



**FEMA**

**U.S. Department of Homeland Security**  
FEMA Region VIII  
Denver Federal Center  
Building 710, Box 25267  
Denver, CO 80225-0267

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**  
**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**FINAL PROGRAMMATIC ENVIRONMENTAL ASSESSMENT UTILITY**  
**RESTORATION, REPLACEMENT AND RELOCATION IN THE STATE OF**  
**COLORADO**

**BACKGROUND**

Geography, climate, and demographic trends have necessitated development of a complex infrastructure of utility systems across Colorado. Aging infrastructure, the need for increased capacity, and damage due to manmade and natural disasters all have the potential to limit the ability of these utility systems to function as designed. Failure of these systems can cause injury and loss of life; residents, government entities and businesses may lose capital and access to property and critical infrastructure; and significant environmental impacts may occur. Local governments may be unable to provide critical services including fire suppression, emergency communication, power generation, potable water and wastewater treatment. Sheltering and protection from the elements may be unavailable creating a potential threat to life, public health and safety. In an effort to restore these services and/or mitigate these impacts, federal agencies may provide funds for utility system restoration, replacement, upgrade, expansion, redesign, or relocation.

Regarding the vulnerabilities detailed above utility projects are needed to:

- Restore utilities to a safe, sustainable, and permanent function and capacity;
- Minimize and mitigate future losses and impacts on the essential utilities; and
- Develop and construct resilient facilities with minimal impacts to natural and historic resources.

In accordance with the National Environmental Policy Act (NEPA) of 1969, FEMA's regulations for implementing NEPA at 44 Code of Federal Regulations (CFR) Part 10, the President's Council on Environmental Quality (CEQ) NEPA implementing regulations at 40 CFR Parts 1500-1508, and in the spirit of Unified Review as outlined in Section 6 of the Sandy Recovery Improvement Act (SRIA) of 2013 FEMA prepared a draft Programmatic Environmental Assessment (PEA) to evaluate the potential environmental impacts resulting from utility projects.

The PEA evaluated four alternatives: (1) No Action; (2) Replacement; (3) Relocation; and (4) Combination of Alternatives 2 and 3. A given alternative may not be available in all locations. Therefore, specific project sites may have different preferred alternatives.

Notice of the availability of the draft PEA was published in the *Denver Post* on January 11<sup>th</sup> and 18<sup>th</sup>, 2015, covering a two week comment period. All comments received on the draft PEA were incorporated into the document and are detailed in Appendix C.

## CONDITIONS

Actions under this PEA and FONSI must meet the following conditions. Failure to comply with these conditions would make the FONSI determination inapplicable for the project and could jeopardize the receipt of funding.

1. In accordance with applicable local, state, and federal regulations, the applicant would be responsible for acquiring any necessary permits prior to commencing construction at the proposed project site.
2. The applicant will follow best management practices and requirements under applicable stormwater pollution requirements for the placement of fill and construction activities.
3. Contractor and/or Subcontractors will properly handle, package, transport, and dispose of hazardous materials and/or waste in accordance with all local, state, and federal regulations, laws, and ordinances. If hazardous substances are released to the project area during construction, these federal, state, and local requirements must be followed in response and cleanup.
4. If during the course of work, unmarked graves, burials, human remains, or archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery, secure the site, and take all reasonable measures to avoid or minimize harm to the finds. All archaeological findings will be secured and access to the sensitive area restricted. The applicant shall inform their federal grant program contacts, who will in turn consult with Historic Preservation (HP) staff. The applicant will not proceed with work until HP staff completes consultation with the State Historic Preservation Office (SHPO), or Tribal Historic Preservation Office (THPO), to ensure that the project is in compliance with the National Historic Preservation Act (NHPA).
5. The applicant will follow applicable mitigation measures as identified in Section 5 of the PEA to the maximum extent possible.
6. The applicant must meet any project-specific conditions developed and agreed upon between the federal grant program and environmental planning or historic preservation resource or regulatory agencies during consultation or coordination.
7. Construction traffic should be closely monitored and controlled as appropriate. All construction activities would be conducted in a safe manner in accordance with OSHA requirements. To alert motorists and pedestrians of project activities, appropriate signage and barriers would be on site prior to and during construction activities. During construction activities, the construction site(s) would be fenced off to discourage trespassers.

8. The applicant will submit any changes to the scope of work that was originally submitted as part of the application for the federal grant program determination of whether the PEA is still valid or whether any supplementation or re-evaluation is needed.

## FINDINGS

Based upon the information contained in the Final PEA, the potential impacts resulting from the four project types analyzed in the PEA, and in accordance with FEMA's regulations at 44 CFR Part 10 and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), FEMA finds that the implementation of the proposed action will not have significant impacts to the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will not be prepared. This FONSI is based upon proposed actions fitting one of the four project types (alternatives) described in the Final PEA and meeting all conditions prescribed for that particular project type.

## APPROVAL

 

Richard Myers

Date

Acting Regional Environmental Officer, FEMA Region VIII

