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FEMA

FINDING OF NO SIGNIFICANT IMPACT
HAMILTON DRAIN WATERSHED BASIN AND STORMWATER IMPROVEMENTS
POLK COUNTY, IOWA
FEMA-1763-DR-IA

The Federal Emergency Management Agency (FEMA) is working with local, state and other federal agencies to coordinate the response to the Midwest storms of 2008, a federally declared disaster in Iowa. Flooding was identified in Polk County's 2009 hazard mitigation plan as one of the most significant hazards faced by the County and the jurisdictions within. In addition to the mitigation measures identified to address flood hazards in the County, previous studies culminating in recommendations in 1985 recommended mitigation measures to control flooding. The proposed scope of work is consistent with recommendations in the 1985 report's recommendations and with mitigation measures identified in Polk County's hazard mitigation plan and adds to mitigation measures previously constructed.

FEMA was authorized under Presidential Disaster Declaration, FEMA-DR-1763-IA, to provide federal disaster assistance to the State of Iowa, as a result of damages during the incident period beginning May 25, 2008 and ending August 13, 2008 (Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121-5207, as amended; Stafford Act, Public Law 93-288). The scope and magnitude of this disaster declaration authorized the Hazard Mitigation Grant Program to issue funds for mitigation projects in the State of Iowa as identified by communities to reduce or eliminate known risks for future disasters (44 CFR 206 subpart N). The National Environmental Policy Act (NEPA) of 1969 requires that FEMA evaluate the potential environmental effects of the agency's proposed and alternative actions prior to obligating disaster assistance funds. The President's Council on Environmental Quality (CEQ) has developed a series of regulations for implementing the NEPA. These regulations are included in Title 40 of the Code of Federal Regulations (CFR), Parts 1500–1508.

The CFR requires that a Draft Environmental Assessment (EA) include an evaluation of alternative means of addressing damages caused in declared disasters, and a discussion of the potential environmental effects of the proposed Federal Action. In accordance with both CEQ and FEMA regulations implementing NEPA in 44 CFR Part 10, FEMA prepared a Draft Environmental Assessment (EA) to identify and evaluate potential environmental impacts

resulting from the alternatives presented in the EA and to determine whether the potential effects of the Proposed Action will require preparation of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). Alternatives evaluated in the EA include: 1) no action, i.e. no mitigation measures constructed, 2) construction of four storm water detention basins, one basin located at the northwest intersection of NW 49th Place and NE 3rd Street, two basins working in tandem adjacent to the Saydel High School property (NE 54th Avenue), one basin located at northeast of the intersection of NE 7th Street and NE 45th Place, improved outflow structures, new storm sewer segment on NE 7th Street, and improvements to existing open channels (proposed). Other alternatives were considered including alternate locations for the proposed basins and expansion of the existing storm sewer system. These alternatives were eliminated early in the planning process as not feasible. The Draft EA was made available for public review and comment on the FEMA Environmental Documents and Public Notices website, at the Polk County Auditor's office, and at the Polk County Administrative Office at the intersection of NE 58th Avenue and NE 14th Street from November 16 to December 16, 2012. FEMA received no comments from the public during the comment period.

FINDING

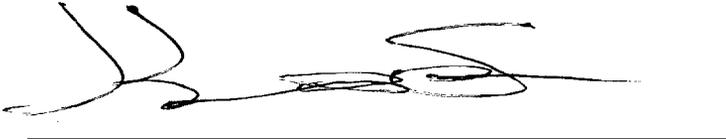
Based upon the project scope of work, site design, and EA; and in accordance with FEMA's regulations in 44 CFR Part 10 for environmental consideration, including Executive Orders (EO) addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898), FEMA determined the Proposed Action will not significantly affect the quality of the natural and human environment and does not have the potential for significant cumulative effects when combined with past, present, and reasonably foreseeable future actions in accordance with 44 CFR Part 10.8 (d)(3)(x). The following best management practices (BMP), coordination, and permitting are required as project conditions;

- Construction activities must minimize fugitive dust emissions through watering, controlling entrainment of dust by vehicles, and/or other measures to reduce the disturbance of particulate matter as appropriate to the site conditions and type of work performed.
- During site preparation and construction, the contractor would:
 - Minimize land disturbance;
 - Suppress dust on traveled paths that are not paved through wetting, use of watering trucks, chemical dust suppressants, or other reasonable precautions to prevent dust from entering ambient air;
 - Cover trucks when hauling soil;
 - Minimize soil track-out by washing or cleaning truck wheels before leaving the construction site;
 - Stabilize the surface of soil piles; and
 - Create wind breaks.
- During site restoration, the contractor would:

- Revegetate land disturbed by construction activities with native species in accordance with Executive Order (EO) 13112;
- Remove unused material; and
- Remove soil piles via covered trucks.
- Use site and project appropriate sediment and erosion control best management practices:
 - Non-structural sediment control BMP may utilize the minimization of disturbance, preservation of natural vegetation and re-vegetation of exposed slopes and soils to minimize erosion and to stabilize slopes;
 - Structural erosion controls BMP include the placement of mulch or grass, the covering of stockpiles, silt fencing, and sediment traps.
- Prepare a Storm Water Pollution Prevention Plan (SWPPP) and obtain a general National Pollution Discharge Elimination System (NPDES) permit for ground disturbance of one acre or more from the Iowa Department of Natural Resources (IDNR).
- Coordination with U.S. Army Corps of Engineers (USACE) and IDNR is required to minimize and mitigate impacts to wetlands; the Applicant must obtain any required permits associated with the anticipated impacts.
- Coordination with U.S. Fish and Wildlife Service (USFWS) is required for removal of trees; area is potential Indiana bat habitat. From April 1 to November 15, Indiana bats roost under peeled bark of dying and dead trees. Trees greater than or equal to 5 inches in diameter (at human breast height) must not be cut or disturbed during this period to protect possible bat habitat. Smaller trees may be removed without this restriction; if this condition is not possible, then further coordination with FEMA and the U.S. FWS is required. Indiana bats hibernate in caves from November 16 to March 31; tree cutting may take place within this period without restriction.
- Coordinate with the IDNR in the event that unanticipated hazardous substances are encountered during the project; work cannot continue until the IDNR indicates that no further assessment is needed of the discovery. Removal and disposal of asbestos containing materials, if any, waste tires, and other debris must be done in accordance with Federal, State, and local laws.
- In the event that archaeological deposits are encountered, work must stop and FEMA must be notified; work cannot continue until the sensitive area is evaluated and consultation with the State Historic Preservation Office has been completed.
- Use noise reduction best management practices to reduce potential impact to the two identified sensitive noise receptors in the vicinity of planned work including;
 - Early and frequent communication with the public;
 - Planning noisier activities and equipment usage for mid-morning to mid-morning;
 - Planning site access and staging to minimize or eliminate “back-up alarm” noise;
 - Limiting equipment on site to only what is necessary;
 - Imposing “seasonal limitation on construction noise” to respect open windows;
 - Use newer, “low-noise” models of equipment;
 - Limiting construction activities to daylight hours;
 - And, shift work to weekends rather than weeknights.

As a result of the information and analysis contained in the environmental assessment, a Finding of No Significant Impact (FONSI) has been prepared. An Environmental Impact Statement will not, therefore, be prepared based on the fact that there will be no long-term adverse impacts to the natural or human environment as a result of this project and therefore, based upon the findings above, the project may proceed.

APPROVAL



Kenneth Sessa
Regional Environmental Officer
Federal Emergency Management Agency, Region VII

1/09/2012

Date