

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
FINDING OF NO SIGNIFICANT IMPACT (FONSI)
CLARK COUNTY FIRE FUELS REDUCTION PROGRAM
CLARK COUNTY, KANSAS
FEMA FM-5170-KS-03

BACKGROUND

Clark County has applied to the Federal Emergency Management Agency (FEMA) for assistance with a hazardous fuels reduction project under FEMA's Hazard Mitigation Grant Program (HMGP), bundle reference number FM-5170-KS-03. FEMA's HMGP provides grants to local governments, states, tribes, territories, and certain private nonprofit organizations to reduce the loss of life and property caused by natural disasters and to enable risk mitigation measures to be implemented during the recovery from a declared disaster.

Clark County experienced severe wildfire damage during the 2017 Starbuck Fire. The communities of Ashland and Englewood were surrounded by fire and residents had to be evacuated. The Ashland Health Center also had to be evacuated, which meant that the local emergency room was unavailable. Public utilities and infrastructure such as electric poles, culverts, bridges, and guardrail posts experienced severe damage. More than 30 homes and outbuildings were burned in Clark County, including 8 homes in Englewood.

The 2017 fire burned many trees along the creeks and shelterbelts around each community. Many of these dead trees are still standing and contribute to the wildfire hazards. The creeks and shelterbelts also contain numerous invasive cedar trees, which are highly flammable. These invasive trees spread easily along riparian zones, where they may form dense thickets. For example, along Bear Creek, which surrounds Ashland on the north and east sides, the vegetation is approximately 50- to 60-percent dead trees or invasive cedars, representing substantial fuel loads that could contribute to the spread of future wildfires. The project is needed because existing dead trees and the density of cedars create wildfire hazards that threaten homes, businesses, and other infrastructure in these communities.

An Environmental Assessment (EA) was prepared for the project in January 2021, in compliance with the National Environmental Policy Act (Public Law 91-190, as amended); the President's Council on Environmental Quality Implementing Regulations (Title 40 Code of Federal Regulations [CFR] Section 1500); Department of Homeland Security Directive 023-01, Rev 01 "Implementing the National Environmental Policy Act," dated October 31, 2014; *Department of Homeland Security Instruction Manual* 023-01-001-01, Rev 01 "Implementing the National Environmental Policy Act," dated November 6, 2014; and FEMA Directive 108-1, dated August 22, 2016. The purpose of the EA is to analyze and document potential environmental impacts from the project, serve as a vehicle to document compliance with applicable state and federal laws and regulations, and to determine whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact (FONSI). The EA is hereby incorporated by reference. This document contains a FONSI and selects the proposed action with traditional burn piles for implementation based on the analyses and results

contained in the EA, combined with the absence of public comments received during the 30-day review and comment period.

The affected project area includes portions of the towns of Ashland and Englewood in Clark County, Kansas. The proposed action will reduce hazardous fuels in and near Ashland and Englewood by removing dead trees and invasive cedars from shelterbelts and riparian areas. Project areas were generally determined based on the presence of vegetative fuels. Around Ashland, the project areas are focused on vegetated areas associated with Bear Creek, as it wraps around the north and east sides of the community. The Englewood project area encompasses most of the community and would address dead trees and cedars throughout.

The proposed action will remove all the dead trees and invasive cedars from the project areas, including dead trees laying on the ground. Saplings of all tree species (approximately 2 inches or less in diameter) will remain. Trees will be cut at the ground surface; tracked equipment will not be used. Stumps will not be removed and no alteration of the shape of stream banks is proposed. Cutting will occur from October to April when weather is cooler and the fire danger is low enough for the work to be conducted safely, and to avoid impacts on migratory birds and monarch butterflies.

Cut trees will be piled in close proximity to where they were cut. Any crossing of the creeks will take place while creek beds are dry. Piles will be relatively small, approximately 10 feet by 10 feet and less than 10 feet high, to reduce the risk of soil disruption and to keep them manageable by firefighters. All burning will be conducted by the Ashland and Englewood Fire Departments. Pile size, burn timing, and burn methods will comply with Clark County Resolution 2011-08, which regulates burning in the county. Piles may sit for up to six months to dry before being burned. Burning will take place when weather permits and the risk of wildfire spread is minimal. Residents near the burn piles and the County Sheriff's office will be notified prior to burning.

PUBLIC INVOLVEMENT

A public scoping notice and fact sheet about the proposed project was published at <https://clarkcountykansasemergencymanagement.com/> on October 4, 2020 and in the *Clark County Gazette* on October 8, 2020. The scoping notice was intended to notify and provide the public with an opportunity to comment on the proposed action, potential alternatives, and preliminary identification of environmental issues. The 30-day public comment period on scoping closed on November 4, 2020. No comments were received.

The draft EA was made available to interested parties through publication on the Clark County Emergency Management website at <https://clarkcountykansasemergencymanagement.com/> and by hard-copy distribution at the Ashland Library located at 604 Main Street, Ashland, Kansas 67831. The draft EA was made available on FEMA's website at https://www.fema.gov/sites/default/files/documents/fema_clark-county-draft-ea.pdf.

Notification of the availability of the draft EA was published in the *Clark County Gazette* on Thursday, February 4, 2021. The public comment period for the draft EA was open from February 4, 2021 to March 6, 2021. No comments were received during the public comment period.

FINDINGS

FEMA has made the following determinations based on the information in the Clark County Fire Fuels Reduction Program EA.

The proposed action will not result in any significant adverse impacts related to soils, air quality and climate, visual quality and aesthetics, surface waters and water quality, wetlands, floodplains, vegetation, fish and wildlife, threatened and endangered species, cultural resources, environmental justice, hazardous materials, noise, transportation, public services and utilities, or public health and safety. The proposed action will have no effect on geology, sole source aquifers, wild and scenic rivers, coastal resources, land use, or zoning. The proposed action has been reviewed and, to the best of our knowledge, does not have the potential for significant cumulative impacts when combined with past, present, and reasonably foreseeable future actions in accordance with 44 CFR Part 10.8 (d)(3)(x).

MITIGATION, ENVIRONMENTAL PROTECTION MEASURES, AND REQUIRED PERMITS

The following items summarize the permits and conditions that must be met as part of implementing the proposed action:

1. Burn scars resulting from burn piles will be reseeded with a mixture of regionally specific native milkweed species and nectar-providing forb species.
2. Ground-disturbing work, including vegetation removal and mowing, will be limited to those times of the year when monarchs will not be present in project areas (October 15–April 1).
3. Should maintenance activities be required during the summer months, work will coincide with an expected lull in monarch activity (July 1–July 20).
4. Mechanical equipment will only cross creeks when the creek bed is dry.
5. No work will occur in water.
6. No herbicides will be used.
7. Burn piles will be located away from water sources.
8. If vegetation removal must occur during the migratory bird breeding season (April 1–July 15), the county will conduct a pre-implementation nesting survey to determine if active nests are present prior to clearing, obtain and comply with any necessary permits from the USFWS, and document compliance with the Migratory Bird Treaty Act.
9. All burning will comply with Clark County Resolution 2011-08.
10. All work will be performed in accordance with Kansas SHPO guidelines, 36 CFR Part 800, “Protection of Historic Properties,” the implementing regulations for the NHPA, with the Secretary of the Interior’s Standards and Guidelines.
11. Caution will be used during tree removal in the proximity of one unassessed cultural property in Ashland (the Atchison, Topeka, and Santa Fe Railway trestle crossing of Bear Creek), and two in Englewood (two unassessed Kansas Historic Resources Inventory listed buildings), and burn piles will be established at sufficient distances from them.

CONCLUSIONS

Based upon the incorporated EA, and in accordance with Presidential Executive Orders 12898 (Environmental Justice), 11988 (Floodplain Management), and 11990 (Wetland Protection), FEMA has determined that the proposed action, implemented with the conditions and mitigation measures outlined above and in the EA, will not have any significant adverse effects on the quality of the natural and human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared (44 CFR Part I 0.8), and the proposed action as described in the EA may proceed.

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