

FINDING OF NO SIGNIFICANT IMPACT
For
SURFSIDE BEACH
SHORELINE PROTECTION PROJECT
BRAZORIA COUNTY, TEXAS
FEMA-1606-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 proposed project is to provide protection to Beach Drive and public infrastructure landward of Beach Drive against erosion and breaching during storm events, 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 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 project site is located in Brazoria County within the Village of Surfside Beach city limits along the Gulf of Mexico shoreline. The proposed revetment structure will be constructed along the seaward side of Beach Drive beginning 150 feet west of Texas Street and continuing uninterrupted to the east approximately 3,500 feet to Whelk Street.

As a direct result of storm surge and intense wave action from Hurricane Rita, the Village of Surfside Beach has experienced severe erosion along its shoreline. Additionally the project shoreline has experienced approximately 2 to 12 feet of erosion per year between 1956 and 1996 and has lost approximately 30 feet per year from 2004 to 2006. The receding shoreline has resulted in the vegetation line moving inland to the edge of Beach Drive which is now vulnerable to breaching from future storm events. In addition to Beach Drive, the utilities that are adjacent to this road are at risk as well. The project is needed to provide protection to Beach Drive and public infrastructure landward of Beach Drive against erosion and breaching during storm events. The project alternatives are 1) No Action and 2) Construct Revetment Structure. The No Action alternative would entail no construction of a revetment structure for the Village of Surfside Beach. Consequently, Beach Drive and public infrastructure landward of Beach Drive would be left unprotected and erosion would continue unabated if no action were taken to protect the shoreline from erosion. If the beach erosion continues at its current rate, Beach Drive, the public utilities and homes landward of Beach Drive are at risk during the next storm event.

A legal notice was posted in the *The Facts* and the *Houston Chronicle* on July 19, 2007, and the Draft EA was made available on the FEMA website and at the Freeport Public Library for a 30-day period. One comment was received from the Texas Parks and Wildlife Department (TPWD). The recommendations noted in the TPWD letter will be implemented by the Village of Surfside where

practicable.

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:

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.

Because the project will disturb more than one acre, a Texas Pollutant Discharge Elimination System storm water permit will be required. This permit requires that a copy of the Storm Water Pollution Prevention Plan is kept on the construction site and that all sediment control measures identified in this plan are maintained.

This project will comply with the Texas General Land Office beach and dune rules.

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.

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 will cease immediately until their cultural affiliation and ultimate disposition is determined in consultation between FEMA and the State Historic Preservation Officer.

As practicable, construction will occur outside of the Kemp's Ridley nesting season from April 1 to September 1; however if this is not practicable additional avoidance and minimization measures (numbers 2-11) will be incorporated into the proposed project:

1. An independent, qualified observer or observers will be hired by the Village of Surfside Beach to monitor all construction activities, escort construction vehicles to and from the work site, and monitor for the presence of threatened and endangered species between April 1 and September 1.
2. To prevent undetected nesting from occurring in the project area prior to construction, community volunteers will survey the beach adjacent to and along the project area twice daily for nesting sea turtles and their tracks beginning April 1 and continuing until construction begins. Volunteers will be required to attend a half-day training session to learn how to identify nesting sea turtles and piping plovers; and what actions should be taken if these species are observed.
3. An education and outreach workshop will be organized for the public to provide the residents of Surfside Beach and surrounding areas with information about the proposed project, nesting sea turtles and piping plovers.
4. Educational signs will be developed and displayed at various locations around Surfside Beach and the project area, informing the public about nesting sea turtles and piping plovers and what actions should be taken if these species are observed.
5. Work crews will be required to attend a half-day training session to learn how to recognize and avoid impacts to nesting sea turtles and piping plovers and what actions should be taken if these species are observed.
6. The Village of Surfside Beach will ensure that the independent monitor(s) survey the beach adjacent to and along work areas before work begins each morning and again after work concludes; and periodically throughout the day at such times deemed necessary by the independent monitor. This would occur between April 1 and September 1.
7. No work will continue after dark, therefore no artificial lighting will be necessary.
8. All construction activities will occur from Beach Drive, therefore no construction related vehicles will be on the beach at any time.
9. The number of vehicles transiting from the upland areas to the work site will be kept to a minimum, all vehicles will use the same pathways, and access will be confined to the immediate project area.
10. No temporary, overnight storage of earth-moving equipment on the beach will be allowed. At the conclusion of each workday, vehicles will be parked on the county right-of-way.
11. In the event that a Kemp's Ridley sea turtle or its nest is encountered in or adjacent to the project area, construction activities will cease and the U.S. Fish and Wildlife Service (USFWS) will be contacted. In the event that a piping plover is encountered, the independent monitor(s) will be contacted for further guidance.

CONCLUSIONS

Based on the findings of the 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 attached EA may proceed.

APPROVAL



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

Date 8/23/2007



William Peterson
Regional Administrator
FEMA Region VI

Date 8/23/07