

DRAFT
FEDERAL EMERGENCY MANAGEMENT AGENCY
FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Westerly Creek Reach 2 Flood Mitigation Project
Aurora, Colorado, August 2012

BACKGROUND

The City of Aurora, Colorado has requested funding from the Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance Program (FMA-PJ-08-CO-2011-001) for stream bank stabilization and erosion control along Fountain Creek. In accordance with the National Environmental Policy Act (NEPA) of 1969, National Historic Preservation Act (NHPA), Executive Order 11988, Executive Order 11990, and the implementing regulations of FEMA, an Environmental Assessment (EA) was prepared to assess the potential impacts on the human and natural environment, and is incorporated by reference. The draft EA was available for public review and comment for 15 days; no substantive comments were received.

PROJECT DESCRIPTION

The purpose of the project is to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program. The applicant has established the need to improve the existing channel and remove flow restrictions to reduce the potential for overtopping of Montview Boulevard and flood damage to residential and commercial structures caused by backwater flooding on Westerly Creek.

In the Draft Environmental Assessment (EA), the following two alternatives were considered: (1) a No Action Alternative, which considered the consequences of taking no action, and (2) Alternative 2, which includes replacement of the twin 6-foot by 8-foot box culverts with a 60-foot bridge, removal of an existing drop structure, construction of two new drop structures; and lowering, re-aligning and widening the existing stream channel. The Proposed Action would involve construction activities in the floodway and 100-year floodplain, and affect approximately 0.81 acre of wetlands and Waters of the U.S. (WOUS).

MITIGATION AND STIPULATIONS

The resulting mitigation and stipulations upon which this finding is conditioned are:

1. Prior to construction, the project sponsor must obtain the appropriate Clean Water Act, Section 404 permit from the U.S. Army Corps of Engineers, and comply with all project conditions, including wetland mitigation requirements.
2. The City must obtain and comply with a CDPS 'General Stormwater Discharges Associated with Construction Activities' permit, a 'City of Aurora Stormwater Quality Discharge Permit' and any other applicable Clean Water Act Section 401 Water Quality certifications.

3. All excavation and vegetation removal activities would be completed in accordance with Best Management Practices (BMPs) to reduce impacts to soils and water resources.
4. Any excess excavated soil would be stockpiled at an existing, previously disturbed area outside of the 100-year floodplain.
5. If any off-site fill material is required, it must be obtained from an approved borrow area.
6. Disturbed areas along the banks would be revegetated using non-invasive plant species.
7. Any road closures would be phased and access to all properties would be maintained during construction activities. Residents would be notified of any road closures and detours.
8. The applicant will obtain the appropriate State Air Pollutant Emission permit from CDPHE Air Pollution Control Division.
9. All equipment would be fitted with noise-reducing features (e.g., mufflers), and construction activities would be limited to daytime hours.
10. During the construction period, use of standard Best Management Practice (BMP) to address short-term impacts to soils, water quality, air quality, ambient noise levels, equipment maintenance, safety, transportation, and utility services is required
11. If cultural resources are encountered during project activities, work would be stopped, and FEMA and the Colorado State Historic Preservation Officer (SHPO) will be notified.
12. The project sponsor would need to obtain a floodplain development permit from the local Floodplain Administrator and submit a Letter of Map Revision (LOMR).

FINDINGS

Based upon the information contained in the attached Final EA completed in accordance with the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, FEMA's implementing regulations (44 CFR Part 9 and Part 10) for environmental considerations, and Executive Orders (EO) addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898), it is found that the proposed project, with the prescribed mitigation measures and stipulations, would have no significant adverse impact on the human environment. As a result of this **Finding of No Significant Impact (FONSI)**, an Environmental Impact Statement will not be prepared. Construction may proceed beginning 15 days after the date of this document.

APPROVAL

Steven Hardegen
FEMA Region VIII Environmental Officer

Date