

**DRAFT
ENVIRONMENTAL ASSESSMENT
AND
FINDING OF NO SIGNIFICANT IMPACT**

**Audi Land Acquisition
520 Smith Clove Road
Highland Mills, New York 10930**



SEPTEMBER 2020

Prepared for:

**West Point Army Garrison
West Point, Orange County, New York**

Prepared by:

**New York District
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DRAFT FINDING OF NO SIGNIFICANT IMPACT ENVIRONMENTAL ASSESSMENT

**Audi Land Purchase
520 Smith Clove Road
Highland Mills, New York**

Executive Summary:

The United States Army Garrison (USAG) West Point proposes to purchase vacant, unoccupied land located to the adjacent west of USAG West Point, in Highland Mills, Orange County, New York (herein "Property"). The Property's address is 520 Smith Clove Road, Highland Mills, New York, in the Town of Woodbury, and consists of 87.2 acres of a 116.30-acre parcel that is currently owned by Audi Hills, Inc. The Property has a zoning designation of Rural Residential and is predominately bound to the north, east, and south by the USAG West Point and bound to the west by the remaining portion of the 116.30-acre parcel. A small segment of residential private property is located to the immediate adjacent north of the Property, along Smith Clove Road. The Property is vacant, unoccupied land containing no developments, buildings or structures. Site features of the Property consist primarily of wooded vegetation with a steep topographic gradient running through the central-east portion of the Property from north-to-south.

The purpose of the EA is to evaluate impacts associated with an acquisition action, of which does not include implementation of any construction or introduce new operation activities. Therefore, the EA will assess two alternatives: the Proposed Action (Property acquisition) and the No-Action Alternative (refrain from Property acquisition). No other alternatives were assessed as part of the acquisition EA.

Proposed Action Alternative:

Under the Proposed Action, the Property would be purchased by USAG West Point to be primarily utilized as a buffer area between the active training and operations conducted at USAG West Point and the general public and to protect from urban encroachment, in accordance with the USAG West Point Master Plan. The Property would remain vacant, unoccupied land. No construction or new operations will be implemented under the Proposed Action. Continued operations include general Property maintenance upkeep and USAG West Point personnel will continue to traverse through the Property by foot and via the vehicle access road located on the eastern portion of the Property.

No Action Alternative:

Under the No Action Alternative the Property would not be acquired by USAG West Point, which in turn would not fulfill the USAG West Point objective to acquire vacant, unoccupied land to be utilized as a buffer zone between the active training and operations conducted at USAG West Point and the general public and protect from urban encroachment, in accordance with the West Point Master Plan.

Summary of Findings:

The Proposed Action Alternative is determined to have no impacts as the Property would be acquired and subsequently remain vacant, unoccupied land. The No Action Alternative is also determined to have no impacts as the Property would not be acquired by USAG West Point. No significant adverse impacts were identified during the preparation of the EA, therefore no mitigation actions are needed to implement the Proposed Action. A summary of the affected environment (existing environmental conditions) of the Property and associated environmental consequences (potential impacts) of the Proposed Action are provided on the following **Summary Table** and additionally provided in the EA Report as **Table 2**:

Summary Table - Affected Environment and Environmental Consequences of the Proposed Action

Resource	Affected Environment	Environmental Consequences	Section No.
Topography	1,200 ft AMSL (east) sloping downward to 580 ft AMSL (west).	No impact identified.	4.1
Geology	Moderately steep and very stony Swartzwood and Mardin soils, very steep or with 15 to 35% slopes rock outcrop of the Hollis Complex, Mardin gravelly silt loam with 3 to 8% slopes, 8 to 15% slopes, and 15 to 25% slopes.	No impact identified.	4.2
Climate	Warm summers, cold winters, mild spring and fall.	No impact identified.	4.3
Air Quality	Nonattainment zone.	No impact identified.	4.4
Hydrogeology	Precambrian age metamorphic rocks (mostly gneiss), underlying thick glacial till deposits. Groundwater is expected to follow topographic gradients and flow from east to west.	No impact identified.	4.5
Surface Water	None identified on the Property	No impact identified.	4.6
Wetlands	None identified on the Property.	No impact identified.	4.7

**Summary Table - Affected Environment and Environmental Consequences
of the Proposed Action (continued)**

Resource	Affected Environment	Environmental Consequences	Section No.
Floodplains	Flood Zone X	No impact identified.	4.8
Terrestrial Habitat	Property is covered with wooded vegetation, with the following significant natural communities known to exist on or in the vicinity of the Property: Chestnut Oak Forest, Acidic Talus Slope Woodland, and Hemlock-Hardwood Swamp.	No impact identified.	4.9
Wildlife	Wildlife anticipated to be present, as the Property is vacant, unoccupied land.	No impact identified.	4.10
Threatened and Endangered Species	Indiana Bat (E), Northern Long-eared Bat (T, ST), Bog Turtle (T), Small Whorled Pogonia (T), Timber Rattlesnake (ST), and Eastern Small-footed Myotis (SSS) known to be present in the vicinity of the Property.	No impact identified.	4.11
Migratory Birds	Eight (8) migratory birds, including the Bald Eagle, are known to be present in the vicinity of the Property.	No impact identified.	4.12
Historic and Archaeological Resources	High potential for Historic resources and Precontact resources.	No impact identified.	4.13
Hazardous, Toxic and Radioactive Waste Materials	None identified on the Property, or adjacent properties with the potential to cause adverse impacts to the Property.	No impact identified.	4.14

**Summary Table - Affected Environment and Environmental Consequences
of the Proposed Action (continued)**

Resource	Affected Environment	Environmental Consequences	Section No.
Land Use, Zoning and Visual Resources	Rural Residential Zoning. Vacant, unoccupied land.	Zoning designation change to Military. No impact identified. Local tax revenue will decrease, however this is expected to have minimal to negligible impact since the revenue lost is less than 0.00003% of the total revenue generated by Orange County. The remaining acreage, including the house, will continue to generate tax revenue.	4.15
Prime and Unique Farmland	The soils located on the westernmost portion of the Property, identified as the Mardin soils with 3 to 8% and 8 to 15% slopes, are considered Farmland of State Significance.	No impact identified.	4.16
Socioeconomic Resources and Environmental Justice	No environmental justice community is located on or adjacent to the Property.	No impact identified.	4.17
Traffic	Property does not contain a drive way or designated parking area. Access to Property is primarily by foot, or via vehicle from an USAG West Point access road on the easternmost portion of Property.	No impact identified.	4.18

**Summary Table - Affected Environment and Environmental Consequences
of the Proposed Action (continued)**

Noise	Ambient noise in the vicinity of the Property is expected to fall below 65 dB.	No impact identified.	4.19
Utilities	No utilities present on the Property, or expected to be present under the Proposed Action.	No impact identified.	4.20
Public Health and Safety	No public health and safety concerns are present on the Property or expected under the Proposed Action.	No impact identified.	4.21
Protection of Children	No daycares or elementary schools are located on or adjacent to the Property.	No impact identified.	4.22

Note: There are no mitigation implementation recommendations because the Proposed Action will not result in significant adverse impacts.

T – Threatened, USFWS

E – Endangered, USFWS

ST – Threatened, State Listed

SSS – Special Status Species, State Listed

Public Involvement:

The Draft EA and Finding of No Significant Impact (FONSI) is made available for a 30-day public review from 9 November 2020 to 9 December 2020 posted on the internet at the following: <https://www.nan.usace.army.mil/Missions/Environmental/Environmental-Assessment/Audi-Land-Acquisition-EA/>. Public notice and Notice of Availability (NOA) with instructions on accessing the Draft EA/FONSI and providing comments has been posted online and in the local newspapers, listed in **Appendix E**, starting on 9 November 2020 and ending on 15 November 2020.

Hard and/or electronic copies of the EA and FONSI will be sent to Federal, State and local agencies and interested parties listed in **Appendix E**.

Agency Consultation:

Federal, state, and local agencies with jurisdiction that could be affected by the project were consulted and/or provided opportunity to review and comment on environmental impacts. The following agencies were consulted in the preparation of this EA:

- United States Fish and Wildlife Service
- Environmental Protection Agency

- New York State Department of Environmental Conservation, Natural Heritage Program
- New York State Office of Parks, Recreation and Historic Preservation, State Historic Preservation Office
- Stockbridge-Munsee Mohican Tribal Historic Preservation Office
- Delaware Nation Historic Preservation Office
- Delaware Tribe Historic Preservation Office

Agency correspondence letters and responses are provided in **Appendix F**.

Conclusion:

This EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 United States Code (USC) 4321-4347), the Council on Environmental Quality (CEQ) *Regulations for Implementing the Procedural Provisions of the NEPA* (40 Code of Federal Regulations (CFR), Parts 1500-1508); Army Regulation (AR) 200-1 *Environmental Protection and Enhancement*, and AR 200-2 *Environmental Analysis of Army Actions* (32 CFR Part 651).

The EA identifies, analyzes and documents any potential direct, indirect and cumulative impacts associated with the acquisition of the Property, under the Proposed Action. Resources with the potential to be affected were assessed in comparison to the components of the Proposed Action, listed on the above **Summary Table** and discussed in more detail in the EA.

As a result of the evaluation of the Proposed Action's affected environment and associated environmental effects, the Proposed Action is determined to not be a major federal action significantly affecting the quality of the human environment, documented by this Finding of No Significant Impact (FONSI). Therefore, this acquisition action is exempt from the requirements to prepare an Environmental Impact Statement (EIS).

COL EVANGELINE G. ROSEL
Commander
U.S. Army Garrison West Point, New York

DATE

ENVIRONMENTAL ASSESSMENT APPROVAL SHEET

AUDI LAND AQUISITION

UNITED STATES ARMY GARRISON WEST POINT

WEST POINT, ORANGE COUNTY, NEW YORK

SEPTEMBER 2020

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Table 1	Summary of Intensity Factors of the Proposed Action
Table 2	Affected Environment and Environmental Consequences of the Proposed Action

Table 3 Threatened, Endangered and Special Status Species Located in the Vicinity of the Property

APPENDICES

- Appendix A USFWS IPaC Report
- Appendix B Phase IA Cultural Resources Report
- Appendix C NRCS Prime or Other Important Farmlands
- Appendix D EJSCREEN Report
- Appendix E EA and FONSI Distribution List
- Appendix F Agency Correspondence

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Acronyms List

1		
2		
3	ACM	Asbestos Containing Material
4	ACS	American Community Survey
5	AMSL	Above Mean Sea Level
6	APE	Area of Potential Effect
7	AR	Army Regulation
8	CAA	Clean Air Act
9	CEQ	Council on Environmental Quality
10	CFR	Code of Federal Regulations
11	CWA	Clean Water Act
12	dB	Decibels
13	DoD	Department of Defense
14	EA	Environmental Assessment
15	EJ	Environmental Justice
16	EO	Executive Order
17	EPA	Environmental Protection Agency
18	ESA	Endangered Species Act
19	F	Fahrenheit
20	FEMA	Federal Emergency Management Agency
21	FIRM	Flood Insurance Rate Map
22	FPPA	Farmland Protection Policy Act
23	HUD	Housing and Urban Development
24	IONMP	Installation Operational Noise Management Plan
25	IPaC	Information for Planning and Consultation
26	LBP	Lead-based Paint
27	MBTA	Migratory Bird Treaty Act
28	NAAQS	National Ambient Air Quality Standards
29	NEPA	National Environmental Policy Act
30	NRCS	National Resources Conservation Service
31	NWI	National Wetlands Inventory
32	NMFS	National Marine Fisheries Service
33	NYS	New York State
34	NYSDEC	New York State Department of Environmental Conservation
35	PCB	Polychlorinated Biphenyl
36	SHPO	State Historic Preservation Officer
37	US	United States
38	USACE	United States Army Corps of Engineers
39	USAG	United States Army Garrison
40	USDA	United States Department of Agriculture

41 **1.0 Introduction**

42 **1.2 Purpose and Need**

43 The United States Army Garrison (USAG) West Point proposes to purchase vacant,
44 unoccupied land located to the adjacent west of USAG West Point, in Highland Mills,
45 Orange County, New York. Currently, the USAG West Point boundary extends to Smith
46 Clove Road for much of the extent of USAG West Point’s western boundary, with the
47 exception of three tax parcels, of which USAG West Point currently surrounds from the
48 north, east, and south of the collective tax parcel boundaries.

49
50 The objective is for USAG West Point to continue to meet the requirements established
51 in the USAG West Point Master Plan, which designates the implementation of a buffer
52 zone of vacant land between the training and operations that take place on the installation
53 and the general public and to protect from urban encroachment. To achieve this
54 objective, USAG West Point intends to acquire additional land acreage along the
55 westernmost border of USAG West Point. The land identified for purchase consists of
56 87.2 acres of a 116.30-acre parcel located between USAG West Point and Smith Clove
57 Road (herein “Property). Historically, USAG West Point personnel are occasionally
58 granted access to traverse through the Property in order to reach surrounding portions of
59 USAG West Point property not readily accessible by other routes. The Property proposed
60 for purchase is to remain vacant, unoccupied land and be utilized as an additional buffer
61 area between the active training and operations conducted at USAG West Point and the
62 general public (herein “Proposed Action”).

63
64 **1.1 Scope of Analysis**

65 This Environmental Assessment (EA) has been prepared to summarize the potential
66 environmental impacts that could result from the implementation of alternatives, including
67 any mitigation needed to reduce or eliminate any identified associated impacts. The
68 purpose of an EA is to determine if a project would result in significant impacts to the
69 environment. This EA documents the potential environmental impacts associated with
70 the Proposed Action and the No-Action Alternative.

71
72 This EA was prepared in accordance with the National Environmental Policy Act (NEPA)
73 of 1969 as amended (42 United States Code (USC) 4321-4347), the Council on
74 Environmental Quality (CEQ) *Regulations for Implementing the Procedural Provisions of*
75 *the NEPA* (40 Code of Federal Regulations (CFR), Parts 1500-1508); Army Regulation
76 (AR) 200-1 *Environmental Protection and Enhancement*, and AR 200-2 *Environmental*
77 *Analysis of Army Actions* (32 CFR Part 651).

78
79 Under the CEQ regulations NEPA significance is assessed by context, as defined by 40
80 CFR 1508.27(a), and by intensity, as defined by 40 CFR 1508.27(b). Context refers to
81 the analysis of the society as a whole (human, national), the affected region, the affected
82 interests, and the affected locality. Significance varies with the setting of the Proposed
83 Action, where in the case of a site-specific action, the significance would likely depend on
84 the effects in the locality and not on society as a whole. Intensity refers to the severity of

85 the impact, determined by the evaluation of resources and associated impacts in
86 consideration of the following factors:

- 87 • Public health or safety;
- 88 • Unique characteristics;
- 89 • Controversy;
- 90 • Uncertain impacts;
- 91 • Unique or unknown risks;
- 92 • Precedent for future actions;
- 93 • Cumulative effects;
- 94 • Historic resources;
- 95 • Threatened and endangered species; and
- 96 • Potential violation of a federal, state, or local law.

97
98 This EA has been prepared to assess the acquisition of a property. No construction or
99 new operations are included under the Proposed Action and therefore, this acquisition
100 EA will assess two alternatives: the Proposed Action (Property acquisition) and the No-
101 Action Alternative (refrain from Property acquisition). No other alternatives were
102 assessed as part of the acquisition EA.

103
104 The size and scale of the Proposed Action is one of localized significance, therefore, the
105 context described in this EA is that of a local scale as opposed to a regional or nationwide
106 scale. A review of intensity factors reveal that the Proposed Action will not result in a
107 significant impact, neither beneficial nor detrimental, to the human environment, as
108 summarized in **Table 1** and discussed in more detail in this EA:

109
110 **Table 1 – Summary of Intensity Factors of the Proposed Action**
111

Impacts on public health or safety	The Proposed Action is not anticipated to have no effect on public health and safety since the Proposed Action is the acquisition of the Property and no other actions.
Unique characteristics	The Proposed Action is not anticipated to impact wild and scenic rivers, prime farmlands, cultural and historic resources or waters of the United States.
Controversy	The Proposed Action is not anticipated to be controversial.
Uncertain impacts	The impacts of the Proposed Action are not uncertain.
Unique or unknown risks	There are no identified unique or unknown risks associated with the Proposed Action.
Precedent for future actions	This EA was prepared pursuant to applicable laws and regulations, and therefore, a precedent for future actions is not anticipated.

Cumulative effects	The Proposed Action is not anticipated to have cumulative impacts.
Historic resources	The Proposed Action is not anticipated to adversely impact cultural or historic resources.
Threatened and endangered species	The Proposed Action is not anticipated to adversely impact threatened or endangered species.
Potential violation of a federal, state, or local law	The Proposed Action is not in violation of a federal, state, or local law.

112

113 **2.0 Property Description**

114 **2.1 Location and Site History**

115 The Property's address is 520 Smith Clove Road, Highland Mills, New York, in the Town
 116 of Woodbury, and consists of 87.2 acres of a 116.30-acre parcel that is currently owned
 117 by Audi Hills, Inc. (**Figure 1 and 2**). The Property has a zoning designation of Rural
 118 Residential and is predominately bound to the north, east, and south by the USAG West
 119 Point and bound to the west by the remaining portion of the 116.30-acre parcel. A small
 120 segment of residential private property is located to the immediate adjacent north of the
 121 Property, along Smith Clove Road. The boundary of the 116.30-acre parcel is presented
 122 on the Town of Woodbury Tax Map, under Parcel Identification Number 232-3-2 (**Figure**
 123 **3**). The boundary of the parcel, including the Property proposed for purchase and portion
 124 of the parcel excluded from purchase, is additionally shown on **Figure 1, 2 and 3**.

125
 126 The portion of the parcel excluded from the proposed acquisition located to the adjacent
 127 west contains two structures including a residential vacation home and detached garage
 128 surrounded by a yard and a portion of the stone fence. The parcel extends beyond Smith
 129 Clove Road to the west with additional vacant land located across the street.

130
 131 The Property is vacant, unoccupied land containing no developments, buildings or
 132 structures. Site features of the Property consist primarily of wooded vegetation with a
 133 steep topographic gradient running through the central-east portion of the Property from
 134 north-to-south. A stone fence is located along the westernmost boundary of the Property,
 135 running parallel to the likeness of Smith Clove Road (**Figure 2**). The southernmost
 136 portions of the stone fence represents the intended divide for purchase of the Property
 137 from the adjacent portion of the parcel not proposed for purchase. The northernmost
 138 portion of the stone fence is intended for purchase, where the Property extends further
 139 northwest to Smith Clove Road. The stone fence has been present on the 116.30-acre
 140 parcel since at least 1940, as observed on the earliest obtained aerial photograph.

141
 142 Historically the Property, from approximately 1938 to present day has been utilized as a
 143 summer and weekend vacation residence for the Audi family. The Audi family has been

144 vacationing at the Property since at least 1938, and subsequently purchased the 116.30-
145 acre parcel from the Martin family, friends of the Audi family, in approximately 1951. Since
146 that time, the Property has been in the ownership and care of the Audi family. In the late
147 1960's the Audi family placed the ownership of the parcel under Audi Hills Inc.
148

149 According to the parcel owner, the Property may have been utilized, prior to its use as a
150 residential home, for agriculture purposes and farming predating the early 1900s. A
151 review of the earliest obtained aerial photographs indicates that the adjacent properties
152 to the north, west, and south were utilized for farming purposes, suggested by the combed
153 nature of the topography, while the Property is observed to remain vacant with naturally
154 occurring topography and largely covered by wooded vegetation.
155

156 **3.0 Alternatives Considered**

157 **3.1 No Action Alternative**

158 The No-Action Alternative serves as a baseline against which the Proposed Action can
159 be evaluated and is required by the CEQ regulations for implementing the NEPA. Under
160 the No-Action Alternative, the Property would not be acquired by USAG West Point.
161

162 **3.2 Proposed Action Alternative**

163 The Proposed Action includes the acquisition of the Property to be primarily utilized as a
164 buffer area between the active training and operations conducted at USAG West Point
165 and the general public and to protect from urban encroachment, in compliance with USAG
166 West Points Master Plan. Following acquisition the Property would remain vacant,
167 undeveloped land. Currently, USAG West Point personnel receive permission from the
168 parcel owner to traverse through the Property. Under the Proposed Action USAG West
169 Point personnel would continue to traverse through the Property by foot and via the
170 vehicle access road located on the eastern portion of the Property in order to more readily
171 access surrounding portions of USAG West Point property. No construction,
172 development, or new operations are proposed under the Proposed Action. Additional
173 continued operations will include general Property maintenance and upkeep.
174

175 No other alternatives were considered in the preparation of this acquisition EA.
176

177 **4.0 Affected Environment and Environmental** 178 **Consequences**

179 The following sections provide an assessment of any potential impacts present in the
180 vicinity of the Property for the Proposed Action, discussed by each corresponding
181 resource. It should be noted, that this EA was prepared to assess and document impacts
182 associated with an acquisition and not for any construction or operations activities, which
183 are not proposed under the Proposed Action. No significant adverse impacts were
184 identified and therefore, no mitigation actions are necessary. The No Action Alternative
185 is also determined to have no impacts as, under the No Action Alternative, the Property

186 would not be acquired by USAG West Point. A summary of the affected environment
 187 (existing environmental conditions) of the Property and the environmental consequences
 188 (impacts) of the Proposed Action are discussed in more detail below. A summary
 189 comparison of the affected environment and environmental consequences for each
 190 resource is presented on **Table 2**.

191
 192 **Table 2 – Affected Environment and Environmental Consequences**
 193 **of the Proposed Action**
 194

Resource	Affected Environment	Environmental Consequences	Section No.
Topography	1,200 ft AMSL (east) sloping downward to 580 ft AMSL (west).	No impact identified.	4.1
Geology	Moderately steep and very stony Swartzwood and Mardin soils, very steep or with 15 to 35% slopes rock outcrop of the Hollis Complex, Mardin gravelly silt loam with 3 to 8% slopes, 8 to 15% slopes, and 15 to 25% slopes.	No impact identified.	4.2
Climate	Warm summers, cold winters, mild spring and fall.	No impact identified.	4.3
Air Quality	Nonattainment zone.	No impact identified.	4.4
Hydrogeology	Precambrian age metamorphic rocks (mostly gneiss), underlying thick glacial till deposits. Groundwater is expected to follow topographic gradients and flow from east to west.	No impact identified.	4.5
Surface Water	None identified on the Property	No impact identified.	4.6
Wetlands	None identified on the Property.	No impact identified.	4.7
Floodplains	Flood Zone X	No impact identified.	4.8

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**Table 2 – Affected Environment and Environmental Consequences
of the Proposed Action (continued)**

Resource	Affected Environment	Environmental Consequences	Section No.
Terrestrial Habitat	Property is covered with wooded vegetation, with the following significant natural communities known to exist on or in the vicinity of the Property: Chestnut Oak Forest, Acidic Talus Slope Woodland, and Hemlock-Hardwood Swamp.	No impact identified.	4.9
Wildlife	Wildlife anticipated to be present, as the Property is vacant, unoccupied land.	No impact identified.	4.10
Threatened and Endangered Species	Indiana Bat (E), Northern Long-eared Bat (T,ST), Bog Turtle (T), Small Whorled Pogonia (T), Timber Rattlesnake (ST), and Eastern Small-footed Myotis (SSS) known to be present in the vicinity of the Property.	No impact identified.	4.11
Migratory Birds	Eight (8) migratory birds, including the Bald Eagle, are known to be present in the vicinity of the Property.	No impact identified.	4.12
Historic and Archaeological Resources	High potential for Historic resources and Precontact resources.	No impact identified.	4.13
Hazardous, Toxic and Radioactive Waste Materials	None identified on the Property, or adjacent properties with the potential to cause adverse impacts to the Property.	No impact identified.	4.14

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Table 2 – Affected Environment and Environmental Consequences of the Proposed Action (continued)

Resource	Affected Environment	Environmental Consequences	Section No.
Land Use, Zoning and Visual Resources	Rural Residential Zoning. Vacant, unoccupied land.	Zoning designation change to Military. No impact identified. Local tax revenue will decrease, however this is expected to have minimal to negligible impact since the revenue lost is less than 0.00003% of the total revenue generated by Orange County. The remaining acreage, including the house, will continue to generate tax revenue.	4.15
Prime and Unique Farmland	The soils located on the westernmost portion of the Property, identified as the Mardin soils with 3 to 8% and 8 to 15% slopes, are considered Farmland of State Significance.	No impact identified.	4.16
Socioeconomic Resources and Environmental Justice	No environmental justice community is located on or adjacent to the Property.	No impact identified.	4.17
Traffic	Property does not contain a drive way or designated parking area. Access to Property is primarily by foot, or via vehicle from an USAG West Point access road on the easternmost portion of Property.	No impact identified.	4.18

203

204
205
206

**Table 2 – Affected Environment and Environmental Consequences
of the Proposed Action (continued)**

Noise	Ambient noise in the vicinity of the Property is expected to fall below 65 dB.	No impact identified.	4.19
Utilities	No utilities present on the Property, or expected to be present under the Proposed Action.	No impact identified.	4.20
Public Health and Safety	No public health and safety concerns are present on the Property or expected under the Proposed Action.	No impact identified.	4.21
Protection of Children	No daycares or elementary schools are located on or adjacent to the Property.	No impact identified.	4.22

Note: There are no mitigation implementation recommendations because the Proposed Action will not result in significant adverse impacts.

T – Threatened, USFWS

E – Endangered, USFWS

ST – Threatened, State Listed

SSS – Special Status Species, State Listed

207 **4.1 Topography**

208 **4.1.1 Affected Environment**

209 The topography, as depicted on topographic maps of the Property and surrounding area,
210 slopes downward from east to west with an elevation of 1,300 feet (ft) above mean sea
211 level (AMSL) at its easternmost boundary and 580 ft AMSL at its westernmost boundary.
212 The Property elevation reduces significantly (approximately 200 ft) at a steep topographic
213 gradient that runs north-to-south along the approximate central-east portion of the
214 Property (**Figure 1**).

215
216 **4.1.2 Environmental Consequences**

217 The Proposed Action will have no impact to the topography, as the Property will remain
218 vacant, unoccupied land.

219
220 **4.2 Geology**

221 **4.2.1 Affected Environment**

222 The Property consists predominately of moderately steep and very stony Swartzwood
223 and Mardin soils throughout the central portions with rock outcrop of the Hollis Complex,
224 existing as both very steep or with 15 to 35 percent (%) slopes along the easternmost

225 portions of the Property (USDA 2020). Mardin gravelly silt loam, including 3 to 8% slopes,
226 8 to 15% slopes and 15 to 25% slopes are located throughout the westernmost portions
227 of the Property (**Figure 4**).
228

229 **4.2.2 Environmental Consequences**

230 The Proposed Action will have no impact to geology or soils, as the Property will remain
231 vacant, unoccupied land.
232

233 **4.3 Climate**

234 **4.3.1 Affected Environment**

235 The regional climate in the vicinity of the Property consists generally of cold winters and
236 warm summers. Winter climate averages from December to March range from a high of
237 47 degrees (°) Fahrenheit (F) to a low of 17°F. January is the coldest month with an
238 average high of 34°F and a low of 17°F. Summer climate averages from June to
239 September range from an average high of 82°F to a low of 52°F. July is the warmest and
240 most humid month with an average high of 82°F and a low of 61°F (USA 2020).
241

242 **4.3.2 Environmental Consequences**

243 The Proposed Action will have no impact to climate, as the Property will remain vacant,
244 unoccupied land.
245

246 **4.4 Air Quality**

247 **4.4.1 Affected Environment**

248 The Clean Air Act (CAA) is a federal law that regulates air emissions from stationary and
249 mobile sources. This law authorizes EPA to establish National Ambient Air Quality
250 Standards (NAAQS) to protect public health and public welfare and to regulate emissions
251 of hazardous pollutants (USEPA 2020). Stationary sources include coal-fired power
252 plants, glass manufacturing plants, cement manufacturing plants, and petroleum
253 refineries. Mobile sources include new vehicles and vehicle emissions, generators,
254 mowers, ocean vessels and large ships.
255

256 Based on a review of available information, the Property does not appear to have
257 operational air quality hazards present, due to the Property being vacant, unoccupied
258 land. It should be noted, however, that the Property falls within a nonattainment area.
259

260 **4.4.2 Environmental Consequences**

261 The Proposed Action will have no impact to air quality, as the Property will remain vacant,
262 unoccupied land. Furthermore, the Proposed Action and intended future use of the
263 Property is not anticipated to be adversely affected by the nonattainment area
264 designation.
265

266 **4.5 Hydrogeology**

267 **4.5.1 Affected Environment**

268 The general bedrock geology in the vicinity of the Property consists of Precambrian age
269 metamorphic rocks (mostly gneiss) of the Hudson Highlands underlying thick deposits of
270 glacial till (greater than 50 ft thick) in the lower lying areas to the west between the
271 Property and Highland Mills and throughout the Town of Central Valley. Groundwater is
272 the primary water supply in the area, drawn from both sand and gravel (glacial) and
273 fractured-bedrock aquifers. Groundwater circulation occurs through both fractured
274 bedrock and stratified-drift aquifers, recharged by the infiltration of precipitation at the land
275 surface (USGS 2014).

276
277 Topographic gradients typically dictate the surficial and shallow groundwater flow,
278 whereby hydrogeology gradients generally follow. The hydrogeology at the Property is
279 expected to flow from east to west, sloping downward towards Woodbury Creek and the
280 Town of Central Valley.

281
282 **4.5.2 Environmental Consequences**

283 The Proposed Action will have no significant impact to the hydrogeology, as the Property
284 will remain vacant, unoccupied land.

285

286 **4.6 Surface Water**

287 **4.6.1 Affected Environment**

288 While there are no surface water bodies located on the Property, surface waters are
289 located in the vicinity of the Property, including Lake Georgina and Lake Frederick to the
290 south, Bull Pond to the southeast, and Lake Popolopen to the east. The nearest surface
291 water body is located approximately 800 ft northwest and downgradient from the Property,
292 identified as a freshwater pond, that is bisected by Woodbury Creek. Woodbury Creek
293 flows from north to south towards the Town of Central Valley (**Figure 5**).

294

295 **4.6.2 Environmental Consequences**

296 The Proposed Action will have no impact to surface waters in the vicinity of the Property,
297 as the Property will remain vacant, unoccupied land.

298

299 **4.7 Wetlands**

300 **4.7.1 Affected Environment**

301 United States Fish and Wildlife Service (USFWS) maintains records for known wetlands
302 located throughout the U.S. via an online National Wetlands Inventory (NWI) Mapper
303 database. The Clean Water Act (CWA), as amended, provides additional wetlands
304 protection measures, particularly to prevent the discharge of dredged or fill material.
305 USACE and the EPA enforce Section 404 provisions.

306

307 Based on a review of available information of the NWI Mapper and the New York State
308 Environmental Resource Mapper (NYS 2020a), there are no recorded wetlands located
309 on the Property. The nearest USFWS listed wetland is located approximately 800 ft
310 northwest from the Property boundary, identified as a 2.56-acre freshwater pond (USFWS
311 2020c). The nearest State listed wetland is located 1,500 ft northeast from the Property
312 boundary, identified as an approximate 20-acre freshwater forested/shrub wetland that is
313 located on the USAG West Point property (NYS 2020a). This State listed wetland is also
314 identifiable on the NWI Mapper (USFWS 2020c) (**Figure 6**).

316 **4.7.2 Environmental Consequences**

317 The Proposed Action will have no impact to wetlands located in the vicinity of the Property,
318 as the Property will remain vacant, unoccupied land.

320 **4.8 Floodplains**

321 **4.8.1 Affected Environment**

322 The Federal Emergency Management Agency (FEMA) provides an online public source
323 for flood hazard information. FEMA maintains and updates data through the Flood
324 Insurance Rate Map (FIRM) and risk assessments, utilizing data statistics for river flow,
325 storm tides, hydrologic/hydraulic analyses, rainfall and topographic surveys (FEMA
326 2020).

327
328 Based on a review of the FEMA FIRM for the Property, identified on Panel Number
329 36071C0502E, the Property lies within a Zone X designation, defined as an area outside
330 the 0.2% annual chance floodplain (**Figure 7**).

332 **4.8.2 Environmental Consequences**

333 The Proposed Action will have no impact to floodplains located in the vicinity of the
334 Property, as the Property will remain vacant, unoccupied land.

336 **4.9 Terrestrial Habitat**

337 **4.9.1 Affected Environment**

338 The Property is predominantly covered with wooded vegetation, and has been since at
339 least 1940 as viewed on the earliest obtained aerial photograph. Significant natural
340 communities known to exist on or in the near vicinity of the Property include: Chestnut
341 Oak Forest, Acidic Talus Slope Woodland and Hemlock-Hardwood Swamp (NYS 2020a).
342 The easternmost portion of the Property contains Chestnut Oak Forest, while areas of
343 Acidic Talus Slope Woodland and Hemlock-Hardwood Swamp are located to the east of
344 the Property, within the USAG West Point boundary. A fourth significant natural
345 community, identified as Rocky Summit Grassland is identified further to the north of the
346 Property, also located within the USAG West Point boundary (**Figure 8**).

347

348 **4.9.2 Environmental Consequences**

349 The Proposed Action will have no impact to terrestrial habitat or significant natural
350 communities, as the Property will remain vacant, unoccupied land.

351
352 **4.10 Wildlife**

353 **4.10.1 Affected Environment**

354 The Property is located in the Hudson Valley Region of New York State. Forests, fields,
355 and wetlands in this region provide habitats for a large variety of wildlife. While many
356 additional species may likely be present on and surrounding the Property, the following
357 is a general list of the most common wildlife likely to be present in the vicinity:
358

359 **Mammals**

- 360
- White-tailed Deer
 - Woodchuck
 - Striped Skunk
 - White-footed Mouse
 - Coyote
 - Black Bear
 - Fisher
 - Eastern Cottontail
 - Eastern Chipmunk
 - Red Fox
 - Bobcat
 - Gray Squirrel
 - Raccoon
 - Shorttail Weasel
 - Little Brown Bat

Source: NYS 2020c

361
362 **Birds**

- 363
- Wood Thrush
 - Louisiana Waterthrush
 - Yellow-throated Vireo
 - Black-and-white Warbler
 - Scarlet Tanager
 - Acadian Flycatcher
 - Purple Finch
 - Black-capped Chickadees
 - Yellow Warbler
 - Cerulean Warbler
 - Eastern Wood-Pewee
 - Red-eyed Vireo
 - American Redstart
 - Rose-breasted Grosbeak
 - Blue-headed Vireo
 - Woodpeckers
 - Tufted Titmice
 - Chestnut-sided Warbler
 - Worm-eating Warbler
 - Great Crested Flycatcher
 - Veery
 - Ovenbird
 - Baltimore Oriole
 - Magnolia and Black-throated Green Warbler
 - Wild Turkey
 - White-breasted Nuthatches
 - Common Yellowthroat

- Blue-winged Warbler
- Field Sparrow
- White-throated Sparrows
- Golden-winged Warbler
- American Goldfinch
- Dark-eyed Juncos
- Prairie Warbler
- American Tree Sparrows
- Bobolinks

Source: USMA 2020

364 Refer to the New York State Department of Environmental Conservation (NYSDEC)
 365 animals, plants, and aquatic life website (NYS 2020c) and *West Point's Birds and Their*
 366 *Habitats* website for a list of additional species that may be present on or in the vicinity of
 367 the Property (USMA 2020).

368
 369 It is highly likely the Property attracts a variety of wildlife since the Property is vacant,
 370 unoccupied land that has never been developed. The Property is not located in a State
 371 designated Wildlife Management Area (NYS 2020a).

372

373 **4.10.2 Environmental Consequences**

374 The Proposed Action will have no impact to wildlife, as the Property will remain vacant,
 375 unoccupied land.

376

377 **4.11 Threatened and Endangered Species**

378 **4.11.1 Affected Environment**

379 The Endangered Species Act (ESA) of 1973 was passed to protect and recover imperiled
 380 species and the ecosystems upon which they depend. The ESA is administered by the
 381 USFWS and the National Marine Fisheries Service (NMFS). Under the ESA, species
 382 may be listed as either endangered or threatened, whereby species are either in danger
 383 of extinction through all, or a significant portion, of its range (endangered) or are species
 384 that are likely to become endangered within the foreseeable future (threatened).

385 The USFWS Information for Planning and Consultation (iPaC) database was utilized to
 386 determine the potential presence of federal threatened and endangered species on the
 387 Property (USFWS 2020b). Additionally, the New York State Department of
 388 Environmental Conservation Environmental Resource Mapper (NYS 2020a) and Natural
 389 Heritage Program Database (NYS 2020b) was utilized to determine the potential
 390 presence of State listed species.

391 Federal threatened and endangered plant and animal species with the potential to be
 392 present in the vicinity of the Property include the Indiana Bat (*Myotis sodalist*), Northern
 393 Long-eared Bat (*Myotis septentrionalis*), Bog Turtle (*Clemmys muhlenbergii*), and the
 394 Small Whorled Pogonia (*Isotria medeoloides*). The Indiana Bat is listed as an
 395 endangered species, while the Northern Long-eared Bat, Bog Turtle, and Small Whorled
 396 Pogonia are listed as threatened as shown on **Table 3** (USFWS 2020b).

397 The Property is located in the vicinity of State listed endangered or threatened species
 398 and species of special concern. State listed threatened, endangered or species of special
 399 concern with the potential to be present in the vicinity of the Property include the Northern
 400 Long-eared Bat (*Myotis septentrionalis*), Timber Rattlesnake (*Crotalus horridus*) and
 401 Eastern Small-footed Myotis. The Northern Long-eared Bat and Timber Rattlesnake are
 402 listed as threatened while the Eastern Small-footed Myotis is listed as a special status
 403 species as shown on **Table 3** (NYS 2020b).

404
 405 No other federally-listed or state-listed threatened and endangered, or special status
 406 species are known to be potentially present in the vicinity of the Property.

407
 408 **Table 3 - Threatened, Endangered and Special Status Species Located in the**
 409 **Vicinity of the Property**

COMMON NAME	SCIENTIFIC NAME	STATUS	
		Threatened	Endangered
Indiana Bat ¹	<i>Myotis sodalis</i>		X
Northern Long-eared Bat ^{1,2}	<i>Myotis septentrionalis</i>	X	
Bog Turtle ¹	<i>Clemmys muhlenbergii</i>	X	
Small Whorled Pogonia ¹	<i>Isotria medeoloides</i>	X	
Timber Rattlesnake ²	<i>Crotalus horridus</i>	X	
Eastern Small-footed Myotis ²	<i>Myotis leibii</i>	*Special status species	

Notes:

1 - Federally Listed

2 - State Listed

* - State special status species, not otherwise listed as threatened or endangered

410 Although a threatened and endangered species survey has not been conducted for the
 411 Property, it is assumed that the Property may contain suitable habitat for the Indiana Bat,
 412 Northern Long-eared Bat, Small Whorled Pogonia, Timber Rattlesnake, and Eastern
 413 Small-footed Myotis, based on the undeveloped wooded vegetative characteristics of the
 414 Property. It is not anticipated that the Property has suitable habitat for the bog turtle, due
 415 to the lack of surface water habitat on the Property. The USFWS Information for Planning
 416 and Consultation (IPaC) Report is included in **Appendix A**.

417
 418 **4.11.2 Environmental Consequences**

419 The Proposed Action would have no impact to threatened, endangered or special status
 420 species, as the Property would remain vacant, unoccupied land.

421
 422 **4.12 Migratory Birds**

423 **4.12.1 Affected Environment**

424 The Migratory Bird Treaty Act (MBTA) of 1918, as amended, was implemented for the
 425 protection and conservation of migratory birds. The MBTA prohibits, unless permitted by
 426 regulations, actions that could cause detrimental effects to migratory birds. Under the

427 MBTA, it is illegal to possess, import, export, transport, sell, purchase, barter or offer for
428 sale migratory birds, including their parts, feathers, nests and eggs. The law additionally
429 makes it illegal to engage in a “take”, or to “pursue, hunt, shoot, wound, kill, trap, capture
430 or collect, or any attempt to carry out these activities” of migratory birds including their
431 parts, feathers, nests and eggs (USFWS 2020a).

432
433 The Bald and Golden Eagle Protection Act of 1940 prohibits, unless under permit issued
434 by the Secretary of the Interior, actions that could disturb or cause detrimental effects to
435 bald and golden eagles. Under this Act, and similar to the MBTA, it is illegal to possess,
436 import, export, transport, sell, purchase, barter or offer for sale migratory birds, including
437 their parts, feathers, nests and eggs. The law additionally makes it illegal to engage in a
438 “take”, or to “pursue, hunt, shoot, wound, kill, trap, capture or collect, or any attempt to
439 carry out these activities” of bald and golden eagles, including their parts, feathers, nests
440 and eggs (USFWS 2020a).

441
442 USAG West Point has documented 249 migratory bird species on or near West Point
443 property (INRMP 2018). Of the 249 species, the USFWS iPAC database identified eight
444 migratory bird species of particular concern with the potential to be present in the vicinity
445 of the Property, including the Bald Eagle (*Haliaeetus leucocephalus*), Black-billed Cuckoo
446 (*Coccyzus erythrophthalmus*), Black-capped Chickadee (*Poecile atricapillus praticus*),
447 Bobolink (*Dolichonyx oryzivorus*), Cerulean Warbler (*Dendroica cerulean*), Prairie
448 Warbler (*Dendroica discolor*), Wood Thrush (*Hylocichla mustelina*), and the Yellow-
449 bellied Sapsucker (*Spryapicus varius*) (USFWS 2020b). The USFWS IPaC database
450 report is included in **Appendix A**.

451
452 **4.12.2 Environmental Consequences**
453 The Proposed Action would have no impact to migratory birds, or bald and golden eagles,
454 as the Property would remain vacant, unoccupied land.

455 **4.13 Historic and Archaeological Resources**

456
457 **4.13.1 Affected Environment**
458 In April 2020 the District conducted a Phase IA cultural resources survey of the Proposed
459 Action’s Area of Potential Effect (APE). The survey consisted of background research, an
460 interview with the current owner of the house at 520 Smith Clove Road, and a visual
461 inspection of the APE. The resulting report is included in **Appendix B** of this report. The
462 Phase IA survey found that there are no known above-ground historic properties or
463 archaeological resources within APE, but that the APE has a high likelihood of containing
464 both historic and prehistoric archaeological resources (USACE 2020c).

465
466 The Audi house (which is not being purchased by USAG West Point) was built in 1840,
467 so it is likely that there are historic features associated with the house that are within the
468 APE. The current owner, whose family has occupied the Property on a seasonal basis for
469 nearly a century, reported no evidence of Precontact sites or former structures on the
470 Property however they noted the presence of a depressed area within the APE that the
471 owner believes may have once served as a historic cattle watering trough or swimming

472 pool. The feature was not observed by the USACE archaeologist during the visit to the
473 site in February 2020, however, they did note fieldstone walls within the APE indicating
474 that the land was likely utilized for farming in the historic period.
475

476 There is also a high potential for Precontact archaeological resources within the APE due
477 to the large number of previously recorded archaeological sites with a Precontact
478 component within one mile of the APE. There are 19 archaeological sites within one mile
479 of the APE, 16 of which have a Precontact component. A review of the Precontact
480 archaeological sites reveals that they have generally been located in close proximity to a
481 stream. There are no streams within the APE, but two streams run in close proximity to
482 the APE, one on the east and the other on the west side of the APE. Fifteen of the
483 Precontact sites are lithic scatters and one is a rock shelter. The APE contains both gently
484 sloped areas with the potential to contain lithic scatters and steeply sloped areas that
485 could contain rock shelters.
486

487 **4.13.2 Environmental Consequences**

488 The Proposed Action will have no effect on cultural resources. There are no above-
489 ground historic resources within the APE for the Proposed Action and the Proposed
490 Action does not involve ground disturbance that has the potential to effect buried cultural
491 resources. The acquisition of the Property as a buffer around USAG West Point will not
492 change how the property is currently used. If in the future, USAG West Point decides to
493 carryout out an undertaking that includes ground disturbance on this property, a Phase
494 IB field survey will need to be carried out to assess if that undertaking has the potential
495 affect National Register-eligible cultural resources.
496

497 **4.14 Hazardous, Toxic and Radioactive Waste**

498 **4.14.1 Affected Environment**

499 The District reviewed the present day and past history of the Property through available
500 records, including any historical, cultural, and environmental conditions resulting in a
501 conclusion regarding the advisability of the transaction. The assessment included an in
502 depth review of any past use, storage, disposal and release of hazardous materials and
503 petroleum products at the Property, and additionally at adjacent properties which may
504 potentially impact the Property.
505

506 Based on an interview with the parcel owner and available Property records, there are no
507 known or identified past use, storage, disposal, or release of hazardous materials or
508 petroleum products on the Property with the exception of the historical usage of
509 conventional yard maintenance activities that would require the use of petroleum
510 products, such as mowing/weeding activities conducted for general upkeep throughout
511 the parcel, particularly concentrated on the portions of the parcel excluded from the
512 proposed acquisition. Conventional petroleum products would include lawnmower and
513 maintenance equipment gasoline in de minimis quantities that do not generally pose a
514 threat to cause adverse effects.
515

516 Additionally, the Property does not consist of any structures, and therefore, is not
517 anticipated to contain any asbestos containing material (ACM), lead-based paint (LBP),
518 or polychlorinated biphenyls (PCBs).
519

520 **4.14.2 Environmental Consequences**

521 The Proposed Action would have no impact associated with hazardous, toxic or
522 radioactive waste, as the Property would remain vacant, unoccupied land.
523

524 **4.15 Land Use, Zoning and Visual Resources**

525 **4.15.1 Affected Environment**

526 Land use is characterized by classifications based on natural and human activities
527 conducted at, or planned to be conducted at a land area. Natural land uses include
528 undeveloped areas such as open grassland, forest and open water. Developed land uses
529 typically fall under zoning designations including residential, commercial, industrial and
530 agricultural zoning and operations. These designations dictate the appropriate operations
531 and usage under each particular zoning type. The Property is zoned as Rural Residential
532 by the Town of Woodbury and consists of 87.2 acres of a 116.30-acre parcel that extends
533 across Smith Clove Road. The Property primarily consists of wooded vegetation. There
534 are no developments or structures on the Property. Visually, there would be no changes
535 to the Property under the Proposed Action.
536

537 In 2019 the 116.30-acre parcel generated approximately \$26,255.26 in real estate tax
538 revenue (USACE 2020d), which is approximately .00003% of the annual tax revenue
539 collected by the Orange County, combined. The portion of the Property proposed for
540 purchase by USAG West Point would ultimately reduce the amount of tax revenue
541 generated by the entire parcel, as the government does not pay local real estate tax.
542 However, the remaining acreage not purchased by USAG West Point would continue to
543 generate tax revenue, including the portion of the parcel that contains the house and
544 portion of land that extends across Smith Clove Road. The Proposed Action would not
545 increase demand on municipal resources, would not increase the student body of the
546 surrounding school districts nor would it increase the population of Highland Mills, Central
547 Valley or Woodbury. The Property would not likely otherwise be developed into a tax
548 generating operation, as the Property is currently zoned Rural Residential and consists
549 of a steep cliff and wooded vegetation. The Woodbury zoning ordinance Section 310-7
550 describes this zoning designation's purpose is to:

551
552 “...protect the environmentally sensitive steep or wet areas and aquifer recharge
553 areas of the Village and to preserve open and rural character while providing a suitable
554 low-density environment for single-family residences and limited nonresidential uses...”
555

556 Based on the current zoning ordinance for the Property and the steep topographic
557 gradient of the Property, the likelihood of others purchasing the Property for the purpose
558 of advancing major development, and therefore generating increased tax revenue, is low
559 and would not be consistent with the surrounding area.
560

561 **4.15.2 Environmental Consequences**

562 While the Property's zoning designation under the Proposed Action will change from
563 Rural Residential to Military zoning, there will be no impact, as the Property will remain
564 vacant, unoccupied land. The Property will not be altered from its existing state and
565 usages, posing no other changes to land use or visual resources. The Proposed Action
566 is anticipated to have minor to negligible impact for the reduction in tax revenue for the
567 87.2 acres purchased by USAG West Point, because the tax generating revenue of
568 \$26,255.26 annually is only 0.00003% of the overall tax collected by Orange County.
569 However, the remaining portions of the parcel including the house and portion of the
570 parcel that extends across Smith Clove Road would continue to generate tax revenue,
571 therefore, the Proposed Action would be less than 0.00003% reduction in tax revenue.
572 Furthermore, the Proposed Action will not result in an increase demand on the municipal
573 resources, as the Property would be owned and maintained by USAG West Point. The
574 Proposed Action is consistent with the Village's current zoning ordinance designated to
575 protect environmentally sensitive areas and to preserve rural character, and is proposed
576 to remain consistent with the surrounding area and current zoning ordinance.
577

578 **4.16 Prime and Unique Farmland**

579 **4.16.1 Affected Environment**

580 The Farmland Protection Policy Act (FPPA) of 1981 was enacted to minimize the extent
581 to which federal programs contribute to the irreversible conversion of farmland to
582 nonagricultural uses. The FPPA applies to farmland with soil types classified as prime,
583 unique, or of statewide or local importance. The majority of the Property is not located in
584 an area classified as prime, unique or of statewide or local importance farmland, with the
585 exception of a small area located on the westernmost portion of the Property (**Figure 4**).
586 The Mardin gravelly silt loam with 3 to 8% slopes and with 8 to 15% slopes are identified
587 as farmland of statewide importance (NRCS 2020). These two soil types collectively
588 cover less than 10% of the total acreage of the Property. Farmland of statewide
589 importance includes areas of soils that nearly meet the requirements for prime farmland
590 and that economically produce high yields of crops when treated and managed according
591 to acceptable farming methods for the production of food, feed, fiber, forage and oilseed
592 crops. The NRCS Prime or other Important Farmlands table is included in **Appendix C**.
593

594 **4.16.2 Environmental Consequences**

595 The Proposed Action would have no impact to the farmland designation, as the Property
596 would remain vacant, unoccupied land. The portion of the Property that contains farmland
597 of statewide importance covers less than 10% of the Property. This area is located on
598 the westernmost portion of the Property in two segments that are not contiguously
599 connected. One segment is adjacent to Smith Clove Road while the other is located to
600 the adjacent east of the portion of the parcel not proposed for purchase. The portion of
601 the parcel not proposed for purchase is entirely underlain by farmland of statewide
602 importance, however, this area is developed with a house, detached garage and yard,
603 surrounded by a stone fence. It is not likely, based on the surrounding characteristics

604 and development of this portion of the parcel, that the farmland of statewide importance
605 areas would be conducive to substantial farming practices on the Property.
606

607 **4.17 Environmental Justice**

608 **4.17.1 Affected Environment**

609 In 1994, the *Federal Actions to Address Environmental Justice in Minority and Low-*
610 *Income Populations* Executive Order (EO) (EO 12898) was introduced to focus federal
611 attention on the environmental and human health effects of federal actions on minority
612 and low-income populations with the goal of achieving environmental protection for all
613 communities and to identify alternatives that could mitigate associated impacts. The
614 Department of Defense (DoD) implements the environmental justice strategy under NEPA
615 to evaluate the potential effects of DoD actions. The NYSDEC's guidance for
616 Environmental Justice (EJ) analyses stipulates that a community would be considered an
617 EJ community if the minority population is 33.8% or higher in rural areas, or if 23.59% or
618 more of the population is considered low-income (NYS 2003).
619

620 The USEPA's EJ Screening Tool (EJSCREEN) includes the US Census Bureau's
621 American Community Survey (ACS) for 2013 to 2017, and estimates the population within
622 a 1-mile vicinity of the Property is 1,185 persons, with a minority population of 21%, lower
623 than the statewide minority population of 44% and lower than the NYSDEC EJ community
624 criteria of 33.8%. The per capita income for the area is reported at approximately \$35,810
625 with a low-income population of 6%, lower than the statewide low-income average of 31%
626 and lower than the NYSDEC EJ community criteria of 23.59%. The USEPA EJSCREEN
627 and US Census Bureau's ACS reports are included in **Appendix D**.
628

629 There are no environmental justice communities identified on or adjacent to the Property
630 (**Figure 9A and 9B**).
631

632 **4.17.2 Environmental Consequences**

633 The Proposed Action would have no impact to socioeconomic resources or environmental
634 justice communities, as the Property would remain vacant, unoccupied land and there are
635 no environmental justice communities on or adjacent to the Property.
636

637 **4.18 Traffic**

638 **4.18.1 Affected Environment**

639 The Property does not contain any driveways or designated parking areas accessible
640 from Smith Clove Road. Access to the Property is attainable by foot from the north, west
641 and south and by vehicle from the east, via an access road located on the easternmost
642 portion of the Property, under the exclusive use of USAG West Point (**Figure 10**).
643

644 **4.18.2 Environmental Consequences**

645 The Proposed Action would not impact current traffic volume as the Property would
646 remain vacant, unoccupied land.

647 **4.19 Noise**

648 **4.19.1 Affected Environment**

649 The Noise Control Act and Quiet Communities Act were introduced in 1972 and 1978,
650 respectively, to direct federal agencies to comply with applicable federal, state, and local
651 noise control regulations. The EPA, the Housing and Urban Development Agency (HUD)
652 and DoD have designated noise levels to protect public health and welfare with an
653 adequate margin of safety. These levels are considered acceptable guidelines for
654 assessing noise conditions. In an environmental setting, noise levels below 65 decibels
655 (dB) are considered to be acceptable.

656
657 The USAG West Point operates under the *Installation Operational Noise Management*
658 *Plan* (IONMP) of which provides a strategy for noise management in accordance with the
659 Noise Control Act and Quiet Communities Act to ensure noise disturbances are properly
660 managed on USAG West Point projects and property (IONMP 2013). USAG West Point
661 Zone designations include Zone I, Zone II and Zone III. Zone I is typically suitable for all
662 types of land use, while Zone II and Zone III are not normally recommended for noise-
663 sensitive land uses (IONMP 2013).

664
665 The Property is located in an area of Highland Mills that is underdeveloped, whereby the
666 majority of the surrounding land is unoccupied with the exception of the two private
667 residential properties located to the adjacent north and a residential community
668 development located to the west and southwest across Smith Clove Road. Vacant land
669 areas are identified as the USAG West Point to the south, east, and north, and additional
670 vacant land to the northwest, across Smith Clove Road, between the Property and the
671 Town of Woodbury. Ambient noise levels in the vicinity of the Property are consistent
672 with underdeveloped rural areas, and are expected to fall below 65 dB. The Property
673 would be managed under the IONMP as a Zone I designation.

674
675 **4.19.2 Environmental Consequences**

676 The Proposed Action would not impact noise, as the Property would remain vacant,
677 unoccupied land. Under the Proposed Action, the Property would come under the
678 ownership of USAG West Point, and be subject to compliance with the IONMP.

679
680 **4.20 Utilities**

681 **4.20.1 Affected Environment**

682 The area surrounding the Property, and in particular the portion of the parcel that is
683 excluded from the proposed acquisition, is serviced by Orange and Rockland (electricity),
684 Frontier Communication (telephone), Suburban Propane (heating), and the Village of
685 Westbury (refuse).

686
687 **4.20.2 Environmental Consequences**

688 The Proposed Action would not impact utilities, as the Property would remain vacant,
689 unoccupied land and not require the installation of new utility services.

690 **4.21 Public Health and Safety**

691 **4.21.1 Affected Environment**

692 The Property consists of vacant, unoccupied land with no developments or structures
693 present. No risks to public health and safety have been identified.

694 **4.21.2 Environmental Consequences**

695 The purpose of the Proposed Action is to acquire the Property to be primarily utilized as
696 a buffer area between the active training and operations conducted at USAG West Point
697 and the general public and to protect from urban encroachment, in compliance with USAG
698 West Points Master Plan. Following acquisition, the Property would remain vacant,
699 undeveloped land. No construction, development, or new operations are proposed under
700 the Proposed Action. Therefore, the Proposed Action would not have impacts public
701 health and safety.
702

703 **4.22 Protection of Children**

704 **4.22.1 Affected Environment**

705 In 1997, the Protection of Children from Environmental Health Risks and Safety Risks
706 (EO 13045) was introduced to prioritize the identification and assessment of
707 environmental health and safety risks that may affect children, and ensure that federal
708 agencies address environmental and safety risk to children, particularly:

709
710 “...risks to health or to safety that are attributable to products or substances that
711 the child is likely to come in contact with or ingest.”
712

713 Multiple daycares and public schools are present in the Town of Woodbury and Central
714 Valley (**Figure 11**). The nearest daycare is located approximately 0.6 mile west from the
715 Property, at 63 Elmwood Drive identified as Sue’s Play & Learning Center. The nearest
716 school is located approximately 2.3 miles southwest from the Property, at 21 Smith Clove
717 Road identified as the Central Valley Elementary School.
718

719 **4.22.2 Environmental Consequences**

720 Under the Proposed Action, the Property would remain vacant, unoccupied land;
721 therefore, no risks are identified that would pose health or safety risks to children.
722

723 **4.23 Cumulative Impacts**

724 NEPA regulation requires the assessment of cumulative impacts of alternatives in relation
725 to time and proximity. The CEQ regulations define cumulative impacts under 40 CFR
726 1508.7 as an “impact on the environment which results from the incremental impacts of
727 the action when added to other past, present and reasonably foreseeable future actions,
728 regardless of what federal agency or person undertakes such other actions. Cumulative
729 impacts can result from individually minor but collectively significant actions taking place
730 over a period of time”.

731 This EA has been prepared to assess the acquisition action of the Property. The USAG
732 West Point will either purchase the Property, or refrain from purchasing the Property.
733 Under the USAG West Point ownership, the Property zoning designation will change from
734 rural residential to Military, however, the Property will remain vacant, unoccupied land.
735 The acquisition of the Property should not affect the current surrounding residential and
736 rural areas, as the Property is predominately bound by USAG West Point, therefore, the
737 Property zoning designation would be more like the surrounding area following
738 acquisition.

739
740 No cumulative impacts for the Proposed Action have been identified in relation to past,
741 present and reasonably foreseeable future actions. In the future, should USAG West
742 Point intend to construct or develop the land, NEPA regulations would be required to
743 further assess the nature and consequences of that action.
744

745 **5.0 Agency Coordination and Public Involvement**

746 The Draft EA and FONSI is made available for a 30-day public review from 9 November
747 2020 to 9 December 2020 posted on the internet at the following:
748 [https://www.nan.usace.army.mil/Missions/Environmental/Environmental-Assessment](https://www.nan.usace.army.mil/Missions/Environmental/Environmental-Assessment/Audi-Land-Acquisition-EA/)
749 [/Audi-Land-Acquisition-EA/](https://www.nan.usace.army.mil/Missions/Environmental/Environmental-Assessment/Audi-Land-Acquisition-EA/). Public notice and Notice of Availability (NOA) with
750 instructions on accessing the Draft EA/FONSI and providing comments has been posted
751 online and in the local newspapers, listed in **Appendix E**, starting on 9 November 2020
752 and ending on 15 November 2020.

753
754 Hard and/or electronic copies of the EA and FONSI will be sent to Federal, State and
755 local agencies and interested parties listed in **Appendix E**.

756 **Agency Consultation:**

757
758
759 Federal, state, and local agencies with jurisdiction that could be affected by the project
760 were consulted and/or provided opportunity to review and comment on environmental
761 impacts. The following agencies were consulted in the preparation of this EA:

- 762
- 763 ○ United States Fish and Wildlife Service
- 764 ○ Environmental Protection Agency
- 765 ○ New York State Department of Environmental Conservation, Natural
- 766 Heritage Program
- 767 ○ New York State Office of Parks, Recreation and Historic Preservation,
- 768 State Historic Preservation Office
- 769 ○ Stockbridge-Munsee Mohican Tribal Historic Preservation Office
- 770 ○ Delaware Nation Historic Preservation Office
- 771 ○ Delaware Tribe Historic Preservation Office
- 772

773 Agency correspondence letters and responses are provided in **Appendix F**.

774 **6.0 References**

775 **6.1 Sources and Citations**

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847 848 **7.0 Environmental Professionals**

849 Cheryl R. Alkemeyer, PMP, ENV SP, Physical Scientist for the United States Army Corps
850 of Engineers, New York District.

851
852 Anna Jansson, MA, RPA, Archaeologist for the United States Army Corps of Engineers,
853 New York District.