



**FEMA**

## **FINDING OF NO SIGNIFICANT IMPACT**

### **Town of Betterton Shoreline Stabilization Project**

#### **Kent County, Maryland**

#### **PDMC-PJ-03-MD-2017-001**

### **BACKGROUND**

The Town of Betterton has applied through the Maryland Emergency Management Agency to the Federal Emergency Management Agency (FEMA) for a grant under the Pre-Disaster Mitigation Grant (PDMG) program, authorized by Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, U.S. Code (U.S.C.) § 5133. The PDMG program is designed to assist states, territories, federally recognized tribes, and local communities in implementing a sustained pre-disaster, natural hazard mitigation program. The program goal is to reduce overall risks to the population and structures from future hazard events, while reducing reliance on federal funding in future disasters. FEMA requires that the state, local, territorial, and tribal governments develop and adopt a hazard mitigation plan as a condition for receiving funding for PDMG projects. These grants are funded annually by congressional appropriations and are awarded on a nationally competitive basis. The Town of Betterton's embankment stabilization proposed project was selected under the PDMG program during the 2017-year cycle, Project ID: PDMC-PJ-03-MD-2017-001.

In accordance with FEMA Directive 108-1 and FEMA Instruction 108-1-1, this Environmental Assessment (EA) has been prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ) in 40 Code of Federal Regulations (C.F.R.) Parts 1500-1508. This Environmental Assessment has been prepared to analyze the potential environmental consequences associated with the proposed project and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Recent changes to the CEQ regulations implementing NEPA became effective on September 14, 2020. 85 Fed. R. 43304-76 (July 16, 2020). As stated in 40 C.F.R. § 1506.13, the new regulations apply to any NEPA process begun after September 14, 2020. This EA substantively commenced prior to that date; therefore, this EA conforms to the CEQ NEPA implementing regulations that were in place prior to September 14, 2020, and procedures adopted pursuant to Department of Homeland Security Directive 023-01, Rev. 01, and FEMA Directive 108-1.

The purpose of the proposed project is to reduce the potential for future shoreline erosion damages to private homes and public property. The primary cause of Betterton's shoreline erosion are waves undercutting the base of the shoreline leading to erosion of the entire bank. The shoreline associated with the Town of Betterton experiences atypical fetch lengths. Fetch is the distance over open water

where wind can blow and generate surface waves. Fetch exposure to a shoreline creates higher wave energy thus increasing erosion along the shoreline. Fetch distances in the Chesapeake Bay, where the Town of Betterton is located, range from 1.6 miles to 12 miles long. This area is also a major navigation route for ships, barges, and other vessels traveling to the Delaware Bay. The movements of these vessels create wakes, which increase the potential for erosion at the project location.

In accordance with federal laws and FEMA regulations, the EA process for a proposed federal action must include an evaluation of alternatives and a discussion of the potential environmental impacts. This EA was prepared in accordance with FEMA's regulations as required under NEPA. As part of this NEPA review, the requirements of other environmental laws and executive orders were addressed. This EA informed FEMA's decision on whether to prepare an EIS or a FONSI.

The EA evaluated two alternatives for the stabilization of the Town of Betterton shoreline, the No Action and the Proposed Action.

Under the No Action Alternative, the new riprap revetment would not be constructed. No construction activities would occur to stabilize the 1,012-foot shoreline, nor would construction include enhancement of the existing 150-foot western revetment and 220-foot eastern revetment. The No Action Alternative would not include any additional measures to address high bank erosion. The No Action Alternative assumes that the infrastructure along Bayside Boulevard will continue to erode and deteriorate.

The Proposed Action Alternative would stabilize a 1,382-foot section of Betterton's eroding shoreline through construction of a new riprap revetment and enhancement of existing revetments. The actions would reduce erosion at the toe of the shoreline at an elevation above the normal high-water mark, stabilize the shoreline, and aid in strengthening the shoreline from wave action during storm events. The Proposed Action Alternative was selected by the applicant as it would reduce the continued erosion of the shoreline. The total 1,382-foot riprap revetment project includes construction of 1,012 feet of new riprap revetment along the toe of the high bank slope and repair and enhancement of the remaining 370-feet of existing riprap revetment, which is comprised of two sections located 150 feet west and 220 feet east of the proposed new revetment. Under the Proposed Action, the new riprap revetment would extend channelward approximately 17 feet from the toe of the existing shoreline slope and would extend vertically beyond the mean high-water mark to an elevation of 5 feet. The dimensions of the proposed revetment include a 5-foot wide top, an 8-foot wide slope section, and a 4-foot wide base buried 1.5 feet below the mean low water elevation. The riprap revetment stone would range from 400-1,200 pounds with larger stones placed at the toe of the revetment and 100- to 200-pound stones used to fill gaps. All riprap revetment and stone bedding would have geotextile fabric placed underneath. Select clearing of the embankment would be required to properly install the new stone revetment. The existing revetments would be repaired by placing additional stones of appropriate sizes to ensure consistent protection.

A public notice was published in the local newspaper of record, the *Kent County News*, and posted on FEMA's website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/region/3>. The draft EA was available on FEMA's website for a 30-day public review and comment period from April 15 to May 15, 2021. No comments were received during the 30-day public comment period.

## **FINDINGS**

The Proposed Action would not affect zoning and land use, wetlands, threatened and endangered species, hazardous waste and materials, public services and utilities, environmental justice, and historic and cultural resources and would be generally consistent with the Critical Area Program. During construction, short-term impacts to geology and soils, water resources and water quality, coastal zone management, air quality, terrestrial and aquatic environment, migratory birds, species and habitat managed under the Magnuson-Stevens Fishery Conservation and Management Act, noise, traffic and circulation, and safety and security are anticipated. The project would be required to follow all applicable restrictions and regulations and implement best management practices (BMPs) during construction to minimize and mitigate adverse impacts to resources.

The Proposed Action would have long-term beneficial impacts on geology and soils, water resources and water quality, floodplain management, terrestrial and aquatic environment, species and habitat managed under the Magnuson-Stevens Fishery Conservation and Management Act, and safety and security. No long-term adverse impacts are anticipated. Because frameworks are in place to manage potential environmental impacts, no significant impacts are anticipated from the reasonably foreseeable environmental trends and planned actions near the Proposed Action Alternative project site.

## **CONDITIONS**

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize the receipt of federal funding.

1. If deviations from the proposed scope of work result in substantial design changes, the need for additional ground disturbance, additional removal of vegetation, or any other unanticipated changes to the physical environment, prior to the start of work the applicant (Town of Betterton) must contact FEMA so that the revised project scope can be evaluated for compliance with NEPA and other applicable environmental laws.
2. The applicant is responsible for obtaining and complying with all required local, state and federal permits and approvals.
3. The applicant/contractor must coordinate with the local floodplain administrator to receive a permit to conduct any activities that would occur within the SFHA.
4. All work authorized under the MDSPGP-5 must be performed in compliance with the general and activity-specific conditions noted in the permit and if applicable, any and project-specific special conditions.
5. The applicant (Town of Betterton) will monitor ground disturbance during the construction phase; should human skeletal remains, or historic or archaeological materials be discovered during construction, all ground-disturbing activities on the project site shall cease and the applicant shall notify the coroner's office (in the case of human remains), FEMA, and MHT.
6. Erosion controls will be in place prior to any ground disturbing activities.
7. Work must be conducted in the fashion it is proposed in any permit applications. Changes to project design would require reopening consultations with regulatory agencies.
8. Heavy machinery and equipment to be used for the Proposed Action will meet federal clean air standards. In addition, all equipment used shall have sound control devices no less

effective than those provided on the original equipment. No equipment shall have un-muffled exhaust.

9. All equipment shall comply with pertinent equipment noise standards of the U.S. Environmental Protection Agency.
10. An E&S Pollution Control Plan has been prepared in accordance with MDE regulations and requirements. The contractor will be required to adhere to the E&S plan during construction in order to minimize erosion and sedimentation impacts to the surrounding environment.
11. Any and all necessary MDE and USACE 404 permits will be obtained prior to the start of construction. Any permit special conditions will be adhered to as part of construction.
12. Construction equipment will be well maintained and non-polluting.
13. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible.
14. The MDE Resource Management Program should be contacted directly by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable state and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable state and federal laws and regulations.
15. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial or industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to the project. These programs involve environmental site assessment in accordance with accepted industry and financial standards for property transfer. The Land Restoration Program should be contacted for specific information about these programs and eligibility.
16. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may require site approval. The Mining Program should be contacted for further details.
17. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
18. This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
19. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

## **CONCLUSION**

Based on the findings of the EA, coordination with the appropriate agencies, comments from the public, 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 (FEMA Instruction 108-1-1) and the proposed project as described in the attached EA may proceed.

## **APPROVAL**

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Tessa Nolan  
Regional Environmental Officer  
FEMA Region 3

Date May 20, 2021