



**FEMA**

## **FINDING OF NO SIGNIFICANT IMPACT**

### **BASTROP COUNTY PINE VALLEY ESTATES HAZARDOUS FUELS REDUCTION PROJECT BASTROP COUNTY, TEXAS HMGP-5288-0003-TX**

#### **BACKGROUND**

In accordance with the Federal Emergency Management Agency's (FEMA) Instruction 108-1-1, 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 reduce wildfire hazards by reducing the rate at which wildfires can spread in order to save lives and property in Pine Valley Estates, Bastrop County, and surrounding areas. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Bastrop County has applied for Hazard Mitigation Grant Program (HMGP) funding, through the Texas Division of Emergency Management (TDEM), under HMGP-5288-0003-TX, for wildfire mitigation in central Bastrop County. 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.

Two project alternatives were considered in this EA: 1) No Action; and 2) Proposed Action (Implementation of a hazardous fuel reduction project within the Pine Valley Estates Subdivision). Under the No Action alternative, no work would be conducted to reduce hazardous fuels in Pine Valley Estates. Residents and homes would remain at an elevated risk to be affected by catastrophic wildfire. The No Action Alternative would not meet the purpose and need of the proposed project.

Under the Proposed Action Alternative, Bastrop County proposes to treat an estimated 250-300 acres within Pine Valley Estates to lower the area's wildfire risk. In pine dominated sites, which tend to be areas of heavy fuel concentration, the treatment would include the removal of encroaching brush species such as yaupon holly and eastern red cedar. In these areas, dead vegetative material such as branches, standing loblolly pines, and debris would be removed. Trees targeted for retention would be pine and hardwood species; however, some trees of these

species would be selectively removed only when necessary, to achieve the desired canopy cover. The lower limbs of larger and taller trees, including hardwoods and pines, would be removed up to 8 feet above the ground. The same techniques would be used to establish shaded fuel breaks. Shaded fuel breaks would be anchored on both ends to a less combustible fuel type or a natural or manmade barrier. This treatment prescription would result in a mosaic pattern consisting of areas of reduced fuels and areas of untreated or vacant lots throughout the community. This approach would reinforce the effectiveness of properties that have created defensible spaces around homes (within 30 feet of structures), as well as separate the built community from the large adjacent blocks of wildland fuels.

The focus of this project will be on private property, but some areas of Right of Way may undergo hazardous fuel reduction, where needed. Any areas of ROW requiring hazardous fuel reduction would be treated 15 feet from the edge of the roadway on both sides of the road or to the property line, whichever distance they reach first. Bastrop County will use a mechanical thinning process that uses skid steers with attached mulching heads. These low impact machines will grind up the undesirable vegetation, leaving mulch on the ground. All stumps will be left at ground level and will not be excavated or otherwise mechanically removed.

A public notice was posted in the local newspaper of record and on FEMA's website. The draft EA was made available for public comment at a local public building and on FEMA's website for 30 days. No comments were received from the public during the comment period.

#### FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action as described in the EA will not significantly adversely impact groundwater, wetlands, floodplains, migratory birds, threatened or endangered species, vegetation communities, cultural resources, socioeconomic resources, environmental justice, hazardous materials, public services and utilities, and public health and safety. During project activities, short-term, minor impacts to soils, air quality, visual quality and aesthetics, surface water quality, noise, and traffic are anticipated. Long-term beneficial impacts to air quality, visual quality and aesthetics, public service and utilities, emergency impacts, and public health and safety are expected. No long-term adverse impacts are anticipated. All 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. To reduce emissions, fuel-burning equipment running times will be kept to a minimum, and engines will be properly maintained.
4. Work conducted within 200 feet of wetlands must be restricted to hand cutting and hand hauling debris. No mulch will be placed in wetlands and appropriate barriers will be used to prevent mulch from being washed into wetlands.
5. Bastrop County must coordinate with Texas Commission on Environmental Quality (TCEQ) to obtain any required permits under the Texas Pollutant Discharge Elimination System (TPDES) requirements. Implementation of appropriate erosion and sediment control Best Management Practices (BMPs) would be required during project activities.
6. Bastrop County must coordinate with the local floodplain administrator, obtain any 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.
7. For actions located in the floodplain and/or wetlands, Bastrop County must issue a final public notice per 44 CFR Part 9.12(e) at least 15 days prior to the start of work. The final notice shall include the following: (1) A statement of why the proposed action must be located in an area affecting or affected by a floodplain or a wetland; (2) A description of all significant facts considered in making this determination; (3) A list of the alternatives considered; (4) A statement indicating whether the action conforms to applicable state and local floodplain protection standards; (5) A statement indicating how the action affects or is affected by the floodplain and/or wetland, and how mitigation is to be achieved; (6) Identification of the responsible official or organization for implementation and monitoring of the proposed action, and from whom further information can be obtained; and (7) A map of the area or a statement that such map is available for public inspection, including the location at which such map may be inspected and a telephone number to call for information.

8. Bastrop County will limit vegetation management work during the peak migratory bird-nesting period of March through August as much as possible to avoid destruction of individuals, nests, or eggs. If vegetation reduction activities must occur during the nesting season, the applicant will deploy a qualified biological monitor with experience conducting breeding bird surveys to survey the vegetation management area for nests prior to conducting work. The biologist will determine the appropriate timing of surveys in advance of work activities. If an occupied migratory bird nest is found, work within a buffer zone around the nest will be postponed until the nest is vacated and juveniles have fledged. The biological monitor will determine an appropriate buffering radius based on species present, real-time site conditions, and proposed vegetation management methodology and equipment. For work near an occupied nest, the biological monitor would prepare a report documenting the migratory species present and the rationale for the buffer radius determination.
9. If archeological deposits, including any Native American pottery, stone tools, bones, or human remains are uncovered, the project must be halted immediately in the vicinity of the discovery, and all reasonable measures must be taken to avoid or minimize harm to the discovered items. The sub applicant must secure all archeological findings and restrict access to the sensitive area. The sub applicant must inform FEMA immediately, and FEMA will consult with the SHPO and Federally Recognized Tribes. Work in sensitive areas must not resume until consultation is completed and until FEMA determines that appropriate measures have been taken to ensure compliance with the NHPA and its implementing regulations.
10. Noise impacts will be minimized by limiting project activities to daylight hours. All equipment and machinery will meet all local, state, and federal noise regulations.
11. If hazardous constituents are encountered in the project area prior to or during project activities, appropriate measures for the proper assessment, remediation, and management of the contamination will be initiated in accordance with applicable federal, state, and local regulations. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction and staging areas. The use of construction equipment within environmentally sensitive areas would be minimized

## CONCLUSION

Based on the findings of the 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

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Kevin Jaynes  
Regional Environmental Officer  
FEMA Region 6

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Brianne Schmidtke  
Hazard Mitigation Assistance Branch Chief  
FEMA Region 6