



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
ARANSAS COUNTY
LITTLE BAY IMPROVEMENT PROJECT
ROCKPORT, ARANSAS COUNTY, TEXAS
HMGP-4332-0069-TX**

BACKGROUND

An Environmental Assessment (EA) has been prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). The purpose of the proposed project is to mitigate undermining and scour of the channel jetty infrastructure in Little Bay, Rockport, Aransas County, Texas during future storm events and increase resiliency of Blevins Channel, Leggett Channel, and Key Allegro Bridge. An EA prepared by the U.S. Army Corps of Engineers (USACE) for portions of the proposed FEMA project informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or issue a Finding of No Significant Impact (FONSI). FEMA has conducted an independent evaluation of the USACE EA and has adopted it pursuant to the Council on Environmental Quality's Implementing Procedures for NEPA at 40 CFR 1506.3 and FEMA Instruction 108-1-1.

Aransas County has applied for Hazard Mitigation Grant Program (HMGP) funding, through the Texas Division of Emergency Management (TDEM), under HMGP-4332-0069-TX. Through HMGP, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures, including flood mitigation. The purpose of HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Four project alternatives were considered in the USACE EA: 1) No Action; 2) On-site Alternative #1 Scour Protection (Preferred Alternative); 3) On-site Alternative #2 Widening Channel; and 4) On-site Alternative #3 New Inlet.

The No Action Alternative would result in no construction requiring a USACE permit. Erosion and damage within Little Bay during storm events would continue without any planned intervention, resulting in the need for continued costly repairs. The No Action Alternative would lead to damage and potential loss of infrastructure to Leggett and Blevins Channel as well as the Key Allegro Bridge. The No Action Alternative is not practicable because it does not meet the purpose and need for the project.

On-site Alternative #1 (Preferred Alternative) involves the strategic placement of either stone riprap or marine mattress in the channels and repairs of existing jetties. This alternative would mitigate scour and therefore increase the long-term stabilization and resiliency of the channel and bridge infrastructure. The scour protection alternative will provide an optimum level of protection to existing infrastructure from high channel velocities, increase the resilience and structural integrity of the Key Allegro Bridge and channel jetties, and is cost effective. It will ultimately increase the resiliency of the channel infrastructure and result in long-term stabilization of the bridge depths.

On-site Alternative #2 would involve increasing hydraulic conductivity of Little Bay to Aransas Bay by increasing the depth or widening the channels. This alternative could improve the drainage capabilities of Little Bay, reduce channel discharge velocities during storm events, mitigate scour, and improve the resiliency of the channel. This alternative poses a high level of construction difficulty, high impacts to waters of the U.S., little likelihood of public support, and the cost exceeds the budget.

On-site Alternative #3, would involve the creation of a new hydraulic pathway by constructing a new inlet to Little Bay. This alternative would increase overall water circulation and improve overall water quality. The new inlet alternative would have a high level of construction difficulty, high impacts to waters of the U.S., little likelihood of public support, and the cost exceeds the budget.

USACE solicited comments on their proposed permitting action from the public and regulatory agencies from February 8, 2022 to March 11, 2022. Comments were received from the Environmental Protection Agency, U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service Habitat Conservation Division, Texas Parks and Wildlife Department, Texas State Historic Preservation Office, and Aransas County Navigation District and were addressed and resolved in Section 4 of the USACE EA.

In order to supplement the impacts analysis provided in the adopted USACE EA, FEMA conducted additional consultations under the Endangered Species Act and National Historic Preservation Act. FEMA consulted with USFWS on September 29, 2022, regarding potential impacts to the whooping crane. On October 4, 2022, USFWS concurred with FEMA's determination that the project is "not likely to adversely affect" the whooping crane with the incorporation of FEMA's minimization measures, which will be required conditions of the FEMA grant. On March 23, 2023, FEMA consulted with the Alabama Coushatta Tribe of Texas, Comanche Nation, Kiowa Tribe, and Tonkawa Tribe of Indians of Oklahoma. The tribes did not provide comments within 30 days or declined to comment. FEMA has determined that proposed project will not adversely affect traditional, religious, or culturally significant sites. In addition, in compliance with Executive Order 11988 for Floodplain Management, FEMA conducted and documented an 8-step decision-making process for the proposed FEMA project. The proposed action is not likely to result in any potential direct impacts that will adversely affect the natural values and function of floodplains, nor is it likely to increase the risk of flood loss.

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In their December 14, 2022 “Department of the Army Environmental Assessment and Statement of Findings for the Above-Referenced Standard Individual Permit Application for SWG-2021-00652,” USACE states, “Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an environmental impact statement will not be required.” FEMA has determined that the Proposed Action will not significantly adversely impact historic properties, threatened and endangered species or critical habitat, coastal barriers, water quality, coastal zone resources, air quality, prime and unique farmland, migratory birds, essential fish habitat, wild and scenic rivers, hazardous materials, floodplains, wetlands, and low income or minority populations. Any adverse impacts require conditions to minimize and mitigate impacts to the proposed project site and surrounding areas.

CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize the receipt of federal funding.

1. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
2. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
3. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
4. If construction is necessary during the whooping crane wintering season (November 1 to April 30), all work crews will be trained in whooping crane identification prior to the start of construction.
5. If a whooping crane is identified within 1,000 feet of an active construction area, all work should immediately stop. When the crane has left the 1,000-foot area on its own accord, work may continue.

6. All equipment (permanent or construction) greater than 15 feet high should be laid down at dusk and overnight, to avoid whooping crane strikes during times of low visibility. If equipment cannot be laid down at dusk or overnight, then such equipment will be marked using surveyors flagging tape, red plastic balls, or other suitable marking devices and lighted during inclement weather conditions when low light and/or fog is present.
7. Nighttime lighting of the area should be pointed away from any potential habitat and using the Dark Skies Initiative or Texas Bird City guidelines.
8. All whooping crane sightings should be immediately reported to the Texas Coastal Ecological Services Field Office at (361) 533-6765.
9. West Indian manatees occur occasionally in Texas coastal waters, including Aransas Bay. If a manatee is observed, Aransas County and its contractors must contact the Service at 361-533-6765 and the Texas Marine Mammal Stranding Network hotline at 800-962-6625. Siltation barriers must be made of material that will not entangle manatees, be properly secured, and are regularly monitored to avoid entrapment. If a manatee is seen within 100 yards of the active work zone or vessel movements, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions include no operation of any moving equipment within 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project areas of its own volition. Aransas County and its contractors must not feed or water the manatee.
10. If dead, injured, or cold-stunned sea turtles are encountered in the project area, Aransas County and its contractors must immediately report them to the Texas Sea Turtle Stranding and Salvage Network, Padre Island National Seashore at 361-949-8173 ext. 226, or the Texas Sea Turtle Hotline at 866-887-8535 (866-TURTLE5).
11. The applicant is responsible for complying with United States Army Corps of Engineers (USACE) permit #SWG-2021-00652, including the TCEQ's 401 Certification requirements. All coordination pertaining to these activities should be retained as part of the project file in accordance with the respective grant program instructions.
12. Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, applicant shall handle, manage, and dispose of petroleum products, hazardous materials and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.

13. Applicant must coordinate with the local floodplain administrator, obtain required permits prior to initiating work, and comply with any conditions of the permit to ensure harm to and from the floodplain is minimized. All coordination pertaining to these activities should be retained as part of the project file in accordance with the respective grant program instructions.

CONCLUSION

Based on the findings of the USACE EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (FEMA Instruction 108-1-1) and the proposed project as described in the attached EA may proceed.

APPROVAL AND ENDORSEMENT

**DOROTHY K
COOK** Digitally signed by
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Dorothy Cook
Acting Regional Environmental Officer
FEMA Region 6

**BRIANNE M
SCHMIDTKE** Digitally signed by
BRIANNE M SCHMIDTKE
Date: 2023.04.25 17:20:04
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Brianne Schmidtke
Hazard Mitigation Assistance Branch Chief
FEMA Region 6