

FINDING OF NO SIGNIFICANT IMPACT
for
BANDERA COUNTY MAINTENANCE FACILITY
BANDERA COUNTY, TEXAS
FEMA-1425-DR-TX

BACKGROUND

In accordance with 44 Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), Subpart B - Agency Implementing Procedures, Section 10.9, an environmental assessment (EA) was prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969. The purpose of the EA was to analyze the potential environmental impacts associated with the proposed construction of a new maintenance facility in Bandera County, Texas and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The participation of FEMA in the proposed action is dictated by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288, as amended, and implementing regulations at 44 Code of Federal Regulations (CFR) Part 206, Federal Disaster Assistance for Disasters Declared on or after November 23, 1988. These rules control the eligibility and funding for public assistance disaster relief. Any assistance FEMA can provide is determined and controlled by these regulations.

The location of the proposed maintenance facility is approximately two miles north of the City of Bandera, Texas. The project site lies on the northeast side of State Highway (SH) 173 on a 20-acre tract of undeveloped land owned by Bandera County.

As a result of flooding in July 2002, the Bandera County Engineer's maintenance facility was damaged beyond repair. The previous facility provided as a maintenance location for the County's vehicle fleet, served as a materials storage area, and provided offices for the Bandera County Engineer and maintenance staff. A new facility is needed to replace and provide these same services. The project alternatives are 1) No Action, and 2) Construct New Facility. The No Action alternative would entail no construction of a new maintenance facility for the Bandera County Engineer. Consequently, the Bandera County Engineer would be without an adequate facility for which to maintain its vehicles and to support its roadway maintenance operations.

A legal notice was posted in the local newspaper, *The Bandera Review*, and the Draft Environmental Assessment was made available for public review at the local library for a 30-day period. One comment letter was received, and a response to comments is provided in the Final EA.

FINDINGS

FEMA has made the following determinations from the information contained in the EA:

The proposed project as described in the EA will not result in any significant adverse impacts to existing land use, water resources (surface water, groundwater, waters of the United States,

wetlands, and floodplains), air quality, noise, biological resources (vegetation, fish and wildlife, state and Federally listed threatened or endangered species and critical habitats), safety, hazardous materials and waste, cultural resources, or result in disproportionately high or adverse effects on minority or low-income populations. The proposed action is also in compliance with all relevant Federal, state and local laws, including Executive Orders (EO) 11988, Floodplain Management, EO 11990, Protection of Wetlands, and EO 12898, Environmental Justice.

CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize Federal funds:

- 1) The EA and this FONSI apply only to the project area that has been specifically described and evaluated in the EA. Any other areas beyond the project area that may be impacted due to changes in the project plan must be evaluated for compliance with NEPA and other applicable Federal, State and local environmental and historic preservation laws, regulations, and Executive Orders.
- 2) Best management practices for sedimentation and erosion control will be utilized where appropriate during construction and for as long as deemed necessary.
- 3) Construction noise will be limited to workday, daylight hours to the greatest extent practicable.
- 4) If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination will be initiated in accordance with applicable Federal, state, and local regulations. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area and project work area.
- 5) No historic or cultural remains are likely to be encountered during the construction activity; however, in accordance with Section 106 of the National Historic Preservation Act, should unanticipated historic or cultural materials be encountered during construction, all construction activities shall cease immediately until their cultural affiliation and ultimate disposition is determined in consultation between FEMA and the State Historic Preservation Officer.

CONCLUSIONS

Based on the findings of the attached EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major Federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.9) and the proposed project as described in the EA may proceed.

APPROVAL



Donald R. Fairley, REM
Regional Environmental Officer
FEMA Region VI

Date 30 January 2004



Gary E. Jones
Acting Regional Director
FEMA Region VI

Date 1-30-04