



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
CITY OF PRIMERA FLOOD PROTECTION PROJECT
PRIMERA, CAMERON COUNTY, TEXAS
HMGP-DR-1791-TX PROJECT NUMBER 295**

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 this proposed project is to implement improvements to the drainage system within the Cameron County Drainage District #5 area, which would prevent flood damages to homes, businesses, and roadways. 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 Primera, Cameron County, Texas, through the Texas Division of Emergency Management (TDEM), Texas Department of Public Safety, has applied for funds under FEMA's Hazard Mitigation Grant Program (HMGP) for improving flood protection through completion of drainage improvements along the North Main Drain, in accordance with the Presidential Disaster Declaration FEMA-DR-1791-TX. Through HMGP, which is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, FEMA provides grants to state 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.

Four project alternatives were evaluated and two were dismissed (numbers 3 and 4): 1) the No Action Alternative; 2) the Proposed Action, the Wilson Tract Diversion, which consists of redirection, realignment, and extension of the Wilson Tract Main, the Primera Lateral, and the Young Lateral to relieve the bottleneck by providing an additional channel under US Highway 77 (US 77) and the Union Pacific Railroad (UPRR) tracks; 3) the Increase in Size of the Existing Drainage Routes; and 4) the Elevation of All Structures in the affected area.

Under the No Action Alternative, no improvements would be made to the existing drainage system within the affected area. At least 200 homes and commercial and industrial areas within the cities of Harlingen, Combes, Palm Valley, and Primera and unincorporated portions of Cameron County would remain at risk of flooding and damage.

Under the Proposed Action alternative, FEMA proposes to provide funding to the City of Primera in order to alleviate, as much as possible, the risk of flooding and ensuing damages to the affected areas. A reduction in water surface elevations would be required in those areas. Essentially, this key element of relief involves the redirection, realignment, and extension of the Wilson Tract Main, the Primera Lateral, and the Young Lateral to relieve the bottleneck by providing an additional drainage channel under US 77 and the Union Pacific Railroad (UPRR) tracks. This action would reduce water surface elevations over a 4,338-acre area, mitigating flood risk to structures that include single-family homes, mobile homes, RV parks, commercial areas, and industrial areas.

The proposed project would involve the construction of concrete box culverts (three 10-ft x 10-ft culverts placed side by side) at four roadway crossings (Rio Rancho Road, Hand Road, Business 77, and US 77) and one railroad crossing (UPRR, parallel to Bus. 77). Furthermore, modification of 1,300 linear ft (.25 miles) of a relief drainage channel is proposed, as well as construction of 4,400 linear ft (.83 miles) of new relief drainage channel. The improvement of existing channels (from Rio Rancho Road to the corner of the Young Lateral) and construction of new channel (from property adjacent to the Recreation Center on Hand Road to the UPRR, Bus. 77, and across US 77) would consist of earthen trapezoidal channels at least 14 ft. in depth, with a 29-ft bottom width, 1.5-to-1 side slopes, and a 14-ft-wide shelf. The total area of impact, including buffer areas, would be approximately 20.58 acres.

FINDINGS

The Proposed Action, as described in the EA, will not impact geology, climate change, Waters of the US, including 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 the area through the improvements to the drainage system would provide the residents, businesses, and infrastructure within the area with flood protection. The construction would result in the minimization of future loss of property and/or life in the vicinity of the proposed project.

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. Construction contractors are 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.

3. The City of Primera (The City) is responsible for obtaining a Texas Pollutant Discharge Elimination System (TPDES) storm water permit from the Texas Commission on Environmental Quality (TCEQ) before the start of construction and complying with all permit conditions. The City will prepare a Storm Water Pollution Prevention Plan (SWPPP) and implement erosion and sedimentation control best management practices (BMPs).
4. The City must coordinate with the local floodplain administrator and obtain any required permits prior to initiating work. All coordination pertaining to these activities and The City'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. The City must prepare and provide a Public Notice issued 15 days prior to the start of construction of any final decision where a proposed floodplain or wetland project is the only practicable alternative.
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 The City and access to the sensitive area will be restricted by The City. The City will inform TDEM and FEMA immediately, and FEMA will consult with the State Historic Preservation Officer (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 National Historic Preservation Act (NHPA) and its implementing regulations, and the Native American Graves Repatriation Act (NAGPRA), if necessary.
7. Construction activities will take place during normal business hours. Equipment and machinery installed at the proposed project site must meet all local, state, and Federal noise regulations.
8. Appropriate signage and barriers must be in place prior to commencement of construction activities to alert pedestrians and motorists of project activities.
9. 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, The City 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. The City will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.
10. Changes, additions, and/or supplements to the approved scope of work, which alter the existing use and function of the project, 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

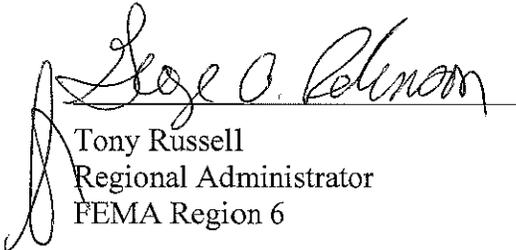
Based on the findings of the EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the 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 11/15/11



Tony Russell
Regional Administrator
FEMA Region 6

Date 11/15/11