

Draft Environmental Assessment

Sub-Applicant Name

Project Title

Program / Project Number

Project County, Project State

Month and Year



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency
Region 6
800 North Loo 288
Denton, TX 76209

Guidelines for Preparing an Environmental Assessment for FEMA

The following is an outline for how to prepare an Environmental Assessment (EA) for FEMA-funded grant projects, including specifications for the public comment period. Examples of EAs prepared for FEMA-funded projects can be found on FEMA's website at <https://edit.fema.gov/environmental-planning-and-historic-preservation-program/environmental-documents-public-notice-2> and <http://www.fema.gov/media-library/assets/documents>. Additional information for how to prepare EAs is available in FEMA's NEPA Desk Reference at <http://www.fema.gov/library/viewRecord.do?id=3249>.

It is advised that the EA be prepared in compliance with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d). Section 508 requires that when federal agencies develop, procure, maintain, or use electronic and information technology, federal employees and members of the public with disabilities have access to information and data that is comparable to the access and use by those without disabilities. In order for an EA to enter public comment, the document must be 508-compliant to be posted on the FEMA website. Guidance for preparing accessible (508-compliant) Word and PDF documents is available as a supplement to these EA Guidelines.

Suggested Format

	Cover and Title Page (use template provided)
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9.0	List of Preparers
10.0	Appendices (as appropriate, e.g. site maps and photographs, copies of consultation letters)

NOTE: (*) These resources/areas of concern must be discussed in every FEMA EA.

Introduction

The introduction should include the following: a brief description of the project background/history (also include a summary of the disaster event, if applicable); an explanation of the nature of FEMA's involvement in the project (e.g. Greeley County, through the Nebraska Emergency Management Agency, applied for and was awarded funding under FEMA's Homeland Security Grant Program to improve first responder communications); and a summary of the requirement under the National Environmental Policy Act (NEPA) and FEMA's regulations implementing NEPA to prepare an Environmental Assessment.

The following is recommended language to summarize the NEPA requirement:

This Environmental Assessment has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations to implement NEPA (40 Code of Federal Regulations Parts 1500-1508), and FEMA's regulations implementing NEPA (44 CFR Part 10). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the [proposed project]. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Purpose and Need

Purpose

Purpose is a statement of the grant program's goals and objectives. Purpose should be general in nature and not specifically oriented to support the proposed action or limit consideration of the other action alternatives. Contingent on the funding source, a

purpose statement might include something like the examples below. These are suggestions that may need to be revised for your specific project.

“Through HMGP, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures. The purpose of HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.”

Or

“The objective of the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program is to provide assistance to State, Tribal and local governments, and certain types of Private Nonprofit (PNP) organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.

Through the PA Program, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain PNP organizations. The PA Program also encourages protection of these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process.”

Need

Developing the appropriate project need is critical in an EA. Project need provides the basis to develop appropriate action alternatives and select the proposed alternative. The need is the specific problem the project is intended to address. The need should be specific and stated as a problem, not a solution. The situation should be explained such that readers understand why FEMA is involved. The need should be described in a manner that allows multiple ways of addressing the problem. The need should not be defined by the proposed action (e.g. the need is not “to build a dam,” but rather “to control flooding and prevent future flood damages and losses”; the need is not “to build a 300-foot communications tower,” but rather “to improve public safety and interoperable communications among first responders during an emergency event”).

Alternatives

FEMA EAs must, at minimum, include a discussion of the No Action Alternative (i.e. maintaining the status quo/consequences of not implementing the proposed project) and the Proposed Action. Preferably, the EA should also include a discussion of Action Alternatives; in other words, grantees/sub-grantees should ask the question: “if the proposed project cannot be chosen, how else could the need be met?” Visual tools such as maps and photographs should be included so that the audience has a clear understanding of the proposed project and location.

Affected Environment and Potential Impacts

In this section, provide a description of the physical setting and information on the existing environment, or baseline conditions, for those resources/areas of concern that may be affected by the proposed action or alternatives. The following EHP-related resources/areas of concern must be discussed in every FEMA EA (these are designated by an asterisk (*) in the table of contents above): wetlands, floodplains, threatened and endangered species and critical habitat, cultural resources, and environmental justice. All other EHP-related resources/areas of concern should be addressed only if the proposed action and/or alternatives have the potential to affect that resource/area of concern. Typically, EAs for new facility construction (e.g. school, hospital, fire station) would also address air quality, noise, traffic, geology and soils.

Suggestion: Use information from other regional EAs that can be applied your project area (But only use the applicable information). Often EAs prepared by FEMA, Departments of Transportation (DOTs) and the U.S. Army Corps of Engineers (USACE) can be a good resource.

EAs for actions in the floodplain or affecting wetlands must include a narrative discussion of the 8-step process (44 CFR, 9.6) in the associated floodplain and/or wetland section of the document. An example of the narrative addressing floodplains (Executive Order 11988 and 44 CFR, Part 9) has been attached to the end of these writing tips. This same narrative can be applied to address wetlands (Executive Order 11990 and 44 CFR, Part 9) as well. EAs that do not provide this narrative when required will be returned as deficient.

For each resource/area of concern that is discussed, provide the following:

- Description of the general setting and character of the existing proposed project site relevant to the resource/area of concern being discussed;
- Summary of the EHP law, Executive Order or other requirement that may be triggered because of potential impacts to that resource/area of concern;
- For each alternative (including the no action alternative) under each resource provide:
 - Description of the short-term (i.e. construction phase) and long-term (i.e. facility operation) impacts, both positive and negative, on the resource/area of concern;
 - Identification of EHP mitigation measures or best management practices (BMPs) that would be implemented to reduce or avoid impacts;
 - If applicable, summary of coordination or consultation with resource and/or regulatory agencies responsible for the management or protection of that resource and outcome of that coordination or consultation (this will usually only apply to the proposed action/preferred alternative).

Include a summary table of potential EHP impacts and the EHP mitigation measures/BMPs that will be implemented to reduce or avoid those impacts. Resource agency coordination and permits can also be included in the table. This table should follow the same order as the narrative body of the EA and section titles and language should be consistent.

Affected Environment/ Resource Area	Impacts	Agency Coordination/Permits	Mitigation/BMPs
	<i>(list separately for each Alternative)</i>		

Cumulative Impacts

Cumulative impacts are the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Impacts are only cumulative for a given resource type or area of concern. In other words, impacts on wetlands cannot accumulate with impacts on historic properties.

The EA must address cumulative impacts if the Proposed Action or Alternatives, when taken into account with other past, present, and reasonably foreseeable future actions, would have an impact on a particular resource/area of concern. Therefore, EA preparers should contact the appropriate local or county governmental entity to get an idea of what other projects, regardless of funding or proponent, may be going on or planned in the area.

Mitigation

Mitigation measures or BMPs presented in the alternatives and summary table are listed in this section as well. It is important that all mitigation measures are reiterated verbatim throughout the document.

Agency Coordination, Public Involvement and Permits

In this section, provide the following, if applicable: a description of permits or approvals that would typically be required for the proposed project (e.g. building codes; storm water, air pollution, and sediment and erosion control requirements, etc.); a list of Federal, state, and local agencies and offices or other stakeholders that were contacted and asked to review the project; and a description of any public involvement that has occurred regarding the proposed project, such as newspaper notices, town meetings, etc.

Please note, for the purposes of consultation under the National Historic Preservation Act (NHPA), applicants and sub-applicants must not contact federally recognized tribes. Per 36 CFR Part 800.2(c)(2)(ii)(C), "consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by

the tribal government or the governing body of a Native Hawaiian organization.” Tribal consultation cannot be delegated from FEMA to the state or to sub-applicants.

References

Use an accepted citation style such as Modern Language Association (MLA), American Psychological Association (APA), etc., and remain consistent throughout EA.

List of Preparers

Include a list of individuals, with their professional qualifications and affiliations, who contributed to the technical content of the EA.

Instructions for Submission of Document to FEMA

Preliminary draft document must be submitted to FEMA for review and approval. The document must be in both PDF and editable MS Word format. FEMA may respond with required revisions. This revised document must be re-submitted to FEMA for approval. It can be helpful if the sub-applicant or contractor prepares an errata sheet that details how revisions were addressed. It also helps if the revised draft EA document includes line numbering to facilitate FEMA’s review. The final PDF document to be posted to FEMA’s website must be 508-compliant as discussed above. It is the responsibility of the sub-applicant to prepare a 508-compliant EA, including appendices. FEMA EHP can offer limited assistance if issues are encountered. Please see attached guidance on preparing 508-accessible documents.

Public Notice and Public Comment Period

Once approved by FEMA, the Draft EA will go out for a 30 day public comment period, though in some cases the length of the comment period can vary based on FEMA’s discretion.

Publication of Notice

In addition, the sub-applicant or contractor must publish the public notice at least twice during the 30 day comment period, for one day at the beginning of the comment period and again for one more day 15 days into the comment period. The public notice need only be published once at the beginning of the comment period for EAs with a 15 day public comment period. A daily regional paper of record would be preferred over a weekly local paper. It is also preferred to be published in the Legal Section of the newspaper if available. The public notice should include an explanation of how the public can access the Draft EA and instructions for submitting comments to FEMA. The public notice needs to be approved by FEMA before publication.

The sub-applicant or the contractor must submit proof of publication of the public notice to EHP. This proof must be in the form of an original copy of the notarized proof of publication affidavit provided by the newspaper publisher. Any other forms of proof will be accepted on a case by case basis and will require preapproval from EHP.

Physical Availability of Draft EA

The sub-applicant or contractor must make at least one (1) hard copy of the Draft EA available to the public in an easily accessible location, such as a city hall or public library. Copies of the public notice must accompany the Draft EA and must be posted in highly visible areas where the document will be available for public review. In rural areas, where public facilities can sometimes be too distant from the affected community, private businesses such as a grocery store can be used with preapproval from EHP. Locations that have limited operating hours that would prevent an average citizen from access the document or sites that require pre-approval to access are not permitted.

Final Environmental Assessment

If any comments are received during the public comment period, FEMA may request that the sub-applicant or contractor revise the EA to address the comments. The sub-applicant or contractor may be contacted by FEMA EHP with additional instructions if a Final EA public comment period is necessary. If no public comments are received, revisions to the Final EA typically only include updating the date and the public involvement sections.

Once the comment period has ended and all comments dealt with, and if there are no significant impacts, a FONSI will be written and signed at FEMA Region 6. A FONSI is FEMA's decision document that concludes that the proposed action will not significantly impact the environment. It includes required mitigation measures that are conditions of the grant award. Issuance of a FONSI completes FEMA's NEPA process.

**Example 8-Step Narrative for
Floodplains and Wetlands
(Executive Orders 11988 / 11990
and 44 CFR, Part 9)**

EIGHT-STEP DECISION MAKING PROCESS

LOS OSOS WASTEWATER PROJECT
**Executive Order 11988 – Floodplain Management
Eight-Step Decision Making Process**

Executive Order 11988 (Floodplain Management) requires federal agencies “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of the floodplain and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” FEMA’s implementing regulations are at 24 CFR Part 9, which includes an eight step decision making process for compliance with this part.

This eight step process is applied to the proposed LOWWP. Portions of the existing Project area are within the 100-year floodplain of Los Osos Creek and the 100- and 500-year floodplain of Morro Bay. The steps in the decision making process are as follows:

Step 1 Determine if the proposed action is located in the Base Floodplain.

The LOWWP involves the construction and operation of wastewater collection, treatment and recycled water reuse facilities. The majority of LOWWP facilities, including the treatment plant, pocket pump stations, recycled water leach fields and most pump stations, will be located outside of the 100- and 500-year floodplains.

A portion of the LOWWP is within the 100-year floodplain (“Base Floodplain”) of Los Osos Creek and partially within the 100-year and 500-year floodplain associated with Morro Bay (according to Flood Insurance Rate Maps #06079C1028F and #06079C1029F dated August 28, 2008). The floodplains in relation to the community and the LOWWP are depicted on Exhibit 3.2-1 of the Environmental Report. The LOWWP will not place any subsurface pump stations within the 100-year floodplain. Four subsurface pump stations (Baywood, West Paso, Lupine and Solano) will be within the 500-year floodplain. The stand-by power station structures for the Lupine and Solano pump stations within the 500-year floodplain will be on-site. The other two floodplain pump stations (Baywood and West Paso) will share a remote stand-by power station structure located outside floodplains. As large pump stations, these four facilities are classified as “critical actions.” However, these four pump stations do not serve critical emergency facilities such as hospitals, police or fire stations, or care homes.

The Los Osos Creek drainage defines a portion of, and lies within, the 100-year flood hazard area. The conveyance pipelines running parallel to LOVR would span an approximately 230 foot wide cross sectional region of Los Osos Creek that is within this 100-year flood hazard area.

Step 2 Early public notice (Preliminary Notice)

A public notice concerning the LOWWP will be published in the San Luis Obispo Tribune newspaper together with the Notice of Availability of the draft NEPA document. The Tribune is the local and regional newspaper for the San Luis Obispo County area, including the floodplain area of Los Osos Creek and Morro Bay.

An Environmental Impact Report for the LOWWP was prepared and certified to comply with the California Environmental Quality Act. A noticed public hearing was held for the proposed project on September 29, 2009. In addition, periodic updates and opportunities for public comment were provided at multiple County Board of Supervisors and Planning Commission meetings.

Step 3 Identify and evaluate alternatives to locating in the base floodplain.

A portion of the existing community to be served by the LOWWP is within 100- and 500-year floodplains. The collection lines and pump stations must serve existing development, including residences and businesses within the 100- and 500-year floodplains. In order to serve existing development located within floodplains, pipelines and pump stations in a gravity collection system must also be located within the floodplains. The LOWWP service area has homes and businesses lower in elevation than the main conveyance line to the treatment plant. The wastewater generated by these homes and businesses must be collected at low points and pumped uphill to flow to the treatment plant. The collection lines will be buried underground, and will therefore have no adverse impacts. The four pump stations within floodplains will also be buried underground, with two above ground stand-by power stations located within the 500-year floodplain.

Relocating the stand-by power station structures for the Lupine and Solano pump stations outside of the 500-year floodplain was considered, but rejected. The small structures will be located within neighborhoods among existing residential structures. Therefore, they will not be detrimental to floodplain functions and values. The power stations are not critical to returning the pump stations to service after flooding because the pump stations themselves would require a longer period of maintenance than mobilizing a portable power supply to run the pump station. The portable power supply would be used until the permanent stand-by power station could be repaired or replaced.

Alternatives to the proposed gravity collection system were evaluated and determined to be infeasible. Collection system alternatives to the gravity system would not have a lower impact on floodplains. Alternative systems consisting of "septic tank effluent pump" (STEP) collection, low pressure collection, or vacuum systems would place pumps, valve pits, and/or STEP tanks serving approximately three hundred homes within the five hundred year floodplain.

STEP tanks would become inoperable if subjected to floodwaters; damage to electrical connections from flooding could render the tanks inoperable after flood waters recede, leading to a long recovery time. Low pressure collection systems would require similar recovery periods, with repairs to several hundred pumps and electrical connections necessary. Vacuum systems would likely suffer damage to the vacuum stations, as well as to individual valve pits at residences.

Step 4 Identify impacts of proposed action associated with occupancy or modification of the floodplain.

Impact on natural function of the floodplain

The LOWWP would not affect the functions and values of the 100-year floodplain. The LOWWP would not place within 100- or 500-year floodplains structures which would impede or redirect flood flows. Collection lines and pump stations will be placed underground, resulting in no fill added to floodplains. The small stand-by power structures for the Lupine and Solano pump stations will be located within neighborhoods among existing residential and recreational structures. Therefore, they will have no measurable effect on floodplain functions and values. The collection system will not impede or redirect flood flows. Other than the four pump stations and two stand-by power structures, all other above ground facilities would be located outside of the 100- and 500-year floodplains.

Although the LOWWP could facilitate an increase in population and housing within the service area, any increase must comply with the planned growth identified in the Local Coastal Plan. The LOWWP would not facilitate development in the 100-year floodplain at all, and will not facilitate development in the 500-year floodplain to any greater degree than in non-floodplain areas of the community. No development of critical facilities (hospitals, emergency services, fire stations, etc.) within the 500-year floodplain served by the project is anticipated by existing land regulations and community plans. Any new development within floodplains would be required to comply with applicable ordinances and building codes.

Impact of the flood water on the proposed facilities

The collection lines, being underground, would not be affected by flood water. The four pump stations in floodplains, if inundated, may not be able to keep up with flood waters infiltrating through other flooded structures, may have their electrical components damaged by salt water, may become clogged by sand or other debris, or they may be shut down to reduce the amount of damage. Inundation and/or cessation of pumping could result in wastewater surfacing at the affected pump stations within the first hour of flooding. Depending on the extent of maintenance required after water levels recede, portable pumps and power supplies could be used until maintenance crews could bring the units back into service. In a catastrophic flood, sand and other debris could clog collection lines and pump station vaults such that more extensive maintenance would be required before wastewater service could resume.

If the four pump stations were out of service due to flooding, critical emergency facilities would not be affected because none of these facilities are served by the floodplain pump stations. However, public exposure to wastewater could occur.

Step 5 Design or modify the proposed action to minimize threats to life and property and preserve its natural and beneficial floodplain values.

The LOWWP is designed to minimize floodplain impacts. Where facilities are required to serve existing development located within floodplains, facilities are buried to the extent feasible. No above ground structures are located within the 100-year floodplain. Pump stations located within the 500-year floodplain are also buried. Two stand-by power structures are co-located with the Lupine and Solano pump stations within the 500-year floodplain. Because the stand-by power structures are located on vacant parcels within developed residential and recreational neighborhoods, they will have no effect on the natural and beneficial values of the 500-year floodplain.

Step 6 Re-evaluate the proposed action.

The project will not expose any segment of the population to flood hazards because it does not include a housing component, and will not facilitate development in the floodplains to any greater degree than non-floodplain areas of the community. The project will not aggravate the current flood hazard because the facilities would not impede or redirect flood flows. The project will not disrupt floodplain values because it will not change water levels in the floodplain, and will not reduce habitat in the floodplain. Therefore, it is still practicable to construct the proposed project within the floodplain.

Alternatives consisting of locating the project outside the floodplain or taking “no action” are not practicable.

Step 7 Findings and Public Explanation (Final Notification)

After evaluating alternatives, including impacts and mitigation opportunities the County determined that the proposed project is the most practical alternative. The County Board of Supervisors adopted the LOWWP Final EIR and Mitigation Monitoring Program on September 29, 2009 and a Notice of Determination was filed with the County Recorder’s Office and the State Clearinghouse on September 30, 2009.

It is our determination that there is no practicable alternative to locating a portion of the project in the 100- and 500-year floodplains of Los Osos Creek and Morro Bay because:

1. A portion of the community exists within the floodplains, and wastewater collection lines must be installed to collect the wastewater generated at these

homes and businesses.

2. The four pump stations within the 500 year floodplain must be located within the floodplain because there is no practical alternative that would allow wastewater from the parts of the community served by these pump stations to be transmitted to the treatment plant.

1. A “no action” plan would not resolve or improve the existing wastewater problem in the community of Los Osos.

Step 8 Implement the action

The proposed LOWWP will be constructed in accordance with applicable floodplain development requirements.