

Draft Environmental Assessment

City of New Orleans:
Village De L'Est Playground
Orleans Parish
FEMA-1603-DR-LA

New Orleans, Louisiana
November 2013

U.S. Department of Homeland Security
Federal Emergency Management Agency, Region VI
Louisiana Recovery Office
New Orleans, Louisiana 70114



FEMA

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LIST OF ACRONYMS

ABFE	Advisory Base Flood Elevation
ACHP	Advisory Council on Historic Preservation
AOI	Area of Interest
APE	Area of Potential Effects
BLH	Bottomland Hardwood
BMPs	Best Management Practices
CAA	Clean Air Act
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CED	Comprehensive Environmental Document
CEMVN	Corps of Engineers, Mississippi Valley Division
CEQ	Council for Environmental Quality
CFR	Code of Federal Regulations
CNO	City of New Orleans
CUP	Coastal Use Permit
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DFIRM	Digital Flood Insurance Rate Map
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
ESA	Environmental Site Assessment
EDMS	Electronic Document Management System
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FT	Feet
HEAG	Highest Existing Adjacent Grade
HSDRRS	Hurricane Storm Damage Risk Reduction System
HSW	Habitat Supporting Wildlife
IER	Individual Environmental Report
LA GOHSEP	Louisiana Governor's Office of Homeland Security and Emergency Preparedness
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LF	Linear Feet
LPDES	Louisiana Pollutant Discharge Elimination System
LPV	Lake Pontchartrain and Vicinity
MBTA	Migratory Bird Treaty Act
NAVD 88	North American Vertical Datum of 1988
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic & Atmospheric Administration
NOV	New Orleans to Venice

NRHP	National Register of Historic Places
OCM	Office of Coastal Management
ORP	Other Regional Project
PA	Public Assistance Grant Program
PW	Project Worksheet
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
ROD	Record of Decision
SELA	Southeast Louisiana
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office/Officer
TSCA	Toxic Substances Control Act
US	United States
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank
WBV	West Bank and Vicinity

1.0 INTRODUCTION

1.1 Project Authority

Hurricane Katrina made landfall on August 29, 2005 near the town of Buras, Louisiana with sustained winds of more than 125 mph. President George W. Bush declared a major disaster for the State of Louisiana (FEMA-1603-DR-LA) on August 29, 2005, authorizing the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide Federal assistance in designated areas of Louisiana. This is pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance Program (PA) to assist in funding the repair, restoration, reconstruction, or replacement of public facilities damaged as a result of a declared disaster. FEMA's implementing regulations for the PA Program are found in 44 Code of Federal Regulations (CFR), Part 206.

This Draft Environmental Assessment (DEA) has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA), the President's Council on Environmental Quality regulations implementing NEPA (Title 40 of the CFR, Parts 1500 to 1508), and FEMA's regulations implementing NEPA (44 CFR Parts 9 and 10).

The purpose of this DEA is to analyze potential environmental impacts of the proposed project. FEMA will use the findings in this DEA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

1.2 Background

The Village De L'Est Playground, owned by the City of New Orleans (CNO), sustained major damage as a result of Hurricane Katrina and was deemed eligible by FEMA for federal disaster public assistance as a non-critical recreational facility serving the needs of the general public.

Village De L'Est Playground is located in Orleans Parish at 13600 N. Nemours Street, New Orleans, LA 70129, Latitude 30.04007, Longitude -89.92632 (Figures 1 and 2). The facility was constructed prior to 1980 and consists of a one-story, wood-framed concessions building, a covered metal-framed basketball pavilion, a baseball/soccer athletic field with lighting, a concrete block utility building, and a children's playground (Figure 3). Fencing at the facility consists of 1,330 linear feet of 6 foot high, and 60 linear feet of 12 foot high, chain link fencing.

Hurricane force wind and floodwaters caused severe damage to all components of the playground site, rendering the facility non-functional since the vent. FEMA has previously approved demolition of the concessions building.



Figure 1 – Extended Aerial, 13600 N. Nemours Street, New Orleans, LA (Google Images, 2013)



Figure 2- Proposed Project Site



Figure 3- Village De L'Est Existing Structures (Google Earth 2013)

2.0 PURPOSE AND NEED

The objective of FEMA's Public Assistance (PA) Grant Program is to provide assistance to State, Tribal and local governments, and certain types of Private Nonprofit (PNP) organizations, so that communities can quickly respond to, recover from, and mitigate major disasters and emergencies.

Prior to Hurricane Katrina, Village De L'Est Playground served as a community recreational facility, providing space and equipment for various indoor and outdoor athletic activities for neighborhood youths, adults, schools, and other organizations. These services were lost as a result of Hurricane Katrina. Restoration of recreational services and facilities in a manner that best serves the local community is needed for FEMA PA to achieve its objective.

3.0 ALTERNATIVES

The NEPA process consists of an evaluation of the environmental effects of a federal undertaking, including its alternatives. This section describes alternatives proposed and considered in addressing the purpose and need stated in Section 2.0 above. Three alternatives have been proposed and reviewed for this project. They include: 1) No Action; 2) Repair of the facility in the same footprint; and 3) Reconstruction of the facility at the same general location, with a different configuration, and with improvements (Proposed Action).

3.1 Alternative 1 - No Action

Under the No Action alternative, there would be no repair or reconstruction of Village De L'Est structures and equipment. Consequently, the community would be unable to utilize this public facility and its damaged structures would continue to present hazards to the community. This alternative does not meet the purpose and need, but will continue to be evaluated throughout this EA and serve as a baseline comparison of impacts from other action alternatives.

3.2 Alternative 2 – Repair/Reconstruct in Same Footprint to Pre-Disaster Condition

This action alternative would repair or reconstruct damaged Village De L'Est structures to their pre-disaster configuration, function and capacity in the same footprint, restoring community services as they existed prior to Hurricane Katrina. This alternative meets the purpose and need and will continue to be evaluated throughout this EA.

3.3 Alternative 3 – Reconstruct/Reconfigure at Same General Site (Proposed Action)

Under this alternative, the damaged concessions building and damaged playground equipment would be demolished and reconstructed/replaced in a different location and footprint within the original site. A new 1,769 sf. concessions center would be constructed approximately 150 ft. northeast of the original building (Figures 4-6). New playground equipment would be installed approximately 50 ft. northeast of the existing equipment (Figure 4). The basketball pavilion and utility building would be repaired in their original footprints to their pre-disaster conditions. A new parking lot would be constructed along the northwest edge of the playground, adjacent to the new concessions building and playground equipment. A new concrete fence curb would be installed along the west end of the park at a depth of approximately 18". Existing athletic fields would also be improved through the addition of fill and subsequent grading. This alternative meets the purpose and need of the action and will be further evaluated throughout this DEA.



Figure 4- Proposed Site Plan



Figure 5 – Proposed New Concessions Center – 3D Rendering

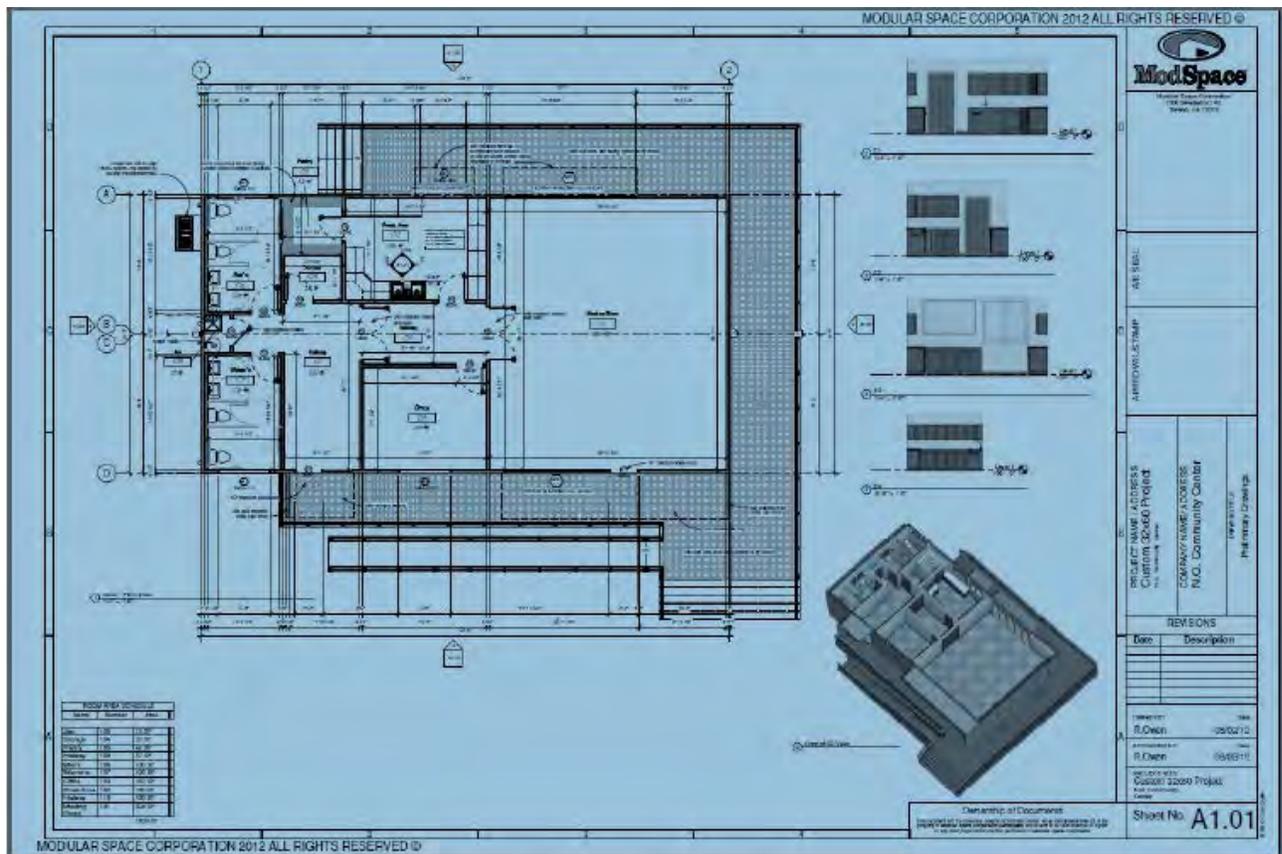


Figure 6 – Proposed New Concessions Center, Preliminary Floor Plan

4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS

4.1 Waters of the United States and Wetlands

4.1.1 Regulatory Setting

The United States Army Corps Engineers (USACE) regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, pursuant to §§ 401 and 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344). Section 402 of the CWA, entitled National Pollutant Discharge Elimination System (NPDES), authorizes and sets forth standards for state administered permitting programs regulating the discharge of pollutants into navigable waters within the state’s jurisdiction (33 U.S.C. § 1342). The USACE also regulates the building of structures in waters of the U.S. pursuant to §§ 9 and 10 of the Rivers and Harbors Act (RHA) (33 U.S.C. § 403). Executive Order (EO) 11990, Protection of Wetlands, directs Federal agencies to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the values of wetlands for federally funded projects (42 F.R. 26961, May 25, 1977). Wetlands are identified as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (EO 11990, § 7[c]). FEMA regulations for complying with EO 11990 are found at 44 CFR Part 9, Floodplain Management and Protection of Wetlands.

The Environmental Protection Agency (EPA) enforces the CWA and regulates discharges to waters of the United States through permits issued under the NPDES permitting program. On *CNO-Village De L’Est Playground-Draft Environmental Assessment (November 2013)* 6

August 27, 1996, Louisiana assumed the NPDES from EPA Region VI, thus becoming a state delegated to administer the NPDES Program (EPA 2013, LDEQ 2011). Having assumed NPDES responsibilities, Louisiana may directly issue NPDES permits and has primary enforcement responsibility for facilities in this state, with certain exceptions such as Indian Country Lands (EPA 2013, LDEQ 2011). Louisiana administers the NPDES Program and surface water discharge permitting system under the Louisiana Pollutant Discharge Elimination System (LPDES) program (LDEQ 2011). LPDES requires permits for the discharge of pollutants/wastewater from any point source into waters of the state (LAC 33:IX). The term “point source” is defined as “any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, ... vessel, or other floating craft from which pollutants are or may be discharged” (40 C.F.R. § 122.2; LAC 33:IX, Chapter 23, §2313). Prior to assumption of the program, permittees were required to hold both a valid state and federal permit. Today, all point source discharges of pollutants to waters of the state of Louisiana are required to hold an LPDES permit issued by the Louisiana Department of Environmental Quality (LDEQ, 2011).

4.1.2 Existing Conditions

According to the U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI) map, there are no wetlands or other waters of the United States within proximity of the proposed site that could be adversely affected by the project (*Figure 7*). The EPA commented in correspondence dated August 27, 2013, that jurisdictional waters of the U.S. may occur along the eastern edge of the proposed project site (*i.e.*, within proximity to the proposed improved youth ball field), and recommended coordination with USACE to determine USACE jurisdiction (*Appendix A*). In a jurisdictional determination letter dated September 27, 2013, the USACE determined that the proposed project sites are not jurisdictional wetlands subject to the Corps’ jurisdiction, and a Department of the Army permit under § 404 of the Clean Water Act will not be required for the deposition or redistribution of dredged or fill material on this site.

A FEMA site visit conducted on September 12, 2013, confirmed a lack of hydrology existing anywhere on the proposed site. The eastern boundary of the proposed site consisted of facultative anaerobe vegetation, dominated by Chinese tallow (*Triadica sebifera*), and Giant Ragweed (*Ambrosia trifida*). The soils at the proposed site are 100% Kenner Muck Drained. Kenner Muck consists of herbaceous organic material over fluid clayey alluvium. Kenner Muck is level, poorly drained, rapidly permeable, with rare frequency of flooding and ponding (USDA 2013).



Figure 7, U.S. Fish and Wildlife Service National Wetlands Inventory Map (USFWS, 2013)

4.1.3 Environmental Consequences

Alternative 1 – No Action

The No Action Alternative, would have no effect on wetlands or other waters of the U.S., and would not require permits under Section 404 of the CWA or Section 10 of the RHA.

Alternative 2 – Repair/Reconstruction in the Same Footprint to Pre-Disaster Condition

This action alternative would have no impact on wetlands or other waters of the United States. FEMA has determined that the location is an urban, previously disturbed site with no direct impact to wetlands. The project would not require permits under § 404 of the Clean Water Act or § 10 of the Rivers and Harbors Act.

If the project results in a discharge to waters of the state, a LPDES permit may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater. In order to minimize indirect impacts (erosion, sedimentation, dust and other construction-related disturbances) to defined drainage areas surrounding the site, the contractor should implement Best Management Practices (BMPs) that meet LDEQ permitting specifications for storm water discharge regulated under §§ 401 and 402 of the CWA, and include the following into the daily operations of the construction activities: silt screens, barriers (e.g., hay bales), berms/dikes, and or fences to be placed where and as needed. Fencing will be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.

Alternative 3 – Reconstruction/Reconfiguration at the Same General Location

The USFWS NWI map indicates no wetlands within the proposed project area that could be adversely affected by the project (Figure 7). However, in comments dated August 27, 2013, EPA advised that wetlands may exist in the vicinity of the eastern edge of the project site. In *CNO-Village De L'Est Playground-Draft Environmental Assessment (November 2013)* 8

comments dated September 2013, the USACE determined that the proposed project site is not a jurisdictional wetland subject to Corps' of Engineers jurisdiction, and that a Department of the Army permit under § 404 of the Clean Water Act will not be required for the deposition or redistribution of dredged or fill material on this site (*Appendix A*).

Site plans indicate that the project will be located and contained within areas west of the tree lined boundary; and FEMA and USACE have determined that no jurisdictional wetlands exist within the proposed project site. Therefore, wetlands and other waters of the United States would not be impacted.

If the project results in a discharge to waters of the state, a LPDES permit may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater. In order to minimize indirect impacts (erosion, sedimentation, dust and other construction-related disturbances) to defined drainage areas surrounding the site, the contractor should implement BMPs that meet LDEQ permitting specifications for storm water discharge regulated under §§ 401 and 402 of the CWA, and include the following into the daily operations of the construction activities: silt screens, barriers (*e.g.*, hay bales), berms/dikes, and or fences to be placed where and as needed. Fencing will be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.

4.2 Floodplains

4.2.1 Regulatory Setting

Executive Order 11988, 46 FR 26951 (Floodplain Management) requires Federal agencies avoid direct or indirect support or development within the 100-year floodplain whenever there is a practicable alternative. FEMA's EO 11988 compliance regulations are found at 44 CFR Part 9.

4.2.2 Existing Conditions

In July 2005, FEMA initiated a series of flood insurance studies for many of the Louisiana coastal parishes as part of the Flood Map Modernization effort through FEMA's National Flood Insurance Fund. These studies were necessary because the flood hazard and risk information shown on many Flood Insurance Rate Maps (FIRMs) was developed during the 1970s, and the physical terrain had changed significantly, such as major loss of wetland areas. After hurricanes Katrina and Rita, FEMA expanded the scope of work to include all of coastal Louisiana. The magnitude of the impacts of Hurricanes Katrina and Rita reinforced the urgency to obtain additional flood recovery data for the coastal zones of Louisiana. More detailed analysis was possible because new data obtained after the hurricanes included information on levees and levee systems, new high-water marks, and new hurricane parameters (LaMP 2007).

During an initial post-hurricane analysis, FEMA determined that the "100-Year" or 1-percent chance storm flood elevations on FIRMs for many Louisiana communities, referred to as Base Flood Elevations (BFEs), were too low. FEMA created recovery maps showing the extent and magnitude of hurricanes Katrina's and Rita's surge, as well as information on other storms over the past 25 years (Lamp 2007). The 2006 advisory flood data shown on the recovery maps for the Louisiana-declared disaster areas show high-water marks surveyed after the storm; flood limits developed from these surveyed points; and Advisory Base Flood Elevations, or ABFEs. The recovery maps and other advisory data were developed to assist parish officials, *CNO-Village De L'Est Playground-Draft Environmental Assessment (November 2013)* 9

homeowners, business owners, and other affected citizens with their recovery and rebuilding efforts (LaMP 2007).

Updated preliminary flood hazard maps from an intensive five-year mapping project guided by FEMA were provided to all Louisiana coastal parishes. The maps released in early 2008, known as Preliminary Digital Flood Insurance Rate Maps (DFIRMs), were based on the most technically advanced flood insurance studies ever performed for Louisiana, followed by multiple levels of review. The DFIRMs provided communities with a more scientific approach to economic development, hazard mitigation planning, emergency response and post-flood recovery (LaMP 2007).

The USACE is currently working on a Hurricane and Storm Damage Risk Reduction System (HSDRRS) for the Greater New Orleans (GNO) area (Miller 2011). This 350-mile system of levees, floodwalls, surge barriers, and pump stations will reduce the flood risk associated with a storm event. In September of 2011, the USACE provided FEMA with assurances that the HSDRRS is capable of defending against a storm surge with a one percent (1%) annual chance event of occurring in any given year (Miller 2011). The areas protected include portions of St. Bernard, St. Charles, Jefferson, Orleans, and Plaquemines Parishes. FEMA has revised the preliminary DFIRMS within the HSDRRS to incorporate the reduced flood risk associated with the system improvements.

Where released and available, the 2012 Revised Preliminary DFIRMS are viewed as the best available flood risk data for FEMA's own grant programs in its implementation of E.O. 11988; however, no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program (Miller 2011).

Orleans Parish enrolled in the NFIP as of 08/03/1970. Orleans Parish Advisory Base Flood Elevation Maps (ABFEs) were issued June 2006 (FEMA, 2006), and are currently adopted by the Orleans Parish NFIP community for floodplain management purposes. This site is shown on ABFE Panel OR-LA-FF36 (*Figure 9*), Elevation (EL) -2 or 3 ft. above the Highest Existing Adjacent Grade (HEAG), and on ABFE Panel OR-LA-FF36 (*Figure 9*) EL 3 ft. above the HEAG. Per Revised Preliminary DFIRM panel number 22071C0141F, dated 11/09/2012 (*Figure 10*), the site is located within Zone AE, EL -4: areas of 1% annual chance flood within a Special Flood Hazard Area (SFHA), base flood elevation determined.



Figure 9 – Revised Digital Flood Insurance Rate Map Panel No. 22071C0141F (FEMA Preliminary Dated November 9, 2012)

4.2.3 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, there would be no determinable impact on the floodplain.

Alternative 2 – Repair/Reconstruction in the Same Footprint to Pre-Disaster Condition

Repair and reconstruction would match the prior capacity of the pre-existing facility footprints, and would therefore not newly place within the 100-year floodplain structures which would impede or redirect flood flows, or likely have a determinable effect on floodplain functions and values. Mitigation measures will be implemented to limit future flood loss. In compliance with EO 11988, an 8-step process was completed and documentation is attached in Appendix B.

Per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s). All coordination with the local floodplain administrator, and applicant compliance should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied, where possible.

Alternative 3 – Reconstruction/Reconfiguration at the Same General Location

The proposed action alternative would involve the demolition of damaged structures, the repair of two structures back to their original condition, and the construction of two replacement structures, a parking area, and a fence in a new configuration, all within the original site.

Demolition, repair, reconstruction and reorientation of structures within the same general footprint will have no determinable impact on flood elevations, nor will it increase development within the 100-year floodplain. Mitigation measures will be implemented to limit future flood loss. In compliance with EO 11988, an 8-step process was completed and documentation is attached in Appendix B.

Per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s). All coordination with the local floodplain administrator, and applicant compliance should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied, where possible.

4.3 Coastal Resources

4.3.1 Regulatory Setting

The Coastal Zone Management Act of 1972 (CZMA, or the Act, 16 U.S.C., Ch. 33) encourages the management of coastal zone areas and provides grants to be used in maintaining coastal zone areas. It requires that federal agencies be consistent in enforcing the policies of state coastal zone management programs when conducting or supporting activities that affect a coastal zone. It is intended to ensure that federal activities are consistent with state programs for the protection and, where, possible, enhancement of the nation's coastal zones (16 U.S.C. §§ 1451 and 1452).

The Act's definition of a coastal zone includes coastal waters extending to the outer limit of state submerged land title and ownership, adjacent shorelines, and land extending inward to the extent necessary to control shorelines. A coastal zone includes islands, beaches, transitional and intertidal areas, salt marshes, and wetlands (16 U.S.C. § 1453[1]). The CZMA requires that states develop a State Coastal Zone Management Plan or program and that any federal agency conducting or supporting activities affecting the coastal zone conduct or support those activities in a manner consistent with the approved state plan or program (16 U.S.C. § 1456[c][1][A]). On September 28, 2012, the Louisiana Department of Natural Resources (LDNR), Office of Coastal Management, issued a letter of general consistency concurrence, "serv[ing] as formal notification that, as of October 1, 2012, the granting of any financial assistance as defined in 15 CFR § 930.91, is fully consistent with the Louisiana Coastal Resources Program." LDNR also regulates development in Louisiana's designated coastal zone through the Coastal Use Permit (CUP) Program (LDNR, 2013).

The USFWS regulates federal funding in Coastal Barrier Resource System (CBRS) units under the Coastal Barrier Resources Act (CBRA, 16 U.S.C., Ch. 55). This Act protects undeveloped coastal barriers and related areas (*i.e.*, Otherwise Protected Areas [OPAs]) by prohibiting direct or indirect Federal funding of projects that support development in these areas (16 U.S.C. §§ 3501, 3504, and 3505). The Act promotes appropriate use and conservation of coastal barriers along the Gulf of Mexico. *Id.*

4.3.2 Existing Conditions

The proposed project site is in Orleans Parish, within the Louisiana Coastal Zone (*Figure 11*). The proposed project site is not located within a regulated CBRS.



Figure 10 – Louisiana Coastal Zone Boundary Map

4.3.3 Environmental Consequences

Alternative 1 – No Action

Under the No Action alternative, there would be no impacts to the Coastal Zone or to a CBRS unit; therefore, no review is required.

Alternative 2 – Repair/Reconstruction in the Same Footprint to Pre-Disaster Condition

Repair and reconstruction of the storm-damaged structures at the existing site would involve construction activities within the Louisiana Coastal Management Zone. In a letter dated August 28, 2013, LDNR-OCM noted the requirement that a complete CUP packet be submitted to their office for review and approval prior to construction at this site (*Appendix A*). The applicant would be responsible for coordinating with and obtaining any required CUPs or other authorizations from LDNR-OCM's Permits and Mitigation Division prior to initiating work. The site is not within a CBRS unit and, therefore, does not trigger the CBRA.

Alternative 3 – Reconstruction/Reconfiguration at the Same General Location

The proposed action alternative would involve construction activities within the Louisiana Coastal Management Zone. In a letter dated August 28, 2013, LDNR-OCM advised that it

requires a complete CUP packet be submitted to their office for review and approval prior to construction (*Appendix A*). The applicant is responsible for coordinating with and obtaining any required CUPs or other authorizations from LDNR-OCM's Permits and Mitigation Division prior to initiating work. The proposed site is not within a CBRS unit; therefore, the Proposed Action Alternative does not trigger the CBRA.

4.4 Biological Resources

4.4.1 Regulatory Setting

The Endangered Species Act (ESA) of 1973 prohibits the taking of listed, threatened, and endangered species unless specifically authorized by permit from the USFWS or the National Marine Fisheries Service (16 U.S.C., Ch. 35). "Take" is defined in ESA § 3 as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct" (16 U.S.C. § 1532[19]). The U.S. Fish and Wildlife Service has further defined "harm" in the definition of "take" to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. *See* 50 C.F.R. § 17.3; *see also Babbit v Sweet Home Chapter of Communities for a Greater Oregon*, 115 S.Ct. 2407).

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. §§ 703-712) affirms the United States' commitment to the protection of migratory birds and their habitats and implements various international treaties and conventions (with Canada, Japan, Mexico and former Soviet Union) for the protection of migratory bird resources. The MBTA makes it unlawful to pursue, hunt, take, capture, kill, or sell birds listed in the statute as "migratory birds"; does not discriminate between live or dead birds; and grants full protection to any bird parts, including feathers, eggs, and nests (16 U.S.C. § 703). Executive Order (E.O.) 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds) strengthens the protection of migratory birds and their habitats by directing federal agencies to take certain actions that implement the MBTA.

4.4.2 Existing Conditions

According to the USFWS, Information, Planning, and Conservation (IPaC) online system, accessed on September 25, 2013, one mammal species, the West Indian Manatee (*Trichechus manatus*), and two fish species, the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) and Pallid Sturgeon (*Scaphirhynchus albus*), are federally listed by the USFWS as endangered or threatened and are known to occur in select waterways of Orleans Parish (USFWS, IPaC, 2013). An individual bird species, Sprague's Pipit (*Anthus spragueii*), is federally listed as a candidate species and may occur in the vicinity of the proposed project (USFWS, IPaC, 2013). A site visit conducted on September 12, 2013 confirmed that the proposed project site is located within a previously disturbed urban area. The proposed project site is located within the Louisiana Flyway (USFWS 2013). No state or federal parks, wildlife refuges, scenic streams, or wildlife management areas are known to exist at or in the vicinity of the proposed site. According to IPaC, no FWS Endangered Species Conservation measures were found for the project location (USFWS, IPaC, 2013). In correspondence dated August 22, 2013, the National Oceanic and Atmospheric Administration-National Marine Fisheries Service (NOAA-NMFS) confirms that the project has no potential to adversely impact habitat supportive of NMFS-trust resources.

4.4.3 Environmental Consequences

Alternative 1 – No Action

The No Action alternative would entail no undertaking and, therefore, would have no determinable impact on any biological resource.

Alternative 2 – Repair/Reconstruction in the Same Footprint to Pre-Disaster Condition

Repair and reconstruction of the facility structures in the same configuration and footprint would have no impact on species federally listed as threatened or endangered, migratory birds or federally listed critical habitats. The U.S. Fish and Wildlife Service has interpreted Section 7(p) of the Endangered Species Act to mean that restoring any infrastructure damaged or lost due to the hurricane back to its original footprint does not require ESA consultation per USFWS letter of September 15, 2005.

Alternative 3 – Reconstruction/Reconfiguration at the Same General Location

The proposed project has been reviewed by the USFWS for effects to federal trust resources under their jurisdiction and currently protected by the Endangered Species Act of 1973. In correspondence dated August 30, 2013, the USFWS stated that the project, as proposed, would have no effect on federal trust resources under its jurisdiction and currently protected by the ESA (*Appendix A*). A similar review was conducted by the LDNR, Office of Wildlife, Natural Heritage Program (LNHP). In correspondence dated August 28, 2013, the LNHP stated that the project as proposed would have no anticipated impact to any rare, threatened, or endangered species or critical habitats (*Appendix A*).

4.5 Cultural Resources

4.5.1 Regulatory Setting

The consideration of impacts to historic and cultural resources is mandated under Section 101(b)4 of the National Environmental Policy Act (NEPA) as implemented by 40 CFR, Parts 1501-1508. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account their effects on historic properties (*i.e.*, historic and cultural resources) and allow the Advisory Council on Historic Preservation an opportunity to comment. FEMA has chosen to address potential impacts to historic properties through the “Section 106 consultation process” of the NHPA as implemented through 36 CFR, Part 800.

In order to fulfill its Section 106 responsibilities, FEMA has initiated consultation on this project in accordance with the Statewide Programmatic Agreement (PA), dated August 17, 2009, and amended on July 22, 2011 (2009 Statewide PA, as amended), between FEMA, the Louisiana State Historic Preservation Officer (SHPO), the Louisiana Governor’s Office of Homeland Security and Emergency Preparedness (LA GOHSEP), the Alabama-Coushatta Tribe of Texas, the Caddo Nation, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Advisory Council on Historic Preservation. The 2009 Statewide PA, as amended, was created to streamline the Section 106 review process.

The “Section 106 process” outlined in the PA requires the identification of historic properties that may be affected by the proposed action or alternatives within the project’s area of potential effects (APE). Historic properties, defined in Section 101(a)(1)(A) of NHPA, include districts, sites (archaeological and religious/cultural), buildings, structures, and objects that are listed in or determined eligible for listing in the National Register of Historic Places (NRHP). Historic properties are identified by qualified agency representatives in consultation with interested parties. Below is a consideration of various alternatives and their effects on historic properties.

4.5.2 Existing Conditions

On March 11, 2013, FEMA Historic Preservation Staff conducted a windshield survey to confirm site conditions and age of structures within the APE. The APE is composed of a grassed area and park-related structures constructed in the mid-1970s to early 1980s. Outside of the APE is a neighborhood of similar age. The standing structures APE does not include any structures aged fifty years or older, and includes the following structures aged less than fifty years of age: a basketball pavilion, baseball backstop, bleachers, concessions/activity building, and a concrete block utility building.

Upon consultation of data provided by SHPO on March 6, 2013, there is one recorded archaeological site within one mile of the APE. Site 160R65 is the Michoud Plantation, a 19th century cattle and sugar plantation. The site is unassessed for its inclusion in the NHRP. The site is outside of the APE, and will not be affected by the current Undertaking. The APE is located within the Low Probability Zone for archaeological resources. As late as 1963, as seen on the 1963 USGS Little Woods quad, the APE remained as a backswamp. The soils within the APE consist of Kenner-Allemands-Water, a fresh water gulf coast deltaic marsh. On March 11, 2013, FEMA archaeologist conducted a site visit. No archaeological material was identified within the archaeological APE. Based on the available evidence, it is unlikely that intact NRHP-eligible archaeological deposits would be located within the APE.

4.5.3 Environmental Consequences

Alternative 1 – No Action

This alternative does not include any FEMA undertaking; therefore FEMA has no further responsibilities under Section 106 of the NHPA.

Alternative 2 – Repair/Reconstruction in the Same Footprint to Pre-Disaster Condition

Based on research using the NRHP database, the Louisiana Cultural Resources Map on the Louisiana Division of Historic Preservation’s website, and agency files, FEMA has determined that the project area is not located within a listed National Register Historic District, nor is it located within the view-shed of a property individually listed in the NRHP. The structures located within the project area were found to be less than 50 years of age and do not exhibit the significance to qualify for listing under Criterion Consideration G. FEMA determined that the scope of work meets the criteria in Appendix C: Programmatic Allowances, Item I, Section A, of the PA. In accordance with this document, FEMA is not required to submit projects to the

SHPO for review where the work performed meets these allowances. The applicant must comply with the NHPA conditions set forth in Section 6 of this EA (Louisiana Unmarked Human Burial Sites Preservation Act, and Inadvertent Discovery Clause). The applicant must comply with the conditions set forth in Section 6 of this EA regarding notification of the discovery of traditional cultural properties to the Louisiana Department of Natural Resources.

Alternative 3 – Reconstruction/Reconfiguration at the Same General Location

FEMA has determined that there will be “No Effect” to historic properties. SHPO concurrence with this determination was received, dated August 9,

2013. Consultation with affected tribes (Alabama-Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Muscogee Creek Nation, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Tunica-Biloxi Tribe of Louisiana) was conducted per FEMA’s Programmatic Agreement dated August 17, 2009 and amended on July 22, 2011 (PA). The Choctaw Nation of Oklahoma submitted written concurrence with the determination. The remaining Tribes did not object within the regulatory timeframes; therefore, in accordance with Stipulation VII.E (1) of the PA and CFR, part 800.5(c)(1), FEMA may proceed with funding the undertaking assuming concurrence. The applicant must comply with the NHPA conditions set forth in this EA (Louisiana Unmarked Human Burial Sites Preservation Act and Inadvertent Discovery Clause). The applicant must comply with the conditions set forth in Section 6 of this EA regarding notification of the discovery of traditional cultural properties to the Louisiana Department of Natural Resources.

4.6 Air Quality

4.6.1 Regulatory Setting

The Clean Air Act (CAA) of 1963 (42 U.S.C., Ch. 85), as amended, provides for federal protection of air quality by regulating air pollutant sources and setting emissions standards for certain air pollutants. Under CAA, states adopt ambient air quality standards in order to protect the public from potentially harmful amounts of pollutants. Under the CAA, the United States Environmental Protection Agency (EPA) establishes primary and secondary air quality standards (42 U.S.C. §§ 7408 and 7409). Primary air quality standards protect the public health, including the health of “sensitive populations, such as people with asthma, children, and older adults” (EPA, 2013). Secondary air quality standards protect the public welfare by promoting ecosystems health, and preventing decreased visibility and damage to crops and buildings (EPA, 2013). The EPA has set National Ambient Air Quality Standards (NAAQS) for the following six criteria pollutants: ozone (O₃), particulate matter (PM_{2.5}, PM₁₀), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), and lead (Pb) (EPA, 2013).

The EPA has designated specific areas as NAAQS attainment or non-attainment areas. Non-attainment areas are any areas that do not meet the quality standard for a pollutant, while attainment areas do meet ambient air quality standards.

4.6.2 Existing Conditions

In correspondence dated September 5, 2013, the LDEQ confirms that Orleans Parish is currently classified by the EPA as an NAAQS attainment area and has no general conformity determination obligations (*Appendix A*).

4.6.3 Environmental Consequences

Alternative 1 – No Action

Under the No Action alternative, there would be no short or long term impacts to air quality because no construction would occur.

Alternative 2 – Repair/Reconstruction in Same Footprint to Pre-Disaster Condition

Repair and reconstruction of Village De L'Est Playground in its original footprint would temporarily impact air quality in the form of increased emissions during construction. The effects would be localized and of short duration.

Alternative 3 – Reconstruction/Reconfiguration at the Same General Location

Under the Proposed Action Alternative, minor impacts to air quality would be anticipated from movement of heavy equipment during demolition, excavation and construction activities. The effects would be localized and of short duration.

The contractor shall be responsible for implementing BMPs to reduce fugitive dust generation and emission criteria pollutants. BMPs would include watering down construction areas when necessary to minimize particulate matter and dust, keeping fuel-burning equipment running times at a minimum, maintaining and covering spoil piles, covering the loads of haul vehicles, and keeping construction equipment properly tuned and maintained. Long term emissions associated with the reconstructed facility, such as those generated by small engines used for lawn maintenance and offsite generation of electrical power, are expected to be minor and comparable to emissions generated by the previously existing facilities.

4.7 Noise

4.7.1 Regulatory Setting

Noise is commonly defined as unwanted or unwelcome sound, and most commonly measured in decibels (dB) on the A-weighted scale, which is the scale most similar to the range of sounds that the human ear can hear. The Day-Night Average Sound Level (DNL) is an average measure of sound. The DNL descriptor is accepted by federal agencies as a standard for estimating sound impacts and establishing guidelines for compatible land uses. Sound is federally regulated by the Noise Control Act of 1972, which charges the EPA with preparing guidelines for acceptable ambient noise levels. EPA guidelines, and those of many other federal agencies, state that outdoor sound levels in excess of 55 dB DNL are “normally unacceptable” for noise-sensitive

land uses including residences, schools, or hospitals (EPA, 1974). The Noise Control Act, however, only charges implementation of noise standards to those federal agencies that operate noise-producing facilities or equipment. FEMA, by nature of its mission, does not have statutes defining noise.

Orleans Parish has made it unlawful to exceed maximum permissible sound limits in residential and noise-sensitive areas of public spaces. (*See* New Orleans, Louisiana Code of Ordinances, § 66-202). The Ordinance places restrictions on any machinery, equipment or device that makes or causes a noise that exceeds 60 decibels between 7:00 a.m. and 10:00 p.m., and a noise that exceeds 55 decibels between 10:00 p.m. and 7:00 a.m., as monitored from the exterior of the property where the source of the sound is located (New Orleans, Louisiana Code of Ordinances § 66-202, Table 1). Repairs performed by public agencies or utility companies are exempted from this restriction.

4.7.2 Existing Conditions

There are several noise sensitive receptors (*i.e.*, residential dwellings, educational facilities and places of worship) in the immediate or adjacent project area. A reconnaissance visit on September 12, 2013 observed only traffic noise.

4.7.3 Environmental Consequences

Alternative 1 – No Action

The No Action Alternative would have no noise impacts on sensitive receptors.

Alternative 2 – Repair/Reconstruction in the Same Footprint to Pre-Disaster Condition

Repair and reconstruction of the Village De L’Est Playground structures in their original footprints would result in a temporary increase in noise levels at and around the proposed project site due to operation of construction equipment and increased vehicular activity. Equipment and machinery utilized on the project site would meet all local, state and federal noise regulations. The noise is expected to be minor, localized, and short term. Normal activities at the reconstructed facility are unlikely to affect sensitive receptors in the area.

Alternative 3 – Reconstruction/Reconfiguration at the Same General Location

Demolition, repair, and reconstruction of Village De L’Est Playground structures would result in a temporary increase in noise as a result of construction equipment and vehicular activity. Equipment and machinery utilized on the project site would meet all local, state and federal noise regulations. Although the proposed action would result in a slight increase in noise during construction, the noise is expected to be minor, localized, and short term. After completion of construction of the new structures, there would be increased noise at and around the facility due to increased occupancy of the redeveloped site. Noises from vehicular traffic to and from the facility and day-to-day operation and maintenance of the facility are expected to be similar to pre-disaster levels. These long-term effects would have minimal to no significant impact on persons in the vicinity of the proposed project. Project must abide by all local ordinances.

4.8 Hazardous Materials

4.8.1 Regulatory Setting

The management of hazardous materials is regulated under various federal and state environmental and transportation laws and regulations, including the Resource Conservation and Recovery Act (RCRA) (42 U.S.C., Ch. 82); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C., Ch. 103); the Toxic Substances Control Act of 1976 (TSCA) (15 U.S.C., Ch. 53); the Emergency Planning and Community Right-to-Know Act (42 U.S.C., Ch. 116); the Hazardous Materials Transportation Act (49 U.S.C., Ch. 51); and the Louisiana Voluntary Investigation and Remedial Action statute (La. R.S. 30:2285-2290). The purpose of the regulatory requirements set forth under these laws is to ensure the protection of human health and the environment through proper management (identification, use, storage, treatment, transport, and disposal) of these materials. Some of these laws provide for the investigation and cleanup of sites already contaminated by releases of hazardous materials, wastes, or substances.

The TSCA authorizes the EPA to protect the public from “unreasonable risk of injury to health or the environment” by regulating the introduction, manufacture, importation, sale, use and disposal of specific new or already existing chemicals. “New Chemicals” are defined as “any chemical substance which is not included in the chemical substance list compiled and published under [TSCA] section 8(b).” Existing chemicals include any chemical currently listed under § 8(b), including polychlorinated biphenyls (PCBs), asbestos, radon, lead-based paint, chlorofluorocarbons, dioxin and hexavalent chromium.

TSCA Subchapter I, “Control of Toxic Substances” (§§ 2601-2629), regulates the disposal of PCB products, sets limits for PCB contamination of the environment, and authorizes the remediation of sites contaminated with PCB. Subchapter II, “Asbestos Hazard Emergency Response” (§§ 2641-2656), authorizes the EPA to impose requirements for asbestos abatement in schools, and requires accreditation of those who inspect asbestos-containing materials. Subchapter IV, “Lead Exposure Reduction” (§§ 2681-2692), requires the EPA to identify sources of lead contamination in the environment, to regulate the amounts of lead allowed in products, and to establish state programs that monitor and reduce lead exposure.

4.8.2 Existing Conditions

This section describes the potential for prior releases of hazardous materials to the environment at the proposed site, or close enough to the proposed site to have affected its surface soils or subsurface media (soils and groundwater). This EA also evaluates the potential for the proposed project to use hazardous materials, generate hazardous wastes, and release hazardous substances.

EPA and LDEQ database searches for the proposed project site revealed that there are no hazardous waste, Louisiana Volunteer Remedial Program (VRP)/Brownfield sites, or leaking underground storage tank sites (LUSTs) located on or in close proximity to the proposed site. No sites of concern were found during a review of the Electronic Document Management System (EDMS) database for other hazardous waste management and disposal, solid waste disposal, enforcement, and other databases on or within .5 miles of the proposed site. There are

no recorded oil or gas wells on or near the project site. The site has no record or indication of past or present hazardous waste activities.

4.8.3 Environmental Consequences

Alternative 1 – No Action

The No Action Alternative would not disturb any hazardous materials or create any potential hazard to human health.

Alternative 2 – Repair/Reconstruction in the Same Footprint to Pre-Disaster Condition

No hazardous materials, wastes, or substances, including contaminated soil or groundwater, have been identified at the proposed site. Repair and reconstruction of the facility in its original footprint would not disturb any hazardous materials or create potential hazard to human health.

Alternative 3 – Reconstruction/Reconfiguration at Same General Location

No hazardous materials, wastes, or substances, including contaminated soil or groundwater, have been identified at the proposed site. If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination should be initiated in accordance with applicable federal, State, and local rules and regulations. Applicant would be responsible with respect to demolition activities and the possible presence of lead based paint for complying with TSCA § 402(c) requirements (15 U.S.C. § 2682[c]).

Project construction may involve the use of hazardous materials (*e.g.*, petroleum products, cement, caustics, acids, solvents, paints, electronic components, pesticides/herbicides and fertilizers, treated timber), and may result in the generation of small amounts of hazardous wastes. Best management practices and appropriate measures to prevent, minimize, and control spills of hazardous materials should be taken, and any hazardous and non-hazardous wastes generated disposed of in accordance with applicable federal, state, and local requirements. All demolition and renovation activities are required to be coordinated with LDEQ prior to initiating any work.

4.9 Environmental Justice

4.9.1 Regulatory Setting

Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was signed on February 11, 1994. The Executive Order directs federal agencies to make achieving environmental justice part of their missions by identifying and addressing, as appropriate, disproportionately high adverse human health, environmental, economic, and social effects of its programs, policies and activities on minority or low-income populations.

4.9.2 Existing Conditions

Socioeconomic and demographic data for the project area was reviewed to determine if the proposed action would have a disproportionate adverse impact on minority or low-income persons. According to the U.S. Census, the population of the City of New Orleans is 60.2% Black or African American, 33.0% White, and 2.9% Asian. The median household income for

the City of New Orleans is \$37,468, and 24.4% of families earn below the poverty level. U.S. Census Bureau, 2010 Census Data.

According to the Greater New Orleans Community Data Center (GNOCDC), and U.S. Census, 44.7% of the population of the Village De L'Est Neighborhood is Asian; 43.4% is Black or African American; 1.5% is White; and 8.9% is Hispanic. The neighborhood's median household income is \$39,331; and approximately 35.9% of families live in poverty (GNOCDC, 2013).

4.9.3 Environmental Consequences

Alternative 1 – No Action

The No Action Alternative would result in the lost facilities and functions not being replaced, thus potentially depriving the community of important services and resulting in adverse or disproportionate impacts on minority or low-income populations.

Alternative 2 – Repair/Reconstruction in Same Footprint to Pre-Disaster Condition

Restoring recreational functions at the project site would likely bestow some level of social and or economic benefit to area residents, and would not result in disproportionate adverse impacts to low-income or minority populations.

Alternative 3 – Reconstruction/Reconfiguration in Same General Location

The Proposed Action will have no disproportionate adverse human health, economic, or social effects on low-income or minority populations. The project would provide long term benefits to the community by providing accessible recreational services to all residents of the community.

5.0 CUMULATIVE IMPACTS

The Council on Environmental Quality's (CEQ) regulations state that 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 C.F.R. § 1508.7).

In its comprehensive guidance on cumulative impacts analysis under NEPA, the CEQ notes that: "[t]he range of actions that must be considered includes not only the project proposal, but all connected and similar actions that could contribute to cumulative effects" (CEQ, 1997). The term "similar actions" may be defined as "reasonably foreseeable or proposed agency actions [with] similarities that provide a basis for evaluating the environmental consequences together, such as common timing or geography." 40 C.F.R. § 1508.25(a)(3); *see also* 40 C.R.R. §§ 1508.25(a)(2) and (c).

Not all potential issues identified during cumulative effects scoping need be included in an EA. Because some effects may be irrelevant or inconsequential to decisions about the proposed action and alternatives, the focus of the cumulative effects analysis should be narrowed to important issues of national, regional, or local significance. To assist agencies in this narrowing process, CEQ lists seven (7) basic questions, including: (1) is the proposed action one of several

similar past, present, or future actions in the same geographic area; (2) do other activities (governmental or private) in the region have environmental effects similar to those of the proposed action; (3) have any recent or ongoing NEPA analyses of similar actions or nearby actions identified important adverse or beneficial cumulative effect issues; and, (4) has the impact been historically significant, such that the importance of the resource is defined by past loss, past gain, or investments to restore resources (CEQ, 1997, Table 2-1).

It is normally insufficient when analyzing the contribution of a proposed action to cumulative effects to merely analyze effects within the immediate area of the proposed action (CEQ, 1997, pg. 12). Geographic boundaries should be expanded for cumulative effects analysis, and conducted on the scale of human communities, landscapes, watersheds, or airsheds. Temporal frames should be extended to encompass additional effects on the resources, ecosystems, and human communities of concern. A useful concept in determining appropriate geographic boundaries for a cumulative effects analysis is the project impact zone; *i.e.*, the area (and resources within that area) that could be affected by the proposed action. The area appropriate for analysis of cumulative effects will, in most instances, be a larger geographic area occupied by resources outside of the project impact zone.

The proposed project site at 13600 N Nemours Street is located in the Village De L'Est neighborhood in New Orleans East, a community whose boundaries are defined as Paris Road to U.S. 11, and Chef Menteur Highway to Lake Pontchartrain (*Figure 12*). FEMA has determined that the area within a .5 mile radius of the site constitutes an appropriate project impact zone, and the larger geographic area consisting of the Village De L'Est neighborhood is an appropriate geographic boundary, for a cumulative impact analysis of the proposed action and alternatives.

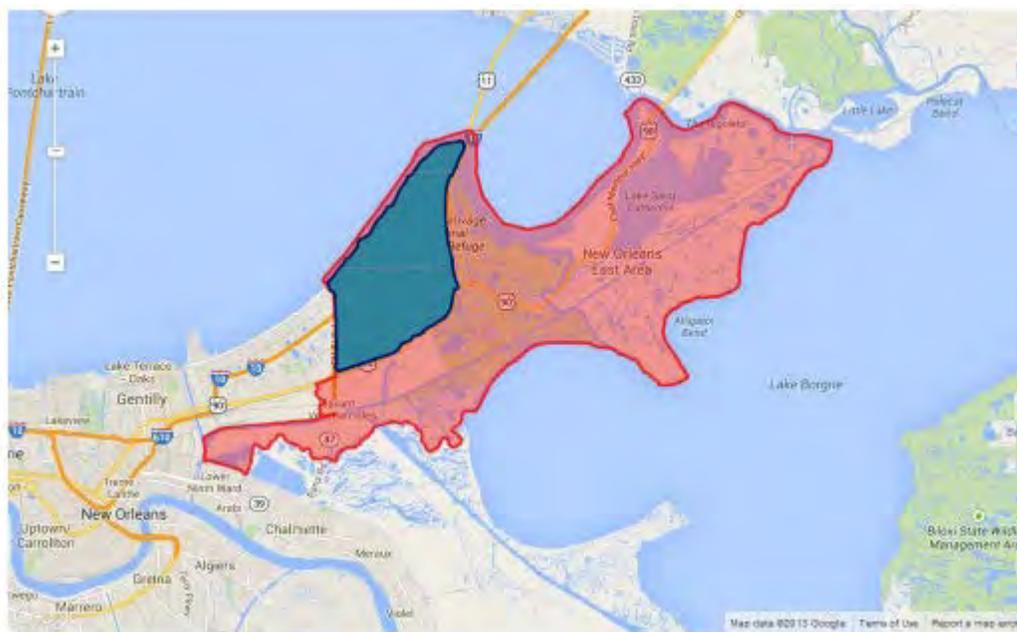


Figure 11 – Boundary Map, 70129 Zip Code and Village De L'Est Geographic Areas

In accordance with NEPA, and to the extent reasonable and practicable, this draft EA considered the combined effects of the Proposed Action Alternative and other actions undertaken by FEMA and other public and private entities that affect environmental resources the proposed action would affect, and that occur within the considered geographic area and temporal frame(s).

Specifically, a range of past, present and reasonably foreseeable actions undertaken by FEMA within the designated geographic boundary area were reviewed: (1) for similarities such as scope of work, common timing and geography; (2) to determine environmental effects similar to those of the proposed action, if any; and (3) to identify the potential for cumulative impacts.

FEMA also reviewed past, present and reasonably foreseeable projects of federal resource agencies and other parties within the designated geographic boundary. These reviews were performed in order to assess the proposed actions and effects of completed and ongoing actions, and to determine whether the incremental impact of the instant proposed action, when combined with the effects of other past, present, and reasonably foreseeable future projects, are cumulatively considerable or significant.

From August 2005 continuing through September 2013, approximately fifty-two (52) FEMA PA program funded, and numerous non-FEMA funded, debris removal, protective measures, and repair projects have occurred, are occurring, or are reasonably foreseen to occur (developed with enough specificity to provide useful information to a decision maker and the interested public) within the Village De L'Est neighborhood geographic area, to buildings, roads and bridges, recreational and educational facilities, public utilities, waterways, levees, and more.

The majority (39) of the fifty-two (52) FEMA PA program funded projects occurring within the specified geographic and temporal boundaries were for the repair or replacement of schools and other public buildings, and or their contents (*Figure 13, below*). None of these fifty-two (52) present, past or reasonably foreseeable FEMA PA funded infrastructure and recovery improvements projects, save for the instant proposed project, possessed a potential for impact to environmental resources requiring an EA under NEPA.

All FEMA funded actions are subjected to various levels of environmental review as a requirement for the receipt of federal funding. An applicant's failure to comply with any required environmental permitting or other condition is a serious violation which can result in the loss of federal assistance, including funding.



Figure 12 – FEMA-Funded Public Assistance Projects Occurring Within Village De L’Est Neighborhood

A major non-FEMA source of federally-funded infrastructure projects within southeastern Louisiana and the greater New Orleans area has been the U.S. Army Corps of Engineers (the USACE or Corps). “After the devastation of the 2005 hurricane season, the U.S. embarked on one of the largest civil works projects ever undertaken, at an estimated cost of \$14 billion, with restoration, accelerated construction, improvements, and enhancements of various risk reduction projects within southeastern Louisiana, including the Lake Pontchartrain and Vicinity, Louisiana Project (LPV) and the West Bank and Vicinity, Louisiana Project (WBV), jointly referred to as the Greater New Orleans Hurricane and Storm Damage Risk Reduction System (HSDRRS). With the completion of the levees, floodwalls, gates, and pumps that together form the HSDRRS, 100-year level of hurricane and storm damage risk reduction will be brought to the areas within LPV and WBV. The agency tasked with the planning, design, and construction of these civil works projects is the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN)” (USACE, May 2013, p. ES-1).

“The HSDRRS is a complex undertaking with a large number of awarded construction contracts” (USACE, May 2013, p. ES-3). In compliance with NEPA, through Emergency Alternative Arrangements approved by the CEQ, USACE conducted separate environmental evaluations of the numerous smaller construction projects required to complete the HSDRRS project, and prepared Individual Environmental Reports (IERs) of their project evaluations. Supplemental

IERs were completed to reflect design and construction changes, and proposed additional HSDRRS risk reduction work. IERs are classified according to one of three project types. IERs addressing the actual risk reduction structures (*e.g.*, levees, floodwalls, closure structures, and pump station structures), are risk reduction IERs. IERs addressing materials and resources used to construct the HSDRRS (*e.g.*, borrow material, concrete and steel, and other commodities), are referred to as borrow IERs. IERs addressing HSDRRS mitigation measures (*i.e.*, measures to lessen or reduce a project’s impact on a particular resource or group of resources), are referred to as mitigation IERs. *See generally* USACE, NOLA Environmental Compliance Data Bank.

In May 2013, the USACE released Phase I of a Final Comprehensive Environmental Document (CED) analyzing the cumulative impacts of the HSDRRS. The CED “summarizes the HSDRRS impacts and determines the cumulative impacts on the human and ‘built’ environment from those HSDRRS components described by NEPA documents completed by November 15, 2010, and other Federal and non-Federal hurricane and storm damage risk reduction systems and regional projects within southeastern Louisiana” (USACE, May 2013, p. ES-7). These other regional projects (ORPs) (storm damage reconstruction, redevelopment, coastal and wetlands restoration, flood risk reduction projects, transportation), include analyses of the New Orleans to Venice (NOV), Plaquemines Parish Non-Federal Levee, Grand Isle and Vicinity Hurricane Protection, Morganza to the Gulf Risk Reduction, Mississippi River Gulf Outlet Deep-Draft Deauthorization, Southeast Louisiana (SELA), and Pump Station Stormproofing projects, and their associated EAs, EIS’, supplements, and other Records of Decision (ROD).

The USACE CED Phase I cumulative impact study represents an analysis of fourteen (14) Risk Reduction LPV (east bank) IERs, six (6) Risk Reduction WBV (west bank) IERs, eleven (11) Borrow IERs, and their supplements, completed as of November 15, 2010; construction contracts completed by July 2011; and other regional projects EIS, EAs, supplements and other decision records. CEMVN mitigation measures and impacts from construction of the LPV and WPV HSDRRS are described in IERs 1-11, 18, 19, 22, 23, 25-32, 35, and their associated Supplemental IERs. IERs completed after November 15, 2010 and HSDRRS features constructed after July 2011 will be described in a future phase of the CED.

The CED concludes that HSDRRS and regional project construction have resulted in cumulative short and long term beneficial impacts to socioeconomic resources; short term cumulative adverse impacts to transportation, noise, air quality and aesthetics; both beneficial and adverse impacts on known and unknown cultural resources; and long term permanent impacts regionally to soils, including prime farmland soils, habitat supporting wildlife (HSW), wetlands and non-jurisdictional bottomland hardwood (BLH) resources. “Compensatory mitigation will reduce the impacts on biological resources from these regional projects, but impacts on soils are permanent and these impacts cannot be reduced through mitigation” (USACE, May 2013, p. ES-52 to 59).

Table 1 below lists and briefly describes present, past, and reasonably foreseeable individual or groups of infrastructure and recovery improvement projects in the Village De L’Est geographic area that are known to FEMA, and for which an EA, EIS, IER or other substantial environmental review were performed, and or that may have the potential for cumulative impacts when combined with the effects of the present proposed action. Table 1 also identifies the potential for cumulative impacts, and the rationale for that assessment.

Project Name / Status	Lead Agency	Location	Description	Cumulative Impacts	Rationale
NONE	FEMA	Village De L'Est neighborhood and the larger 70129 zip code geographic area	None	No impacts.	No FEMA-funded projects for this geographic location affecting resources and requiring an EA, EIS or other substantial environmental review.
Comprehensive Environmental Document (CED) Phase I Study / Completed May 2013	USACE	217 miles of post-Katrina HSDRRS work located within the Greater New Orleans Metropolitan Area; the area within Lake Pontchartrain and Vicinity (LPV) and West Bank and Vicinity (WBV).	Evaluates the cumulative impacts associated with the implementation of the Hurricane and Storm Damage Risk Reduction System (HSDRRS); describes cumulative impacts of HSDRRS construction completed by July 2011 and incorporates information from individual IERs and supplemental IERs completed by November 15, 2010.	Less than significant.	Adversely affected resources (regional soils, habitat supporting wildlife, wetlands and jurisdictional bottomland hardwood resources), are significantly different from those in the proposed action, and overall, including through mitigation and compensation measures, expected to be beneficial investment to resources. Effects to similar resources would be temporary and minimal, or would be beneficial.
Mitigation LPV IER 36 / Draft IER, public review and comment period ended 9/25/2013	USACE	Lake Pontchartrain Basin, between I-12 and the Mississippi River	Evaluates the alternatives to compensate for unavoidable habitat resulting from construction of the LPV HSDRRS; identifies Tentatively Selected Mitigation Plan Alternative (TSMIPA) for mitigating impacts to four habitat categories: wet and dry bottomland hardwood forests, swamps, and marshlands.	No impacts.	Impacts to resources are significantly different from those expected to be affected by the proposed action.
EA # 433 - Hurricanes Katrina & Rita After-the-Fact / FONSI 07/24/2006	USACE	Orleans, St. Bernard, Jefferson, Plaquemines, St. Mary's, Terrebone, and LaFourche Parishes	Emergency action to unwater New Orleans Metropolitan Area; rehabilitate federally authorized levees, and restore non-federal levees and pump stations (Orleans, St. Bernard, Jefferson and Plaquemines Parishes); flood flight operations (St. Mary's, Terrebone, and LaFourche Parishes).	No impacts.	FONSI 07/24/2006; Adverse impacts to resources (wetlands) are significantly different from those expected to be affected by the proposed action and required compensatory mitigation. No significant impacts identified for any significant similar resources expected to be affected by the proposed action.

Project Name / Status	Lead Agency	Location	Description	Cumulative Impacts	Rationale
EA # 474 - Orleans Parish Pump Station Stormproofing Activities / 06/16/2009	USACE	22 Orleans Parish pump stations, Carrollton frequency Changer Building, Old River Intake Station, New River Intake Station, and Carrollton Water Plant and Power Complex	Stormproofing activities for described locations, to include building hardening, elevated control rooms, modified roof structures, enhanced water intrusion and protection, protecting and enhancing electrical power production equipment, backup generators, underground ductbank for electrical lines, perimeter wall barriers, elevated generator buildings, pump replacement, installation of water wells, other mechanical, electrical and miscellaneous protection features.	No impacts.	FONSI 06/16/2009; No significant adverse impacts identified for any significant resources; no impacts identified that would require compensatory mitigation. Effects to similar resources would be temporary and minimal.

Table 1 – Projects that May Have the Potential to Contribute to Cumulative Impacts

FEMA has determined that the incremental effects of the other infrastructure recovery and improvement actions are likely to be similar to the impacts and effects described in this EA for the present proposed action, in that the effects to socioeconomic resources are expected to be beneficial, and effects to other similar resources expected to be either non-existent, or minimal and temporary. FEMA has further determined that the incremental impact of the present proposed project, when combined with the effects of other past, present, and reasonably foreseeable future projects, are neither cumulatively considerable nor significant.

These infrastructure actions, some of which have already occurred, and many of which will occur concurrent with and or subsequent to the proposed action, are necessary as a result of the unprecedented devastation caused by the 2005 hurricanes, in order to restore pre-disaster conditions. In reviewing impacts, socioeconomic resources were identified as having the most potential to experience cumulative effects. Although devastating, the 2005 storms created an opportunity for the Applicant to serve residents in the Village De L’Est Playground area and surrounding neighborhoods by re-opening neighborhood playground and athletic facilities, thereby filling a void for available child and adult recreational services. Considered in relation to past, present, and reasonably foreseeable future actions, the cumulative impact of the proposed action to the built and natural environment would be minimal, would be beneficial rather than detrimental, and is not expected to contribute to any adverse effects or to otherwise significantly affect the human environment.

6.0 CONDITIONS AND MITIGATION MEASURES

Based upon the studies and consultations undertaken in this EA, several conditions must be met and mitigation measures must be taken by CNO prior to and during project implementation.

- Applicant is required to comply with all state, federal and local laws and regulations.
- New construction must be compliant with current codes and standards. In accordance with applicable local, state, and federal regulations, the applicant is responsible for acquiring any necessary permits and/or clearances prior to the commencement of any construction related activities.

- A Louisiana Pollution Discharge Elimination System (LPDES) may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. If required to do so by LDEQ, the Applicant shall require its contractor to prepare, certify, and implement a construction storm water pollution prevention plan approved by LDEQ to prevent sediment and construction material transport from the project site. The Applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- The Applicant should ensure that best management practices that meet the LDEQ permitting specifications for storm water discharge regulated under §§ 401 and 402 of the CWA are implemented in order to minimize indirect impacts (erosion, sedimentation, dust and other construction-related disturbances) to the nearby waters of the United States and well defined drainage areas surrounding the site, and include the following into the daily operations of the construction activities: silt screens, barriers (*e.g.*, hay bales), berms/dikes, and or fences to be placed where and as needed. Fencing should be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.
- New construction must be compliant with current codes and standards. Per 44 C.F.R. § 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate all construction activities with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities, and remain in compliance with formally adopted local floodplain ordinances. All coordination pertaining to these permit(s) should be documented and provided to the local floodplain administrator, to the Louisiana Governor's Office of Homeland Security and Emergency preparedness (LA GOHSEP), and to FEMA as part of the permanent project file. Per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied, where possible.
- The project has been found by the Louisiana Department of Natural Resources (LDNR) to be inside the Louisiana Coastal Zone. LDNR, therefore requires that a complete Coastal Use Permit Application package (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.) along with the appropriate application fee, be submitted to their office prior to construction. The Applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the LDNR Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The applicant must comply with all conditions of the required permits. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
- To reduce potential short term effects to air quality from construction related activities, the contractor should use BMPs to reduce fugitive dust generation and diesel emissions. The contractor should water down construction areas when necessary to minimize particulate

matter and dust. To reduce emission criteria pollutants, fuel-burning equipment running times should be kept at a minimum and engines should be properly maintained.

- Construction traffic should be closely monitored and controlled as appropriate. All construction activities should be conducted in a safe manner in accordance with Occupational Safety and Health Act (OSHA) requirements.
- Project construction may involve the use of potentially hazardous materials (*e.g.*, petroleum products, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, treated timber), and may result in the generation of small amounts of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous and non-hazardous wastes are required to be disposed in accordance with applicable Federal, state and local regulations. Applicant shall be responsible with respect to demolition activities and the possible presence of lead based paint for complying with TSCA § 402(c) requirements (15 U.S.C. § 2682[c]).
- If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination should be initiated in accordance with applicable federal, state, and local regulations.
- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 *et seq.*) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- Inadvertent Discovery Clause: If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO, and others as appropriate.
- If at any time during the course of the work, any traditional cultural properties are discovered, the applicant shall stop work and immediately contact the Louisiana Department of Natural Resources (LDNR), Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator), at 337-923-9923 or 337-923-4395. Office hours are Monday through Thursday from 7:30 A.M. – 5:00 P.M. and on Friday between 7:30 A.M. – 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.

7.0 AGENCY CONSULTATION

FEMA is the lead federal agency for the NEPA compliance process for this Public Assistance Project. It is the responsibility of the lead agency to conduct the preparation and review of NEPA documents in a way that is responsive to the needs of the Parish communities while meeting the spirit and intent of NEPA and complying with all NEPA provisions. As part of the development of early interagency coordination related to the proposed action, state and federal resource protection agencies were contacted and FEMA distributed an informal scoping notification through a Solicitation of Views.

These resource agencies include the Louisiana State Historical Preservation Officer, U.S. Fish and Wildlife Service, the Governor's Office of Homeland Security and Emergency Preparedness, Louisiana Department of Environmental Quality, Louisiana Department of Wildlife and Fisheries, U.S. Environmental Protection Agency, Louisiana Department of Natural Resources, the U.S. Army Corps of Engineers, and the National Oceanic & Atmospheric Administration, National Marine Fisheries Service.

FEMA has received no objections to the project as proposed. Comments and conditions received from the agencies have been incorporated into this Environmental Assessment (*Appendix A*).

In accordance with applicable local, state, and federal regulations, the applicant would be responsible for acquiring any necessary permits prior to commencing construction at the proposed project site.

8.0 PUBLIC INVOLVEMENT

FEMA will invite the public to comment on the proposed action during a fifteen (15) day comment period. A public notice will be published for three (3) days in the local newspaper, *The Times-Picayune*, announcing the availability of this draft EA for review at the Orleans Parish Main Library at 219 Loyola Avenue, New Orleans, LA 70112, and at the East New Orleans Branch at 5641 Read Boulevard, New Orleans, LA 70127. A copy of the Public Notice is attached in Appendix C.

9.0 LIST OF PREPARERS

Tiffany Spann-Winfield	Deputy Environmental Liaison Officer, FEMA, LRO
Shelly A. R. Chichester	Environmental Protection Specialist, FEMA, LRO
Adam Borden	Lead Environmental Protection Specialist, FEMA, LRO
Richard Williamson	Archaeologist/Historic Preservation Specialist, FEMA, LRO
Annette Carroll	Historic Preservation Specialist, FEMA, LRO

10.0 REFERENCES

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**Appendix A Agency
Correspondence**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

August 27, 2013

Adam Borden
Environmental Section
U.S. Department of Homeland Security
FEMA-DR 1603/1607 LA
I Seine Court
New Orleans, Louisiana 70114

Dear Mr. Borden:

The U.S. Environmental Protection Agency (EPA) has completed your request for an environmental review and solicitation of views concerning the City of New Orleans Village L'Est Playground. The comments that follow are being provided relative to the EPA's *404(b)(J) Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230)*.

Our preliminary review revealed that jurisdictional waters of the U.S. may occur along the eastern edge of the site. At *this* time the EPA does not object to the projects as proposed and recommends coordination with the U.S. Army Corps of Engineers at the New Orleans District Office to verify if jurisdictional waters of the U.S. do occur on site and which permits, if any, are needed. Thanks for the opportunity to review the proposed project. If you have any questions or would like to discuss the issue further, please do not hesitate to contact me at Gutierrez.raul@epa.gov or 214-665-6697.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Raul Gutierrez".

Raul Gutierrez, Ph.D.
Wetlands Section
Water Quality Protection Division

To: Chichester, Shelly
Subject: FW: DEQ SOV 130822/1740 Village De L'Est

From: Linda (Brown) Hardy [mailto:Linda.Hardy@la.gov]
Sent: Thursday, September 05, 2013 12:15 PM
To: Borden, Adam
Subject: DEQ SOV 130822/1740 Village De L'Est

September 5, 2013

Christopher Barron, Environmental
Specialist
FEMA-DR 1603 LA
1 Seine Court
New Orleans, LA 70114
adam.borden@fema.dhs.gov

RE: 130822/1740 Village De L'Est
FEMA Funding
Orleans Parish

Dear Mr. Barron:

The Department of Environmental Quality (LDEQ), Business and Community Outreach Division has received your request for comments on the above referenced project.

After reviewing your request, the Department has no objections based on the information provided in your submittal. However, for your information, the following general comments have been included. Please be advised that if you should encounter a problem during the implementation of this project, you should immediately notify LDEQ's Single-Point-of-contact (SPOC) at (225) 219-3640.

- Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.
- If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
- If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.
- All precautions should be observed to control nonpoint source pollution from construction activities. LDEQ has storm water general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permits Division at (225) 219-9371 to determine if your proposed project requires a permit.
- If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit application or Notice of Intent must be submitted no later than January 1, 2013. Additional information may be obtained on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219-9371.
- If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly regarding permitting issues. If a Corps permit is required, part of the application process may involve a water quality certification from LDEQ.
- All precautions should be observed to protect the groundwater of the region.

- Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.
- Any renovation or remodeling must comply with LAC 33:111.Chapter 28, Lead-Based Paint Activities; LAC 33:lii.Chapter 27, Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation); and LAC 33:111.5151, Emission Standard for Asbestos for any renovations or demolitions.
- If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

Currently, Orleans Parish is classified as attainment with the National Ambient Air Quality Standards and has no general conformity determination obligations.

Please send all future requests to my attention. If you have any questions, please feel free to contact me at (225) 219-3954 or by email at linda.hardy@la.gov.

Sincerely,

Linda M. Hardy
Technical Assistant to the Deputy Secretary
Louisiana Department of Environmental Quality
Office of the Secretary
P.O. Box 4301
Baton Rouge, LA 70821-4301
Ph: (225) 219-3954
Fax: (225) 219-3971
Email: linda.hardy@la.gov

08/28/2013

U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA
1 SEINE COURT FEMA - MAIL CENTER 1ST FLOOR
NEW ORLEANS, LA 70114

RE: P20131215, Solicitation of Views

U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA

Description: Proposal to demolish and replace the Village De L' Est Playground that was damaged during Hurricane Katrina.

Location: Lat 30° 02' 24.25"N / Long -89° 55' 34.75"W; Village De L' Est Playground, 13600 North Nemours, New Orleans, LA
Orleans Parish, LA

Dear Adam Borden:

We have received your Solicitation of Views for the above referenced project, which has been found to be inside the Louisiana Coastal Zone. In order for us to properly review and evaluate this project, we require that a complete Coastal Use Permit Application packet (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.) along with the appropriate application fee be submitted to our office. Using your complete application, we can provide you with an official determination, and begin the processing of any Coastal Use Permit that may be required for your project. You may obtain a free application packet by calling our office at (225) 342-7591 or (800)-267-4019, or by visiting our website at <http://www.dnr.state.la.us/crm/coastmgt/cup/cup.asp>.

We recommend that, during your planning process, you make every effort to minimize impacts to vegetated wetlands. As our legislative mandate puts great emphasis on avoiding damages to these habitats, in many cases the negotiations involved in reducing such disturbances and developing the required mitigation to offset the lost habitat values delay permit approval longer than any other factor. Additionally, the following sensitive feature may require additional processing time by the appropriate resource agencies:

The area where the project is located is all part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. As such, large villages, burial sites, and sacred sites were in place in that entire area. If at any time during the course of the work, any traditional cultural properties are discovered, Permittee shall immediately contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395. Office hours are Monday through Thursday from 7:30 A.M. - 5:00 P.M. and on Friday between 7:30 A.M. - 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the

next business morning

Should you desire additional consultation with our office prior to submitting a formal application, we recommend that you call and schedule a pre-application meeting with our Permit Section staff. Such a preliminary meeting may be helpful, especially if a permit application that is as complete as possible is presented for evaluation at the pre-application meeting.

If you have any questions, would like to request an application packet or would like to schedule a pre-application meeting, please contact Sara Krupa at (225) 342-8917 or sara.krupa@la.gov.

Sincerely,

A handwritten signature in black ink that reads "Karl L. Morgan". The signature is written in a cursive style with a long, sweeping underline.

Karl L. Morgan
Administrator

Karl L. Morgan/sk

Attachments

Final Plats:

- 1) [P20131215](#) [Final Plats](#) [08/22/2013](#)

cc: Johan Forsman w/plats
Jessica Diez, OCM w/plats
Tim Killeen, CMD/FI w/plats
Orleans Parish w/plats



BOBBY JINDAL
GOVERNOR

State of Louisiana
DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

ROBERT J. BARHAM
SECRETARY
JIMMY L. ANTHONY
ASSISTANT SECRETARY

Date August 28, 2013
Name Chris Borron
Company FEMA
Street Address 1 Seine Court
City, State, Zip New Orleans, LA 70114
Project Village De L'Est Playground
ProjectID
Invoice Number 13082807

Personnel of the Habitat Section of the Coastal & Nongame Resources Division have reviewed the preliminary data for the captioned project. After careful review of our database, no impacts to rare, threatened, or endangered species or critical habitats are anticipated for the proposed project. No state or federal parks, wildlife refuges, scenic streams, or wildlife management areas are known at the specified site within Louisiana's boundaries.

The Louisiana Natural Heritage Program (LNHP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the state of Louisiana. Heritage reports summarize the existing information known at the time of the request regarding the location in question. The quantity and quality of data collected by the LNHP are dependent on the research and observations of many individuals. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Louisiana have not been surveyed. This report does not address the occurrence of wetlands at the site in question. Heritage reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. LNHP requires that this office be acknowledged in all reports as the source of all data provided here. If at any time Heritage tracked species are encountered within the project area, please contact the LNHP Data Manager at 225-765-2643. If you have any questions, or need additional information, please call 225-765-2357.

Sincerely,

Carolyn Michon
for
(Amity Bass, Coordinator
Natural Heritage Program

From: [Richard Hartman - NOAA Federal](#)
To: [Borron, Christopher](#)
Subject: Re: Request for Solicitation of Views (SOV) for Village De L" Est Consultation for EA
Date: Thursday, August 22, 2013 15:05:52

The project has no potential to adversely impact habitat supportive of NMFS-trust resources. As such, we have no comments to provide on the proposed destruction and rebuilding of a playground in New Orleans, Louisiana.

Richard Hartman
NOAA/NMFS

On Wed, Aug 21, 2013 at 3:41 PM, Borron, Christopher
<christopher.borron@fema.dhs.gov> wrote:

Good afternoon,

Attached please find a Scoping Notification/Solicitation of Views and aerial view of existing conditions for the above referenced project.

Your review of this document is greatly appreciated.

Best regards,

Chris Borron

Environmental Specialist FEMA

Trahan, Amy <amy_trahan@fws.gov>

Request for Solicitation of Views (SOV) for Village De L' Est Consultation for EA

1 message

Borron, Christopher <christopher.borron@fema.dhs.gov> Wed, Aug 21, 2013 at 3:41 PM
 To: "Linda.brown@la.gov" <Linda.brown@la.gov>, "Amy.E.Powell@usace.army.mil" <Amy.E.Powell@usace.army.mil>, "cmichon@wlf.la.gov" <cmichon@wlf.la.gov>, "Richard.Hartman@noaa.gov" <Richard.Hartman@noaa.gov>, "amy_trahan@fws.gov" <amy_trahan@fws.gov>, "Kar1.Morgan@la.gov" <Kar1.Morgan@la.gov>, "gutierrez.raul@epa.gov" <gutierrez.raul@epa.gov>
 Cc: "Borden, Adam" <Adam.Borden@fema.dhs.gov>, "Spann, Tiffany" <liffany.Spann@fema.dhs.gov>

Good afternoon,

Attached please find a Scoping Notification/Solicitation of Views and aerial view of existing conditions for the above referenced project.

Your review of this document is greatly appreciated.

Best regards,

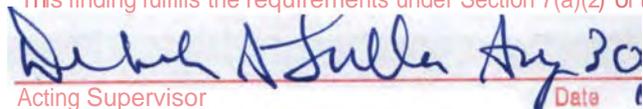
Chris Borron

Environmental Specialist FEMA

Image Village De L'Est.pdf
637K

12j Village D' Lest SOV .pdf
91K

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed,
 (-f Will have no effect on those resources
 () Is not likely to adversely affect those resources.
 This finding fulfills the requirements under Section 7(a)(2) of the Act.

 Date Aug 30, 2013

Acting Supervisor
 Louisiana Field Office
 U.S. Fish and Wildlife Service



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF

SEP 27 2013

Operations Division
Operations Manager,
Completed Works

Mr. Adam Borden
Environmental Section
U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-DR 1603 LA
1 Seine Court
New Orleans, Louisiana 70114

Dear Mr. Borden:

This is in response to the Solicitation of Views request dated August 21, 2013, concerning the demolition and construction at Village De L'Est Playground, at New Orleans, Louisiana, in Orleans Parish.

We have reviewed your request for potential Department of the Army regulatory requirements and impacts on any Department of the Army projects.

We do not anticipate any adverse impacts to any Corps of Engineers projects.

Based on review of recent maps, aerial photography, and soils data, we have determined that this property is not in a wetland subject to Corps' jurisdiction. A Department of the Army permit under Section 404 of the Clean Water Act will not be required for the deposition or redistribution of dredged or fill material on this site.

You are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Off-site locations of activities such as borrow, disposals, haul-and detour-roads and work mobilization site developments may be subject to Department of the Army regulatory requirements and may have an impact on a Department of the Army project.

Please contact Mr. Robert Heffner, of our Regulatory Branch by telephone at (504) 862-1288, or by e-mail at Robert.A.Heffner@usace.army.mil for questions concerning wetlands determinations or need for on-site evaluations. Questions concerning regulatory permit requirements may be addressed to Mr. Michael Farabee by telephone at (504) 862-2292 or by email at Michael.V.Farabee@usace.army.mil.

Future correspondence concerning this matter should reference our account number MVN-2013-02224-SQ. This will allow us to more easily locate records of previous correspondence, and thus provide a quicker response.

Sincerely,



Karen L. Clement
Solicitation of Views Manager

Appendix B

Eight-Step Decision Making Process

**CITY OF NEW ORLEANS VILLAGE
DE L'EST PLAYGROUND
ALTERNATE PROJECT**

**Executive Order 11988 – Floodplain Management
Eight-Step Decision Making Process [EA]**

Executive Order 11988 (Floodplain Management) requires federal Agencies “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of the floodplain and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” FEMA’s implementing regulations are at 44 CFR Part 9, which includes an Eight Step decision making process for compliance with this part.

This Eight Step Process is applied to the proposed City of New Orleans, Village De L’Est Playground Improvements. The current and proposed project areas are within the 100-year floodplain. The steps in this decision making process is as follows:

Step 1: Determine if the Proposed Action is Located in the Base Floodplain

Where released and available, the 2012 Revised Preliminary DFIRMS are viewed as the best available flood risk data for FEMA’s own grant programs in its implementation of E.O. 11988; however, no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program (NFIP) (Miller 2011). Orleans Parish enrolled in the NFIP as of 08/03/1970. Orleans Parish Advisory Base Flood Elevation Maps (ABFEs) were issued June 2006 (FEMA, 2006) and are currently adopted by the Orleans Parish NFIP community for floodplain management purposes. Per ABFE Panel LA-FF36 (Figure 9), the site is located in the 100-year floodplain with a BFE of -2 or 3 ft. above the Highest Existing Adjacent Grade (HEAG), and in the 100-year floodplain with a BFE of 3 ft. above the HEAG. Per Revised Preliminary DFIRM Panel Number 22071C0141F, dated 11/9/2012 (Figure 10), the site is located within Zone AE, Elevation -4: areas of 1% annual chance flood within a Special Flood Hazard Area (SFHA) base flood elevation determined.

Step 2: Early Public Notice (Preliminary Notice)

In general, FEMA has an obligation to provide adequate information to enable the public to have impact on the decision outcome for all action having the potential to affect, adversely, or be affected by floodplains or wetlands that it proposes. FEMA shall provide the public with adequate information and opportunity for review and comment at the earliest possible time and throughout the decision-making process; and upon completion of this process, provide the public with an accounting of its final decision (see §9.12). A Cumulative Initial Public Notice was published statewide 11/07/2005 – 11/09/2005. Additional Public Notice shall be provided as required by the Executive Order.

Step 3: Identify and Evaluate Alternatives to Locating in the Base Floodplain.

The current and proposed playground is located within the 100-year floodplain. The alternative of “no action” would have no determinable impact to the floodplain; it is, however, not practicable as it would have negative impacts to community, leaving the community without required services. The alternative of relocation outside the 100-year floodplain is also not practicable and was rejected due to the lack of available open space and excessive cost of

relocating the playground and athletic facilities. The alternative of restoring the playground equipment facilities to their pre-disaster condition was rejected as it foregoes a feasible option to improve and mitigate recreational services that were underutilized prior to the disaster. The chosen location and redesign is highly practicable when considering natural, social, economic, and legal constraints, mitigation costs and environmental impacts.

Step 4: Identify Impacts of Proposed Action Associated With Occupancy or Modification of the Floodplain.

The risk for flood damage to facility structures will be mitigated in accordance with the local floodplain management ordinance. The site is in an urban, previously developed location, and the proposed facility will closely match the prior capacity and footprint of the pre-existing facility, with limited change in site configuration. Impacts to the nature of the floodplain itself have been determined to be negligible. The proposed improvements would therefore not place within the 100-year floodplain structures which would impede or redirect flood flows. The facility will not likely have measurable effect on floodplain functions and values.

Step 5: Design or Modify the Proposed Action to Minimize Threats to Life and Property and Preserve its Natural and Beneficial Floodplain Values

New construction must be compliant with current codes and standards. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s). Minimization standards are to be addressed at this stage, as local ordinance requires the most stringent standards. All coordination with the local floodplain administrator, and applicant permit compliance, should be documented and copies provided to the LA GOHSEP and FEMA for inclusion in the permanent project files. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied, where possible.

Step 6: Re-evaluate the Proposed Action

The proposed project is not likely to have an adverse effect on the floodplain. The proposed project is not likely to aggravate the current flood hazard because the facility is not likely to impede or redirect flood flows. The project is not likely to disrupt floodplain values because it is not likely to change water levels in the floodplain, and will not reduce habitat in the floodplain. Therefore, it is still practicable to construct the proposed project within the floodplain.

Alternatives consisting of locating the project outside the floodplain or taking “no action” are not practicable.

Step 7: Findings and Public Explanation (Final Notification)

A National Environmental Policy Act (NEPA) Environmental Assessment (EA) has been drafted to determine if the proposed reconstructed playground facility will have the potential for significant adverse effects on the quality of the human and natural environment. The results are being used to make a decision whether to initiate preparation of an Environmental Impact Statement (EIS) or to prepare a Finding of No Significant Impact (FONSI). The availability of the Draft EA and this 8-step for public review will be announced in the local newspaper. A 15 day comment period will follow the Public Notice publication.

Step 8: Implement the Action

The proposed Village De L'Est Playground repair and reconstruction project will be accomplished in accordance with applicable floodplain development requirements.

Appendix C
Public Notice

**FEMA'S PUBLIC NOTICE OF AVAILABILITY FOR
CNO, VILLAGE DE L'EST PLAYGROUND,
ORLEANS PARISH, LOUISIANA,
DRAFT ENVIRONMENTAL ASSESSMENT AND
DRAFT FINDING OF NO SIGNIFICANT IMPACT**

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) has prepared a Draft Environmental Assessment (DEA) for the proposed repair and reconstruction of the City of New Orleans (CNO), Village De L'Est Playground at 13600 N. Nemours Street in New Orleans, Louisiana, 70129, Orleans Parish, Latitude 30.04007, Longitude -89.92632.

The proposed action would repair and reconstruct playground structures at the same general location as the storm-damaged facility, but in a different configuration. The damaged concessions building and playground equipment would be demolished; a new 1,769 sf. concessions center would be constructed approximately 150 ft. northeast of the original building; new playground equipment would be installed approximately 50 ft. northeast of the existing equipment; the basketball pavilion and utility building would be repaired in their original footprints to their pre-disaster conditions; a new parking lot would be constructed along the northwest edge of the playground, adjacent to the new concessions building and playground equipment; a concrete fence curb would be installed along the west end of the park, at a depth of approximately 18"; and existing athletic fields would be improved. Ground disturbing activities would be limited to those areas needed for demolition and to construct foundations, stage construction materials, install fencing and utilities, grade soil, and construct associated driveways and parking.

CNO seeks federal grant funds for this action eligible under a Presidential disaster declaration, signed on August 29, 2005 (FEMA-1603-DR-LA). Per the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*), and associated environmental statutes, a DEA has been prepared to evaluate the proposed action's potential impacts on the human and natural environment. This DEA summarizes the purpose and need, site selection process, alternatives to the proposed action, and potential environmental consequences associated with the proposed action.

The DEA and draft Finding of No Significant Impact (FONSI) will be available for public review at the Orleans Parish Main Library at 219 Loyola Avenue, New Orleans, Louisiana 70112 (hours are 10:00 AM to 6:00 PM, Mon.-Thurs. and 10:00 AM to 5:00 PM Fri. & Sat.), and at the East New Orleans Branch at 5641 Read Boulevard, New Orleans, LA 70127 (hours are 10:00 AM to 7:00 PM, Mon.-Thurs. and 10:00 AM to 5:00 PM Sat.). The DEA can also be viewed and downloaded from FEMA's website: <http://www.fema.gov/media-library/search/village>. The public notice will run in the local newspaper, *The Times-Picayune*, on November 13, 15 and 20, 2013. The comment period will begin November 13, 2013, and end November 27, 2013 at 4 pm. Written comments on the DEA/Draft FONSI or related matters can be faxed to FEMA's Louisiana Recovery Office at (504) 762-2323; email to FEMA-NOMA@fema.dhs.gov; or mailed to FEMA Louisiana Recovery Office, EHP – CNO, Village De L'Est Playground EA, 1 Seine Court, New Orleans, Louisiana 70114.

Based on FEMA's findings to date, no significant adverse environmental effects are anticipated. However, if FEMA receives new information that results in a change from no adverse effects then FEMA would revise the findings and issue a second public notice allowing time for additional comments. If no substantive comments are received, the DEA and associated draft FONSI will become final and this initial Public Notice will also serve as the final Public Notice. Substantive comments will be addressed as appropriate in the final documents.

Appendix D
Draft FONSI



FEMA

U.S. Department of Homeland Security
Louisiana Recovery Office
1 Seine Court
New Orleans, Louisiana 70114

**DRAFT FINDING OF NO SIGNIFICANT IMPACT
CNO, VILLAGE DE L'EST PLAYGROUND
NEW ORLEANS, ORLEANS PARISH, LOUISIANA
*FEMA-1603-DR-LA***

Introduction

As a result of damages from Hurricane Katrina on August 29, 2005, the Federal Emergency Management Agency (FEMA) was authorized under a Presidential disaster declaration (FEMA-1603-DR-LA) to provide Federal assistance to designated disaster areas in Louisiana. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93288), Section 406, authorizes FEMA's Public Assistance (PA) Program to provide financial and other forms of assistance to State and local governments to support response, recovery, and mitigation efforts following Presidentially declared disasters.

In accordance with 44 CFR Part 10, FEMA's regulations to implement the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was prepared. The purpose of the EA was to analyze the potential environmental impacts associated with the reconstruction and reconfiguration of the City of New Orleans (CNO), Village De L'Est Playground facility and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Proposed Action

The proposed action is for the repair and reconstruction of damaged structures at the recreational facility, at its general pre-storm location, but with a different configuration. The reconstructed facility would consist of a new, 1,769 sf., concessions center, approximately 150 ft. northeast of the original building, and new playground equipment approximately 50 ft. northeast of the existing equipment. The existing basketball pavilion and utility building would be repaired in their original footprints to their pre-disaster conditions; a new parking lot would be constructed along the northwest edge of the playground, adjacent to the new concessions building and playground equipment; a concrete fence curb would be installed along the west end of the park, at a depth of approximately 18"; and existing athletic fields would be improved. Ground disturbing activities would be limited to those areas needed for demolition and to construct foundations, stage construction materials, install fencing and utilities, grade soil, and construct associated driveways and parking.

Findings

FEMA has evaluated the proposed project for significant adverse impacts to water resources (wetlands, floodplains and other waters), coastal resources, biological resources, cultural resources, air quality, noise, hazardous materials and environmental justice. During the construction period, short-term impacts to air quality and noise are anticipated. All short-term impacts require conditions to minimize and mitigate impacts to the proposed project site and surrounding areas.

Conditions

The following conditions must be met as part of the implementation of the project. Failure to comply with these conditions may jeopardize federal funds:

- New construction must be compliant with current codes and standards. In accordance with applicable local, state, and federal regulations, the applicant is responsible for acquiring any necessary permits and/or clearances prior to the commencement of any construction related activities.
- A Louisiana Pollution Discharge Elimination System (LPDES) permit may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. If required to do so by LDEQ, the Applicant shall require its contractor to prepare, certify, and implement a construction storm water pollution prevention plan approved by LDEQ to prevent sediment and construction material transport from the project site. The Applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- The Applicant should ensure that best management practices that meet the LDEQ permitting specifications for storm water discharge regulated under §§ 401 and 402 of the CWA are implemented in order to minimize indirect impacts (erosion, sedimentation, dust and other construction-related disturbances) to the nearby waters of the United States and well defined drainage areas surrounding the site, and include the following into the daily operations of the construction activities: silt screens, barriers (*e.g.*, hay bales), berms/dikes, and or fences to be placed where and as needed. Fencing should be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.
- New construction must be compliant with current codes and standards. Per 44 C.F.R. § 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate all construction activities with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities, and remain in compliance with formally adopted local floodplain ordinances. All coordination pertaining to these permit(s) should be documented to the local floodplain administrator and copies provided to the State and FEMA as part of the permanent project files. Per 44 CFR § 9.11(d)(9), mitigation or minimization standards must be applied, where possible.
- The project has been found by the Louisiana Department of Natural Resources (LDNR) to be inside the Louisiana Coastal Zone. LDNR, therefore, requires that a complete Coastal Use Permit Application package (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.), along with the appropriate application fee, be submitted to their office prior to construction. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the LDNR Office of Coastal Management's Permits

and Mitigation Division prior to initiating work. The applicant must comply with all conditions of the required permits. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.

- To reduce potential short term effects to air quality from construction related activities, the contractor should use BMPs to reduce fugitive dust generation and diesel emissions. The contractor should water down construction areas when necessary to minimize particulate matter and dust. To reduce emission criteria pollutants, fuel-burning equipment running times should be kept at a minimum and engines should be properly maintained.
- Construction traffic should be closely monitored and controlled as appropriate. All construction activities should be conducted in a safe manner in accordance with Occupational Safety and Health Act (OSHA) requirements.
- Project construction may involve the use of potentially hazardous materials (*e.g.*, petroleum products, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, treated timber), and may result in the generation of small amounts of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous and non-hazardous wastes are required to be disposed in accordance with applicable Federal, state and local regulations. Applicant shall be responsible with respect to demolition activities and the possible presence of lead based paint for complying with TSCA § 402(c) requirements (15 U.S.C. § 2682[c]).
- If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination should be initiated in accordance with applicable federal, state, and local regulations.
- Project must abide by all local noise ordinances.
- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- Inadvertent Discovery Clause: If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn

