FINDING OF NO SIGNIFICANT IMPACT
CITY OF BAYOU LA BATRE REDEVELOPMENT PROJECT
MOBILE COUNTY, ALABAMA
FEMA-1605-DR-AL

BACKGROUND

The Federal Emergency Management Agency (FEMA) is proposing to assist in the funding of the redevelopment of the City of Bayou La Batre's (City) housing and domestic and industrial wastewater infrastructure following extensive damages incurred from Hurricane Katrina. The City has applied to FEMA for assistance under the Alternative Housing Pilot Program (AHPP) to provide for new housing and Hazard Mitigation Grant Program (HMGP) to provide for flood protection to a wastewater facility the City intends to construct with assistance U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG).

In accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), P.L. 93-288, as amended, and implementing regulations at 44 Code of Federal Regulations (CFR) Part 206, FEMA is required to review the environmental effects of the proposed action prior to making a funding decision. As the components proposed for funding by FEMA are connected to actions to be funded by CDBG, the environmental impacts of all related project components are being evaluated in this comprehensive Environmental Assessment (EA) that is being prepared by FEMA.

This EA has been prepared in accordance with FEMA's National Environmental Policy Act (NEPA) regulations found in 44 CFR Part 10 and Floodplains Management and Wetlands Protection regulations found in 44 CFR Part 9. The purpose of the EA is to analyze the potential impacts of the proposed project, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The information in the Final Environmental Assessment (Final EA) is hereby incorporated by reference to this FONSI. The Final EA and associated FONSI will be made available at the FEMA website at http://www.fema.gov/plan/ehp/envdocuments/ea-region4.shtm. Copies can be made available upon request.

CONDITIONS

The following conditions were developed to mitigate the potential impacts of this project and must be met as part of this project. Failure to comply with these conditions may jeopardize Federal funds:

1. The City shall comply with all federal, state, and local regulations and their associated permitting requirements.

2. In correspondence dated, June 14, 2007, the Alabama Department of Transportation (ALDOT) stated that the following transportation projects would be required with respect to the Proposed Action:

    a. Re-alignment of Shine Road at the intersection of 188 to a 90-degree angle, and
    b. Widening of Route 188 at the intersection with Shine Road for the addition of a left turn lane (heading westbound) and a right turn lane (heading eastbound).

    The applicant will be required to obtain a permit for ALDOT prior to the start of work within the right-of-way of SH 188. Lane closures are anticipated; however, no road closures would be required. To mitigate potential delays, construction vehicles and equipment would be stored on site during project construction and appropriate signage would be posted on affected roadways.

3. Construction Conditions to Avoid Harming Manatees provided by USFWS shall be followed for the construction of the WWTP. This includes:

    a. Grantee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatees.

    b. Grantee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.

    c. All vessels associated with the construction projected shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

    d. If manatees are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implementation to ensure their protection. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

    e. Any collision with and/or injury to a manatee shall be reported immediately to the U.S. Fish and Wildlife Service in Daphne, Alabama.

4. Construction water-related operations of the WWTP shall halt if Gulf sturgeon or sea turtles are observed within 50 feet of a vessel and shall not resume until the species has left the area.

FINDING

Based upon the incorporated Final EA, FEMA has determined that the proposed action implemented with the conditions and mitigation measures outlined above and in the EA would not have any significant impacts on the quality of the natural and human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared (44 CFR Part 10.8).

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