

**FINDING OF NO SIGNIFICANT IMPACT
FOR
WEST DIETZ CREEK DRAINAGE IMPROVEMENT PROJECT
IN
THE CITY OF SCHERTZ, TEXAS**

FEMA-1257-DR-TX

BACKGROUND

In accordance with 44 Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), Subpart B – Agency Implementing Procedures, Part 10.9, an Environmental Assessment (EA) was prepared pursuant to Section 102 of the National Environmental Policy Act of 1969 as implemented by the regulations promulgated by the President’s Council on Environmental Quality (40 CFR Parts 1500-1508). The purpose of the EA was to analyze the potential environmental impacts for the improvement of West Dietz Creek in the City of Schertz, Texas, and to determine whether to prepare an Environmental Impact Statement (EIS) or to make a decision to prepare this Finding of No Significant Impact (FONSI).

The City of Schertz, a community with approximately 18,694 residents, is located in Guadalupe County, Texas. The region is at repetitive risk from severe flooding. As a result of severe storms and flooding that struck the region in 1998 and 1999, the President signed a declaration of major disaster aid for the State of Texas, FEMA-1257-DR-TX. Pursuant to Public Law 106-31 (P.L. 106-31), the Emergency Supplemental Appropriations Act for fiscal year 1999, FEMA received additional funding to address disaster-related needs not met by Federal disaster relief programs for communities that experienced declared major disasters in fiscal years 1998 and 1999. The proposed drainage improvement project for West Dietz Creek in the City of Schertz would be funded in part by Federal assistance through this unmet needs program.

In the EA process, FEMA considered three alternatives: (1) No Action, where the City of Schertz would not improve West Dietz Creek, (2) the Proposed Action, where West Dietz Creek would be improved to meet a 100-year storm, and (3) where West Dietz Creek would be improved to meet a 50-year storm.

In response to the high risk to human health and safety associated with the occurrence of flooding in the City of Schertz, Alternative 2, the Proposed Action, has been selected based on the needs of the population within the City of Schertz. West Dietz Creek would be improved for 1.5 miles between Farm to Market (FM) 3009 and Maske Road. The improved Creek would have bottom widths ranging from 120 feet to 300 feet.

FINDINGS

FEMA has made the following determinations from the information contained in the EA:

The proposed project, as described in the EA, will not result in any significant adverse impacts to existing land use, water resources (surface water, groundwater, wetlands, waters of the United States, and floodplains), air quality, noise, biological resources (vegetation, fish and wildlife, State- and Federally-listed threatened or endangered

species and critical habitats), safety issues, hazardous materials and waste, and cultural resources, or result in disproportionately high or adverse effects on minority or low-income populations. The proposed action is also in compliance with all relevant Federal, State and local laws.

CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize Federal funds:

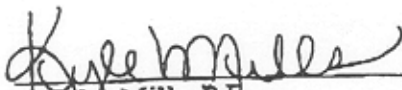
1. Prior to construction activities, the City will conduct a geotechnical investigation to determine the actual extent of soil excavation and to guide project design.
2. If project activities include the stockpiling of soil or fill on-site, the City will cover these soils to help prevent fugitive dust and increased soil erosion. The City will employ the use of temporary installation silt fences and/or hay bales. Bare soils will be vegetated with native vegetation after construction to prevent future soil erosion. Construction equipment will be staged in existing developed or previously disturbed areas and, if feasible, existing parking lots.
3. Prior to construction, the City shall obtain an NPDES permit from EPA Region 6 for construction activities disturbing more than 5 acres.
4. The City must be in compliance with its Flood Damage Prevention Ordinance.
5. The City will be required to water down construction areas to reduce dust when necessary.
6. Running time of fuel-burning equipment will be minimized and engines will be properly maintained to reduce the emission of criteria pollutants.
7. The City will relocate elm and white oak trees when feasible.
8. The City will employ temporary fences around trees outside of the ROW to prevent encroachment of personnel and construction equipment on tree root systems. Trees outside of the project ROW shall not be removed.
9. Any hazardous materials discovered, generated, or used during implementation of the proposed project shall be disposed of and handled by the City in accordance with applicable local, State, and federal regulations.
10. The City shall obtain all easements from property owners and utilities.
11. Construction activities will occur during normal business hours.
12. The City shall coordinate with the School Board for portions of the project closest to Samuel Clemens High School so that classes are not disturbed.
13. The City shall notify Samuel Clemens High School and the City School Board of construction activities and to reroute buses that use Elbel Road to reach the school. The City will also coordinate with the City Public Works Department and the Texas Department of Transportation to provide proper notification to motorists about closures and potential delays.
14. All construction activities must be conducted by trained personnel in compliance with OSHA standards and regulations to protect worker safety.

15. Appropriate signage and fencing must be employed to alert pedestrian, motorists, and school students and staff of project activities, as well as any changes in traffic patterns. Traffic signs shall be in compliance with the Texas Uniform Manual Traffic Control measures.
16. Should any potentially historic or archeological significant materials be discovered during project construction or staging of equipment, all activities on the site shall be halted immediately and the City shall consult with FEMA, TDEM, and the SHPO or other appropriate agencies for further guidance.
17. In accordance with 44 CFR Part 9.12, the applicant is required to publish a Final Public notice 15 days prior to initiating action.
18. The City of Schertz shall obtain and comply with all local, state, and federal permits, laws and Executive Orders.

CONCLUSIONS

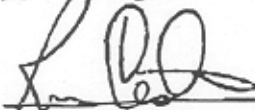
Based on the findings of the attached EA, coordination with the appropriate agencies, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major Federal action that will not significantly affect the quality of the natural and human environment. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.8) and the proposed project as described in the attached EA may proceed.

APPROVAL



Kyle Mills, P.E.
Environmental Officer
FEMA Region VI

Date: September 13, 2002



Ron Castleman
Regional Director
FEMA, Region VI

Date: September 13, 2002