



**FEMA**

**FINDING OF NO SIGNIFICANT IMPACT  
BEN GEREN REGIONAL PARK SAFE ROOM  
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS  
HGMP-DR-1819-AR PROJECT #52**

**BACKGROUND**

In accordance with 44 Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), Subpart B, Agency Implementing Procedures, Part 10.9, an Environmental Assessment (EA) has been prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). The purpose of the proposed project is to provide life safety protection from the risk of tornadoes and other extreme wind events to the visitors to and residents that live near Ben Geren Regional Park in Fort Smith, Sebastian County, Arkansas. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Sebastian County has applied for Hazard Mitigation Grant Program (HMGP) funding, through the Arkansas Department of Emergency Management (ADEM), under HGMP-DR-1819-AR PROJECT #52. Through HMGP, which is authorized under Section 404 the Robert T. Stafford Disaster Relief and Emergency Assistance Act, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures that reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

Two project alternatives were considered in this EA: 1) No Action; and 2) Construction of a community safe room at Ben Geren Regional Park (Proposed Action). Under the No Action alternative, a community safe room would not be constructed. Patrons of the park would continue to be in danger when quickly arising storms target the area. In addition, those living or working near Ben Geren Regional Park would continue to have to depend on their homes or businesses to offer protection from severe weather, many of which do not have storm safe areas.

Under the Proposed Action alternative, FEMA proposes to provide funding to Sebastian County for the construction of a safe room at the northeast corner of the park (Latitude: 35.32429; Longitude: -94.34818) on what is currently a 1.5 acre mowed open area. The dimensions of the proposed safe room will be approximately 92 feet by 68 feet, with an approximate gross square footage of 6,225 feet and usable safe area of 5,291 square feet for the safe room. The safe room would accommodate 981 occupants, assuming five (5) square feet per person in the open area. Parking for 105 vehicles would be provided on the new site, in addition to existing parking available near the proposed safe room. There will be two 22-foot-wide driveways connecting to

the existing Park Entrance Loop, at the north and south ends of the site. Water, sewer, and electric utilities are already available in the park near the proposed site and minimal extensions will need to be made.

A public notice was posted in the Times Record on April 13, 2011, and the draft EA was made available for comment at the Fort Smith Public Library, 3201 Rogers Avenue, Fort Smith, AR 72901, and electronically upon request from FEMA for a 30-day public comment period. No comments on the draft EA were received from the public during the 30-day comment period.

## FINDINGS

The Proposed Action as described in the EA will not impact geology, floodplains, wetlands, threatened and endangered species or critical habitat, fish and wildlife, cultural resources, minority or low-income populations, public service and utilities. During the construction period, short-term impacts to soils, surface water, traffic, air quality, noise, and public safety are anticipated. Long-term, positive impacts to public health and safety are expected for all populations in the project area. All adverse impacts require conditions to minimize and mitigate impacts to the proposed project site and surrounding areas.

## CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize the receipt of federal funding.

1. This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
2. Graded soil and waste materials will be managed in accordance with applicable local, state, and federal regulations. Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, applicant shall handle, manage, and dispose of petroleum products, hazardous materials and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.
3. The applicant must prepare a Storm Water Pollution Prevention Program Plan (SWPPP) and obtain a National Pollutant Discharge Elimination System (NPDES) permit prior to construction and comply with permit conditions.
4. Construction vehicles and equipment must be stored on site during project construction and appropriate signage must be posted on affected roadways.

5. Construction contractors will be required to water down construction areas when necessary. Fuel-burning equipment running times will be kept to a minimum. Engines must be properly maintained.
6. Construction will take place during normal business hours and equipment must meet all local, State and federal noise regulations.
7. In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured by Sebastian County and access to the sensitive area will be restricted by Sebastian County. The applicant will inform ADEM and FEMA immediately and FEMA will consult with the SHPO. Work in sensitive areas shall not resume until consultation is completed and until FEMA determines that the appropriate measures have been taken to ensure the complete project is in compliance with the NHPA and its implementing regulations.
8. All construction activities must be performed using qualified personnel and in accordance with the standards specified in OSHA regulations. Appropriate signage and barriers must be in place prior to construction activities to alert pedestrians and motorists of project activities.
9. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

## CONCLUSIONS

Based on the findings of the EA, coordination with the appropriate agencies, 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



Kevin Jaynes, CHMM  
Regional Environmental Officer

Date 5/31/11

  
for

Tony Russell  
Regional Administrator  
FEMA Region 6

Date 5-31-11