

## **FINDING OF NO SIGNIFICANT IMPACT**

### **Environmental Assessment for the 560<sup>th</sup> Lane Road Improvement Project Lyra Township, Blue Earth County, Minnesota Public Assistance Program Federal Emergency Management Agency, Department Of Homeland Security Disaster #DR-4442-MN, Project # 118553, PW 1518**

The Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) proposes to provide funding to Lyra Township (subrecipient), to realign 560<sup>th</sup> Lane approximately 650 linear feet in length. The subrecipient applied for funding from FEMA's Public Assistance Program (PA) to underwrite the proposed project. The PA Program is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5170c. FEMA's PA Program provides disaster recovery funds to repair damage caused by natural or man-made disasters and to help prevent similar future damages.

The proposed project is located along 560<sup>th</sup> Lane in section 2 in Lyra Township, Blue Earth County, Minnesota. Blue Earth County is located in south-central Minnesota.

The Proposed Action will realign 560<sup>th</sup> Lane approximately 200 feet east of the Maple River and to provide a separation from the edge of the riverbank. The length of the realigned roadway will be approximately 650 linear feet and will be located on property that will be acquired from two privately owned parcels, referred to as the Ballman property and the Mann property. The entire 1.9 acres of the Ballman property located east of the river, and approximately 0.15 acres of the Mann property will be acquired. The existing roadway along the realignment will be removed, and the existing riverbank will not be modified.

FEMA prepared the EA pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321–4347 (2000), as implemented by the regulations promulgated by the President's Council on Environmental Quality (40 Code of Federal Regulations [C.F.R.] 30 §§ 1500–1508) and in accordance with FEMA Directive 108-1, *Environmental Planning and Historic Preservation Responsibilities and Program Requirements* and DHS Instruction Manual 023-01-001-01, *Implementation of the National Environmental Policy Act*. The purpose of the EA was to analyze the potential individual and cumulative environmental impacts of the construction of the proposed project and to determine whether to prepare an Environmental Impact Statement or this Finding of No Significant Impact.

The Proposed Action, as described in the EA, would not result in any significant adverse impacts on geology, soils, topography, water resources, floodplains, air quality, biological resources, wetlands, hazardous materials, zoning and land use, traffic and circulation, public services and utilities, environmental justice populations, historic structures, archaeological resources, or tribal and religious sites. Based on a preliminary screening of resources and the project's geographic location, the EA found that the following resources were not present in the project area and did

not require a detailed assessment: coastal resources, seismic hazards, sole source aquifers, essential fish habitat, and wild and scenic rivers.

During the construction period, short-term impacts on soils, water resources, floodplain, wetlands, air quality, biological resources, noise, hazardous materials, safety and security, and archeological, tribal and religious sites are anticipated. All potential short-term impacts require conditions to avoid, minimize, and mitigate impacts. With the implementation of these conditions, none of the potential impacts will be significant. In the long-term, the project will have beneficial effects on several resources. FEMA coordinated with the Minnesota State Historic Preservation Office, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, US Fish and Wildlife Service, US Army Corps of Engineers, US Environmental Protection Agency, and federally recognized Indian tribes with interests in the area.

## **PROJECT CONDITIONS**

The subrecipient is responsible for compliance with federal, state, and local laws and regulations, including obtaining any necessary permits prior to beginning construction activities, and adhering to any conditions laid out in these permits. Any substantive change to the scope of work would require re-evaluation by FEMA for compliance with NEPA and any other laws or Executive Orders.

The subrecipient must adhere to the following conditions should the Proposed Action be implemented. Failure to comply with FEMA grant conditions may jeopardize federal funding. FEMA requires the following standard conditions for the Proposed Action:

### ***General Project Conditions***

1. The subrecipient is responsible for obtaining and complying with all required local, state, and federal permits and approvals.
2. A SWPPP will be submitted to the MPCA and will be adhered to.
3. If deviations from the proposed scope of work result in substantial design changes, the need for additional ground disturbance, additional removal of vegetation, or any other unanticipated changes to the physical environment, the subrecipient must contact FEMA so that the revised project scope can be evaluated for compliance with NEPA and other applicable environmental laws.

### ***Water Resources and Water Quality***

4. Prior to beginning work, the subrecipient will require the construction contractor to apply for and obtain coverage from MPCA under the NPDES/SDS Construction Stormwater General Permit. The subrecipient and the construction contractor will be co-permittees.

### ***Air Quality***

5. To reduce the emission of criteria pollutants, construction equipment engine idling will be minimized to the extent practicable and engines will be kept properly maintained.
6. Open construction areas will be minimized and watered as needed to minimize particulates such as fugitive dust.

### **Noise**

7. Construction activities to take place during the less noise-sensitive daylight hours.

### **Hazardous Materials**

8. If hazardous source materials are encountered during building removal, former road removal, or construction activities for the proposed action, contingency plans will be prepared that detail the procedures that the contractors will follow to identify, manage, and dispose of source materials, or other heavily contaminated materials, in accordance with all local, state, and federal regulations. These specifications sections should include, but are not limited to, procedures that address, Safety, Health, and Emergency Response Procedures; Environmental Protection Procedures; Contaminated Soil Excavation; Transportation and Disposal of Contaminated Material; and Contaminated Dewatering and Drainage.
9. MPCA will be notified if source material or other heavily contaminated material is encountered.

### **Migratory Birds**

10. Vegetation removal should be avoided during the migratory bird nesting season (approximately February 15 to August 15) to the extent practicable.

### **Invasive Species**

11. Graded areas will be revegetated with native grasses and forbs, or native seed mixes.
12. All equipment will be cleaned (including but not limited to vehicles, clothing, and gear) at a site prior to moving to another site. All soil, aggregate material, mulch, vegetation, seeds, animals, etc. need to be removed using a hand tool, brush, compressed air, pressure washer, or otherwise.
13. If equipment is not cleaned before arriving to the work site, then clean the equipment in the parking or staging area, ensuring no material is deposited at the new site. Material cleaned from equipment should be disposed of legally.

### **Safety and Security**

14. To minimize risks to safety and human health, construction activities will be performed using qualified personnel properly trained to use the required equipment properly.
15. The construction site will be secured from public access.
16. All construction activities will be conducted in accordance with the standards specified in the Occupational Safety and Health Administration (OSHA) regulations.
17. All conditions of the project Health and Safety Plan will be adhered to.

### **Architectural, Tribal, and Religious Sites**

18. The subrecipient will monitor ground disturbance during the construction phase. Should human skeletal remains or historic or archaeological materials be discovered during

construction, all ground-disturbing activities on the project site shall cease and the subrecipient will notify the coroner's office (in the case of human remains), the recipient (Minnesota HSEM), and FEMA. FEMA will notify the SHPO, the Office of the State Archaeologist, and the Shakopee Mdewakanton Sioux Community of Minnesota, Upper Sioux Community and Winnebago Tribe of Nebraska Tribal Historic Preservation Offices.

19. All borrow or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches (provided the designed width or depth of the ditch is not increased), or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (e.g. a new pit, agricultural fields, road ROWs, etc.) in whole or in part, regardless of cost, Lyra Township must notify FEMA and the Recipient prior to extracting material. FEMA must review the source for compliance with all applicable federal environmental planning and historic preservation laws and executive orders prior to a subrecipient or their contractor commencing borrow extraction. Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. Documentation of borrow sources utilized is required at closeout.

## FINDINGS

Based upon the conditions and information contained in the EA and in accordance with FEMA Directive 108-1, *Environmental Planning and Historic Preservation Responsibilities and Program Requirements*, and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), FEMA has determined that the Proposed Action will not have any significant impacts on the quality of the natural and human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared.

## APPROVAL

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Duane Castaldi  
Regional Environmental Officer, FEMA Region 5

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Date

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Amanda Ratliff  
Public Assistance Branch Chief, FEMA Region 5

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Date