

Final Programmatic Environmental Assessment
**Hazard Mitigation Grant
Program Exception**

States of Louisiana and Mississippi
December 2007

**U.S. Department of Homeland Security
Federal Emergency Management Agency**
*Mitigation Directorate
Office of Environmental Planning
and Historic Preservation*
500 C St, SW
Washington, DC 20472



Table of Contents

I.	Introduction: The Hazard Mitigation Grant Program	1
II.	Purpose and Need	2
III.	Program Alternatives	2
A.	No Action Alternative.....	2
B.	Program Exception Implementation Alternatives.....	3
Alternative B-1:	Exception for hazard mitigation measures to damaged residential and commercial structures	3
Alternative B-2:	Exception for hazard mitigation measures to damaged residential and commercial structures with grace period	4
Alternative B-3:	Exception for hazard mitigation measures to damaged residential and commercial structures, and to damaged public facilities	4
Alternative B-4:	Exception for hazard mitigation measures to damaged residential and commercial structures, and to damaged public facilities with grace period	5
C.	Alternatives Considered but Dismissed	5
IV.	Summary of Impacts	6
V.	Current Conditions and Environmental Impacts.....	7
A.	Air Quality	9
1.	Current Conditions.....	9
2.	Environmental Impacts	10
B.	Water Resources	12
1.	Current Conditions.....	12
2.	Environmental Impacts	14
C.	Floodplains.....	17
1.	Current Conditions.....	17
2.	Environmental Impacts	18
D.	Coastal Resources	22
1.	Current Conditions.....	22
2.	Environmental Impacts	23
E.	Biological Resources	25
1.	Current Conditions.....	25
2.	Environmental Impacts	27
F.	Historic Properties	29
1.	Current Conditions.....	29
2.	Environmental Impacts	31
G.	Environmental Justice.....	34
1.	Current Conditions.....	34
2.	Environmental Impacts	35
VI.	Cumulative Impacts	37
VII.	Conclusion	38
VIII.	Public Involvement	39
IX.	List of Preparers.....	40
X.	Bibliography	40
	Appendix A: Communities Adopting FEMA ABFE.....	42
	Appendix B: Response to Comments on the Draft PEA	44

List of Acronyms

ABFE	Advisory Base Flood Elevation
ACHP	Advisory Council on Historic Preservation
BFE	base flood elevation
BMP	best management practice
CAA	Clean Air Act
CHAT	Citizen's Road Home Action Team
CWA	Clean Water Act
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CBU	Coastal Barrier Resources System Unit
CFR	Code of Federal Regulations
CMD	Coastal Management Division
CMP	Coastal Management Program
CUP	Coastal Use Permit
CZMA	Coastal Zone Management Act
DFIRM	digital Flood Insurance Rate Map
EA	environmental assessment
EFH	Essential Fish Habitat
EHP	environmental and historic preservation
E.O.	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impacts
FWS	U.S. Fish and Wildlife Service
GCR	General Conformity Rule
GIS	geographic information system
GOSHEP	Louisiana Governor's Office of Homeland Security and Emergency Preparedness
HMGP	Hazard Mitigation Grant Program
HUD	Housing and Urban Development
LCRP	Louisiana Coastal Resource Program
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LRA	Louisiana Recovery Authority
MDEQ	Mississippi Department of Environmental Quality
MDMR	Mississippi Department of Marine Resources
MEMA	Mississippi Emergency Management Agency
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRHP	National Register of Historic Places

NTHP	National Trust for Historic Preservation
OCD	Office of Community Development
OMB	Office of Management and Budget
PA	Programmatic Agreement
PEA	programmatic environmental assessment
SBA	Small Business Administration
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SWPPP	Stormwater Pollution Prevention Plan
THPO	Tribal Historic Preservation Office
USACE	U.S. Army Corps of Engineers

I. Introduction: The Hazard Mitigation Grant Program

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288), as amended, authorizes the Federal Emergency Management Agency (FEMA) to contribute up to 75 percent of the cost of hazard mitigation measures that are determined to be cost-effective and which substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster. The regulations governing this Hazard Mitigation Grant Program (HMGP) can be found at 44 Code of Federal Regulations (CFR) Part 206 Subpart N. The HMGP Desk Reference contains the program's guidance and can be found at <http://www.fema.gov/library/viewRecord.do?id=1472>.

The objective of the HMGP is to enable the implementation of long-term hazard mitigation measures during the immediate recovery from a disaster to reduce the loss of life and property from a disaster. Grants under HMGP are made available statewide, and the hazard mitigation activities funded may not necessarily relate to the damages caused by the incident. They are intended to accomplish hazard mitigation beyond that which would otherwise be addressed independently.

Under the HMGP, a declared State identifies and submits hazard mitigation proposals from eligible entities to FEMA for approval. Eligible entities include State governments, local governments (acting on their own behalf or on behalf of individual homeowners and businesses), Indian tribes and tribal organizations, and certain private non-profit (PNP) organizations (such as those that perform a governmental function). FEMA reviews these proposals to determine if they meet the program's eligibility requirements, including: conforming to the State Hazard Mitigation Plan and the applicable local mitigation plan, benefitting the designated disaster area, solving a problem independently or constituting a functional portion of a solution, being cost-effective, being feasible, and meeting the hazard mitigation program objectives. Projects initiated before FEMA approval and grant award are ineligible for HMGP funding.

One element of FEMA's approval process is an environmental and historic preservation (EHP) compliance review to ensure that projects meet various Federal EHP requirements. These requirements include review under the National Environmental Policy Act (NEPA), consultation under Section 7 of the Endangered Species Act (ESA), consultation under Section 106 of the National Historic Preservation Act (NHPA), the eight-step decision-making process outlined in 44 CFR Part 9 for floodplain management and wetland protection, limiting activities under the Coastal Barriers Resources Act (CBRA), conforming to the Coastal Zone Management Act (CZMA), evaluation of impacts on prime and unique farmlands under the Farmland Protection Policy Act, compliance with Executive Order (E.O.) 12898, Environmental Justice, general conformity determinations under the Clean Air Act (CAA), and ensuring appropriate permits under the Clean Water Act (CWA), including Section 404 permits and Section 402 permits, among others.

II. Purpose and Need

In the aftermath of Hurricanes Katrina and Rita, some individual property owners in the affected areas of Louisiana and Mississippi proactively engaged in hazard mitigation activities in an effort to recover from the damage and mitigate at-risk properties against future damage. Such activities may have been eligible for funding under the HMGP or could have been used to meet the non-Federal match requirement of the program had they obtained FEMA approval before the activities started. These property owners, whether they were private individuals, PNPs, or local governments, would have been the ultimate recipients of HMGP funding. However, under HMGP requirements, projects initiated or completed prior to FEMA approval are not eligible for funding.

Hurricanes Katrina and Rita overwhelmed the capability of local governments in the affected areas of Louisiana and Mississippi and left communities without resources to assign to the identification, development, and timely application and implementation of hazard mitigation initiatives under HMGP. Communities in these impacted areas were not in a position to engage in the required HMGP application process until more than two years after the catastrophic hurricanes. These unique circumstances did not occur in any other Gulf Coast States in the aftermath of the hurricanes, and FEMA is not aware of any other situations where virtually all communities affected by a major disaster were impacted to such an extent as to be unable to develop and submit hazard mitigation applications within the established HMGP timeframes.

In light of these nationally unprecedented circumstances, and because of the high national priority, as articulated by the President, members of Congress, Governors of the States, and the public, to accelerate the process of rebuilding on the Gulf Coast without further delay, FEMA has requested and received a waiver from the Executive Office of the President/Office of Management and Budget allowing FEMA to develop a framework for implementing a limited exception to Federal program requirements (HMGP Exception) that would allow certain hazard mitigation actions initiated without prior FEMA approval before the effective date of such a HMGP Exception, and implemented in the course of repair activities on structures and facilities (as defined in the Stafford Act) damaged by the disasters in Louisiana and Mississippi, to become eligible for grant consideration. The costs of such actions, if determined to meet all other Federal requirements, could then count towards the State's non-Federal match requirements under HMGP or, in some cases, could be partially reimbursed.

III. Program Alternatives

This section discusses reasonable alternatives available to FEMA for deciding whether to implement a program exception from the requirement of FEMA approval before projects are initiated.

A. No Action Alternative

Under this alternative, FEMA would not implement a program exception. Only those projects in Louisiana and Mississippi that had not been initiated prior to FEMA approval and that meet all HMGP requirements would be eligible for HMGP funding. In relation

to the NO Action alternative it is assumed that the structural modifications which are the focus of the exception have already been completed, have been initiated, or would be likely be done in the future without FEMA's involvement.

B. Program Exception Implementation Alternatives

Under these alternatives, FEMA would implement a program exception for hazard mitigation projects initiated prior to FEMA approval if they were undertaken in Louisiana and Mississippi as a direct result of Hurricanes Katrina or Rita and in conjunction with the repair or restoration of a structure or facility damaged by the events. This program exception would not include activities associated with a structure or facility that was not damaged by the event, or the mitigation or construction of new buildings, facilities, or infrastructure unless replacing a structure or facility that was damaged by the event. These projects must meet all other program eligibility and Federal compliance requirements.

The States would submit initiated or completed hazard mitigation projects to FEMA for approval, ensuring that all appropriate documentation for each project is included with the submittal. FEMA will review projects to ensure they meet benefit-cost and engineering feasibility eligibility requirements.

Projects must obtain and comply with all applicable permits (e.g., National Pollutant Discharge Elimination System [NPDES] permits, CWA Section 404 General or Individual Permits, Stormwater Pollution Prevention Plans [SWPPP], Incidental Take permits [ESA Section 10(a)(1)(b)], building permits for construction in the floodplain, and coastal use permits). Projects that did not obtain applicable permits and properly implement permit conditions would not be eligible for HMGP funding.

The following alternatives are being considered for implementing the program exception:

Alternative B-1: Exception for hazard mitigation measures to damaged residential and commercial structures

This alternative would make the exception available for hazard mitigation measures to residential and commercial structures that were damaged by Hurricanes Katrina or Rita. The definition of structures is that used in 44 CFR 59.1: a walled and roofed building that is principally above ground (such as a manufactured home or commercial buildings). These hazard mitigation measures are limited to:

- Retrofitting residential and commercial structures for hazard protection
- Elevating residential and commercial structures
- Mitigation Reconstruction Pilot of residential and commercial structures
- Demolition of existing residential and commercial structures where a prospective acquisition or mitigation reconstruction pilot is proposed

Under this alternative FEMA would limit the applicability of the exception to actions initiated without FEMA approval before the effective date stated in the announcement of

the program exception. Projects not yet initiated before the effective date would be subject to the normal HMGP procedures. Initiation of a mitigation activity is defined as actual physical work such as groundbreaking, demolition, or construction of raised foundation.

Alternative B-2: Exception for hazard mitigation measures to damaged residential and commercial structures with grace period

This alternative addresses the same range of activities as Alternative B-1 but would extend the applicability of the exception for 60 days after the established effective date; projects that have been initiated prior to the end of the grace period would qualify for the exception. The grace period is intended to provide State and local governments and property owners with sufficient notice of the HMGP requirements and allow those who have taken significant steps toward initiation of physical work on-site at the time of the announcement to continue. Any projects not initiated by the end of the grace period are still eligible to apply for and receive HMGP funds, but are subject to the normal HMGP procedures, including prior FEMA approval.

Alternative B-3: Exception for hazard mitigation measures to damaged residential and commercial structures, and to damaged public facilities

This alternative would make the exception available to the activities included in Alternative B-1 and to hazard mitigation activities conducted in the course of the FEMA eligible repair of public facilities, including eligible PNP facilities as defined in 44 CFR 206.221(e), that were damaged by the events. The definition of public facilities and PNP facilities is that used in Section 102 of the Stafford Act. The eligible activities under this alternative for residential and commercial structures include:

- Retrofits (public or private)
- Elevations (public or private)
- Mitigation reconstruction (public or private)
- Demolition where a prospective acquisition or mitigation reconstruction is proposed (public or private)

Eligible activities under this alternative for public and PNP facilities include:

- Relocation of public facilities
- Minor, structure-specific flood-control projects, such as floodgates or minor floodwalls
- Retrofit of stormwater management facilities
- Infrastructure protection measures
- Construction of associated safe rooms

These activities are eligible under the exception if they were not eligible under the Public Assistance Program (Section 406 mitigation).

As is the case for Alternative B-1, this alternative would limit the applicability of the exception to actions initiated before the effective date stated in the announcement of the exception. Projects not yet initiated before that date would be subject to the normal HMGP procedures, including prior FEMA approval.

Alternative B-4: Exception for hazard mitigation measures to damaged residential and commercial structures, and to damaged public facilities with grace period

Alternative B-4 is FEMA's preferred alternative. This alternative addresses the same range of activities as Alternative B-3 but would extend the applicability of the exception for 60 days after the established effective date. Any projects not initiated by the 60th day after the established effective are still eligible to apply for and receive HMGP funds, but are subject to the normal HMGP procedures, including prior FEMA approval.

C. Alternatives Considered but Dismissed

The following alternatives were considered and dismissed because they did not meet the purpose and need:

Geographic Scope Beyond Mississippi and Louisiana. This alternative would have allowed the exception of initiated or completed hazard mitigation actions beyond these two States. This alternative was dismissed because it does not meet the purpose and need. The unique circumstances triggering the need for the program exception are only present in Mississippi and Louisiana as a result of Hurricanes Katrina and Rita.

Hazard Mitigation Activities Not Associated with the Repair or Restoration of Damaged Structures. This alternative would have allowed the exception in Louisiana and Mississippi for initiated or completed hazard mitigation actions that did not relate to the repair or restoration of damaged structures and facilities. HMGP funds are available to eligible sub-applicants throughout Louisiana and Mississippi whether the structures or facilities in the application were damaged or not. This exception, however, only applies to Katrina or Rita-damaged structures or facilities.

The need for the exception is to address rebuilding efforts in areas affected by the disasters that occurred before communities, whose capabilities were severely impacted by these events, could formally develop mitigation project applications. The purpose of the exception is to allow HMGP funding to those who incorporated mitigation measures during their rebuilding and recovery efforts before communities could formally develop mitigation project applications. In contrast, structures and facilities not damaged by the event did not require repairs or reconstruction that could have incorporated mitigation designs during the course of reestablishing the populations affected by the event.

Applying the exception to non-damaged structures or facilities does not meet the purpose or need for the program exception. Mitigation of such structures remains eligible under normal HMGP procedures including prior FEMA approval.

IV. Summary of Impacts

	<i>Alternative A, No Action</i>	<i>Alternative B-1, Mitigate damaged residential and commercial structures</i>	<i>Alternative B-2, Mitigate damaged residential and commercial structures w/ grace period</i>	<i>Alternative B-3, Mitigate damaged residential and commercial structures and damaged public facilities</i>	<i>Alternative B-4 (preferred alternative), Mitigate damaged residential and commercial structures and damaged public facilities w/ grace period</i>
A. Air Quality	No Effects	Negligible Impacts	Negligible Impacts	Negligible Impacts	Negligible Impacts
B. Water Resources	No Effects	Negligible Impacts	Negligible Impacts	Minor Impacts	Minor Impacts
C. Floodplains	No Effects	Negligible Impacts	Negligible Impacts	Minor Impacts. Projects with moderate to substantial effects that cannot be mitigated will not be approved.	Minor Impacts. Projects with moderate to substantial effects that cannot be mitigated will not be approved.
D. Coastal Resources	No Effects	Negligible Impacts	Negligible Impacts	Minor Impacts	Minor Impacts
E. Biological Resources	No Effects	Negligible Impacts	Negligible Impacts	Minor Impacts. Projects with moderate to substantial effects that cannot be mitigated will not be approved.	Minor Impacts. Projects with moderate to substantial effects that cannot be mitigated will not be approved.
F. Historic Properties and Archeological Sites (1)	No Effects	Adverse Effects. FEMA will consult with appropriate SHPO, THPO, and the ACHP and develop Programmatic Agreements to address these effects.	Adverse Effects. FEMA will consult with appropriate SHPO, THPO, and the ACHP and develop Programmatic Agreements to address these effects.	Adverse Effects. FEMA will consult with appropriate SHPO, THPO, and the ACHP and develop Programmatic Agreements to address these effects.	Adverse Effects. FEMA will consult with appropriate SHPO, THPO, and the ACHP and develop Programmatic Agreements to address these effects.
G. Environmental Justice	No Effects	Negligible Impacts	Negligible Impacts	Minor Impacts. Projects with disproportionate high and adverse environmental or health impacts to minority and low income populations that cannot be mitigated will not be approved.	Minor Impacts. Projects with disproportionate high and adverse environmental or health impacts to minority and low income populations that cannot be mitigated will not be approved.

(1) SHPO refers to State Historic Preservation Office, THPO refers to Tribal Historic Preservation Office, and ACHP refers to Advisory Council on Historic Preservation.

V. Current Conditions and Environmental Impacts

FEMA's EHP staff has considerable experience in the review of HMGP-eligible activities and the typical impacts associated with these activities. Accordingly, FEMA has developed categorical exclusions under NEPA, 44 CFR Part 10.8(d)(2), which it uses for HMGP activities that typically have no significant impact to the human environment and do not require further NEPA analysis. These activities include:

- Acquisition of properties and associated demolition, where the property acquired will be dedicated to open space in perpetuity
- Installation of utility and communication systems that use existing facilities or infrastructure rights of way
- Physical relocation of individual structures
- Reconstruction, elevation, retrofitting, and upgrading to current codes and standards of structures in a manner that substantially conforms to the pre-existing design, function, and location
- Improvements to facilities and construction of small-scale hazard mitigation measures in existing developed areas with substantially completed infrastructures when:
 - The immediate project area has been disturbed
 - The actions do not alter basic functions
 - The actions do not exceed capacity of other system components (e.g., hydrologic systems, traffic, public infrastructure)
 - The actions do not modify intended land uses
 - The operation of the completed project does not have an adverse effect on the environment

When hazard mitigation actions that would typically be covered by these NEPA categorical exclusions include elements that would affect the human environment, including impacts on floodplains, endangered species, historic properties, and environmental justice issues, there may be a need to develop an environmental assessment (EA) to evaluate these impacts. Examples of EAs for some typical HMGP-eligible activities can be found at <http://www.fema.gov/plan/ehp/envdocuments>. These documents are incorporated by reference in this programmatic environmental assessment (PEA). In particular, this PEA incorporates the following documents:

HMGP-Eligible Activity	Project Title	Web link
Flood Control Projects	Garfield and Walter's Subdivision Drainage Improvement Projects, Bay County, MI	http://www.fema.gov/library/viewRecord.do?id=2715
	Flint River Flood Mitigation Alternatives in Saginaw County, MI	http://www.fema.gov/pdf/plan/ehp/flint-river-ea.pdf
	Cambria Flood Mitigation Project, San Luis Obispo County, CA	http://www.fema.gov/library/viewRecord.do?id=2100
	City of Titusville Flood Protection Project, Crawford County, PA	http://www.fema.gov/library/viewRecord.do?id=2183
Retrofits/ Structure Hardening	Waterloo High School Seismic Upgrade Project, Monroe County, IL	http://www.fema.gov/library/viewRecord.do?id=2527
Infrastructure Improvements	Elm Avenue Stormwater Diversion Project, Wright County, MN	http://www.fema.gov/pdf/plan/ehp/elmavenue-fea.pdf
	East Side Stormwater Lift Station, Wright County, MN	http://www.fema.gov/pdf/plan/ehp/eastside-fea.pdf
	Flood Mitigation for Pumping Station No. 1, Genesee County, MI	http://www.fema.gov/library/viewRecord.do?id=1953
Drainage Improvement	West Dietz Creek Drainage Improvement Project, City of Schertz, TX (Supplemental)	http://www.fema.gov/library/viewRecord.do?id=1948
	Storm Drain Improvement Project, Ione, CA	http://www.fema.gov/library/viewRecord.do?id=2007
Programmatic Assessments	Programmatic Environmental Assessment for Hazard Mitigation Actions in Mississippi	http://www.fema.gov/pdf/plan/ehp/Miss_EA.pdf
	Programmatic Environmental Assessment for Typical Recurring Actions, Flood, Earthquake, Fire, Rain, and Wind Disasters in California	http://www.fema.gov/pdf/plan/ehp/cal_pea.pdf

Through its vast experience performing environmental reviews on similar project types throughout the Gulf States and elsewhere in the country, FEMA determined that the proposed alternatives may have raised concerns with following environmental

considerations: air quality, water resources, floodplains, coastal resources, biological resources, historic properties, and environmental justice.

The following sections describe the environmental impacts of the reasonable alternatives for the implementation of the program exception. Each resource area identified in the Summary of Impacts Table is evaluated separately. In the first part of the discussion of each resource area, there is a brief description of current environmental conditions in each State. The second part describes the baseline for each resource, explaining what environmental impacts likely occurred as a result of the implementation of hazard mitigation measures by property owners. The impacts of initiated or completed actions are then characterized using a scale of negligible, minor, moderate, or substantial effects. This part also discusses how the environmental compliance review would have been conducted if FEMA had an opportunity to perform this review prior to project initiation.

The final section of the discussion of each resource area focuses on the environmental impacts of each of the identified alternatives. Each of the alternatives contains an assessment of the likely impacts of the alternative to the human environment. In addition, each alternative has a discussion on the loss of opportunity to enhance the environment and minimize impacts to the maximum extent possible.

A. Air Quality

1. Current Conditions

Louisiana

The U.S. Environmental Protection Agency (EPA) has delegated its CAA enforcement authority to the Louisiana Department of Environmental Quality (LDEQ). The State's air quality standards are identical to the Federal standards and are codified in Louisiana Administrative Code 33:III.711. The LDEQ also has fugitive dust emission control requirements and related best management practices (BMP) in its regulations, which pertain to all activities that emit particulate matter.

The parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge are the only nonattainment areas for ozone in Louisiana. All parishes in Louisiana are classified as attainment for all other criteria pollutants designated under the CAA.

To address ozone in nonattainment areas, the Louisiana State Implementation Plan (SIP) mandates that a new project must not result in an increase in volatile organic compounds or nitrogen dioxide (NO₂) emissions when compared to not taking action in both the long and short terms. The proposed action must not result in any new violations or increases of Federal or State ambient air quality standards.

Mississippi

The U.S. EPA has delegated its CAA enforcement authority to the Mississippi Department of Environmental Quality (MDEQ), Air Quality Division. The State's air quality standards are identical to the Federal standards except that MDEQ also has odor standards.

MDEQ has a network of monitoring stations throughout the State that measure and record ambient air quality. Based on these measurements, Mississippi is in attainment of all criteria pollutants designated under the CAA. As a result, General Conformity Rule (GCR) requirements do not apply to federally funded or approved activities in the State.

2. Environmental Impacts

Baseline

Property owners have undertaken hazard mitigation activities. These activities likely caused short-term negligible impacts on air quality.

Fugitive dust emissions from ground disturbance and emissions from combustion engines associated with construction activities were likely the most common impacts resulting from all hazard mitigation project types. Fugitive dust emissions would be less likely to have occurred for building retrofits and elevations. For most project types considered for approval, emissions would have only occurred during construction and would have been negligible due to the small scale of the activity. In cases where a project had the potential to cause measurable air quality emissions, FEMA assumes that the impacts were kept to negligible levels by incorporating BMPs (such as watering construction areas, maintaining spoil piles, applying pollution-abatement equipment to mechanical equipment, and keeping construction vehicles properly maintained) and complying with conditions of air quality permits, construction permits, and local ordinances.

Property owners would have been responsible for compliance with all provisions of the CAA that have been delegated to the State, as well as obtaining all applicable air quality permits from the LDEQ or MDEQ, following local ordinances, and obtaining construction permits.

Through its EHP review process, FEMA would have evaluated each HMGP project application for its potential to affect air quality. For most project types considered for approval, air emissions would be so minor that no formal GCR would be conducted. For projects that have the potential to adversely affect air quality, FEMA would have conducted an analysis for compliance with the GCR of the CAA before initiation of each project. By following this procedure, FEMA would ensure that each project conformed to the SIP. However, Mississippi is in attainment of all criteria pollutants designated under the CAA and GCR requirements do not apply to FEMA-approved activities in the State. Therefore, all projects in Mississippi would have been performed in compliance with the GCR. In Louisiana, all but five parishes are in attainment for all criteria pollutants designated under the CAA. Similarly, GCR requirements do not apply to FEMA-approved activities in these parishes.

A GCR review would have been required for those projects that had the potential to adversely affect air quality in the five parishes that are in nonattainment areas for ozone (i.e., Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge). Based on FEMA's experience, the following project types normally result in air quality

emissions well below the emissions threshold rates for GCR review of all criteria pollutants, including ozone precursors: relocations of homes, demolitions, retrofitting structures, elevations, reconstruction, infrastructure protection measures, and safe room construction. The remaining project types (i.e., relocation of public facilities, flood control projects, and stormwater management) would have been evaluated for GCR compliance and conformity with the SIP.

Alternatives

Alternative A, No Action Alternative

By implementing this alternative FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that avoids impacts on air quality to the maximum extent practicable and enhances the environment.

Alternative B, Program Exception Implementation Alternatives

Alternative B-1, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures

FEMA's inability to review projects with the potential to affect air quality prior to project initiation precluded FEMA from performing an analysis to ensure compliance with the GCR. However, as described above, most of these activities would have had emissions below the threshold rates. Therefore, projects would have been conducted in compliance with the GCR and the impacts of this alternative on air quality would be negligible.

Since the effects of these initiated actions to air quality were negligible, FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on air quality to the maximum extent practical and enhances the environment.

Alternative B-2, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-1.

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception. However, as described for Alternative B-1, the types of projects involved in Alternative B-2 would cause negligible effects on air quality and would be conducted in compliance with the GCR. The impacts of this alternative on air quality would be negligible.

Since the effects of these actions to air quality are expected to be negligible, FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on air quality to the maximum extent practical and enhances the environment.

Alternative B-3, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities

As described for Alternative B-1 and B-2, hazard mitigation to residential and commercial structures would have resulted in negligible effects on air quality and would have complied with the GCR.

The following project types had some potential to affect air quality: relocation of public facilities, flood control projects, and stormwater management. As described in the Baseline section, all impacts for such projects were likely kept to negligible levels by incorporating BMPs (such as watering construction areas, maintaining spoil piles, applying pollution-abatement equipment to mechanical equipment, and keeping construction vehicles properly maintained) and complying with conditions of air quality permits, construction permits, and local ordinances. Thus, impacts from these project types would have been negligible and these project types are assumed to have complied with the GCR. The impacts of this alternative on air quality would be negligible.

Since the effects of these completed actions to air quality were negligible, FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on air quality to the maximum extent practical and enhances the environment.

Alternative B-4, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-3.

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exceptions. However, as described for Alternative B-3, the types of projects involved would cause negligible effects on air quality and are assumed to comply with the GCR. The impacts of this alternative to air quality would be negligible.

Since the effects of these actions to air quality are expected to be negligible, FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on air quality to the maximum extent practical and enhances the environment.

B. Water Resources

1. Current Conditions

Louisiana

The LDEQ manages certification under CWA Section 401 to ensure compliance with State water quality standards. Water quality certification is obtained from the LDEQ prior to project approval. In addition, LDEQ administers the stormwater pollution prevention

permitting and monitoring program, which requires a SWPPP for any construction activity that would affect more than 1 acre of land.

Louisiana has assessed about 13 percent of rivers and streams, 55 percent of lakes and reservoirs, 63 percent of bays and estuaries, and 12 percent of its wetlands. Of the assessed rivers and streams, 17 percent are considered to be in attainment and 83 percent are considered to be impaired. Of the lakes and reservoirs assessed, about 6 percent are considered to be in attainment and about 93 percent are considered to be impaired. Of the bays and estuaries assessed, 50 percent are considered to be in attainment and 50 percent are considered to be impaired. Of the wetlands assessed, 57 percent are considered to be in attainment while 43 percent are considered to be impaired (EPA, 2004). Mercury, total suspended solids, low dissolved oxygen, invasive species, and total fecal coliform are thought to be major causes of stream impairments. A list of impaired waters can be found at http://iaspub.epa.gov/tmdl/state_rept.control?p_state=LA&p_cycle=2002.

Groundwater is the source of drinking water for 61 percent of Louisiana's residents. Of this 61 percent, 12 percent obtain water from domestic wells and 49 percent receive water from public water supplies. The major sources of groundwater come from the Sparta Aquifer in north Louisiana, the Mississippi River Alluvial Aquifer, the Chicot Aquifer in southwest Louisiana, and the Southern Hills Aquifer in the southeastern part of the State (Southern Regional Water Program, 2006). Louisiana also has a number of rivers, lakes, and reservoirs that are used as public water supplies.

The only wild and scenic river in Louisiana is the Saline Bayou from the Saline Lake upstream to the Kisatchie National Forest. This stretch is designated as scenic and noted for "vegetation, animal and bird life, and calm black water."

Louisiana has approximately 3 million acres of wetlands that extend as much as 80 miles inland and along the coast for about 185 miles (U.S. Geological Survey, 1995). Louisiana is home to approximately 40 percent of the wetlands in the continental United States. The function and value of wetlands include: surface water storage (flood control), shoreline stabilization (wave damage protection/shoreline erosion control), sediment deposition, removal, and nutrient cycling (water quality protection), supporting aquatic productivity (fishing, shell fishing, and waterfowl hunting), production of trees, production of peaty soils, and provision of plant and wildlife habitat (FWS, 2006).

Mississippi

Mississippi has adopted comprehensive regulations for conducting Section 401 Water Quality Certifications, enabling the State to review Federal licenses and permits for compliance with State water quality standards.

Sources of nonpoint pollution, such as urban runoff and failing septic systems, are responsible for the majority of the impaired surface waters in Mississippi. Of the 9 percent of rivers and stream miles assessed, 43 percent have good rating for aquatic life support (4 percent for fish consumption, 61 percent for primary contact (recreational), and 62 percent for secondary contact). Fifty-seven percent are impaired for aquatic life

support (95 percent for fish consumption, 39 percent for primary contact, and 38 percent for secondary contact). Sediment, atmospheric deposition, and channelization are the primary identifiable sources of contamination (EPA, 2004). Metals and nutrients are the most common pollutants impacting bays and estuaries (EPA, 2000). A list of impaired waters in Mississippi is available at http://iaspub.epa.gov/tmdl/state_rept.control?p_state=MS&p_cycle=2004.

Mississippi has 15 major aquifers that are used to supply fresh water for domestic and industrial purposes. Groundwater supplies 80 percent of the water used in Mississippi; only two municipalities get water from surface-water sources. About 2 billion gallons per day of fresh water are withdrawn from the Mississippi River Alluvial Aquifer in the delta.

The only wild and scenic river in Mississippi is the reach of Black Creek from Bridge Landing upstream to Moody's Landing. This reach is designated as "scenic," meaning that it is occasionally accessible by road, with shorelines or watersheds largely undeveloped.

2. Environmental Impacts

Baseline

Property owners have undertaken hazard mitigation activities. These activities likely caused negligible to minor impacts on water resources, including wetlands.

The following hazard mitigation project types had the potential to impact water resources by affecting water quality, local hydrology, or wetlands: flood control, stormwater management, reconstruction of structures, relocation of facilities, and infrastructure protection measures.

Through its EHP review process, FEMA would have evaluated each HMGP project application for compliance with 44 CFR Part 9, Floodplains Management and Wetland Protection and the Wild and Scenic Rivers Act, before initiation of each project. Part 9 provides FEMA's procedures for compliance with E.O. 11988 and E.O. 11990 and establishes an eight-step decision-making process for ensuring Federal funds are not used for actions that adversely affect wetlands.

During its Part 9 compliance process, FEMA would have determined if the project would affect wetlands and if there were practicable alternatives to avoid affecting wetlands. If a Federal action must be undertaken that impacts wetlands, then FEMA finds methods for minimizing the impacts. By following this procedure, FEMA ensures that each project conforms to these rules and avoids, minimizes, or mitigates for impacts on wetlands and wild or scenic rivers to the maximum extent possible.

Through its EHP review process, FEMA would have evaluated each HMGP project application for its potential to affect water resources. FEMA would have worked with the property owners to modify the project, if needed, in a manner that accounted for impacts on water resources. If necessary, FEMA would have also established grant conditions,

such as implementation of erosion and sediment control plans or wetlands mitigation, to minimize impacts on water resources. Some of the changes could have altered the cost of the project and could have impacted its design. Under some circumstances, these additional costs may have become eligible for funding. Taking these measures would allow FEMA to ensure that all its funds were used in a manner that, to the extent practical, does not adversely impact water resources and enhances the environment.

For projects that had the potential to affect water resources, proponents would have been required to comply with all provisions of the CWA. Projects that involve discharge to water bodies or construction of at least 1 acre would have required proponents to obtain and follow conditions of NPDES permits from LDEQ or MDEQ. Projects that resulted in dredge or fill of wetlands would have required proponents obtain and implement the terms of wetland permits (State permits or CWA 404 permits). The issuance of a CWA 404 permit would have required proponents obtain and follow the conditions of CWA Section 401 Water Quality Certifications from LDEQ or MDEQ. Proponents would have been required to obtain local construction permits and comply with all local ordinances.

Alternatives

Alternative A, No Action Alternative

By implementing this alternative FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that avoids impacts on water resources to the maximum extent practicable and enhances the environment.

Alternative B, Program Exception Implementation Alternatives

Alternative B-1, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures

Reconstruction and relocation of structures are the only project types under this alternative with potential to impact water resources by affecting water quality, local hydrology, or wetlands. Since most projects with the potential to affect water resources would have been avoided or minimized through measures imposed by appropriate regulatory agencies, the impacts of this alternative on water resources would be negligible.

FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on water resources to maximum extent practical and enhances the environment.

Alternative B-2, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-1.

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception. However, as described for Alternative B-1, the activities would have been regulated even without Federal involvement. Thus, the impacts of this alternative on water resources would be negligible.

FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on water resources to the maximum extent practical and enhances the environment.

Alternative B-3, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities

As described in the Baseline section, only the following project types would have resulted in potential impacts on water resources: flood control, stormwater management, reconstruction of structures, relocation of facilities, and infrastructure protection measures. All grant applicants engaging in flood control, stormwater management, and infrastructure protection projects where dredging or fill of wetlands or waters of the United States are involved are expected to have obtained proper permits and water quality certifications prior to project implementation as required by Federal and State law. All grant applicants engaging in activities subject to SWPPPs under State law are expected to have obtained those permits prior to construction activities. Impacts associated with reconstruction and relocation of structures were described for Alternative B-1. Impacts associated with these other project types would be subject to the same restrictions as described for reconstruction and relocation. Therefore, the impacts of this alternative on water resources would be minor.

FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on water resources to the maximum extent practical and enhances the environment.

Alternative B-4, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-3.

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception. However, as described for Alternative B-3, the activities would have been regulated even without Federal involvement. Thus, the impacts of this alternative on water resources would be minor.

FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on water resources to the maximum extent practical and enhances the environment.

C. Floodplains

1. Current Conditions

Louisiana

Louisiana floodplains consist of large interconnected lakes, meandering rivers, and coastal flood sources from inland bays and open coasts. Louisiana is largely comprised of a unique and extensive system of wetlands and marshes (also known as bayous) that make up the broad coastal lowlands. In some areas of coastal Louisiana, these lowland bayous and marshes extend up to 20 miles inland. These coastal lowlands eventually merge into topographic areas with well defined rises, depressions, and confined floodplains. The principal riverine flood problems are due to heavy rainfall and runoff from frontal systems that pass over or become stationary over the area, with the eventual rise of water levels causing an overflow of the bayous, streams, and rivers into surrounding floodplains. The coastal lowlands are subject to flooding and wave actions caused by hurricane storm surge and associated intense rainfall. A majority of the residential and commercial development is centered in major urban cities inland of the coast and along interstate highways, with large agriculture and forestry interests confined to rural areas in the northern reaches of the coastal parishes and farther inland.

Within Louisiana, the coastal development pressure is limited to the special levee districts that can offer a system of flood protection measures to protect residents from hurricane storm surge flooding. The levees themselves change the flow and direction of rivers and streams and alter the coastal hydrology, resulting in significant subsidence and loss of the coastal wetlands, and hence an increased flood potential. Farther inland, urbanized areas are constructing flood protection measures with dikes, floodwalls, and levees to mitigate potential flood damage from both riverine and coastal flooding.

Within the State, the Louisiana Department of Natural Resources (LDNR) has regulatory authority over floodplains and permitting authority over all new projects. In parishes and incorporated communities, the local building department or planning office enforce development and building regulations using FEMA flood data. Additional floodplain management authority extends to the special taxing districts within Louisiana established to operate levee districts to maintain flood protection structures, sometimes encompassing several incorporated communities.

In the aftermath of Hurricanes Katrina and Rita, FEMA issued Recovery Maps with Advisory Base Flood Elevations (ABFE) that reflect current flood hazards in the impacted areas. This information was intended to be used to assist in the recovery efforts of these communities. Thirty-eight communities have adopted the ABFE, three communities are in the process of adoption, and one community has rejected them. Appendix A provides a table with the communities that adopted these ABFE. FEMA intends to release preliminary digital Flood Insurance Rate Maps (pre-DFIRMs) in the near future depicting the current flood hazards of the area as part of the normal Flood Insurance Rate Map (FIRM) consultation and adoption process.

Mississippi

Mississippi floodplains consist of an extensive network of marshes, wetlands, and rivers, as well as coastal flood sources comprised of open coastal beaches and inland bays. These coastal lowlands extend up broad river floodplains of the Pearl and Pascagoula Rivers, and merge into topographic areas with well defined rises, depressions, and confined floodplains. The principal riverine flood problems in Mississippi are also due to heavy rainfall and runoff from frontal systems that pass over or become stationary over the area. The heavy rains result in rise of water levels within the watercourse, and overflow of these bayous, streams, and rivers into surrounding floodplains. The coastal lowlands are subject to flooding and wave actions caused by hurricane storm surge and associated intense rainfall. A majority of the residential and commercial development is centered in major urban coastal cities or along interstate highways, with large agriculture and forestry interests confined to rural areas in the northern reaches of the coastal counties and farther inland.

Within Mississippi, coastal development pressure is intense, with major urban cities in need of new transportation and infrastructure following the devastation caused by Hurricane Katrina. The U.S. Army Corps of Engineers (USACE) has developed a series of projects under the Mississippi Coastal Improvement Program to build flood defenses along the coast to resist hurricane storm surge and waves and protect community residents. Farther inland of the coast, communities are seeing increased development as residents move inland to avoid damaging hurricanes, which places additional pressure on natural resources and in some cases decreases floodplain storage capacity. Some inland urbanized areas are constructing flood protection structures such as dikes, floodwalls, and levees to mitigate potential flood damage from both riverine and coastal flooding.

The MDEQ has regulatory authority over floodplains and permitting authority over all new projects, while within counties and local incorporated communities, the local building department or planning office enforces development and building regulations using FEMA flood data.

In the aftermath of Hurricanes Katrina and Rita, FEMA issued Recovery Maps with ABFE that reflect current flood hazards in the impacted areas. This information was intended to be used to assist in the recovery efforts of these communities. Six communities have adopted these and the remaining eight have adopted freeboards on top of the effective FIRM. Appendix A provides a table with the status of these communities. FEMA has released pre-DFIRMs for Mississippi's coastal communities. These pre-DFIRMs are now subject to the regular FIRM consultation and adoption process.

2. Environmental Impacts

Baseline

Property owners have undertaken hazard mitigation activities. These activities would have caused negligible to substantial impacts on floodplains and may have been constructed with reduced protection against future floods.

Generally, the types of activities with the potential to adversely affect floodplains include flood control projects, stormwater management projects, construction in previously undisturbed lands, and some infrastructure protection measures. Flood control projects and stormwater management projects have the potential to modify hydrologic conditions upstream and downstream and change the dynamics of the floodplains. These types of projects may require hydrologic and hydraulic engineering studies to ensure that they are feasible and do not place additional properties at risk of future flooding. Other effects of these types of projects include impacts on the natural and beneficial values of floodplains like floodwater storage and conveyance, floodwater velocity, flood peaks, and recharge of groundwater. Other construction-related projects may adversely affect natural and beneficial functions of the floodplain like regulation of floodwater velocity, regulation of flood peaks, and groundwater recharge by removing vegetation cover.

The hazard mitigation measures associated with structures would have negligible impacts on floodplains. Acquisition and demolition of structures where the land is left as open space afterwards enhances natural and beneficial functions of floodplains. Elevations, building retrofits, relocation, and reconstruction projects would ensure that structures are protected against impacts from future floods. To be eligible for HMGP, these activities would need to meet program requirements, such as elevation to the ABFE (or pre-DFIRM if available) and compliance with local floodplain ordinances.

Through its EHP review process, FEMA would have evaluated each HMGP project application for compliance with 44 CFR Part 9, Floodplain Management and Wetland Protection, before the initiation of each project. FEMA's procedures for compliance with E.O. 11988 and E.O. 11990 comprise Part 9. It establishes an eight-step decision-making process for ensuring wise use of Federal funds, avoidance of the long- and short-term adverse impacts associated with the occupancy and modification of floodplains, and avoidance of the direct or indirect support of floodplain development whenever there is a practicable alternative.

During its 44 CFR Part 9 compliance process, FEMA would have determined if the project would take place in the floodplain and if there were practicable alternatives outside the floodplain. If the action had to be undertaken in the floodplain, then FEMA would have found methods for minimizing the potential harm to people and property. FEMA would also have identified methods for minimizing harm to the floodplain's natural and beneficial values and, where possible, restoring and preserving these values. FEMA's minimization standards may be more stringent than the required standards under local floodplain ordinances. Examples include applicability of minimization standards to non-insurable structures, restrictions on the use of FEMA funds for projects that encroach on floodways, elevation to the BFE in accordance to the best available data, and locating critical actions outside of the 500-year floodplain when practical. Under Part 9, FEMA would use available ABFE or pre-DFIRM, when available, as they constitute the best available data.

FEMA would have worked with the property owners to modify the project, if needed, in a manner that accounted for impacts of the project on the floodplain and the potential for

floods to affect the project. As a result of its review pursuant to Part 9, FEMA would have established grant conditions to avoid, minimize, or compensate for impacts on and from floodplains. Some of the changes could have altered the cost of the project and could have impacted its design. These additional costs may, under certain circumstances, have become eligible for funding. Taking these measures would allow FEMA to ensure that all its funds were spent wisely, used in a manner that enhances the environment, and to the extent practical minimized impacts floodplains.

Private and public actions would have been required to comply with local floodplain ordinances, including obtaining the appropriate floodplain development permits for construction in the 100-year floodplain.

For Louisiana, FEMA has drafted a programmatic eight-step decision-making process to evaluate adverse effects on the floodplain as a result of funding certain housing-related mitigation activities. The programmatic eight-step process is a planning tool that assists FEMA in identifying ways to avoid and minimize adverse effects of pending actions to floodplains. If an action has already occurred, the programmatic eight-step process cannot be applied, and therefore cannot support activities that have been initiated.

Alternatives

Alternative A, No Action Alternative

By implementing this alternative FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on floodplains to the maximum extent practicable and enhances the environment.

Alternative B, Program Exception Implementation Alternatives

Alternative B-1, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures

Under this alternative, FEMA would not approve projects that did not meet the program requirements, such as elevations below ABFE (or pre-DFIRM if available). Meeting these requirements would ensure that the effects on and from floodplains are negligible. This alternative would have negligible effects on floodplains.

FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on floodplains to the maximum extent practicable and enhances the environment.

Alternative B-2, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-1.

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception but an equal level of impacts on floodplains as identified in Alternative B-1. This alternative may provide proponents with an incentive to initiate projects before FEMA resumes its normal procedures. However, to be eligible, the project would have to meet program requirements, which would ensure that the impacts on and from floodplains are negligible. Thus, this alternative would result in similar levels of impacts as Alternative B-1.

Alternative B-3, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities

Under this alternative, FEMA would not approve projects that had moderate to substantial effects on floodplains. FEMA may approve projects that had negligible to minor impacts on floodplains if they were conducted in a manner consistent with local floodplain ordinances. FEMA would screen flood control projects, stormwater management projects, and projects involving construction in undisturbed land to determine if they would cause moderate to substantial effects on floodplains or encourage development in the floodplain. FEMA would not approve these projects unless their effects could be mitigated. This alternative would result in minor impacts on floodplains because FEMA would limit approval to projects with negligible to minor effects on floodplains and those that do not encourage development in the floodplain.

However, under this alternative, FEMA would lose its ability to ensure that all its grant funds are used in a manner that enhances the environment and minimizes impacts on and from floodplains to the maximum extent practical. Environmental mitigation may be used to reduce effects on the floodplains, but this would be limited to remedial mitigation actions rather than proactive measures like changes in design or other measures that would have been available before the project started. Additionally, the opportunity to capture true costs of these projects, which include potential EHP mitigation like changes in design, would have not been captured.

Therefore, the amount of grant funds that would be used in a manner that enhances the environment, avoids or minimizes impacts on and from floodplains beyond what would be required by local flood plain ordinances to the maximum extent practical, and takes into account true project costs would be reduced in Louisiana and Mississippi to a small number of hazard mitigation projects that have not yet started.

Alternative B-4, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities with Grace Period

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception and an increased number of impacts on floodplains than Alternative B-3. These impacts would be minor because the projects would need to meet HMGP eligibility requirements.

As with Alternative B-3, FEMA would not approve projects that had moderate to substantial effects on floodplains. FEMA may approve projects that had negligible to minor impacts on floodplains if they were conducted in a manner consistent with local floodplain ordinances. FEMA would screen flood control projects, stormwater management projects, and projects involving construction in undisturbed land to determine if they would cause moderate to substantial effects on floodplains or encourage development in the floodplain. FEMA would not approve these projects unless their effects could be mitigated. This alternative would result in minor impacts on floodplains because FEMA would limit approval to projects with negligible to minor effects on floodplains and those projects that do not encourage development in the floodplain.

Like Alternative B-3, FEMA's ability to ensure that all HMGP grant funds are used in a manner that enhances the environment, avoids or minimizes impacts on and from floodplains beyond what would be required by local flood plain ordinances to the maximum extent practical, and takes into account true project costs would be reduced in Louisiana and Mississippi to a small number of hazard mitigation projects that have not yet started.

D. Coastal Resources

1. Current Conditions

Louisiana

The Coastal Management Division (CMD) of the LDNR is charged with implementing the Louisiana Coastal Resource Program (LCRP). The LCRP makes the final determination on whether activities of Federal agencies are consistent with the LCRP. Consistency determinations are required for activities that are federally funded, licensed, or permitted.

Throughout Louisiana, communities and parishes have local ordinances and regulations that regulate land use and zoning in their respective jurisdictions.

Coastal Louisiana is home to an abundant and unique system of wetlands and marshes commonly referred to as bayous. These bayous are a vital part of the State's ecosystem that serve as stormwater protection and preserve water quality while providing a natural habitat to an abundance of fisheries. The LCRP is charged with implementing and managing the coastal resource programs in Louisiana under the CZMA and CBRA, which protect coastal resources. The LCRP regulates activities that may increase the loss of wetlands and aquatic resources and resolves conflicts between coastal resource users. This helps to create a coastal environment that protects natural resources and reduces conflicts between the natural and built environments.

Mississippi

The Mississippi Department of Marine Resources (MDMR) supervises land acquisition and construction within the Mississippi Coastal Zone. FEMA must conduct its activities

in a manner consistent with Mississippi's federally approved Coastal Management Program (CMP).

Mississippi has developed a Coastal Preserves Program to acquire, protect, and manage sensitive coastal wetland habitats. The State has identified 20 coastal preserve sites and has obtained title for approximately 30,000 acres of coastal wetland habitat.

In the past, coastal waters suffered from elevated bacterial counts due to wastewater discharge from private and public sewage systems. This problem has been partially alleviated by the construction of regional wastewater treatment facilities.

2. Environmental Impacts

Baseline

Property owners have undertaken hazard mitigation activities. These activities would have caused negligible to minor impacts on coastal uses and resources.

In Louisiana, the following hazard mitigation activities would have been subject to a Coastal Use Permit (CUP): flood control projects, stormwater management projects, infrastructure protection measures, and any activity impacting wetlands. Through its CUP process, Louisiana's CMD would have identified methods for minimizing impacts on coastal resources.

In Mississippi, hazard mitigation activities that would have required a permit would have been those that impact wetlands (Coastal Zone Wetland Permit) and construction activities equal or greater than 1 acre. Typically these would include flood control projects, stormwater management projects, and infrastructure protection measures.

Since hazard mitigation projects would have been required to meet the States' enforceable policies process regardless of Federal involvement, FEMA assumes that the impacts of these activities were addressed at the time of permit approval, and therefore the impacts are negligible to minor.

Through its EHP review process, FEMA would evaluate each HMGP project application for compliance with the CBRA before the initiation of each project. FEMA would not approve projects that are in a Coastal Barrier Resources System (CBRS) unit. FEMA would follow Federal Consistency regulations, 15 CFR 930.90, governing the consistency determinations with CMPs. FEMA would require project proponents to submit applications of coastal projects to the designated State agency (Mississippi's DMR and Louisiana's CMD) for consistency review. Through this review, FEMA would ensure that the activities to be approved were consistent with the enforceable policies of the States' CMPs.

Property owners are assumed to have complied with the enforceable policies of the applicable State's CMP. FEMA would consider hazard mitigation activities undertaken at CBRS units ineligible for assistance. Thus, the agency would not approve these activities irrespective of when they were initiated or completed.

Alternatives

Alternative A, No Action Alternative

By implementing this alternative FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on coastal uses and resources to the maximum extent practicable and enhances the environment.

Alternative B, Program Exception Implementation Alternatives

Alternative B-1, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures

Activities covered under this alternative FEMA would have negligible effects on coastal uses and resources. This alternative would have negligible impacts on coastal uses and resources.

Since the effects of these actions to coastal uses and resources are negligible, FEMA would not lose its ability to ensure that all its grant funds are used in a manner that enhances the coastal environment and minimizes impacts on coastal uses and resources to the maximum extent practical.

Alternative B-2, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-1.

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception, but an equal level of effects on coastal uses and resources as identified in Alternative B-1. However, the effects of these types of actions to coastal uses and resources would be negligible. Thus, this alternative would result in similar levels of impacts as Alternative B-1.

Alternative B-3, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities

Some activities covered under this alternative would have effects on coastal uses and resources. However, because the projects would be subject to the enforceable coastal polices regardless of Federal assistance, they would have resulted in minor effects. Thus, this alternative would have minor effects on coastal uses and resources.

FEMA would not lose its ability to ensure that all its grant funds are used in a manner that enhances the coastal environment and minimizes impacts on coastal uses and resources to the maximum extent practical.

Alternative B-4, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities with Grace Period

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception, but an equal level of impacts on coastal uses and resources as identified in Alternative B-3. Some activities covered under this alternative would have effects on coastal uses and resources. However, because the projects would be subject to the enforceable coastal polices regardless of Federal assistance, they would have resulted in minor effects. Thus, this alternative would result in similar levels of impacts as Alternative B-3.

E. Biological Resources

1. Current Conditions

Louisiana

According to the U.S. Fish and Wildlife Service (FWS), there are 25 animals, including aquatic species, and four plants listed as federally threatened or endangered in Louisiana. The following table lists endangered and threatened species in Louisiana:

Endangered Species		Threatened Species	
Common Name	Species Name	Common Name	Species Name
Animals		Animals	
Brown Pelican	<i>Pelecanus occidentalis</i>	Louisiana Black Bear	<i>Ursus americanus luteolus</i>
Fat Pocketbook	<i>Potamilus capax</i>	Bald Eagle	<i>Haliaeetus leucocephalus</i>
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Piping Plover	<i>Charadrius melodus</i>
Alabama Sturgeon	<i>Scaphirhynchus suttkusi</i>	Green Sea Turtle	<i>Chelonia mydas</i>
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Loggerhead Sea Turtle	<i>Caretta caretta</i>
Interior Least Tern	<i>Sterna antillarum</i>	Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>
Red-cockaded Woodpecker	<i>Picoides borealis</i>	Gopher Tortoise	<i>Gopherus polyphemus</i>
West Indian Manatee	<i>Trichechus manatus</i>	Ringed Map Turtle	<i>Graptemys oculifera</i>
Eskimo Curlew	<i>Numenius borealis</i>	Alabama Heelsplitter	<i>Potamilus inflatus</i>
Mississippi Gopher Frog	<i>Rana capito servosa</i>	Louisiana Pearlshell	<i>Margaritifera hembeli</i>
Pink Mucket	<i>Lampsilis abrupta</i>		
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>		
Black-capped Vireo	<i>Vireo atricapilla</i>		
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>		
American Burying Beetle	<i>Nicrophorus americanus</i>		
Plants		Plants	
Louisiana quillwort	<i>Isoetes louisianensis</i>	Earth fruit	<i>Geocarpon minimum</i>
Pondberry	<i>Lindera melissifolia</i>		
American chaffseed	<i>Schwalbea americana</i>		

The generic amendment to the Gulf of Mexico Fishery Management Plan identifies Essential Fish Habitat (EFH) along the coast to be intertidal emergent wetlands, submergent aquatic vegetation, estuarine waters, and mud, sand, and shell water bottoms. Wetlands associated with estuarine waters in the coastal region are identified as EFH for postlarval/juvenile and subadult brown shrimp (*Penaeus aztecus*) and white shrimp

(*Penaeus setiferus*) and juvenile and subadult red drum (*Sciaenops ocellatus*) (Gulf Council, 2005). Use of the region by those species is largely dependent on prevailing salinity levels, which fluctuate with varying degrees of freshwater influence.

Mississippi

The State of Mississippi has 32 species of animals and four species of plants listed as federally threatened or endangered. The following table lists endangered and threatened species in Mississippi:

Endangered Species		Threatened Species	
Common Name	Species Name	Common Name	Species Name
Animals		Animals	
Indiana Bat	<i>Myotis sodalis</i>	Louisiana Black Bear	<i>Ursus americanus luteolus</i>
Black Clubshell	<i>Pleurobema curtum</i>	Bayou Darter	<i>Etheostoma rubrum</i>
Ovate Clubshell	<i>Pleurobema perovatum</i>	Bald Eagle	<i>Haliaeetus leucocephalus</i>
Southern Clubshell	<i>Pleurobema decisum</i>	Alabama Moccasinshell	<i>Medionidus acutissimus</i>
Southern Combshell	<i>Epioblasma penita</i>	Orangenacre Mucket	<i>Lampsilis perovalis</i>
Mississippi Sandhill Crane	<i>Grus canadensis pulla</i>	Piping Plover	<i>Charadrius melodus</i>
Mississippi Gopher Frog (Wherever found west of Mobile and Tombigbee Rivers in AL, MS, and LA)	<i>Rana capito sevosa</i>	Green Sea Turtle	<i>Chelonia mydas</i>
Brown Pelican	<i>Pelecanus occidentalis</i>	Loggerhead Sea Turtle	<i>Caretta caretta</i>
Flat Pigtoe	<i>Pleurobema marshalli</i>	Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>
Fat Pocketbook	<i>Potamilus capax</i>	Gopher Tortoise	<i>Gopherus polyphemus</i>
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	Ringed Map Turtle	<i>Graptemys oculifera</i>
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Yellow Blotched Map Turtle	<i>Graptemys flavimaculata</i>
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>		
Stirrupshell	<i>Quadrula stapes</i>		
Alabama Sturgeon	<i>Scaphirhynchus suttkusi</i>		
Pallid Sturgeon	<i>Scaphirhynchus albus</i>		
Tern	<i>Sterna antillarum</i>		
Finback Whale	<i>Balaenoptera physalus</i>		
Humpback Whale	<i>Megaptera novaeangliae</i>		
Red-cockaded Woodpecker	<i>Picoides borealis</i>		
Plants		Plants	
Louisiana quillwort	<i>Isoetes louisianensis</i>	Price's potato-bean	<i>Apios priceana</i>
Pondberry	<i>Lindera melissifolia</i>		
American chaffseed	<i>Schwalbea americana</i>		

The generic amendment to the Gulf of Mexico Fishery Management Plan identifies EFH along the coast to be intertidal emergent wetlands, submergent aquatic vegetation, estuarine waters, and mud, sand, and shell water bottoms. Wetlands associated with estuarine waters in the coastal region are identified as EFH for postlarval/juvenile and subadult brown shrimp (*Penaeus aztecus*) and white shrimp (*Penaeus setiferus*) and juvenile and subadult red drum (*Sciaenops ocellatus*) (Gulf Council, 2005). Use of the

region by those species is largely dependent on prevailing salinity levels, which fluctuate with varying degrees of freshwater influence.

2. Environmental Impacts

Baseline

Property owners have undertaken hazard mitigation activities. These activities would have caused negligible to substantial impacts on biological resources.

Generally, the types of activities with the potential to have substantial effects on biological resources include flood control projects, stormwater management projects, construction of safe rooms in undisturbed land, relocations of public facilities to undisturbed areas, and some infrastructure protection measures. Structure-related activities like building retrofits, elevations, relocations to previously disturbed areas, and reconstruction would have had negligible impacts on biological resources. Acquisition and demolition of structures where the land is left as open space afterwards could enhance species habitat. Elevations, building retrofits, and reconstruction in the structure's footprint would not affect listed species or critical habitat because these activities would be limited to the previously disturbed area.

FEMA's inability to review projects with the potential to affect biological resources prior to project initiation precluded FEMA's opportunity to comply with Section 7 of the ESA, Fish and Wildlife Coordination Act, Magnuson-Stevens Fishery Conservation and Management Act (MSA), Marine Mammal Protection Act, and E.O. 13112 (Invasive Species). Proponents are assumed to have complied with Section 10 of the ESA. However, unlike Section 7 of the ESA, Section 10 permits are not required for impacts on designated critical habitat, some threatened species, or endangered or threatened plant species. Impacts on these protected resources would have been avoided, minimized, or compensated for if FEMA had reviewed these projects under ESA in accordance to its Section 7 responsibilities. Adverse impacts on EFH could have occurred with projects near rivers and the coast. FEMA would have avoided these impacts by ensuring compliance with MSA. Finally, invasive species may have been introduced to project areas by FEMA's lack of project review prior to project initiation through E.O. 13112 compliance.

FEMA would have worked with the proponent to modify the project, if needed, in a manner that accounted for these protected resources. As part of its coordination efforts, FEMA would have established grant conditions, such as timing for construction, extent of construction area, and types of vegetation that could be removed or introduced, to minimize impacts on biological resources. Some of the changes may have altered the cost of the project and could have impacted its design. These additional costs, under certain circumstances, may have become eligible for funding. Taking these measures would have allowed FEMA to ensure that all its funds were used in a manner that enhanced the environment and to the extent practical did not adversely impact biological resources.

Proponents would have been responsible for compliance with the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and any State laws to protect biological

resources, such LA R.S. 56:1901-07 in Louisiana and MS ST §§49-5-103-119 in Mississippi.

Alternatives

Alternative A, No Action Alternative

By implementing this alternative FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that minimizes impacts on biological resources to the maximum extent practicable and enhances the environment.

Alternative B, Program Exception Implementation Alternatives

Alternative B-1, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures

As described under the Baseline section, structure-related activities like building retrofits, elevations, relocations to previously disturbed areas, and reconstruction within the original footprint would have had negligible effects on biological resources. This alternative would result in negligible impacts on biological resources.

Under this alternative, FEMA would not lose its ability to ensure that all its grant funds are used in a manner that enhances the environment and minimizes impacts on biological resources to the maximum extent practical.

Alternative B-2, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-1.

The 60-day grace period for the applicability of the exception would result in a higher number of projects subject to the exception. However, as described for Alternative B-1, the type of projects involved would cause negligible impacts on biological resources. Thus, this alternative would have similar effects as identified for Alternative B-1.

Alternative B-3, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities

As described in the Baseline section, only the following project types would have resulted in potential impacts on biological resources: flood control projects, stormwater management projects, construction of safe rooms in undisturbed land, relocation of public facilities to undisturbed land, and some infrastructure protection measures. FEMA would screen these projects to identify those that had moderate to substantial effects on biological resources, and would not approve these projects unless their effects could be mitigated. This alternative would result in minor impacts on biological resources because FEMA would limit approval of relocation projects to projects with negligible to minor effects.

Under this alternative, FEMA would lose its ability to ensure that all its grant funds are used in a manner that enhances the environment and minimizes impacts on biological resources to the maximum extent practical. Environmental mitigation may be used to reduce effects on biological resources, but this would be limited to remedial mitigation actions rather than proactive measures like changes in design or other measures that would have been available before the project started.

Alternative B-4, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-3.

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception and an increased number of projects with impacts on biological resources than Alternative B-3. Thus, this alternative may result in higher adverse impacts than Alternative B-3.

Like Alternative B-3, FEMA would screen flood control projects, stormwater management projects, construction of safe rooms in undisturbed land, relocation of public facilities to undisturbed land, and some infrastructure protection measures to identify those that had moderate to substantial effects on biological resources. FEMA would not approve these projects unless their effects could be mitigated. This alternative would result in minor impacts on biological resources because FEMA would limit approval of relocation projects to projects with negligible to minor effects.

Like Alternative B-3, FEMA would lose its ability to ensure that all its grant funds are used in a manner that enhances the environment and minimizes impacts on biological resources to the maximum extent practical.

F. Historic Properties

1. Current Conditions

Louisiana

Louisiana has numerous historic properties. Historic properties are defined as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes properties of traditional religious and cultural importance to an Indian tribe that meet the National Register criteria. A recent search of the database maintained by the National Park Service (NPS) and the Louisiana State Historic Preservation Office (SHPO) shows 97 historic districts, 1,101 individual structures, and 37 archaeological sites listed in the NRHP as well as more than 50 National Historic Landmarks throughout the State. Additionally, local historic preservation ordinances also recognize historic buildings, districts, sites, structures, and objects. Many buildings, older neighborhoods, sites, or objects are likely to meet the

definition of a historic property and be subject to consideration under NEPA, or meet NRHP criteria and additionally be subject to the NHPA Section 106 review process.

A number of federally recognized Indian tribes once occupied and continue to occupy the lands within the State, and it is anticipated that undertakings in the area may affect historic resources that have religious or cultural significance to these tribes. Federally recognized Indian tribes that may have interest in properties located in a project area include the Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Tunica-Biloxi Indians of Louisiana, the Caddo Nation of Oklahoma, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Alabama Coushatta Tribe of Texas, the Choctaw Nation of Oklahoma, the Seminole Nation of Oklahoma, and the Seminole Tribe of Florida.

In 2004, FEMA entered into a statewide Programmatic Agreement (PA) with the Louisiana SHPO, Louisiana Office of Homeland Security and Emergency Preparedness, and Advisory Council on Historic Preservation (LA Statewide PA) to tailor and streamline the process FEMA would follow to meet its Section 106 responsibilities for FEMA-funded and assisted undertakings. The LA Statewide PA outlines review protocols for certain categories of undertakings, but will need to be revised to reflect the needs and concerns of the previously mentioned federally recognized tribes.

Mississippi

The State of Mississippi possesses more than 170 National Register Historic Districts and over 1,300 individually listed National Register standing structures and archaeological sites. In addition, Mississippi possesses over 40 National Historic Landmarks. Within the next five years, FEMA will have completed a comprehensive standing structures and archaeological inventory of seven counties in the southern portion of the State. Through FEMA's inventory effort, previously unrecorded and undiscovered historic properties will be documented and integrated into a geographic information system (GIS) database. Expanded knowledge of historic properties in Mississippi will permit FEMA to more fully consider the potential affects of FEMA-funded actions on historic properties.

There are seven federally recognized tribes that have historical and cultural ties to Mississippi. The following tribes are likely to demonstrate an interest in FEMA-funded hazard mitigation grant activities in Mississippi: Mississippi Band of Choctaw Indians, Choctaw Nation of Oklahoma, Jena Band of Choctaw Indians, Chickasaw Nation of Oklahoma, Muscogee-Creek Nation, Quapaw Tribe of Indians, and the Tunica-Biloxi of Louisiana. To date, the Mississippi Band of the Choctaw Indians has displayed the greatest level of interest in FEMA-funded actions, and its Tribal Historic Preservation Office (THPO) has requested to be consulted on projects involving soil disturbance.

In 2004, FEMA entered into a Statewide PA with the Mississippi SHPO and the Mississippi Emergency Management Agency (MS Statewide PA) to tailor and streamline the process FEMA would follow to meet its Section 106 responsibilities for FEMA-funded and assisted undertakings. The MS Statewide PA outlines review protocols for

certain categories of undertakings, but will need to be revised to reflect the needs and concerns of the previously mentioned seven federally recognized tribes.

2. Environmental Impacts

Baseline

Project proponents have undertaken hazard mitigation activities. These activities may have caused negligible to substantial adverse effects on historic properties.

Generally, all project types considered in this PEA have the potential to affect historic properties where the project (1) involves a building, structure, site, or object that is at least 50 years of age or properties listed or eligible for listing in the NRHP; (2) takes place within or adjacent to the boundaries of NRHP-listed or eligible Historic District; or (3) involves ground-disturbing activities within NRHP-listed or eligible sites.

FEMA's inability to review projects with the potential to affect historic properties on a project-by-project basis prior to project initiation precluded FEMA's opportunity to comply with Section 106 of the NHPA without further consultation with the ACHP, LA SHPO, MS SHPO, and other consulting parties to outline a modified Section 106 review process in accordance with 36 CFR §800.14(b) of the ACHP's regulations. Project proponents would have been required to comply with State laws, such as the Antiquities Law of Mississippi and the Louisiana Archaeological Treasure Act, and local ordinances protecting historic properties and archaeological sites. However, Section 106 of the NHPA applies to many historic properties that would not have been considered under State law or local ordinance. In particular, Section 106 applies not only to resources that are listed in the NRHP but also NRHP-eligible properties, as determined by FEMA, including properties of religious and cultural importance to Indian tribes.

Effects on these resources may have been avoided or minimized if FEMA had completed review under Section 106 of NHPA and its implementing regulations, 36 CFR Part 800, before these projects were initiated. FEMA would have worked with the project proponent to modify the project, if needed, in a manner that accounted for historic properties. As a result of these consultation efforts, FEMA would have established grant conditions to avoid or mitigate for adverse effects on historic properties, such as ensuring that modifications to historic properties met the Secretary of Interior Standards, or monitoring and documenting potential or known archaeological sites. Some of the changes may have altered the cost of the project and could have impacted its design. These additional costs, under certain circumstances, may have become eligible for funding. Implementing these measures would have allowed FEMA to ensure that all its funds were used in a manner that, to the extent practical, did not adversely affect historic properties.

Alternatives

Alternative A, No Action Alternative

By implementing this alternative FEMA would retain its ability to ensure that all HMGP grant funds are used in a manner that avoids, minimizes, or mitigates adverse effects on historic properties to the maximum extent practicable and enhances the human environment.

Alternative B, Program Exception Implementation Alternatives

Alternative B-1, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures

FEMA recognizes that its decision to allow for this HMGP program exception will result in financial assistance for the activities deemed eligible for funding (undertakings) and thus trigger the requirements of Section 106 of NHPA.

Actions undertaken under this alternative likely had adverse effects on historic properties.

FEMA has determined that the restrictions of Section 110(k) of NHPA do not apply to eligible hazard mitigation activities conducted by most property owners in Louisiana and Mississippi before the effective date of the exception due to the extraordinary circumstances of the disasters, and in recognition that property owners did not knowingly and intentionally carry out these activities to avoid Section 106 requirements.

FEMA has ratified a Programmatic Agreement (Gulf Coast HMGP PA) in accordance with 36 CFR 800.14(b) in consultation with the ACHP, the LA SHPO, MS SHPO, the Mississippi Band of Choctaw Indians (MBCI), and the National Trust for Historic Preservation (NTHP) to establish a process for further consultation on a State-specific basis to address adverse effects of the selected alternative.

As part of the Gulf Coast HMGP PA, FEMA will also ensure that quantitative information pertaining to undertakings initiated before the announcement of the exception is organized and assembled. This data gathering effort will obtain enough information to constitute a representative sampling of HMGP applications proposed for funding in both States and thus assist FEMA and the other consulting parties in better understanding and evaluating the nature and extent of adverse effects on historic properties.

The Gulf Coast HMGP PA was executed on December 12, 2007, in conjunction with the issuance of a Finding of No Significant Impacts (FONSI) for this PEA.

Alternative B-2, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures with Grace Period

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception and an increased number of potential effects on historic properties than Alternative B-1. Thus, this alternative may result in more projects with adverse effects on historic properties than Alternative B-1.

FEMA recognizes that during this 60-day grace period there will be initiation of undertakings that may have adverse effects on historic properties. The Gulf Coast HMGP PA addresses these undertakings.

FEMA will comply to the fullest possible extent with Section 110(k) for undertakings within the grace period and will not provide assistance to property owners who intentionally adversely affect historic properties during the grace period unless FEMA, in consultation with the ACHP and LA SHPO for undertakings in LA, and the ACHP and MS SHPO for undertakings in MS, determines that such assistance is warranted despite the adverse effect(s) created.

FEMA has executed a Gulf Coast HMGP PA to address this undertaking and will conduct a public outreach and education effort to provide information and guidance to property owners who initiate activities during the grace period. This initiative will include preservation-sensitive tools, techniques, and approaches whose adoption would result in the avoidance or minimization of adverse effects on historic properties.

FEMA will also ensure that quantitative information organized and assembled for undertakings initiated before the announcement of the exception is also gathered for grace period undertakings so that the consulting parties can better understand and evaluate the nature and extent of adverse effects on historic properties for both types of undertaking.

Alternative B-3, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities

This alternative would result in adverse effects on historic properties.

FEMA has executed has executed a Gulf Coast HMGP PA to address this undertaking.

FEMA has determined that the restrictions of Section 110(k) of the NHPA do not apply to eligible hazard mitigation activities conducted by most property owners in Louisiana and Mississippi before the effective date of the exception due to the extraordinary circumstances of the disasters, and in recognition that property owners did not knowingly and intentionally carry out these activities to avoid Section 106 requirements.

Alternative B-4, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities with Grace Period

For projects already initiated, impacts would occur as described for Alternative B-3.

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception and an increased number of potential effects on historic properties than Alternative B-1. Thus, this alternative may result in more projects with adverse effects on historic properties than Alternative B-3.

For residential and commercial hazard mitigation activities, the reasoning and approach of Alternative B-2 would apply.

In accordance with Section 110(k), FEMA recognizes that the owners of public and PNP facilities must be held to a higher level of responsibility and awareness during the grace period for undertakings affecting historic properties. Therefore, in accordance with the executed Gulf Coast HMGP PA, FEMA will exclude HMGP-eligible historic public and PNP facilities from the grace period and will conduct Section 106 review of these facilities as outlined in the respective Statewide PA, until new State-specific PAs are executed.

G. Environmental Justice

1. Current Conditions

Louisiana

Based on the 2000 U.S. Census, the population of Louisiana is comprised of the following groups: 64 percent white, 32 percent black or African American, 3 percent Hispanic or Latino (of any race), 1 percent Asian, and 0.6 percent American Indian and Alaskan Native. Comparatively, the population of the United States is comprised of the following groups: 74 percent white, 15 percent Hispanic or Latino (of any race), 12 percent black or African American, 6 percent some other race, 4 percent Asian, 0.8 percent American Indian and Alaskan Native, and 0.1 percent Native Hawaiian and other Pacific Islander. In 2000, 19.6 percent of the population in Louisiana and 15.8 percent of families in Louisiana were living below the poverty level. Comparatively, in 2000, 12.4 percent of the population in the United States and 9.4 percent of families in the United States were living below the poverty level.

Mississippi

Based on the 2000 U.S. Census, the population of Mississippi is comprised of the following groups: 60 percent white, 37 percent black or African American, 2 percent Hispanic or Latino (of any race), 0.8 percent Asian, 0.6 percent some other race, and 0.4 percent American Indian and Alaskan Native. Comparatively, the population of the United States is comprised of the following groups: 74 percent white, 15 percent Hispanic or Latino (of any race), 12 percent black or African American, 6 percent some other race, 4 percent Asian, 0.8 percent American Indian and Alaskan Native, and 0.1 percent Native Hawaiian and other Pacific Islander. In 2000, 20 percent of the population in Mississippi and 16 percent of families in Mississippi were living below the poverty level. Comparatively, in 2000, 12 percent of the population in the United States and 9 percent of families in the United States were living below the poverty level.

2. Environmental Impacts

Baseline

Project proponents have undertaken hazard mitigation activities. Most of these activities caused beneficial impacts on minority and low-income populations. However, some activities may have caused disproportionately high and adverse environmental and health impacts on minority and low-income populations.

The impacts of relocations of public facilities include disruption of community integrity, loss of services (e.g., health care, education, protection, and safety), visual impacts, and indirect effects related to urban growth and urban decline. Other types of activities with the potential to cause these effects include flood control projects and stormwater management projects.

FEMA's inability to review projects prevented the agency from identifying projects with the potential to cause disproportionately high and adverse environmental and health impacts on minority and low-income populations prior to project initiation pursuant to E.O. 12898 (Environmental Justice). Such impacts would have been avoided if FEMA had reviewed these projects in accordance with E.O. 12898.

FEMA would have worked with the proponents to modify the project, if needed, in a manner that accounted for disproportionate high and adverse environmental and health impacts on these populations. As part of its coordination efforts under these requirements, FEMA may have established grant conditions to avoid or minimize these impacts. Some of the changes may have altered the cost of the project and could have impacted its design. These additional costs may have become eligible for funding. Taking these measures would have allowed FEMA to ensure that all its funds were used in a manner that, to the extent practical, did not result in disproportionately high and adverse impacts on minority and low-income populations.

Alternatives

Alternative A, No Action Alternative

By implementing this alternative FEMA would not lose its ability to ensure that all HMGP grant funds are used in a manner that avoids impacts on minority and low-income populations to the maximum extent practicable and enhances the environment.

Alternative B, Program Exception Implementation Alternatives

Alternative B-1, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures

As described in the Baseline section, hazard mitigation measures for residential and commercial structures would not cause disproportionate high and adverse environmental and health effects on minority or low-income populations. Thus, this alternative would not result in disproportionate high and adverse environmental and health impacts on minority or low-income populations.

Under this alternative FEMA would not lose its ability to ensure that all its grant funds are used in a manner that enhances the environment and minimizes disproportionate high and adverse environmental and health effects on minority and low-income populations to the maximum extent possible.

Alternative B-2, Exception for Hazard Mitigation Measures for Damaged Residential and Commercial Structures with Grace Period

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception and an increased number of projects potentially resulting in disproportionately high and adverse impacts on minority and low-income populations compared to Alternative B-1. However, these projects likely had negligible effects on these populations. Thus, this alternative would not result in disproportionately high and adverse impacts on minority and low-income populations than Alternative B-1.

Like Alternative B-1, under this alternative, FEMA would lose its ability to ensure that all its grant funds are used in a manner that avoids these impacts on the maximum extent practical.

Alternative B-3, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities

FEMA will screen relocations of public facilities, flood control projects, and stormwater management projects to identify those that had disproportionate high and adverse environmental and health effects on low income and minority populations. FEMA would not approve these projects unless their effects could be mitigated. This alternative would not result in disproportionate high and adverse environmental and health effects on minority or low-income populations because FEMA would limit approval of projects to projects with minor effects.

Under this alternative FEMA would lose its ability to ensure that all its grant funds are used in a manner that enhances the environment and minimizes disproportionate high and adverse environmental and health effects on minority and low-income populations to the maximum extent possible. Environmental mitigation may be used to reduce effects, but this would be limited to remedial mitigation actions rather than proactive measures like changes in location, design, or other measures that would have been available before the project started.

Alternative B-4, Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Public Facilities with Grace Period

The 60-day grace period for the applicability of the exception may result in a higher number of projects subject to the exception and an increased number of projects potentially resulting in disproportionately high and adverse impacts on minority and low-

income populations compared to Alternative B-3. Thus, this alternative may result in more projects with disproportionately high and adverse impacts on minority and low-income populations than Alternative B-3.

FEMA would follow the procedures in Alternative B-3 for screening acquisitions projects and relocations of public facilities.

Like Alternative B-3, under this alternative FEMA would lose its ability to ensure that all its grant funds are used in a manner that avoids these impacts to the maximum extent practical.

VI. Cumulative Impacts

Cumulative impacts represent the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).”

Federal, State, and local government are targeting their recovery efforts at the areas damaged by Hurricanes Katrina and Rita. Federal agencies involved in this effort include USACE, Federal Highways Administration from the U.S. Department of Transportation, the Department of Housing and Urban Development (HUD), and the Small Business Administration (SBA), among others. At the State level, programs like Louisiana’s Road Home Program and Mississippi’s Coastal Improvements Program are also being used to assist in these major recovery efforts. FEMA is using its various programs like its Public Assistance grants, Individual Assistance grants, Alternative Housing Pilot Program, and its traditional HMGP to assist in the recovery. These recovery efforts may have cumulative impacts on the areas that may be affected by implementation of the alternatives, as identified in the analysis (i.e., floodplains, biological resources, historic properties, and minority and low-income populations), and to others that would not be affected by implementation of the alternatives like wetlands and coastal uses and resources.

FEMA does not expect that Alternatives B-1 and B-2 will have cumulative impacts because their impact to the environment is negligible. An exception may be cumulative effects on historic properties. FEMA recognizes that the undertakings may result in adverse effects on individual historic properties and districts, and acknowledges the potential for other adverse effects, which may include reasonably foreseeable effects caused by the undertakings that may occur later, are farther removed in distance, or are cumulative. FEMA will address these as outlined in the Gulf Coast HMGP PA and subsequent State-specific PAs.

FEMA expects that hazard mitigation measures to public structures and facilities in Alternatives B-3 and B-4 may have some cumulative impacts on floodplains, biological resources, and minority and low-income populations when added to the major recovery

work that has occurred and that is reasonably foreseeable to occur. Impacts of these alternatives to these areas are expected to be minor compared to the other recovery efforts in the area. However, FEMA does not have sufficient project-specific information at this time to quantify these impacts. FEMA would monitor the implementation of the selected alternative for cumulative impacts. If FEMA identifies significant cumulative impacts, then it would address these impacts through avoidance, minimization, or compensation. If FEMA cannot address these impacts, then it would not approve the actions that have been identified as having cumulative impacts. In addition, FEMA recognizes that the undertakings may result in adverse effects on individual historic properties and districts, and acknowledges the potential for other adverse effects, which may include reasonably foreseeable effects caused by the undertakings that may occur later, are farther removed in distance, or are cumulative. FEMA will address these as stipulated in the Gulf Coast Programmatic Agreement and subsequent State-specific Programmatic Agreements.

VII. Conclusion

Immediately after the execution of this exception, FEMA may release funds for all undertakings initiated before or on the effective date of the exception as well as for undertakings initiated during the 60-day grace period.

Based on the analysis of impacts, the following procedure will be established for the Program Exception Implementation Alternatives:

Alternatives B-3 and B-4. Under either of these alternatives, FEMA would conduct an environmental compliance screening for floodplain, biological resources, and environmental justice considerations for the following project types:

- Relocation of public facilities
- Minor, structure-specific flood control projects, such as floodgates or minor floodwalls
- Retrofit of stormwater management facilities
- Infrastructure protection measures
- Construction of associated safe rooms

Projects that have moderate to substantial effects on these resources or may cause disproportionate high and adverse effects on minority and low-income populations will not be approved unless their effects can be minimized through environmental mitigation.

Execution of the Gulf Coast PA by FEMA, ACHP, LA SHPO, and MS SHPO and implementation by FEMA evidences that FEMA has taken into account the effects of the undertakings on historic properties.

VIII. Public Involvement

FEMA notified the public of the availability of the draft PEA through public notices and press releases in local newspapers in Mississippi and Louisiana. FEMA conducted a public comment period from Sunday, October 21, 2007 to Tuesday, November 6, 2007.

During this period, FEMA received a total of 83 comments, 75 from private citizens, 1 from Louisiana's Governor the Honorable Kathleen Blanco, 1 from a private non-profit (Citizen's Road Home Action Team [CHAT]), and 6 from State agencies or national organizations, including: the NTHP, the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOSHEP), the Louisiana Recovery Authority (LRA), the State of Louisiana Office of Community Development (OCD) Disaster Recovery Unit, the LA SHPO, and the Mississippi Emergency Management Agency (MEMA). All comments except those from MEMA and the NTHP were from Louisiana. Almost all of the comments from private citizens came from residents in the towns and parishes around the city of New Orleans.

FEMA received 27 comments from private citizens requesting funding or expressing interest in participating in the program with no comments on the Draft PEA.

The comments from Governor Blanco, GOSHEP, LRA, OCD, CHAT, and 48 of the private citizens were similar with only slight elaboration, and were categorized into five discrete themes:

- Expand the exception to properties not damaged by Hurricanes Katrina or Rita;
- Better define the documentation that grant applicants will need to provide and which permitting requirements are necessary for project approval;
- Extend the proposed 60-day grace period indefinitely and allow applicants to start work at any time without coordinating their project with FEMA first;
- Apply a programmatic approach to evaluating impacts on floodplains;
- Find ways to expedite funding to homeowners and make the application process simpler.

Of the comments received that are categorized in this group, 4 indicated support for Alternative B-2: Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures with Grace Period, and 44 did not indicate support for any particular alternative.

MEMA indicated support for Alternative B-4: Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities with Grace Period. MEMA indicated that Alternative B-3: Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures, and to Damaged Public Facilities, would severely limit retroactive approval of projects.

The NTHP indicated support for Alternative B-1: Exception for Hazard Mitigation Measures to Damaged Residential and Commercial Structures. The NTHP urged FEMA not to grant any grace period to the exception, but also offered in compromise

alternatives that could minimize adverse effects: reduce the grace period to 30 days; extend the exception only to those properties that initiated construction prior to the FONSI; exclude certain categories of work from the exception grace period (such as demolition or elevation of historic structures); implement a publicity campaign and circulate guidance to minimize adverse effects on mitigated historic structures; and require applicants in locally designated historic districts to show documentation that local historic preservation commissions were consulted and reviewed the project. The NTHP also expressed concern over including public facilities in the exception and requested that should the exception be made, FEMA perform a Section 106 project-specific review of the action.

The LA SHPO requested that sections of the PEA be modified to reflect language contained in the Programmatic Agreement; suggested editorial comments and noted consistency of text; and emphasized the importance of evaluating the potential for archaeological sites for all ground-disturbing projects.

Additionally, both the LA SHPO and NTHP indicated that there is not enough information about properties participating in the program for them to determine the magnitude of adverse effects that may result by granting the exception.

FEMA's responses to the comments received are available in Appendix B.

IX. List of Preparers

The following individuals prepared this Programmatic Environmental Assessment:

Morgan Griffin, URS Corp., Senior Project Manager
Tom Hay, URS Corp., Senior Environmental Planner
Darryl Hatheway, URS Corp., Senior Coastal Scientist
Elizabeth Vashro, URS Corp., Environmental Planner
John Ketchum, FEMA Federal Preservation Officer
Jomar Maldonado, FEMA Environmental Program Specialist

X. Bibliography

Gulf of Mexico Fishery Management Council (Gulf Council). 2005. "Generic Amendment Number 3 for Addressing Essential Fish Habitat Requirements, Habitat Areas of Particular Concern, and Adverse Effects of Fishing in the Fishery Management Plans of the Gulf of Mexico." March 2005. Available at: http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/FINAL3_EFH_Amendment.pdf.

Louisiana Department of Environmental Quality (LDEQ). 2004. "Water Quality Inventory Integrated Report." 2004. <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=98>.

Southern Regional Water Program: A Partnership of USDA, CSREES, & Land Grant Colleges and Universities.

<http://srwqis.tamu.edu/states/louisiana/drinkingwater.aspx>.

U.S. Environmental Protection Agency (EPA). 2000. "National Water Quality Inventory 2000 Report." <http://www.epa.gov/305b/2000report/>.

EPA. 2004. "National Assessment Database."

<http://www.epa.gov/waters/305b/index.html>.

EPA. 2006. "Response to 2005 Hurricanes: Frequently Asked Questions." 16 June 2006.

<http://www.epa.gov/katrina/faqs.htm#9>.

U.S. Fish & Wildlife Service (FWS). 2006. "Values of Wetlands for Flood and Storm Surge Attenuation." <http://www.fws.gov/nwi/stormvalues.htm>.

U.S. Geological Survey: Marine and Coastal Geology Program. "Louisiana Coastal Wetlands: A Resource at Risk." November 1995. <http://marine.usgs.gov/factsheets/LAwetlands/lawetlands.html>.

Appendix A: Communities Adopting FEMA ABFE

Louisiana ABFE Status Report

Parish	Community	ABFE Status	Adoption date
Calcasieu	Calcasieu Parish	Adopted	5-4-2006
	Lake Charles	Adopted	5-17-2006
	Sulphur	Adopted	5-08-2006
	Vinton	Adopted	5-23-2006
	Westlake	Adopted	6-19-2006
Cameron	Cameron Parish	Adopted	4-9-2006
Iberia	Iberia Parish	Adopted	6-14-2006
	City of Jeanerette	Adopted	10-09-2006
	Village of Loreauville	IN PROCESS- Community has no Special Flood Hazard Area. May consider adoption in 2007.	
	City of New Iberia	Adopted by reference to local ordinance.	
Jefferson	Jefferson Parish	Adopted – Effective 8-28-06.	7-19-2006
	City of Grand Isle	Adopted	7-11-2006
	City of Gretna	Adopted	12-11-06
	City of Harahan	Adopted	6-15-2006
	Town of Jean Lafitte	Adopted	9-13-2006
	City of Kenner	Adopted	8-17-2006
	City of Westwego	Adopted	10-09-2006
	Lafourche	Lafourche Parish	Adopted
	Golden Meadow	Adopted	8-21-2006
	Lockport	Adopted	9-26-2006
	Thibodaux	Adopted	10-03-2006
Orleans	Orleans Parish	Adopted	8-25-2006
Plaquemines	Plaquemines Parish	Adopted. Effective 4-25-07. <i>FEMA has not issued ABFEs for Southern (Lower) Plaquemines Parish pending USACE Levee evaluation.</i>	1-25-2007
St. Bernard	St. Bernard Parish	Adopted. <i>Effective in 60 days (6-4-07 at 5 pm)</i>	4-3-2007
St. Charles	St. Charles Parish	Adopted	10-16-2006
St. John the Baptist	St. John the Baptist Parish	Rejected Adoption On 9-12-06.	
St. Mary	St. Mary Parish	Adopted	8-23-2006
	Town of Baldwin	Adopted	10-12-2006
	City of Franklin	Adopted	11-21-06
	City of Morgan City	Adopted	7-25-2006
St. Tammany	St. Tammany Parish	Adopted Emergency-Eff. 08-07-06	8-03-2006
	Town of Madisonville	Adopted one foot of freeboard which is > ABFE.	5-10-2006
	City of Mandeville	Adopted ABFE + 1 foot freeboard	10-12-2006
	City of Slidell	Adopted ABFE + 1 foot of freeboard.	9-12-2006
Tangipahoa	Tangipahoa Parish	Adopted	10-10-2006

Parish	Community	ABFE Status	Adoption date
	City of Ponchatoula	Adopted	10-16-2006
Terrebonne Parish	Terrebonne Parish	Adopted	6-28-2006
Vermilion	Vermilion Parish	Adopted	5-15-2006
	Abbeville	Adopted	4-17-2006
	Town of Delcambre	Adopted	7-10-2006
	Town of Erath	IN PROCESS – No action taken since last meeting.	
	Town of Gueydan	IN PROCESS- Presentation on 11-6-06. No action taken. Community waiting on Preliminary maps.	
	City of Kaplan	ABFE landward limits not located in town.	Adoption not necessary

Mississippi ABFE Status Report

County	Community	Current Ordinance as of April 26, 2007
Hancock	Bay St. Louis	Existing FIRM + 4 feet freeboard
	Hancock County	Existing FIRM + 4 feet freeboard
	Waveland	Existing FIRM + 4 feet freeboard
Harrison	Biloxi	Existing FIRM + 4 feet freeboard
	D'Iberville	ABFEs north of Interstate 10, and existing FIRM + 4 feet freeboard (V zones only), and Existing FIRM + 3 feet freeboard (A zones only). Also adopted +14 feet elevation in a designated Community Flood Hazard Area.
	Gulfport	ABFEs in their entirety + 0.5 foot freeboard and, in the SFHA where there are no ABFEs, the requirement is the FIRM + 1 foot freeboard
	Harrison County	Existing FIRM + 4 feet freeboard and ABFEs outside SFHA
	Long Beach	Existing FIRM + 3 feet freeboard and ABFEs outside SFHA
	Pass Christian	Existing FIRM + 4 feet freeboard in A zone only , [existing FIRM + 1 foot freeboard in V zone only (no change in V Zone from pre-Katrina Ordinance)]
Jackson	Gautier	Existing FIRM + 5 feet freeboard and ABFEs outside SFHA
	Jackson County	ABFEs in their entirety and, in the SFHA where there are no ABFEs, the existing FIRM, (manufactured homes only add + 1 foot freeboard)
	Moss Point	ABFEs in their entirety (adopted by resolution only)
	Ocean Springs	ABFEs in their entirety + 1 foot of freeboard and, in the SFHA where there are no ABFEs, the requirement is the FIRM + 1 foot freeboard
	Pascagoula	ABFEs in their entirety

Appendix B: Response to Comments on the Draft PEA

1. HMGP funds need to be expedited to homeowners; the grant process needs to be simplified

FEMA continues to work closely with the States of Louisiana and Mississippi to assist them in identifying mitigation needs and to develop procedures to simplify and expedite the availability of funds to individual homeowners. HMGP guidance has been issued regularly to target critical information requirements in applications, improve the overall quality of mitigation efforts, and streamline the application procedure. As with the subject of this document, FEMA continues to explore ways to make funding available to those who need it and assist the States with completing their grant applications.

2. The PEA suggests that homeowners that have started work only have 60 days after the announcement to enter the program.

The 60-day grace period is not the application deadline for the program. The program's application deadline is typically 12 months from the disaster declaration. In typical circumstances the State may request extensions to this deadline by 30 to 90 day increments but not exceed a 180 day extension. Given the unique circumstances of this event, FEMA has extended the application period to March 2008 pursuant to Section 301 of the Stafford Act.

The 60-day grace period refers to an extended period within which work may be initiated and still be considered eligible for HMGP funding. Grant sub-applicants are still eligible for the program for activities proposed to be undertaken after the 60-day extension period, but the work must follow normal procedures of standard FEMA project review and approval before starting work.

3. The 60-day grace period is vital because the effort to identify and scope eligible properties and activities will take an extensive amount of time and every day new construction is taking place. Without this period, potentially eligible projects will have begun and will become ineligible for the program.

FEMA is considering this 60-day period so that property owners that are in the middle of administrative and planning procedures (e.g., receipt of permits, execution of contracts, etc.) at the time of announcement have sufficient time to finish this process and initiate work. FEMA recognizes that some work will be initiated during this grace period and has considered the effects of these activities in the PEA. FEMA will engage in an environmental screening of projects with moderate to substantial effects on floodplains, biological resources or that may cause disproportionate high and adverse effects on minority and low-income populations. These projects will not be approved unless their effects can be minimized through environmental mitigation. FEMA has also executed a Gulf Coast PA taking into account the effects of these undertakings on historic properties. To minimize the adverse effects on historic properties the agency has agreed to engage in a public outreach and education effort to provide information and guidance to property

owners who initiate activities during the grace period. This initiative will include preservation-sensitive tools, techniques, and approaches whose adoption would result in the avoidance or minimization of adverse effects on historic properties. As an additional minimization measure FEMA will limit the applicability of the grace period portion of the exception to residential and commercial properties and to public and PNP facilities that are not historic.

- 4. The 60-day grace period is not consistent with the administration of the Road Home Program. To allow the most number of families to participate in the HMGP, the grace period should be extended from 60-days to two years to allow families to receive their award.**

FEMA is considering the 60-day grace period so that property owners who have work ongoing, or are finalizing the administrative and planning procedures (e.g., receipt of permits, execution of contracts, etc.) at the time of announcement have sufficient time to finish this process and initiate work. Property owners who have not initiated work within the grace period are not excluded from participation in the HMGP but must follow the normal HMGP application procedures including prior FEMA approval.

- 5. Implementing the 60-day grace period rather than extending it to two years or indefinitely is likely to affect low income families because they are harder to reach with information.**

Under both the exception and the grant program, all at-risk properties are eligible for funding for eligible mitigation activities regardless of minority or income status of the property owners. Should a grace period be provided, it would apply to mitigation done by property owners regardless of minority or income status.

FEMA and the States will take reasonable outreach efforts to make all proponents (including private property owners) aware of the implications of initiating work after the 60 day period. FEMA is available to assist the State in developing reasonable alternative means to reach any particular minority or low-income populations that cannot be reached through the general outreach efforts.

- 6. A 60-day grace period would exacerbate harm to historic properties. FEMA is urged to eliminate the grace period; the exception would only apply to actions that were initiated or completed prior to the FONSI. Should a period be granted, FEMA should reduce it to 30 days and include conditions or environmental commitments, such as:**
 - allow funding for projects that are on-going through the grace period, but do not allow construction to be initiated during the extension period**
 - limit eligible activities covered in the extension period to those that typically have no impact to historic structures, and exclude from funding the demolition of historic structures and elevating historic structures more than 5 feet**

- **implement a publicity campaign targeting homeowners with historic structures advocating “low-impact” mitigation alternatives and design guidance**
- **require homeowners in locally designated historic districts to document in their applications that consultation with local historic preservation commissions occurred prior to project construction**

As noted in the PEA, FEMA recognizes the potential for additional adverse effects during the proposed 60-day grace period and acknowledges that alternatives B-2 and B-4 may result in more harm to historic properties. Nonetheless it is FEMA’s position that this additional period of time is necessary to allow sufficient time to accommodate property owners to proceed with HMGP eligible work if they have completed applicable administrative and planning activities (such as securing required permits or executing necessary contracts) at the time of the announcement of the program exception. Therefore, FEMA will retain the 60 days, but will conduct a public outreach and education effort to provide information and guidance to property owners who initiate activities during the grace period. This initiative will include preservation-sensitive tools, techniques, and approaches whose adoption would result in the avoidance or minimization of adverse effects on historic properties

FEMA will comply to the fullest possible extent with Section 110(k) for undertakings within the grace period and will not provide assistance to property owners who intentionally adversely affect historic properties during the grace period unless FEMA, in consultation with the ACHP and LA SHPO for undertakings in LA, and the ACHP and MS SHPO for Undertakings in MS, determines that such assistance is warranted despite the adverse effect(s) created.

In recognition of its Section 110(k) responsibilities, and pursuant to the executed Gulf Coast HMGP PA, FEMA will exclude HMGP-eligible historic public and PNP facilities from the grace period and will conduct Section 106 review of these facilities in accordance with the terms of the respective Statewide PAs, until new State-specific PAs are executed.

7. Properties not damaged by Hurricanes Katrina or Rita should also be eligible for the exception.

Mitigation funding is available under the HMGP to eligible sub-applicants (acting on their behalf or on behalf of private property owners) throughout Louisiana and Mississippi whether the structures or facilities were damaged by the hurricanes or not. The exception to the normal HMGP procedures, however, applies only to Katrina or Rita damaged structures or facilities. The need for the exception is that during the course of rebuilding after the event, property owners took extra effort to incorporate mitigation measures in the course of repairs or reconstruction in the storm damaged areas. Returning and rebuilding in areas affected by the event occurred before communities, whose capabilities were severely impacted by these events, could formally develop mitigation project applications; the need to begin to rebuild and return to the affected areas preceded

the prolonged timeframe in which the state and local governments were capable of implementing the HMGP program given the unique challenges in the aftermath of these hurricanes. The purpose of the exception is to allow those who incorporated mitigation measures into during their rebuild and recovery efforts the maximum benefit of mitigation support.

In contrast, structures or facilities not damaged by the event did not require repairs or reconstruction that could have incorporated mitigation designs during the course of reestablishing the pre-event populations.

Applying the exception to non-damaged facilities does not meet the purpose or need for the program exception. Mitigation of such properties remains eligible under regular HMGP procedures.

- 8. The inclusion of public facilities in the exception will exacerbate harm to historic properties, which is contrary to assumptions in the PEA. The PEA indicates that all projects involving public structures and facilities will be screened to evaluate impacts on historic resources, and would therefore not increase adverse effects. The Programmatic Agreement currently under draft indicates projects will NOT be screened (makes no distinction between public and private structures).**

Based on the concerns expressed by consulting parties to the Gulf Coast HMGP PA, FEMA will exclude HMGP-eligible historic public and PNP facilities from the grace period and will conduct Section 106 review of these facilities in accordance with the terms of the respective Statewide PAs, until new State-specific PAs are executed

For all undertakings initiated before the effective date of the exception, including those involving public and PNP facilities, as well as undertakings initiated during the grace period, FEMA will ensure that quantitative information is organized and assembled. This data gathering effort will obtain enough information to constitute a representative sampling of HMGP applications proposed for funding in both States and thus assist FEMA and the other consulting parties in better understanding and evaluating the nature and extent of adverse effects on historic properties. FEMA believes this that this representative sampling effort will ultimately result in consulting parties in both States developing more substantive and focused programmatic mitigation measures.

- 9. Public structures should be excluded from the exception because:**
 - local governments and public agencies are expected to be more conversant in historic preservation requirements than an individual homeowner**
 - allowing retroactive funding of public projects that may have impacted historic structures undermines efforts by FEMA and others to discourage “anticipatory demolition” – an action that FEMA has legally committed themselves to avoid**

FEMA has determined that the restrictions of Section 110(k) of NHPA do not apply to undertakings initiated by property owners before the effective date of the exception due to the extraordinary circumstances of the Disasters, and in recognition that property owners, including those owning public and PNP facilities, did not knowingly and intentionally carry out these activities to avoid Section 106 requirements.

As outlined in Gulf Coast HMGP PA executed by FEMA in consultation with the ACHP, LA SHPO, MS, SHPO, MBCI and NTHP, FEMA will exclude HMGP-eligible historic public and private non-profit facilities from the grace period and will conduct Section 106 review of these facilities in accordance with the terms of the respective Statewide PA, until new State-specific PAs are executed.

10. Does it matter what funding source was used to perform certain components of a mitigation project (e.g., if Public Assistance or insurance funding was used for property demolition)?

If any funding for an element of a mitigation project was derived from a source other than the HMGP, it should be documented in the project application. To the extent that funds were received or available under another program, by another agency, or from another funding source for the mitigation action, providing HMGP funds would constitute a duplication of benefits, and cannot be provided for those costs. If there are still eligible HMGP costs for the project, providing this information is also useful to inform FEMA that an action may have already undergone review for its impacts by FEMA or another funding agency, thus avoiding unnecessary duplication of review efforts.

11. Opposed to the restriction that a community must have submitted an application to the state that was not forwarded to FEMA. Restriction would limit retroactive approval.

This requirement was removed from the Final PEA based on information indicating that its relevance is limited.

12. What kind of documentation will be required for a project that has already been initiated or completed?

Necessary documentation for grant applications is contained in forthcoming disaster-specific guidance.

13. Provide guidance on which permits are required and how to document permit condition compliance.

The types of permits required for a mitigation project will differ depending on the nature of the project and the resources that were affected. At minimum, the actions of any sub-applicant will require all permits that would normally be required in the course of their actions. Additional documentation of permit compliance has been added to the PEA, and will be contained in forthcoming disaster specific guidance.

14. Securing a water quality certification for each individual project is an unreasonable request.

Water quality certifications are typically only required for certain types of hazard mitigation projects that have the potential to affect water quality. Water quality certifications are normally required when a project results in the dredging or fill of a wetlands or Waters of the U.S. These project types include: flood control, stormwater management, infrastructure protection; and in rarer cases, structural reconstruction, construction, and relocation projects. As identified in the PEA, FEMA expects that all applicants engaging in flood control, stormwater management, and infrastructure protection projects where dredging or fill of wetlands or waters of the U.S. are involved, have obtained water quality certifications prior to project implementation as required by State law. FEMA has also acknowledged that applicants engaging in the reconstruction or relocation of structures may not have obtained water quality certifications prior to project implementation, and has qualified those impacts in the PEA.

15. SWPPP requirement applies to each individual project location not cumulative acreage of multiple homes/have programmatic exemptions submitted by LA DEQ

FEMA expects all sub-applicants engaging in activities subject to SWPPP under state law to obtain those permits prior to any construction activities. Applications for projects subject to SWPPPs should include copies of all permits obtained. Individual residence or commercial projects do not need SWPPPs if the project involves less than 1 acre.

16. A Programmatic 8-step already exists in Louisiana. Why not use it to support this PEA?

In Louisiana, FEMA has drafted a Programmatic eight-step decision making process to evaluate adverse effects on the floodplain as a result of funding certain housing-related activities. The Programmatic eight step process is a planning tool that assists FEMA in identifying ways to avoid and minimize adverse effects on floodplains by evaluating alternatives to projects that still meet the intended purpose and need of a proposed project. If an action has already occurred without prior FEMA approval, then FEMA was not involved in the analysis or approval of ways to mitigate or minimize the effects on and from the floodplains. The Programmatic eight step process cannot be applied retroactively and, therefore, cannot support activities that have already been initiated or completed.

17. The term Mitigation Pilot Reconstruction should be used instead of Mitigation Reconstruction because it is specific to the Katrina and Rita disasters.

This change is incorporated into the Final PEA.

18. FEMA should explicitly use the term "archeological site(s)" in its discussion on historic properties

The term "historic property" by definition includes any historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register. FEMA believes this definition adequately accounts for all properties, including archeological sites, and references the term "historic property" throughout the Gulf Coast HMGP PA, executed by FEMA in consultation with ACHP, LA SHPO, MS SHPO, MBCI, and NTHP.

19. FEMA's assessment of cumulative impacts on historic structures is in disagreement with the Programmatic Agreement.

FEMA has changed the text in the PEA to ensure consistency with the PA.

20. There is internal inconsistency in the PEA regarding whether the exception will result in adverse effects on historic properties.

After review, FEMA believes the PEA consistently notes that to the extent there may be adverse effects on historic properties, they will be addressed through further State-specific Section 106 consultation as outlined in the executed Gulf Coast HMGP PA.

21. FEMA has agreed to provide survey and identification of standing structures and archeological sites in Mississippi. Louisiana recommends similar strategies as an approach to mitigation.

FEMA will continue to work with consulting parties in both States to avoid, minimize, or compensate for adverse effects on historic properties as agreed to in the Gulf Coast HMGP PA.

22. There is concern that the discussion on relocating public facilities and constructing safe rooms on undisturbed ground has not taken into account the potential impacts on archeological resources.

FEMA believes that these activities are included in the description of alternatives, and that potential impacts on archeological resources are incorporated into the analysis of effects.