



FEMA

FINDING OF NO SIGNIFICANT IMPACT

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT FOR WATERSHED RESILIENCY PROJECTS IN THE STATE OF SOUTH DAKOTA

The Federal Emergency Management Agency (FEMA) has completed a Programmatic Environmental Assessment (PEA) in accordance with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA) and tribal considerations, Endangered Species Act (ESA); Executive Orders (EO) addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898); and agency guidance for implementing NEPA and EOs (DHS Instruction 023-01, FEMA Directive 108-01-1, 44 CFR Part 9 Floodplain Management and Protection of Wetlands). All Federally funded projects will be completed in compliance with applicable Federal, tribal, state, and local laws, regulations, Executive Orders, etc. The PEA is hereby incorporated by reference.

BACKGROUND

Recurring flood events in South Dakota have resulted in hundreds of millions of dollars in damage due to the inundation of facilities, including roads, utilities, land, and homes. In an effort to restore these facilities or mitigate damage from future events, FEMA and other agencies may provide funds for restoration and upgrades of watershed hydraulic capacity and floodplain function. The purpose of the PEA is to provide an assessment of the expected environmental impacts associated with implementing these types of projects. It addresses the purpose and need of the proposed projects, project alternatives considered, affected environment, environmental consequences, and impact of mitigation measures. The PEA would not address site-specific impacts, which would be evaluated on a project-specific basis.

The PEA evaluated the impacts of a variety of comprehensive watershed resiliency actions in South Dakota that involve river restoration, bank stabilization, demolition, relocation, or alteration of buildings and infrastructure, and hydraulic capacity mitigation measures for restoring watershed function. Projects may be funded through FEMA's Public Assistance (PA) Program for damages sustained during disaster events, through FEMA's Hazard Mitigation Assistance (HMA) grant programs to mitigate future damage, and other FEMA grant programs. Other Federal agencies may adopt the PEA under their own authorities in accordance with the Unified Federal Review (UFR) process. The PEA evaluated two alternatives: (1) No-Action and (2) Proposed Action. Several other alternatives were considered and eliminated from evaluation and are described in the PEA with the reasons for their elimination.

The Proposed Action includes the following types of activities:

- Biologically inspired mitigation measures such as bank stabilization and hardening using natural materials and re-vegetation, referred to as bioengineering;
- Multi-objective project design of hydraulic control elements such as fish-passage friendly drop structures, energy dissipating fish ladders or the creation of recreational open space to preserve watershed functions;

- Demolition, relocation, or transfer of function for structures, including public utilities and roads, that currently impede or threaten to impede watershed functions; and
- Watershed restoration and mitigation including channel shaping or re-profiling, floodplain construction, overflow channel construction, riparian re-vegetation, and in-stream habitat improvement

The Proposed Action(s), as described in the PEA, would not result in any significant adverse impacts on geology, air quality, water quality, and water resources, floodplains, wetlands, vegetation, fish and wildlife, threatened and endangered species, cultural resources, environmental justice populations, land use, public health and safety, noise, traffic and transportation, public services and utilities, or hazardous materials.

During the construction period for each project, short-term impacts are anticipated on soils, air quality, visual quality and aesthetics, water quality and resources, floodplains, wetlands, wild and scenic rivers, vegetation, fish and wildlife, threatened and endangered species, cultural resources, public health and safety, noise, traffic and transportation, public services and utilities, and hazardous materials. 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 Proposed Action will have beneficial effects on several resources.

PUBLIC INVOLVEMENT

FEMA issued a public notice of availability for review of the draft PEA on November 22, 2021 with a 30-day public comment period. The draft PEA was available for public review and comment between November 23 and December 24, 2021. No comments were received, and FEMA is issuing a final version of the PEA.

MITIGATION AND STIPULATIONS

Each project will be evaluated to ensure that it is encompassed by the range of activities and potential impacts described in the PEA. Projects that do not meet the thresholds described in the PEA, create impacts not described in the PEA, create impacts greater in magnitude, extent, or duration than those described in the PEA, or that require mitigation measures to keep impacts below significant levels that are not described in the PEA, would require the preparation of a supplemental environmental assessment (SEA) to evaluate the specific action. A list of avoidance and minimization measures that would apply to each project is provided below. Additional specific avoidance and mitigation measures may be developed and required for specific projects. In addition, FEMA will consult with the following agencies on a project-specific basis:

- State and/or Tribal Historic Preservation Offices (SHPO/THPOs) to identify and resolve adverse effects on any historic properties listed or eligible for listing in the National Register of Historic Places (NRHP) (36 CFR 800.2).
- U.S. Fish and Wildlife Service (USFWS) to identify and evaluate effects to federally listed

threatened and endangered species protected by the Endangered Species Act and species protected under the Bald and Golden Eagle Protection Act.

- Federal river management agencies for any potential impacts on federally designated wild and scenic rivers protected under the Wild and Scenic Rivers Act (16 U.S.C. 1283).

The subrecipient is responsible for compliance with all federal, state, and local laws and regulations, including obtaining any necessary permits before beginning the hazard mitigation activities and adhering to any conditions laid out in those permits. Any substantive changes, additions, and/or supplements to the approved scope of work that alter the scope of work, 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 NEPA. Failure to comply with FEMA grant conditions may jeopardize federal funding.

Project impacts that accrue at an individual or cumulative scale such as to produce significant impacts can generally be reduced below the level of significance through avoiding, minimizing, or mitigating individual impacts by implementing appropriate mitigation measures detailed in Section 5 of the referenced PEA to the extent possible.

GENERAL CONDITIONS

During implementation of the proposed project, the subrecipient (applicant) will adhere to the following General Conditions including, but not limited to:

- Obtain and document compliance with all applicable federal, tribal, state, and local permits, approvals, and authorizations prior to the start of construction (e.g., CWA Sec. 404 permit; CWA Sec. 401 and 402 permits; floodplain development permits, etc.).
- Coordinate with state resource and regulatory agencies, as appropriate, on measures to reduce impacts to resources of state concern.
- Implement Best Management Practices to isolate the construction site and minimize adverse effects of soil loss and sedimentation on soil and water resources within riparian habitat and wetland areas to avoid impacts to habitat and water quality.
- Locate staging and access in previously disturbed areas and access project sites via existing roads and access points to the extent possible.
- If projects have the potential to affect or be affected by a floodplain, appropriate hydrology and hydraulics analysis will be completed to ensure the impacts are minimized. The project must not serve as a dam or otherwise modify conveyance in a way that will aggravate flooding upstream or downstream of the project area. A local floodplain development permit may be required.
- Manage the storage, use, and transportation of solid waste, including hazardous materials in accordance with the requirements of local, state, and federal regulations and guidelines. All waste material associated with the project must be disposed of properly and not placed in identified floodway or wetland areas or in habitat for threatened or endangered species. All material resulting from demolition activities, including asbestos and lead paint will be disposed of in a landfill permitted for the specific type of waste.
- In the event that archeological deposits are uncovered, including any Native American pottery, stone tools, bones, or human remains, halt the project, immediately stop all work in

the vicinity of the discovery, inform FEMA immediately and adhere to appropriate measures to avoid or minimize harm to the findings.

- Construction noise levels will be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order or implementation of other appropriate measures. Impact to noise levels could be minimized by limiting construction activities that occur during early morning or late evening hours.
- To mitigate for fugitive dust during construction, periodic watering of active construction areas, particularly in areas close to sensitive receptors (e.g. hospitals, senior citizen homes, and schools) will be implemented.
- To minimize any potential hazards to occupational health and safety, construction workers and equipment operators are required to wear appropriate PPE and to be properly trained for the work being performed, including removal and disposal of asbestos and lead-based paint for demolition projects.
- To minimize the impact to emergency services the applicant will coordinate with the emergency service providers to determine the best strategy to alleviate any delays or disruptions of service.

FINDINGS

Based upon the information contained in the referenced Final PEA completed in accordance with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA) and tribal considerations, Endangered Species Act (ESA); Executive Orders (EO) addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898); and agency guidance for implementing NEPA (DHS Instruction 023-01 and FEMA Directive 108-01-1), it is found that the Proposed Action, with the prescribed mitigation measures and stipulations, would have no significant adverse impact on the human environment. As a result of this Finding of No Significant Impact (FONSI), an Environmental Impact Statement will not be prepared.

APPROVAL:

Steven E. Hardegen
FEMA Region VIII
Regional Environmental Officer

Date