

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
for
the CONSTRUCTION of a SOCIAL SERVICES BUILDING
for the MODOC TRIBE of OKLAHOMA
MIAMI, OKLAHOMA
FEMA-DR-1712-OK: PW #1850

Background

The Modoc Tribe of Oklahoma (Tribe) has applied to the Federal Emergency Management Agency (FEMA) for funding assistance with a project to construct a new tribal social services building. Authority for the project is provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 51521 *et seq.*). FEMA's Public Assistance Program funds the restoration or construction of facilities to replace facilities that have sustained damage due to presidentially declared natural disasters. The Tribe's former social service building was destroyed by a flood that occurred in 2007. Implementation of the proposed action would allow the tribe to construct facilities to provide for the administration of the tribal government and other social services needed by the Tribe members.

The applicant prepared an Environmental Assessment (EA) in accordance with the guidelines established in Code of Federal Regulations (CFR) for the FEMA, 44 CFR, Subpart B, Part 10.9; Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended; and regulations promulgated by the President's Council on Environmental Quality (40 CFR §§1500-1508). The purpose of the EA is to analyze the potential impacts of the proposed building construction and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The proposed action (PA) is the construction of an approximately 5,000-square foot building with a parking lot and entrance road. The alternative to the PA is the No Action Alternative (NAA). A third alternative involving the reconstruction or rebuilding the social services building at the previous location was evaluated. However, because the former location was in a flood plain area that was subject to reoccurring floods, tribal leaders determined early in the planning process, even with advanced construction techniques, flooding of the areas around the building would be common, and the expense would be significant. As a result of these factors, this alternative was eliminated from further consideration due to the flood-related complications and costs.

Public Review and Comment

The EA evaluated the impacts from implementation of the proposed action and the no action alternative in compliance with NEPA. The Draft EA was made available for review to interested parties through publication on FEMA's website (<http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>), and also by display at the Modoc Tribe of Oklahoma's current offices located at 418 G Street Southeast, Miami, Oklahoma. Notification of the availability of the Draft EA was published in the *Miami News Record* on October 15, 2009. The public was invited to submit comments during the thirty day

period from October 15, 2009 to November 15, 2009. No comments were received during this time.

Findings

FEMA has adopted the EA and made the following determinations from evaluation of information contained in the document:

The project will not result in 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 and endangered species and critical habitats), safety, hazardous materials and waste, cultural resources, traffic and transportation, or result in disproportionately high or adverse effects on minority or low-income populations. The proposed action is 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

During the construction phase, short-term adverse impacts to water quality, traffic; air quality and noise are anticipated. The following conditions will be implemented to mitigate these impacts.

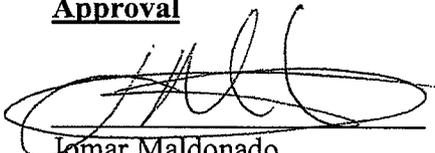
1. The construction project will comply with the provisions within the EPA General Permit for Construction Activities.
2. A Stormwater Pollution Prevention Plan (SWPPP) for Construction Activities will be developed for the project and Best Management Practices (BMPs) will be implemented to minimize any impacts to water quality during the project construction.
3. The completed project will incorporate stormwater management practices within the facility landscaping to prevent erosion and sedimentation, and to protect the wetland and pond that currently exist on the property.
4. A 50-foot area of no-activity will be established around the pond and wetland area to prevent any adverse impacts to this area. Silt fences will be installed at the perimeter of the buffer zone to prevent silt and sediment from the construction site runoff from entering the pond and wetland.
5. Construction activities will be limited to normal (day-time) business hours to mitigate the noise impacts to individuals in the area.
6. Potential impacts to the air quality in the area will be mitigated by the use of water spray as a dust suppressant, as needed, to control the dust in the areas being disturbed.

7. If hazardous constituents are unexpectedly encountered in the project area during the construction activities, 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 all required actions to prevent, minimize and control the release of hazardous materials in the construction staging and work area.
8. It is not expected that any cultural or historic remains will be encountered during the construction activity; however, in accordance with Section 106 of the National Historic Preservation Act (NHPA), if historic or cultural resources are encountered during surface disturbance activities, all construction will cease until consultation between FEMA and the State Historic Preservation Officer (SHPO) to determine disposition of the resources and whether further site investigation is warranted.
9. It is not expected that endangered or threatened species will be encountered during the construction; however, in accordance with the Endangered Species Act (ESA), if endangered or threatened species are encountered during the project construction all work will immediately cease and consultation with the Regional United States Fish and Wildlife Service (USFWS) will take place.

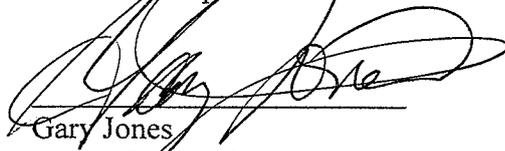
Conclusions

Based on the findings of the EA, coordination/consultation with 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 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


Jomar Maldonado
Federal Environmental Officer
FEMA Headquarters

12/14/09
Date


Gary Jones
Acting Regional Administrator
FEMA Region VI

12-15-09
Date