



# FEMA

## FINDING OF NO SIGNIFICANT IMPACT

### **Programmatic Environmental Assessment Alternative Housing Pilot Program (AHPP) Permanent Housing State of Texas**

#### Background

Under the authority of Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Federal Emergency Management Agency (FEMA) administers the Individual Assistance Program to provide temporary housing for disaster victims in affected areas whose homes are uninhabitable or destroyed. Although FEMA's traditional temporary housing options are sufficient to address the unmet housing needs of residents in most disasters; the catastrophic dimensions of Hurricane Rita challenged the efficacy of these traditional methods. Recognizing the extensive and complex housing challenges facing victims and communities as a result of Hurricane Rita, and acknowledging the limitations on FEMA's ordinary statutory authority to provide non-temporary housing solutions, Congress appropriated funds to the Department of Homeland Security (DHS) to support alternative housing pilot programs (Emergency Supplemental Appropriations Act, 2006, Public Law 109-234).

The Alternative Housing Pilot Program (AHPP) represents a one-time exception to FEMA's existing authority under the Stafford Act. The Stafford Act legally binds FEMA to a temporary housing mission, by providing an opportunity to explore, implement, and evaluate innovative approaches to housing solutions, and to address ongoing housing challenges created by the 2005 hurricane season in the states of the Gulf Coast region, including the State of Texas. The Texas Department of Housing and Community Affairs (TDHCA) Disaster Recovery Division has applied for FEMA funding under the AHPP to provide both temporary and permanent housing solutions for eligible applicant families displaced by Hurricane Rita. TDHCA proposes to provide for long-term and permanent housing within the State of Texas counties of: Chambers, Hardin, Harris, Jasper, Jefferson, Liberty, Newton, Orange, Polk, and Tyler (program area).

In accordance with the National Environmental Policy Act (NEPA) and 40 Code of Federal Regulations (CFR) 1500 *et. seq.*, 44 CFR 10 *et. seq.*, and DHS's Management Directive 5100.1, FEMA has prepared a Programmatic Environmental Assessment (PEA) for the AHPP in the State of Texas (January 2009) to evaluate the alternatives proposed for the implementation of this program. Five alternatives were

analyzed in the PEA; the alternatives are listed below and include a no action alternative and four action alternatives.

- Alternative 1: No Action Alternative.
- Alternative 2: Installation of a Permanent AHPP Unit on the Former Dwelling Footprint.
- Alternative 3: Installation of a Permanent AHPP Unit on a New Footprint Within the Property Occupied by the Former Dwelling.
- Alternative 4: Installation of a Permanent AHPP Unit on an Alternate Site on Previously Disturbed Land.
- Alternative 5: Installation of a Permanent AHPP Unit on an Alternate Site on Undeveloped Land.

FEMA has prepared this PEA to streamline compliance with NEPA and to expedite the provision of permanent housing to displaced persons. FEMA will apply the PEA to the alternative actions described above throughout the program area. For actions with impacts not described in the PEA or for action-specific considerations that require additional analysis, as suggested by the PEA, FEMA will prepare a Supplemental Environmental Assessment (SEA) that tiers from this PEA. The PEA, and SEAs as appropriate, will provide the required NEPA clearance. They will also provide, along with appropriate consultations, a means for FEMA to address compliance with other Federal environmental laws and regulations, including the Endangered Species Act and National Historic Preservation Act.

The TDHCA notified the public of the availability of the draft PEA through publication of a public notice in 3 regional newspapers: *the Houston Chronicle*, *the Beaumont Enterprise*, and *the Jasper Newsboy*. FEMA conducted a 30-day public comment period commencing on November 12, 2008 and ending on December 12, 2008, with no comments received from the public. Agency response letters were received from the Texas Historical Commission and the U.S Fish and Wildlife Service. Project conditions were subsequently incorporated into the PEA.

### Findings

Under the proposed program alternatives, as described in the PEA, impacts to geology, floodplains, wetlands, biological resources, and hazardous materials and wastes are not anticipated. Positive impacts to socioeconomics are expected. During the construction period, short-term impacts to soils, water quality, transportation, air quality, and noise are anticipated. All short-term impacts require conditions to minimize and mitigate impacts to the proposed project site and surrounding areas. Consultation with the State Historic Preservation Office (SHPO) will be required to minimize the program's potential to affect cultural resources.

### Conditions

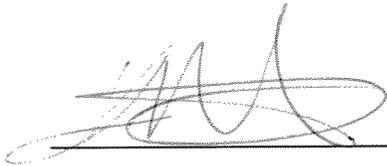
The TDHCA shall comply with all prescribed conditions set forth in the PEA, including but not limited to the following conditions. Failure to comply with these conditions may jeopardize the receipt of Federal funding.

1. Per an agreement established between FEMA and the Texas Historical Commission on December 15, 2008, the follow process was created to ensure the program's compliance with Section 106 of the National Historic Preservation Act (NHPA):
  - All sites will be reviewed by a Secretary of the Interior-qualified archeologist using the Texas Archeological Sites Atlas system to identify potential historic resource issues.
  - Any structures located on the site that are more than 45 years old will be examined for National Register of Historic Places eligibility.
  - Sites where no ground disturbance will occur and the area has low probability for archeological resources do not require SHPO review. In these cases, a memo to file will be prepared documenting the process and findings and submitted to FEMA Environmental for review and approval.
  - For all other sites where there are potential historic resource issues, Section 106 documentation will be prepared. The documentation will include a map showing the site location with any structures clearly noted as well as photographs with captions. A summary table will be included in the letter with the addresses of any properties to be removed along with their construction date and the determination of eligibility.
  
2. In the event that archeological deposits, including any Native American pottery, stone tools, or human remains, are uncovered, the project would be halted. TDHCA would stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings would be secured and access to the sensitive area restricted. The TDHCA would inform FEMA immediately and FEMA would consult with the SHPO or THPO and interested tribes. Work in sensitive areas would not resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the NHPA.
  
3. Should TDHCA encounter any explosive or flammable materials, toxic chemicals, and/or radioactive materials during site clearing and demolition than TDHCA will follow the requirements of 24 CFR Part 51 to minimize any potential harm to human health or the natural environment. In addition, all debris associated with site clearing will be removed and disposed of in accordance with all Federal, state, and local regulations.

Conclusion

Based upon the information contained in the PEA, the potential direct, indirect, and cumulative impacts resulting from implementation of the alternative actions, and in accordance with FEMA's regulations in 44 CFR Part 10, a Finding of No Significant Impact (FONSI) is concluded. Therefore, an Environmental Impact Statement (EIS) process will not be required, based on the fact that there would be no long-term adverse direct, indirect, or cumulative impacts on the natural environment resulting from FEMA actions, as identified in the PEA, taken to establish permanent housing under the AHPP.

This FONSI is based upon a site-specific proposed action adhering to one of the alternatives described in the PEA and meeting all conditions prescribed for that particular alternative. In those instances where the proposed action does not conform to the described alternative actions or to all of the prescribed conditions, a SEA and corresponding FONSI would be prepared to address the differences.



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Date