



**FEMA**

## **FINDING OF NO SIGNIFICANT IMPACT**

### **BASTROP COUNTY HIDDEN PINES HAZARDOUS FUELS REDUCTION PROJECT BASTROP, BASTROP COUNTY, TEXAS HMGP-FMAG-5116-TX PROJECT #2**

#### **BACKGROUND**

In accordance with the Federal Emergency Management Agency's (FEMA) Instruction 108-1-1, an 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; 40 CFR Parts 1500-1508). The purpose of the proposed project is to reduce wildfire risk along certain Bastrop County roads that are located in fire-prone areas to allow for ingress/egress for firefighters and first responders in the event of a wildfire and to allow for efficient evacuation of residents. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Bastrop County has applied for Hazard Mitigation Grant Program (HMGP) funding, through the Texas Division of Emergency Management (TDEM), under HMGP-FMAG-5116-TX Project #2. Through HMGP, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures, including wildfire mitigation. 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.

Two project alternatives were considered in this EA: 1) No Action; and 2) Reduce fuel loads along various Bastrop County road rights of way (Proposed Action). Under the No Action alternative, no additional work would be conducted by Bastrop County to reduce hazardous fuels in road rights-of-way within the county. Residents, homes, businesses and firefighting personnel would remain at an elevated risk for the spread of a catastrophic wildfire.

Under the Proposed Action, Bastrop County proposes to reduce heavy fuel loads along various county road rights of way (ROW) in Precinct 2 through understory thinning. Native trees, such as loblolly pine and oak 6 inches or more in diameter will not be removed. If necessary, these trees will be limbed 8-10 feet above the ground to raise the height of the canopy and reduce the risk of crown fire. Bastrop County will focus on the reduction of ladder fuels by removing yaupon, cedar, downed timber and small trees located in the understory. The County will use a mechanical thinning process that uses a skid steer with a mulching head. These low impact

machines will grind up the undesirable vegetation, leaving mulch on the ground in a layer not to exceed 2 inches thick. All vegetative debris will be mulched and left on site in the ROW. Vegetation will be mulched immediately, and debris piles will not be created. The layer of mulch left in place that will more rapidly decompose, creating a much reduced fuel source for fires. This project does not include the removal of native groundcover in ditches, culverts, and drain ways. All stumps will be left at ground level and will not be excavated or otherwise mechanically removed.

The targeted road segments are generally two lanes, paved or gravel, and the average width is about 20 feet. On average, the County will be treating 15 feet from the edge of the roadway on both sides of the road or up to the private property fence line, whatever distance they reach first. Certain areas along the proposed roads are already devoid of vegetation and will not require fuels reduction treatment.

It is estimated that the project will take 6 months to complete. Following the initial vegetation management conducted under the FEMA HMGP project, Bastrop County Road and Bridge Precinct 2 will maintain the ROWs on a regular schedule.

A public notice was posted in the local newspaper of record and on FEMA's website. The draft EA was made available for public comment at a local public building and on FEMA's website. No comments were received from the public during the comment period.

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The Proposed Action as described in the EA will not significantly impact wetlands, floodplains, migratory birds, historic properties, minority and low-income populations, and hazardous materials. During construction, short-term, minor impacts to air quality, noise, and traffic are anticipated. Long-term beneficial impacts to public services and utilities, emergency services, and public health and safety are expected. The Proposed Action may affect, but is not likely to adversely affect the Houston toad and its critical habitat and will have no effect on other federally listed species. No long-term adverse impacts are anticipated. All adverse impacts require conditions to minimize and mitigate impacts to the proposed project site and surrounding areas.

### 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. 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.

2. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
3. Fuel-burning equipment running times will be kept to a minimum and engines must be properly maintained.
4. Silt fencing would be installed around wetlands to prevent mulch and sediment from flowing into the wetland during rain events.
5. Bastrop County must coordinate with the local floodplain administrator, obtain any required permits prior to initiating work, and comply with any conditions of the permit to ensure any harm to the floodplain is minimized. All coordination pertaining to these activities should be retained as part of the project file in accordance with the respective grant program instructions.
6. For actions located in the floodplain, Bastrop County must issue a final public notice per 44 CFR Part 9.12(e) at least 15 days prior to the start of work. The final notice shall include the following: (1) A statement of why the Proposed Action must be located in an area affecting or affected by a floodplain or a wetland; (2) A description of all significant facts considered in making this determination; (3) A list of the alternatives considered; (4) A statement indicating whether the action conforms to applicable state and local floodplain protection standards; (5) A statement indicating how the action affects or is affected by the floodplain and/or wetland, and how mitigation is to be achieved; (6) Identification of the responsible official or organization for implementation and monitoring of the Proposed Action, and from whom further information can be obtained; and (7) A map of the area or a statement that such map is available for public inspection, including the location at which such map may be inspected and a telephone number to call for information.
7. Any invasive species encountered during the fuels reduction activities work will be removed and disposed of properly.
8. Bastrop County will limit vegetation management work during the peak migratory bird-nesting period of March through August as much as possible to avoid destruction of individuals, nests, or eggs. If vegetation reduction activities must occur during the nesting season, applicant will deploy a qualified biological monitor with experience conducting breeding bird surveys to survey the vegetation management area for nests prior to conducting work. The biologist will determine the appropriate timing of surveys in advance of work activities. If an occupied migratory bird nest is found, work within a buffer zone around the nest will be postponed until the nest is vacated and juveniles have fledged. The biological monitor will determine an appropriate buffering radius based on species present, real-time site conditions, and proposed vegetation management methodology and equipment. For work near an occupied nest, the biological monitor would prepare a report documenting the migratory species present and the rationale for the buffer radius determination.

9. Vegetation management activities at the following locations may take place at any time of year:
  - St. Delight Road
  - Friendship Road
  - Nink Road (@ St. Delight Rd.) (aka Gotier Trace Road)
  - Old Pin Oak Road
  - Powell Road
  - Kellar Road
  - Mesa Pinto Drive
  
10. For the following locations, vegetation management activities can only take place from July 1 to December 31 (generally outside of the Houston toad breeding season and emergence period). This period may begin or be extended prior to July 1 or past December 31 if it is determined that Houston toads are not active in the area based on real-time information and with approval of FEMA and USFWS.
  - Antioch Road
  - Old Antioch Road
  - Gotier Trace Road (near Alum Creek Rd)
  - Alum Creek Road
  - Porter Road
  - Pine Tree Loop
  - Old Firetower Road / Pine Path
  - Bluebonnet Drive
  - Sage Road
  
11. Bastrop County will deploy a Houston toad monitor that holds a 10(a)(1)(A) USFWS permit in identifying, locating, handling, removing, and transporting the Houston toad. Should a Houston toad be encountered during vegetation management activities, work must cease immediately. The biological monitor will secure and relocate the Houston toad per their permit. The USFWS Austin Ecological Services Field Office will be immediately contacted at (512) 490-0057. Work may only resume once USFWS has been contacted, and Houston toads have been cleared from the work area by the permitted Houston toad monitor.
  
12. All work crews must be trained by a Houston toad biologist prior to starting work. Training will include an overview of Houston toad characteristics, life cycle, and habitat requirements, and a review of the work conditions outlined in this agreement. New crew personnel must be trained prior to starting work.
  
13. Downed trees and logs that will be moved, mulched, or otherwise disturbed must be lifted and inspected by the Houston toad monitor to determine if any Houston toads are sheltering beneath.

14. A 2-inch accumulation of rain occurring within the work area (as recorded by NOAA weather rainfall total accumulation mapping) during the preceding 48-hour period shall result in a 24-hour minimum work stoppage.
15. The number and size of entry and exit points for heavy equipment moving into and out of work areas will be kept to the minimum needed for conducting safe and effective vegetation management operations. Soil disturbance will be kept to the minimum necessary for project completion.
16. Any mowing equipment used for clearing grass, forbs, and small-diameter woody vegetation will be set at a height of at least 5 inches above the ground to minimize the potential for striking toads.
17. Any mulch, chips, or other woody debris from fuels reduction that is left on site must cover the ground in no more than a 2-inch layer.
18. Vegetation that occurs within 200 feet of a potential Houston toad breeding site as determined by the Houston toad monitor (i.e. riparian areas, ravines, ephemeral wet weather ponds, creeks, streams, drainages, ponds, stock tanks, wetlands, seeps, and springs) will be hand cut unless otherwise approved by the Houston toad monitor. Any soil disturbance or operation of heavy equipment within 200 feet of a potential breeding site must be approved by the Houston toad monitor prior to the start of work.
19. Streams, riparian zones, and wetlands will not be used for staging equipment or refueling. Equipment must be stored, serviced, and fueled at least 200 feet away from these sensitive areas.
20. Gasoline and diesel fueled field equipment must be inspected daily for signs of fuel or hydraulic leaks; such leaks must be repaired promptly and measures will be taken to prevent soil contamination. All hazardous materials related to construction or maintenance activities will be properly contained, used, and/or disposed of properly.
21. Following vegetation management activities, Bastrop County will ensure that equipment use has not resulted in the creation of potential artificial breeding sites. For example, large tire ruts will be smoothed so as not to create an undesirable breeding pond.
22. Under no circumstances will stumps be removed mechanically (i.e., excavated or pushed).
23. 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.

24. Project implementation will take place during normal business hours. Equipment and machinery used at the proposed project site will meet all local, state, and federal noise regulations.

### 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, nor does it have the potential for significant cumulative effects. 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 AND ENDORSEMENT

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Kevin Jaynes  
Regional Environmental Officer  
FEMA Region 6

Date \_\_\_\_\_

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Brienne Schmidtke  
Acting Hazard Mitigation Assistance Branch Chief  
FEMA Region 6

Date \_\_\_\_\_