



FEMA

FINDING OF NO SIGNIFICANT IMPACT

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT FOR WILDFIRE HAZARD MITIGATION PROJECTS IN THE STATE OF UTAH

The Federal Emergency Management Agency (FEMA) has completed a Programmatic Environmental Assessment (PEA) in accordance with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA) and tribal considerations, Endangered Species Act (ESA); Executive Orders (EO) addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898); and agency guidance for implementing NEPA (DHS Instruction 023-01 and FEMA Directive 108-01-1). The PEA is hereby incorporated by reference. The PEA is hereby incorporated by reference.

BACKGROUND

The PEA evaluated the impacts of FEMA-funded pre and post-wildfire mitigation projects throughout the State of Utah. Due to expanding development in the Wildland-Urban Interface (WUI), hazards to people and the built environment from wildfires have been increasing. Pre-fire activities are intended to reduce the severity of future potential wildfires and increase the ability to control wildfires. Post-fire mitigation activities include actions that reduce hazards associated with burned landscapes such as erosion and flooding. Both activities reduce the severity of potential wildfires and minimize potential damage to property, public safety, and the natural environment. Proposed project funding will be provided to projects under FEMA's Public Assistance and Hazard Mitigation Assistance programs, along with other FEMA programs, as appropriate.

The PEA evaluated two alternatives: (1) No-Action and (2) Proposed Action. Several other alternatives were considered and eliminated from evaluation and these are described in the PEA with the reasons for their elimination. The Proposed Action includes the following wildfire hazard mitigation activities:

- Creation of defensible space (greater than 100 acres) by removing ladder fuels, reducing flammable vegetative materials, and replacing flammable vegetation with fire-resistant vegetation generally between 30 to 200 feet around a structure.
- Hazardous fuels reduction including thinning vegetation, removing ladder fuels, and reducing flammable vegetative materials within 2 miles of existing structures.
- Post-fire soil stabilization activities including reseeding ground cover with native species, mulching with straw or chipped wood, and placing logs and other erosion barriers to retain sediment on slopes within burn scars or areas damaged by suppression activities.
- Removal of hazard trees created by a wildfire that pose risks to people and infrastructure.

The Proposed Action, as described in the PEA, would not result in any significant adverse impacts on geology, air quality, water quality, and water resources, floodplains, wetlands, vegetation, fish and wildlife, threatened and endangered species, cultural resources, environmental justice populations, land use, public health and safety, noise, traffic and transportation, public services and utilities, or hazardous materials. Based on a preliminary screening of resources and the geographic location of the Proposed Action, the PEA found that the following resources did not require a detailed assessment: prime and unique farmland and coastal resources.

During the construction period for each project, short-term impacts are anticipated on soils, air quality, visual quality and aesthetics, water quality and resources, floodplains, wetlands, wild and scenic rivers, vegetation, fish and wildlife, threatened and endangered species, cultural resources, public health and safety, noise, traffic and transportation, public services and utilities, and hazardous materials. All potential short-term impacts require conditions to avoid, minimize, and mitigate impacts. With the implementation of these conditions, none of the potential impacts will be significant. In the long-term, the Proposed Action will have beneficial effects on several resources.

PUBLIC INVOLVEMENT

FEMA issued a public notice of intent to prepare the draft PEA between June 6 and June 13, 2019. The notice of intent was published in the Deseret News, Salt Lake Tribune, Spectrum, Times-Independent, and Vernal Express. The notice of availability for the draft PEA was published in the same newspapers on August 21 and 22, 2019. The draft PEA was available for public review and comment between August 21 and September 21, 2019. No comments were received, and FEMA is issuing a final version of the PEA.

MITIGATION AND STIPULATIONS

Each project will be evaluated to ensure that it is encompassed by the range of activities and potential impacts described in the PEA. Projects that do not meet the thresholds described in the PEA, create impacts not described in the PEA, create impacts greater in magnitude, extent, or duration than those described in the PEA, or that require mitigation measures to keep impacts below significant levels that are not described in the PEA, would require the preparation of a supplemental environmental assessment (SEA) to evaluate the specific action. A list of avoidance and minimization measures that would apply to each project is provided below. Additional specific avoidance and mitigation measures may be developed and required for specific projects. In addition, FEMA will consult with the following agencies on a project-specific basis:

- State and/or Tribal Historic Preservation Offices (SHPO/THPOs) to identify and resolve adverse effects on any historic properties listed or eligible for listing in the National Register of Historic Places (NRHP) (36 CFR 800.2).
- U.S. Fish and Wildlife Service (USFWS) to identify and evaluate effects to federally listed threatened and endangered species protected by the Endangered Species Act and species protected under the Bald and Golden Eagle Protection Act.
- Federal river management agencies for any potential impacts on federally designated wild and scenic rivers protected under the Wild and Scenic Rivers Act (16 U.S.C. 1283).

The subrecipient is responsible for compliance with all federal, state, and local laws and regulations, including obtaining any necessary permits before beginning the wildfire hazard mitigation activities and adhering to any conditions laid out in those permits. Any substantive changes, additions, and/or supplements to the approved scope of work that alter the scope of work, including additional work not funded by FEMA but performed substantially at the same time, will require re-submission of the application prior to construction to FEMA for re-evaluation under NEPA. Failure to comply with FEMA grant conditions may jeopardize federal funding.

Project impacts that accrue at an individual or cumulative scale such as to produce significant impacts can

generally be reduced below the level of significance through avoidance, minimization, or by mitigating for individual impacts using mitigation measures.

The subrecipient will adhere to the following conditions in the implementation of the Proposed Action:

1. The applicant must obtain and comply with all applicable federal, tribal, state and local permits and approvals prior to the start of construction.
2. Streamside management zone (SMZ) boundaries must be clearly marked in project work areas consistent with the publication titled *Utah's Forest Water Quality Guidelines* (2001). The guidelines define SMZ areas as strips of land adjacent to streams or other bodies of water a minimum of 35 to 75 feet wide depending on stream classification and bank slope.
3. Avoid work in and around the water and maintain appropriate buffer zones within SMZ and riparian habitat areas to minimize soil disturbance and impacts on habitat and water quality from erosion and sedimentation.
4. The following activities are prohibited in SMZ areas in accordance with *Utah's Forest Water Quality Guidelines*:
 - a. Storage and handling of hazardous and toxic materials, including fuels and herbicides.
 - b. Use of wheeled or tracked vehicles and equipment except on established roads.
 - c. Burning of slash and other materials.
 - d. Deposit of slash and cut material into streams, lakes and other water bodies.
 - e. Felling trees into streams, lakes, or other water bodies.
5. Avoid project activities and around wetlands. If work must be conducted in wetlands, obtain permits pursuant to the Clean Water Act, state water quality standards (Utah Administrative Code [UAC] R317-2), and any local environmental ordinances.
6. Comply with local floodplain ordinances and state regulations relating to floodplain management.
7. Use low-impact mechanical equipment and vehicles to avoid ground disturbance and restore any disturbed areas using native vegetation.
8. Access project sites via existing roads and access points to the extent possible. Any significant improvements to existing roads or creation of new roads will require a project specific evaluation and approval by FEMA.
9. Avoid driving equipment through wetlands and streams.
10. Fuel equipment at least 150 feet from wetlands and streams or larger distances if dictated by local regulations
11. Avoid the use of mechanized equipment on steep slopes (typically greater than 20 percent) and use hand tools in these areas instead.
12. Leave buried root balls in place to minimize erosion and sedimentation.
13. For projects that involve chaining of soils, and disturb more than 1 acre, implement erosion control Best Management Practices (BMPs) consistent with the General Permit for Storm Water Discharges from Construction Activities (Permit No. UTRC00000 or subsequent permits) authorized under the Utah Pollutant Discharge Elimination System.
14. For the burning of small slash piles or cut material, comply with state regulations relating to smoke management (UAC R307-204).
15. Keep vehicle and mechanical equipment running times to a minimum and ensure that engines are properly maintained to minimize air quality impacts.

16. Herbicide application in SMZ areas must conform with the practices described in the *Utah's Forest Water Quality Guidelines*.
17. Herbicide applicators must be supervised by a licensed applicator or meet the licensing and competency standards established in the Utah Pesticide Control Rule (UAC R68-7).
18. Applicators must implement the following BMPs when using herbicides:
 - a. Follow all label recommendations when using herbicides.
 - b. Only transport the quantity of herbicide needed in a given work day to the project site.
 - c. Do not apply herbicides when wind speed exceeds 10 miles per hour to minimize the potential for drift.
 - d. Do not apply herbicides if rain is projected within 24 hours.
 - e. Select herbicides by considering the quantity of herbicide to be used, selectivity for species to be treated, and potential toxicity.
 - f. Limit application methods to backpack application, application to cut stumps, or hack and squirt.
19. For projects involving noxious weed management, obtain approvals from county weed control boards in accordance with the Utah Noxious Weed Act (Utah Code § 4-17).
20. Use seed mixes that do not contain state-or county-designated noxious weeds (UAC R68-9-2).
21. Implement the following recommended measures to avoid or mitigate impacts on birds protected by the Migratory Bird Protection Act:
 - a. When possible, avoid the removal of vegetation during the nesting season (generally between March and August).
 - b. Conduct nesting surveys if vegetation removal work cannot be avoided during the nesting season.
 - c. Establish no-work buffers around any identified nesting sites.
22. For projects that have the potential to impact historic properties that are listed or eligible for listing in the National Register of Historic Places (NRHP), implement the following measures:
 - a. Use hand-clearing methods within 500 feet of known historic structures and archaeological sites.
 - b. Locate staging and access in previously disturbed areas.
 - c. Use low impact equipment such as rubber-tired vehicles.
 - d. Implement post-review discovery protocols for projects that propose ground-disturbing activities (36 CFR 800.13).
 - e. Chaining of soils in project areas with NRHP-listed or -eligible archeological sites is prohibited.
23. In the event that archeological deposits are uncovered, including any Native American pottery, stone tools, bones, or human remains, halt the project, immediately stop all work in the vicinity of the discovery, and adhere to the following measures to avoid or minimize harm to the findings:
 - a. Secure all archeological findings and restrict access to the sensitive area.
 - b. Inform FEMA immediately and FEMA will consult with the SHPO or THPO.
 - c. Do not resume work in sensitive areas until the consultation is complete and appropriate measures have been taken to ensure that the project complies with the NHPA.
24. If new access roads or staging areas are required, the areas must be surveyed for the presence of cultural resources before construction begins.
25. Limit project activities to regular business hours in accordance with any local noise ordinance.

26. Develop a Maintenance of Traffic Plan if the project has the potential to impact emergency services because of temporary road closures or detours.
27. Manage the storage, use, and transportation of hazardous and contaminated materials in accordance with the requirements of local, state, and federal regulations and guidelines, including the Resource Conservation and Recovery Act.

FINDINGS

Based upon the information contained in the referenced Final PEA completed in accordance with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA) and tribal considerations, Endangered Species Act (ESA); Executive Orders (EO) addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898); and agency guidance for implementing NEPA (DHS Instruction 023-01 and FEMA Directive 108-01-1)., it is found that the Proposed Action, with the prescribed mitigation measures and stipulations, would have no significant adverse impact on the human environment. As a result of this Finding of No Significant Impact (FONSI), an Environmental Impact Statement will not be prepared.

APPROVAL:

SIGNED 09/27/2019

Steven E. Hardegen
FEMA Region VIII
Regional Environmental Officer

Date