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FINDING OF NO SIGNIFICANT IMPACT
NEODESHA SUBSTATION PROJECT
NEODESHA, WILSON COUNTY, KANSAS
FEMA-1711-DR-KS
May 28, 2009

BACKGROUND

The Federal Emergency Management Agency (FEMA) is working with partners at the local and state levels and with other federal agencies to coordinate the response to a flood event that struck Neodesha, Wilson County, Kansas, between June 26 and July 25, 2007. The flooding damaged the electrical distribution controls for the city and 500 customers were without power for seven days.

FEMA was authorized under a Presidential disaster declaration (FEMA-1711-DR-KS) to provide Federal disaster assistance to Neodesha, Wilson County, Kansas, as a result of damages incurred between June 26 and July 25, 2007 under Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121-5206, as amended (Stafford Act, Public Law 93-288).

The National Environmental Policy Act (NEPA) requires that Federal agencies evaluate the environmental effects of their proposed and alternative actions before deciding to fund an action. The President's Council on Environmental Quality (CEQ) has developed a series of regulations for implementing NEPA. These regulations are included in Title 40 of the Code of Federal Regulations (CFR), Parts 1500–1508. They require the preparation of an Environmental Assessment (EA) that includes an evaluation of alternative means of addressing the problem and a discussion of the potential environmental impacts of a proposed Federal action. An EA provides the evidence and analysis to determine whether the proposed Federal action will have a significant adverse effect on the human environment. An EA, related to a FEMA program, must be prepared according to the requirements of the Stafford Act and 44 CFR, Part 10. This section of the Federal Code requires that FEMA take environmental considerations into account when authorizing funding or approving actions. This EA was conducted in accordance with both CEQ and FEMA regulations for the NEPA to serve as a vehicle to document compliance with applicable state and Federal laws and regulations, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The purpose of the proposed action is to provide a reliable power source to the residents of Neodesha on a higher quality electric distribution line. The city's ability to provide electrical services would be improved by the increased capacity from the additional electrical feed, thus allowing the city to

divide residential and industrial electric load between the east and west feeds. In the event of an outage on either the west or east feed, the city would have the ability to provide electricity to the entire community by simply flipping a switch to connect to the other feed.

The EA was evaluated for any potential significant impacts to air quality, biological resources, cultural resources, geology, noise, public health and safety, socioeconomic, traffic, and water quality. It was also evaluated for disproportionately high and adverse effects on minority or low income populations.

The public was invited to comment on the proposed action and the Draft Environmental Assessment. A legal notice was posted in the *Neodesha Derrick* on April 16, 2009, and on FEMA's website (<http://www.fema.gov/plan/ehp/envdocuments/index.shtm>). Additionally, the Draft Environmental Assessment was made available for review for a period of 30 days at the Neodesha Rankin Library.

CONDITIONS

The following conditions are to mitigate this projects potential adverse impact. The Applicant/Sub-applicant must meet these conditions as part of the project. Failure to comply with these conditions may jeopardize Federal funds:

1. Due to potential habitat for the American burying beetle and the Eastern spotted skunk, the Kansas Department of Wildlife and Parks (KDWP) was contacted and an environmental review was performed. On May 13, 2009 a KDWP biologist visited the site to assess whether critical habitat for the eastern spotted skunk or American burying beetle occurs on-site. As a result of the assessment, it was determined that no habitat exists for the American burying beetle, but that designated critical habitat for the Eastern spotted skunk does occur on-site. The Eastern spotted skunk habitat falls into the 'odd area' classification (a mix of woods and grasslands) and has a good quality rating (R-value 7.0, scale 0-10). If the habitat will not be disturbed by the proposed construction and vegetation clearing is limited to the area already cleared for the existing powerline right-of-way, no further coordination is required. If the work extends beyond the existing easement, a separate action permit may be necessary for those disturbances and coordination with the KDWP should be performed. The conditions of such a permit would be the return of cleared areas to native vegetation.
2. A construction stormwater general permit from the Kansas Department of Health and Environment is required. The primary requirement of the general permit is for the contractor or permittee to develop and implement a Stormwater Pollution Prevention Plan.
3. If cultural resources (particularly human remains) are unexpectedly discovered during construction, activities would cease in the immediate area and the Kansas State Historic Preservation Officer and the FEMA Regional Environmental Officer would be notified before work would continue.
4. If hazardous constituents are unexpectedly encountered during construction, all construction activities will cease and FEMA will be contacted regarding the future eligibility of this project. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.

FINDING

FEMA makes the following determinations from the information contained in the EA for the construction of the Neodesha Substation Project:

The proposed project as described in the EA will not result in any significant adverse impacts to geology and soils (prime farmland) water resources (surface water, groundwater, waters of the United States, wetlands, and floodplains), biological resources (vegetation, fish and wildlife, state and Federally-listed threatened or endangered species and critical habitats), cultural resources, hazardous materials, noise, air quality, public health and safety, traffic circulation, or result in disproportionately high or adverse effects on minority or low-income populations. The proposed project has been reviewed and, to the best of our knowledge, does not have the potential for significant cumulative effects when combined with past, present, and reasonably foreseeable future actions in accordance with 44 CFR Part 10.8 (d)(3)(x). The proposed project 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).

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.



5/28/2009

Kenneth Sessa
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Federal Emergency Management Agency, Region VII