



**FEMA**

## **FINDING OF NO SIGNIFICANT IMPACT**

Pipeline Road Water Line Relocation

Clatsop County, Washington

FEMA-1956-DR-WA

The City of Astoria (the City) has applied, through the Oregon State Emergency Management Division (EMD), to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for Public Assistance funding to relocate a section of its water line southeast of Astoria in Clatsop County, Oregon. The purpose of the Public Assistance program is to award financial grants to assist state and local governments, federally recognized Tribal governments, and certain private nonprofit entities with the response and recovery from disasters.

A severe storm event in January 2011 caused a landslide that damaged a section of the City's water line, and caused the loss of the City's primary water supply to its water service system. The water system supplies domestic, commercial, industrial, fire protection, public, and other water services within the city limits and nearby service district. The total water supply capacity is currently 4.2 to 5.6 million gallons per day. The pipeline break was temporarily repaired by welding a collar around the compromised pipe and restoring water service to the City.

The City is proposing to relocate a section of the water line outside the high risk landslide boundary at the current site, and mitigate for continued destabilization beyond the current limits of the landslide in order to reduce the likelihood of future damage to the relocated water line. The project is located southeast of Astoria in Clatsop County, Oregon (Township 8 North, Range 9 West in Section 16, W.M.).

The City proposes to redirect the water line to the north by connecting and installing a 21-inch diameter high-density polyethylene (HDPE) water line along the west side of the upper Pipeline Road. To connect to the upper Pipeline Road, the new pipeline would be re-routed north of the existing site and cross undisturbed forested ground for approximately 300 linear feet (LF) before proceeding along the right-of-way of the upper road. Approximately 1,200 cubic yards (cy) of fill removed for construction would be disposed of at a site owned by the City approximately 0.4 miles from the water line relocation site. The City would ensure that erosion control measures are in place prior to placing the material, and would re-seed the spoil pile with grass upon completion to establish the area for eventual tree planting, per the City's forest area restoration requirements. The prior temporary repairs will be left in place. The Proposed Action includes best management practices (BMPs) to control erosion and sediment, reduce spills and pollution, and provide habitat and species protection.

In accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] Part 1500 through 1508), and FEMA's implementing regulations (44 CFR 10.9), FEMA prepared a Draft Environmental Assessment (EA) to identify and evaluate potential environmental impacts resulting from the alternatives presented in the EA, and to determine whether to prepare an

Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). The Draft EA was available for public comment for 30 days.

As required by NEPA, several alternatives were considered, including methods to stabilize the portion of failed landslide mass directly underlying the existing site to prevent further damage to the water line. Based on results from a geotechnical analysis, re-activation of deeper portions of the landslide or expansion of the landslide was determined to be possible, and therefore, the alternatives for stabilizing or relocating the water line deeper at the existing site were not investigated further. Alternatives evaluated in the EA include: (1) the No Action Alternative, and (2) the Preferred Alternative (which is the Proposed Action) toward which FEMA would contribute funding. All other alternatives were considered but not carried forward. The Preferred Alternative was selected because it relocates the waterline outside the active landslide area, and maximizes the use of existing disturbed areas. The following resources were evaluated in the Draft EA: Physical, Water, Biological, Cultural, Socioeconomic and Environmental Justice

### **PROJECT CONDITIONS**

The proposed project includes numerous Best Management Practices (BMPs) and mitigation measures. In addition, the following conditions apply, and failure to comply with these conditions may jeopardize the receipt of Federal funds:

1. Failure to obtain and comply with all appropriate local, state, and federal permits and authorizations may jeopardize federal funding.
2. The City is responsible for selecting, implementing, monitoring, and maintaining appropriate BMPs to control erosion and sediment, reduce spills and pollution, and provide habitat protection. Areas of disturbed soil need to be properly compacted to eliminate settling and erosion issues. Access roads and work areas must use existing access ways whenever possible and minimize soil disturbance and compaction. Revegetation of both Proposed Action sites should use species native to the project area or region. Noxious or invasive species may not be used.
3. No construction material or debris shall be staged or disposed of in a wetland, even temporarily. Excess and unsuitable excavated material shall not be sidecast into or placed upslope of wetlands environments and shall be disposed of at the established disposal location.
4. The City shall obtain all necessary state and local permits for disposal of the construction debris at the proposed disposal site owned by the city.
5. In the event historically or archaeologically significant materials or sites (or evidence thereof) are discovered during the implementation of the project or should any cultural material (e.g., prehistoric stone tools or flaking, human remains, historic material caches) be encountered during construction, the project shall be halted in the immediate area where materials are

found and all reasonable measures taken to avoid or minimize harm to property until such time as the applicant and FEMA, in consultation with the State Historic Preservation Officer (SHPO), Tribes, and Oregon Emergency Management, determines appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act. Under Oregon state law (ORS 358.905-995) it is a class B misdemeanor to impact an archeological site on public or private land, and under state law (ORS 97.740-760) impacts to Native American graves and cultural items are a Class C felony.

6. To ensure compliance with the Migratory Bird Treaty Act, if clearing of project area and any activity that involves habitat destruction is conducted from March 1 through August 31 (the general bird nesting season), the City shall conduct a site survey of the project area to determine if there are active migratory bird nests present. If an occupied nest is discovered in a tree or in shrubs or grasses that would be impacted by project activities, construction in the immediate vicinity shall be halted until the bird has evacuated or a permit has been obtained from USFWS. The survey and any coordination exchange with USFWS must be provided to FEMA at close-out. If no nests are found, construction activities shall proceed with caution and keep an eye out for active bird nests. Empty or abandoned nests can be removed but cannot be taken into possession without a permit. Permits are not required to remove or alter the structure the nest is built in or on.
7. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other laws and Executive Orders prior to project implementation.

### FINDING

Based upon the PA grant application and Final EA; and in accordance with FEMA's regulations in 44 Code of Federal Regulations (CFR) Part 10 for environmental consideration, including Executive Orders (EO) addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898), FEMA determined the proposed project will not significantly affect the quality of the natural and human environment. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.8) and the project as described in the PA grant application and Final EA may proceed.

### APPROVALS



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FEMA Region 10

8-23-12

Date