

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Programmatic Environmental Assessment (PEA) for
Restoration, Replacement and Relocation of Utilities in Montana**

The Federal Emergency Management Agency (FEMA) has completed a Programmatic Environmental Assessment (PEA) in accordance with the general provisions of the National Environmental Policy Act (NEPA); National Historic Preservation Act (NHPA) and tribal considerations, Endangered Species Act (ESA); Executive Orders (EO) addressing Floodplain Management (EO 11988), Protection of Wetlands (EO 11990), and Environmental Justice (EO 12898); 44 CFR Part 9 and agency guidance for implementing NEPA (DHS Instruction 023-01; FEMA Directive 108-1 & Instruction 108-1-1.) The PEA is hereby incorporated by reference.

BACKGROUND

Proposed funding for projects will be provided under FEMA’s Public Assistance and Hazard Mitigation Assistance programs, along with other FEMA programs, as appropriate. The PEA focuses on a variety of utilities located in Montana that require restoration, replacement, or relocation as a result of damages sustained during disaster events, or as proposed mitigation projects intended to reduce future damage. Other Federal agencies may adopt the PEA under their own authorities in accordance with the Unified Federal Review (UFR) process.

A “utility” supplies a community with electricity, gas, water, or sewage and other similar essential public services. In an effort to restore these utilities or to mitigate damage from future events, FEMA and other federal agencies may provide funds for expansion, enlargement, and other upgrades along with replacement, relocation, or changes in materials. The purpose of the PEA is to provide an assessment of the expected environmental impacts associated with implementing these types of projects. The projects are needed to ensure provision of essential public services. It addresses the purpose and need of the proposed projects, project alternatives considered, affected environment, environmental consequences, and impact of mitigation measures. The PEA does not address site-specific impacts, which would be evaluated on a project-specific basis.

Some specific items of work may include, but are not limited to:

- Placement of temporary crossings, utilities, staging areas, access, and safety features.
- Repair, replacement, and relocation of production, transmission, and treatment facilities in order to provide communities with utility services.
- Construction, excavation, trenching, and directional boring to allow repair, replacement, and relocation of utilities and ancillary facilities.
- Upsizing, encasing, armoring, and upgrading utilities to improve function and protect from future events.
- Repair and reconstruction of adjacent roadway and other connected infrastructure necessary to restore function.
- Operating equipment within waterways to allow repair, replacement, and relocation of utilities.

PUBLIC INVOLVMENT

All Federally funded projects will be completed in compliance with applicable Federal, tribal, state and local laws, regulations, Executive Orders, etc. A notice of Intent to prepare the PEA was posted October 5, 2020; the draft PEA was posted for public review and comment beginning on October 26, 2020. No substantive comments have been received to date.

MITIGATION AND STIPULATIONS

Project impacts that accrue at an individual or cumulative scale such as to produce significant impacts will be reduced below the level of significance through avoidance, minimization, or by mitigating for individual impacts. During the construction period for each project, there may be some short-term impacts. 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 actions will have beneficial effects on multiple resources.

Federal agencies wishing to apply the PEA will adhere to the following conditions, including, but not limited to:

- The Agencies will consult with the State and Tribal Historic Preservation Office on project specific activities for any project that has the potential to affect previously undisturbed areas or historic properties. If during the course of any ground disturbance related to this project, cultural materials are discovered, the project would be immediately stopped and the SHPO and THPO and the relevant Agency notified.
- The Agencies will consult with the US Fish and Wildlife Service for any projects that have the potential to affect protected resources, including Threatened and Endangered species, Bald and Golden eagles or Migratory birds and Fish and Wildlife Service easements. Implementation of USFWS avoidance measures is required.
- The Agencies will consult with appropriate federal agencies for any project which has the potential to affect other resources including land use, prime farmland or farmland of state/local significance.
- The Agencies will complete a Utility Improvement Checklist to verify a project meets the criteria of the PEA and to define any significant individual or cumulative impacts requiring mitigation on a project-specific basis. The completed checklist must be returned to Richard Myers, FEMA Region 8 Deputy Regional Environmental Officer, Phone 720-412-3672, by email at richard.myers2@fema.dhs.gov.

During implementation of the proposed project, the subrecipient (applicant) will adhere to the following 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 on evaluation of the proposed actions and stipulations as described in the PEA, FEMA has determined there would be no 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.

Based upon the information contained in the referenced Final PEA completed in accordance with NEPA, NHPA, ESA; EO 11988, 11990 and 12898; and agency guidance for implementing NEPA (DHS Instruction 023-01 and FEMA Directive 108-1 & Instruction 108-1-1), it is found that the proposed actions, 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

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Date: 2020.11.23 14:25:07 -07'00'

Steven E. Hardegen
FEMA Region VIII
Regional Environmental Officer

Date