

**DEPARTMENT OF DEFENSE  
UNITED STATES ARMY**

**DRAFT FINDING OF NO PRACTICABLE ALTERNATIVE  
FOR IMPLEMENTATION OF MASTER PLANNING ACTIONS AT  
WATERVLIET ARSENAL, NEW YORK**

**1.0 Introduction**

The Department of the Army (Army) proposes to implement various real property master planning actions at Watervliet Arsenal (WVA), which consist of construction, divestiture, repair, sustainment and/or renovation, and modernization projects. Pursuant to Executive Order (EO) 11988, *Floodplain Management*, and EO 11990, *Protection of Wetlands*, the Army must evaluate whether there is a practicable alternative to locating the proposed action in a floodplain or wetlands, respectively. The practicability of a given alternative is evaluated by determining whether it is available and capable of being done after considering pertinent factors, such as community welfare, environmental impact, statutory authority, legality, cost, technology, and engineering within the context of the project purpose. If the only practicable alternative requires siting in a floodplain and/or wetlands, the Army must design or modify its action to minimize harm to or within the floodplain and/or wetlands. Thereafter, the Army must prepare and circulate a notice containing an explanation of why the action is proposed to be in the floodplain and wetlands.

The Army has determined elements of this Proposed Action must be located within portions of the 100-year floodplain, but not within any wetlands on WVA. This Finding of No Practicable Alternative (FONPA) incorporates the analysis and conclusions of the April 2022 Environmental Assessment for Implementation of Master Planning Actions at Watervliet Arsenal, New York (EA).

**2.0 Notice of Floodplain and Wetland Involvement**

EO 11988 requires federal agencies to determine whether a Proposed Action would occur within a floodplain and to avoid floodplains to the maximum extent possible when there is a practicable alternative. “Floodplain” is defined in the EO as “the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.” The 100-year floodplain represents those areas that could be inundated in the event of high flood water levels expected to occur once every 100 years from the combination of heavy rainfall, high tides, and storm surges. Based on existing Federal Emergency Management Agency Flood Insurance Rate Maps, the Army concluded that five of the proposed projects identified in the EA would occur within the 100-year floodplain associated with the Hudson River (FEMA 2015).

EO 11990 requires Federal agencies to determine whether a proposed action would occur within wetlands. “Wetlands” are defined in the EO as “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.” The Army has determined the proposed projects under the Preferred Alternative would not occur within or directly impact any jurisdictional wetlands or waters of the U.S. Therefore, there would be no impacts to wetlands and other waters of the U.S. under the Preferred Alternative.

Publication of the Notice of Availability for the EA commences a 30-day public review period for the EA and associated Finding of No Significant Impact (FNSI). As stated in the notice, this 30-day public comment period also applies to comments on this Draft Finding of No Practicable Alternative (FONPA).

### **3.0 Description of the Proposed Action, Floodplain and Wetlands Impacts, and Minimization**

The Army proposes to implement various real property master planning actions at WVA. These include implementation of installation-wide framework elements of and standards for future real property actions as well as planned implementation of specific actions/projects as identified in the WVA Area Development Plan and WVA Area Development Execution Plan. The Proposed Action focuses on the implementation of short-term requirements identified in the Area Development Plan and Area Development Execution Plan, which consist of construction, divestiture, repair and sustainment, and/or renovation, and modernization projects.

Under the Proposed Action, WVA would implement a comprehensive approach to developing the installation using planning strategies that reinforce capabilities to support WVA’s mission, promote quality of life, provide safe and efficient transportation networks, and enhance sustainability and environmental viability on the installation. The EA depicts locations and lists the projects identified in the master planning process that could occur in the 100-year floodplain and are currently planned to be implemented in the approximately next five years.

#### **Assessment of Direct Impact to 100-Year Floodplain**

The renovation or repair projects occurring within the 100-year floodplain (Projects 2, 11, and 33) would not result in an increase in footprint size or result in additional fill within the floodplain. Therefore, these projects would not impact the existing hydrology or conveyance of flood flows within the 100-year floodplain and would comply with EO 11988.

The locations and functions for the proposed construction of new buildings or facilities within the 100-year floodplain (Projects 21 and 22) were identified through the master planning process. The Army evaluated the projects and determined that there would be no practicable alternatives for locating these projects outside the 100-year floodplain that would meet the project purpose. The Army sought ways to site projects entirely outside of the floodplain while still addressing WVA’s need to address real property deficiencies and suboptimal conditions. Due to factors such as lack of developable space on WVA, mission-critical need to update infrastructure deemed essential by the installation Master Plan, and the necessary avoidance of other critical resources such as cultural resources and hazardous wastes, it was determined that avoidance

of floodplains was not feasible. The following impacts to existing hydrology or conveyance of flood flows would be expected for these construction projects within the 100-year floodplain:

- Project 21 would include an underground pipeline and there would be no change to existing topography following installation; therefore, Project 21 would have no impact on existing hydrology or conveyance of flood flows.
- Project 22 would include seven ASTs and associated containment. The overall footprint within the floodplain would be relatively small and impacts to flood conveyance are expected to be minor due to the location downstream of the much larger Building 40 that would direct flows away from the storage tanks, the location along edge of the 100-year floodplain, and because this area is located outside the main channel of the Hudson River (i.e., separated by the raised Interstate 787).

In summary, the potential minor long-term impacts would be localized at projects sites, which are dispersed throughout the installation. Because these projects would result in minimal impacts to existing hydrology or conveyance of flood flows, measures are not needed to reduce impacts and there is not further consideration of relocating the projects outside the 100-year floodplain.

#### **Minimization of Impact from the Proposed Action**

The Proposed Action would minimally impact existing hydrology or conveyance of flood flows, for reasons stated above, and further described in the EA. EO 11988 states that if the only practicable alternative requires siting in a floodplain, the agency shall, prior to taking action, design or modify its action to minimize potential harm to or within the floodplain. Under the Proposed Action, design, construction, and maintenance activities would be implemented in accordance with permit requirements, stormwater pollution prevention plans, Best Management Practices, and include Low Impact Development measures as appropriate to reduce the potential for adverse impacts on the 100-year floodplain and areas downstream.

#### **4.0 Public Availability**

A Notice of Availability of this Draft FONPA, along with the Draft EA and Draft FNSI was published in the *Troy Record*, *Times Union*, and *The Daily Gazette* newspapers on May 09, 2022. Interested parties can review the documents at the Watervliet Public Library (1501 Broadway, Watervliet, New York 12189) or by contacting the WVA Public Affairs Office at [usarmy.watervliet.tacom.list.wvapublicaffairs@army.mil](mailto:usarmy.watervliet.tacom.list.wvapublicaffairs@army.mil) or 518-266-5055. The deadline for receipt of comments is June 8, 2022. Comments submitted within the 30-day public review period will be made part of the Administrative Record and will be fully taken into account before a final decision is made to either execute a final FNSI and proceed with implementing the Proposed Action, or publish an NOI to prepare an EIS.

#### **5.0 Finding**

Following an evaluation of the impacts associated with the proposed action and the impacts of alternatives to implement the proposed action, I find there is no practicable alternative to the

proposed action located outside of the floodplain. Furthermore, pursuant to EO 11988 and EO 11990, and as described above, the Army will take all practicable measures to minimize impacts associated with the proposed action to and within the floodplain.

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Date

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