No Action Alternative**

Under the No Action Alternative, no construction by VA would occur and no solid and hazardous materials effects would be anticipated. Should the Action Alternative Sites be developed in the future by others, similar short-term solid and hazardous materials impacts as realized under the Proposed Action could occur, depending upon the use. In addition, depending upon the use, long-term solid and hazardous materials impacts could occur.

### **3.13.3 Mitigation/Management Measures**

No project-specific mitigation measures are required. Construction effects would be minimized through BMPs. During operation, the National Cemetery would comply with existing VA SOPs and applicable Federal and State laws governing the use, generation, storage, or transportation of solid or hazardous materials.

## **3.14 Transportation and Parking**

### **1232 Indian Falls Road Site**

Access to Site 1 is provided directly from Indian Falls and Alleghany Roads. Indian Falls Road (Genesee County Route 4) is a generally east-west oriented, two-lane paved rural county road along the northern boundary of Site 1 with a current estimated Level of Service (LOS) rating of B or better. Alleghany Road (NY State Route 77) is a generally north-south oriented, two-lane paved State Highway along the west of Site 1 with a current estimated LOS rating of B or better. In addition, Site 1 is adjoined to the south by Interstate 90 (New York State thruway); however, no direct access from the I-90 to Site 1 is available. Interstate 90 Road is a

generally east-west oriented, four-lane divided highway along the southern boundary of the Site. Average daily traffic (ADT) volumes for Indian Falls and Alleghany Roads and Interstate 90 were obtained from NYSDOT. No LOS information was provided by NYSDOT, Genesee County Highway Department (GCHD), or Pembroke Highway Department (PHD); LOS ratings are estimates based on TTL’s site observations. Local roadway characteristics for Site 1 are shown in **Table 8**.

Traffic around Site 1 is regulated by the GCHD and NYSDOT. Under current conditions, Indian Falls and Alleghany Roads operate at or above acceptable LOS ratings, mainly due to the general lack of development in the vicinity of Site 1.

During scoping for this PEA, agencies provided the following comments concerning transportation at Site 1:

- The GCHD stated that they have no concerns regarding the Proposed Action at Site 1. The GCHD stated that Indian Falls Road is a County Road and any new utilities or access roads to Site 1 from Indian Falls Road would require a County Highway ROW permit from the GCHD.

Type	Route	Direction	Section	Road Width (feet)	Lanes	2011 Average Daily Traffic (vehicles)	Level of Service*
County	Indian Falls Road (Genesee County Route 4)	East-West	Site	35	2	1,405	B or A
State Highway	Alleghany Road (NY State Route 77)	North-South	Site	50	2	7,936	B or A
Interstate	Interstate 90	East-West	Site	250	4	39,115	N/A

2011 Traffic Volume Data: NYSDOT, 2012  
 N/A – not available  
 \* - LOS estimated based on TTL’s site observations

**Main Road Site**

Access to Site 2 is provided directly from Main Road. Main Road (NY State Route 5) is a generally east-west oriented, two-lane paved State Highway along the northern boundary of Site 2 with a current estimated LOS rating of B or better. Cleveland Road is a generally north-south oriented, two-lane paved rural road north of Site 2 with a current estimated LOS rating of B or better. Cleveland Road does not provide direct access to Site 2. ADT volumes for Main Road were obtained from NYSDOT. No LOS information was provided by NYSDOT, GCHD, or PHD; LOS ratings are estimates based on TTL’s site observations. Local roadway characteristics for Site 2 are shown in **Table 9**.

Traffic around Site 2 is regulated by the PHD, GCHD, and NYSDOT. Under current conditions, Main Road operates at or above acceptable LOS ratings, mainly due to the lack of development in the vicinity of Site 2.

During scoping for this PEA, agencies provided the following comments concerning transportation at Site 2:

- The GCHD stated that they have no concerns regarding the Proposed Action at Site 2.

**Table 9. Main Road Site Area Roadways**

Type	Route	Direction	Section	Road Width (feet)	Lanes	2011 Average Daily Traffic (vehicles)	Level of Service*
State Highway	Main Road (NY State Route 5)	East-West	Site	50	2	6,282	B or A
Rural	Cleveland Road	North-South	Site	25	2	N/A	B or A

2011 Traffic Volume Data: NYSDOT, 2012  
N/A – not available  
\* - LOS estimated based on TTL's site observations

**4106 Walden Avenue Site**

Access to Site 3 is provided directly from Walden Avenue, Pavement Road, and Pleasant View Drive. Walden Avenue is a generally east-west oriented, three-lane paved State Highway along the southern boundary of Site 3 with a current estimated LOS rating of B or better. Pavement Road (Erie County Route 139) is a generally north-south oriented, two-lane paved county road along the east side of Site 3 with a current estimated LOS rating of B or better. Pleasant View Drive (Erie County Route 161) is a generally east-west oriented, two-lane paved county road along the northern boundary of Site 3 with a current estimated LOS rating of B or better. ADT volumes for Walden Avenue, Pavement Road, and Pleasant View Drive were obtained from NYSDOT. No LOS information was provided by NYSDOT, the Erie County Highway Department (ECHD) or the Lancaster Highway Department (LHD); LOS ratings are estimates based on TTL's site observations. Local roadway characteristics for Site 3 are shown in **Table 10**.

Traffic around Site 3 is regulated by the NYSDOT (Walden Avenue) and ECHD (Pavement Road and Pleasant View Drive). Under current conditions, Walden Avenue, Pavement Road, and Pleasant View Drive operate at or above acceptable LOS ratings.

During scoping for this PEA, agencies provided the following comments concerning transportation at Site 3:

- The ECEPD stated that Site 3 is currently designated for use as an office/industrial park; therefore, the current infrastructure is adequate to accommodate the traffic of a cemetery.
- The NYSDOT stated that it did not have any concerns related to traffic for the Proposed Action at Site 3.

**Table 10. 4106 Walden Avenue Site Area Roadways**

Type	Route	Direction	Section	Road Width (feet)	Lanes	2011 Average Daily Traffic (vehicles)	Level of Service*
State Highway	Walden Avenue	East-West	Site	60	2	9,533	B or A
County	Pavement Road (Erie County Route 139)	North-South	Site	35	2	8,103	B or A
County	Pleasant View Drive (Erie County Route 161)	East-West	Site	40	2	9,866	B or A

2011 Traffic Volume Data: NYSDOT, 2012  
N/A – not available  
\* - LOS estimated based on TTL's site observations

### 3.14.1 Effects of the Proposed Action

Acquisition of any of the Action Alternative Sites by VA would produce no direct transportation and parking effects. Future development of a new National Cemetery would likely have less-than-significant adverse transportation and parking effects.

Construction traffic, consisting of trucks, workers' personal vehicles, and construction equipment, would increase traffic volumes in the local area, and could cause delays if this occurred during morning and evening peak periods. Installation and connection of utilities, located within or adjacent roadways, could also impact local roadways. These activities could result in additional traffic congestion, as well as a potential need to detour traffic around the area during utility work. However, all of the roadways adjacent to the Action Alternative Sites are not heavily used and operate at an estimated LOS of B or better. Thus, only less-than-significant, short-term adverse impacts would be anticipated.

During operation, public roadways in the vicinity of the proposed National Cemetery would experience some additional traffic as a result of the use of the National Cemetery. As described in Section 2.2, the National Cemetery would be used every day throughout the year by approximately 100 to 150 visitors, and on weekdays by approximately 7 to 10 staff, and up to 5 funeral processions per day (averaging 20 cars per procession), generating about 250 vehicles (500 vehicle trips) per day on an average day.

Although an increase in traffic would occur, these additional trips would likely be accommodated by the LOSs of the roadways adjacent to the selected site, and would likely occur outside of peak travel times.

Given the proposed operational use, traffic generated by the Proposed Action would occur throughout the day, every day. Visitors to the National Cemetery would travel at various times during the day during daylight hours. Staff at the Center would commute to and from work for at peak travel hours (i.e., at 8:00 a.m. and 5:00 p.m.).

Based on the proposed maximum usage estimates, operational traffic would not produce a 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 percent on access roads to a site or the major roadway network."

It is anticipated that primary access to Site 1 would be from Alleghany Road. The additional daily traffic associated with the Proposed Action (estimated 500 vehicle trips/day) would be at most a 6.3 percent increase over 2011 ADT levels. Access to Site 2 would be from Main Road. The additional daily traffic associated with the Proposed Action would be at most an 8 percent increase over 2011 ADT levels. It is anticipated that primary access to Site 3 would be from Walden Avenue. The additional daily traffic associated with the Proposed Action would be at most an 5.2 percent increase over 2011 ADT levels. Although funeral processions could have some traffic impacts at peak times, the overall impacts would be less-than-significant.

No parking impacts are anticipated. The proposed cemetery would be designed and constructed to accommodate all parking on-site.

### 3.14.2 Effects of the No Action Alternative

Under the No Action Alternative, no construction by VA would occur. However, should any of the Action Alternative Sites ultimately be developed by others, impacts as identified under the Proposed Action could occur. The type and magnitude of transportation effects would be dependent upon that proposed future use.

### 3.14.3 Mitigation/Management Measures

No project-specific mitigation measures are required. Implementing BMPs to reduce transportation impacts would further minimize the potential impacts on local roadways. As part of the Proposed Action, transportation impacts would be maintained at acceptable levels through implementation of the following BMPs:

- VA would obtain any necessary ROW permits from NYSDOT or the County Highway Departments.
- VA would coordinate with local officials and NYSDOT to ensure that construction and operational traffic are considered in the planning of future transportation improvements in the vicinity of the selected site.
- VA would work with NYSDOT, GCHD, PHD, and/or ECHD to identify and implement roadway improvements, as necessary, such as turn lanes and signalization.
- VA would ensure debris and/or soil is not deposited on local roadways during the construction period.
- VA would ensure construction activities do not adversely affect traffic flow on local roadways; construction would be timed to avoid peak travel hours.

Implementation of these BMPs would ensure transportation impacts are maintained at less-than-significant levels by properly controlling and limiting impacts to local traffic and transportation infrastructure during construction and operation.

### 3.15 Utilities

Basic utilities (i.e., water, sewer, electric, and natural gas) are provided to the Action Alternative Site areas by various utility providers. As part of the preparation of this PEA, local utility providers were researched to determine the availability of required utilities in the vicinity of the Action Alternative Sites. The following identifies the utility providers to the Action Alternative Sites. VA would be required to submit design plans to the utility providers to determine the specific connection requirements and obtain permits to connect to the services or the installation of private utilities (i.e., water well or septic system). One or more irrigation wells would also likely be installed; irrigation wells are discussed in Section 3.6.

#### 1232 Indian Falls Road Site

A municipal potable water supply is not currently available to Site 1; however, according to the Genesee County Smart Growth Plan, 2010 Review Report and the GCPD, Site 1 is included in a proposed water district. Potable water supply lines have been proposed to be extended to the north along Alleghany Road (western boundary of Site 1) and then extended to the east along Indian Falls Road (northern boundary of Site 1). However, a schedule for these extensions has not been finalized.

Municipal sanitary sewer service to Site 1 is not currently available. A private on-site sewage disposal system would likely be required for Site 1, which would require the submittal and approval of a Private Sewage Disposal System Construction application to the Genesee County Health Department (GCHD) under Chapter II of the Genesee County Sanitary Code.

The New York State Electric and Gas Company (NYSEG) supplies the electric service to Site 1. No impacts to the existing electric infrastructure are anticipated.

The National Fuel Supply Company (NFSC) supplies the natural gas service to Site 1. No impacts to the existing natural gas infrastructure are anticipated.

Verizon provides telecommunication services to the Site 1 vicinity. The Proposed Action is likely to require minimal telecommunication services; therefore, the telecommunications services in the Site 1 vicinity are likely to be adequate for the Proposed Action.

### **Main Road Site**

Potable water supply and sanitary sewer service are currently provided to Site 2 by the Genesee County Sewer and Water Agency (GCSWA). Potable water supply lines and sanitary sewer service are currently located along Main Road (northern boundary). The Proposed Action is likely to require minimal potable water supply and sanitary sewer services; therefore, the potable water supply and sanitary sewer services in the Site 2 vicinity are likely to be adequate for the Proposed Action.

NYSEG supplies the electric service to Site 2. No impacts to the existing electric infrastructure are anticipated.

NFSC supplies the natural gas service to Site 2. No impacts to the existing natural gas infrastructure are anticipated.

Verizon provides telecommunication services to the Site 2 vicinity. The Proposed Action is likely to require minimal telecommunication services; therefore, the telecommunications services in the Site 2 vicinity are likely to be adequate for the Proposed Action.

### **4106 Walden Avenue Site**

Potable water supply is currently provided to Site 3 by the Erie County Water Authority (ECWA). Potable water supply lines are currently located along Walden Avenue (southern boundary) and along Eastport Drive and Eastport Cross on Site 3. The Proposed Action is likely to require minimal potable water supply services; therefore, the potable water supply in the Site 3 vicinity is likely to be adequate for the Proposed Action.

Sanitary sewer service is currently provided to Site 3 by the Erie County Sewer District (ECSD). Sanitary sewer service lines are currently located along Walden Avenue (southern boundary) and along Eastport Drive and Eastport Cross on Site 3. The Proposed Action is likely to require minimal sanitary sewer services; therefore, the sanitary sewer services in the Site 3 vicinity are likely to be adequate for the Proposed Action.

NYSEG supplies the electric service to Site 3. No impacts to the existing electric infrastructure are anticipated.

NFSC supplies the natural gas service to Site 3. No impacts to the existing natural gas infrastructure are anticipated.

Several telecommunication companies provide telecommunication services to the Site 3 vicinity. The Proposed Action is likely to require minimal telecommunication services and the telecommunications services in the Site 3 vicinity are likely to be adequate for the Proposed Action.

#### **3.15.1 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct utilities effects. Future development of a new National Cemetery would have utilities effects, as discussed below.

Construction of the proposed National Cemetery would result in an increase in the consumption of utilities, including electricity, potable water, and sanitary sewer discharges. All major utility services are available immediately next to or in close proximity to the Action Alternative Sites, with the exception of potable water and sanitary sewer service at the 1232

Indian Falls Road Site. The proposed cemetery would be anticipated to have minimal utility needs. Water would be anticipated to have the largest demand due to the need for maintaining landscaped areas of the cemetery. Water would be obtained from the GCSWA or a private water supply well (1232 Indian Falls Road Site), the GCSWA (Main Road Site), or ECWA (4106 Walden Avenue Site). Irrigation water may be obtained from the municipal water supply provider or an on-site well may be used with permits and oversight from the GCHD (1232 Indian Falls Road and Main Road Sites) or the Erie County Department of Health (ECDH), Public Health Engineering Department (PHED) for the 4106 Walden Avenue Site. In addition, reclaimed water (i.e., retained stormwater) may be considered for irrigation. This would be determined during the site design. Sanitary sewer needs would be limited to facilities for National Cemetery staff and visitors.

Activities at the proposed cemetery would likely be limited to daylight hours minimizing the need for electric service. Additionally, telecommunications services would be limited to the needs of National Cemetery staff.

Based on consultation with local service providers, adequate utilities exist to supply the facility as currently proposed, with the exception of water and sewer for Site 1. However, each utility provider would require a review of the detailed final design plans to validate these preliminary findings and to determine connection/extension requirements to service the proposed cemetery. No significant adverse impacts to local utilities are anticipated.

### 3.15.2 Effects of the No Action Alternative

Under the No Action Alternative, no construction by VA would occur. However, should any of the Action Alternative Sites ultimately be developed by others, impacts as identified under the Proposed Action would occur. The type and magnitude of utility effects would be dependent upon that proposed future use.

### 3.15.3 Mitigation/Management Measures

No project-specific mitigation measures are required. Utility impacts would be maintained at acceptable levels through the implementation of the following BMPs:

- VA would submit design plans to each utility provider to determine specific connection requirements and would implement the necessary requirements.

The need for an on-site potable water supply well and on-site septic system (1232 Indian Falls Road Site) and/or irrigation well and the associated permitting/oversight requirements would be determined during the site design and would be included in the SEA.

## 3.16 Environmental Justice

In 1994, EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued to focus attention of Federal agencies on human health and environmental conditions in minority and low-income communities and to ensure that disproportionately high and adverse human health or environmental effects on these communities are identified and addressed. In order to provide a thorough environmental justice evaluation, this socioeconomics' presentation gives particular attention to the distribution of race and poverty status in areas potentially affected by implementation of the Proposed Action. For purposes of this analysis, minority and low-income populations are defined as:

- Minority Populations: Persons of Hispanic origin of any race, African Americans, American Indians, Eskimos, Aleuts, Asians, or Pacific Islanders.

- Low-Income Populations: Persons living below the poverty level, based on a total annual income of \$23,050 for a family of four persons as reported in the 2012 census.

None of the Action Alternative Sites are located in areas with a disproportionate concentration of low-income or minority citizens relative to the remainder of Erie and Genesee Counties. No low-income housing is located in the vicinities of the Action Alternative Sites.

### **3.16.1 Effects of the Proposed Action**

Acquisition of any of the Action Alternative Sites by VA would produce no direct environmental justice effects. Future development of a new National Cemetery is not anticipated to have adverse environmental justice effects.

No specific concentrations of minority or low-income populations are located in the vicinities of the Action Alternative Sites. No local groups are known to principally rely on fish or wildlife for subsistence. Consequently, no adverse impacts to such disadvantaged segments of the population are anticipated.

The Proposed Action is not likely to have an adverse effect on the local population; but is likely to have a short and long-term positive socioeconomic effect on local employment and personal income.

### **3.16.2 Effects of the No Action Alternative**

Under the No Action Alternative, no development by VA would occur at any of the Action Alternative Sites and there would be no environmental justice effect. If any of the Action Alternative Sites were to be developed by others, it would not likely result in adverse environmental justice effects.

### **3.16.3 Mitigation/Management Measures**

No project-specific mitigation or management measures are required.

## **3.17 Cumulative Impacts**

As defined by CEQ Regulations in 40 CFR Part 1508.7, cumulative impacts are those which "result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, without regard to the agency (Federal or non-Federal) or individual who undertakes such other actions." Cumulative impact analysis captures the effects that result from the Proposed Action in combination with the effects of other actions taken during the duration of the Proposed Action in the same geographic area. Because of extensive influences of multiple forces, cumulative effects are the most difficult to analyze.

NEPA requires the analysis of cumulative environmental effects of a Proposed Action, or set of actions, on resources that may often be manifested only at the cumulative level, such as traffic congestion, air quality, noise, biological resources, cultural resources, socioeconomic conditions, utility system capacities, and others.

### **1232 Indian Falls Road Site**

The 1232 Indian Falls Road Site consists of a scattered wooded area in the northern portion where a residential structure and outbuildings were located prior to late 2012, unimproved wooded land and wetlands in the southwestern portion, active farmland in the northern portion, and unimproved vacant land with scattered wooded areas in the southern portion. Two billboards are located in the southern portion.

The area located to the north across Indian Falls Road is occupied by farmland and residential properties. The area located to the east contains unimproved vacant and wooded land, and a residence. The area located to the south is occupied by unimproved land and Interstate 90. The area located to the west of the site, but east of Alleghany Road, is occupied by two residential properties and the area across Alleghany Road is unimproved farmland and wooded land.

The Proposed Action would retain many of the current features at Site 1, while preserving natural resources through environmentally sensitive development. The Proposed Action is consistent with surrounding land uses, and as such would not produce any cumulative land use effects in the area.

Site 1 is located in a rural area. The ROI for Site 1 is mostly unimproved vacant and agricultural land with scattered residences. There are no recent development projects in the vicinity of Site 1. The 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. Municipal water and sanitary sewer services are not currently available to Site 1. Although land in the vicinity of Site 1 is largely vacant and has the potential for additional development and the installation of municipal water lines to the area could facilitate future development, no additional specific future development plans were identified.

The Proposed Action at Site 1 would result in the impacts as identified throughout Section 3. These primarily include potential adverse impacts to aesthetics (long-term), air quality (short and long-term), cultural resources (short and long-term), soils (short and long-term), hydrology and water quality (short and long-term), wildlife and habitat (short and long-term), noise (short-term), land use (short-term and long-term), wetlands and floodplains (short and long-term), solid and hazardous materials (short- and long-term), transportation (short-term and long-term), and utilities (long-term). With the exception of cultural resources and wetlands, all of these impacts are less-than-significant and would be further reduced through careful coordination and implementation of the general BMPs, management measures, and compliance with regulatory requirements as identified throughout Section 3. Given the nature of the Proposed Action and the area surrounding the 1232 Indian Falls Road Site, no significant cumulative adverse effects to any of these resource areas are anticipated.

As discussed in Section 3.4, Phase I and Phase II Cultural Resources Investigations identified prehistoric archeological artifacts on the 1232 Indian Falls Road Site. Based on the Phase II findings, the site is eligible for inclusion on the NRHP. VA discussed the Phase I and Phase II findings with the SHPO and the affected Native American Tribe (Seneca Nation) and plans to complete additional investigations to explore, recover, and inventory the archeological resources at the site. The field work for the Phase III investigation was completed in August and September 2013. The Phase III investigation also includes laboratory processing and analysis of all artifacts recovered during Phase II and Phase III investigations. The SHPO and Seneca Nation agreed that upon completion of the reporting of the Phase III investigation, the research potential of the site will have been achieved and that no further investigation activities would be necessary. As such, potentially adverse effects associated with the construction of a National Cemetery at the 1232 Indian Falls Road Site would be mitigated and no significant cumulative adverse impacts are anticipated.

As discussed in Section 3.6 and Section 3.10, approximately 30 acres of wetlands and a creek bed are present in the southwestern portion of Site 1. VA would prevent adverse impacts to these hydrologic features largely through avoidance. If avoidance is not possible in the site design, VA would implement routine measures in accordance with USACE and NYSDEC to prevent significant impacts. Based on the site-specific, localized nature of the potential impacts to hydrologic features, no significant cumulative adverse impacts are anticipated.

### **Main Road Site (Site 2)**

The northern two-thirds of the Main Road Site is unimproved, vacant land. The southern one-third of Site 2 is undeveloped, wooded land and wetlands. Site 2 is divided into northern and southern portions by an electrical easement (former railroad easement) owned by Niagara Mohawk Power Corporation.

The area located to the north of Site 2 across Main Road is occupied by farmland and residences. The area located to the east is unimproved vacant land and wooded land with wetlands. The area located to the south is undeveloped, wooded land and wetlands. The area located to the west is occupied by a residential property, unimproved farmland, and wooded land/wetlands.

The Proposed Action would retain many of the current features at Site 2, while preserving natural resources through environmentally sensitive development. The Proposed Action is consistent with surrounding land uses, and as such would not produce any cumulative land use effects in the area.

Site 2 is located in a rural area. The ROI for Site 2 is mostly unimproved vacant and agricultural land with residences along Main Road. Improvements have been made to the infrastructure of the surrounding area (i.e., municipal water and sewer lines along Main Road). There are no recent development projects in the vicinity of Site 2. Although land in the vicinity of Site 2 is largely vacant and has some potential for additional development (outside of wetland areas), no additional specific future development plans were identified.

The Proposed Action at Site 2 would result in the impacts as identified throughout Section 3. These primarily include potential adverse impacts to aesthetics (long-term), air quality (short and long-term), cultural resources (short and long-term), soils (short and long-term), hydrology and water quality (short and long-term), wildlife and habitat (short and long-term), noise (short-term), land use (short-term and long-term), wetlands and floodplains (short and long-term), solid and hazardous materials (short- and long-term), transportation (short-term and long-term), and utilities (long-term). With the exception of wetlands and floodplains, all of these impacts are less-than-significant and would be further reduced through careful coordination and implementation of the general BMPs, management measures, and compliance with regulatory requirements as identified throughout Section 3. Given the nature of the Proposed Action and the area surrounding the Main Road Site, no significant cumulative adverse effects to any of these resource areas are anticipated.

As discussed in Section 3.10, approximately 35 acres of USACE and NYSDEC regulated wetlands are present in the southern and northeastern portions of Site 2. In addition, approximately 8 acres of Site 2 (southwestern corner of the site) are located within the 100-year floodplain. VA would prevent adverse impacts to these hydrologic features largely through avoidance. VA would avoid construction in the 100-year floodplain and would avoid on-site wetlands to the extent possible. If complete avoidance is not possible in the site design, VA would implement routine measures in accordance with USACE and NYSDEC requirements to prevent significant impacts. Based on the site-specific, localized nature of the potential impacts to hydrologic features, no significant cumulative adverse impacts are anticipated.

### **4106 Walden Avenue Site (Site 3)**

The 4106 Walden Avenue Site was prepared for an industrial park development in approximately 2002-2003 and is primarily unimproved, vacant land with two access roads and three retention ponds. A segment of a tributary of the North Branch of Plum Bottom Creek crosses the southeastern portion of the site. A National Fuel Supply natural gas pipeline crosses the northeastern portion of the site.

The area located to the north is occupied by eight residential properties and across Pleasant View Drive by unimproved farmland. The areas located to the east across Pavement Road and south across Walden Avenue are mostly occupied by commercial and light industrial businesses. The area located to the west is unimproved farmland and vacant land.

The Proposed Action would retain many of the current features at Site 3, while preserving natural resources through environmentally sensitive development. The Proposed Action is somewhat consistent with surrounding land uses (mixed use), and as such would not produce any cumulative land use effects in the area.

Site 3 is located in a suburban area. The ROI for Site 3 is a mixed use area with areas of residential development, commercial/industrial properties, and vacant land. Improvements have been made to the infrastructure of the surrounding area to promote and support in-fill development along major roads in the region (i.e., expansion of Walden Avenue, upgrade of utilities along Walden Avenue, and Pavement Road improvements south of Walden Avenue). The commercial/industrial properties to the east and south of Site 3 have mostly been developed since the 1990s. Although the remaining land along the major roads in the vicinity of Site 3 has the potential for additional development, no additional specific future development plans were identified.

The Proposed Action at Site 3 would result in the impacts as identified throughout Section 3. These primarily include potential adverse impacts to aesthetics (long-term), air quality (short and long-term), cultural resources (short and long-term), soils (short and long-term), hydrology and water quality (short and long-term), wildlife and habitat (short and long-term), noise (short-term), land use (short-term and long-term), wetlands (short and long-term), solid and hazardous materials (short- and long-term), transportation (short-term and long-term), and utilities (long-term). With the exception of hydrology (Waters of the US), all of these impacts are less-than-significant and would be further reduced through careful coordination and implementation of the general BMPs, management measures, and compliance with regulatory requirements as identified throughout Section 3. Given the nature of the Proposed Action and the area surrounding the 4106 Walden Avenue Site, no significant cumulative adverse effects to any of these resource areas are anticipated.

As discussed in Section 3.6, approximately 1,100 linear feet of a tributary to the North Branch of Plum Bottom Creek crosses the southeastern portion of Site 3. VA would prevent adverse impacts to this creek largely through avoidance. If avoidance is not possible in the site design, VA would implement routine measures in accordance with USACE and NYSDEC requirements to prevent significant impacts. Based on the site-specific, localized nature of the potential impacts to hydrologic features, no significant cumulative adverse impacts are anticipated.

### **All Action Alternatives**

No adverse effects to socioeconomics, community services, or environmental justice would occur. As such, no cumulative adverse effects to any of these resource areas are anticipated. No significant adverse cumulative impacts to the environment, induced by changes by the Proposed Action, are anticipated within the region. Close coordination between the USACE, NYSDEC, NYSDOT, and local representatives (Genesee County, Erie County, Town of Pembroke, and/or Town of Lancaster) would serve to manage and control cumulative effects within the region. Implementation of land use and resource management plans would serve to control the extent of environmental impacts, and proper planning would ensure future socioeconomic conditions maintain, if not improve the local standard of living. Implementation of effective resource management plans and programs should minimize or eliminate any potential cumulative degradation of the natural ecosystem.

Under the No Action Alternative, cumulative impacts would be similar to those identified for the Proposed Action, as the Action Alternative Sites would likely be developed for other uses. The extent of cumulative effects under the No Action Alternative would depend upon that future use.

### 3.18 Potential for Generating Substantial Public Controversy

As discussed in Section 4.0, VA has solicited input from various Federal, State, and local government agencies regarding the Proposed Action. Several of these agencies have provided input. The LIDA stated that the 4106 Walden Avenue Site is a prime location for future development of an industrial or manufacturing business park and that substantial capital investment in infrastructure has been made at the site in anticipation of future industrial development. LIDA requested that Site 3 be withdrawn from consideration for the proposed cemetery. As discussed in Section 3.9, although Site 3 was planned for industrial development, Uniland, the developer who prepared the site for development and who holds the full equity interest and development rights to the property, has been unable to develop the site as planned for the past 10 years and would welcome the sale of the property to VA for a cemetery. Therefore, although the proposed cemetery would not be consistent with current zoning or LIDA's plans for the site, this potential adverse land use impact would be less-than-significant. None of the remaining government agency input has identified opposition or controversy related to the proposed National Cemetery at any of the Action Alternative Sites.

VA, as the Federal proponent of this Proposed Action, published and distributed the Draft PEA for a 30-day public comment period as announced by a Notice of Availability (NOA) published in the *Buffalo News* from August 4 to August 6, 2013. Review copies were also made available for public review at community libraries in the region and made available for download via a link on the VA internet website. No public controversy regarding the Proposed Action was noted during the public comment period. However, the two public comments received offered the opinion that the 4106 Walden Avenue Site is inappropriate for the proposed National Cemetery. Refer to Section 4.0 for details pertaining to the public comments.

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## SECTION 4: PUBLIC INVOLVEMENT

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### 4.1 Public and Agency Involvement

VA invites public participation in decision-making on new proposals through the NEPA process. Public participation with respect to decision-making on the Proposed Action is guided by 38 CFR Part 26, the VA's policy for implementing the NEPA. Additional guidance is provided in the VA's *NEPA Interim Guidance for Projects* (VA 2010). Consideration of the views and information of all interested persons promotes open communication and enables better decision-making. Agencies, organizations, and members of the public with a potential interest in the Proposed Action, such as minority, low-income, and disadvantaged persons, are urged to participate. A record of agency coordination and public involvement associated with this PEA is provided in Appendix A and Appendix E.

#### 4.1.1 Public Review

VA, as the Federal proponent of this Proposed Action, published and distributed the Draft PEA for a 30-day public comment period as announced by a Notice of Availability (NOA) published in the *Buffalo News* from August 4 to August 6, 2013. Review copies were also made available for public review at community libraries in the region and made available for download via a link on the VA internet website. VA received two responses from the public during the public comment period. Both responses offered the opinion that the 4106 Walden Avenue site in Lancaster (Site 3) is an inappropriate location for the proposed National Cemetery.

The public comments stated that Site 3 has been prepared for industrial use and is located in an area of light industrial and noisy commercial development and, as such, is inappropriate for a cemetery which should be located in a quiet place. The commenters stated that the selection of Site 3 for the Proposed Action would deprive the Town of Lancaster and the Lancaster Central School District of current land assessment tax revenues, and from the potential of a much larger amount should the land be developed as intended, for Light Industrial purpose and job creation. The commenters also indicated that it was their opinion that the Draft PEA understated the existing noise, commercial development, and traffic levels in the vicinity of Site 3.

The public comments received by VA are included in Appendix E. Where applicable, the Final PEA was modified to reflect these comments.

#### 4.1.2 Agency Coordination

Interagency and Intergovernmental Coordination for Environmental Planning (IICEP) is a Federally mandated process for informing and coordinating with other governmental agencies regarding Federal Proposed Actions. CEQ Regulations require intergovernmental notifications prior to making any detailed statement of environmental impacts. Through the IICEP process, the VA notifies relevant Federal, State, and local agencies and allows them sufficient time to make known their environmental concerns specific to a Proposed Action. Comments and concerns submitted by these agencies during the IICEP process are subsequently incorporated into the analysis of potential environmental impacts conducted as part of the PEA. This coordination fulfills requirements under EO 12372 (superseded by EO 12416, and subsequently supplemented by EO 13132), which requires Federal agencies to cooperate with and consider State and local views in implementing a Federal proposal. It also constitutes the IICEP process for this PEA.

VA consulted with the following agencies during the preparation of this PEA: the US Fish and Wildlife Service (USFWS) Northeast Region; US Environmental Protection Agency (USEPA) Region 2; US Army Corps of Engineers (USACE) Buffalo District; New York State Department of Environmental Conservation (NYSDEC), Regions 8 and 9; New York State Department of Transportation (NYSDOT), Districts 4 and 5; New York State Office of Parks, Recreation and Historic Preservation (SHPO); NYSDEC Division of Fish, Wildlife, and Marine Resources (FWMR); Genesee County Parks, Recreation, and Forestry (GCPRF); Genesee County Soil and Water Conservation District (SWCD); Genesee County Department of Planning (GCDP); Genesee County Highway Department (GCHD); Genesee County Public Health Department (GCPHD); Erie County Environment and Planning Department (ECEPD); Erie County Parks and Recreation (ECPR); Erie County Public Works Department (ECPWD); Erie County Department of Health (ECDH); Pembroke Highway Department (PHD); Pembroke Parks Department (PPD); Pembroke Zoning and Codes Department (PZCD); Lancaster Building and Zoning Department (LBZD); Lancaster Highway Department (LHD); Lancaster Parks, Recreation, and Forestry Department (LPRFD); Lancaster Industrial Development Agency (LIDA); Lancaster Department of Public Works (LDPW); and Lancaster Community Development Corporation (LCDC).

Responses were received from the following agencies: USACE, USFWS, SHPO, NYSDEC, NYSDEC FWMR, NYSDOT, GCPD, GCHD, EPECD, and LIDA. Input provided by these agencies is detailed and addressed in the appropriate resource sub-sections of Section 3. Written correspondence from the agencies is provided in Appendix A.

#### **4.1.3 Native American Consultation**

For Federal proposed actions, Federal agencies are required to consult with Federally recognized Native American Tribes in accordance with the NEPA, the National Historic Preservation Act (NHPA), the Native American Graves Protection and Repatriation Act (NAGPRA), and EO 13175. As part of this PEA, VA identified twelve Native American Tribes as having possible ancestral ties to the Proposed Action's ROI (i.e., western New York), and invited each Tribe to consult on this Proposed Action. VA identified these Tribes based on the Native American Consultation Database and the SHPO consultation. Section 10 contains a list of the Federally-recognized Tribes invited to consult. VA conducted all tribal correspondence by certified letters. A sample letter sent to the Tribes and their full responses are included in Appendix B.

VA received a response from the Seneca Nation of Indians (Seneca Nation) indicating their interest in participating in the Section 106 process of the NHPA process. The Seneca Nation has participated in discussions between VA and SHPO and monitored the Phase II Archeological Investigation of Site 1. Additionally, VA is performing a Phase III investigation at Site 1 as recommended by the SHPO and the Seneca Nation. VA entered into a Memorandum of Agreement with the SHPO and the Seneca Nation for the ownership and curation of uncovered artifacts. All artifacts will be provided by the owner of the site to the Seneca Nation, as requested. As of the date of this PEA, no other responses have been received from the consulted tribes (VA 2014).

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## SECTION 5: MANAGEMENT AND MITIGATION MEASURES

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This section summarizes the management and mitigation measures, if any, identified in Section 3 that are proposed to minimize and maintain adverse effects of the Proposed Action at acceptable, less-than-significant levels. Mitigation/Management measures would be fully developed, if necessary, for the identified resources during the tiered SEA concurrent with site design efforts which cannot be fully analyzed at present. Anticipated avoidance and management measures for the Proposed Action, based on the analysis in this PEA, are presented below.

Per established protocols, procedures, and requirements, the construction contractor would implement BMPs and would satisfy all applicable regulatory requirements in association with the design, construction, and operation of the Proposed Action. These "management measures" are described in this PEA, and are included as components of each of the alternatives. "Management measures" are defined as routine BMPs and/or regulatory compliance measures that are regularly implemented as part of proposed activities, as appropriate, across western New York. In general, implementation of such management measures, as identified throughout Section 3, would maintain impacts at acceptable levels for all resource areas analyzed. These are different from "mitigation measures," which are defined as project-specific requirements, not routinely implemented as part of development projects, necessary to reduce identified potentially significant adverse environmental impacts to less-than-significant levels.

### 5.1 Management Measures

#### 1232 Indian Falls Road Site

With implementation of routine "management measures," the Proposed Action at the 1232 Indian Falls Road Site would not result in significant adverse impacts to, and would reduce any identified potential adverse effects to, the current environmental setting associated with the following technical resource areas:

**Aesthetics.** Comply, to the extent practicable, with the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations), as detailed in Section 3.2.

**Air Quality.** Control fugitive dust emissions during construction and obtain required air quality emissions construction and operations permits (if any are necessary based on the final design) from the NYSDEC, as detailed in Section 3.3.

**Geology and Soils.** Control soil erosion and sedimentation impacts during construction by implementing erosion prevention measures and complying with the SPDES permitting process, as detailed in Section 3.5. Document impacts to prime and unique farmland in accordance with the FPPA by completing and submitting Form AD-1006 to NRCS.

**Hydrology and Water Quality.** Control soil erosion and sedimentation impacts during construction by obtaining and implementing an SDPES permit. Include sufficient on-site stormwater management during project design. Conduct water well and aquifer capacity tests during the design of the irrigation wells to ensure that the local aquifer is not dewatered and nearby well yields are not affected. Refer to Section 3.6.

**Wildlife and Habitat.** Comply, to the extent practicable, with the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations). Avoid impacts to

migratory birds. Re-vegetate with native species. Avoid impacts to wetlands, surface waters, and forested areas, to the extent possible. Refer to Section 3.7.

**Noise.** Manage construction activities and schedules to minimize noise impacts. Comply with, to the extent practicable, the NYSDEC noise regulations, as detailed in Section 3.8.

**Solid and Hazardous Materials.** Implement construction and operational BMPs to minimize effects and to comply with applicable regulations, as detailed in Section 3.13.

**Transportation.** Work with NYSDOT, GCHD, and PHD to identify and implement roadway improvements, as necessary. Obtain any necessary ROW permits from NYSDOT and GCHD. Manage construction and operation activities and coordinate with NYSDOT, GCHD, and PHD, as detailed in Section 3.14.

**Utilities.** Assess the need for an on-site drinking water supply well, septic system, and irrigation wells and the associated permitting requirements during the site design. Submit design plans to local utility providers to determine connection requirements and implement the necessary requirements, as detailed in Section 3.15.

### ***Wetlands/Waters of the US***

Implementation of the Proposed Action at Site 1 could have potentially adverse effects on wetlands. The southwestern portion of Site 1 contains a forested wetland (approximately 30 acres) and a stream bed that appear to be connected to Waters of the US and regulated by the USACE. If Site 1 is selected for the proposed cemetery, VA would implement the following avoidance and routine measures to maintain potential effects to wetlands at less-than-significant levels. These measures would be more fully developed as part of the subsequent SEA, concurrent with the design efforts. If Site 1 is selected, VA would:

- Complete a wetland delineation in accordance with USACE and NYSDEC procedures.
- Obtain a jurisdictional determination from the USACE and/or NYSDEC regarding identified wetlands and Waters of the US.
- Develop a site design that avoids interaction with on-site and adjacent wetlands and surface waters. VA anticipates that the cemetery design would maintain a buffer of undisturbed land around the majority of the wetlands/Waters of the US.
- If impacts to wetlands/Waters of the US cannot be avoided, obtain and comply with all necessary permits from the USACE (Section 404) and NYSDEC (Section 401) of the CWA.

No management measures for the 1232 Indian Falls Road Site are identified by this PEA's analysis for the following technical resource areas: ***Land Use; Coastal Zones; Socioeconomics, Community Services, and Environmental Justice.***

### **Main Road Site**

With implementation of routine "management measures," the Proposed Action at the Main Road Site would not result in significant adverse impacts to, and would reduce any identified potential adverse effects to, the current environmental setting associated with the following technical resource areas:

**Aesthetics.** Comply, to the extent practicable, with the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations), as detailed in Section 3.2.

**Air Quality.** Control fugitive dust emissions during construction and obtain required air quality emissions construction and operations permits (if any are necessary based on the final design) from the NYSDEC, as detailed in Section 3.3.

**Cultural Resources.** Complete consultation with SHPO and properly address any unknown cultural resources discoveries during site development, as described in Section 3.4.

**Geology and Soils.** Control soil erosion and sedimentation impacts during construction by implementing erosion prevention measures and complying with the SPDES permitting process, as detailed in Section 3.5. Document impacts to prime and unique farmland in accordance with the FPPA by completing and submitting Form AD-1006 to NRCS.

**Hydrology and Water Quality.** Control soil erosion and sedimentation impacts during construction by obtaining and implementing an SDPES permit. Include sufficient on-site stormwater management during project design. Conduct water well and aquifer capacity tests during the design of the irrigation wells to ensure that the local aquifer is not dewatered and nearby well yields are not affected. Refer to Section 3.6.

**Wildlife and Habitat.** Comply, to the extent practicable, with the Town of Pembroke Zoning Law, Section 302 (Supplementary Yard Regulations, Stripping, and Excavations). Avoid impacts to migratory birds. Re-vegetate with native species. Avoid impacts to wetlands and forested areas, to the extent possible. Refer to Section 3.7.

**Noise.** Manage construction activities and schedules to minimize noise impacts. Comply with, to the extent practicable, the NYSDEC noise regulations, as detailed in Section 3.8.

**Solid and Hazardous Materials.** Implement construction and operational BMPs to minimize effects and to comply with applicable regulations, as detailed in Section 3.13.

**Transportation.** Work with NYSDOT, GCHD, and PHD to identify and implement roadway improvements, as necessary. Obtain any necessary ROW permits from NYSDOT and GCHD. Manage construction and operation activities and coordinate with NYSDOT, GCHD, and PHD, as detailed in Section 3.14.

**Utilities.** Assess the need for on-site irrigation wells and the associated permitting requirements during the site design. Submit design plans to local utility providers to determine connection requirements and implement necessary requirements, as detailed in Section 3.15.

### **Floodplains and Wetlands**

Implementation of the Proposed Action at Site 2 could have potentially adverse effects on wetlands and floodplains. The southern and northeastern portions of Site 2 contain wetlands (approximately 35 acres) that appear to be connected to Waters of the US and regulated by the USACE. In addition, the southwestern corner of Site 2 (approximately 8 acres) is located within the 100-year floodplain. If Site 2 is selected for the proposed cemetery, VA would implement the following design avoidance and routine measures to maintain potential effects to floodplains and wetland at acceptable, less-than-significant levels. These measures would be more fully developed as part of the subsequent SEA, concurrent with the site design efforts. If Site 2 is selected, VA would:

- Develop a site design that avoidance disturbance and interaction with the on-site and adjacent floodplains.
- Complete a wetland delineation in accordance with USACE and NYSDEC procedures.
- Obtain a jurisdictional determination from the USACE and/or NYSDEC regarding identified wetlands and Waters of the US.
- Develop a site design that avoids interaction with on-site and adjacent wetlands and surface waters. VA anticipates that the cemetery design would maintain a buffer of undisturbed land around the majority of the wetlands/Waters of the US.

- If impacts to wetlands/Waters of the US cannot be avoided, obtain and comply with all necessary permits from the USACE (Section 404) and NYSDEC (Section 401) of the CWA.

No management measures for the Main Road Site are identified by this PEA's analysis for the following technical resource areas: **Land Use; Coastal Zones; Socioeconomics, Community Services, and Environmental Justice.**

#### **4106 Walden Avenue Site**

With implementation of routine "management measures," the Proposed Action at the 4106 Walden Avenue Site would not result in significant adverse impacts to, and would reduce any identified potential adverse effects to, the current environmental setting associated with the following technical resource areas:

**Aesthetics.** Comply, to the extent practicable, with the Town of Lancaster Zoning Code (Chapter 50), Article VII (Regulations Applying to All Districts) and Section 50-29 (Landscaping), as detailed in Section 3.2.

**Air Quality.** Control fugitive dust emissions during construction and obtain required air quality emissions construction and operations permits (if any are necessary based on the final design) from the NYSDEC, as detailed in Section 3.3.

**Cultural Resources.** Properly address any unknown cultural resources discoveries during site development, as described in Section 3.4.

**Geology and Soils.** Control soil erosion and sedimentation impacts during construction by implementing erosion prevention measures and complying with the SPDES permitting process, as detailed in Section 3.5. Document impacts to prime and unique farmland in accordance with the FPPA by completing and submitting Form AD-1006 to NRCS.

**Hydrology and Water Quality.** Control soil erosion and sedimentation impacts during construction by obtaining and implementing an SDPES permit. Include sufficient on-site stormwater management during project design. Conduct water well and aquifer capacity tests during the design of the irrigation wells to ensure that the local aquifer is not dewatered and nearby well yields are not affected. Refer to Section 3.6.

**Wildlife and Habitat.** Survey the site for the four NYSDOT targeted invasive species and comply with EO 13112, New York Environmental Conservation Law Article 9, Title 17, to prevent the spread of invasive species. Comply to the extent practicable, with the Town of Lancaster landscaping requirements. Avoid impacts to migratory birds. Re-vegetate with native species. Avoid impacts to surface water, to the extent possible. Refer to Section 3.7.

**Noise.** Manage construction activities and schedules to minimize noise impacts. Comply with, to the extent practicable, the NYSDEC noise regulations, as detailed in Section 3.8.

**Wetlands and Floodplains.** Implement BMPs to control construction and operational-related impacts of soil erosion and sedimentation, and provide a proper on-site stormwater management system, as detailed in Section 3.10.

**Solid and Hazardous Materials.** Implement construction and operational BMPs to minimize effects and to comply with applicable regulations, as detailed in Section 3.13.

**Transportation and Parking.** Work with NYSDOT and ECHD to identify and implement roadway improvements, as necessary. Obtain any necessary ROW permits from NYSDOT and ECHD. Manage construction and operation activities and coordinate with NYSDOT, ECHD and LHD, as detailed in Section 3.14.

**Utilities.** Assess the need for on-site irrigation wells and the associated permitting requirements during the site design. Submit design plans to local utility providers to determine connection requirements and implement necessary requirements, as detailed in Section 3.15.

### **Hydrology (Waters of the US)**

Implementation of the Proposed Action at Site 3 could have potentially adverse effects on hydrology (Waters of the US). Approximately 1,100 linear feet of the North Branch of Plum Bottom Creek crosses the southeastern portion of Site 3 would likely be under the jurisdiction of the USACE (Section 404) due to its connection to Waters of the US. If Site 3 is selected for the proposed cemetery, VA would implement the following design avoidance and routine measures to maintain potential effects to hydrology at acceptable, less-than-significant levels. These measures would be more fully developed as part of the subsequent SEA, concurrent with the site design. If Site 3 is selected, VA would:

- Develop a site design that avoids interaction with the creek. VA anticipates that cemetery design would maintain a buffer of undisturbed land along the creek.
- If impacts to the creek cannot be avoided, obtain and comply with all necessary permits from the USACE (Section 404) and NYSDEC (Section 401) of the CWA.

No management measures for the 4106 Walden Avenue Site are identified by this PEA's analysis for the following technical resource areas: **Land Use, Coastal Zones, Socioeconomics, Community Services, and Environmental Justice.**

## **5.2 Mitigation Measures**

### **1232 Indian Falls Road Site**

Future development of a new National Cemetery at the 1232 Indian Falls Road Site could produce direct adverse effects on archeological resources. Based on the discovery of prehistoric archeological resources at this site, it is considered eligible for inclusion in the NRHP. VA has actively engaged the SHPO and affected tribes throughout the cultural resource investigations at the 1232 Indian Falls Road Site.

VA is completing additional investigations to explore, recover, and inventory the archeological resources at the site. VA anticipates that through the completion of these activities in compliance with the NHPA and consultation with the SHPO and the Seneca Nation, potential adverse effects associated with the construction of a new National Cemetery at Site 1 would be mitigated. All artifacts recovered during these investigations will be provided to the Seneca Nation by the site owner, as requested. The SHPO and Seneca Nation agreed that upon completion of the reporting of the Phase III investigation, the research potential of the site will have been achieved and that no further investigation activities would be necessary.

If Site 1 is selected, VA would:

- Complete the Phase III Archeological Investigation that is designed to further explore, recover, and inventory archeological resources at the site. Field work for this investigation was completed in August and September 2013.
- Complete the combined Phase I/Phase II/Phase III Cultural Resources Investigation Report and submit it to the SHPO and Seneca Nation for review and concurrence.
- Enter into a Memorandum of Agreement with the SHPO and the Seneca Nation for the ownership and curation of the recovered artifacts (completed April/May 2014).

In addition, implementing BMPs to reduce impacts during construction would further minimize potential impacts to local cultural resources. Should human remains or other cultural items as defined by NAGPRA be discovered during project construction at the 1232 Indian Falls Road Site, the

construction contractor would immediately cease work until the VA, a qualified archeologist, the SHPO, and the Seneca Nation are contacted to properly identify and appropriately treat discovered items in accordance with applicable State and Federal law(s). In addition, if human remains are discovered, the local police department would be immediately contacted, as required.

**Main Road Site**

No project-specific mitigation measures required.

**4106 Walden Avenue Site**

No project-specific mitigation measures required.

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## SECTION 6: SUMMARY AND CONCLUSIONS

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This PEA analyzes the potential environmental effects of the VA's Proposed Action to select and acquire a site for a new National Cemetery in western New York. This PEA evaluates four alternatives: (1) *1232 Indian Falls Road Site* (Site 1) – select and acquire the approximately 132-acre 1232 Indian Falls Road Site, located southeast of the intersection of Indian Falls and Alleghany Roads in Genesee County, for the future construction and operation of the proposed National Cemetery; (2) *Main Road Site* (Site 2) – select and acquire the approximately 103-acre Main Road Site, located south of the intersection of Main and Cleveland Roads in Genesee County, for the future construction and operation of the proposed National Cemetery; (3) *4106 Walden Avenue Site* (Site 3) – select and acquire the approximately 123-acre 4106 Walden Avenue Site, located northwest of the intersection of Walden Avenue and Pavement Road in Erie County, for the future construction and operation of the proposed National Cemetery and (4) the *No Action Alternative* - do not select and acquire a new site for a proposed National Cemetery.

This PEA evaluates possible effects to aesthetics; air quality; cultural resources; geology and soils; hydrology and water quality; wildlife and habitat; noise; land use; floodplains, wetlands, and coastal zone management; socioeconomics; community services; solid and hazardous materials; transportation and parking; utilities; and environmental justice. **Table 10** provides a summary of the characteristics of the three Action Alternative Sites. **Table 11** provides a comparative summary of the potential environmental issues associated with each of the Action Alternatives.

This PEA concludes there would be no significant direct, indirect, or cumulative effect to the local environment or quality of life associated with implementing the Proposed Action at any of the Action Alternative Sites, provided the best management practices and avoidance, management and mitigation (1232 Indian Falls Road Site only) measures identified in this PEA are implemented. Site-specific impacts will be further evaluated in a subsequent, tiered SEA once a site has been selected and acquired, and the cemetery design process has been initiated. The proposed management, avoidance, and mitigation measures and BMPs identified in this PEA would be incorporated into that future process and analysis. Therefore, this PEA concludes that a Finding of No Significant Impact (FONSI) is appropriate for the Main Road and Walden Avenue Sites, a mitigated FONSI is appropriate for the 1232 Indian Falls Road Site, and that an Environmental Impact Statement (EIS) is not required.

**Table 11. Summary of Action Alternative Site Characteristics**

<b>Characteristic</b>	<b>1232 Indian Falls Road Site (Site 1)</b>	<b>Main Road Site (Site 2)</b>	<b>4106 Walden Avenue Site (Site 3)</b>
<b>Size</b>	Approximately 132 Acres	Approximately 103 Acres	Approximately 120 Acres
<b>Zoning</b>	Agricultural Residential Cemeteries require a special use permit.	Agricultural Residential Cemeteries require a special use permit.	Light Industrial Cemeteries are not listed as part of the current zoning designation.
<b>Current Use</b>	Unimproved cultivated farmland (northern portion) and unimproved vacant and wooded land. Two billboard signs in the southern portion of the site along Interstate 90.	The northern two-thirds is unimproved, vacant land. The southern one-third is undeveloped, wooded land. Site 2 is divided into northern and southern portions by an electrical easement owned by Niagara Mohawk Power Corporation (not included as part of Site 2).	Primarily unimproved, vacant land prepared for an industrial park with two access roads and three retention ponds. A natural gas pipeline crosses the northeastern portion of Site 3.
<b>Former Use</b>	Unimproved farmland, and unimproved vacant and wooded land, with a residential structure and associated outbuildings along the northern boundary from the 1880s to late 2012. Operated as a dairy farm from at least 1925 to at least 1949. An area in the southwestern portion has gradually been reforested since the 1960s.	The northern two-thirds of Site 2 were unimproved farmland from at least 1905 to the 1990s and has been unimproved, vacant land since the 1990s. The southern one-third of Site 2 has been undeveloped, wooded land since at least 1905. Site 2 is divided into northern and southern portions by an easement that was used as a railroad from at least 1905 to the 1960s and has been used as an electrical easement since the 1960s.	Primarily unimproved farmland with a residential property and associated outbuildings in a wooded area along the east-central boundary from at least 1905 to approximately 2002. Site 3 was cleared, graded, and prepared for an industrial park development in 2002-2003.
<b>Current Buildings</b>	None	None	None
<b>Surrounding Land Uses</b>	North – Farmland and residential properties. East – Unimproved vacant and wooded land, and a residence. South – Unimproved land and Interstate 90. West – Two residential properties, unimproved farmland, wooded land, and wetlands.	North - Farmland and one residential property. East – Unimproved vacant land and wooded land with wetlands. South – Undeveloped, wooded land and wetlands. West – One residential property, unimproved farmland, and wooded land and wetlands.	North – Residential properties and unimproved farmland. East – Commercial and light industrial properties and one residence. South – Commercial and light industrial properties. West – Unimproved farmland and vacant land.

Table 11. Summary of Action Alternative Site Characteristics (continued)

Characteristic	1232 Indian Falls Road Site (Site 1)	Main Road Site (Site 2)	4106 Walden Avenue Site (Site 3)
<b>Topography</b>	Surficial topography (elevation ranging from approximately 870 feet amsl in the northern portion to approximately 830 feet amsl in the southern portion) is gently sloping to the south.	Surficial topography (elevation ranging from approximately 885 feet amsl in the northern portion to approximately 870 feet amsl in the southern portion) is gently sloping to the south.	Surficial topography (elevation ranging from approximately 770 feet amsl in the northeastern portion to approximately 735 feet amsl in the southwestern portion) is gently sloping to the southwest.
<b>NRHP Historic Resources</b>	None	None	None
<b>Archeological Resources</b>	<p>A 2012 Phase I archeological survey identified prehistoric lithic artifacts from shovel test locations and evidence of possible subsurface hearth features at Site 1. The majority of the prehistoric lithic artifacts and the hearth features were recovered from the northern agricultural portion of the site.</p> <p>The field work for the Phase II Archeological Investigation was conducted during April through June 2013. Approximately 6,000 lithic artifacts were recovered during the Phase II field activities. These artifacts include several projectile points or point fragments. Based on the Phase II findings, the site is eligible for inclusion on the NRHP.</p> <p>VA discussed the Phase II findings with the SHPO and the Seneca Nation and determined that a Phase III investigation would be conducted immediately after the harvest of the wheat crop. The Phase III field work was completed in August and September 2013. In total, approximately 16,000 lithic artifacts were recovered and several prehistoric burn/thermal features were identified and investigated.</p>	<p>A portion of Site 2 was surveyed for archeological resources in 2007. One pre-contact archeological site was identified. SHPO recommended a Phase II survey or avoidance measures.</p> <p>A Phase I and Phase II archeological survey of the entire site was conducted in 2012. Additional prehistoric artifacts were found at the site; none were considered significant or eligible for listing in the NRHP. The 2012 archeological survey report will be submitted to SHPO for review and concurrence.</p>	<p>Site 3 was surveyed for archeological resources in 2007. Two prehistoric archeological sites were identified. SHPO stated that the finds were not eligible for the NRHP and had no further concerns.</p>
<b>Depth to Bedrock</b>	Unknown	Unknown	Greater than 40 feet below grade.

Table 11. Summary of Action Alternative Site Characteristics (continued)

Characteristic	1232 Indian Falls Road Site (Site 1)	Main Road Site (Site 2)	4106 Walden Avenue Site (Site 3)
<b>Depth to Groundwater</b>	Greater than 8 feet in northern portion of the site, generally 4 to 6 feet in southern portion of the site. Near the ground surface in wetland areas.	Unknown	Between 18 and 35 feet below grade in the central and eastern portions of the site.
<b>Soils</b>	Approximately 120 acres (91%) of the site classified as prime farmland, prime farmland if drained, or farmland of statewide importance.	Approximately 83 acres (81%) of the site classified as prime farmland, prime farmland if drained, or farmland of statewide importance.	Approximately 36 acres (30%) of the site classified as prime farmland, prime farmland if drained, or farmland of statewide importance.
<b>Surface Waters/Wetlands</b>	<p>One forested wetland is present in the southwestern portion of Site 1. Wetland boundaries have not been formally delineated. Wetland estimated to occupy approximately 30 acres or 23% of Site 1. In addition, a creek bed was observed in the southwestern portion of Site 1. Both the wetland and the creek bed are likely to be considered Waters of the US and regulated by the USACE.</p>	<p>Wetlands, which were partially delineated in 2007, are present in the eastern and southern portions of Site 2 and are likely to be considered Waters of the US and regulated by the USACE. Wetlands are estimated to occupy approximately 35 acres or 34% of Site 2.</p>	<p>Approximately 1,100 linear feet of the North Branch of Plum Bottom Creek crosses the southeastern portion of Site 3 and is considered Waters of the US.</p> <p>A 2001 wetland delineation identified an approximately 3 to 5-acre wetland in western portion of Site 3. This wetland was determined not to be under the jurisdiction of the USACE or NYSDEC based on its isolated nature and size. The previously identified wetlands have been significantly altered during the 2003 site development preparation activities. Only remnants of the wetlands remain and would not likely be under the jurisdiction of the USACE or NYSDEC.</p>
<b>Floodplains</b>	Site 1 is located outside the 100-year and 500-year floodplain. A 100-year floodplain associated with Murder Creek is located approximately 400 feet southwest of Site 1.	Southwestern approximately 8 acres (8%) of Site 2 is located within the 100-year floodplain. The remaining portions of Site 2 are located outside the 100-year and 500-year floodplain.	Site 3 and adjoining areas are located outside the 100-year and 500-year floodplain.

Table 11. Summary of Action Alternative Site Characteristics (continued)

Characteristic	1232 Indian Falls Road Site (Site 1)	Main Road Site (Site 2)	4106 Walden Avenue Site (Site 3)
<b>Threatened and Endangered Species</b>	Based on resources and information provided by the USFWS and NYSDEC FWMR, and site observations, threatened and endangered species, significant natural communities, or other significant habitats are not likely to occur at Site 1.	Based on resources and information provided by the USFWS and NYSDEC FWMR, and site observations, threatened and endangered species, significant natural communities, or other significant habitats are not likely to occur at Site 2.	Based on resources and information provided by the USFWS and NYSDEC FWMR, and site observations, threatened and endangered species, significant natural communities, or other significant habitats are not likely to occur at Site 3.
<b>Soil and Groundwater Contamination</b>	None known or likely.	None known or likely.	None known or likely.
<b>Traffic</b>	Access to Site 1 is provided directly from Indian Falls Road (Genesee County Route 4) and Alleghany Road (NY State Route 77). Under current conditions, both Indian Falls and Alleghany Roads operate at or above acceptable LOS ratings.	Access to Site 2 is provided directly from Main Road (NY State Route 5). Under current conditions, Main Road operates at or above acceptable LOS ratings.	Access to Site 3 is provided directly from Walden Avenue (NY State Highway), Pavement Road (Erie County Route 139), and Pleasant View Drive (Erie County Route 161). Under current conditions, Walden Avenue, Pavement Road, and Pleasant View Drive operate at or above acceptable LOS ratings.
<b>Utilities</b>	Potable water supply is not currently available to Site 1. Potable water supply lines have been proposed to be extended to the site area; however, a schedule for these extensions has not been finalized. Sanitary sewer service to Site 1 is not currently available. A private sewage disposal system would likely be required for Site 1. Remaining services already available and likely adequate with minor upgrades.	Services already available and likely adequate with minor upgrades.	Services already available and likely adequate with minor upgrades.

**Table 12. Summary of Potential Environmental Effects of Action Alternatives\*  
(without Management and/or Mitigation Measures)**

\*Table provides a summary of conditions; this is not a detailed analysis.

Resource Area	1232 Indian Falls Road Site (Site 1)	Main Road Site (Site 2)	4106 Walden Avenue Site (Site 3)
<b>Aesthetics</b>	The cemetery would be designed to blend with the existing landscape. VA would comply with Town of Pembroke landscaping and development regulations, to the extent practicable. Landscaping would be maintained along site boundaries with residences.	The cemetery would be designed to blend with the existing landscape. VA would comply with Town of Pembroke landscaping and development regulations, to the extent practicable. Landscaping would be maintained along site boundaries with residences.	The cemetery would be designed to blend with the existing landscape. VA would comply with Town of Lancaster landscaping and development regulations, to the extent practicable. Landscaping would be maintained along site boundaries with residences.
<b>Air Quality</b>	Minor dust emissions during cemetery construction would be managed through routine construction best management practices.	Minor dust emissions during cemetery construction would be managed through routine construction best management practices.	Minor dust emissions during cemetery construction would be managed through routine construction best management practices.
<b>Cultural Resources</b>	Based on the discovery of prehistoric archeological resources at this site, it is considered eligible for inclusion in the NRHP.  VA anticipates that through the completion of the Phase III activities in compliance with the NHPA and consultation with the SHPO and the Seneca Nation, potential adverse effects associated with the construction of a new National Cemetery at Site 1 would be mitigated. The SHPO and Seneca Nation agreed that upon completion of the reporting of the Phase III investigation, the research potential of the site will have been achieved and that no further investigation activities would be necessary.	No historic building or structure concerns.  A Phase I and Phase II archeological survey of the site was conducted in 2012. Prehistoric artifacts were found at the site; however, none were considered significant or eligible for listing in the NRHP. The 2012 archeological survey report will be submitted to SHPO for review and concurrence.	No historic building or structure concerns.  Prehistoric artifacts were found at the site during a 2007 survey; however, SHPO determined that none of the identified artifacts are eligible for listing in the NRHP.

**Table 12. Summary of Potential Environmental Effects of Action Alternatives\* (continued)  
(without Management and/or Mitigation Measures)**

\*Table provides a summary of conditions; this is not a detailed analysis.

Resource Area	1232 Indian Falls Road Site (Site 1)	Main Road Site (Site 2)	4106 Walden Avenue Site (Site 3)
<b>Geology and Soils</b>	<p>Approximately 120 acres (91%) of the site classified as prime farmland, prime farmland if drained, or farmland of statewide importance. Approximately 50 acres are actively farmed. Site 1 is not enrolled in a New York State Certified Agricultural District (NYSCAD).</p> <p>VA would complete Form AD-1006, Farmland Conversion Impact Rating, and submit the completed form to the local USDA NRCS office.</p> <p>Soil erosion and sedimentation impacts during construction would be managed by implementing routine erosion prevention measures and by obtaining and complying with a SPDES permit.</p>	<p>Approximately 83 acres (81%) of the site classified as prime farmland, prime farmland if drained, or farmland of statewide importance. However, none of the site is actively farmed. Site 2 is not enrolled in a NYSCAD.</p> <p>VA would complete Form AD-1006, Farmland Conversion Impact Rating, and submit the completed form to the local USDA NRCS office.</p> <p>Soil erosion and sedimentation impacts during construction would be managed by implementing routine erosion prevention measures and by obtaining and complying with a SPDES permit.</p>	<p>Approximately 36 acres (30%) of the site classified as prime farmland, prime farmland if drained, or farmland of statewide importance. However, the site has been prepared for light industrial development and is not actively farmed.</p> <p>VA would complete Form AD-1006, Farmland Conversion Impact Rating, and submit the completed form to the local USDA NRCS office.</p> <p>Soil erosion and sedimentation impacts during construction would be managed by implementing routine erosion prevention measures and by obtaining and complying with a SPDES permit.</p>
<b>Hydrology and Water Quality</b>	<p>A creek bed in the southwestern portion of Site 1 appears to be surficially connected to Murder Creek, and would likely be under the jurisdiction of the USACE.</p> <p>VA would avoid impacts to the creek bed during the site design and anticipates that the design will maintain a buffer of undisturbed land along the creek bed. If impacts to the creek bed can not be avoided, VA would obtain and comply with the necessary permits from the USACE and NYSDEC.</p>	<p>No surface water features identified.</p>	<p>Approximately 1,100 linear feet of the North Branch of Plum Bottom Creek is located in the southeastern portion of Site 3 and would likely be under the jurisdiction of the USACE.</p> <p>VA would avoid impacts to the creek during the site design and anticipates that the design will maintain a buffer of undisturbed land along the creek. If impacts to the creek can not be avoided, VA would obtain and comply with the necessary permits from the USACE and NYSDEC.</p>

**Table 12. Summary of Potential Environmental Effects of Action Alternatives\* (continued)  
(without Management and/or Mitigation Measures)**

\*Table provides a summary of conditions; this is not a detailed analysis.

Resource Area	1232 Indian Falls Road Site (Site 1)	Main Road Site (Site 2)	4106 Walden Avenue Site (Site 3)
<b>Wildlife and Habitat</b>	<p>No threatened and endangered species, significant natural communities, or other significant habitats are likely to occur at Site 1.</p> <p>Potential impacts to other biological resources would be managed to less-than-significant levels through environmentally sensitive site design and following good engineering practices.</p>	<p>No threatened and endangered species, significant natural communities, or other significant habitats are likely to occur at Site 2.</p> <p>Potential impacts to other biological resources would be managed to less-than-significant levels through environmentally sensitive site design and following good engineering practices.</p>	<p>No threatened and endangered species, significant natural communities, or other significant habitats are likely to occur at Site 3.</p> <p>Site 3 is populated with invasive species that have established themselves since the site was graded 10 years ago. If Site 3 is selected, VA would survey the site for the four NYSDOT target invasive species and implement best management practices to prevent the introduction or spread of invasive species to other areas.</p> <p>Potential impacts to other biological resources would be managed to less-than-significant levels through environmentally sensitive site design and following good engineering practices.</p>
<b>Noise</b>	<p>No significant noise impacts during cemetery operation. Minor noise impacts to adjacent and nearby residences during cemetery construction would be reduced by managing construction activities and schedules.</p>	<p>No significant noise impacts during cemetery operation. Minor noise impacts to adjacent and nearby residences during cemetery construction would be reduced by managing construction activities and schedules.</p>	<p>No significant noise impacts during cemetery operation. Minor noise impacts to adjacent and nearby residences during cemetery construction would be reduced by managing construction activities and schedules.</p>

**Table 12. Summary of Potential Environmental Effects of Action Alternatives\* (continued)  
(without Management and/or Mitigation Measures)**

\*Table provides a summary of conditions; this is not a detailed analysis.

Resource Area	1232 Indian Falls Road Site (Site 1)	Main Road Site (Site 2)	4106 Walden Avenue Site (Site 3)
<b>Land Use</b>	Generally compatible with current zoning, which allows for cemeteries as a special permitted use, and surrounding last uses, mostly unimproved agricultural and vacant land.	Generally compatible with current zoning, which allows for cemeteries as a special permitted use, and surrounding last uses, mostly unimproved agricultural and vacant land.	<p>Site 3 is zoned, planned and prepared for light industrial development. The use of this site as a cemetery would be inconsistent with the planned use of the property and LIDA requested that VA withdraw Site 3 from consideration for use as a cemetery.</p> <p>However, the developer who holds the development rights to the property has been unable to develop the site as planned for the past 10 years and would welcome the sale of the site to VA for a cemetery; therefore, although the use of the site as a cemetery would be inconsistent with zoning and the plans for the site; this potential adverse effect is less-than-significant.</p>

**Table 12. Summary of Potential Environmental Effects of Action Alternatives\* (continued)  
(without Management and/or Mitigation Measures)**

\*Table provides a summary of conditions; this is not a detailed analysis.

Resource Area	1232 Indian Falls Road Site (Site 1)	Main Road Site (Site 2)	4106 Walden Avenue Site (Site 3)
<b>Floodplains, Wetlands, and Coastal Zone Management</b>	<p>One forested wetland is present in the southwestern portion of Site 1. Wetland boundaries have not been formally delineated. Wetland estimated to occupy approximately 30 acres or 23% of Site 1. The wetland appears to be surficially connected to Murder Creek and would likely be under the jurisdiction of the USACE.</p> <p>Wetland delineation and USACE jurisdictional determination required, if selected.</p> <p>VA would avoid impacts to the wetland during the site design and anticipates that the design will maintain a buffer of undisturbed land along the wetland. If impacts to the wetland can not be avoided, VA would obtain and comply with the necessary permits from the USACE and NYSDEC.</p>	<p>Wetlands, which were partially delineated in 2007, are present in the eastern and southern portions of Site 2 and are likely to be considered Waters of the US and regulated by the USACE. Wetlands are estimated to occupy approximately 35 acres or 34% of Site 2.</p> <p>Wetland delineation and USACE jurisdictional determination required, if selected.</p> <p>VA would avoid impacts to the wetland during the site design and anticipates that the design will maintain a buffer of undisturbed land along the wetland. If impacts to the wetland can not be avoided, VA would obtain and comply with the necessary permits from the USACE and NYSDEC.</p> <p>The southwestern approximately 8 acres (8%) of Site 2 is located within the 100-year floodplain</p> <p>VA would avoid construction within the floodplain and would ensure that the site design accounts for pre/post 100-year stormwater retention volume.</p>	<p>A 2001 wetland delineation identified an approximately 3 to 5-acre wetland in western portion of Site 3. This wetland was determined not to be under the jurisdiction of the USACE or NYSDEC based on its isolated nature and size. The previously identified wetlands have been significantly altered during the 2003 site development preparation activities. Only remnants of the wetlands remain and would not likely be under the jurisdiction of the USACE or NYSDEC.</p> <p>VA would conduct a wetland delineation seek an USACE jurisdictional determination to confirm that the remnant on-site wetland is not regulated if Site 3 is selected.</p>
<b>Socioeconomics</b>	No concerns.	No concerns.	No concerns.
<b>Community Services</b>	No concerns.	No concerns.	No concerns.

**Table 12. Summary of Potential Environmental Effects of Action Alternatives\* (continued)  
(without Management and/or Mitigation Measures)**

\*Table provides a summary of conditions; this is not a detailed analysis.

<b>Resource Area</b>	<b>1232 Indian Falls Road Site (Site 1)</b>	<b>Main Road Site (Site 2)</b>	<b>4106 Walden Avenue Site (Site 3)</b>
<b>Solid and Hazardous Wastes</b>	No site-specific concerns. VA would minimize potential impacts associated with cemetery construction and operation through routine BMPs and compliance with VA SOPs and Federal and State regulations.	No site-specific concerns. VA would minimize potential impacts associated with cemetery construction and operation through routine BMPs and compliance with VA SOPs and Federal and State regulations.	No site-specific concerns. VA would minimize potential impacts associated with cemetery construction and operation through routine BMPs and compliance with VA SOPs and Federal and State regulations.
<b>Transportation and Parking</b>	Minor traffic impacts anticipated. Additional traffic volume on Alleghany Road estimated to be 6.3 % over 2011 levels.	Minor traffic impacts anticipated. Additional traffic volume on Main Road estimated to be 8 % over 2011 levels.	Minor traffic impacts anticipated. Additional traffic volume on Walden Avenue estimated to be 5.2 % over 2011 levels.
<b>Utilities</b>	<p>Potable water supply is not currently available to Site 1. Potable water supply lines have been proposed to be extended to the site area; however, a schedule for these extensions has not been finalized.</p> <p>Sanitary sewer service to Site 1 is not currently available. A private sewage disposal system would likely be required for Site 1.</p> <p>Remaining services already available and likely adequate with minor upgrades.</p> <p>The need for an on-site irrigation well and the associated permitting requirements will be determined during the site design.</p>	<p>Services already available and likely adequate with minor upgrades.</p> <p>The need for an on-site irrigation well and the associated permitting requirements will be determined during the site design.</p>	<p>Services already available and likely adequate with minor upgrades.</p> <p>The need for an on-site irrigation well and the associated permitting requirements will be determined during the site design.</p>
<b>Environmental Justice</b>	No concerns.	No concerns.	No concerns.

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**SECTION 7: LIST OF PREPARERS**


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**DEPARTMENT OF VETERANS AFFAIRS STAFF**
**Mr. Tom Moran**

Environmental Engineer  
 Department of Veterans Affairs  
 Office of Construction and Facilities Management

**Mr. Glenn Elliott**

Environmental Engineer  
 Department of Veterans Affairs  
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**Mr. Glenn Madderom**

Chief, Cemetery Development & Improvement Service  
 Department of Veterans Affairs  
 National Cemetery Administration  
 Office of Field Programs

**Ms. Amanda Wehner**

Project Manager  
 Department of Veterans Affairs  
 Office of Construction and Facilities Management

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**TTL ASSOCIATES, INC. (CONSULTANTS)**

Name	Role	Degree	Years of Experience
<b>Rob Clark</b>	Project Manager, Technical Lead, Technical QA/QC Review, Program Management/Project Coordination	B.S., Aquatic Environments/Environmental Science, 1985	27
<b>Paul Jackson</b>	Site Reconnaissance, Document Preparation, Affected Environment, Environmental Impact Analysis and Scoping Coordination	B.A., Biology/English 1992	14
<b>Clark Wittenberg</b>	GIS Analysis, Mapping, Graphics	A.S. Civil Engineering Technology, 1995 A.S. Architectural Technology, 1995 B.S. Construction Management, 2001	16

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## SECTION 8: REFERENCES CITED

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- Association of Natural Burials, 2008.
- Clean Air Act of 1970 (42 USC 7401 *et. seq.*; 40 CFR Parts 50-87) Section 176(c).
- Coastal Zone Management Act of 1990, as amended (16 USC 1451 *et seq.*)
- Endangered Species Act of 1973, as amended (7 USC 136; 16 USC 1531 *et seq.*).
- EO 11988, *Floodplain Management*. 1977.
- EO 11990, *Protection of Wetlands*. 1977.
- EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. 1994.
- EO 13045, *Protection of Children From Environmental Health Risks and Safety Risks*. 1997.
- EO 13175, *Consultation and Coordination with Indian Tribal Governments*. 6 November 2000.
- EO 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*. 24 January 2007.
- EO 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*. 5 October 2009.
- Executive Order 13112, *Invasive Species* (3 February 1999).
- Erie County Environment and Planning Department, 2012.
- Erie County Parks and Recreation, 2012.
- Erie County Public Works Department, 2012.
- Erie County Department of Health, 2012.
- Farmland Protection Policy Act (FFPA) (7 USC 4201, *et seq.*).
- Federal Clean Air Act of 1990 (42 USC 7401 *et seq.*, as amended).
- Federal Clean Water Act (Federal Water Pollution Control Act) of 1948, as amended (1972, 1977) (33 USC 1251 *et seq.*); Sections 401 and 404.
- Federal Emergency Management Agency (FEMA), *Flood Insurance Rate Maps 2009*.
- General Site Assessment and Preliminary Geotechnical Evaluation Report, prepared by Empire, dated May 23, 2013.
- Genesee County Parks, Recreation, and Forestry, 2012.
- Genesee County Soil and Water Conservation District, 2012.
- Genesee County Department of Planning, 2012.
- Genesee County Highway Department, 2012.
- Genesee County Public Health Department, 2012.

- Initial Findings of Phase 2 Investigations and Proposed Phase 3 Methodology, Proposed Western New York U.S. Department of Veterans Affairs Cemetery Location in East Pembroke, New York, prepared by CCRG, dated July 3, 2013.
- Lancaster Building and Zoning Department, 2012.
- Lancaster Highway Department, 2012.
- Lancaster Parks, Recreation, and Forestry Department, 2012.
- Lancaster Industrial Development Agency, 2012.
- Lancaster Department of Public Work, 2012.
- Lancaster Community Development Corporation, 2012.
- Migratory Bird Treaty Act (16 USC 703-712, 3 July 1918; as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986, and 1989).
- National Historic Preservation Act of 1966, as amended (36 CFR Part 800).
- Native American Graves Protection and Repatriation Act, as amended (NAGPRA) (25 USC 3001 et seq.). 1990
- National Oceanic and Atmospheric Association.
- New York Environmental Conservation Law Article 9, Title 17.
- New York Department of Environmental Conservation Regions 8 and 9, 2012.
- New York Fish, Wildlife, and Marine Resources, 2012.
- New York State Department of Transportation, Regions 4 and 5, 2012.
- New York State Historic Preservation Office, 2012.
- Peak Noise Levels Expected from Typical Construction Equipment, Tipler, 1976.
- Pembroke Highway Department, 2012.
- Pembroke Parks Department, 2012.
- Pembroke Zoning and Codes Department, 2012.
- Phase I Cultural Resources Summary, 1232 Indian Falls Road, prepared by CCRG, dated December 12, 2012
- Phase 3 Cultural Resources Investigations, Initial Findings of Completed Phase 3 Field Investigations/Mechanical Stripping, Indian Falls Precontact Site (A03712.000035), Corfu, Genesee County, New York, prepared by Commonwealth Cultural Resources Group, Inc. dated December 2012.
- US Army Corps of Engineers, Buffalo District, 2012.
- US Fish and Wildlife Service (USFWS), Northeast Region, 2012.
- US Environmental Protection Agency (USEPA), Region 2, 2012.
- US Department of Commerce Bureau of Economic Analysis, 2012.
- US Census Bureau 1990, 1999, 2000, 2008, 2009, and 2010.
- US Department of Agriculture, Natural Resources Conservation Service Web Soil Survey, 2012.
- US Environmental Protection Agency (USEPA) National Ambient Air Quality Standards (NAAQS) 2008.

US Geological Survey, 2012.

USEPA Groundwater Atlas of the United States, 2012.

USEPA's Total Maximum Daily Loads (TMDL) Report (USEPA 2006, *Total Maximum Daily Loads, Section 303[d] List*).

USFWS National Wetlands Inventory Online Mapper, 2012.

VA 2010. NEPA Interim Guidance for Projects. PG-18-17 (rev.). 30 September 2010.

**Websites Consulted:**

FEMA Flood Hazard Insurance Map, website: <http://msc.fema.gov/webapp/wcs/stores/servlet>

Superfund Site Information Systems, US Environmental Protection Agency, website:  
<http://cfpub.epa.gov/supercpad/cursities.htm>

US Geological Survey 2010.

US Department of Veterans Affairs, website: <http://www.cem.va.gov>

USEPA Environmental & Compliance History Online (ECHO) e-database:  
<http://www.epa-echo.gov/echo/>

US Bureau of Census (2000 US Census Data): <http://www.census.gov/>

USDA NRCS online web soil survey: <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

Various mapping tools to locate properties, internet, [www.mapquest.com](http://www.mapquest.com),  
[www.maps.google.com](http://www.maps.google.com) , [www.google.earth.com](http://www.google.earth.com) , etc.

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**SECTION 9: LIST OF ACRONYMS AND ABBREVIATIONS**


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ACA	Air Compliance Assurance	FS	Feasibility Study
ACHP	Advisory Council on Historic Preservation	GCDP	Genesee County Department of Planning
ADA	Americans with Disabilities Act of 1990	GCHD	Genesee County Highway Department
AIRFA	American Indian Religious Freedom Act	GCPHD	Genesee County Public Health Department
amsl	above mean sea level	GCPRF	Genesee County Parks, Recreation and Forestry
ARPA	Archaeological Resources Protection Act	GIS	Geographic Information System
AST	Aboveground Storage Tank	HAP	Hazardous Air Pollutant
BEA	Bureau of Economic Analysis	IICEP	Interagency and Intergovernmental Coordination for Environmental Planning
BMP	Best Management Practice	LBZD	Lancaster Building and Zoning Department
CAA	Clean Air Act	LCDC	Lancaster Community Development Corporation
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	LDPW	Lancaster Department of Public Works
CEQ	Council on Environmental Quality	LHD	Lancaster Highway Department
CFR	Code of Federal Regulations	LIDA	Lancaster Industrial Development Authority
CMP	Coastal Management Program	LPRFD	Lancaster Parks, Recreation, and Forestry Department
CO	Carbon Monoxide	LOS	Level of Service
CWA	Clean Water Act	NAAQS	National Ambient Air Quality Standards
CZARA	Coastal Zone Act Reauthorization Amendments	NAGPRA	Native American Graves Protection and Repatriation Act
CZMA	Coastal Zone Management Act	NEPA	National Environmental Policy Act of 1969
DRD	Demolition, Remediation, and Drainage	NHPA	National Historic Preservation Act
E&S	Erosion and Sedimentation	NOA	Notice of Availability
EA	Environmental Assessment	NOAA	National Oceanic and Atmospheric Association
ECDH	Erie County Department of Health	NO <sub>x</sub>	Nitrogen Oxides
ECEPD	Erie County Environment and Planning Department	NPDES	National Pollution Discharge Elimination System
ECPR	Erie County Parks and Recreation	NPS	National Park Service
ECPWD	Erie County Public Works Department	NRCS	Natural Resources Conservation Service
EDR	Environmental Data Resources	NRHP	National Register of Historic Places
EIS	Environmental Impact Statement	NWI	National Wetland Inventory
EO	Executive Order	NYSDEC	New York Department of Environmental Conservation
ERP	Environmental Resource Permit		
ESA	Endangered Species Act		
FEMA	Federal Emergency Management Agency		
FIRM	Flood Insurance Rate Map		
FONSI	Finding of No Significant Impact		
FPPA	Farmland Protection Policy Act		

NYSDOT	New York State Department of Transportation
NYFWMR	New York Fish, Wildlife, and Marine Resources
O <sub>3</sub>	Ozone
OSHA	Occupational Safety and Health Administration
Pb	Lead
PBF	Public Buildings and Facilities
PHD	Pembroke Highway Department
PM	Particulate matter
PPD	Pembroke Parks Department
ppm	parts per million
PTE	Potential to emit
PZCD	Pembroke Zoning and Codes Department
RCRA	Resource Conservation and Recovery Act
RI	Remedial Investigation
ROD	Record of Decision
RONA	Record of Non-applicability
SFHA	Special Flood Hazard Area
SHPO	New York State Historic Preservation Office
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur dioxide
SWCD	Soil and Water Conservation District
SWPPP	Storm Water Pollution Prevention Plan
TPY	Tons per year
USACE	United States Army Corps of Engineers
USC	United States Code
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VA	Department of Veterans Affairs

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## SECTION 10: AGENCIES AND INDIVIDUALS CONSULTED

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### Agencies Consulted

**U.S. Fish and Wildlife Service – Northeast Region**

New York Field Office  
3817 Luker Road  
Cortland, New York 13045  
Phone: (607) 753-9334

**US Environmental Protection Agency, Region 2**

Western New York Public Information Office  
186 Exchange Street  
Buffalo, New York 14204  
Phone: (877) 251-4575

**US Army Corps of Engineers – Buffalo District**

Public Affairs Office  
1776 Niagara Street  
Buffalo, New York 14207  
Phone: (716) 879-4410

**New York Department of Environmental Conservation, Region 8**

6274 East Avon-Lima Road  
Avon, New York 14414-9519  
Phone: (585) 226-2466

**New York Department of Environmental Conservation, Region 9**

270 Michigan Avenue  
Buffalo, New York 14203-2915  
Phone: (716) 851-7201

**New York State Department of Transportation**

Western New York Region (Region 5)  
100 Seneca Street  
Buffalo, New York 14203  
Phone: (716) 847-3239

**New York State Department of Transportation**

Genesee Valley Region (Region 4)  
1530 Jefferson Road  
Rochester, NY 14623  
Phone: (585) 272-3310

**New York State Historic Preservation Office (SHPO)**

Peebles Island State Park  
P.O. Box 189  
Waterford, New York 12188-0189  
Phone: (518) 237-8643

**Genesee County Parks, Recreation, and Forestry**

153 Cedar Street  
Batavia, New York 14020  
Phone: (585) 344-8508

**Genesee County Soil and Water Conservation District**

29 Liberty Street, Suite #3  
Batavia, New York 14020  
Phone: (585) 343-2362

**Genesee County Department of Planning**

County Building 2  
3837 West Main Street  
Batavia, New York 14020  
Phone: (585) 344-2580 Ext. 5467

**Genesee County Highway Department**

153 Cedar Street  
Batavia, New York 14020  
Phone: (585) 344-8508

**Genesee County Public Health Department**

3837 West Main St. Rd  
Batavia, New York 14020  
Phone: (585) 344-2580

**Erie County Environment and Planning Department**

95 Franklin Street, 10th Floor  
Buffalo, New York 14202  
Phone: (716) 858-8390

**Erie County Parks and Recreation**

95 Franklin Street, 13th Floor  
Buffalo, New York 14202  
Phone: (716) 858-8355

**Erie County Public Works Department**

95 Franklin Street, 14th Floor  
Buffalo, New York 14202  
Phone: (716) 858-8300

**Erie County Department of Health**

503 Kensington Avenue  
Buffalo, New York 14214  
Phone: (716) 961-6800

**Pembroke Highway Department**

1145 Main Road  
Corfu, New York, 14036  
Phone: (585) 599-4892 Ext. 27

**Pembroke Parks Department**

1145 Main Road  
Corfu, New York, 14036  
Phone: (585) 599-4892

**Pembroke Zoning and Codes Department**

1145 Main Road  
Corfu, New York, 14036  
Phone: (585) 599-4892 Ext. 24

**Lancaster Building and Zoning Department**

21 Central Avenue  
Lancaster, New York 14086  
Phone: (716) 684-4171

**Lancaster Highway Department**

525 Pavement Road  
Lancaster, New York 14086  
Phone: (716) 683-3426

**Lancaster Parks, Recreation, and Forestry Department**

525 Pavement Road  
Lancaster, New York 14086  
Phone: (716) 684-3320

**Lancaster Industrial Development Agency**

Town Hall  
21 Central Avenue  
Lancaster, New York 14086  
Phone: (716) 683-1610

**Lancaster Department of Public Works**

5200 Broadway  
Lancaster, New York 14086  
Phone: (716) 683-1028

**Lancaster Community Development Corporation**

5423 Broadway Street  
Lancaster, New York 14086  
Phone: (716) 684-489

**Federally Recognized Tribes Consulted****Cayuga Nation of New York**

Attn: Mr. Clint Halftown  
2540 State Route 89  
P.O. Box 803  
Seneca Falls, New York 13148

**Oneida Nation of New York**

Attn: Mr. Tony Wonderley  
223 Genesee Street  
Oneida, New York 13421

**Onondaga Nation of New York**

Attn: Mr. Anthony Gonyea  
RR 1, Box 319-B  
Nedrow, New York 13120

**Oneida Tribe of Indians of Wisconsin**

Attn: Mr. Ed Delgado  
PO Box 365  
Oneida, Wisconsin 54155

**Seneca-Cayuga Nation**

Attn: Chief LeRoy Howard  
23701 South 655 Road  
Grove, Oklahoma 74344

**Seneca Nation of Indians**

Attn: Lana Watt, THPO  
90 Ohi: Yo' Way  
Salamanca, New York 14779

**Shinnecock Indian Nation**

Attn: Mr. Randy King  
P.O. Box 5006  
Southampton, New York 11969-0751

**Seneca Nation of New York**

Attn: Mr. Barry E. Snyder Sr.  
1490 Rte. 438  
Irving, New York 14081

**St. Regis Band of Mohawk Indians of New York**

Attn: Mr. Loran Thompson  
412 State Route 37  
Akwesasne, New York 13655

**Tonawanda Band of Seneca Indians of New York**

Attn: Mr. Roger Hill  
7027 Meadville Road  
Basom, New York 14013

**Tuscarora Nation of New York**

Attn: Mr. Leo R. Henry  
2006 Mt. Hope Road  
Lewiston, New York 14092

**Wyandotte Tribe of Oklahoma**

Attn: Chief Billy Friend  
64700 E. Highway 60  
Wyandotte, Oklahoma 74370

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## SECTION 11: LIST OF ENVIRONMENTAL PERMITS REQUIRED

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### 11.1 Regulatory Framework

This PEA has been prepared under the provisions of, and in accordance with the NEPA, the CEQ Regulations Implementing the Procedural Provisions of NEPA, and 38 CFR Part 26. In addition, the PEA has been prepared as prescribed in VA's *NEPA Interim Guidance for Projects* (VA 2010b). Federal, State, and local laws and regulations specifically applicable to this Proposed Action are specified, where appropriate, within this PEA, and include:

- Coastal Zone Management Act (CZMA) of 1990, as amended (16 USC 1451 *et seq.*); Federal agencies must follow the Federal Consistency provisions as delineated in 15 CFR Part 930.
- Migratory Bird Treaty Act (MBTA; 16 USC 703-712, 3 July 1918; as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986, and 1989).
- Endangered Species Act (ESA) of 1973, as amended (7 USC 136; 16 USC 1531 *et seq.*).
- Native American Graves Protection and Repatriation Act, as amended (NAGPRA) (25 USC 3001 *et seq.*).
- National Historic Preservation Act (NHPA) of 1966, as amended (36 CFR Part 800).
- Federal Clean Air Act (CAA) of 1990 (42 USC 7401 *et seq.*, as amended).
- Federal Clean Water Act (Federal Water Pollution Control Act) of 1948, as amended (1972, 1977) (33 USC 1251 *et seq.*); Sections 401 and 404.
- Executive Order 11988, *Floodplain Management* (24 May 1977).
- Executive Order 11990, *Protection of Wetlands* (24 May 1977).
- Executive Order 12898, *Environmental Justice* (11 February 1994).
- Executive Order 13112, *Invasive Species* (3 February 1999).
- Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management* (24 January 2007).
- Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance* (5 October 2009).
- USACE, Section 404 of the Federal Clean Water Act for projects that disturb any jurisdictional "Waters of the United States".
- NYSDEC, Section 401 of the Federal Clean Water Act for projects that disturb any jurisdictional "Waters of the United States" and wetlands.

- NYSDEC, Freshwater Wetland Act for projects that disturb any isolated wetland 12.4 acres or greater in size.
- Farmland Protection Policy Act (FPPA).
- New York Environmental Conservation Law Article 9, Title 17.
- NYS DOT Special Specification for Invasive Plant Species Control.
- NYS DOT Design Guidance for the Removal of Invasive Plant Species.
- SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4).
- NYSDEC Air Quality Management Plan.
- NYSDEC Assessing and Mitigating Noise Impacts Policy (ECL Articles 3, 8, 23, and 27).
- Western New York Stormwater Coalition Model Stormwater Management Plan.
- Stormwater Management and Erosion and Sediment Control (Chapter 42) of the Town of Lancaster Code of Ordinances.
- Sample Local Law for Stormwater Management and Erosion and Sediment Control.
- Town of Pembroke Zoning Law.
- Town of Lancaster Zoning Code.

## 11.2 Environmental Permits Required

In addition to the regulatory framework of the NEPA, the CEQ Regulations Implementing the Procedural Provisions of NEPA, 38 CFR Part 26, and VA's *NEPA Interim Guidance for Projects*, the following Federal, State, and/or local environmental permits are required as part of this Proposed Action, and include:

- USACE, Section 404 of the Federal Clean Water Act for projects that disturb any jurisdictional "Waters of the United States".
- NYSDEC, Section 401 of the Federal Clean Water Act for projects that disturb any jurisdictional "Waters of the United States" and wetlands.
- NYSDEC, Freshwater Wetland Act for projects that disturb any isolated wetland 12.4 acres or greater in size.
- Farmland Conversion Impact Rating (Form AD-1006).
- SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4).
- Stormwater Management and Erosion and Sediment Control (Chapter 42) of the Town of Lancaster Code of Ordinances.

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## SECTION 12: GLOSSARY

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**100-Year Flood** - A flood event of such magnitude that it occurs, on average, every 100 years; this equates to a one percent chance of its occurring in a given year.

**Aesthetics** - Pertaining to the quality of human perception of natural beauty.

**Ambient** - The environment as it exists around people, plants, and structures.

**Ambient Air Quality Standards** - Those standards established according to the CAA to protect health and welfare (AR 200-1).

**Aquifer** - An underground geological formation containing usable amounts of groundwater which can supply wells and springs.

**Asbestos** - Incombustible, chemical-resistant, fibrous mineral forms of impure magnesium silicate used for fireproofing, electrical insulation, building materials, brake linings, and chemical filters. Asbestos is a carcinogenic substance.

**Attainment Area** - Region that meets the National Ambient Air Quality Standard (NAAQS) for a criteria pollutant under the CAA.

**Bedrock** - The solid rock that underlies all soil, sand, clay, gravel and loose material on the earth's surface.

**Best Management Practices (BMPs)** - Methods, measures, or practices to prevent or reduce the contributions of pollutants to US waters. Best management practices may be imposed in addition to, or in the absence of, effluent limitations, standards, or prohibitions (AR 200-1).

**Commercial land use** - Land use that includes private and public businesses (retail, wholesale, etc.), institutions (schools, churches, etc.), health services (hospitals, clinics, etc.), and military buildings and installations.

**Compaction** - The packing of soil together into a firmer, denser mass, generally caused by the pressure of great weight.

**Contaminants** - Any physical, chemical, biological, or radiological substances that have an adverse effect on air, water, or soil.

**Council on Environmental Quality (CEQ)** - An Executive Office of the President composed of three members appointed by the President, subject to approval by the Senate. Each member shall be exceptionally qualified to analyze and interpret environmental trends, and to appraise programs and activities of the Federal Government. Members are to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

**Criteria Pollutants** - The CAA of 1970 required the USEPA to set air quality standards for common and widespread pollutants in order to protect human health and welfare. There are six "criteria pollutants": ozone (O<sub>3</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), and particulate matter.

**Cultural Resources** - The physical evidence of our Nation's heritage. Included are: archaeological sites; historic buildings, structures, and districts; and localities with social significance to the human community.

**Cumulative Impact** - The impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonable 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).

**Decibel (dB)** - A unit of measurement of sound pressure level.

**Direct Impact** - A direct impact is caused by a Proposed Action and occurs at the same time and place.

**Emission** - A release of a pollutant.

**Endangered Species** - Any species which is in danger of extinction throughout all or a significant portion of its range.

**Environmental Assessment (EA)** - An EA is a publication that provides sufficient evidence and analyses to show whether a proposed system will adversely affect the environment or be environmentally controversial.

**Erosion** - The wearing away of the land surface by detachment and movement of soil and rock fragments through the action of moving water and other geological agents.

**Farmland** - Cropland, pastures, meadows, and planted woodland.

**Fauna** - Animal life, especially the animal characteristics of a region, period, or special environment.

**Flora** - Vegetation; plant life characteristic of a region, period, or special environment.

**Floodplain** - The relatively flat area or lowlands adjoining a river, stream, ocean, lake, or other body of water that is susceptible to being inundated by floodwaters.

**FONSI** - Finding of No Significant Impact, a NEPA document.

**Fugitive Dust** - Particles light enough to be suspended in air, but not captured by a filtering system. For this document, this refers to particles put in the air by moving vehicles and air movement over disturbed soils at construction sites.

**Geology** - Science which deals with the physical history of the earth, the rocks of which it is composed, and physical changes in the earth.

**Groundwater** - Water found below the ground surface. Groundwater may be geologic in origin and as pristine as it was when it was entrapped by the surrounding rock or it may be subject to daily or seasonal effects depending on the local hydrologic cycle. Groundwater may be pumped

from wells and used for drinking water, irrigation, and other purposes. It is recharged by precipitation or irrigation water soaking into the ground. Thus, any contaminant in precipitation or irrigation water may be carried into groundwater.

**Hazardous Substance** - Hazardous materials are defined within several laws and regulations to have certain meanings. For this document, a hazardous material is any one of the following:

Any substance designated pursuant to section 311 (b)(2)(A) of the Clean Water Act.

Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Any hazardous substance as defined under the Resource Conservation and Recovery Act (RCRA).

Any toxic pollutant listed under TSCA.

Any hazardous air pollutant listed under Section 112 of CAA.

Any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to Subsection 7 of TSCA.

The term does not include: 1) Petroleum, including crude oil or any thereof, which is not otherwise specifically listed or designated as a hazardous substance in a above. 2) Natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). A list of hazardous substances is found in 40 CFR Part 302.4.

**Hazardous Waste** - A solid waste which, when improperly treated, stored, transported, or disposed of, poses a substantial hazard to human health or the environment. Hazardous wastes are identified in 40 CFR Part 261.3 or applicable foreign law, rule, or regulation.

**Hazardous Waste Storage** - As defined in 40 CFR Part 260.10, ". . . the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere".

**Hydric Soil** - A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic (oxygen-lacking) conditions that favor the growth and regeneration of hydrophytic vegetation. A wetland indicator.

**Indirect Impact** - An indirect impact is caused by a Proposed Action that occurs later in time or farther removed in distance, but is still reasonably foreseeable. Indirect impacts may include induced changes in the pattern of land use, population density or growth rate, and related effects on air, water, and other natural and social systems. For example, referring to the possible direct impacts described above, the clearing of trees for new development may have an indirect impact on area wildlife by decreasing available habitat.

**Industrial Land Use** - Land uses of a relatively higher intensity that are generally not compatible with residential development. Examples include light and heavy manufacturing, mining, and chemical refining.

**Isolated Wetland** - Areas that meet the wetland hydrology, vegetation, and hydric soil characteristics, but do not have a direct connection to the Waters of the US.

**Jurisdictional Wetland** - Areas that meet the wetland hydrology, vegetation, and hydric soil characteristics, and have a direct connection to the Waters of the US. These wetlands are regulated by the USACE.

**Listed Species** - Any plant or animal designated as a State or Federal threatened, endangered, special concern, or candidate species.

**Mitigation** - Measures taken to reduce adverse impacts on the environment.

**Mobile Sources** - Vehicles, aircraft, watercraft, construction equipment, and other equipment that use internal combustion engines for energy sources.

**Monitoring** - A process of inspecting and recording the progress of mitigation measures implemented.

**National Ambient Air Quality Standards (NAAQS)** - Nationwide standards set up by the USEPA for widespread air pollutants, as required

by Section 109 of the Clean Air Act (CAA). Currently, six pollutants are regulated by primary and secondary NAAQS: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter, and sulfur dioxide (SO<sub>2</sub>).

**National Environmental Policy Act (NEPA)** - US statute that requires all Federal agencies to consider the potential effects of Proposed Actions on the human and natural environment.

**Non-attainment Area** - An area that has been designated by the EPA or the appropriate State air quality agency as exceeding one or more National or State ambient air quality standards.

**Parcel** - A plot of land, usually a division of a larger area.

**Particulates or Particulate Matter** - Fine liquid or solid particles such as dust, smoke, mist, fumes, or smog found in air.

**Physiographic Region** - A portion of the Earth's surface with a basically common topography and common morphology.

**Pollutant** - A substance introduced into the environment that adversely affects the usefulness of a resource.

**Potable Water** - Water which is suitable for drinking.

**Prime Farmland** - A special category of highly productive cropland that is recognized and described by the US Department of Agriculture's Soil Conservation Service and receives special protection under the Surface Mining Law.

**Remediation** - A long-term action that reduces or eliminates a threat to the environment.

**Riparian Areas** - Areas adjacent to rivers and streams that have a high density, diversity, and productivity of plant and animal species relative to nearby uplands.

**River Basin** - The land area drained by a river and its tributaries.

**Sensitive Receptors** - Include, but are not limited to, asthmatics, children, and the elderly, as well as specific facilities, such as long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, and childcare centers.

**Significant Impact** - According to 40 CFR Part 1508.27, "significance" as used in NEPA requires consideration of both context and intensity.

Context. The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the Proposed Action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

**Small quantity generator** - A generator who generates greater than 220 pounds but less than 2,200 pounds of hazardous waste in a calendar month and who does not accumulate more than 13,200 pounds of hazardous waste at any one time (if either threshold is exceeded, the generator becomes a large quantity generator). A small quantity generator may accumulate hazardous waste up to 180 days from the accumulation start date.

**Soil** - The mixture of altered mineral and organic material at the earth's surface that supports plant life.

**Solid Waste** - Any discarded material that is not excluded by section 261.4(a) or that is not excluded by variance granted under sections 260.30 and 260.31.

**Threatened species** - Any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**Topography** - The relief features or surface configuration of an area.

**Toxic Substance** - A harmful substance which includes elements, compounds, mixtures, and materials of complex composition.

**Waters of the United States** - Include the following: (1) All waters which are currently being used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) All interstate waters including interstate wetlands. (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation or destruction of which could affect interstate or foreign commerce.

**Watershed** - The region draining into a particular stream, river, or entire river system.

**Wetlands** - Areas that are regularly saturated by surface or groundwater and, thus, are characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include swamps, bogs, fens, marshes, and estuaries.

**Wildlife Habitat** - Set of living communities in which a wildlife population lives.