

Chicopee, Massachusetts

Proposed Modifications to the Chicopee Falls Levee

154 Grove Street & 0 West Main Street

October 2022

ENVIRONMENTAL ASSESSMENT



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ENVIRONMENTAL ASSESSMENT

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On Behalf Of: City of Chicopee
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Prepared for: U.S. Army Corps of Engineers, New England District

October 2022

DRAFT FINDING OF NO SIGNIFICANT IMPACT

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1.0 INTRODUCTION

On behalf of the City of Chicopee (the City), BETA Group, Inc. (BETA) has prepared the following Environmental Assessment (EA) narrative and associated documentation pursuant to the federal National Environmental Policy Act (NEPA) in order to secure Section 408 approval through the U.S. Army Corps of Engineers (USACE) for work proposed at the Uniroyal property located at 154 Grove Street (the Uniroyal Parcels) and a portion of the former Facemate property (the Facemate Parcel) located at 0 West Main Street, both in Chicopee, Massachusetts (collectively referred to as “the Site”). The existing topography and buried/mitigated contamination at the Site present redevelopment challenges; therefore, the City plans to raise the elevation by approximately eight (8) feet to create a topographically consistent redevelopment site between elevations 98 feet and 100 feet (NAVD 88). The City proposes to accept and place acceptable fill material at the Site to facilitate future construction and redevelopment consistent with local planning efforts (e.g., the City’s Redevelopment Vision Plan) and municipal zoning along the Chicopee River. Activities associated with this work include placing fill along the Chicopee Falls Local Protection Project flood control levee (the Levee) and decommissioning water intake/discharge structures and an associated pumping station along the Chicopee River (the Project).

To protect the environment, as well as the local community and economy, the Project will implement a number of best management practices (BMPs) during construction to mitigate noise impacts, air quality degradation, and construction-period stormwater runoff. Once fill is placed and the Site is brought to final grade, long-term stormwater management BMPs will be constructed and are anticipated to be adaptable to future development requirements. As a priority Brownfields property, the Site offers a suitable location for the deposition of offsite soils with contaminant concentrations below the Reportable Concentrations (specified under 310 CMR 40.0300 and 40.1600) to reduce the burden on New England landfills while supporting a crucial redevelopment effort for the City. All soil materials will be handled in accordance with the Anti-Degradation Provision of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.0032(3) and are not anticipated to pose any significant risk to the future at-grade uses envisioned at the Site. The City will acquire all relevant permits and approvals to ensure compliance with the applicable regulations, including obtaining coverage under the Construction General Permit (CGP) pursuant to the National Pollutant Discharge Elimination Systems (NPDES) program, obtaining coverage under the Massachusetts General Permit pursuant to the Clean Water Act, and securing an Order of Conditions from the Chicopee Conservation Commission.

The placement of fill material and abandonment of the pipes along the Levee requires review and approval under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408 – Section 408) because the Levee is a flood control structure under the jurisdiction of the USACE. As a federal action, the issuance of the Section 408 approval requires the fulfillment of NEPA requirements to ensure that the proposed action will not result in negative environmental, social, or economic impacts. Based on the foregoing, and as further detailed in this EA, the Project is not anticipated to warrant an Environmental Impact Statement (EIS), as all short-term and long-term impacts to the environment will be avoided or appropriately mitigated. Accordingly, a draft Finding of No Significant Impact (FONSI) has been prepared and is attached to this EA.

1.1 PURPOSE AND NEED

The purpose of the Project is to establish a site suitable for redevelopment in support of economic improvements within the City, which will facilitate future social and environmental benefits including:

- Development of a vacant property into mixed-use redevelopment including residential and commercial components consistent with the RiverMills Vision Plan for Redevelopment;
- Potential generation of tax revenue through redevelopment;
- Potential generation of new jobs;
- Increased separation between remediated contamination and final grade; and
- Reduction of strain on Massachusetts landfills by accepting media that does not exceed Reportable Concentrations.

The Project is the crucial first step in realizing economic improvements in a former industrial area that has been dormant and underutilized for decades. More specifically, the Project aims to support future development with six (6) goals¹ established by the City as detailed in the RiverMills at Chicopee Falls Vision for Redevelopment:

- Create mixed-use redevelopment;
- Maintain site legacy;
- Establish environmental connections;
- Establish neighborhood connections;
- Accommodate green development; and
- Demonstrate effective public-private partnerships.

The Project need has been established in light of the future redevelopment plans outlined above as well as current subsurface contamination present at the Site. To facilitate redevelopment, the City plans to fill the Site to create a separation between final grade and underlying capped contaminated materials. The need to bring in material to construct this separation provides an opportunity to accept offsite soils with contaminant concentrations below the Reportable Concentrations, which is crucial in New England due to current strains on landfill activities presented by landfill closures.

As described further in this EA, existing conditions at the Site present redevelopment challenges due to undulating topography and demolished buildings; therefore, filling the Site is crucial to establishing a suitable interface between the steep embankment that includes the Levee and the low-lying former industrial area. In addition, the City plans to decommission and demolish the Oak Street Pumping Station and abandon the associated intake and outfall pipes along the Chicopee River to fulfil a request from the USACE, to prevent future withdrawals from the existing pump station infrastructure and detach the property from its historic industrial and environmentally intensive usage.

1.2 PROJECT LOCATION

As discussed in Section 1.0 above, the Site is located along the eastern bank of the Chicopee River and consists of two (2) discrete areas; the Uniroyal Parcels at the south end of the Site and the Facemate Parcel at the north end.

Uniroyal Parcels

The Uniroyal Parcels include five (5) parcels with a combined area of approximately 22.47 acres (Figures 1 & 2). The Uniroyal Parcels were formerly used for environmentally intensive industrial purposes including a lumber yard, tire manufacturing plant, printing shops, machine shops, office buildings, storage facilities, and healthcare facilities. These parcels are bounded to the east, south, and north by

¹ <https://www.chicopeema.gov/562/RiverMills-at-Chicopee-Falls>

public rights-of-way and to the west by the Levee and the Chicopee River. In 2009, the Uniroyal Parcels were acquired by the City of Chicopee and have remained vacant except for Building 27, which currently houses a private business.

The Uniroyal Parcels originally included over 24 buildings of various sizes and layouts. The buildings and top of the Levee are a part of the former Fisk Rubber Company Complex, an Inventoried Area per the Massachusetts Cultural Resource Information System (MACRIS). The six (6) buildings that remain onsite include two (2) Inventoried Buildings (Figure 6).

Remediation activities conducted at the Uniroyal Parcels have resulted in the generation of demolition wastes and other materials that have either been disposed of off-site or managed onsite as backfill materials. All backfill materials have been capped-in-place in accordance with relevant regulations.

Facemate Parcel

The Facemate Parcel includes one (1) parcel with an area of approximately 4.05 acres (Figures 1 & 2). This portion of the Site is also associated with past industrial land uses (Figure 4) including the production of cotton cloth. This parcel is associated with the larger Facemate complex that was acquired by the City in 2010 and has since undergone a subdivision into multiple parcels. The remaining parcels associated with the Facemate complex are not subject to this EA, as no work on USACE structures will occur on those parcels. The Facemate Parcel is bounded to the south by the Uniroyal Parcels, to the north by the remainder of the historic Facemate complex, to the west by the Levee and the Chicopee River, and to the east by a public right-of-way.

The Facemate Parcel originally included four (4) buildings; however, only one (1) remains after the completion of demolition activities. This building is not mapped as historic on MACRIS.

Similar to the Uniroyal Parcels, remediation activities conducted at the Facemate Parcel have also resulted in the generation of demolition wastes and other materials that have either been disposed of off-site or managed on-site as backfill materials. All backfill materials have been capped-in-place in accordance with relevant regulations.

1.3 PUBLIC INVOLVEMENT

Public involvement has not been advanced for the Project as it relates to the Proposed Action at hand (i.e., the filling of the Site). It is anticipated that public involvement will occur throughout the following processes:

- Public hearing with the Chicopee Conservation Commission; and
- The 30-day comment period associated with the submission and publication of this EA.

Although not directly related to the Project subject to this EA, numerous public meetings have been held since 2010 to support the City's efforts to redevelop the Site. Public engagement efforts completed as part of that process include the following:

- Completion of community surveys to seek input on potential Site uses from the public;
- Completion of a year-long community process to develop the RiverMills Vision Plan in 2011; and
- Public meetings for U.S. Environmental Protection Agency (EPA) Brownfields Cleanup Grants between 2010 and 2016.

As noted above, the USACE considers comments received during the EA public notice and comment period and will integrate relevant issues and concerns into the final EA. Following a final review period, the USACE will, if applicable, sign and execute the FONSI and proceed with the Proposed Action.

1.4 REGULATORY FRAMEWORK

This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) and associated implementation procedures most recently updated as of June 4, 2020². The NEPA and Title 40 of the Code of Federal Regulations (CFR), Parts 1500-1508; 1515-1518 (40 CFR 1500-1508; 1515-1518) require Federal agencies to consider the potential environmental consequences of proposed actions and alternative actions.

The Project Scope for NEPA review purposes is limited to the component of the Project that is under the control of the USACE. Although some aspects of the future development of the Site are assessed under this EA for their potential cumulative and indirect impacts stemming from placement of fill against a USACE structure, the Project Scope strictly pertains to the placement of fill against the Levee and the work to abandon structures including intake/discharge pipes and the Oak Street Pumping Station, as well as all directly associated construction activities. The exact future proposed conditions across the entire Site cannot be determined at this time and are not considered to be under the control of the USACE.

2.0 PROJECT SCOPE AND ALTERNATIVES

2.1 PROPOSED ACTION

To meet the Project purpose and need in support of future redevelopment, the City proposes to place fill along the Levee on portions of the Uniroyal Parcels and the Facemate Parcel. Fill placed along the Levee within the Uniroyal Parcels will occur on approximately 7.25 acres (316,000 square feet), while fill on the Facemate Parcel will occur on approximately 1.3 acres (56,100 square feet). In total, approximately 95,980 cubic feet (3,555 cubic yards) of fill material will be placed to complete the Project. All backfilling activities will be conducted in accordance with the City's Fill Management Plan (FMP) and may result in importing the following materials to the Site:

- Naturally occurring, uncontaminated soils that do not originate from an MCP Disposal Site and are not otherwise regulated;
- Soils from MCP Disposal Sites that do not exceed applicable reportable criteria for any portion of the Site and meets the specific requirements of 310 CMR 40.0032(3);
- Soils and/or sediments that do not meet the definition of "Remediation Waste" as defined in 310 CMR 40.0006;
- Dredged sediments with no free-draining liquids;
- Uncoated and processed asphalt, brick, and concrete (ABC) rubble generated from on-site sources; and
- Street sweeping tailings from the City.

The Project will require implementing both construction-period and long-term stormwater management BMPs to reduce hydrostatic pressure on the Levee and mitigate alterations in runoff patterns resulting

² <https://ceq.doe.gov/docs/laws-regulations/federal-agency-nepa-implementing-procedures-2020-06-04.pdf>

from filling and grading activities. Construction-period stormwater management BMPs will likely consist of at-grade basin and swale conveyances to direct stormwater away from the Levee. Long-term BMPs are depicted on the Project Plans in Appendix A and include a network of linear basins interconnected by a perforated high-density polyethylene (HDPE) pipe intended to convey stormwater into retrofit drainage structures to the south which will ultimately discharge to an existing outfall³ along the Chicopee River. A Stormwater Management Report is included in Appendix D, which summarizes the stormwater management system design and compliance with the Massachusetts Stormwater Management Standards.

In addition to filling and grading activities, the City proposes to decommission the Oak Street Pumping Station and two (2) associated pipes per a USACE request, as this infrastructure is no longer required at the Site. Decommissioning activities will include demolition of the Oak Street Pumping Station, filling of the intake and discharge pipes with flowable fill, and construction of a concrete bulkhead within each pipe. Portions of this work will involve establishing cofferdams and dry working conditions within the Chicopee River as further detailed later in this EA.

2.2 NO ACTION ALTERNATIVE

In accordance with Council on Environmental Quality (CEQ) regulations for implementing NEPA, an evaluation of the No Action Alternative is provided herein.

Implementation of the No Action Alternative in place of the Proposed Action would result in no fill being placed on the Site adjacent to the flood control levee. For this alternative, limited backfill of low-lying areas would likely still occur, but the fill areas would be greatly reduced in size. In addition, the Oak Street Pumping Station would not be removed, and the intake and discharge pipes would not be affected. The ability of the Levee to maintain its function of flood control is anticipated to be unaffected by the No Action Alternative.

Avoiding the placement of fill along the Levee could potentially lead to other alternatives that would result in providing developable area at the Site, but at a smaller scale. This would ultimately result in fewer opportunities for stormwater management, as the City would be required to create a fill area that slopes down to a wide, flat area along the Levee that would not receive treatment for stormwater runoff due to no action being taken along the Levee. In addition, the No Action Alternative would not result in the abandonment of the Oak Street Pumping Station and its associated infrastructure, and the City would continue to be responsible for operation and maintenance of the system.

The No Action Alternative would also preclude the City from accepting reusable materials as fill and therefore would not relieve any burden from local landfills in Massachusetts. This Alternative would result in an underutilization of the property that would not provide the economic or environmental benefits of the Proposed Action.

³ This outfall is to remain and will not be abandoned as part of the abandonment of two (2) other structures along the Levee.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 AFFECTED ENVIRONMENT

3.1.1 LAND USE AND ZONING

Current land use in the vicinity of the Site is a mix of abandoned industrial, institutional, commercial and residential uses (Figure 4). The Site includes seven (7) buildings, four (4) of which are currently vacant and not slated for future demolition. One (1) building is currently occupied by a small business, and two (2) buildings (Buildings 15 and 29) are slated for demolition. The closest residential properties to the Uniroyal Parcels and Facemate Parcel fill areas are located approximately 540 feet and 740 feet away, respectively.

The City of Chicopee has enacted a Zoning Ordinance (Chapter 275 of the Code of the City of Chicopee) to regulate land development in the City. Under this Ordinance, the Site is located within the Industrial Zoning District and the Chicopee Mill Conversion and Commercial Center overlay district (Figure 9). Land in the overlay district may be used for any purpose permitted in the underlying district and is subject to the underlying district restrictions. Exercise of Mill Conversion and Commercial Center Overlay District regulations is subject to a special permit from the City Council. The Site is also located within a federally designated Opportunity Zone and a Massachusetts Housing Development Incentive Program (HDIP) District known as the Falls Village HDIP.

3.1.2 SOILS AND SITE GEOLOGY

According to the Natural Resources Conservation Service (NRCS)'s Web Soil Survey, soils on and near the Site consist primarily of Urban land within the southern extent of the Site, mapped as Urban land-Hinckley-Windsor Association (Figure 5).

As part of environmental Site assessment activities, soil borings have been conducted in several locations around the Site and numerous groundwater monitoring wells have been installed. According to field observations, shallow soils (depths of approximately 0-10 feet) typically consist of silty sand and gravel with urban fill material⁴. Deeper soils (depths of 10 feet or more) typically consist of sand and gravel with varying amounts of silt.

According to the Bedrock Geologic Map of Massachusetts (Zen, 1983), the Site is located within the Connecticut Valley Belt, Hartford basin, and is underlain by the Portland Formation, mapping unit "Jp". This mapping unit is classified as reddish-brown to pale red arkose and siltstone, and grey sandstone, grey siltstone, and black shale interpreted as lake beds.

3.1.3 GROUNDWATER AND SURFACE WATER RESOURCES

According to Massachusetts Geographic Information Systems (MassGIS) data, the Site is not located in an area mapped as a high or medium yield, or EPA sole source aquifer. The Site is not located within a Mass-DEP-designed drinking water Wellhead Protection Area (Zone I, Zone II, Interim Wellhead Protection Area), nor is it located within a public surface water supply protection area (Zone A, Zone B, Outstanding Resource Waters) (Figure 3). The Chicopee River abuts the western Site boundary.

Based on gauging data collected from groundwater monitoring wells, the depth to groundwater along the western portion of the Uniroyal Parcels is approximately four (4) to five (5) feet below grade and the

⁴ The urban fill at the Site primarily consists of slag and coal debris.

depth to groundwater within the western portion of the Facemate Parcel is approximately ten (10) to fifteen (15) feet below grade. The groundwater flow direction in the vicinity of the Site is inferred to be to the west-southwest, towards the Chicopee River.

3.1.4 JURISDICTIONAL WETLAND RESOURCES

The Chicopee River flows in a southerly direction along the western extent of the Site and is jurisdictional up to the Ordinary High Water (OHW) mark as a water of the United States (U.S.) under Section 404 of the Clean Water Act (Section 404) (Figure 3). In addition, the following Areas Subject to Protection and Jurisdiction under the Massachusetts Wetlands Protection Act (M.G.L. ch.131 s.40 – the Act) and its implementing regulations (310 CMR 10.00) are associated with the Chicopee River:

- Bank;
- Land Under Water (LUW);
- Bordering Land Subject to Flooding (BLSF);
- Riverfront Area (RA); and
- The 100-foot Buffer Zone.

BLSF at the Site is coincident with the 100-year floodplain, which is described further in Section 3.1.5.

3.1.5 FLOODPLAIN

Due to the presence of the Levee, the entirety of the Site is located outside of the 100-year floodplain. Along the Site, the base flood elevation (BFE) ranges from 92 feet to 94 feet (NAVD88) (Figure 7). The Chicopee River also has an associated FEMA Regulatory Floodway.

3.1.6 THREATENED AND ENDANGERED SPECIES

According to the Official Species List obtained from the U.S. Fish and Wildlife Service (USFWS) (Appendix C), there is no endangered or threatened species habitat located at the Site. The USFWS indicates that a candidate species, the monarch butterfly (*Danaus plexippus*), could potentially be present at the Site.

The Site is not located within any Massachusetts Natural Heritage and Endangered Species Program (NHESP)-mapped Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife (Figure 3).

3.1.7 TRAFFIC AND SAFETY

The Site is currently vacant with the exception of a small business located in one (1) of the remaining buildings, which uses an entrance/egress point independent from the remainder of the Site. Accordingly, minimal traffic is currently generated by the Site.

The Uniroyal Parcels are directly accessible from Grove Street and Oak Street, both of which are City-owned public rights-of-way along the eastern extent of the Site. The Facemate Parcel is accessible via West Main Street, which is also a City-owned public right-of-way. Chain link fencing is currently present around the perimeter of the Site to inhibit access.

The Site is accessible from the regional highway network, most directly from the Massachusetts Turnpike (I-90) to the north of the Site. Regional highway access is also available from I-391 to the west of the Site and from I-291 to the east of the Site.

3.1.8 NOISE

The Site is located within a densely developed portion of the City with noise levels typical of an urban environment. As manufacturing activities at the Site are no longer active, the Site does not generate

noise. Periodic ongoing hazardous materials assessment and cleanup activities generate construction related noise on an intermittent basis.

The City has promulgated a Noise Control Ordinance which limits noise from construction activities to the hours of 7 AM to 9 PM on weekdays (Monday through Friday).

3.1.9 AIR QUALITY

National Ambient Air Quality Standards (NAAQS) have been established for six contaminants, referred to as criteria pollutants as required by the Clean Air Act, for the following:

- Carbon monoxide (CO);
- Nitrogen dioxide (NO₂);
- Ozone (O₃);
- Particulate matter (PM₁₀: diameter ≤ 10 micrometers, and PM_{2.5}: diameter ≤ 2.5 micrometers);
- Lead (Pb); and
- Sulfur dioxide (SO₂).

Areas that meet the NAAQS for a criterion pollutant are designated as “attainment” and areas where a criterion pollutant level exceeds the NAAQS are designated as “nonattainment.” O₃ nonattainment areas are categorized based on the severity of the pollution problem - marginal, moderate, serious, severe, or extreme. CO and PM₁₀ nonattainment areas are categorized as either moderate or serious.

The Site is located within an attainment area for all criteria pollutants⁵.

The Clean Air Act Amendments (CAAA) of 1990 expands the scope and content of the Act's conformity provisions in terms of their relationship to a State Implementation Plan (SIP). Under Section 176(c) of CAAA, a project is in “conformity” if it corresponds to a SIP’s purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving attainment.

The USEPA published final rules on general conformity (40 CFR Parts 51 and 93) in the Federal Register on November 30, 1993. The rules apply to federal actions in nonattainment or maintenance areas for any of the criteria pollutants. The rules specify *de minimis* emission levels for each pollutant, used to determine the applicability of conformity requirements to a project. The General Conformity Rule applies to the Proposed Action since it is located in the Hampden County 8-hour O₃ nonattainment area.

This EA follows the *Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas* issued by the Council of Environmental Quality (CEQ). The potential effects of proposed GHG emissions are, by nature, global and cumulative impacts, as individual sources of GHG emissions are not large enough to have an appreciable effect on climate change. As such, this EA predicts CO₂ levels as appropriate for disclosure purposes.

3.1.10 HISTORIC AND ARCHAEOLOGICAL RESOURCES

The Massachusetts Historical Commission (MHC)’s online database was reviewed to identify any historic resources within or adjacent to the Site. The MHC’s online database (MACRIS) lists the following resources:

- CHI.K – Fisk Rubber Company Complex (Inventoried Area)

⁵ <https://www3.epa.gov/airquality/greenbook/jbtc.html>

- CHI.Q – Chicopee Manufacturing Company (Inventoried Area)

A Project Notification Form (PNF) was previously submitted to the MHC for the demolition of eight (8) structurally unsound buildings at the Site. The PNF was assigned MHC Project #46829 and a Memorandum of Agreement (MOA) was subsequently issued by MHC on or about April 5, 2011 (2011 MOA). Inventoried buildings identified by MHC as CHI.553, CHI.554, and CHI.555 have been demolished following the issuance of the 2011 MOA. The following individually inventoried buildings remain at the Site:

- CHI.228 – Fisk Rubber Company Office – 154 Grove Street (Inventoried Building)
- CHI.556 – Fisk Rubber Company Office Building and Garage – 154 Grove Street (Inventoried Building)

A PNF specific to the Project proposed under this EA was submitted to MHC, the Board of Underwater Archeologic Resources (BUAR), and all relevant Tribes on August 5, 2022. The MHC issued a Finding of No Adverse Effect on September 15, 2022. A copy of this coordination and the 2011 MOA are included in Appendix B. No response has been received by BUAR or any Tribes as of this writing.

3.1.11 OIL AND HAZARDOUS MATERIALS

Various regulated oil and/or hazardous materials (OHM) have been identified within the former buildings on the Uniroyal Parcels. The presence of these OHM pose as a risk to human health and the environment. OHM identified in the various buildings includes the following:

- Asbestos containing building materials (ACBM), such as thermal systems, insulation, floor tile, roofing materials, plaster and various mastics/adhesives;
- Lead based paint (LBP);
- Mercury containing switches, components and building materials, such as thermostats and fluorescent light bulbs;
- Pigeon guano and animal droppings; and
- Polychlorinated biphenyls (PCBs) in building materials and components, such as window caulking, fluorescent light ballasts and transformers.

The Commonwealth of Massachusetts has designated this Site as part of the Brownfields Support Team Initiative. As a state-designated Brownfields Priority Project, demolition and cleanup have been ongoing since 2010 with support from the U.S. EPA Brownfields Program. To date, 18 former industrial buildings have been demolished at the Site.

3.1.12 SOCIOECONOMIC CHARACTERISTICS

U.S. Census data for the year 2020 was reviewed to determine whether minority and/or low-income populations that may be disproportionately impacted by federal actions are present near the Site. As depicted on Figure 8, the Site is entirely located within an Environmental Justice Community associated with minority and income criteria. The Site is also located within one (1) mile of other census block groups associated with both minority status and income.

According to the 2020 U.S. Census data for Census Tract #25013810800⁶, the Site is located within an approximately one (1)-square mile tract consisting of approximately 3,856 residents that comprise the following ethnic groups:

- White (Non-Hispanic or Latino) – 68.0%;
- Hispanic or Latino – 28.9%;
- Native Hawaiian or Other Pacific Islander (7.9%); and
- Black or African American – 2.3%.

The Site is located within an area where the median household income is \$43,000 and the poverty rate is 13% (3.6% higher than the Commonwealth of Massachusetts rate of 9.4%). The median resident age in this area is 41 years old.

3.2 ENVIRONMENTAL CONSEQUENCES

3.2.1 LAND USE AND ZONING

The scope of the Project under this EA is limited to the placement of fill material against the Levee and the abandonment of associated drainage infrastructure; accordingly, neither the Proposed Action nor the No Action Alternative will result in impacts to land use or zoning. The Proposed Action will not change the existing use of the Site; however, it will enable the future development of the Site as envisioned by the City; and does not require review or approval by the City's Zoning Board of Appeals. Stormwater management BMPs will be installed at the Site near the Levee to reduce and prevent adverse effects on nearby properties attributed to stormwater runoff.

3.2.2 SOILS AND SITE GEOLOGY

The No Action Alternative will have no impact on the Site's geology or soil composition, as existing conditions will be maintained.

Structural engineering studies are required under the USACE Section 408 approval process to document that earthwork along the Levee will not compromise its structural integrity. The Project has been under design since the mid-2010's and a slope stability analysis was previously performed on a representative section (Station 41 + 00) and a "worst case" section (Station 13 + 30) of the Levee. The sections were analyzed for the three (3) separate conditions as described in the USACE manual: rapid drawdown (performed using the USACE 3-stage method), long-term (steady seepage during 100-year flood conditions), and normal water conditions. The results of the analysis indicated that the computed factors of safety for the proposed conditions met or exceeded the required minimum factor of safety for each of the three (3) cases. To limit the buildup of hydrostatic pressures against the landward side of the Levee, stormwater basins with perforated underdrain pipes will be constructed along the landward side of the Levee as depicted on Appendix A and described in Appendix D.

Due to design revisions, a slope stability analysis is currently being conducted for the same scenarios as described above. The full results of this analysis will be submitted to USACE during the Section 408 process; however, it is anticipated that the analysis will produce the same results as the initial analysis.

⁶ <https://www.citivelocity.com/citybuilder/eppublic/cb/us/cities/13507/tracts/25013810800>
<https://opportunitydb.com/zones/25013810800/#::~:~:text=Census%20Tract%208108%20is%20a%20Low-Income%20Community%20Opportunity,the%20location%20of%20this%20Opportunity%20Zone%20in%20Massachusetts.>

Completion of the new analysis and approval from the USACE during the Section 408 process will demonstrate that the Proposed Action will not adversely affect the Site's soils or geology.

3.2.3 GROUNDWATER AND SURFACE WATER RESOURCES

The Site is not located within any groundwater or surface water protection areas associated with public drinking water supplies. In addition, excavation below existing grade is not proposed; therefore, groundwater is not anticipated to be encountered. The Chicopee River will be protected by implementing an erosion and sediment control plan during construction until full Site stabilization is achieved (likely through hydroseeding), which includes use of in-water erosion and sedimentation controls during the abandonment of the two (2) pipes along the bank of the Chicopee River (Appendix A), as well as perimeter erosion controls, temporary stormwater basins, and construction phasing. Therefore, neither the Proposed Action nor the No Action Alternative are anticipated to have any impacts to groundwater or surface water resources.

3.2.4 JURISDICTIONAL WETLANDS

Under the No Action Alternative, there would be no temporary or permanent impacts to jurisdictional wetlands at the Site.

Under the Proposed Action, the portion of the Project associated with the filling and grading of the Site would occur entirely within upland areas and will not result in temporary or permanent impacts to waters of the U.S. The Proposed Action would, however, impact Areas Subject to Protection/Jurisdiction under the Wetlands Protection Act including Riverfront Area (RA) and the 100-foot Buffer Zone. Given the degraded nature of the Site under existing conditions, the Project will improve existing conditions through improving stormwater management and treatment along the Levee. This work will be subject to the filing of a Notice of Intent (NOI) with the Chicopee Conservation Commission and the Commission's issuance of an Order of Conditions.

The portion of the Project associated with abandoning the intake and outfall pipes along the Chicopee River will require temporary impacts to waters of the U.S. (i.e., the land below the OHW mark of the Chicopee River) to establish dry working conditions. Areas Subject to Protection under the Wetlands Protection Act that would be temporarily impacted by these activities include Bank and LUW. A temporary cofferdam will be installed within the Chicopee River and pumps will be used to dewater the work area. Existing sediment and debris will be removed from the pipes and disposed of off-site. Flowable fill will be pumped into the pipes and concrete bulkheads will be installed as permanent seals. All impacts to the Chicopee River will be temporary, as the cofferdams will be removed following completion of the work and the riprap along the Bank will remain unaffected. Impacts are anticipated to include 1,660 square feet of temporary impacts to waters of the U.S. (streambed) and 71 square feet of temporary impacts to streambank.

This work and associated mitigation will be disclosed in the NOI submitted to the Chicopee Conservation Commission and is anticipated to receive USACE approval under the Section 404 General Permit 14: Temporary Construction, Access, and Dewatering through the submission of a Pre-construction Notification (PCN). Therefore, no adverse impacts to jurisdictional wetlands are anticipated beyond the construction.

3.2.5 FLOODPLAIN

Under the No Action Alternative, no work would be performed within the 100-year floodplain or the Regulatory Floodway.

As described in Section 3.2.4, temporary impacts to the Chicopee River are required to abandon the two (2) pipes along the Levee; therefore, work will occur within the 100-year floodplain and the Regulatory Floodway under the Proposed Action. It is anticipated that potential floodplain impacts will be mitigated by scheduling work outside of potential storm events and requiring the selected contractor to develop a work plan that addresses flood and inclement weather contingencies. The Proposed Action will not result in placement of permanent fill within the floodplain or permanent structures affecting flood stage/velocity within the Regulatory Floodway.

3.2.6 THREATENED AND ENDANGERED SPECIES

As noted in Section 3.1.6, there are no federally mapped endangered or threatened species at the Site, nor are there any NHESP-mapped Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife. Therefore, neither the Proposed Action or the No Action Alternative will result in any impacts to threatened or endangered species.

3.2.7 TRAFFIC AND SAFETY

Under the No Action Alternative, no changes to existing traffic patterns or general safety measures would occur.

Temporary, construction-period impacts to traffic are anticipated under the Proposed Action. Filling operations would likely entail one (1) of two (2) scenarios:

- Trucks delivering excess soils from various locations would visit the Site approximately six (6) times per day over the course of two (2) weeks; or
- Processed materials from a local source would involve numerous (upwards of 50) trucks visiting the Site per day over a shorter timeframe.

The timeframes above assume constant material deliveries occurring, which may not occur due to market conditions and other uncontrollable factors. The Project may occur over the course of up to 125 weeks, although deliveries would not be consistent during that time period.

It is anticipated that routes taken by trucks would vary, thereby limiting any local congestion or traffic buildup. It is anticipated that regional and local roadway infrastructure would be able to accommodate this truck traffic. Road closures will not be required, and all trucks will be directed to specific entrance and egress points established at the Site. All vehicular operators will be required to abide by local speed limits, roadway restrictions, and other safety measures. In addition, security fencing will be maintained around the Site perimeter to prevent unpermitted access by unauthorized personnel. Therefore, it is anticipated that temporary impacts to traffic and safety will be adequately addressed.

3.2.8 NOISE

Under the No Action Alternative, there would be no change in existing ambient noise levels at or near the Site.

Under the Proposed Action, construction noise would result from activities such as construction vehicle engine noise, vehicle back up alarms, and stationary electric generators (if used). In accordance with the City's Noise Ordinance, these construction activities would be limited to the hours of 7 AM to 9 PM on weekdays (Monday through Friday). Given that noise impacts are anticipated to be consistent with standard construction activities occurring throughout the City, no noise modeling has been performed. No residential properties directly abut the work areas and complying with the City's Noise ordinance is

1	2	3	4	5	6	7	8	9	10	11
Equipment/Engine Category	Project Emission Sources and Estimated Power						NOx Emission Estimates		VOC Emission Estimates	
	# of Engines	hp	LF	hrs/day	Days of Operation	hp-hr	NOx EF (g/hp-hr)	NOx Emissions (tons)	VOC EF (g/hp-hr)	VOC Emissions (tons)
	ENVIRONMENTAL ASSESSMENT									
Rollers	1	300	1.00	10	624	1,872,000	9.200	18.98	1.300	2.68
Dewatering Pumps	0	32	1.00	24	624	-	9.200	0.00	1.300	0.00
Dragline	0	180	1.00	10	624	-	9.200	0.00	1.300	0.00
Air Compressors	0	115	1.00	24	624	-	9.200	0.00	1.300	0.00
Hyd Excavator	1	150	1.00	10	624	936,000	9.200	9.49	1.300	1.34
Chainsaw	0	10	1.00	10	624	-	9.200	0.00	1.300	0.00
Dozers, Crawler	1	440	1.00	10	624	2,745,600	9.200	27.84	1.300	3.93
LDR, BH, WH 1.75CY FE Bkt	1	105	1.00	10	624	655,200	9.200	6.64	1.300	0.94
Trucks Highway	0	330	1.00	10	624	-	9.200	0.00	1.300	0.00
Trucks Off-Highway	0	175	1.00	10	624	-	9.200	0.00	1.300	0.00
Total Emissions							NOx Total	62.96	VOC Total	8.90
							Annual Standard	15.74	Annual Standard	2.22
								100	50	50

anticipated to adequately mitigate temporary construction-period noise impacts associated with the Project.

3.2.9 AIR QUALITY

Under the No Action Alternative, no filling of the Site with imported soils would occur and no construction vehicles would be required; therefore, no impacts to air quality were anticipated.

The Proposed Action was evaluated for conformance to the Air Quality Conformity requirements of the Clean Air Act through an emissions inventory. The fill placement activities, including grading, were estimated to extend over a period of 125 weeks (624 workdays). The emissions inventory included only equipment used on the Site to place and compact the imported soils and install the proposed drainage infrastructure adjacent to the Levee. On-road trucks delivering soils and construction employee vehicles were not included, as these are assumed to be on the road regardless of whether the Proposed Action is occurring. Emissions from on-road vehicles are included in the emissions inventory and modeling completed by the Metropolitan Planning Organization under the transportation conformity requirements of the Clean Air Act.

The results of the analysis (Table 1) indicate that emissions from the Proposed Action are de minimis. Estimated annual NOx emissions are 15.74 tons and below the annual de minimis standard of 100 tons. Estimated annual VOC emissions are 2.22 tons below the annual de minimis standard of 50 tons.

As a best management practice and to demonstrate compliance with the EPA’s Construction General Permit, dust control (water trucks) will be used onsite throughout construction of the Proposed Action. In addition, trucks hauling loose material will be required to be fitted with bed covers.

Table 1. General Conformity Review and Emission Inventory

1	2	3	4	5	6	7	8	9	10	11
Equipment/Engine Category	Project Emission Sources and Estimated Power						NOx Emission Estimates		VOC Emission Estimates	
	# of Engines	hp	LF	hrs/day	Days of Operation	hp-hr	NOx EF (g/hp-hr)	NOx Emissions (tons)	VOC EF (g/hp-hr)	VOC Emissions (tons)
	ENVIRONMENTAL ASSESSMENT									
Rollers	1	300	1.00	10	624	1,872,000	9.200	18.98	1.300	2.68
Dewatering Pumps	0	32	1.00	24	624	-	9.200	0.00	1.300	0.00
Dragline	0	180	1.00	10	624	-	9.200	0.00	1.300	0.00
Air Compressors	0	115	1.00	24	624	-	9.200	0.00	1.300	0.00
Hyd Excavator	1	150	1.00	10	624	936,000	9.200	9.49	1.300	1.34
Chainsaw	0	10	1.00	10	624	-	9.200	0.00	1.300	0.00
Dozers, Crawler	1	440	1.00	10	624	2,745,600	9.200	27.84	1.300	3.93
LDR, BH, WH 1.75CY FE Bkt	1	105	1.00	10	624	655,200	9.200	6.64	1.300	0.94
Trucks Highway	0	330	1.00	10	624	-	9.200	0.00	1.300	0.00
Trucks Off-Highway	0	175	1.00	10	624	-	9.200	0.00	1.300	0.00
Total Emissions							NOx Total	62.96	VOC Total	8.90
							Annual Standard	15.74	Annual Standard	2.22
								100	50	50

The change in climate conditions caused by GHG resulting from the burning of fossil fuels from construction vehicle traffic and fill placement activities associated with the Proposed Action requires that the emissions be assessed on a global scale. Consequently, given the minimal increase predicted for the Project, which is well below the CEQ meaningful assessment threshold of 25,000 metric tons per year, the proposed project would result in an insignificant impact on overall global or U.S. cumulative GHG emissions and global climate change. Therefore, no specific GHG emission mitigation measures are warranted beyond standard best management practices including limitations on idling.

3.2.10 HISTORIC AND ARCHAEOLOGICAL RESOURCES

As noted in Section 3.1.10, a PNF specific to the Project proposed under this EA was submitted to MHC, the Board of Underwater Archaeologic Resources (BUAR), and all relevant Tribes on August 5, 2022. A copy of this coordination and the 2011 MOA are included in Appendix B. The MHC issued a Finding of No Adverse Effect on September 15, 2022; responses have not been received from BUAR or the Tribes as of this writing.

No excavation below existing grade is proposed, and any further building demolition performed incidental to the Site filling and grading will be conducted under the provisions of the MOA. Therefore, no impacts to historic or archaeological resources are anticipated under the Proposed Action or the No Action Alternative.

3.2.11 OIL AND HAZARDOUS MATERIAL

Remediation activities have been performed for contaminants previously discovered at the Site, and the Proposed Action will not result in any additional hazardous materials with reportable levels of contaminant concentrations being imported to the Site. A Fill Management Plan for imported materials with concentrations of contaminants lower than reportable levels will be followed during construction. The imported soils will provide a further separation between the existing capped contaminants and the new developable Site grade.

Neither the Proposed Action nor the No Action Alternative will result in the placement or removal of regulated oil and hazardous material at the Site and will not affect ongoing Site cleanup. Furthermore, since only unregulated and/or inert materials would be permitted, no adverse environmental impacts associated with OHM are expected to result as part of the Project. Should additional contaminants be discovered during backfilling operations, the contractor will be required to handle all hazardous materials per the provisions of the MCP. In addition, the contractor will be required to follow best management practices related to refueling and shall store/site hazardous materials in accordance with the EPA's Construction General Permit.

3.2.12 SOCIOECONOMIC CHARACTERISTICS

As noted in Section 3.1.12, the Site is located within an Environmental Justice (EJ) community. Under the Proposed Action, the surrounding EJ community may be temporarily exposed to elevated noise levels typical of construction sites. However, all construction operations will be limited to the hours set forth by the City's Noise Ordinance and will be temporary until backfilling activities are completed. Potential construction noise impacts are not considered significant and are not considered to be a disproportionate impact to the adjacent minority and low-income populations.

The No Action Alternative would not result in any short-term or long-term adverse impacts to EJ populations.

4.0 INDIRECT AND SECONDARY EFFECTS

The indirect impacts were evaluated based on the President's CEQ regulations implementing NEPA and the Code of Federal Regulations, Title 40, Section 1508.⁷⁷

The portion of the Proposed Action related to Site filling will present indirect and secondary effects, as the property will be more conducive to a wider range of potential redevelopment options. Although future redevelopment will be subject to factors outside of the control of the development and proponent, including real estate trends and regional development directives, the Proposed Action could potentially result in a localized increase in housing density should a residential project be proposed and approved. Further, potential commercial development may result in increased traffic due to material deliveries. In either scenario, future development will likely tie into municipal water and sewer, which will be subject to coordination with the appropriate municipal officials to ensure that the capacities of the systems are not adversely impacted. Future indirect and secondary effects would be primarily related to traffic and construction-period noise and emissions. Given the layout of the Site, no future impacts to jurisdictional wetlands or the floodplain would be anticipated under either the Proposed Action or the No Action Alternative.

While the Proposed Action may result in indirect and secondary effects, future redevelopment will be required to adhere to local, state, and federal laws and review procedures. Accordingly, and depending on the type and scale of the project, future redevelopment would be subject to studies and potential mitigation regarding traffic, stormwater, etc.

Although placing fill up to and along the Levee would provide the most developable area at the Site, development of the Site is possible without the placement of fill along that portion of the Site. Therefore, the No Action Alternative would also have similar potential indirect and secondary effect of a development, albeit at a smaller scale.

It is not anticipated that the pipe abandonment portion of the Project will have any indirect or secondary effects under either the Proposed Action or the No Action Alternative. Under the No Action Alternative, the City will be subject to potentially incurring additional maintenance costs associated with this infrastructure; therefore, the Proposed Action is preferred in light of the City's financial interests.

5.0 CUMULATIVE IMPACTS

The CEQ's NEPA regulations require assessment of the cumulative⁸ impacts of a project. This assessment is not limited solely to federal activities and projects⁹. The project area subject to this review consists of the Site as a whole, rather than just the area along the Levee under control of the USACE.

⁷ Indirect impacts are defined as those impacts "...which are caused by the proposed action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to the induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems."

⁸ NEPA regulations define cumulative effects as: "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

Future development at the Site would likely be significantly scaled down under the No Action Alternative; therefore, no cumulative impacts are anticipated under that scenario. Should the Proposed Action be implemented, other portions of the Site not subject to this EA and the forthcoming Section 408 application may be more enticing for developers to capitalize on with additional development. The Proposed Action, coupled with additional development, may then have the cumulative impact of degradation of the following resources:

- Air quality;
- Traffic; and
- Noise.

Should the Proposed Action lead to an expansion of residential development, this densely settled portion of Chicopee would be subjected to additional traffic, as residents would be expected to use personal vehicles for transportation given the lack of public transportation in the immediate vicinity of the Site. However, the increased residential density may result in the Pioneer Valley Transit Authority (PVRTA) expanding public transportation services into this neighborhood. While these factors may incrementally contribute to air quality (emissions) and noise (residential activities), those two (2) resources are likely to be impacted to a higher degree should the Proposed Action result in a series of commercial developments. In the scenario of a commercial development, consistent truck and/or customer traffic would likely contribute to a rise in average ambient noise levels within the area surrounding the Site, and measures such as prohibitions on idling would be required to prevent degradation of air quality. Either scenario would also present the cumulative impact of a shift in land use, as any development would be a significant change from the current abandoned nature of the Site.

Given where the Site is situated in relation to the Levee, it is anticipated that any projects resulting from the Proposed Action would not result in any degradation of other resources including jurisdictional wetlands and floodplain.

6.0 PUBLIC NOTIFICATION, DISTRIBUTION LIST AND PERSONS CONSULTED

Persons consulted in the preparation of this EA include:

- Lee M. Pouliot, AICP, ASLA, Director, Chicopee Planning Department
- Susi Van Ottingen, Endangered Species Biologist, US Fish and Wildlife Service, Concord, NH
- Emily Holt, Massachusetts Natural Heritage and Endangered Species Program
- Jonathan K. Patton, Archaeological/Preservation Planner, Massachusetts Historical Commission
- Ramona Peters, Tribal Historic Preservation Officer, Mashpee Wampanoag Tribe
- Tribal Historic Preservation Officer, Wampanoag Tribe of Aquinnah

It is anticipated that notice of the EA's availability will be posted by the USACE and the USACE will solicit comments from the public.

⁹ The NEPA cumulative effects analysis is not limited to activities and includes Federal and non-Federal activities that affect the project area. The cumulative effects analysis should focus on specific categories of resources instead of the environmental effects caused by a particular action, and it requires identification of the factors that cause degradation of those resources, including those caused by actions unrelated to the proposed action (CEQ 1997).

7.0 COMPLIANCE WITH FEDERAL ENVIRONMENTAL STATUTES, EXECUTIVE ORDERS AND EXECUTIVE MEMORANDA

7.1 FEDERAL STATUTES

The following is a list of pertinent federal statutes that are related to the Project and documentation of the Project's compliance.

7.1.1 ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979, AS AMENDED, 16 U.S.C. 470 ET SEQ.

The City has submitted a PNF to MHC, BUAR, and all relevant Tribes on August 5, 2022 (Appendix A). Although a Finding of No Adverse Effect was received from MHC, no response has been received from the BUAR or the Tribes as of this writing which, being in excess of 30 days, assumes that no adverse effects to archaeological resource will result from the Project. The Project does not propose any excavation below current-day existing grade.

7.1.2 PRESERVATION OF HISTORIC AND ARCHEOLOGICAL DATA ACT OF 1974, AS AMENDED, 16 U.S.C. 469 ET SEQ.

The City has submitted a PNF to MHC, BUAR, and all relevant Tribes on August 5, 2022 (Appendix A). Although a Finding of No Adverse Effect was received from MHC, no response has been received from the BUAR or the Tribes as of this writing which, being in excess of 30 days, assumes that no adverse effects to archaeological resource will result from the Project. The existing MOA between MHC and the City addresses any Site work associated with building demolition.

7.1.3 AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978, 42 U.S.C. 1996.

There are no known sacred sites at the Site. Through the submission of a PNF on August 5, 2022, the following Tribes were notified of the Project:

- Wampanog Tribe of Gay Head (Aquinnah);
- Stockbridge-Munsee Mohican Tribe; and
- Narraganset Tribe.

No response from the Tribes listed above has been received as of this writing and it is therefore presumed that the Project will not have an impact on sacred sites.

7.1.4 CLEAN AIR ACT, AS AMENDED, 42 U.S.C. 7401 ET SEQ.

The Project has been analyzed for conformity with Section 176(c) of the Clean Air Act. It has been determined that the activities authorized by this permit will not exceed de minimis levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR 93.153. The public notice of this work was made available to the US EPA as required for compliance pursuant to Sections 176c and 309 of the Clean Air Act.

7.1.5 CLEAN WATER ACT OF 1977 (FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972) 33 U.S.C. 1251 ET SEQ.

The portion of the Project associated with the abandonment of pipes along the Levee will be performed using BMPs for water control and erosion and sediment control. All impacts to the Chicopee River are

temporary, and the Project is anticipated to receive USACE approval under the Section 404 General Permit 14: Temporary Construction, Access, and Dewatering.

7.1.6 FISH AND WILDLIFE COORDINATION ACT, AS AMENDED, 16 U.S.C. 661 ET SEQ.

There are no known endangered or threatened species at the Site; therefore, no formal submission to USFWS has been provided. It is anticipated that USFWS will be afforded opportunity to comment on the Project during the EA comment period and through interagency coordination associated with the USACE Section 408 review process.

7.1.7 LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED, 16 U.S.C. 4601 4 ET SEQ.

Lincoln Grove Park is the nearest Land and Water Conservation Fund (LWCF)-funded project to the Site and will not be impacted, directly or indirectly, by the Project. Therefore, no further LWCF coordination is required.

7.1.8 NATIONAL HISTORIC PRESERVATION ACT OF 1966, AS AMENDED, 16 U.S.C. 470 ET SEQ.

A PNF was submitted to the SHPO (Appendix A) on August 5, 2022. A Finding of No Adverse Effect was issued by MHC; therefore, it is anticipated that the Project complies with the National Historic Preservation Act.

7.1.9 NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA), 25 U.S.C. 3000-3013, 18 U.S.C. 1170

There are no known Native American Graves located at the Site, and the aforementioned Tribes are in receipt of a PNF (Appendix A). Regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA) will be followed if the discovery of human remains and/or funerary items occurs during work associated with the Project.

7.1.10 NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, AS AMENDED, 42 U.S.C 4321 ET SEQ.

Compliance with NEPA will be demonstrated by the submission of this EA and upon the FONSI being signed by the USACE District Engineer.

7.1.11 RIVERS AND HARBORS ACT OF 1899, AS AMENDED, 33 U.S.C. 401 ET SEQ.

The Project will result in alterations to the Levee, which is under control of the USACE and protected under Section 14 of the Rivers and Harbors Act of 1899. Upon acceptance of this EA and the FONSI, the Project will comply with NEPA and the Section 408 approval process pursuant to Section 14 of the Rivers and Harbors Act of 1899 can be completed.

7.1.12 WATERSHED PROTECTION AND FLOOD PREVENTION ACT AS AMENDED, 16 U.S.C 1001 ET SEQ.

All work associated with the filling and grading portion of the Project will occur outside of the floodplain and Regulatory Floodway, and any in-water work is temporary and will not result in the placement of permanent fill or structures. Therefore, the Project will not alter the floodplain at the Site.

7.2 EXECUTIVE ORDERS

7.2.1 EXECUTIVE ORDER 11593, PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT, 13 MAY 1971

It is anticipated that the Finding of No Adverse Effect issued by MHC demonstrates compliance with this Executive Order (Appendix A).

7.2.2 EXECUTIVE ORDER 11988, FLOODPLAIN MANAGEMENT, 24 MAY 1977 AMENDED BY EXECUTIVE ORDER 12148, 20 JULY 1979.

All work associated with the filling and grading portion of the Project will occur outside of the floodplain and Regulatory Floodway, and any in-water work is temporary and will not result in the placement of fill or structures. Therefore, the Project will not alter the floodplain at the Site.

7.2.3 EXECUTIVE ORDER 11990, PROTECTION OF WETLANDS, 24 MAY 1977.

The portion of the Project associated with the abandonment of pipes along the Levee will be performed using BMPs for water control and erosion and sediment control. All impacts to the Chicopee River are temporary, and the Project is anticipated to receive USACE approval under the Section 404 General Permit 14: Temporary Construction, Access, and Dewatering.

7.2.4 EXECUTIVE ORDER 12898, ENVIRONMENTAL JUSTICE, 11 FEBRUARY 1994.

The Site is located within and adjacent to EJ communities. However, the act of placing fill at the Site and abandoning structures along the Levee will result in de minimis impacts to the surrounding populations. Although short-term noise and traffic impacts are possible, these are not disproportionate to the EJ populations and will be mitigated as discussed in this EA.

7.2.5 EXECUTIVE ORDER 13007, ACCOMMODATION OF SACRED SITES, 24 MAY 1996

Coordination with relevant Tribes has been performed (Appendix A) and no response has been received to date. There are no known sacred sites located at or near the Site.

7.2.6 EXECUTIVE ORDER 13045, PROTECTION OF CHILDREN FROM ENVIRONMENTAL HEALTH RISKS AND SAFETY RISKS. 21 APRIL, 1997.

Remediation efforts have been conducted at the Site, and any imported materials will be below the reportable levels set forth by the MCP. Security fencing will also be maintained at the Site until the remediation activities, which are not a part of the Project proposed under this EA, are completed. Therefore, the Project is not anticipated to present any environmental health or safety risks to children.

7.2.7 EXECUTIVE ORDER 13061, AND AMENDMENTS – FEDERAL SUPPORT OF COMMUNITY EFFORTS ALONG AMERICAN HERITAGE RIVERS

The Project will not adversely affect the Connecticut River action plan established under the Executive Order.

7.2.8 EXECUTIVE ORDER 13175, CONSULTATION AND COORDINATION WITH INDIAN TRIBAL GOVERNMENTS, 6 NOVEMBER 2000.

Consultation has been performed for the aforementioned Tribes (Appendix A) on August 5, 2022. No response has been received to date.

7.3 EXECUTIVE MEMORANDA

7.3.1 *WHITE HOUSE MEMORANDUM, GOVERNMENT-TO-GOVERNMENT RELATIONS WITH INDIAN TRIBES, 29 APRIL 1994*

Consultation has been performed for the aforementioned Tribes (Appendix A) on August 5, 2022. No response has been received to date.

8.0 FINDINGS AND CONCLUSIONS

The Project, as presented through the Proposed Action, will not have any permanent or long-term impacts to the environment. Although temporary construction-period impacts to factors such as noise and traffic are anticipated, they are relatively minor and will be mitigated as discussed in this EA. In-water work is anticipated to receive coverage under the USACE Massachusetts General Permit, and no permanent impacts to the floodplain or regulatory floodway will occur. Coordination related to historic and cultural resources has been performed and it is anticipated that the Proposed Action will not result in impacts to such resources.

This EA supports the attached draft FONSI and demonstrates compliance with NEPA by avoiding and mitigating impacts to the environment; therefore, it is not anticipated that an Environmental Impact Statement will be required.

APPENDIX A – Project Plans

APPENDIX B – Historic and Cultural Resources Coordination

APPENDIX C – U.S. Fish and Wildlife Service Species List

APPENDIX D – Stormwater Management Report
