

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
FINDING OF NO SIGNIFICANT IMPACT (FONSI)
PROPOSED ACQUISITION & DEMOLITION OF RESIDENTIAL HOMES
LOUISVILLE AND JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT, CITY OF LOUISVILLE, JEFFERSON COUNTY, KENTUCKY
HAZARD MITIGATION GRANT PROGRAM (HMGP)
PRE-DISASTER MITIGATION (PDM) GRANT PROGRAM
FLOOD MITIGATION ASSISTANCE (FMA) GRANT PROGRAM**

**FEMA- DR-KY-1841-0035, 1912-0034, 1976-0020
PDMC-KY-2012-001, FMA-PJ-04-KY-2014-008 & FMA-PJ-04-KY-2014-009**

BACKGROUND

In accordance with 44 Code of Federal Regulations (CFR) for FEMA, Subpart B, Agency Implementing Procedures, Part 10.9, an Programmatic Environmental Assessment (PEA) was prepared Pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508).

FEMA prepared this PEA to evaluate the proposed acquisition and demolition of residential homes by the Metropolitan Sewer District (MSD). The goal of the proposed project is to resolve frequent flooding damage and health risks to residents in the City of Louisville and Jefferson County, Kentucky.

MSD has applied for Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA) grant funding under sub application numbers DR-KY-HMGP-1841-0035, 1912-0034, 1976-0020, PDMC-KY-2012-001, FMA-PJ-04-KY-2014-008 and FMA-PJ-04-KY-2014-009. FEMA provides grant funds to help protect people's lives, health, safety, and improved property. The purpose of FEMA's grant program is to assist States and communities in rebuilding damaged communities and implementing measures that reduce or eliminate the long-term risk of future damages to infrastructure caused by severe storm events and natural disasters. The need for this project is to eliminate damages to structures located within the project area and protect health life safety of residents by completely removing them from the known hazard area. MSD proposes to resolve the flooding that frequently occurs within the area acquiring and demolishing residential homes and leaving the acquired lots as deed restricted open space in perpetuity.

Several project alternatives explored in the EA were: 1) No Action; 2) Preferred Action Alternative; construction of retention basins with sufficient capacity; 3) Enlarging the karst area underground; and 4) Construction of a large storm water pumps. In reviewing the alternatives, FEMA's objective was to determine whether to prepare a "Finding of No Significant Impact" (FONSI) or an "Environmental Impact Statement" (EIS). These alternatives were considered but dismissed based on the following:

- 1) Under the No Action Alternative, the properties would continue to have loss claims through the NFIP, incur damages related to the combined sanitary sewer system overflows due to high intensity storms and flooding.
- 2) Regional and Proposed Basins. Construction of more basins in the Louisville area is not feasible due to the scarcity of the land needed to adequately contain floodwaters.

3) Flood Pumps. While the pumps may temporarily alleviate or prevent some flooding to the infrastructure and properties nearest the pumps, the larger issue of storage of floodwaters and residents exposure to contaminated waters remains.

MSD and its agents will mitigate the project's potential adverse impacts on or from the environment, by complying with applicable regulatory conditions and applying the following Best Management Practices (BMPs):

1. Implementation of appropriate Best Management Practices (BMPs) would be required at the construction location, including the placement of silt curtains around the Quiggins Sinkhole during construction to protect the planned discharge point from sediment-laden stormwater.
2. Construction contractors would be required to keep fuel-burning equipment running times to a minimum; engines would be properly maintained. During periods of dry weather, construction areas would be watered-down to minimize fugitive dust.
3. MSD must abide by its Consent Decree ordered by the Environmental Protection Agency and the Kentucky Department of Environmental Protection alleging violations of the Clean Water Act.
4. Habitat removal shall only occur between October 15 and March 31 of any given year to avoid the disturbance of nesting/breeding Threatened or Endangered Species.
5. In the event of post review archaeological discoveries on the site, FEMA will place the following condition on the proposed project: If human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The subgrantee will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The subgrantee's contractor will provide immediate notice of such discoveries to the subgrantee. The subgrantee will notify KYEM and FEMA within 24 hours of the discovery. FEMA will notify the Tribes of the discovery (Tribes are those that have a historical or ancestral interest in the project area). Work in the vicinity of the discovery may not resume until FEMA has completed consultation with State Historic Preservation Office (SHPO), Tribes, and other consulting parties as necessary. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Kentucky Statutes, Section 72.02.
6. Construction would take place during normal business hours and equipment would meet all local, State, and Federal noise regulations.
7. Construction vehicles and equipment would be temporarily stored onsite during project construction, and appropriate signage would be posted on affected roadways.
8. All construction activities would be performed using qualified personnel and in accordance with the standards specified in Occupational Safety and Health Administration (OSHA) regulations; appropriate signage and barriers should be in place prior to construction activities to alert pedestrians and motorists of project activities.
9. Any contaminated or hazardous materials discovered, generated, or used during construction would be handled and disposed in accordance with applicable local, State, and Federal regulations.

The PEA has additional details on mitigation measures for potential adverse impacts.

A public notice was posted in the (local newspaper) and a public meeting was held on 6/17/2015 at the Louisville Urban league Building, 1535 West Broadway, Louisville, KY. The draft PEA was available for

review at the public meeting and for a period of fifteen (15) days at XXXXX. The draft PEA was also available online at:

<https://www.fema.gov/environmental-planning-and-historic-preservation-program/environmental-documents-public-notices-1>

The public was invited to comment on the proposed action and the draft EA. Comments/No comments were received from the public during the fifteen day comment period.

FINDINGS

The Preferred Action as described in the PEA will not adversely impact geology, wetlands, floodplains, threatened and endangered species, migratory birds, cultural resources, public service and utilities, or public health and safety. The Preferred Action would have a high disproportionate adverse impact on low-income or minority populations in the project area [state in what way, i.e., relocation, etc.]. However, the benefits of the Proposed Action outweigh those impacts and would have an overall positive effect to human health and environmental effects on minority or low-income populations that choose to volunteer for the federal funding programs. This is accomplished by removing repetitive loss structures from the floodplain, reducing and eliminating the risk of flooding hazards and health safety risks to the affected population.

During the construction period, short-term impacts to soil, downstream surface water, traffic, air quality, and noise are anticipated. All short-term impacts require utilizing best management practices to minimize and mitigate adverse impacts to the proposed project site and surrounding areas.

CONCLUSION

Based on the findings of the PEA, 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 adversely affect the quality of the natural and human environment, nor does it have the potential for significant adverse cumulative effects. As a result of this FONSI, an EIS will not be prepared (44 CFR § 10.9) and the proposed action as described in the attached EA may proceed.

APPROVAL

Stephanie Madson, Ph.D.
Regional Environmental Officer
FEMA, Region IV

Date _____