



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
Hazardous Tree Removal (Phase 2)
City of Poway, California
HMGP-4382-199-012**

The Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) proposes to provide funding to the City of Poway (City or Subapplicant) to reduce hazards related to wildfire within the City of Poway, San Diego County, California. The Subapplicant applied for funding from FEMA's Hazard Mitigation Grant Program (HMGP) for the proposed project. The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288, as amended, 42 U.S. Code § 5121-5207). The HMGP provides funding to state, local, tribal, and territorial governments to implement projects that reduce or permanently eliminate future risks to lives and property from natural hazards before and during the recovery from a federally declared disaster.

The project is located within the City of Poway, along two of the City's main evacuation routes, just west of Espola Road, in San Diego County, California. The latitude and longitude coordinates at the center of the project area are: 32.995303, -117.02401.

The purpose of the Proposed Action is to reduce hazards related to wildfire within the City of Poway. The Proposed Action would create natural fuel breaks, reduce wildfire severity, increase clearance zones around residences, and provide for safer passage of both civilian and public safety vehicles along the corridors during wildfire evacuation. Implementation of the Proposed Action is needed to reduce the risk of loss of life and structural and environmental damage associated with wildfires.

BACKGROUND

Some activities included in the Proposed Action were previously evaluated in FEMA's December 2014 *Final Programmatic Environmental Assessment for Recurring Actions in Arizona, California, and Nevada* (PEA) and the updated version of that document, FEMA's March 2019 *Supplemental Environmental Assessment to the Final Programmatic Environmental Assessment for Recurring Activities in Arizona, California, and Nevada*. However, the scope of the Proposed Action exceeds the limits set within the PEA. Proposed activities not included in the PEA include work within 50 feet of an intermittent channel; the use of heavy mechanized equipment within 200 feet of a wetland or waterbody; herbicide treatment of small invasive, non-native saplings within 50 feet of a waterbody; and work outside of the dry season.

The Proposed Action would result in impacts not described in the PEA and would require additional environmental mitigation measures to minimize those impacts. Therefore, FEMA prepared a Supplemental Environmental Assessment (SEA) pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4347 (2000), as implemented by the regulations promulgated by the President's Council on Environmental Quality (40 Code of

Federal Regulations [C.F.R.] 30 §§ 1500–1508), and in accordance with FEMA Directive 108-1, *Environmental Planning and Historic Preservation Responsibilities and Program Requirements* and DHS Instruction Manual 023-01-001-01, *Implementation of the National Environmental Policy Act*. The SEA evaluates the range of potential environmental impacts if the Proposed Action is implemented.

ALTERNATIVES

The No Action alternative is described in PEA Section 2.1, *No Action Alternative*.

The Proposed Action would conduct hazardous fuels reduction by strategically thinning and removing hazardous trees along 4.6 miles of right-of-way (ROW) along Twin Peaks Road and Espola Road, as well as within the 20.88-acre Green Valley Open Space Area. Approximately 2,500 non-native, invasive trees would be removed, and an additional 3,900 trees would be trimmed or pruned, including non-native, invasive saplings that make up the understory.

The following proposed activities were adequately covered in the PEA and were not evaluated in the SEA:

- Removal of invasive, non-native trees and vegetation
- Removal of dead or severely diseased native trees and vegetation
- Reduction of invasive, non-native trees and vegetation in the understory
- Mastication and chipping of vegetative cuttings and waste
- Herbicidal treatment of small invasive and non-native saplings

The Proposed Action also included the following activities, which were evaluated in the SEA:

- Mechanical and hand-clearing of vegetation within 50 feet of a waterbody or wetland
- Herbicidal treatment of small invasive and non-native saplings within 50 feet of a wetland or waterbody
- Temporary channel crossings for equipment access
- Work outside of the dry season (April 15 to October 15)

Along with a detailed description of the project, the SEA describes the equipment, staging, and sequencing of the project implementation.

ENVIRONMENTAL IMPACT EVALUATION

The Proposed Action, as described in the SEA, would not result in any significant adverse impacts on geology, soils, topography, air quality, floodplains, invasive species, historic properties, archeological resources, low-income or minority populations, noise, public services

and recreation, transportation, noise, hazardous materials and wastes, and visual resources. Based on a preliminary screening of resources and the project's geographic location, the SEA found that the following resources were not present in the project area and did not require a detailed assessment: coastal resources, prime and unique farmland, sole-source aquifers, and federally designated wild and scenic rivers.

During implementation of the Proposed Action, negligible short-term impacts on wetlands, surface water, terrestrial and aquatic habitat, threatened and endangered species, and migratory birds, are anticipated. All potential short-term impacts require conditions to avoid and minimize impacts, listed in Attachment A. With the implementation of these conditions, none of the potential impacts will be significant. In the long-term, the project will have beneficial effects on floodplains, wetlands, terrestrial and aquatic habitat, and threatened and endangered species.

AGENCY AND PUBLIC INVOLVEMENT

The Subapplicant consulted with the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board, and the California Department of Fish and Wildlife at a round table meeting on February 9, 2021, to confirm jurisdictional interest or if there are any additional information/notifications needed by the resource agencies prior to implementing project activities for the Green Valley Open Space Area. The City of Poway received confirmation from USACE on July 14, 2022, that a Department of the Army permit is not required for the removal of vegetation. The proposed channel crossings may require a USACE Nationwide Permit. The Subapplicant would be required to coordinate with the USACE to determine whether any permit authorization is needed and obtain required permits for the channel crossings.

Consultation with the U.S. Fish and Wildlife Service (USFWS) was initiated by FEMA on November 21, 2023. FEMA determined that the Proposed Action may affect but is not likely to adversely affect the Coastal California gnatcatcher, the Least Bell's vireo, and the Southwestern willow flycatcher. With implementation of BMPs and the conservation measures proposed in the 2023 Biological Assessment, the Proposed Action would have negligible, short-term impacts on the three listed species: Coastal California gnatcatcher (CAGN) (*Polioptila californica californica*), Least Bell's vireo (LBV) (*Vireo bellii pusillus*), and Southwestern willow flycatcher (SWFL) (*Empidonax traillii extimus*). USFWS concurred with FEMA's findings on April 3, 2024. The avoidance and minimization measures are required conditions of funding approval.

On April 7, 2023, formal letters signed by FEMA were sent to tribal representatives identified by the Native American Heritage Commission and through federal agency databases, including the Campo Band of Diegueno Mission Indians; Ewiiapaayp Band of Kumeyaay Indians; Iipay Nation of Santa Ysabel; Inaja-Cosmit Band of Indians; Jamul Indian Village; La Jolla Band of Luiseno Indians; La Posta Band of Diegueno Mission Indians; Los Coyotes Band of Cahuilla and Cupeno Indians; Manzanita Band of Kumeyaay Nation; Mesa Grande Band of Mission Indians; Pala Band of Mission Indians; Pauma Band of Luiseño Indians; Pechanga Band of Indians; Rincon Band of Luiseño Indians; San Pasqual Band of Diegueno Mission Indians; Sycuan Band of the Kumeyaay Nation; and Viejas Band of Kumeyaay Indians. Letters were also sent to two

non-federally recognized tribes, including the Barona Group of the Capitan Grande and the Kwaaymii Laguna Band of Mission Indians. A letter was also sent to the Poway Historical Society. These letters described the Undertaking and solicited input or concerns regarding the project. By letter to the SHPO dated December 7, 2023, FEMA determined that the project would have No Adverse Effect on Historic Properties per Stipulation II.C.5.a of the Agreement. FEMA conducted a pedestrian archaeological survey and evaluated properties for NRHP eligibility. For the purposes of this undertaking and to minimize the potential for adverse effects, FEMA proposes to treat the bedrock milling station complex PLI-1 as eligible to the National Register of Historic Places under Criteria A and D. No additional responses or comments on the project were received from any of the parties contacted. By letter dated January 22, 2024, the SHPO indicated no objection to FEMA's determination.

FEMA published a public notice announcing the availability of the SEA for public review and comment on FEMA's website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa-repository> and in the newspaper, the *Poway News Chieftain*. The 30-day public review period started on August 8, 2024. The City of Poway also posted a copy on the city's website at <https://poway.org/>. A hardcopy of the SEA was made available for review at the City Clerk's office at City Hall, 13325 Civic Center Drive, and at the Public Works Administration building, 14467 Lake Poway Road, both in the City of Poway, CA, 92064. There were no substantive comments received during the public comment period on the draft SEA.

FINDINGS

Based upon conditions and information contained in the HMGP grant application and the SEA, and in accordance with FEMA's Directive 108-1-1, *Environmental Planning and Historic Preservation Responsibilities and Program Requirements*; Executive Orders (EOs) addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898); the DHS Instruction Manual 023-1-1; and the CEQ regulations in Title 40 Code of Federal Regulations, Chapter V for implementing NEPA; and the Subrecipient's anticipated adherence to the standard and special conditions contained in this FONSI, FEMA has determined that the Proposed Action will not have significant impacts on the quality of the natural and human environment. As a result of this FONSI, an environmental impact statement will not be prepared and the Proposed Action with the associated conditions described in Attachment A may proceed.

APPROVAL

PORTIA M ROSS Digitally signed by PORTIA M ROSS
Date: 2024.12.12 08:49:17 -05'00'

Portia Ross
Environmental Officer
Federal Emergency Management Agency

Date

Attachment A

PROJECT CONDITIONS

The Subrecipient is responsible for compliance with federal, state, and local laws and regulations, including obtaining any necessary permits prior to beginning construction activities, and adhering to any conditions laid out in these permits. Any substantive change to the scope of work would require re-evaluation by FEMA for compliance with NEPA and other laws and Executive Orders. The Subrecipient is responsible for implementing best management practices (BMPs) appropriate for this scope of work as found in Appendix C of the PEA. A list of typical BMPs was included with the PEA and with the Record of Environmental Consideration for the PEA.

The following project-specific BMPs and Endangered Species Act compliance measures have been included to avoid or minimize potential impacts related to water and biological resources applicable to the Proposed Action. The Subapplicant would be responsible for employing the following minimization measures:

Water Resources

- The Subapplicant will prepare a Spill Prevention and Pollution Control Plan to address the emergency cleanup of any hazardous material and the plan will be available on-site.
- Machinery and equipment used during work will be serviced, fueled, and maintained on uplands to prevent contamination to surface waters. Fueling equipment and vehicles will be kept more than 200 feet away from waterbodies.
- All hazardous materials will be stored in upland areas in storage trailers or shipping containers designed to provide adequate containment.
- All designated staging will be located more than 200 feet from wetlands and waterways, will be outside of floodplain areas, and will be in non-sensitive areas. The assigned staging areas will be subject to the City of Poway Best Management Practice Manual NS-9. All areas will be free and clear of any sensitive vegetation that might be disturbed or harmed. Equipment staging will use the City of Poway's established staging practices.
- No staging of equipment or tools will occur in a floodplain during flood season at the project location, even if staging is only temporary.
- Short-term laydown of hazardous materials for immediate use will be permitted provided the same containment precautions are taken as described for hazardous materials storage. All project materials, wastes, rubbish, and trash will be removed from the site and transported to an authorized disposal area, as appropriate, in compliance with applicable federal, state, and local laws and regulations. No disposal of project materials or debris will occur in a floodplain. No hazardous materials will be left unattended within the floodway.

- Use of herbicides:
 - a. Application will be limited to spot spraying.
 - b. Application procedures shall be in accordance with federal, State of California, and County of San Diego regulations for safe management of herbicides.
 - c. Application will comply with San Diego County agricultural laws and regulations.
 - d. Application will be performed by a qualified applicator consistent with labeling instructions.
 - e. Application will follow Title 3 California Code of Regulations Sections 6000-6984: California Code of Regulations.
 - f. Herbicides will only be applied in the dry season.
 - g. Application will not occur during or within 24 hours of rain events.

Biological Resources

The Subapplicant would be responsible for reducing potential impacts on biological resources from project activities and employing the following minimization measures:

Terrestrial and Aquatic Habitat

- When working on stream banks or floodplains, disturbance to existing grades and vegetation will be limited to the actual site of the project and necessary access routes. Placement of all roads, staging areas, and other facilities will avoid and limit disturbance to sensitive habitats (e.g., stream banks, stream channel, riparian habitat) as much as possible. When possible, existing ingress or egress points will be used or work will be performed from the top of the stream banks.
- Native riparian vegetation will be left in place to the maximum extent practical; willows and cottonwoods (*Populus* spp.) with a DBH of 6 inches or greater may be trimmed but will be left in place where possible.

Threatened and Endangered Species

General BMPs and Avoidance and Minimization Measures

- The Subapplicant will exercise every reasonable precaution to protect federally listed species and their habitats from pollution due to fuels, oils, lubricants, or other harmful materials. Project-related pollutants will be collected and transported to an authorized disposal area, as appropriate, per all federal, state, and local laws and regulations.
- The Subapplicant will store all hazardous materials (e.g., fuel, lubricants, herbicides) in properly designated containers in a storage area with an impermeable membrane between the ground and the hazardous materials. The storage area will be encircled by a berm to

prevent the discharge of pollutants to ground water or runoff into the habitats of federally listed species.

- The Subapplicant will develop and implement a fire prevention and suppression plan for all activities that have a risk of starting a wildfire. Fire extinguishers are required for all vehicles used within or adjacent to undeveloped open spaces.
- The Subapplicant will reduce, to the maximum extent practicable, the amount of disturbance at a site to the absolute minimum necessary to accomplish the project. Project planning must consider not only the effects of the action itself, but also all ancillary activities associated with the actions, such as equipment staging and refueling areas, routes of ingress and egress to the project site, and all other related activities necessary to complete the project.
- All project personnel will be given environmental awareness training by the project's environmental inspector or biological monitor before the work commences. The training will familiarize all project personnel with the federally listed species that may occur on-site, their habitats, general provisions and protections afforded by the ESA, measures to be implemented to protect these species, and the project boundaries. This training will be provided within three (3) days of the arrival of any new worker.
- As part of the environmental awareness training, project personnel will be notified that no dogs or any other pets under control of construction personnel will be allowed in the work areas, and that no firearms will be permitted in the construction area, unless carried by authorized security personnel or law enforcement.
- A USFWS-approved biological monitor will be present on-site during all activities that may result in encounters with federally listed species. If a biological monitor is needed, the Subapplicant will submit the biological monitor's qualifications to USFWS for approval prior to project initiation. The biological monitor will ensure that all applicable avoidance and minimization measures are implemented during project activities. The biological monitor will also ensure that, to the extent feasible, all vehicles used during project implementation are free of debris that may harbor organisms that could be introduced to the site, such as vegetation or mud from other aquatic areas. The biological monitor will also ensure that turbidity, sedimentation, and the release of materials such as dust or construction runoff are controlled and that spill control measures are enacted properly.
- The biological monitor will have the authority to stop any work activities that could result in potential adverse effects on federally listed species or their habitats.
- The approval request for the USFWS-approved biologist will include, at a minimum:
 - a. Relevant education

- b. Relevant training concerning the listed species for which approval is requested, including species identification, survey techniques, handling individuals of different age classes, and handling of different life stages by a permitted biologist or recognized species expert authorized by USFWS for such activities
 - c. Summary of field experience conducting requested activities (to include project/research information)
 - d. Summary of biological opinions under which they were authorized to work with the requested species and at what level (such as construction monitoring versus handling); this will also include the names and qualification of persons under which the work was supervised and the amount of work experience on the actual project
 - e. Any relevant professional references with contact information
- Project activities that could affect suitable habitat for federally listed species will be limited to daylight hours during weekdays, leaving a nighttime and weekend period for the species.

Species-Specific Avoidance and Minimization Measures

The following measures are presented in the Subapplicant scope of work or are adapted from those presented in the Carlsbad Fish and Wildlife Office (CFWO) Programmatic Biological Opinion (PBO) (USFWS 2019). Nonapplicable elements of species-specific avoidance and minimization measures from the CFWO PBO have been omitted.

Coastal California Gnatcatcher-Specific Avoidance and Minimization Measures

- To minimize direct effects on nesting CAGNs, all clearing of vegetation within 300 feet of CAGN habitat will occur outside of the CAGN breeding season (i.e., project activities will not occur from February 15 through August 30) to the maximum extent practicable.
- If the breeding season cannot be avoided, a USFWS-approved biologist will conduct a minimum of three (3), focused preconstruction nesting bird surveys on separate days prior to vegetation removal. If no active nests are found within 500 feet of the area of disturbance, project activities may proceed.
- If an active CAGN nest is detected during the preconstruction nesting bird surveys, either work will be suspended until the young have fledged, or until the beginning of the nonbreeding season, or the following will apply:
 - a. An exclusionary buffer will be established around the nest. The buffer distance will be determined by the USFWS-approved biologist considering several factors: presence of natural buffers (vegetation/topography), nest height, location of foraging territory, nature of the proposed activities, and baseline levels of noise and human activity. The buffer may range from 50 feet to over 300 feet in width; AND

- b. If an exclusion zone is established, a USFWS-approved biologist will monitor the nest during construction for signs of adverse effects including distress/disturbance. If adverse effects are detected, then the USFWS-approved biologist will have the authority to stop all work in the vicinity of the nest and coordinate with USFWS to determine whether additional conservation measures will avoid or minimize effects on the nesting birds. Construction may resume only with approval from USFWS; OR
- c. The USFWS-approved biologist will continue to monitor the nest and will determine when young have fledged. Once young have left the nest the buffer and exclusion zone may be removed and work within these areas may resume.

Least Bell's Vireo and Southwestern Willow Flycatcher-Specific Avoidance and Minimization Measures

- Project activities will be scheduled to avoid the LBV/SWFL breeding season (March 15 to September 15) to the maximum extent possible.
- In the event that project activities within suitable habitat for LBVs or SWFLs cannot be scheduled outside of the breeding season, surveys will be conducted to determine presence or absence of these species. The survey protocol used must be approved by USFWS.
- USFWS-approved biologist(s) will be on-site during all activities that may result in encounters with LBVs or SWFLs.
- If a nesting LBV or SWFL is detected within the action area during pre-project surveys, a USFWS-approved biologist will establish a buffer zone around the nest that they deem sufficient to avoid the abandonment of the nest by the adults. USFWS generally recommends a minimum 500-foot buffer around nests where no work is to occur; however, a smaller buffer can be established for LBVs if deemed protective by the USFWS-approved biologist and approved by USFWS. SWFLs are more sensitive to disturbance than LBVs, and therefore a greater buffer may be required. The USFWS-approved biologist must monitor the nests during all project activities immediately adjacent to buffer zones to determine the effects of project activities on nesting LBVs or SWFLs. The USFWS-approved biologist will have the authority to stop work if deemed necessary to protect the nesting birds.