



U.S. Department of Housing and Urban  
Development  
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Washington, DC 20410  
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**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Fireman's-Park-Sidewalk-Replacement-(Depew)

**HEROS Number:** 900000010370325

**Project Location:** , Depew, NY 14043

**Additional Location Information:**

Erie Street, Depew NY 14043 Terrace Boulevard, Depew, NY 14043

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

Replacement of existing deteriorated concrete sidewalks located in the Village of Depew (west of Transit Road). Sidewalks will be replaced near the Fireman's Park within the Village. Specifically, we will replace 730 lineal feet of 4-foot-wide sidewalk on the west side of Erie Street between Terrace Boulevard (on the south) to Gould Avenue (on the north). We will be installing 730 lineal feet of 5-foot-wide sidewalk here. We also plan to replace 240 lineal feet of 4-foot-wide sidewalks on the north side of Terrace Boulevard between Erie Street and Lehigh Street with a new concrete sidewalk, measuring 240 lineal feet by 5-foot-wide.

**Funding Information**

Grant Number	HUD Program	Program Name	
B-22-MC-36-0009	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)	\$3,349.46
B-23-MC-36-0009	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)	\$50,000.00
B-24-MC-36-0009	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)	\$50,000.00

**Estimated Total HUD Funded Amount:** \$103,349.46

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$103,349.46

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project



**SCANNED**

contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition
---------------------------	---------------------------------

**Project Mitigation Plan**

**Determination:**

<input checked="" type="checkbox"/>	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
<input type="checkbox"/>	Finding of Significant Impact

Preparer Signature: Dale Marie Parks Date: 1.22.24

Name / Title/ Organization: Dale Marie Parks / / CHEEKTOWAGA TOWNSHIP

Certifying Officer Signature: [Signature] Date: 1/24/2024

Name/ Title: Brian Nowak / Supervisor

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Fireman's-Park-Sidewalk-Replacement-(Depew)

**HEROS Number:** 900000010370325

**Responsible Entity (RE):** CHEEKTOWAGA TOWNSHIP, BROADWAY AND UNION  
ROAD CHEEKTOWAGA NY, 14227

**RE Preparer:** Dale Marie Parks

**State / Local Identifier:**

**Certifying Officer:** Brian Nowak

**Grant Recipient (if different than Responsible Entity):**

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** , Depew, NY 14043

**Additional Location Information:**

Erie Street, Depew NY 14043 Terrace Boulevard, Depew, NY 14043

**Direct Comments to:**



**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

Replacement of existing deteriorated concrete sidewalks located in the Village of Depew (west of Transit Road). Sidewalks will be replaced near the Fireman's Park within the Village. Specifically, we will replace 730 lineal feet of 4-foot-wide sidewalk on the west side of Erie Street between Terrace Boulevard (on the south) to Gould Avenue (on the north). We will be installing 730 lineal feet of 5-foot-wide sidewalk here. We also plan to replace 240 lineal feet of 4-foot-wide sidewalks on the north side of Terrace Boulevard between Erie Street and Lehigh Street with a new concrete sidewalk, measuring 240 lineal feet by 5-foot-wide.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

The Village of Depew (west of Transit Road) has numerous sidewalks that are over 50 years old and are in need of replacement. These existing concrete sidewalks are severely damaged and not ADA compliant. The replacement of sidewalks around the Fireman's Park area will add to the current enhancements of the park that the Village has already completed. The Village has updated playground equipment, constructed a new "lodge"/meeting building on the grounds, and a new adult fitness area. These new sidewalks will provide a safe, walkable environment for Village residents. The new sidewalks will help maintain resident's safety, while eliminating the need for pedestrians to walk in the street.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

As stated previously, the Village of Depew has worked on upgrading the existing Fireman's Park in the past few years. Before the pandemic they worked on the installation of a new fitness court and they recently opened a new enclosed shelter/pavilion. These newer facilities in the park complement the existing swimming pool, wading pool, outdoor gazebo, playground, basketball court, tennis court, and sand volleyball court. The proposed sidewalk installation will add to the aesthetics of the park and provide a measure of safety for residents walking to utilize the many aspects of this neighborhood gem.

**Maps, photographs, and other documentation of project location and description:**

[Map Firemens Park Sidewalk Replacement Path.pdf](#)

**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

**Approval Documents:**

**7015.15 certified by Certifying Officer  
on:**

**7015.16 certified by Authorizing Officer  
on:**

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
B-22-MC-36-0009	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)	\$3,349.46
B-23-MC-36-0009	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)	\$50,000.00
B-24-MC-36-0009	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)	\$50,000.00

**Estimated Total HUD Funded,                      \$103,349.46  
Assisted or Insured Amount:**

**Estimated Total Project Cost [24 CFR 58.2 (a)                      \$103,349.46  
(5)]:**

**Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities**

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. See attached map.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in

Improvement Act of 1990 [16 USC 3501]		compliance with the Coastal Barrier Resources Act. See attached map.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. See attached map.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The project is sidewalk replacement and does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units.
<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. See attached map.
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. See attached documents.
<b>Endangered Species Act</b> Endangered Species Act of 1973,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project has been determined to have No Effect on listed species. This

particularly section 7; 50 CFR Part 402		project is in compliance with the Endangered Species Act without mitigation. See attached documents.
<b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements. The project is a sidewalk replacement project. Work will not include the development of a hazardous facility, nor will it involve development, construction, rehabilitation that will increase residential densities, or conversion.
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. There are no agricultural lands located within the Town of Cheektowaga, nor within the Village of Depew. See attached map.
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See attached map.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project is covered by a Programmatic Agreement that includes an applicable exemption that exempts this project from the requirements of Section 106. The project is in compliance with Section 106. See attached documents.
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. See attached map.

<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. See attached map.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. See attached map.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]**

**Impact Codes:** An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The project conforms to existing zoning, the Village of Depew plans and the existing neighborhood. We are replacing deteriorated 4-foot-wide concrete sidewalk blocks around a Park with new 5-foot-wide concrete sidewalk blocks. We are replacing sidewalks that are existing and deteriorated with a new and more accessible design.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The project site is completely flat. The project will need to remove existing concrete and existing earth materials to install the new sidewalks. All debris and unused earth materials will be properly disposed of. Short-term erosion during	



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		construction of the sidewalk(s) will be reduced to a less than significant level by the installation of temporary erosion control devices. These devices may include de-silting basins, berms, hay bales, silt fences, dikes, and shoring. Protective devices will be provided at every adjacent storm drain inlet to prevent sediment from entering the storm drain system. Erosion control measures will be installed as required by the contractor. The Village of Depew engineer consultant (Nussbaumer & Clarke, Inc. will review all construction drawings and work being performed on site. Soil suitability will be based on data from Erie County Engineering Index Properties. If required, soil testing will be performed.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	The proposed sidewalk installation will not involve hazardous materials, substances or wastes as defined by Code of Federal Regulations, Title 49, Section 171.8. Project operation and project construction will not generate a nuisance as defined by the Village of Depew Code, Chapter 148. Existing materials and debris will be properly disposed of. Because the project site is flat and inland, the potential impacts from landslides, liquefaction and flooding would be less than significant. The goal of the project is to provide new concrete sidewalks in this residential area. During the earth removal and construction phases of the project there would be a minor (and temporary) increase in the ambient noise levels. Crews will be limited to work between the hours of 7am to 6pm Monday through Friday only. Also, because of street generated noise and surrounding daily activity, any increase in ambient noise would be negligible.	
<b>SOCIOECONOMIC</b>			

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Employment and Income Patterns	2	The primary goal of the project is to provide a new wider concrete sidewalk. There are no planned or anticipated long-term employment opportunities.	
Demographic Character Changes / Displacement	2	The primary goal of the project is to provide a new wider concrete sidewalk to replace the narrow, deteriorated existing sidewalk around this park. The project would not require relocation as this project will not affect any existing dwellings. The sidewalk project will complement surrounding existing development which includes residences and a community park.	
Environmental Justice EA Factor	2	The primary goal of the project is to provide a new wider concrete sidewalk in this area. There is no impact on environmental justice factors.	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	2	The primary goal of the project is to provide a new wider concrete sidewalk to replace the narrow, deteriorated existing sidewalk around this park area. There are no planned or anticipated school impacts as a result of this project. We do expect an increased level of safety and accessibility for all pedestrians.	
Commercial Facilities (Access and Proximity)	2	The primary goal of the project is to provide a new wider concrete sidewalk to replace the narrow, deteriorated existing sidewalk in this area. Commercial facilities are located on nearby Broadway (to the south) and on Transit Road (to the east) within close proximity of the project site.	
Health Care / Social Services (Access and Capacity)	2	There are no significant health care providers located within close proximity of the project site. The site is a community park area within a residential neighborhood.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The proposed project consists of providing a new wider concrete sidewalk in this area. This will not be a significant increase in population requiring additional solid waste management facilities and services. The	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Village of Depew has a sanitation contract which will adequately provide solid waste pickup services.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	The proposed project consists of providing a new wider concrete sidewalk to replace the narrow, deteriorated existing sidewalk in this area. Therefore, the project will not require additional wastewater facilities or services.	
Water Supply (Feasibility and Capacity)	2	The proposed project consists of providing a new wider concrete sidewalk in this area. Therefore, the project will not require additional water supply facilities or services as the proposed project will not result in a net increase in the consumption of water otherwise available for public consumption or public water supplies for this area.	
Public Safety - Police, Fire and Emergency Medical	1	This new wider sidewalk will increase residential and pedestrian safety and accessibility in the neighborhood and around the community park. The Village of Depew Police Department will continue to provide adequate service to this area. The Depew Fire Department will continue to provide adequate service to the area.	
Parks, Open Space and Recreation (Access and Capacity)	1	The proposal consists of providing a new wider concrete sidewalk to replace the narrow, deteriorated existing sidewalk in this area. The sidewalk will be replaced on the west side of Erie Street from Gould Avenue (on the north) to Terrace Boulevard (on the south) and replaced on the north side of Terrace Boulevard from Lehigh Court (on the west) to Erie Street (on the east). The new sidewalk is replacing existing sidewalk around the Fireman's Park.	
Transportation and Accessibility (Access and Capacity)	2	The proposal consists of providing a new wider concrete sidewalk in this area. The sidewalk will be replaced on the west side of Erie Street from Gould Avenue (on the north) to Terrace Boulevard (on the south) and replaced on the north side of Terrace	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Boulevard from Lehigh Court (on the west) to Erie Street (on the east). Access to the NYS Thruway I-90 is within 2.88 miles of the site. Access to the Amtrak train station is within 1.06 miles of the project site. Access to the Buffalo Niagara International Airport is within 2.24 miles of the project site. Access to the Greyhound Bus Station is within 6 miles of the site.	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	The project sites are flat pieces of land. There are neither unique natural features nor agricultural resources on site. The project proposes providing a new wider concrete sidewalk in this community park area.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	The project site contains grasses and miscellaneous vegetation. The project site is urbanized, previously built on and fully disturbed. The project will not affect sensitive biological resources.	
Other Factors 1			
Other Factors 2			
<b>CLIMATE AND ENERGY</b>			
Climate Change	1	The primary goal of the project is to provide a new wider concrete sidewalk to replace the narrow, deteriorated existing sidewalk at this site. Hopefully this added sidewalk will encourage residents to walk more throughout the neighborhood as the safety and accessibility of residents and pedestrians will be increased. Thus, the increase in pedestrian activity may reduce the need for automobile use on short, local visits.	
Energy Efficiency	2	The proposed project would not conflict with any adopted energy conservation plans. The proposal will be designed to meet or exceed all applicable energy efficiency regulations. There are no proposed features or aspects of the project that would result in the wasteful or inefficient use of non-renewable resources.	

## Supporting documentation

### Additional Studies Performed:

**Field Inspection [Optional]:** Date and completed  
by:

### List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Consultation with Village of Depew consulting Engineer, David Britton, P.E.  
Nussbaumer & Clarke, Inc. Site visit, conducted on December 8, 2023 United  
States Department of Housing and Urban Development New York State Office of  
Parks, Recreation and Historic Preservation United States National Park Service  
United States Environmental Protection Agency United States Federal Emergency  
Management Agency United States Fish & Wildlife Service United States Department  
of Agriculture National Oceanic & Atmospheric Administration Google Maps Google  
Earth New York State Department of Environmental Conservation Erie County On-  
Line Mapping Program Erie County Water Authority Village of Depew, New York

[Firemans Park Project Estimated Budget.pdf](#)  
[Firemans Park Project Map.pdf](#)

### List of Permits Obtained:

### Public Outreach [24 CFR 58.43]:

The FONSI and NOI and RROF were published in the Town of Cheektowaga's Official  
Newspaper, The Cheektowaga BEE on XXXXXXXXXXXX. The 15-day public comment  
period ended on XXXXXXXXXX. This project was presented to the public as part of the  
Town of Cheektowaga Office of Community Development Annual Action Plan for FY  
2024. A public comment period for the Draft AAP was held from December 22, 2023  
through January 23, 2024. A public hearing was held on January 23, 2024 for public  
comments. No comments were received.

### Cumulative Impact Analysis [24 CFR 58.32]:

The project will provide significant benefits to the community with no mitigatable  
significant impacts to the environment. The project proposes the installation of new

wider concrete sidewalks to replace the narrow, deteriorated existing sidewalks on the west side of Erie Street from Gould Avenue (on the north) to Terrace Boulevard (on the south) and on the north side of Terrace Boulevard from Lehigh Court (on the west) to Erie Street (on the west). The new sidewalk will be five feet wide and will increase pedestrian safety by providing a new, smooth and accessible route around Fireman's Park. The new sidewalks in this location will safely allow residents to walk their neighborhood for exercise, reach the park to access the pool, the playground and other recreational and social amenities.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

**No Action Alternative [24 CFR 58.40(e)]**

The two possible courses of action considered were: (1) the proposed project or (2) the No Action Alternative. Additional alternatives to the project proposal were not considered. There really were no other alternatives to provide a pedestrian route on this street that would not result in an increased adverse effect on the neighborhood. The replacement of sidewalks is a way to increase safety, increase accessibility to the park, and help create a "neighborhood" defining element. The No Action Alternative would not result in significant benefits to the community. As shown above the proposed project would not have any adverse impacts to the environment and mitigation will be incorporated into some factors to reduce adverse impacts to the environment where needed. The No Action Alternative would leave the pedestrians and residents feeling unsafe as a result of the existing condition of the sidewalks, when walking to the park.

**Summary of Findings and Conclusions:**

The project will provide significant benefits to the community with no mitigatable significant impacts to the environment. The project proposes the installation of new wider concrete sidewalks to replace the narrow, deteriorated existing sidewalks on the west side of Erie Street from Gould Avenue (on the north) to Terrace Boulevard (on the south) and on the north side of Terrace Boulevard from Lehigh Court (on the west) to Erie Street (on the west). The new sidewalk will be five feet wide and will increase pedestrian safety by providing a new, smooth and accessible route around Fireman's Park. The new sidewalks in this location will safely allow residents to walk their neighborhood for exercise, reach the park to access the pool, the playground and other recreational and social amenities.

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents.



The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
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**Project Mitigation Plan**

**Supporting documentation on completed measures**

## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. See attached map.

#### Supporting documentation

[Map Firemans Park airport distance map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

## Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

1. Is the project located in a CBRS Unit?

✓ No

Document and upload map and documentation below.

Yes

### Compliance Determination

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. See attached map.

### Supporting documentation

[Map Firemans Park CBRS map.pdf](#)

### Are formal compliance steps or mitigation required?

Yes

✓ No

## Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

- ✓ No. This project does not require flood insurance or is excepted from flood insurance.

Based on the response, the review is in compliance with this section.

Yes

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**

Yes

- ✓ No

### Screen Summary

#### **Compliance Determination**

Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. See attached map.

#### **Supporting documentation**

[Map Firemans Park FEMA map.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

Fireman's-Park-Sidewalk-  
Replacement-(Depew)

Depew, NY

900000010370325

✓ No



## Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

✓ No

Based on the response, the review is in compliance with this section.

### Screen Summary

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The project is sidewalk replacement and does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

Yes

✓ No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### **Compliance Determination**

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. See attached map.

#### **Supporting documentation**

[Map Firemans Park coastal zone map.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No

## Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening

☒ None of the Above

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

☒ No

### Explain:

An on-site visit was conducted on 12/8/23 and NEPA Assist was consulted on 12/5/23. No on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property.

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

### Compliance Determination

Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. See attached documents.

**Supporting documentation**

[NEPAssist\\_Analysis Drilldown Firemens Park Sidewalks hazardous.pdf](#)

[NEPAssist\\_Analysis Drilldown Firemens Park Sidewalks toxic.pdf](#)

[NEPAssist\\_Analysis Firemens Park Sidewalks.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service ("FWS" and "NMFS" or "the Services").	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

**2. Are federally listed species or designated critical habitats present in the action area?**

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

- ✓ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

Document and upload all documents used to make your determination below. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

Mitigation as follows will be implemented:

- ✓ No mitigation is necessary.

Explain why mitigation will not be made here:

After consultation with IPaC on 12/12/23 it was determined that there are no critical habitats at the project location. The only species possible affected are the Northern Long-eared Bat and the Monarch Butterfly and neither species have critical habitats in the project area. After review, the project scope will not affect either species.

Screen

Summary

**Compliance Determination**

This project has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation. See attached documents.

**Supporting documentation**

[20231212 NE Consistency NLEB\\_RW Firemans Park \(Depew\).pdf](#)  
[Species List\\_ New York Ecological Services Field Office Firemans Park \(Depew\).pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

☒ No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

☒ No

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

#### Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements. The project is a sidewalk replacement project. Work will not include the development of a hazardous facility, nor will it involve development, construction, rehabilitation that will increase residential densities, or conversion.

#### Supporting documentation

Are formal compliance steps or mitigation required?

Yes

Fireman's-Park-Sidewalk-  
Replacement-(Depew)

Depew, NY

900000010370325

✓ No

## Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

✓ No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### **Compliance Determination**

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. There are no agricultural lands located within the Town of Cheektowaga, nor within the Village of Depew. See attached map.

#### **Supporting documentation**

[Agricultural District Map 2023.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

## Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

✓ None of the above

2. Upload a FEMA/FIRM map showing the site here:

[Map Firemans Park FEMA map\(1\).pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

✓ No

Based on the response, the review is in compliance with this section.

Yes

**Screen Summary**

**Compliance Determination**

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See attached map.

**Supporting documentation**

[Map Firemans Park FEMA map\(2\).pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

### Threshold

#### Is Section 106 review required for your project?

- ✓ No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

Yes, because the project includes activities with potential to cause effects (direct or indirect).

**Threshold (a). Either upload the PA below or provide a link to it here:**

**Upload exemption(s) below or copy and paste all applicable text here:**

Based on the response, the review is in compliance with this section.

### Screen Summary

#### Compliance Determination

Based on the project description the project is covered by a Programmatic Agreement that includes an applicable exemption that exempts this project from the



requirements of Section 106. The project is in compliance with Section 106. See attached documents.

**Supporting documentation**

[Section-106-Agreement-Database CHEEKTOWAGA highlighted.pdf](#)  
[Section-106-Agreement-Database CHEEKTOWAGA signature page.pdf](#)  
[NY State of New York 2032 PA Section 106.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

✓ None of the above

### Screen Summary

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

#### **Supporting documentation**

#### **Are formal compliance steps or mitigation required?**

Yes

Fireman's-Park-Sidewalk-  
Replacement-(Depew)

Depew, NY

900000010370325

✓ No

### Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

### Screen Summary

#### Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. See attached map.

Fireman's-Park-Sidewalk-  
Replacement-(Depew)

Depew, NY

900000010370325

**Supporting documentation**

[Sole Source Aquifers Map 2023.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

✓ Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

✓ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

### Screen Summary

**Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. See attached map.

**Supporting documentation**

[Map Firemans Park wetlands map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

### 1. Is your project within proximity of a NWSRS river?

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

### Screen Summary

#### **Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. See attached map.

#### **Supporting documentation**

[Wild and Scenic Rivers Map 2023.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No



## Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

✓ No

Based on the response, the review is in compliance with this section.

### Screen Summary

#### Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

#### Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No