



FEMA

FINDING OF NO SIGNIFICANT IMPACT

TOWN OF OAK BLUFFS RESILIENT INFRASTRUCTURE FOR EAST CHOP DRIVE
TOWN OF OAKS BLUFFS, DUKES COUNTY, MASSACHUSETTS
PDMC-PJ-01-MA-2018-001

INTRODUCTION

The Massachusetts Emergency Management Agency, the grant applicant, submitted to FEMA a Pre-Disaster Mitigation (PDM) grant application on behalf of the Town of Oak Bluffs (Town), the grant subapplicant. The PDM Grant Program is authorized under Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 United States Code (U.S.C.) 5133 and provides assistance to eligible state, territory, and local governments, as well as federally recognized tribal governments to help implement sustained pre-disaster natural hazard mitigation programs.

The Proposed Action would stabilize and improve 1,200 feet of a failing coastal revetment along East Chop Bluff. The purpose of the proposed project is to reduce erosion hazards along East Chop Bluff. The project is needed because the existing revetment is failing due to continued erosion caused by wave and storm surge action. Erosion has deteriorated the existing revetment and reduced the vegetation on the bluff, thereby destabilizing the slope and posing a threat to nearby residential homes. Additionally, because the roadbed is undermined by the continued erosion, East Chop Drive is currently closed, impacting evacuation routes and emergency response.

The U.S. Army Corps of Engineers (USACE) completed an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) on January 21, 2020, for this project. USACE issued a permit to the town under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404 of the Clean Water Act (33 U.S.C. § 1344) (USACE file number NAE 2017-01616) on January 21, 2020. The project reviewed in the USACE EA included 2,400 feet of revetment work from the toe of the revetment up to the high tide line (HTL). The work proposed for funding under the FEMA grant would include the southern 1,200 feet of the area reviewed by USACE and would also include work above the HTL up to the western side of East Chop Drive.

FEMA is adopting the USACE EA in accordance with Title 40 of the Code of Federal Regulations (C.F.R.) 1506.3(c) because the actions covered by the original EA and the Proposed Action are substantially the same below the HTL. Because the project proposed for funding under the PDM grant program encompasses a larger area than considered in the USACE EA, FEMA prepared the Supplemental Environmental Assessment (SEA) to evaluate the potential effects of the Proposed Action and alternatives that were not analyzed in the USACE EA.

Besides the Proposed Action, two alternative courses of action were considered and dismissed in the USACE EA including (1) maintaining the existing revetment footprint and (2) the installation of steel sheet piles and/or concrete walls. These alternatives were evaluated based upon engineering constraints, environmental impacts, and their ability to meet the purpose and need for the project. However, the alternatives were determined to be infeasible and were dismissed.

Under the No Action alternative evaluated in the SEA, there would be no federal financial assistance provided to repair the existing coastal revetment. Severe weather conditions and storms would continue to erode the bluff within the project area, East Chop Drive would not be safe to reopen for vehicular traffic, and the continued erosion could lead to failure of the bluff, thereby risking loss of infrastructure, utilities,

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and adjacent property. The No Action alternative does not meet the purpose and need for the project. No other additional alternatives were evaluated in the SEA.

ENVIRONMENTAL IMPACT EVALUATION

FEMA prepared the SEA pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321–4347 (2000), as implemented by the regulations promulgated by the President’s Council on Environmental Quality (40 C.F.R. §§ 1500 –1508) and in accordance with FEMA Directive 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements, and DHS Instruction Manual 023-01-001-01 *Implementation of the National Environmental Policy Act*.

The Proposed Action, as described in the SEA, would not result in any significant adverse impacts on the natural and human environment. The Proposed Action is anticipated to have long-term beneficial effects on the following resources: soils and topography, water quality, floodplains, vegetation, wildlife and fish, invasive species, land use and planning, public services and utilities, and public health and safety.

During the construction period, short-term negligible to minor impacts on soils, water resources, floodplains, biological resources, public services, and public safety are anticipated. All potential short-term impacts require conditions to avoid, minimize, and mitigate effects. With the implementation of these conditions, none of the potential effects will be significant.

MITIGATION COMMITMENTS AND PROJECT CONDITIONS

The Town of Oak Bluffs is responsible for obtaining all required federal, state, and local permits and clearances. While a good faith effort was made to identify all necessary permits for this SEA, the following list may not include every approval or permit required for this project. Before, and no later than, submission of a project closeout package, the Town shall provide FEMA with a copy of the required permits from all pertinent regulatory agencies.

Additionally, FEMA will require the Town to adhere to the following conditions during project implementation. Failure to comply with grant conditions may jeopardize federal funds.

1. Comply with all conditions in the U.S. Army Corps of Engineers EA, approved January 21, 2020.
2. Comply with the conditions of Department of the Army permit NAE-2017-01616 issued by the U.S. Army Corps of Engineers for construction of the Resilient Infrastructure for East Chop Drive under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Massachusetts Department of Environmental Protection (MassDEP) permit for Chapter 91 and Section 401 Water Quality (permit 15069 dated October 23, 2019).
3. Comply with all conditions of the Massachusetts Wetlands Protection Act, Order of Conditions issued by the Town of Oak Bluffs Conservation Commission for MassDEP File Number SE53-0766, dated July 5, 2018.
4. Before construction begins, the subapplicant shall coordinate with the Environmental Protection Agency (EPA) to determine if a National Pollution Discharge Elimination System permit under Section 402 of the Clean Water Act is required.
5. Before construction begins, the subapplicant shall coordinate with the Massachusetts Coastal Zone Program for a Coastal Consistency Determination for the proposed work landward of the high tide line.
6. Management of woody debris will follow all U.S. Department of Agriculture quarantine guidelines regarding the European gypsy moth.
7. Install staked hay bales along the top of the revetment to prevent debris and sediments from blowing/eroding into Nantucket Sound per the adopted Conservation Recommendations provided by the National Marine Fisheries Service Essential Fish Habitat consultation.

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8. A floating boom shall be installed in work areas (typically 10 to 200 feet in length) to trap any potential floating debris per the adopted Conservation Recommendations provided by the National Marine Fisheries Service Essential Fish Habitat consultation.
9. During construction, all sedimentation/erosion control barriers shall remain in stable condition at all times per the adopted Conservation Recommendations provided by the National Marine Fisheries Service Essential Fish Habitat consultation.
10. The work site shall be cleaned of debris and accumulated soils to prevent wind deposition of fugitive dust and debris at the close of each day per the adopted Conservation Recommendations provided by the National Marine Fisheries Service Essential Fish Habitat consultation.
11. Prior to the start of construction, the Subapplicant shall provide FEMA and U.S. Army Corps of Engineers with a written description of erosion/sedimentation control methods to be used during the project per the adopted Conservation Recommendations provided by the National Marine Fisheries Service Essential Fish Habitat consultation.

PUBLIC AND AGENCY INVOLVEMENT

To solicit input on the project and its potential impacts, FEMA distributed a SEA scoping document to the following agencies on April 15, 2021:

- EPA, Region 1, Office of Environmental Review
- U.S. Department of Housing and Urban Development, Region 1 Environmental Office
- U.S. Department of Commerce, National Oceanic and Atmospheric Administration
- U.S. Fish and Wildlife Service
- USACE
- U.S. Department of Agriculture
- Commonwealth of Massachusetts
- Town of Oak Bluffs

Following distribution of the scoping document, FEMA received correspondence from two agencies:

- **EPA – Region 1:** No scoping comments to offer but would appreciate the opportunity to review the SEA when it is available.
- **Commonwealth of Massachusetts (Department of Environmental Protection):** Scoping was reviewed against the Natural Heritage and Endangered Species Program programs and policies. No requirement to file the project for review with the MA Endangered Species Act.

FEMA made the draft SEA available to both agencies and the public for review and comment for a period of 15 days from August 6th through the 21st. Public notice of the draft SEA's availability for review was published in the *Vineyard Gazette* and the SEA was made available on the Town of Oak Bluffs website (<https://www.oakbluffsma.gov/DocumentCenter/View/6451/Oak-Bluffs-MA-SEA-Resilient-Infrastructure-Draft-East-Chop-Drive>). A hard copy of the draft SEA was provided at the Town Hall at 53 School Street, Oak Bluffs, MA 02557. No substantive comments were received during the public comment period on the draft SEA.

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Based upon conditions and information contained in the PDMC grant application and the SEA, and in accordance with FEMA’s Directive 108-1-1, *Environmental Planning and Historic Preservation Responsibilities and Program Requirements*; the *DHS Instruction Manual 023-1-1*; CEQ regulations in Title 40 C.F.R., Parts 1500-1508 National Environmental Policy Act Implementing Regulations; Executive Orders (EOs) addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898); and the Town’s anticipated adherence to the prescribed standard and special conditions, FEMA has determined that the Proposed Action will not have significant impacts on the quality of the natural and human environment. As a result of this FONSI, an environmental impact statement will not be prepared and the project, as described in the grant application and the SEA with the conditions listed above, may proceed.

FEMA APPROVAL AUTHORITY:

David E. Robbins, FEMA Region 1 Regional Environmental Officer

HAZARD MITIGATION PROGRAM ENDORSEMENT:

Richard Verville, FEMA Region 1 Hazard Mitigation Branch Chief