



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
HARRIS COUNTY FLOOD CONTROL DISTRICT PROJECT E535-01-00-E004
JERSEY VILLAGE DETENTION PROJECT
JERSEY VILLAGE, HARRIS COUNTY, TEXAS
HMGP-DR-1791-TX PROJECT #69**

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 reduce impacts of future flooding to roads and residential and commercial structures along White Oak Bayou in Jersey Village, TX. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The Harris County Flood Control District (HCFCD) has applied for Hazard Mitigation Grant Program (HMGP) funding, through the Texas Division of Emergency Management (TDEM), under HMGP-DR-1791-TXK Project #69. 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 an Improved Drainage System (Proposed Action). Under the No Action alternative, no improvements to stormwater detention would be made in the project area. The citizens of Jersey Village living adjacent to White Oak Bayou and its associated tributaries would be without an adequate stormwater detention system. The community would remain vulnerable to flooding from storm events that could result in property damage to surrounding homes and businesses.

Under the Proposed Action alternative, FEMA proposes to provide funding to the HCFCD for the construction of a 399 acre-foot stormwater detention basin on an upstream tributary of White Oak Bayou with an inlet channel/inlet weir to divert flood flows from HCFCD Unit E135-00-00 into the basin. The proposed project will be constructed entirely within an existing 41.93 acre tract of land centered at 29°53'51.14"N, 95°34'30.89"W. The proposed action will also include the installation of a 48-inch

reinforced concrete pipe (RCP) or corrugated metal pipe (CMP) located in the southeast corner of the project area to provide discharge from the proposed stormwater detention basin to HCFCD Unit E135-00-00. The existing jogging trail will remain, but will be realigned around the proposed detention basin. Pedestrian bridges will be installed over the proposed weir and over the wet-bottom areas to an interior "island" within the detention basin.

A public notice was posted in the Houston Chronicle and on FEMA's website on May 19, 2011, and the draft EA was made available at the Harris County Public Library-Fairbanks Branch and on FEMA's website for a 30-day public comment period. No comments were received from the public during the comment period.

FINDINGS

The Proposed Action as described in the EA will not impact geology, climate change, jurisdictional wetlands, coastal resources, threatened and endangered species or critical habitat, cultural resources, minority or low-income populations, public services or utilities, or hazardous materials. Positive impacts to water quality through the creation of wet-bottomed areas and wetlands; floodplains; and public health and safety are expected. During the construction period, minor short-term impacts to soils, air quality, surface water, vegetation, wildlife, noise, and transportation are anticipated. Long-term impacts to non-jurisdictional wetlands are anticipated. 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. The applicant is required to obtain and comply with all local, state, and federal permits, approvals, and requirements prior to initiating work on this project.
2. Particulate matter emissions will be minimized by using dust control techniques such as covering or treating disturbed areas with dust suppression techniques, sprinkling, and other dust abatement controls, as appropriate. The Mobile Source Air Toxics emissions will be minimized by use of EPA required cleaner diesel fuels, limits on idling, increasing use of cleaner burning diesel engines, and other emission limitation techniques, as appropriate. Construction equipment with EPA designated Tier 2 and Tier 3 engines will be utilized to minimize emissions.
3. HCFCD is responsible for obtaining a Texas Pollutant Discharge Elimination System (TPDES) storm water permit from TCEQ before the start of construction and complying with all permit conditions. HCFCD will prepare a Storm Water

Pollution Prevention Plan (SW3P) and implement erosion and sedimentation control BMPs.

4. HCFCD must coordinate with the local floodplain administrator and obtain any required permits prior to initiating work. All coordination pertaining to these activities and HCFCD's compliance with any permit conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
5. HCFCD will create a 1.6 acre wetland mitigation area within the proposed project limits.
6. 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 HCFCD and access to the sensitive area will be restricted by HCFCD. The applicant will inform TDEM 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 complete project compliance with the NHPA and its implementing regulations.
7. Local noise ordinances will be adhered to and construction equipment will not be run between the hours of 10:00 p.m. and 7:00 a.m. or at any time on Sundays.
8. 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, HCFCD will 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. HCFCD will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.
9. Changes, additions, and/or supplements to the approved scope of work which alter the existing use and function of the structure, including additional work not funded by FEMA but performed substantially at the same time, will require re-submission of the application prior to construction to FEMA for re-evaluation under the National Environmental Policy Act.

CONCLUSIONS

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.

APPROVAL



Kevin Jaynes, CHMM
Regional Environmental Officer

Date 6/30/11



Tony Russell
Regional Administrator
FEMA Region 6

Date 6-30-11