



FEMA

FINDING OF NO SIGNIFICANT IMPACT

MAIN STREET AND SOUTH BROADWAY FLOOD CONTROL PROJECT
SALEM, ROCKINGHAM COUNTY, NEW HAMPSHIRE
PDMC-PJ-01-NH-2018-006

INTRODUCTION

The New Hampshire Homeland Security and Emergency Management (HSEM) Division, the grant recipient, submitted to FEMA a Pre-Disaster Mitigation (PDM) grant application on behalf of the City of Salem, the grant subrecipient. The PDM Grant Program is authorized under Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 United States Code (U.S.C.) 5133 and provides assistance to eligible state, territory, and local governments, as well as federally recognized tribal governments to help implement sustained pre-disaster natural hazard mitigation programs.

The Proposed Action would replace the undersized culverts at Main Street and the Salem Bike-Ped Corridor with new culverts designed to accommodate up to a 50-year storm event. The purpose of this project is to reduce flooding in the area, minimizing road closure and infrastructure and property damage. The project is needed because the undersized culverts at the two stream crossings restrict water flow during storm events, leading to flooding within an 864-acre drainage basin of Policy Brook. The backup of water on the upstream side of each culvert overtops the roads, resulting in road closures and erosion on the downstream side. The project is also needed because the Main Street culvert inlet's structural integrity is severely compromised, reducing its effectiveness and potentially leading to additional blockages and flood hazards.

The Proposed Action is part of a watershed-wide effort to ensure flow conveyance of the 50-year flood event in the Policy-Porcupine Brook watershed in the Town of Salem. The Proposed Action is part of a group of seven culvert enlargement and floodplain restoration projects identified through hydrologic and hydraulic studies. Five projects were constructed over the past 11 years. The culvert under South Broadway, 30 feet east and adjacent to the rail-trail, was replaced in 2019 as part of this group of projects. At that time, the surface of South Broadway was raised approximately one foot to further reduce the risk of overtopping. Although the upsized culvert and increase in the road elevation of South Broadway provides additional protection from overtopping, South Broadway and the Salem Bike-Ped Corridor would still be at risk of overtopping during a 50-year flood event or greater. Floodwaters would not be able to pass freely through the rail-trail culvert and would back up towards the road culvert.

Besides the Proposed Action, two alternative courses of action were considered and dismissed in the Environmental Assessment (EA). The two build alternatives were evaluated based upon engineering constraints, environmental impacts, available property, and their ability to meet the purpose and need for the project. Budgetary constraints were considered but were not the controlling factor. The first alternative considered and dismissed was designed to maintain and repair the existing infrastructure to reduce culvert failure at Main Street. This alternative was dismissed because the existing corrugated metal pipe culvert is undersized. Providing repairs solely to the pipe would not reduce the constriction of stormwater flows through the culvert that results in flooding upstream. The second alternative considered and dismissed proposed to purchase the property downstream from the Main Street culvert at 142 Main Street to restore the original floodplain at this location. This alternative was dismissed because of the high cost and technical infeasibility. The assessed value of the property requiring acquisition was \$2.9 million. It is likely that, combined with the required building demolition, business relocation, wetland restoration, and unknown needs for environmental remediation of the existing fill, the estimated cost would likely be significantly

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higher. There are three separate businesses located on the property, which would complicate acquisition and relocation negotiations. Finally, the residual land not needed for the wetland restoration would probably be too small to be sold or used for another purpose.

Under the No Action alternative evaluated in the EA, the undersized culverts would not be replaced. Floodwaters would continue to overtop Main Street during a 10-year flood event and greater. South Broadway and the Salem Bike-Ped Corridor would still be at risk of overtopping at the 50-year flood event and greater. The No Action alternative does not meet the purpose and need for the project.

ENVIRONMENTAL IMPACT EVALUATION

FEMA prepared the EA 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 Proposed Action, as described in the EA, would not result in any significant adverse impacts on the human environment. The Proposed Action is anticipated to have long-term beneficial effects on the following resources: soils and topography, water quality, floodplains, wildlife and fish, state-listed animal species, land use and planning, transportation, public services and utilities, public health and safety, and environmental justice communities. Based on a preliminary screening of resources and the project’s geographic location, the EA found that the following resources were not present in the project area and did not require a detailed assessment: coastal resources, designated farmland soils, seismic hazards, sole-source aquifers, essential fish habitat, and federally designated wild and scenic rivers.

During the construction period, short-term negligible to minor impacts on soils, water resources, floodplains, wetlands, biological resources, transportation, public services, public safety, and archeological resources are anticipated. All potential short-term impacts require conditions to avoid, minimize, and mitigate effects. With the implementation of these conditions, none of the potential effects will be significant.

MITIGATION COMMITMENTS AND PROJECT CONDITIONS

The subrecipient is responsible for obtaining all required federal, state, and local permits and clearances. While a good faith effort was made to identify all necessary permits for this EA, the following list may not include every approval or permit required for this project. Before, and no later than, submission of a project closeout package, the subrecipient will provide FEMA with a copy of the required permit(s) from all pertinent regulatory agencies. Additionally, FEMA will require the subrecipient to adhere to the following conditions during project implementation. Failure to comply with grant conditions may jeopardize federal funds.

1. Comply with the conditions of General Permit NAE-2018-02204 issued by the USACE for construction of the Salem Bike-Ped Corridor culvert under Section 404 of the Clean Water Act (CWA); obtain and comply with the conditions of the CWA 404 permit for construction of the Main Street culvert.
2. Comply with the conditions of the Wetlands and Non-Site-Specific Permit No. 2018-01022 issued by the NHDES for construction of the Salem Bike-Ped Corridor culvert under Section 401 of the CWA; coordinate with NHDES to confirm the proposed water diversion structure for the Salem Bike-Ped corridor culvert is covered under Non-Site Specific Permit No. 2018-01022; and obtain and comply with the conditions of a CWA 401 permit for construction of the Main Street culvert.

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3. Before construction begins, the subrecipient shall obtain a National Pollution Discharge Elimination System permit from the EPA under Section 402 of the CWA. The subrecipient must provide FEMA with a copy of the permit or documentation from the EPA that the permit is not required before, and no later than, submission of a project closeout package.
4. Obtain a local certificate that demonstrates no rise of base flood elevation anywhere within the community pursuant to 44 C.F.R. 60.3 and comply with Town of Salem Floodplain Development Ordinance (Article VII § 490-705) in accordance with 44 C.F.R. 9.11(d)(6).
5. Following construction of the Proposed Action, apply for a Letter of Map Revision (LOMR) in compliance with 44 C.F.R. 65.6.
6. Comply with the Town of Salem Wetlands Conservation Ordinance (Article VII § 490-706) for work within and adjacent to wetlands.
7. Manage any state-listed invasive plants using the NH Department of Agriculture, Markets, and Food “Control of Invasive Plants” guidelines in accordance with New Hampshire Code of Administrative Rules Chapter Agr 3800.
8. If a Bald Eagle nest is discovered within 660 feet of construction activity, work must stop and the subrecipient must coordinate with FEMA and the USFWS New England Field Office to avoid, minimize, or mitigate adverse effects.
9. Prior to project implementation, the subrecipient must work with FEMA, NH HSEM, the State Historic Preservation Office, and participating Tribe(s) to design an interpretive panel to educate the public on historic properties within the local community, state, or region. Once approved, the subrecipient shall be responsible for the manufacture, installation, and maintenance of the panel.
10. In the event of the discovery of archaeological deposits (e.g., Native American pottery, stone tools, old house foundations, old bottles), the subrecipient and their contractor shall immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. The subrecipient shall secure all archaeological discoveries and restrict access to discovery sites. The subrecipient shall immediately report the archaeological discovery to HSEM and FEMA.
11. In the event of the discovery of human remains, the subrecipient shall immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. The subrecipient and their contractor shall secure all human remains discoveries and restrict access to discovery sites. The subrecipient and their contractor must follow the provisions of applicable state laws and statutes, including New Hampshire Revised Statutes 227-C:8-a Discovery of Remains and Notification of Authorities. Violation of state law will jeopardize FEMA funding for this project. The subrecipient will inform the Office of the Chief Medical Examiner, the State Archaeologist, HSEM, and FEMA. FEMA will consult with the SHPO and Tribes, if remains are of tribal origin. Work in sensitive areas may not resume until consultation is completed and appropriate measures are taken to ensure that the project is in compliance with the NHPA.
12. Adhere to the BMPs and conditions to prevent the accidental release of hazardous waste during construction in accordance with the permits issued for the project under Section 401 and 404 of the CWA. Any hazardous or contaminated materials discovered, generated, or used during project implementation must be disposed of and handled by the subrecipient in accordance with applicable federal, state, and local regulations.

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PUBLIC AND AGENCY INVOLVEMENT

To solicit input on the project and its potential impacts, FEMA distributed an EA scoping checklist to the following agencies on June 29, 2020:

- U.S. Army Corps of Engineers, New England District
- U.S. Department of Housing and Urban Development, Region 1 Environmental Office
- U.S. Fish and Wildlife Service, New England Field Office
- New Hampshire Department of Environmental Services
- New Hampshire Department of Natural and Cultural Resources
- New Hampshire Division of Historical Resources
- New Hampshire Fish and Game Department
- New Hampshire Homeland Security and Emergency Management
- New Hampshire Office of Strategic Initiatives, Floodplain Management Program
- Rockingham County Conservation District

Following distribution of the scoping checklist, FEMA received correspondence from three state agencies:

- **New Hampshire Department of Natural and Cultural Resources** responded to the search results from the Natural Heritage Bureau for state-listed species in the project areas.
- **New Hampshire Division of Historical Resources** commented on the development of mitigation measures for project effects on cultural resources.
- **New Hampshire Office of Strategic Initiatives** commented on the potential floodplain impacts of the project and regulatory requirements pursuant to the Town of Salem floodplain development ordinance.

FEMA made the draft EA available to both the agency and the public for review and comment for a period of 30 days from January 15, 2021 to February 15 2021. Public notice of the draft EA's availability for review was published in the *Eagle Tribune* and was made available on the Town of Salem website (<https://www.townofsalemnh.org/engineering-projects>). A hard copy of the draft EA was provided at the Salem Town Hall, 33 Geremonty Drive, Salem, NH 03079. No substantive comments were received during the public comment period on the draft EA.

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Based upon conditions and information contained in the PDMC grant application and the EA, 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 prescribed standard and special conditions, FEMA 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 project, as described in the grant application and the EA with the conditions listed above, may proceed.

FEMA APPROVAL AUTHORITY:

DAVID E
ROBBINS

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David E. Robbins, FEMA Region 1 Regional Environmental Officer

HAZARD MITIGATION PROGRAM ENDORSEMENT:

RICHARD H VERVILLE

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Date: 2021.02.17 08:28:38 -05'00'

Richard Verville, FEMA Region 1 Hazard Mitigation Branch Chief