

**FEDERAL EMERGENCY MANAGEMENT AGENCY
FINDING OF NO SIGNIFICANT IMPACT
ROAD RELOCATION, ROUND LAKE TWP, MCHENRY COUNTY, ND**

McHenry County, North Dakota (County), has applied to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for funding to construct a permanent alternate route to replace a portion of County Road 10 which has remained inundated by Lake Lemer following the 2011 flood event (FEMA-1981-DR-ND). In accordance with the National Environmental Policy Act (NEPA) of 1969, an Environmental Assessment (EA) was prepared to evaluate the potential impact of the proposed project on the human and natural environment. The EA is hereby incorporated by reference. In keeping with the Unified Federal Review process outlined in the Sandy Recovery Improvement Act other federal agencies may choose to adopt FEMA's NEPA analysis in accordance with their own implementing regulations.

Background

In the spring of 2011, the runoff from heavy snow accumulations and spring rains over highly saturated soils caused water levels to rise above historic levels across the state. County and township roads located near closed basins became inundated by rising waters.

The purpose of the proposed project is to create a safe, resilient, and sustainable permanent transportation corridor needed to restore function to a portion of County Road 10 which has remained inundated by Lake Lemer following the 2011 flood event. The roadway will be west and north of the Lake, and will have a 28 foot roadbed with a 24 foot aggregate surface course, for a length of 2.2 miles (begin 48.0799, -100.3663; end 48.0958, -100.3449)

Alternatives considered include Taking No Action (no federal funding provided) and the construction of a permanent grade raise on a permanently inundated, previously elevated road. The "No Action" alternative does not provide a safe and efficient route through the township. The permanent grade raise would be constructed to three feet above the water level that exists at the time of construction, but does not ensure no future overtopping by rising waters. The Proposed Action would create a permanent alternate route west and north of Lake Lemer that meets the stated purpose and need for the project.

The project will not affect or be affected by the floodplain. Minor impacts to adjacent wetlands were identified and measures to avoid or minimize impacts to adjacent wetlands were incorporated into the engineering and design of the proposed alternative. There will be no net loss of wetlands as a result of the proposed action, but unavoidable impacts to wetlands in the project area will be minimized through implementation of standard BMP and planting appropriate native vegetation in the areas of disturbance.

A public Notice of Interest (NOI) to prepare an EA for the proposed Project was published in the *Mouse River Journal* on September 9, 2015. The NOI referenced to potential for impacts to wetlands and floodplains and the need for compliance with EO 11990 and EO 11988. No substantive comments were received. A public Notice of Availability (NOA) of the draft EA was published in the *Mouse River Journal* on May 25, 2015 The NOA referenced to potential for impacts to wetlands and floodplains and the need for compliance with EO 11990 and EO 11988. No substantive comments were received.

Mitigation, Stipulations, and Conditions

The project sponsor is responsible for implementing the following mitigation and stipulations upon which this finding is conditioned:

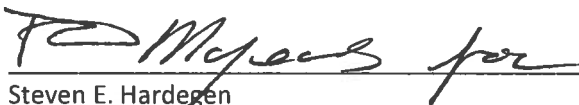
1. The absence of cultural properties in the area does not mean they do not exist, but rather may reflect the absence of any previous cultural resource inventory in the area. If during the course of any ground disturbance related to this project, cultural materials are inadvertently discovered, the project would be immediately stopped and the SHPO, appropriate tribal representatives and FEMA notified.
2. If the project extends outside of the currently identified road footprint and wetland areas would be impacted, FEMA would evaluate individual and cumulative impacts and implement avoidance, minimization and/or mitigation measures as necessary to reduce impacts below levels of significance.
3. McHenry County must obtain and comply with all federal, state and local permits and authorizations, including, but not limited to those required by ND Department of Transportation, ND Department of Health, ND State Parks, and ND Game & Fish.
4. If soil erosion potential is determined to be significant, a project erosion control plan to minimize soil loss, including the use of Best Management Practices, to isolate the construction site and minimize adverse effects of soil loss and sedimentation on soil and water resources would be implemented.
5. Areas of ground disturbance will be replanted according to ND Department of Transportation specifications.
6. Construction noise levels would be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Impact to noise levels would be minimized by limiting construction activities that occur during early morning or late evening hours.
7. To avoid impacts to cultural resources from material borrow source:
 - a. Borrow material must come from a commercial or SHPO approved source, or
 - b. An existing stockpile (if from an existing stockpile – no ground disturbing activities are permitted).
8. A hydrology and hydraulics study will be completed and culverts installed per results of the study to ensure the flow of flood waters. The project must not serve as a dam or otherwise impede water movement thus aggravating flooding upstream of the roadway.
9. To mitigate for fugitive dust during construction, periodic watering of active construction areas, particularly in areas close to sensitive receptors (i.e. hospitals, senior citizen homes, and schools) would be implemented.
10. All waste material associated with the project must be disposed of properly and not placed in identified floodway or wetland areas. All hazardous material resulting from demolition activities, including asbestos and lead paint would be disposed of in hazardous waste landfills.
11. FEMA would require the applicant to implement avoidance measures per consultation with the U.S. Fish and Wildlife Service for any road relocation projects that have the potential to affect biological resources, including Threatened and Endangered Species and Migratory Birds.

12. FEMA would consult with U.S. Fish and Wildlife Service and/or Natural Resources Conservation Service for any project which extends outside of the road right-of-way and has the potential to affect land use, including Fish and Wildlife Service easements, prime farmland, or farmland of state/local significance.
13. FEMA would consult with the State Historic Preservation Office and appropriate tribal representatives on project specific activities for any project that has the potential to affect previously undisturbed areas or historic properties.
14. To minimize any potential to occupation health and safety, construction workers and equipment operators are required to wear appropriate personal protective equipment (PPE) and to be properly trained for the work being performed, including removal and disposal of asbestos and lead-based paint for demolition projects.

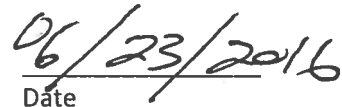
Findings

Based upon the information contained in the referenced Final EA completed in accordance with NEPA, National Historic Preservation Act (NHPA) and tribal considerations, Endangered Species Act (ESA), EOs addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898); and federal agency implementation procedures, including Title 13 of the Code of Federal Regulations (CFR) Part 302 (13 CFR 302), 24 CFR 55 and 58, 33 CFR 230, and 44 CFR 9 and 10, it is found that the Proposed Action Alternative, with the prescribed mitigation measures and stipulations, would have no significant adverse impact on the human and natural environment. As a result of this **Finding of No Significant Impact (FONSI)**, an Environmental Impact Statement will not be prepared. Construction of the proposed FEMA-funded project, with the associated mitigation measures and stipulations identified above and described in the referenced EA and the supporting documentation, may proceed.

APPROVED



Steven E. Hardegen
Regional Environmental Officer



Date

