

# **Appendix A**

EA Tiering Conditions

Projects that have impacts greater than considered in this PEA may result in the need for a project-specific tiered EA. The following table presents conditions under which FEMA may tier an EA from this PEA.

<b>Area of Resource Evaluation</b>	<b>Action Covered by this PEA</b>	<b>Tiered Site-Specific Environmental Assessment Required</b>
<b>Geology, Topography, and Soils</b>	<ul style="list-style-type: none"> <li>• The proposed action SOW would have no, negligible, or minor impacts to geology, topography, and soils; and</li> <li>• The proposed action leads to moderate impacts that are mitigated by regulatory permit conditions and resource agency consultations to reduce the impacts below the level of major; and</li> <li>• The proposed action is consistent with FPPA and NRCS policies.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed action results in major impacts to geology, topography, or soils that cannot be mitigated; or</li> <li>• The proposed action includes work that exceeds the thresholds established in this PEA; or</li> <li>• FPPA consultation indicates the proposed action may cause major impacts to prime and unique farmland.</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>• Air level emissions for parameters identified under the NAAQS from the proposed action in nonattainment and maintenance areas would be below de minimis levels, and</li> <li>• Emissions in attainment areas would not cause air quality to elevate above attainment for any NAAQS criteria pollutant; and</li> <li>• Mitigation measures are used to reduce the level of impacts below the level of major; and</li> <li>• The proposed action would limit impacts to indoor air quality impacts to no negligible, or minor, through the implementation of building materials which are to current codes and standards.</li> </ul>	<ul style="list-style-type: none"> <li>• The levels for NAAQS pollutants from the proposed action would be greater than the established exceedance levels for nonattainment and maintenance areas; or</li> <li>• Emissions in attainment areas would cause an area to be out of attainment for any NAAQS criteria pollutant after a conformity determination; or</li> <li>• Impacts to indoor air quality attain the level of major following project completion.</li> </ul>

<b>Area of Resource Evaluation</b>	<b>Action Covered by this PEA</b>	<b>Tiered Site-Specific Environmental Assessment Required</b>
<b>Water Quality/Water Resources</b>	<ul style="list-style-type: none"> <li>• The proposed action SOW would have no, negligible, or minor impacts on water resources and would not negatively impact water quality standards or criteria. Minor localized alterations in water quality and hydrologic conditions relative to historical baseline may occur; and</li> <li>• The proposed action would result in moderate impacts that can be mitigated by regulatory permit conditions and resource agency consultations to reduce the impacts below the level of major; and</li> <li>• The proposed action would not require an individual permit from USACE; and</li> <li>• The proposed action complies with all permit conditions, notifications, and reporting requirements for applicable USACE-issued general permits; and</li> <li>• The proposed action, one acre or greater, requires and complies with an NPDES and SWPPP; and</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed action SOW would cause or contribute to existing or new exceedances of water quality standards on either a short-term or prolonged basis that are not able to be mitigated under CWA permits; or</li> <li>• The proposed action requires an individual permit from USACE; or</li> <li>• The action negatively impacts nearby designated Wild and Scenic Rivers.</li> </ul>
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>• The proposed action SOW is not located in or does not adversely impact wetlands following an 8-Step Decision Making Process; and</li> <li>• All federal and USVI permits that authorized actions involving wetlands would be obtained by the recipient; and</li> <li>• The recipient complies with all permit conditions including compensatory mitigation.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed action is located in wetlands, and following an 8-Step Decision Making Process, would adversely impact wetlands that cannot be mitigated; or</li> <li>• The proposed action requires an individual permit from USACE because of impacts to a wetland; or</li> <li>• The proposed action would result in adverse impacts to the wetlands, conveyance, and duration that increase flood risk at locations upstream, downstream, or adjacent to the project site.</li> </ul>

<b>Area of Resource Evaluation</b>	<b>Action Covered by this PEA</b>	<b>Tiered Site-Specific Environmental Assessment Required</b>
<b>Floodplains</b>	<ul style="list-style-type: none"> <li>• The proposed action is not located in or does not adversely impact floodplains; and</li> <li>• The recipient has complied with conditions associated with all state, federal, and local permits, regulations, and authorizations, including CWA and state and local floodplain codes; and</li> <li>• The recipient conducted an H&amp;H analysis to determine the proposed action would not increase levels, frequency or duration of floods and would not alter hydrological connectivity and function; and</li> <li>• The completed 8-Step Decision Making Process which determined the proposed action is the only practicable alternative with the least impact.</li> </ul>	<ul style="list-style-type: none"> <li>• The individual 8-Step Decision Making Process depicts adverse impacts to the floodplain, including a decrease hydrological connectivity and function from action implementation; or</li> <li>• The proposed action would result in adverse impacts to the floodplain, including an increase in flood levels, significant changes to flood frequency, conveyance and duration that increase flood risk at locations upstream, downstream or adjacent to the project site.</li> </ul>
<b>Coastal Resources</b>	<ul style="list-style-type: none"> <li>• The proposed action in a coastal zone has received a CZMA Federal Consistency Certification from PRPB or has complied with permits issued, and the proposed action would have no, negligible or minor impacts to coastal resources; and</li> <li>• The proposed action is located within a CBRS and FEMA receives concurrence from USFWS that it qualifies as an exception under Section 6 of CBRA and is consistent with CBRA; and</li> <li>• The proposed action results in adverse impacts to coastal zones following mitigation by regulatory permit conditions and resource agency consultations to reduce the impacts below the level of major.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed action is located within the CBRS and not exempt under CBRA; or</li> <li>• The proposed action is not covered by the CZMA Federal Consistency Certification from PRPB; or</li> <li>• The proposed action is located within a CBRS and USFWS does not concur that it qualifies as an exception under Section 3505.a.6 of the CBRA; or</li> <li>• The proposed action includes new construction within a V-Zone or Coastal High Hazard area.</li> </ul>

<b>Area of Resource Evaluation</b>	<b>Action Covered by this PEA</b>	<b>Tiered Site-Specific Environmental Assessment Required</b>
<b>Vegetation</b>	<ul style="list-style-type: none"> <li>The proposed action results in adverse impacts to vegetation (and/or trees) where mitigative efforts reduce impacts below the level of major.</li> <li>The proposed action results in the loss of heritage trees where mitigative efforts result in the replacement of Heritage Trees in accordance with the Heritage Tree Law.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed action results in major impacts on vegetation (and/or trees) where mitigative efforts cannot reduce impacts below the level of major.</li> <li>The proposed action results in the loss of Heritage Trees where mitigative efforts cannot replace lost Heritage Trees in accordance with the Heritage Tree Law.</li> </ul>
<b>Threatened and Endangered Species</b>	<ul style="list-style-type: none"> <li>The proposed action would not adversely impact ESA listed species or DCH; and</li> <li>The proposed action results in potential negligible or minor impacts with mitigation through resource agency consultations. FEMA makes a “May affect, but Not Likely to Adversely Affect” determination and USFWS concurs.</li> </ul>	<ul style="list-style-type: none"> <li>Any proposed actions, following consultation, that would create a level of impact beyond “not likely to adversely affect” ESA listed species or DCH; or</li> <li>Any proposed action that results in the loss or adverse modification of DCH for an ESA listed species.</li> </ul>
<b>Cultural Resources (Structural and Archaeological)</b>	<ul style="list-style-type: none"> <li>The proposed action impacts can be resolved through the compliance strategy laid out in the Programmatic Agreement, as amended, and project-specific programmatic agreement executed pursuant to Stipulation II.C.6.c of the amended Programmatic Agreement. In both cases, impacts may be resolved through application of programmatic allowances or consultation with SHPO, COR3, the subrecipient, and any other identified consulting parties.</li> </ul>	<ul style="list-style-type: none"> <li>FEMA makes an “Adverse Effect” determination in consultation with SHPO that cannot be resolved with the SHPO, COR3, the subrecipient, and other identified consulting parties through Stipulation II.C.6.a (Abbreviated Consultation Process), or Stipulation II.C.6.b (Memorandum of Agreement) of the amended Programmatic Agreement or through a Resolution of Adverse Effects process identified in a project-specific programmatic agreement.</li> <li>Abandonment of a historic property may require a tiered EA analysis from this PEA if the structure cannot be rendered safe and secure.</li> </ul>
<b>Land Use and Planning</b>	<ul style="list-style-type: none"> <li>Projects are aligned with current comprehensive land use plans and implementation plans for school facility actions.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed action would not be consistent with the surrounding land use, and the local land use agency requires a special land use permit or waiver to facilitate project completion.</li> </ul>