

FEDERAL EMERGENCY MANAGEMENT AGENCY
FINDING OF NO SIGNIFICANT IMPACT
PROGRAMMATIC ENVIRONMENTAL ASSESSMENT
COASTAL RESILIENCY IN ALABAMA, FLORIDA, PUERTO RICO, AND THE U.S.
VIRGIN ISLANDS

BACKGROUND

The Federal Emergency Management Agency (FEMA) makes federal assistance available to state, local, tribal, and territorial governments and certain private nonprofit entities under the Public Assistance and Hazard Mitigation Assistance Programs. These partners are FEMA’s recipients and subrecipients. The programmatic environmental assessment (PEA) has been prepared in accordance with The National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality (CEQ) regulations implementing NEPA in 40 CFR 1500 - 1508; the Department of Homeland Security (DHS) Directive 023-01, Revision 01 and DHS Instruction 023-01-001-01, Revision 01; and FEMA Directive 108-1 and FEMA Instruction 108-1-1.

The purpose of the proposed action is to reduce the potential for loss of life, property and shoreline erosion resulting from storm surge by promoting the resiliency of coastal Living Marine Resources (LMR) in AL, FL, PR, and the USVI. The need for the proposed action is to reduce the chronic and evolving threats faced by coastal and marine resources due to habitat loss, degradation, and climate change that limit the protective ecosystem services contributed by LMR.

ALTERNATIVES

FEMA evaluated two alternatives; the no action where FEMA continues to evaluate projects case-by-case and the proposed action considering activities to restore LMR that reduce the risk of loss of life and property from storm surge programmatically. FEMA focused on near-shore environments in the PEA where the existing DHS and FEMA administrative record is less developed than for more conventional engineered or upland activities. FEMA based the proposed action on activities consistent with FEMA grant program eligibility guidelines and evaluated in past NOAA programmatic NEPA documents. Activities include but are not limited to; coral transplanting, nurseries, re-attachment, and propagation; planting of mangrove propagules; transplanting or seeding other near coastal vegetation; and other activities that foster recruitment, growth, and survival of coastal LMR. FEMA used NOAA's Office of Habitat Conservation 2015 *Final Programmatic Environmental Impact Statement for habitat restoration activities implemented throughout the coastal United States* and Coral Reef Conservation Program 2020 *Final Programmatic Environmental Impact Statement* to scope and evaluate activities included in the PEA.

SUMMARY OF IMPACTS

FEMA determined that the proposed action would have short-term minor impacts on water quality and coastal resiliency during work with long-term minor beneficial impacts to the same resources. Impacts to floodplains, wetlands, and protected species and habitat may range from minor to moderate during work but would have long-term minor to moderate beneficial impacts afterward. Negligible to moderate impacts to cultural resources are possible but variable due to the location and nature of such resources and would require project-specific evaluation. FEMA anticipates negligible to minor beneficial impacts for environmental justice by improving coastal resiliency and reducing impacts of storm surge. After considering resource types and impacts in the NOAA documents referenced, FEMA dismissed several topics from further consideration mainly because impacts are likely minimal or the activities are beyond what FEMA is considering for funding.

FEMA includes thresholds in the PEA that addresses what actions and impacts are covered and what would need a tiered environmental assessment to address impacts exceeding the PEA. Project proposals that do not meet the Purpose and Need or fall within the thresholds table for tiering would require separate project- and site-specific evaluation described in Section 1.1 of the PEA.

PROJECT CONDITIONS

The subrecipient is responsible for obtaining and adhering to all applicable federal, state, and local permits, permit conditions, regulatory compliance, and authorizations for project implementation prior to construction and to adhere to all permit conditions. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The subrecipient must also adhere to the following conditions during project implementation:

1. The subrecipients are responsible for completing state and local environmental and land-use reviews in accordance with state and local regulations.
2. The work may be authorized by USACE permits. The subrecipients are responsible for obtaining all necessary permits and complying with all conditions of the permit including but not limited to notification and signature requirements to insure validation of permits.
3. The subrecipients may be required to obtain NPDES permits prior to construction, if applicable to the project.
4. Subrecipients must comply with any requirements and avoidance measures pursuant to Section 7 of the ESA identified during FEMA consultation with USFWS or NOAA NMFS consultation. If protected species are observed during construction, activities that could result in harm or disturbance must stop immediately and the subrecipient must notify the recipient and FEMA.
5. The subrecipients must follow the conditions resulting from FEMA consultation with the SHPO and Tribal Nations. If unexpected archaeological resources are encountered during construction, the subrecipient must stop work and notify the recipient and FEMA. FEMA

will determine what additional consultation with the SHPO and the Tribal Nations are required, and what additional conditions or avoidance measures may apply.

6. Subrecipients must submit copies of all permits obtained to FEMA at or prior to final closeout of the grant.

PUBLIC ENGAGEMENT

The writing team for this PEA included staff from FEMA Regions 2 and 4 with NOAA Restoration Center coordination. FEMA provided opportunities for other federal and state partners to review and distribute copies through disaster-specific Interagency Recovery Coordination teams, collaboration meetings, and through the National Natural and Cultural Resource Recovery Support Functions. FEMA made the PEA available for public comment through the following platforms for 30-day comment;

- FEMA NEPA Repository at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa-repository>
- The Alabama Emergency Management Agency website at <https://ema.alabama.gov/>
- The Florida Division of Emergency Management website at <https://www.floridadisaster.org/>
- The FEMA Puerto Rico Facebook page at <https://www.facebook.com/FEMAPuertoRico/>
- The Puerto Rico Recovery Program, COR3 website at <https://recovery.pr.gov/en/document-library>
- The FEMA USVI Facebook page at <https://www.facebook.com/FEMAUSVirginIslands>
- The FEMA website for the Hurricane Maria Disaster in the USVI, News and Media tab at <https://www.fema.gov/disaster/4340/news-media>

FEMA received multiple comments on the EA during the comment period primarily focused on Puerto Rico, including several requests for extension, that ultimately ended September 18, 2023. FEMA determined that none of the comments required changes to the PEA or impacts assessment. Attachment A summarizes the comments and responses.

FINDINGS

In accordance with NEPA and its implementing regulations at 40 CFR Parts 1500-1508, FEMA Directive 108-1 and FEMA Instruction 108-1-1, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. This FONSI serves as the final public notice for the actions covered within the PEA as described.

APPROVED BY:

JOHN J MCKEE

Digitally signed by JOHN J
MCKEE
Date: 2023.11.14 12:07:08
-05'00'

John J. McKee

Date

Regional Environmental Officer, FEMA Region 2

SCOTT T

Digitally signed by SCOTT T
FLETCHER

FLETCHER

Date: 2023.11.16 15:12:47
-05'00'

Scott Fletcher

Date

Deputy Regional Environmental Officer, FEMA Region 4

PROGRAM ENDORSEMENT:

**MYRNA I LOPEZ
ORTIZ**

Digitally signed by MYRNA I
LOPEZ ORTIZ
Date: 2023.11.16 11:37:41 -05'00'

Claude Hyacinthe

Date

FEMA Recovery Division Director, Region 2

WILLIAM MCDONNELL

Digitally signed by WILLIAM MCDONNELL
Date: 2023.11.14 12:18:00 -05'00'

William McDonnell

Date

FEMA Mitigation Division Director, Region 2

SAIDAT O THOMAS

Digitally signed by SAIDAT O
THOMAS
Date: 2023.11.17 07:26:01 -05'00'

Saidat Thomas

Date

FEMA Recovery Division Director, Region 4

JACQUELINE S BELL

Digitally signed by JACQUELINE S
BELL
Date: 2023.11.16 15:10:13 -05'00'

Jacky S. Bell

Date

FEMA Mitigation Division Director, Region 4

Appendix A: Comment and Response Summary

Date	Source	Comment	Response
8/16/2023	NOAA NMFS	Requested two week extension of comment period to September 8	FEMA granted two week extension until September 18.
8/23/2023	COR3 (Puerto Rico)	Requesting time extension, requesting hyperlink to ESA Matrix, JAXBO, and S106 Prog Ag	FEMA granted an extension until September 18, however recommends COR3 coordinate with FEMA environmental teams during project formulation and when environmental assessments are in development to minimize unnecessary delays. COR3 is already a signatory to the National Historic Preservation Act Section 106 Programmatic Agreement and has been provided copies of the ESA Matrix in the past; JAXBO is publicly available through the USACE website, but is currently subject to update by NOAA and USACE.
8/23/2023	LUMA (Puerto Rico)	Requesting extension of comment period	FEMA granted an extension on August 24 until September 18.
8/23/2023	Para la Naturaleza	Noting that the PEA is unclear about prioritization for mitigation actions and asking if enforcement of the PEA will apply to upstream projects or conservation of specific species	FEMA is not a regulatory agency and thus generally does not enforce requirements beyond issuing or withholding funding. State, local, Tribal, and territorial partners develop, submit, and prioritize projects for consideration of FEMA funding.
8/23/2023	Para la Naturaleza	Noting that the PEA does not provide a framework for implementation, asking if it applies to projects already underway, and future funding	Section 1.1 describes the intended use of the programmatic environmental assessment.
8/23/2023	Para la Naturaleza	Noting that success of nature-based solutions rely on maintenance and monitoring	FEMA acknowledges the role of maintenance and monitoring for living resources to thrive, but such activities are generally outside the scope of FEMA's funding programs. Subrecipients are required to comply with any applicable permits including maintenance and monitoring if such measures are required.

Date	Source	Comment	Response
8/23/2023	Para la Naturaleza	Suggesting that the PEA require projects to contract or otherwise partner with local, environmental, and community organizations to maintain and monitor projects	FEMA acknowledges the value of coordination and partnerships with the local community, but does not have the authority to require it broadly through a programmatic environmental assessment.
8/23/2023	Para la Naturaleza	Noting a NOAA rule to designate critical habitat for five Caribbean coral species	Noted: FEMA reviews all project applications and consults with the appropriate regulatory partners as applicable to project-specific conditions and regulatory requirements.
8/23/2023	Private citizen	Requested assistance to address coastal erosion in community	Routed request to FEMA's funding program personnel.
8/24/2023	EPA	Acknowledging incorporation of NOAA PEIS as a best NEPA practice	Noted.
8/24/2023	EPA	Encouraging FEMA to publish supplemental EAs when SOW are identified	Section 1.1 describes the intended use of the programmatic environmental assessment; not all project scopes of work will warrant supplemental NEPA analysis, but all projects that need a tiered or supplemental analysis would follow standard public availability and comment process.
8/24/2023	EPA	USVI and Alabama data appears missing, specific reference to Table 3.0.1	The USGS paper summarized in Table 3.0.1 only included Florida and Puerto Rico estimates.
8/24/2023	EPA	Recommending measures to reduce diesel emissions such as using cleaner fuels, using retrofited or upgraded equipment, reducing idling, using fugitive dust reduction methods, and others	Noted: FEMA typically expects subrecipients to observe construction best management practices and defers to regulatory permits to specify project-specific requirements and defers to state and local authorities to enforce regulations and permit requirements applicable for project-specific actions.
8/24/2023	EPA	Requesting acknowledgement of other beneficial ecosystem impacts including habitat, biodiversity, aesthetic values, tourism, and economic benefits associated with restoring living marine resources	Noted.

Date	Source	Comment	Response
8/24/2023	EPA	Recommending using best management practices for sediment and erosion control required by Section 404 of the Clean Water Act and National Pollutant Discharge Elimination System requirements	Noted; this is included in Section 6.0 Permits and Project Conditions and discussed in Section 5.1 Water Quality.
8/24/2023	EPA	Recommending states adopt water quality standards and review and revise Water Quality Standards regulations every three years	Commenting on state-level water quality requirements is beyond the purview of this PEA and FEMA's authority.
8/24/2023	EPA	Encouraging early coordination with USFWS, Alabama Department of Emergency Management, and Florida State Clearinghouse for coastal management requirements.	Noted; FEMA encourages its recipients, subrecipients, and local, state, Tribal, and Territorial partners to coordinate project development as early as is practicable.
8/24/2023	EPA	Encouraging best management practices in placing bird perches in subaquatic vegetation beds, especially along Florida's coastal region	Noted.
8/24/2023	EPA	Recommending avoiding impacts to wetlands to the extent practicable and a complete mitigation plan for a Final EA	FEMA evaluates project-specific impacts to wetlands through the 8-Step decision-making process discussed in Section 5.2, including practicable alternatives to the project as proposed to FEMA.
8/24/2023	EPA	Recommending best management practices to avoid accidental release of hazardous materials such as use of secondary containment where petroleum, oils, and lubricants may be stored	Noted: FEMA typically expects subrecipients to observe construction best management practices and defers to regulatory permits to specify project-specific requirements and defers to state and local authorities to enforce regulations and permit requirements applicable for project-specific actions.
8/24/2023	EPA	Requesting language that recognizes wetlands, coral reefs, mangroves, and vegetated shallows as Special Aquatic Sites contributing to environmental and ecological health	Noted.

Date	Source	Comment	Response
8/24/2023	EPA	Requesting that supplemental EAs or EIS's aligned with this PEA consider a "least environmentally damaging practicable alternative" for future Clean Water Act Section 404 analysis	FEMA follows the Council of Environmental Quality's regulations, as amended, the DHS Instruction 023-01-001, revision 01, and the FEMA Instruction 108-1-1 for NEPA document contents. FEMA defers to the regulatory agencies for requirements imposed upon subrecipients for applicable permits.
8/24/2023	EPA	Recommending that FEMA coordinate with NOAA NMFS and USFWS to implement site specific conservation measures for species protected by the Endangered Species Act and Marine Mammal Protection Act	FEMA will conduct all required consultations with the Services as projects are submitted for review and funding, discussed in Section 5.4. FEMA encourages project proponents to coordinate with local, state, Tribal, and Territorial partners and other stakeholders when developing project proposals.
8/24/2023	EPA	Recommending early coordination with State Historic Preservation Offices to address potential impacts to archaeological resources	FEMA negotiated and routinely updates programmatic agreements with the respective State Historic Preservation Offices for regular coordination and project review processes to minimize impacts to historic resources. Projects that do not meet applicable programmatic agreements otherwise follow the standard Section 106 consultation process. This is discussed in Section 3.0 and 5.5.
8/24/2023	EPA	Recommending implementing measures to avoid disproportionate impacts to vulnerable populations protected under Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11 1994 and Executive Order 14096 Revitalizing Our Nation's Commitment to Environmental Justice for All, April 26, 2023	The PEA discusses environmental justice in Section 5.6. FEMA has nationally issued guidance to states on considering and integrating equity into disaster operations and project development, such as the latest version of the Hazard Mitigation Grant Assistance Program and Policy Guide published March 2023.
8/24/2023	EPA	Acknowledging the document adequately addresses climate change and recommending that FEMA and DHS reconsider categorical exclusion determinations.	Addressing climate change in relation to categorical exclusions is beyond the scope of this PEA and is under the purview of FEMA headquarters in coordination with the Department of Homeland Security.

Date	Source	Comment	Response
8/24/2023	Para la Naturaleza	Para la Naturaleza requested an extension to the comment period	FEMA granted Para la Naturaleza an extension on August 24 until September 18, aligning with extension granted to NOAA.
8/25/2023	Environmental Defense Fund	Supporting FEMA's approach to streamline approval of nature-based solutions and cross-agency coordination with NOAA Restoration Center	Noted.
8/25/2023	Environmental Defense Fund	Noting the value of oyster beds and coastal plantings as well for habitat and storm surge reduction	Noted.
8/25/2023	Environmental Defense Fund	Encouraging integrating the community in all phases of project development to further equitable engagement with vulnerable populations	Noted; FEMA encourages its recipients, subrecipients, and local, state, Tribal, and Territorial partners to coordinate project development as early as is practicable.
8/25/2023	Environmental Defense Fund	Noting that restoring living marine resources would provide long-term benefits to cultural sites through increased coastal resiliency	Noted.
9/6/2023	LUMA (Puerto Rico)	Response acknowledging the granted extension and offering no substantive comments	Noted.
9/18/2023	Para la Naturaleza	Noted that NOAA issued a final rule effective 9/8/2023 to designate critical habitat for five Caribbean coral species	Noted; see responses for 8/23/2023 comments.
9/18/2023	Para la Naturaleza	Noted research about coral bleaching related to ocean temperatures and temporary impacts of passing hurricanes on temperatures	Noted.
9/18/2023	Para la Naturaleza	Supporting FEMA's evaluation of nature-based solutions, but the need for maintenance and monitoring as well as conservation measures	Noted; see responses for 8/23/2023 comments.
9/18/2023	Para la Naturaleza	Recognizing that private sector actor practices in reporting, monitoring, and relative lack of documentation of successful ecological outcomes	Noted; see responses for 8/23/2023 comments.

Date	Source	Comment	Response
9/18/2023	Para la Naturaleza	Reiterated question about implementation and other mitigation strategies such as dune restoration	Section 1.1 describes the use of the PEA; Section 2.0 Purpose and Need and Section 3.0-3.2 describe the focus of the PEA. The PEA does not limit other activities, which if proposed to FEMA by recipients, will be reviewed under NEPA and other applicable laws, regulations, and executive orders. Note: this PEA does not include beach or dune renourishment projects.
9/18/2023	NOAA NMFS	Acknowledging FEMA's effort to support coastal resiliency and living marine resources	Noted.
9/18/2023	NOAA NMFS	Notes that the PEA does not substitute for project consultation and current efforts between NOAA and USACE to update the 2017 Programmatic Biological Opinion known as JAXBO	Noted; Section 1.1 describes the use of the PEA; Section 5.4.2 describes typical consultation process that applies to projects regardless of whether this PEA applies to them or not. FEMA coordinates regularly with regulatory agencies for project-level consultation and requires subrecipients to obtain and comply with regulatory permits and associated conditions.
9/18/2023	NOAA NMFS	Recommending including oyster beds as an example of living marine resources	Noted; FEMA is not intentionally excluding oyster beds; they are included briefly in Section 4.2 and in the sample text from the JAXBO Project Design Criteria.
9/18/2023	NOAA NMFS	Recommended replacing Section 4.2 with alternate language addressing pale, bleached, or diseased coral, outplantings, and nursery conditions	FEMA drafted the proposed action based on existing and emerging FEMA policy, the Purpose and Need in Section 2.0, and in coordination with the NOAA Restoration Center, using existing NOAA NEPA documents. FEMA looks to regulatory agencies for further best practices, technical requirements, and project conditions through regular coordination, project consultation, and the regulatory permitting process.
9/18/2023	NOAA NMFS	Recommends activities deploying vessels meet applicable federal and local fishery jurisdiction guidance	
9/18/2023	NOAA NMFS	Recommending use of fishery management plans and other supporting materials for evaluating impacts to fisheries as the EFH Mapper is currently incomplete	
9/18/2023	NOAA NMFS	Recommending published NOAA guidelines to minimize impacts to SAV beds during harvesting or transplanting samples to minimize cumulative	

Date	Source	Comment	Response
		impacts	
9/18/2023	NOAA NMFS	Recommending that noise impacts be evaluated project-by-project	
9/18/2023	NOAA NMFS	Commented on Appendix C summarizing requirements related to the 2017 Jacksonville Programmatic Biological Opinion between USACE and NOAA	Appendix C is a summary of measures from JAXBO, FEMA defers to USACE and NOAA for technical requirements related to it and any subsequent biological opinions and associated permitting for project-specific implementation.
9/18/2023	NOAA NMFS	Noted uncertainty on how the PEA evaluates impacts to essential fish habitat, particularly the impact scale table 5.0.1	The PEA does not substitute for project-specific consultations and evaluation; the impact scale table is meant to organize generalized impacts for the programmatic level evaluation.