

# Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL – LOUISIANA

See 44 Code of Federal Regulation Part 10

**Project Name/Number:** AIDB#1411, AI#1651, Torres Park Gazebo

**Applicant Name:** St. Bernard Parish Government

**Project Location:** St. Bernard Parish, Jean Lafitte Parkway & Patricia Street, Chalmette, LA  
Lat.: 29.95825; Long.: -89.97998

**Project Description:**

On September 24, 2005, Hurricane Rita damaged various features, equipment and facilities in Torres Park. The applicant proposes to replace damaged, open-construction Gazebo #1 on the north side of the park's pond along Patricia Street, with an enclosed structure approximately 35 feet to the southeast of the damaged gazebo, and closer to the pond. The enclosed structure has a concession/service stand, bathroom and storage area. The damaged gazebo has been demolished.

**National Environmental Policy Act (NEPA) Determination**

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion- Restoration and/or Improvement of External Facility Systems and Components
- Categorical Exclusion - Categories **xv and xvi**.
  - No Extraordinary Circumstances exist.  
Are project conditions required?  Yes (see section V)  No (**Review Concluded**)
  - Extraordinary Circumstances exist (see Section IV).
    - Extraordinary Circumstances mitigated. (see Section IV comments)  
Are project conditions required?  Yes (see section V)  No (**Review Concluded**)
- Environmental Assessment
- Supplemental Environmental Assessment (Reference EA or PEA in comments)
- Environmental Impact Statement
- Scope of work requires public involvement plan

**Comments:** Based on information provided by the applicant, the scope of work for this project is categorically excluded from the preparation of an Environmental Impact Statement or Environmental Assessment under 44 CFR Part 10.8 (d)(2)(xv and xvi). Any changes to this approved scope of work will require submission to, and evaluation and approval by, the state and FEMA prior to initiation of any work, for compliance with the National Environmental Policy Act. The applicant is required to obtain and comply with all local, state and federal permits and requirements. Non-compliance with the requirements noted above may jeopardize the receipt of federal funding. S.Epstein, Environmental Specialist

- Project is Non-Compliant (see attached documentation justifying selection).

**Reviewer and Approvals**

**FEMA Environmental Reviewer:**

Name: Steven E. Epstein, Environmental Specialist, FEMA LRO

Signature SE Epstein Date \_\_\_\_\_

**FEMA Environmental Liaison Officer or Delegated Approving Official:**

Name: Adam Borden, Lead Environmental Specialist, FEMA LRO

Signature AB Date 12-30-11

# **I. Compliance Review for Environmental Laws (other than NEPA)**

## **A. National Historic Preservation Act (NHPA)**

- Not type of activity with potential to affect historic structures or archaeological resources (**Review Concluded**)
- Activity meets Programmatic Agreement, August 17, 2009. Appendix A: Section I; A and J  
Are project conditions required?  Yes (see Section V)  No
- Programmatic Agreement not applicable for historic structures or archeological sites, must conduct standard Section 106 Review (see below).
- Other Programmatic Agreement dated August 17, 2009 applies .

## **HISTORIC BUILDINGS AND STRUCTURES**

- No historic properties that are listed or 45/50 years or older in project area. (**Review Concluded**)
- Building or structure listed or 45/50 years or older in project area and activity not exempt from review.
  - Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)  
Are project conditions required?  Yes (see Section V)  No (**Review Concluded**)
  - Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
    - Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
    - No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)  
Are project conditions required?  Yes (see Section V)  No (**Review Concluded**)
    - Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
      - Resolution of Adverse Effect completed (MOA on file)  
Are project conditions required  Yes (see Section V)  No (**Review Concluded**)

## **ARCHEOLOGICAL RESOURCES**

- Project scope of work has no potential to affect archeological resources (**Review Concluded**)
- Project affects only previously disturbed ground.
- Project affects undisturbed ground or grounds associated with an historic structure
  - Project area has no potential for presence of archeological resources
    - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file)  
(**Review Concluded**)
  - Project area has potential for presence of archeological resources
    - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file)  
Are project conditions required  Yes (see Section V)  No (**Review Concluded**)
    - Determination of historic properties affected
      - NR eligible resources not present (FEMA finding/SHPO/THPO concurrence on file)  
Are project conditions required  Yes (see Section V)  No (**Review Concluded**)
      - NR eligible resources present in project area (FEMA finding/SHPO/THPO concurrence on file)
        - No Adverse Effect Determination (FEMA finding/ SHPO/THPO concurrence on file)  
Are project conditions required?  Yes (see Section V)  No (**Review Concluded**)
        - Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
          - Resolution of Adverse Effect completed (MOA on file)  
Are project conditions required?  Yes (see Section V)  No  
(**Review Concluded**)

**Comments:** 11/08/11 - The structures in the APE do not meet the 50-year criterion or criteria consideration G of the National Register guidelines to be considered eligible for the National Register of Historic Places. Ground disturbing activities include demolition of the existing gazebo; construction of a new, enclosed gazebo on concrete piers approximately 35 feet to the south; and installation of new sewer and water lines to serve a restroom in the new gazebo. Data provided by the State Historic Preservation Office (SHPO) indicates that there are no known archaeological sites within the project area and all work will occur within a previously disturbed area. The scope of work meets the criteria in FEMA's Programmatic Agreement (PA) dated August 17, 2009, Appendix C: Programmatic Allowances, Item I, Sections A and I. In accordance with this PA, FEMA is not required to consult with the SHPO where work performed meets these criteria. The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found under the Environmental Review NHPA conditions. Any change to the approved scope of work will require reevaluation under Section 106. – Annette Carroll, Historic Preservation Specialist

**Correspondence/Consultation/References:**

## B. Endangered Species Act

- No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**
- Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.
- No effect to species or designated critical habitat. (See comments for justification)  
Are project conditions required?  Yes (see Section V)  No **(Review Concluded)**
  - May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence on file) **(Review Concluded)**  
Are project conditions required?  Yes (see Section V)  No **(Review Concluded)**
  - Likely to adversely affect species or designated critical habitat
    - Formal consultation concluded. (Biological Assessment and Biological Opinion on file)  
Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**

**Comments:** Project is located in an urban or previously developed area. Neither listed species nor their habitat occur in or near this site, thus FEMA finds there will be no effect to threatened or endangered species.  
**Correspondence/Consultation/References:** USFWS emergency consultation provisions determined in letters dated September 15, 2005 for Katrina.

## C. Coastal Barrier Resources Act

- Project is not on or connected to CBRA Unit or Otherwise Protected Area **(Review Concluded)**.
- Project is on or connected to CBRA Unit or Otherwise Protected Area. (FEMA determination/USFWS consultation on file)
- Proposed action an exception under Section 3505.a.6 **(Review Concluded)**
  - Proposed action not excepted under Section 3505.a.6.  
Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**

**Comments:** Project is not within a CBRA zone. S.Epstein, Environmental Specialist  
**Correspondence/Consultation/References:** Louisiana Coastal Barrier Resource System Maps referenced 3/23/2011.

## D. Clean Water Act

- Project would not affect any waters of the U.S. **(Review Concluded)**
- Project would affect waters, including wetlands, of the U.S.
- Project exempted as in kind replacement or other exemption. **(Review Concluded)**
  - Project requires Section 404/401 of Clean Water Act or Section 9/10 of Rivers and Harbors Act permit, including qualification under Nationwide Permits.  
Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**
- Project would affect waters of the U.S. by discharging to a surface water body.

**Comments:** No jurisdictional waters of the U.S., including wetlands, occur in or near the project area.  
**Correspondence/Consultation/References:** USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on 3/23/2011.

## E. Coastal Zone Management Act

- Project is not located in a coastal zone area and does not affect a coastal zone area **(Review concluded)**
- Project is located in a coastal zone area and/or affects the coastal zone
- State administering agency does not require consistency review. **(Review Concluded)**
  - State administering agency requires consistency review.  
Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**

**Comments:** This project is located within the Louisiana Coastal Management Zone. Applicant must check with Louisiana Department of Natural Resources for permitting or other authorization requirements. Projects may be coordinated by contacting LDNR at 1-800-267-4019.  
**Correspondence/Consultation/References:** Louisiana Coastal Zone maps queried 4/27/2011.

## F. Fish and Wildlife Coordination Act

- Project does not affect, control, or modify a waterway/body of water. **(Review Concluded)**
- Project affects, controls or modifies a waterway/body of water.
  - Coordination with USFWS conducted
    - No Recommendations offered by USFWS. **(Review Concluded)**
    - Recommendations provided by USFWS.
  - Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**

**Comments:** Project scope does not include impoundment, diversion, control, or other modification of waters of any stream or body of water.

**Correspondence/Consultation/References:** Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) queried 4/27/2011.

## G. Clean Air Act

- Project will not result in permanent air emissions. **(Review Concluded)**
- Project is located in an attainment area. **(Review Concluded)**
- Project is located in a non-attainment area.
  - Coordination required with applicable state administering agency.
  - Are project conditions required?  YES (see section V)  NO **(Review Concluded)**

**Comments:** The proposed project includes activities that would produce a minor, temporary, and localized impact on air quality from vehicle emissions and fugitive dust particles. No long-term air quality impact is anticipated.

**Correspondence/Consultation/References:** EPA Region 6 Non-attainment Map queried 4/27/2011.

## H. Farmland Protection Policy Act

- Project will not affect undisturbed ground. **(Review Concluded)**
- Project has a zoning classification that is other than agricultural or is in an urbanized area. **(Review Concluded)**
- Project does not affect designated prime or unique farmland. **(Review Concluded)**
- Project causes unnecessary or irreversible conversion of designated prime or unique farmland.
  - Coordination with Natural Resources Conservation Service required.
    - Farmland Conversion Impact Rating, Form AD-1006, completed.
  - Are project conditions required?  YES (see section V)  NO **(Review Concluded)**

**Comments:** The site is located within an existing urban and developed area and FPPA is precluded.

**Correspondence/Consultation/References:** National Resource Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) referenced 4/27/2011.

## I. Migratory Bird Treaty Act

- Project not located within a flyway zone **(Review Concluded)**
- Project located within a flyway zone.
  - Project does not have potential to take migratory birds **(Review Concluded)**
    - Are project conditions required?  Yes (see section V)  No **(Review Concluded)**
  - Project has potential to take migratory birds.
    - Contact made with USFWS
    - Are project conditions required?  YES (see section V)  NO **(Review Concluded)**

**Comments:** The site is an existing disturbed area with little value to migratory birds and would not be included in the USFWS migratory bird management program

**Correspondence/Consultation/References:** USFWS guidance letter dated September 27, 2005.

## J. Magnuson-Stevens Fishery Conservation and Management Act

- Project not located in or near Essential Fish Habitat **(Review Concluded)**
- Project located in or near Essential Fish Habitat.
  - Project does not adversely affect Essential Fish Habitat **(Review Concluded)**
    - Are project conditions required?  Yes (see Section V)  No **(Review Concluded)**
  - Project adversely affects Essential Fish Habitat (FEMA determination/USFWS/NMFS concurrence on file)
    - NOAA Fisheries provided no recommendation(s) **(Review Concluded)**.
    - Are project conditions required?  Yes (see Section V)  No **(Review Concluded)**

- NOAA Fisheries provided recommendation(s)
  - Written reply to NOAA Fisheries recommendations completed.
  - Are project conditions required?  YES (see Section V)  NO (**Review Concluded**)

**Comments:** Project is not located in or near any surface waters with the potential to affect EFH species.  
**Correspondence/Consultation/References:** Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) referenced 4/27/2011.

### K. Wild and Scenic Rivers Act

- Project is not along and does not affect Wild or Scenic River (WSR) - (**Review Concluded**)
- Project is along or affects WSR
  - Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.** (NPS/USFS/USFWS/BLM consultation on file) (**Review Concluded**)
  - Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)  
Are project conditions required?  YES (see Section V)  NO (**Review Concluded**)

**Comments:** Project is not along and does not affect Wild or Scenic River (WSR).  
**Correspondence/Consultation/References:** National Wild and Scenic Rivers  
<http://www.nps.gov/rivers/wildriverslist.html>.

### L. Resource Conservation and Recovery Act

**Comments:** Unusable equipment, debris and material shall be disposed of in an approved manner and location. Applicant is responsible to ensure potential hazardous materials, if any, shall be removed, handled, transported and disposed of in accordance with local, State and Federal compliance requirements.  
**Correspondence/Consultation/References:** State Hazardous Materials and Solid Waste Laws and Resource Conservation and Recovery Act

### M. Other Relevant Laws and Environmental Regulations

## II. Compliance Review for Executive Orders

### A. E.O. 11988 - Floodplains

- No Effect on Floodplains/Flood levels and project outside Floodplain - (**Review Concluded**)
- Located in Floodplain or Effects on Floodplains/Flood levels
  - No adverse effect on floodplain and not adversely affected by the floodplain. (**Review Concluded**).  
Are project conditions required?  Yes (see Section V)  No (**Review Concluded**)
  - Beneficial Effect on Floodplain Occupancy/Values (**Review Concluded**).
  - Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment
    - 8 Step Process Complete - documentation on file  
Are project conditions required?  YES (see Section V)  NO (**Review Concluded**)
    - A Final Public Notice is required

**Comments:** Per Preliminary Digital Flood Insurance Rate Map (DFIRM) Panel Number 22087C0480D , dated Oct 30, 2008, the existing and proposed buildings are located in a Zone AE, EL 8, North American Vertical Datum (NAVD) Base Flood Elevation (BFE) determined, a Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance (100-year) flood. The Advisory Base Flood Elevation (ABFE) is -.5' or 3' Above HEAG. The proposed project is the construction of an enclosed concession/service stand/building 35' from damaged and demolished Gazebo #1 along Patricia Street. In accordance with the Best Available Data Guidance Memorandum issued on October 13, 2011 for areas of Greater New Orleans located within the recently constructed Hurricane and Storm Damage Risk Reduction System (HSDRRS), by Memorandum of December 8, 2011 from Frank Pagano, Mitigation Division Director to John Connolly, Sr. Public Assistance Advisor, FEMA approved the construction of Gazebo No. 1 to the ABFE. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. In compliance with Executive Order 11988, an 8-step process, showing considered alternatives, was completed and is attached or on file. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the community established base flood elevation. A cumulative final public notice was published 10/26/07 - 11/02/07 and is attached or on file.

**Correspondence/Consultation/References:** Memorandum from Frank Pagano to John Connolly 12/08/2011

### **B. E.O. 11990 - Wetlands**

- No Effects on Wetland(s) and/or project located outside Wetland(s) - **(Review Concluded)**
  - Located in Wetland or effects Wetland(s)
    - Beneficial Effect on Wetland - **(Review Concluded)**
    - Possible adverse effect associated with constructing in or near wetland
      - Review completed as part of floodplain review
      - 8 Step Process Complete - documentation on file
- Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**

**Comments:** None.

**Correspondence/Consultation/References:** NWI map reviewed 04/27/11.

### **C. E.O. 12898 - Environmental Justice for Low Income and Minority Populations**

- Project scope of work has no potential to adversely impact any population **(Review Concluded)**
  - No Low income or minority population in, near or affected by the project based on information gathered from **(Review Concluded)**
    - Low income or minority population in or near project area
      - No disproportionately high and adverse impact on low income or minority population **(Review Concluded)**
      - Disproportionately high or adverse effects on low income or minority population
- Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**

**Comments:** The proposed project is deemed consistent with the principles of environmental justice contained in Executive Order 12898. The project is not anticipated to have disproportionately high or adverse impacts on minority and/or low-income populations, based on an analysis of environmental justice considerations.

**Correspondence/Consultation/References:** The principles of environmental justice have been considered for this review, including the principle of equity established by Title VI of the Civil Rights Act of 1964.

### **III. Other Environmental Issues**

**Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).**

**Comments:** None

**Correspondence/Consultation/Reference:**

### **IV. Extraordinary Circumstances**

**Yes**

- (i) Greater scope or size than normally experienced for a particular category of action
- (ii) Actions with a high level of public controversy
- (iii) Potential for degradation, even though slight, of already existing poor environmental conditions;
- (iv) Employment of unproven technology with potential adverse effects or actions involving unique or unknown environmental risks;
- (v) Presence of endangered or threatened species or their critical habitat, or archaeological, cultural, historical or other protected resources;
- (vi) Presence of hazardous or toxic substances at levels which exceed Federal, state or local regulations or standards requiring action or attention;
- (vii) Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers;
- (viii) Potential for adverse effects on health or safety; and
- (ix) Potential to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

<b>Comments:</b> None
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## **V. Environmental Review Project Conditions**

**Project Conditions:**

- The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found under the Environmental Review NHPA conditions. Any change to the approved scope of work will require reevaluation under Section 106.
- This project is located within the Louisiana Coastal Management Zone. Applicant must check with Louisiana Department of Natural Resources for permitting or other authorization requirements. Projects may be coordinated by contacting LDNR at 1-800-267-4019.
- Unusable equipment, debris and material shall be disposed of in an approved manner and location. Applicant is responsible to ensure potential hazardous materials, if any, shall be removed, handled, transported and disposed of in accordance with local, State and Federal compliance requirements.
- The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s), and remain in compliance with formally adopted local floodplain ordinances, prior to the start of any activities. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the community established base flood elevation.
- 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.

## 8-STEP PROCESS CHECKLIST

DATE: 12/30/2011

PREPARED BY: Alan A. Johnson, CFM, Environmental Specialist, Floodplain  
Steven E Epstein, CFM, Environmental Specialist

PROJECT: Torres Park, AI 1411 and AI#1651 Improved to Alternate Project

LOCATION: Torres Park (29.95825, -89.97998)

### EO 11988-FLOODPLAIN MANAGEMENT EO 11990-WETLAND PROTECTION

**STEP 1 Determine whether the proposed action is located in a wetland and/or the 100-year floodplain (500-year floodplain for critical actions [44 CFR 9.4]), or whether it has the potential to affect or be affected by a floodplain or a wetland (see 44 CFR 9.7).**

- The project is located in a floodplain as mapped by:  
Preliminary Digital Flood Insurance Rate Map (DFIRM) Panel Number 22087C0480D , dated Oct 30, 2008, the existing and proposed buildings are located in a Zone AE, EL 8, North American Vertical Datum (NAVD) Base Flood Elevation (BFE) determined, a Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance (100-year) flood. The Advisory Base Flood Elevation (ABFE) is -0.5' NAVD or 3' Above HEAG. In accordance with the Best Available Data Guidance Memorandum issued on October 13, 2011 for areas of Greater New Orleans located within the recently constructed Hurricane and Storm Damage Risk Reduction System (HSDRRS), by Memorandum of December 8, 2011 from Frank Pagano, Mitigation Division Director to John Connolly, Sr. Public Assistance Advisor, FEMA approved the construction of Gazebo No. 1 to the ABFE.
- The project is located in a wetland as identified by:  
A review of the U.S. Fish and Wildlife National Wetland Inventory indicates the proposed project locations are not located in a mapped wetland or U.S. waters and will not likely adversely affect wetlands.

**STEP 2 Notify the public at the earliest possible time of the intent to carry out an action in a floodplain or wetland, and involve the affected and interested public in the decision making process (see 44 CFR 9.8).**

- Not applicable - Project is not located in a floodplain or in a wetland.

- Applicable - Notice will be or has been provided by: FEMA Public Notice dated November 9<sup>th</sup>, 2005. The notice indicated that actions would potentially occur in the 100-year floodplain.

STEP 3 **Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland (including alternative sites, actions and the "no action" option) [see 44 CFR 9.9]. If a practicable alternative exists outside the floodplain or wetland, FEMA must locate the action at the alternative site.**

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Alternative identified in the EA Document or is described below:

1. No Action – No action would leave the park gazebo and restroom facility in a damaged, unsafe condition.
2. Relocation – Relocation is not a viable option because most of the entire parish is within the SFHA; there is no reasonable site outside the SFHA available.
3. Replace – The most economically acceptable option is to replace the facility. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the community established base flood elevation.

STEP 4 **Identify the full range or potential direct or indirect impacts associated with, the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action (see 44 CFR 9.10).**

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Alternatives identified in the EA Document or is described below: Replacement in a location 35 feet from the location of the original structure, within the same flood zone, is not likely to affect the floodplain.

STEP 5 **Minimize the potential adverse impacts and support to or within floodplains and wetlands to be identified under step # 4, restore and preserve the natural and beneficial values served by floodplains, and preserve and enhance the natural and beneficial values served by wetlands (see 44 CFR 9.11).**

Not applicable - Project is not located in a floodplain or in a wetland.

- Applicable - Mitigation measures identified in the EA Document or are described below: Replacement in approximately the same location as the pre-disaster footprint will have the least adverse impact on the floodplain. The replacement of the facility will be built to meet local laws and ordinances, and must be coordinated with the local floodplain administrator, thus minimizing any adverse impact on the floodplain.

**STEP 6**      **Reevaluate the proposed action to determine first, if it is still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others. And its potential to disrupt floodplain and wetland values and second, if alternatives preliminarily rejected at step # 3 are practicable in light of the information gained in steps # 4 and # 5. FEMA shall not act in a floodplain or wetland unless it is the only practicable location (see 44 CFR 9.9).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Action proposed is located in the only practicable location as described below: Replacement of the park facilities in their pre-disaster locations is the most practicable option.
- Applicable - Action proposed is not located in the only practicable location. Describe below:

**STEP 7**      **Prepare and provide the public with a finding and public explanation of any final decision that the floodplain or wetland is the only practicable alternative (see 44 CFR 9.12).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Finding is or will be prepared as described below:  
Public notice dated: PER 44 CFR 9.12, a cumulative final public notice was published 10/26/2007.

**STEP 8**      **Review the implementation and post-implementation phases of the proposed action to ensure that the requirements of the order are fully implemented. Oversight responsibility shall be integrated into existing processes.**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Approval conditioned on review of implementation and post-implementation phases to insure compliance of the order(s).
- Applicable - Oversight responsibility established as follows:



**FEMA**

December 8, 2011

MEMORANDUM FOR: John Connolly  
Sr. Public Assistance Advisor  
DHS/FEMA Louisiana Recovery Office

FROM: *for* Frank Pagano *MP*  
Mitigation Division Director  
DHS/FEMA Region 6

SUBJECT: St. Bernard Gazebo No. 1  
8201 W. Judge Perez Drive, St. Bernard, Louisiana

The applicant, St. Bernard Parish, proposes to relocate and enclose the St. Bernard Gazebo No. 1 from its original location in Torres Park at 8201 W. Judge Perez Drive, St. Bernard, Louisiana approximately 35 feet from its original footprint. The gazebo was damaged by Hurricane Katrina. The new facility will provide recreational shelter and relief as well as bathroom facilities. The applicant proposes to build the project to the Advisory Base Flood Elevations (ABFEs) issued in 2006 and adopted by St. Bernard Parish for floodplain management purposes.

In accordance with the Best Available Data Guidance Memorandum issued on October 13, 2011, for areas of Greater New Orleans located within the recently constructed Hurricane and Storm Damage Risk Reduction System (HSDRRS), FEMA is approving the construction of St. Bernard Gazebo No. 1 to the ABFE. A revision to the proposed project to incorporate the 2008 Preliminary Digital Flood Insurance Rate Map (DFIRM) elevation is not required; however, the applicant must coordinate all reconstruction activities with the local floodplain manager and remain in compliance with formally adopted local floodplain ordinances.

If you have any questions regarding this matter, please contact Matt DuBois either by telephone at (940) 898-5175 or by email at [matthew.dubois@fema.dhs.gov](mailto:matthew.dubois@fema.dhs.gov).