

FEDERAL EMERGENCY MANAGEMENT AGENCY
FINDING OF NO SIGNIFICANT IMPACT
PROGRAMMATIC ENVIRONMENTAL ASSESSMENT
U.S. VIRGIN ISLANDS HOUSING ACTIONS
ST. CROIX, ST. JOHN, and ST. THOMAS

BACKGROUND

In September 2017, hurricanes Irma and Maria caused significant damage to the United States Virgin Islands (USVI). The president issued one disaster declaration (DR-4335-VI) for Irma on September 7, and another one (DR-4340-VI) for Maria on September 20 encompassing the entire territory. The declaration authorized federal public assistance to affected communities and certain non-profit organizations per FEMA, and in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S. Code [U.S.C.] 5172) as amended; the Sandy Recovery Improvement Act of 2013; and the Bipartisan Budget Act of 2018 (Public Law 115-123). The Virgin Islands Territorial Emergency Management Agency is the recipient for FEMA grant actions and the Virgin Islands Housing Authority (VIHA) is FEMA’s subrecipient; the Virgin Islands Housing Finance Authority (VIHFA) is the Housing and Urban Development (HUD) Responsible Entity.

FEMA prepared a Programmatic Environmental Assessment (EA) in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended; and the Council on Environmental Quality (CEQP) Regulations for Implementation of the National Environmental Policy Act (40 Code of Federal Regulations [CFR] Parts 1500 to 1508); FEMA Directive 108-1-1; and the DHS Instruction Manual 023-1-1. The EA analyzed the potential environmental impacts of the proposed action and alternatives. The intent of the project is to support safe, modern, affordable housing that meets the needs of the territory in the post-disaster environment.

ALTERNATIVES

FEMA developed and considered multiple alternatives to fulfill the purpose and need to address the overall programmatic impacts and effects for an expected large number of housing projects that FEMA anticipates receiving from the recipient and subrecipients for grant funding. The “No Action Alternative” refers to a scenario in which no FEMA funding is provided to support the restoration of the housing infrastructure to conditions that align with post-disaster needs.

The action alternatives include Renovation, Redevelopment, Relocation, Demolition, and all combinations of these activities. Common actions between all the alternatives but demolition include site beautification, short-term relocation of tenants, construction equipment delivery and staging, site restoration, Americans with Disabilities Act compliance, future disaster resiliency, ground disturbing activities and emergency back-up generator installation. All alternatives include stormwater management and flood protection measures. The demolition alternative focuses on returning the housing site to its original condition. In addition to construction of housing, the work may include, but is not limited to, new parking lots/areas, sidewalks, seating areas, site lighting, security cameras, mailbox areas, upgrades of all necessary utility distribution systems, trash enclosures, playgrounds and other recreational areas, re-establishment of potable water cisterns and landscaping.

SUMMARY OF POTENTIAL IMPACTS AND MITIGATION

FEMA anticipates negligible to minor adverse impacts across action alternatives for most of the resource areas evaluated during implementation. However, FEMA also anticipates moderate to major beneficial impacts for many resource areas for those actions as well. On the other hand, FEMA anticipates moderate to major adverse impacts

from taking no action associated with floodplains, coastal resources, environmental justice, land use and planning,

public services and utilities, public health and safety, and hazardous materials. The greatest adverse impacts are associated with demolition and relocation actions and are dependent on project-specific location and scope of work. Section 9 of the PEA summarizes the impacts by alternative and resource area discussed in the PEA.

PERMITS AND PROJECT CONDITIONS

The subrecipient is responsible for obtaining and adhering to all applicable federal, state, and local permits, permit conditions, regulatory compliance, and authorizations for project implementation prior to construction and to adhere to all permit conditions. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The subrecipient must also adhere to the following conditions during project implementation:

1. **The Subrecipient:** Must comply with all applicable environmental and historic preservation laws. Federal funding is contingent upon acquiring all necessary federal, state, and local permits. Noncompliance with this requirement may jeopardize the receipt of federal funds.
2. **Stormwater and Soils:** Under the USEPA NPDES, any project disturbing more than one acre requires an USEPA Construction General Permit, an NPDES Permit, and a SWPPP. The permits and plan require BMPs which serve to protect soils, in addition to stormwater. Subrecipient is required to: manage any piles of soil or debris, minimize steep slope disturbance, preserve native topsoil unless infeasible; and minimize soil compaction and erosion.
3. **Erosion and Sediment Control:** Each project will implement BMPs, and guidelines recommended by USVI state officials. The subrecipient must obtain all necessary permits such as NPDES and implement required plans such as SWPPP.
4. **Endangered Species Act:** All projects will comply with and implement the ESA conditions found in any FEMA programmatic consultation that applies, or those conditions from a project-specific consultation to any actions that may adversely affect federally listed species or designated critical habitat. Impacts not resolved through consultation will require individual NEPA compliance.
5. **Work Affecting Water:** USACE will consult on any work that may affect waters of the United States. The subrecipient is responsible for obtaining and implementing all appropriate permit requirements, including pre-construction notification, prior to the beginning of work.
6. **Floodplain:** For FEMA-funded projects that are within or may affect a floodplain, FEMA will apply the 8-Step Decision-Making Process. FEMA will assess short-term and long-term effects to floodplains and apply applicable avoidance, minimization, and mitigation measures to limit impacts to less than major. FEMA will consider projects in the V-Zone, those with potential major or greater impacts, or those with the potential to increase flood elevations on a case-by-case basis for whether this PEA applies, or to prepare a tiered EA or Site-specific EA. Projects must also comply with USVI floodplain and flood risk regulations.
7. **Wetlands:** For FEMA-funded projects that are within or may affect a wetland, FEMA will apply the 8-Step Decision-Making Process. FEMA will assess short-term and long-term effects to wetlands and apply applicable avoidance, minimization, and mitigation measures to limit impacts to less than major.
8. **Historic Preservation/Archaeological Resources:** For FEMA-funded projects, FEMA will review for any historic or archaeological resources on or eligible for the NRHP. If there is potential to affect historic or archaeological resources, consultation with the VISHPO must occur and any recommendations implemented.
9. **Discovery of Cultural Resources:** If workers discover any cultural materials or human remains during construction, the contractor must halt work immediately and contact FEMA. FEMA staff meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983) will evaluate the discovery in coordination with VISHPO.
10. **Construction Material and Debris:** The subrecipient must remove any materials deposited in eroded embankments before start of work. The subrecipient is responsible for ensuring that final disposal of bituminous and any non-recyclable debris materials resulting from the renovation, redevelopment, relocation, and demolition activities must take place at a properly permitted landfill. If necessary, waste characterization may be required for certain waste types, such as oil, asbestos, lead-based paint, etc., are

properly disposed. The subrecipient is responsible for obtaining any permits associated with staging, transportation, and handling of construction debris.

11. **Solid and Hazardous Waste:** The subrecipient will handle, manage, and dispose of all solid and hazardous waste in accordance with requirements of local, state, and federal laws, regulation, and ordinances.
12. **Clean Air Act:** The subrecipient is responsible for complying with applicable USEPA and USVI requirements for low sulfur fuels and fugitive dust suppression. CAA permitting in USVI is the shared responsibility of USEPA Region 2 for PSD permits and the Air Pollution Control Program of the Division of Environmental Protection of the USVI DPNR for all permits for emission sources that do not require a PSD permit.
13. **Invasive Species:** The subrecipient is responsible for restoring disturbed soils with planting native, non-invasive species. Construction equipment should be power washed prior to initial transportation to the construction site and prior to changing locations to prevent spread of noxious weeds.
14. Submit copies of all permits obtained to FEMA at or prior to final closeout of the grant.

PUBLIC ENGAGEMENT

This PEA was available for agency and public review and comment for a period of 30 days from December 17th, 2022 concluding on January 16th, 2023. The public information process included a public notice with information about the proposed action in *The Virgin Islands Daily News* newspaper. The public notice included addresses to locations where the documents were available for review. FEMA emailed a copy of the public notice to the main USPS Post Office for each island to be posted and available. The public notice provided the location of two websites where the document was and is available to download and review: [Virgin Islands Housing Authority](#) and on [FEMA's website](#).

FINDINGS

In accordance with NEPA and its implementing regulations at 40 CFR Parts 1500-1508, FEMA Directive 108-1 and FEMA Instruction 108-1-1, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this FONSI, an EIS will not be prepared, and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED BY:

JOHN J MCKEE Digitally signed by JOHN J
MCKEE
Date: 2023.01.20 15:27:09 -05'00'

John J. McKee
Regional Environmental Officer, FEMA Region 2

Date: January 20, 2023

PROGRAM ENDORSEMENT:

KRISTEN A HODGE Digitally signed by KRISTEN A HODGE
Date: 2023.01.20 17:00:01 -04'00'

Kristen Hodge
Recovery Director, USVI Joint Recovery Office

Date: January 20, 2023