

**FEDERAL EMERGENCY MANAGEMENT AGENCY  
FINDING OF NO SIGNIFICANT IMPACT  
SOUTH RIVER ROAD  
LINCOLN COUNTY, NEBRASKA  
PUBLIC ASSISTANCE GRANT PROJECT  
FEMA-DR-4225-NE PW 251**

## **BACKGROUND**

In response to damages from severe storms that occurred between May 6 and June 17, 2015, the Federal Emergency Management Agency (FEMA) was authorized, under a federal disaster declaration (FEMA-DR-4225-NE), to provide federal assistance to restore South River Road to its pre-disaster condition. Flooding associated with the storms caused the South Platte River channel to migrate southward, washing away approximately 2.4 acres of streambank, surface rock, and 800 linear feet of South River Road, approximately 0.5 mile south of North Platte. South River Road was immediately barricaded and remains closed to traffic.

The purpose of the project is to permanently restore South River Road. The closure of South River Road has complicated access for area residents and emergency service providers, who use South River Road as an alternate route for emergency response. Before damage and closure, South River Road provided an east-west connection between rural residents and North Platte. The roadway was also used as a mail route, and to transport wide farm equipment for agricultural purposes.

An Environmental Assessment (EA) was prepared for the project in February 2018, in compliance with the National Environmental Policy Act (Public Law 91-190, as amended); the President's Council on Environmental Quality Implementing Regulations (Title 40 *Code of Federal Regulations* [CFR] Section 1500); Department of Homeland Security Directive 023-01, Rev 01 "Implementing the National Environmental Policy Act," dated October 31, 2014; Department of Homeland Security Instruction Manual 023-01-001-01, Rev 01 "Implementing the National Environmental Policy Act," dated November 6, 2014; and FEMA Directive 108-1, dated August 22, 2016. The purpose of the EA is to analyze and document potential environmental impacts from the project, serve as a vehicle to document compliance with applicable state and federal laws and regulations, and to determine whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact (FONSI). The EA is hereby incorporated by reference. This document contains a FONSI and selects Alternative 3 (the Selected Alternative), Reconstruct South River Road Far South of its Original Location, for implementation based on the analyses and results in the EA and public comments received during the 30-day review and comment period.

The affected project area lies at an elevation of approximately 2,800 feet above mean sea level and consists of the South Platte River, South Platte River Road, and adjacent agricultural lands to the south. The Selected Alternative will reconstruct South River Road approximately 350 feet south of the existing damaged area, extending approximately 4,500 feet through an area of open pasture. The Selected Alternative will require the acquisition of approximately 5.0 acres of privately owned land to the south of the damaged section of South River Road. By reconstructing the roadway farther south of its existing location modifications to the South Platte River channel will not be needed and impacts to wetlands and aquatic resources will be avoided. A buffer of vegetation between the road and the river will be planted to help prevent future erosion of the

river bank. The existing roadway east and west of the damaged area that will no longer be used will be restored to open pasture. No tree removal will be required. The reconstructed roadway will intersect with one overhead power line, which will require coordination with utilities. The Selected Alternative will protect the roadway from future damage because this location is farther south than the South Platte River would ever be expected to migrate.

Site preparation and construction will require grading and earthwork with the use of typical heavy construction equipment such as excavators, scrapers, bulldozers, graders, and compactors. The roadway will be 28 feet wide, 2 feet above the existing ground, and surfaced with gravel. No subgrade preparation is required. Where applicable, stormwater management facilities will be constructed in accordance with local, state, and federal requirements. Best management practices will be implemented to reduce or eliminate runoff impacts during construction activities and to reduce the potential for soil erosion after construction. To address South Platte River depletions, and associated concerns related to habitat for threatened or endangered species, fill material will be hauled in from an area outside of the Platte River Valley. No detours will be required during construction because the affected portion of South River Road has been closed to traffic since 2015. Construction will take between 3 and 6 months to complete.

## **PUBLIC INVOLVEMENT**

The draft EA was made available to interested parties through publication on the FEMA website at <https://www.fema.gov/media-library/assets/documents/158772> and by distribution to the following locations: Lincoln County Courthouse, 301 N. Jeffers Street, Room 101, North Platte, NE 69101; City of North Platte, 211 W. 3rd Street, North Platte, NE 69101; and Lincoln County Highway Superintendent, 2010 Rodeo Road, North Platte, NE 69101. Notification of the availability of the draft EA was published in *The North Platte Telegraph* on Saturday, February 10, and Tuesday February 27, 2018. The public comment period for the draft EA was from Saturday, February 10, through Sunday March 11, 2018.

One comment letter was received from the City of North Platte regarding the migration of the South Platte River and the potential for future damage. A review of historical photography conducted for the EA showed minimal bend migration occurring near the project site. The river at this location, like many reaches of the Platte River, is a sandy, braided channel that is continually evolving due to changes in flow, sediment transport, and land uses in the region. The bank erosion experienced on the south bank was likely accelerated due to the lack of floodplain vegetation. Further damage is not anticipated given the distance from the existing channel and the assumption that a vegetated channel and floodplain buffer will be established and maintained. No changes to the EA were required as a result of this comment.

## **FINDINGS**

FEMA has made the following determinations based on the information in the South River Road EA.

The Selected Alternative will not result in any significant adverse impacts related to geology, soils, and seismic activity; recreation; noise; traffic circulation, volume, and parking access; air quality; water resources and water quality; wetlands and jurisdictional waters of the U.S.; floodplains; state and federally listed threatened and endangered species; vegetation, wildlife and aquatic resources; cultural resources; environmental justice (including minority and low-income populations); land use and planning; farmland; hazardous materials; public services and utilities; and public health and safety. The Selected Alternative has been reviewed and, to the best of our

knowledge, does not have the potential for cumulative impacts when combined with past, present, and reasonably foreseeable future actions in accordance with 44 CFR Part 10.8 (d)(3)(x).

## **MITIGATION, ENVIRONMENTAL PROTECTION MEASURES, AND REQUIRED PERMITS**

The following items summarize what is outlined in the Avoidance, Minimization, and Mitigation Measures section of the EA and are the conditions that must be met as part of implementing the Selected Alternative:

1. If objectionable dust levels occur, dust will be controlled by timely applications of water and/or temporary seeding, where possible.
2. Nebraska Title 129, Chapter 32 fugitive dust regulations shall apply to all excavation, construction, and grading activities.
3. The contractor will acquire borrow from a location outside of areas of concern for South Platte River depletion. If a depletion is to occur, coordination with the Nebraska Department of Natural Resources will be required.
4. Before construction, the subgrantee will coordinate with the City of North Platte to assure compliance with local wellhead protection ordinances; FEMA will require compliance documentation.
5. Because land disturbance will exceed 1.0 acre, a National Pollutant Discharge Elimination System Permit will need to be obtained from the Nebraska Department of Environmental Quality (NDEQ). The permit will define soil erosion minimization techniques and include a Stormwater Pollution Prevention Plan.
6. The subgrantee will coordinate with the U.S. Army Corps of Engineers (USACE) regarding wetland impacts during final design; FEMA will require compliance documentation.
7. Before construction, the subgrantee will obtain a floodplain development permit from the City of North Platte; FEMA will require compliance documentation.
8. The subgrantee will implement the avoidance, minimization, and mitigation conditions developed in consultation with the U.S. Fish and Wildlife Service (USFWS) and Nebraska Game and Parks Commission (NGPC), as specified in the Biological Assessment, and as listed in Table 4-2 of the EA; FEMA will require compliance documentation.
9. Areas disturbed during construction will be revegetated using approved seed mixtures to avoid the spread of noxious weeds.
10. In compliance with the Migratory Bird Treaty Act, any planned construction activities within the primary nesting season (April 1 to September 1) and/or any unforeseen work within bird habitat will require a nesting survey by a qualified biologist(s) before starting work. Surveys will be conducted using the protocol outlined in the Nebraska Department of Transportation 2016 Avian Protection Plan as a guide.
11. All efforts will be made to conduct construction activities outside of the primary nesting season (between September 2 and March 31). If construction activities must take place during the primary nesting season (April 1 to September 1), nesting surveys will be conducted for any work that may require general clearing or grubbing, large tree removal

(not included as part of the project activities), or work that may impact or disturb eagles or threatened or endangered species. Trees, brush, and surrounding vegetation that are surveyed during the primary nesting season and found to be devoid of active nests will be removed within 3 days. If vegetation is not removed within 3 days, an additional survey will be conducted before the start of work.

12. If an active nest is found, a buffer of up to 30 feet or more, depending on the species of bird and its sensitivity to disturbance, surrounding the nest will be required until fledging. Buffers of differing widths for a number of bird species, particularly raptors, have been recommended and are outlined in the Raptor Buffer Guidelines for Nebraska, provided in Appendix E of the Nebraska Department of Transportation 2016 Avian Protection Plan.
13. To avoid potential impacts to nesting bald eagles, for any construction activities planned between February 1 and April 15, a nest survey will be completed at least 1 but not more than 14 days before construction. If construction begins between April 15 and October 1, a nest survey will be completed before construction (no survey date requirements are necessary for this timeframe because nests will already be established). Surveys will be conducted based on the protocol outlined in the NGPC 2014 Bald Eagle Survey Protocol to determine whether nests are within 0.5 mile of the project limits. If any suspected or active eagle nests are found within 0.5 mile, NGPC and USFWS will be notified to determine whether a buffer is recommended for construction activities, as well as the recommended buffer width. No construction will be allowed to begin before agency approval. As recommended in the USFWS 2007 "National Bald Eagle Management Guidelines," a buffer of up to 660 feet could be required for active bald eagle nests.
14. For any construction occurring between October 1 and January 31, a winter roost survey will be conducted at least 1 day before the start of construction to determine the presence or absence of any transitory or communal eagle roosts. Surveys will be conducted by a qualified biologist based on the protocol outlined in the NGPC 2014 Bald Eagle Survey Protocol. If any evidence of an eagle roost is observed within the project area, NGPC and USFWS will be notified to determine appropriate avoidance and minimization measures.
15. Right-of-way acquisition will be in accordance with the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended (42 *United States Code* 4601 et seq.)
16. Handling, storage, and disposal of hazardous materials and/or wastes during construction activities, including measures to prevent releases, will be conducted in accordance with NDEQ requirements. Non-hazardous solid waste generated during construction will be disposed of at an offsite landfill, or recycled/reused as appropriate.
17. There is the potential for hazardous materials to be encountered unexpectedly during construction. If a previously unidentified hazardous waste site is located, construction will cease and the NDEQ will be notified for further instructions.
18. Utility conflicts will be determined during final design. Planned outages will be avoided to the extent possible; if planned outages are necessary, utility customers will be given advance notice. To avoid accidental outages, utilities in the area will be located before construction, and the subgrantee will coordinate construction activities with utility companies; FEMA will require compliance documentation.

19. Construction workers and equipment operators will be required to wear appropriate personal protective equipment and be properly trained for the work being performed.
20. All solid or hazardous wastes generated during construction will be removed and disposed of at a permitted facility or designated collection point.
21. Throughout construction, South River Road will remain closed to residents and the travelling public.
22. The construction contractor will be required to develop and implement a Health and Safety Plan to assure worker safety during construction activities.
23. The contractor will schedule construction during reasonable weather to avoid risk of flooding.
24. Construction workers will be required to comply with applicable Occupational Safety and Health Administration regulations as well as other applicable regulations.
25. Construction areas will be well-marked, and fencing, signage, or barriers will be used to the extent possible to prevent unauthorized access.

## CONCLUSIONS

Based upon the incorporated EA, and in accordance with Presidential Executive Orders 12898 (Environmental Justice), 11988 (Floodplain Management), and 11990 (Wetland Protection), FEMA has determined that the Selected Alternative implemented with the conditions and mitigation measures outlined above and in the EA will not have any significant adverse effects on the quality of the natural and human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared (44 CFR Part 10.8), and the Selected Alternative as described in the EA may proceed.

## APPROVAL

**KENNETH G SESSA**

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March 21, 2018

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**KEITH A DUPONT**

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