

**FINDING OF NO SIGNIFICANT IMPACT
CITY OF MCALLEN RETIREE HAVEN STORMWATER IMPROVEMENTS
MCALLEN, HIDALGO COUNTY, TEXAS
HMGP-DR-1780-TX PROJECT #7**

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 alleviate flooding in the Retiree Haven Subdivision of McAllen, Hidalgo County, Texas. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The City of McAllen has applied for Hazard Mitigation Grant Program (HMGP) funding, through the Texas Division of Emergency Management (TDEM), under HMGP-DR-1780-TX Project #7. 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 hazard 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) Installation of a Pumped Outfall System (Proposed Action). Under the No Action alternative, no improvements to stormwater drainage would be made in the project area. The citizens of Retiree Haven would remain without a stormwater drainage system and would remain vulnerable to flooding from storm events that could result in property damage to surrounding homes and roadways.

Under the Proposed Action alternative, FEMA proposes to provide funding to the City of McAllen for the construction of a pumped outfall system. This alternative includes the construction of a curb and gutter system, a storm sewer network and related appurtenances, two stormwater detention ponds with a pumping station and an outfall force main system. The combined capacity of the two detention ponds at the top of the bank is 3.19 acre-feet. The network of inlets and pipes in the subdivision will capture the runoff from storm events where it will be conveyed to either the northern or southern

detention pond. Water from the northern detention pond will drain via pipe to the southern detention pond where the water will be transported to a pump station. Utility adjustments, driveway repairs and curb and gutter as well as sidewalk construction would also be a part of the proposed improvements.

The proposed outfall for the stormwater force main system is the International Boundary Water Commission (IBWC) Main Floodway located approximately 1,280 linear feet south of the subdivision. The project would include an 8-inch diameter force main that would be installed along the west side of the South 10th St. right-of-way. This force main would extend from a proposed pumping station to the IBWC's Main Floodway. The force main would discharge on the south side of the IBWC levee, within the floodway, via a "bubble-up" structure that would be installed within the northern bank of the floodway. The design discharge for the main floodway is 105,000 cubic feet per second (cfs). The discharge from this project site is proposed to be 10.29 cfs, or one-ten thousandths of a percent (0.01%) of the total flow within the floodway.

A public notice was posted in the local newspaper of record and on FEMA's website indicating that the draft EA was available for a 30-day public comment period. No comments were received.

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. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state, and federal regulations. If contaminated materials are discovered during the construction activities, the work must cease until the appropriate procedures can be implemented and permits obtained.
3. Construction contractors will be required to water down construction areas to control dust when necessary. Fuel-burning equipment running times will be kept to a minimum and engines will be properly maintained.
4. The applicant will prepare a Stormwater Pollution Prevention Plan (SW3P) and comply with the Texas Commission on Environmental Quality's Texas Pollutant Discharge Elimination System Construction General Permit. A Notice of Intent (NOI) will be required.

5. The applicant must ensure that BMPs are implemented to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation to ensure that wetlands are not adversely impacted per the Clean Water Act and Executive Order 11990.
6. Applicant will avoid the placement of construction and equipment staging areas within the 100-year floodplain.
7. The applicant must coordinate with the local floodplain administrator and obtain required permits prior to initiating work. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
8. The applicant is responsible for providing the public with the finding and explanation of any final decision that the floodplain is the only practicable alternative at least 15 days prior to initiating the work. This notification should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
9. 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 reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately and FEMA will consult with the SHPO. Work in sensitive areas cannot resume until FEMA determines that consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the NHPA.
10. In the event of an unanticipated discovery of affected soils or other hazardous materials, the contractor 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. Unusable equipment, debris, and material shall be disposed of in an approved manner and location.
11. Construction activities must take place during normal business hours. Equipment and machinery installed at the proposed project site must meet all local, state, and federal noise regulations.
12. All construction activities will be performed using qualified personnel trained in the proper use of the appropriate equipment, including all appropriate safety

precautions. The appropriate signage and barriers must be in place prior to construction activities to alert pedestrians and motorists of project activities.

13. 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.

FINDINGS

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

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

Jomar Maldonado
Agency Environmental Officer

Date _____

Tony Russell
Regional Administrator
FEMA Region 6

Date _____