

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

### **Programmatic Bridge Replacement, Upgrade and Relocation in the State of Montana**

#### **Background**

The United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) proposes to fund replacement, upgrade and relocation of bridges under FEMA grant programs, such as, but not limited to those authorized under a Presidential Declared Major Disaster in the State of Montana, Hazard Mitigation Assistance (HMA) and Grants Program Directorate (GPD).

A Programmatic Environmental Assessment (PEA) was prepared pursuant to the National Environmental Policy Act (NEPA), the Presidents' Council on Environmental Quality regulations implementing NEPA (40 CFR Parts 1500-1508), and FEMA regulations for NEPA compliance (44 CFR Part 10). The PEA's purpose is to analyze bridge replacement, upgrade, and relocation and document the potential environmental impacts for each alternative, serve as a vehicle to document compliance with applicable state and federal laws and regulations, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). If a specific project is expected to (1) create impacts not described in the PEA; (2) create impacts greater in magnitude, extent, or duration than those described in the PEA; or (3) require mitigation measures to keep impacts below significant levels that are not described in the PEA; then a Supplemental Environmental Assessment (SEA) would be prepared to address the specific action. The SEA would be tiered from this PEA, in accordance with 40 CFR Part 1508.28. Actions that are determined during the preparation of the SEA to require a more detailed or broader environmental review will be subject to the stand-alone EA process.

Actions that meet the criteria as described in 44CFR 10.8(d)(xiv) will be evaluated according to the Federal Emergency Management Agency guidelines for a categorical exclusion (CATEX) from NEPA .

#### **Project Description**

The project area of this PEA encompasses the State of Montana, including 56 Counties and seven Indian Reservations. Proposed actions include (1) replacing an existing bridge with a new bridge in the same location, including changes to the bridges design, materials, and dimensions, and upgrades to current codes and standards; (2) relocating the function of a bridge to another site within the existing transportation corridor, including the construction of the new bridge and road segments needed to connect with existing roads; and (3) replacing an existing bridge or culvert at the same location with a different type of structure that maintains the function of the original, such as the replacement of low water crossings or culverts with bridges, or vice versa. Taking "no action" and leaving a bridge in its existing condition was also considered as part of the analysis.

## MITIGATION AND STIPULATIONS

The resulting mitigation and stipulations upon which this finding is conditioned are:

- The applicant must obtain and comply with applicable permits required by the U.S. Army Corps of Engineers (USACE), including permit conditions, pre-construction notification requirements, and regional conditions of any applicable Nationwide Permit (NWP).
- The applicant must obtain and comply with all required state and local permits, including, but not limited to the Montana Department of Natural Resources and Conservation, Montana Department of Environmental Quality and Montana Fish, Wildlife and Parks as referenced in the publication "*A Guide to Stream Permitting in Montana*". This coordination is part of the joint applications and is required to be completed.  
<http://dnrc.mt.gov/Permits/StreamPermitting/JointApplication.asp>
- FEMA will determine if any federally-listed Threatened or Endangered (T&E) species or their designated critical habitat will be impacted and coordinate with US Fish and Wildlife Service (USFWS) based on project specific activities.
- If the project sites occur within 0.5 miles of occupied eagle nests implementation of the Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan would be applied as necessary.
- Any required cutting of trees or shrubs, or swallow nest removal from bridges will occur only between August 16 and April 30.
- If any cultural resources are found during construction, all activities will cease and the applicant will notify FEMA. Work will not resume until FEMA consults with the State Historic Preservation Office (SHPO)/Tribal Historic Preservation Office (THPO) regarding specific measures.
- In accordance with the National Historic Preservation Act FEMA will consult with the appropriate THPO for projects under their jurisdiction. For non tribal projects that do not meet programmatic allowances, FEMA will consult with SHPO based on project specific activities and location. Affects to cultural resources within the project location will be avoided or minimized.
- All borrow material, such as surfacing and fill, must be procured from a borrow pit approved by the State of Montana Department of Environmental Quality and the State Historic Preservation Officer (SHPO).
- During the construction period, use of standard Best Management Practice(s) to address short-term impacts to soils, water quality, air quality, ambient noise levels, safety, transportation, and utility services is required.
- Areas of ground disturbance will be re-vegetated with native grasses to minimize and/or control the potential for spreading of noxious weeds.

- Verification of compliance with the stipulations will be required at project close-out. Failure to comply may result in loss of federal funding.

## **FINDINGS**

The draft EA was posted and made available for public review, and opportunity for comment was provided. No substantive comments were received and the draft EA is final.

Based on information contained in the referenced Environmental Assessment that was prepared in accordance with the National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, FEMA's implementing regulations (44CFR Part 9 and Part 10), and Executive Orders addressing Floodplains (E.O. 11988), Wetlands, (E.O. 11990) and Environmental Justice (E.O. 12898), it has been found that the proposed action with the prescribed mitigation measures will have no significant adverse impact to human health or the environment. As a result of this Finding of No Significant Impact, an Environmental Impact Statement will not be prepared, and the proposed action with the associated mitigation measures as described above may proceed.



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Steven Hardegen

August 8, 2012

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Date

FEMA Region VIII, Environmental Officer