



FEMA

FINDING OF NO SIGNIFICANT IMPACT

Fairview Beach Riverbank Stabilization Project

Fairview Beach, King George County, Virginia

FEMA-4262-DR-VA

Introduction

In accordance with Federal Emergency Management Agency (FEMA) Directive 108-1 and FEMA Instruction 108-1-1, the *Fairview Beach Riverbank Stabilization Environmental Assessment (EA)* is being 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) in 40 Code of Federal Regulations (CFR) Parts 1500-1508. In October 2016, King George County, in conjunction with Fairview Beach, LLC, applied through the Virginia Department of Emergency Management (VDEM) to FEMA for funding under the Hazard Mitigation Grant Program (HMGP) for the stabilization of the bank of the Potomac River along Fairview Drive, State Road 696, (Fairview Drive) in Fairview Beach, Virginia.¹ The purpose of this EA is to analyze the potential environmental impacts of the Proposed Action and inform FEMA's decision on whether to prepare an EIS or a FONSI.

Fairview Beach has experienced a total of 19 severe weather events since 1954 that resulted in damage to a section of Fairview Drive and erosion of the Potomac River shoreline that parallels the roadway. The riverbank stabilization is necessary to protect and prevent the collapse of about 1,260 feet of Fairview Drive; County-owned water supply lines and gravity/force main sewer lines that are present along or under Fairview Drive; and up to 33 private residences in close proximity to Fairview Drive and the Potomac River shoreline. The objectives of FEMA's HMGP are to assist the community in recovering from the damage caused by natural disasters and to mitigate long-term risk to people and property from future disasters. The purpose of the action alternatives presented in this EA are to repair the damage to the severely eroded riverbank. The need for the project is to mitigate against further damage and loss of the riverbank, which would prevent future damage to the homes and infrastructure in Fairview Beach, including Fairview Drive.

¹ Fairview Beach is an unincorporated community. Fairview Beach, LLC is a private corporation formed by local residents of Fairview Beach that owns the subject property along Fairview Drive in Fairview Beach, Virginia.

Alternatives

The EA analyzed the following alternatives: Alternative 1 - No Action; Alternative 2 – Proposed Action – 255’ Seawall and 1,005’ Riprap Revetment; and Alternative 3 – Full-Length Seawall, which are described below.

Alternative 1 – No Action

Under Alternative 1 – No Action, there would be no construction of the bank stabilization structure, meaning that no action would be taken to prevent further erosion of the bank along the Potomac River due to wave action and wind. A description of Alternative 1 is described in EA Section 2.1.

Alternative 2 – Proposed Action – 255’ Seawall and 1,005’ Riprap Revetment

Under Alternative 2 – 255’ Seawall and 1,005’ Riprap Revetment, the Proposed Action is to construct a bank stabilization system in the form of a 255’ seawall and 1,005’ riprap revetment. A description of Alternative 2 is included in EA Section 2.2. Major construction elements include the seawall and the riprap revetment. Existing utilities would remain in place and the slope along the riverbank would be regraded to match the slope at Fairview Drive without disturbing Fairview Drive. Total disturbance would be 1.94 acres. Staging areas would be at the discretion of the contractor, but generally adjacent to the construction site and within nearby available parking lots, as described in EA Appendix A. All construction work would be completed within 270 days from contractor’s notice to proceed. The Proposed Action was selected because it prevents further erosion damage to the riverbank, regulatory agencies preferred this alternative to allow the movement of reptiles and other species, and it is easier to construct and therefore the most cost-effective option.

Alternative 3 – Full-Length Seawall

Under Alternative 3 – Full Length Seawall, this alternative considers the construction of a seawall along the entire eroded section of the bank. A description of Alternative 3 is included in EA Section 2.3. Alternative 3 would prevent further erosion damage to the riverbank but would also prevent the movement of reptiles and other species to gain access to the river, and would require deeper excavation, resulting in greater cost to construct.

Public Engagement and Outreach

A public notice was posted in the local newspaper of record, *The Free Lance-Star* (Appendix E), and on FEMA’s website at <https://www.fema.gov/disaster/notices/dr-4262-va-public-notice-001>, where the draft EA was made available for public comment. No comments were received during the 30-day public comment period.

Finding of No Significant Impact

Implementation of the Proposed Action would not significantly affect the quality of the environment. None of the environmental effects meet the definition of significance in context or intensity as defined in CFR 1508.27. Therefore, an environmental impact statement is not

required for the Proposed Action. This finding is based on the analysis in the EA, as summarized in the table below.

Summary of Environmental Impacts

| Affected Environment | No Action Impacts | Proposed Action Impacts | Mitigation |
|--|---|---|--|
| Soils and Geology | No short-term effect. Long-term effect of continued erosion of the riverbank. | Negligible impact of imported fill to replace what has eroded. | Erosion & sediment control BMPs. |
| Water Resources and Water Quality | Long-term effect of continued sedimentation of the Potomac River and potential failure of sewer line. | Minor short-term effect during construction. Long-term beneficial effect of the stabilized riverbank. | Erosion & sediment control BMPs, install drainage to accommodate stormwater. |
| Floodplain Management | Short-term and long-term effect of continued erosion of floodplain/riverbank. | Minor floodplain effect involving the placement of fill within 0.68 acres to replace and stabilize the eroded bank. | Stabilization of the riverbank would prevent future erosion. |
| Air Quality | No impact. | Negligible short-term effect during construction. | Wet construction areas to mitigate fugitive dust. |
| Coastal Zone Management | Erosion of the shoreline is not consistent with the Virginia CZM Program. | Long-term beneficial effect consistent with Virginia CZM Program. | Post-construction restoration plantings within the Resource Protection Area. |
| Terrestrial and Aquatic Environment | Continued erosion of terrestrial environment and continued sedimentation of the aquatic environment. | Short-term: Minor effect to terrestrial and aquatic species during construction. Long-term beneficial effect of greater vegetative diversity and stabilized shoreline that won't cause sedimentation. | Erosion & sediment control BMPs. Upon completion, all disturbed areas would be planted according to Resource Protection Area Guidelines. |
| Wetlands | No impact. | Minor loss of 393 sq ft of wetland. | Any possible groundwater discharge |

| Affected Environment | No Action Impacts | Proposed Action Impacts | Mitigation |
|--|--|--|--|
| | | | (wetland source) would be able to drain through the revetment. |
| Threatened and Endangered Species | Long-term effect on aquatic habitat if sewer line fails due to erosion. | May affect, but not likely to adversely affect listed species. | Installation of BMPs during construction to keep impacts to a minimum. |
| Hazardous Materials | No impact. | No impact. | N/A |
| Zoning and Land Use | No impact. | No impact. | N/A |
| Visual Resources | Beach would continue to erode. Potential loss of Fairview Drive along beach. | Loss of beach in front of proposed revetment area. | Beach replenishment project is planned for after the riverbank stabilization is complete. |
| Noise | No impact. | Moderate short-term effect due to construction noise. | Construction limited to business hours. |
| Public Service and Utilities | Potential failure of sewer line. | Long-term beneficial effect of preventing eroding of sewer line. | Storm drains would be reconfigured to allow drainage down the newly constructed bank. |
| Traffic and Circulation | Potential damage to Fairview Drive. | Minor short-term effect on traffic during construction. | Temporary road closures only during weekday business hours, with advance notification to VDOT and local authorities. |
| Environmental Justice | No disproportionately high or adverse impacts on minority or low-income populations. | No disproportionately high or adverse impacts on minority or low-income populations. | N/A |
| Safety and Security | Long-term effect: Continued erosion of slope would cause safety issue of instable slope, damage to | Minor short-term construction impacts. Long-term beneficial effect of stabilizing slope. | Construction site would employ signage and fencing. |

| Affected Environment | No Action Impacts | Proposed Action Impacts | Mitigation |
|-----------------------------------|--------------------------------|--------------------------------|-------------------|
| | sewer line and Fairview Drive. | | |
| Historic Structures | No impact. | No impact. | N/A |
| Archaeological Resources | No impact. | No impact. | N/A |
| Tribal and Religious Sites | No impact. | No impact. | No impact. |

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. The applicant is responsible for obtaining and complying with all required local, State and Federal permit and approval processes.
2. Tidewater Joint Permit Application for Projects Involving Tidal Waters, Tidal Wetlands and/or Dunes and Beaches in Virginia. This joint permit application encompasses both Federal and Commonwealth of Virginia requirements, resulting in the authorization of the following permits: USACE NWP, Virginia DEQ Water Quality Certification and VMRC Permit #2018-2014.
3. USACE Nationwide Permit (NWP) 13 – Bank Stabilization Pre-Construction Notification. This federal permit authorized by Section 404 of the Clean Water Act permits discharge or placement of fill in a water of the US. All work authorized under USACE NWP 13 must be performed in compliance with the General Conditions of the nationwide permits and if applicable, any Regional General Conditions, and Special Conditions of the permit.
4. Virginia DEQ Water Quality Certification through the Virginia Water Protection Permit Program serves as Virginia’s Section 401 certification program for federal Section 404 permits issued under the authority of the Clean Water Act. State law requires that a VWP permit be obtained before disturbing a wetland or stream by clearing, filling, excavating, draining, or ditching. The Water Quality Certification is issued based on the submitted plans for the Proposed Action, so the project must be constructed as submitted through the Tidewater Joint Permit Application.
5. VMRC Permit #2018-2014 requires the placement of the yellow placard included with the permit that reflects the authorized activities for inspection purposes and must be conspicuously displayed at the work site throughout the construction phase. The VMRC permit requires the permittee to notify VMRC 15 days prior to commencement of the permitted project and the work must be completed by May 28, 2022. All work authorized under VMRC Permit #2018-2014 must be performed in compliance with the conditions listed in the permit.

6. Virginia Pollutant Discharge Elimination System (VPDES) General Permit VAR-10 authorizes discharges of stormwater from construction activities. The authorized discharge shall be in accordance with the registration statement filed with the DEQ, Part I - Discharge Authorization and Special Conditions, Part II - Stormwater Pollution Prevention Plan, and Part III – Conditions Applicable to All VPDES Permits as set forth in the general permit.
7. As part of the final construction documents and in order to apply for the VPDES General Permit VAR-10, an Erosion and Sedimentation Control Plan has been prepared in accordance with PA DEP Chapter 102 regulations and requirements. The contractor will be required to adhere to the Erosion and Sedimentation Control Plan during construction in order to minimize erosion and sedimentation impacts to the surrounding environment.
8. The applicant will monitor ground disturbance during the construction phase; should human skeletal remains, or historic or archaeological materials be discovered during construction, all ground-disturbing activities on the project site shall cease and the applicant shall notify the coroner's office (in the case of human remains), FEMA, and the SHPO.
9. If deviations from the proposed scope of work result in substantial design changes, the need for additional ground disturbance, additional removal of vegetation, or any other unanticipated changes to the physical environment, the applicant must contact FEMA so that the revised project scope can be evaluated for compliance with NEPA and other applicable environmental laws.
10. The applicant/contractor must coordinate with the local floodplain administrator to receive a permit to conduct any activities that would occur within the SFHA. Erosion control measures will be in place prior to any ground disturbing activity.
11. Work must be conducted in the fashion it is proposed in any permit applications. Changes to project design would require reopening consultations with regulatory agencies.
12. Heavy machinery and equipment to be used for the Proposed Action will meet federal clean air standards. In addition, all equipment used shall have sound control devices no less effective than those provided on the original equipment. No equipment shall have un-muffled exhaust.
13. All equipment shall comply with pertinent equipment noise standards of the U.S. Environmental Protection Agency.
14. Construction equipment will be well maintained and non-polluting.

Decision

Based on the findings of the EA, coordination with the appropriate agencies, the public comment period, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the Proposed Action 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 Action as described in the attached Final EA may proceed.

APPROVAL

Tessa Nolan
Acting Regional Environmental Officer
FEMA Region 3

Date September 9, 2020