

Draft Environmental Assessment

Criminal Evidence and Processing Complex
City of New Orleans
FEMA-1603-DR-LA

New Orleans, Orleans Parish, Louisiana
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FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency, Region VI
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<u>SECTION</u>	<u>PAGE</u>
TABLE OF CONTENTS	ii
LISTS OF TABLES, FIGURES, & APPENDICES	iv
LIST OF ACRONYMS AND ABBREVIATIONS	v
1 INTRODUCTION.....	1
1.1 Hurricane Katrina	1
1.2 Project Authority	1
1.3 Background	1
1.4 General Site Description.....	2
2 PURPOSE AND NEED	4
3 ALTERNATIVES	5
3.1 Overview of Alternatives.....	5
3.2 Alternative 1	5
3.3 Alternative 2	5
3.4 Alternative 3	5
4 AFFECTED ENVIRONMENT AND ALTERNATIVES ANALYSIS.....	8
4.1 Geology, Soils, and Topography	8
4.1.1 Regulatory Setting	8
4.1.2 Existing Conditions.....	8
4.1.3 Environmental Consequences.....	9
4.2 Wetlands and other Waters of the United States.....	10
4.2.1 Regulatory Setting	10
4.2.2 Existing Conditions.....	11
4.2.3 Environmental Consequences.....	12
4.3 Floodplains.....	13
4.3.1 Regulatory Setting	13
4.3.2 Existing Conditions.....	13
4.3.3 Environmental Consequences.....	14
4.4 Coastal Resources	17
4.4.1 Regulatory Setting	17
4.4.2 Existing Conditions.....	18
4.4.3 Environmental Consequences.....	18

<u>SECTION</u>	<u>PAGE</u>
4.5 Federally Protected Species, Critical Habitats, and Other Biological Resources	19
4.5.1 Regulatory Setting	19
4.5.2 Existing Conditions.....	19
4.5.3 Environmental Consequences.....	21
4.6 Air Quality.....	21
4.6.1 Regulatory Setting	21
4.6.2 Existing Conditions.....	22
4.6.3 Environmental Consequences.....	22
4.7 Noise.....	23
4.7.1 Regulatory Setting	23
4.7.2 Existing Conditions.....	23
4.7.3 Environmental Consequences.....	23
4.8 Traffic.....	25
4.8.1 Regulatory Setting	25
4.8.2 Existing Conditions.....	25
4.8.3 Environmental Consequences.....	25
4.9 Cultural Resources.....	26
4.9.1 Regulatory Setting	26
4.9.2 Existing Conditions.....	26
4.9.3 Environmental Consequences.....	27
4.10 Hazardous Materials	29
4.10.1 Regulatory Setting	29
4.10.2 Existing Conditions.....	29
4.10.3 Environmental Consequences.....	30
4.11 Environmental Justice.....	31
4.11.1 Regulatory Setting	31
4.11.2 Existing Conditions.....	31
4.11.3 Environmental Consequences.....	31
5 CUMULATIVE IMPACTS	32
6 CONDITIONS AND MITIGATION MEASURES.....	37
7 PUBLIC INVOLVEMENT.....	39
8 AGENCY COORDINATION.....	40
9 LIST OF PREPARERS.....	41
10 REFERENCES.....	42

<u>SECTION</u>	<u>PAGE</u>
TABLES	
Table 1 – Federally Listed Species Known to Occur in Orleans Parish	20
Table 2 – Projects That May Have the Potential to Contribute to Cumulative Impacts	34
FIGURES	
Figure 1 – CNO Criminal Evidence and Processing Complex, project vicinity	2
Figure 2 – Current and proposed project sites	4
Figure 3 – Proposed site plan	6
Figure 4 – Generalized Geologic Map of Louisiana indicating project area	9
Figure 5 – U.S. Fish and Wildlife Service National Wetlands Inventory map	12
Figure 6 – Advisory Base Flood Elevation map LA-CC31	15
Figure 7 – Revised Preliminary Digital Flood Insurance Rate Map 22071C0229F	16
Figure 8 – New Orleans zoning map	24
Figure 9 – FEMA-funded projects occurring within a one-mile radius around the proposed project site	33
APPENDICES	
Proposed Site Plan	Appendix A
Agency Correspondence	Appendix B
8-Step Decision Making Process	Appendix C
Public Notice	Appendix D
FONSI	Appendix E

LIST OF ACRONYMS AND ABBREVIATIONS

ABFE	Advisory Base Flood Elevation
ACHP	Advisory Council on Historical Preservation
APE	Area of Potential Effects
BFE	Base Flood Elevation
BMP	Best Management Practices
CAA	Clean Air Act
CAP	Corrective Action Plan
CBD	Central Business District
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CEPC	Criminal Evidence and Processing Complex
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
C.F.R.	Code of Federal Regulations
CNO	City of New Orleans
CTR	In-House Contract Consultant
CUP	Coastal Use Permit
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
dBA	decibel, on the A-weighted scale
DEA	Draft Environmental Assessment
DFIRM	Digital Flood Insurance Rate Map
DHS	U.S. Department of Homeland Security
DNL	Day-Night Average Sound Level
DoA	U.S. Department of the Army
EA	Environmental Assessment
EDMS	Electronic Document Management System
EIS	Environmental Impact Statement
EL	Elevation
E.O.	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
GHG	Greenhouse Gas
GPO	U.S. Government Printing Office
HEAG	Highest Existing Adjacent Grade
HSDRRS	Hurricane Storm Damage Risk Reduction System
HUD	U.S. Department of Housing and Urban Development
IER	Individual Environmental Report
LA GOHSEP	Louisiana Governor's Office of Homeland Security and Emergency Preparedness
LaDOTD	Louisiana Department of Transportation and Development
LCRP	Louisiana Coastal Resources Plan

LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LDWF	Louisiana Department of Wildlife and Fisheries
LPDES	Louisiana Pollutant Discharge Elimination System
LPV	Lake Pontchartrain and Vicinity
MMG	Materials Management Group, Inc.
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOPD	New Orleans Police Department
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OCM	Office of Coastal Management
OSHA	Occupational Safety and Health Administration
PA	Public Assistance
PCB	Polychlorinated Biphenyl
P.L.	Public Law
RCGA	R. Christopher Goodwin and Associates
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
SARA	Superfund Amendments and Reauthorization Act
sf	square-foot, square feet
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office/Officer
SIP	State Implementation Plan
SPA	Statewide Programmatic Agreement
TSCA	Toxic Substances Control Act
USACE	U.S. Army Corps of Engineers
U.S.C.	U.S. Code
USDOJ	U.S. Department of the Interior
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VRP	Voluntary Remediation Program
WBV	West Bank and Vicinity

1 INTRODUCTION

1.1 Hurricane Katrina

Hurricane Katrina made landfall on August 29, 2005, near the town of Buras, Louisiana, with sustained winds of more than 125 miles per hour. The accompanying storm surge damaged levees and entered the city of New Orleans from various coastal waterways, resulting in flooding throughout much of the city. The high winds and flooding caused considerable damage to the area and destroyed or severely damaged the majority of the City's police and court support facilities.

1.2 Project Authority

President George W. Bush declared a major disaster for the State of Louisiana (FEMA-1603-DR-LA) on August 29, 2005, authorizing the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of Louisiana. This assistance is pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Public Law (P.L.) 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance (PA) Program to assist with funding the repair, restoration, reconstruction, or replacement of public facilities damaged as a result of the declared disaster.

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 (CEQ) regulations implementing NEPA (Title 40 of the Code of Federal Regulations [C.F.R.] §§ 1500-1508) (Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 2005), and FEMA's regulations implementing NEPA (44 C.F.R. §§ 9-10) (Environmental Considerations 1980; Floodplain Management and Protection of Wetlands 1980).

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).

1.3 Background

The City of New Orleans (CNO) submitted an application through the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (LA GOHSEP) for funding under FEMA's PA Program that would restore the critical functions of the damaged or destroyed court support facilities. FEMA has determined that CNO is eligible for federal disaster public assistance and that a number of the Applicant's public safety and criminal justice facilities are eligible for repair or replacement as critical or non-critical facilities serving the needs of the general public.

As a result of Hurricane Katrina, the efficiency of the CNO court system has been severely strained, with floodwaters having destroyed valuable evidence and records. CNO court support functions are currently located in independent structures within close proximity to the main New Orleans Police Department (NOPD) Criminal Evidence and Property facility. In accordance with 44 C.F.R. § 206.203(d), CNO has requested an Alternate Project. An Alternate Project is any project where, in lieu of restoring a damaged facility, the Applicant chooses to repair or expand other selected public facilities, to construct new facilities, or to fund hazard mitigation measures. For the current request, CNO proposes consolidation of all court support functions into a single new facility, the CNO Criminal Evidence and Processing Complex (CEPC). The CEPC would be located at 2761 Gravier Street (the intersection of S. White and Gravier Streets), in New Orleans, Louisiana, Orleans Parish 70119 (*Figure 1*).

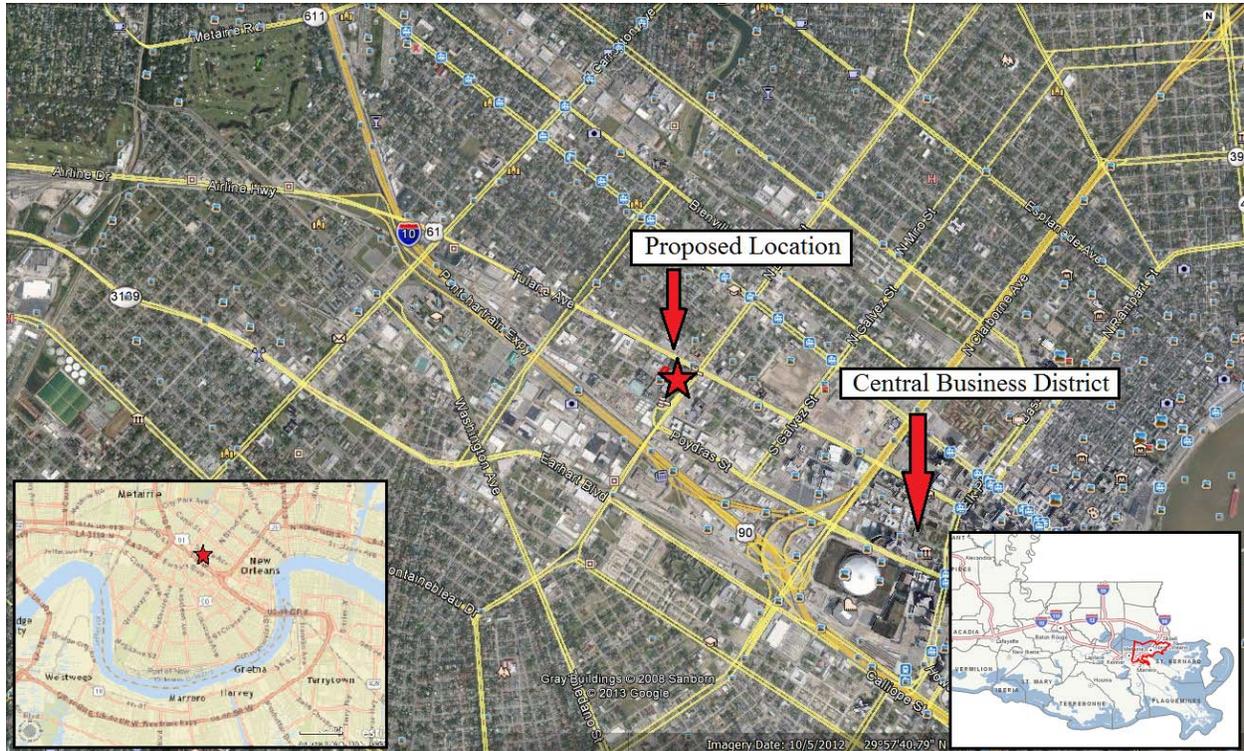


Figure 1 – CNO Criminal Evidence and Processing Complex, project vicinity (Google Earth 2014)

1.4 General Site Description

The city of New Orleans is located entirely within the parish of Orleans. Orleans Parish is primarily urban, with the exception of some areas of coastal marsh in the eastern part and woodlands on the west bank of the Mississippi River (the Lower Coast). The parish is entirely within the Mississippi River delta, with a subtropical, humid climate typical of coastal regions along the Gulf of Mexico. The average winter temperature is 54°F and the average summer temperature is 81°F. Orleans Parish typically receives 59 inches of rainfall annually (Trahan 1989).

Although the corporate boundary of the city of New Orleans has been unchanged since the 1800s, the city's urban footprint has expanded significantly since then. Before 1900, urbanization was confined primarily to natural levees and ridges along the Mississippi River and elsewhere (the Esplanade Ridge, for example). In 1913, construction of a levee and pump system began, which allowed for the development of lower-lying areas and wetlands. Between 1913 and 2000, the city's urbanized footprint almost doubled to approximately 71 square miles. The extent of urbanization has been relatively unchanged since the mid-1980s, however, when development slowed considerably due to a lack of large remaining developable tracts within the city, the general economic downturn resulting from the "oil bust," and ongoing concerns about quality of life issues related to crime and public education (CNO 2010).

Although new development stalled in the 1980s, by the 1990s the city began to witness small-scale reinvestment within established neighborhoods and larger adaptive re-use and limited infill development projects within and around the Central Business District (CBD), or "downtown" area. The CBD is located adjacent to the project site addressed by this DEA. Since Hurricane Katrina, due to the extent of flooding and numerous other impediments to recovery, many structures within the city remain unoccupied, while others have been demolished and left as vacant lots (CNO 2010).

The proposed project site itself is located within the Mid-City neighborhood, which in turn is encompassed within CNO Planning District 4. According to the Mid-City Neighborhood Planning

District 4 Rebuilding Plan (n.d.), land use within the Mid-City neighborhood pre-Hurricane Katrina was dominated by single- and two-family residences; however, multi-family, commercial, industrial, and institutional uses also made up a significant fraction. The current Master Plan proposes to increase the amount of commercial, mixed-use medium- and high-density, and mixed-use health/life science zones within Planning District 4, primarily through the incorporation of existing vacant and underutilized parcels (CNO 2010).

3 ALTERNATIVES

3.1 Overview of Alternatives

The NEPA process consists of an evaluation of the environmental effects of a federal undertaking, including its alternatives. Three (3) alternatives have been proposed and reviewed including 1) the “No Action” alternative, 2) Repair of the Existing Buildings with Upgrades to Current Codes and Standards, and 3) Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action).

At the present time, CNO court support functions are located in offices within three (3) independent structures. These various buildings also contain other offices providing different functions. The first of these facilities is the Office of the Orleans Parish Criminal Court Clerk, located at 2700 Tulane Avenue; the second is the Office of the New Orleans Municipal Court Clerk, located at 727 S. Broad Street. The NOPD Scientific Criminal Investigations Center, formerly located at 2932 Tulane Avenue, has been demolished and is currently housed within Criminal Evidence and Property facility at the NOPD Headquarters building, situated at 715 S. Broad Street.

3.2 Alternative 1 – No Action

Under the “No Action” alternative, there would be no repair of CNO court support buildings. Consequently, the CNO criminal justice facilities would continue to operate under current conditions. “No Action” would forego the opportunity to provide a suitable permanent location for the Scientific Criminal Investigations Center or mitigate threats from future flooding by incorporating the minimum design standards of the NFIP.

3.3 Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

This alternative would repair the buildings currently in use to pre-disaster condition, with upgrades to current codes and standards. Support functions located at Criminal Evidence and Property, Clerk of Criminal Court, and Clerk of Municipal Court facilities would continue to be housed in independent buildings. The severely damaged Scientific Criminal Investigations Center was previously demolished; therefore, this function would continue to be sited within Criminal Evidence and Property.

3.4 Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

The Applicant proposes to use eligible funding to consolidate the functions of the Scientific Criminal Investigations, Criminal Evidence and Property, Clerk of Criminal Court, and Clerk of Municipal Court offices at a single, new facility, the CEPC. The CEPC would be located at 2761 Gravier Street (the intersection of S. White and Gravier Streets) in New Orleans, Orleans Parish, Louisiana 70119 (*Figure 2*). The approximate geographic coordinates of the proposed project site are Latitude 29.96158°, Longitude -90.09298°.

The consolidation would provide adequate space for all of the described court functions for the foreseeable future, as well as reduce inefficiency and ensure the secure transfer of evidence. In addition, maintenance of a single facility is anticipated to reduce long term operating costs. Consolidation with construction to current codes and standards also would allow the mitigation of problems encountered during hurricane Katrina, which adversely affected the work of the courts and supporting services, as well as the retention of valuable records and evidence. The proposed 5-story, 56,636 square-foot (sf) building would be elevated above grade to comply with required NFIP standards. Including the adjacent parking area, the facility is expected to encompass the entire 0.8-acre site (*Figure 3*).

The proposed project site would be served/supported by potable water, wastewater, storm water, natural gas, electricity, and telecommunication utility systems already in place within or above-ground along S. White Street. Sanitary sewer, water service, and storm sewers would connect to existing CNO Department of Public Works and Sewerage and Water Board public utilities. Natural gas would be provided by Entergy Corporation. The new structure would connect to above-ground power, telephone, and cable television lines. Water service also would connect to existing CNO public utilities within Gravier Street.

At the present time, the proposed site is covered almost entirely by a concrete slab, which is the remnant of an old fuel service station. The slab currently is being used as a parking area for CNO vehicles. The remainder of the property consists of scattered patches of grasses and weeds. In addition, the site is surrounded by a poorly-maintained chain-link fence.

4 AFFECTED ENVIRONMENT AND ALTERNATIVES ANALYSIS

4.1 Geology, Soils, and Topography

4.1.1 Regulatory Setting

The Farmland Protection Policy Act (P.L. 97-98, §§ 1539-1549; 7 U.S.C. 4201, et seq.) was enacted in 1981 and is intended to minimize the impact federal actions have on the unnecessary and irreversible conversion of farmland to non-agricultural uses. This law assures that, to the extent possible, federal programs and policies are administered in a way that is compatible with state and local farmland protection policies and programs. In order to implement the FPPA, federal agencies are required to develop and review their policies and procedures every two (2) years. The FPPA does not authorize the federal government to regulate the use of private or non-federal land or, in any way, affect the property rights of owners.

The Natural Resources Conservation Service is responsible for protecting significant agricultural lands from irreversible conversions that result in the loss of essential food or environmental resources. For purposes of the FPPA, farmland includes prime farmland, unique farmland, and farmland of statewide or local importance. Prime farmland is characterized as land with the best physical and chemical characteristics for production of food, feed, forage, fiber, and oilseed crops (USDA 2013). Farmland subject to FPPA requirements does not currently have to be used for cropland; it also can be forest land, pastureland, or other land, but not water or built-up land.

4.1.2 Existing Conditions

Within Orleans Parish, approximate surface elevations range from 12 feet above sea level on Mississippi River berms to 5 feet below sea level within the drained wetlands inside the city levees. Undrained marshes and swamps typically range from sea level to about one (1) foot above in elevation (Trahan 1989). According to the Louisiana Geological Survey, the geology in the vicinity of the project site is predominantly Holocene Alluvium, which also covers about 55% of the state (*Figure 4*). The Holocene Epoch began approximately 11,700 years ago and continues to the present day. These alluvial soils consist of sandy and gravelly river channel material overlain by sandy to muddy natural levee deposits, often with an organic-rich muddy backswamp layer in between (Louisiana Geological Survey 2010). During the Holocene Epoch, there has been no known active faulting in the New Orleans area. The city is “seismically quiescent” (Seed et al. 2006).

The soils of Orleans Parish vary in their potential for land use and urban development. According to the *Soil Survey of Orleans Parish, Louisiana* (Trahan 1989), soils in and surrounding the project location consist of Sharkey (now known as Schriever) clay, which is classified as prime farmland. Schriever clay is composed of poorly drained, firm, mineral soils in low positions on the natural levees of the Mississippi River and its distributaries, or branches of a river that flow away from the main stem, as in a delta. Although this soil has high fertility, water and air move through it at a very slow rate, contributing to slow runoff and surface ponding for short periods after heavy rains. A seasonally high water table is present during winter and spring, fluctuating between the soil surface and a depth of about two (2) feet. Schriever clay is poorly suited to urban and intensive recreation uses; however, it is considered one of the best soils present in Orleans Parish for these purposes. Because it is a firm, mineral soil, the foundations of most low structures can be supported adequately without the need for piling.

In Orleans Parish, all of the water used for public consumption and certain industrial applications is taken from the Mississippi River. Even though the quality of the water varies somewhat with the volume of flow in the river, it is considered suitable for public use (Trahan 1989). Groundwater below the study area is located in three (3) of the four (4) major aquifers present in Orleans Parish. These aquifers consist of the Gramercy (up to 400 feet below the soil surface), the Gonzales-New Orleans (up to 900 feet deep),

and the “1,200-foot” Sand. The Norco Aquifer, present in some parts of Orleans Parish, does not underlay the project area. The Gramercy and Norco aquifers are not used for municipal or industrial purposes due to their high salt content. The portion of the Gonzales-New Orleans aquifer north of the Mississippi River is freshwater; however, high levels of chloride make it unsuitable for public consumption. It is used, instead, for industrial purposes such as cooling. The “1,200 foot” Sand aquifer contains too much salt for most uses (Prakken 2009). A 2014 database search by the Materials Management Group, Inc. (MMG) indicates there are 291 wells within a one-mile radius of the proposed project site; however, none is used for drinking water purposes.

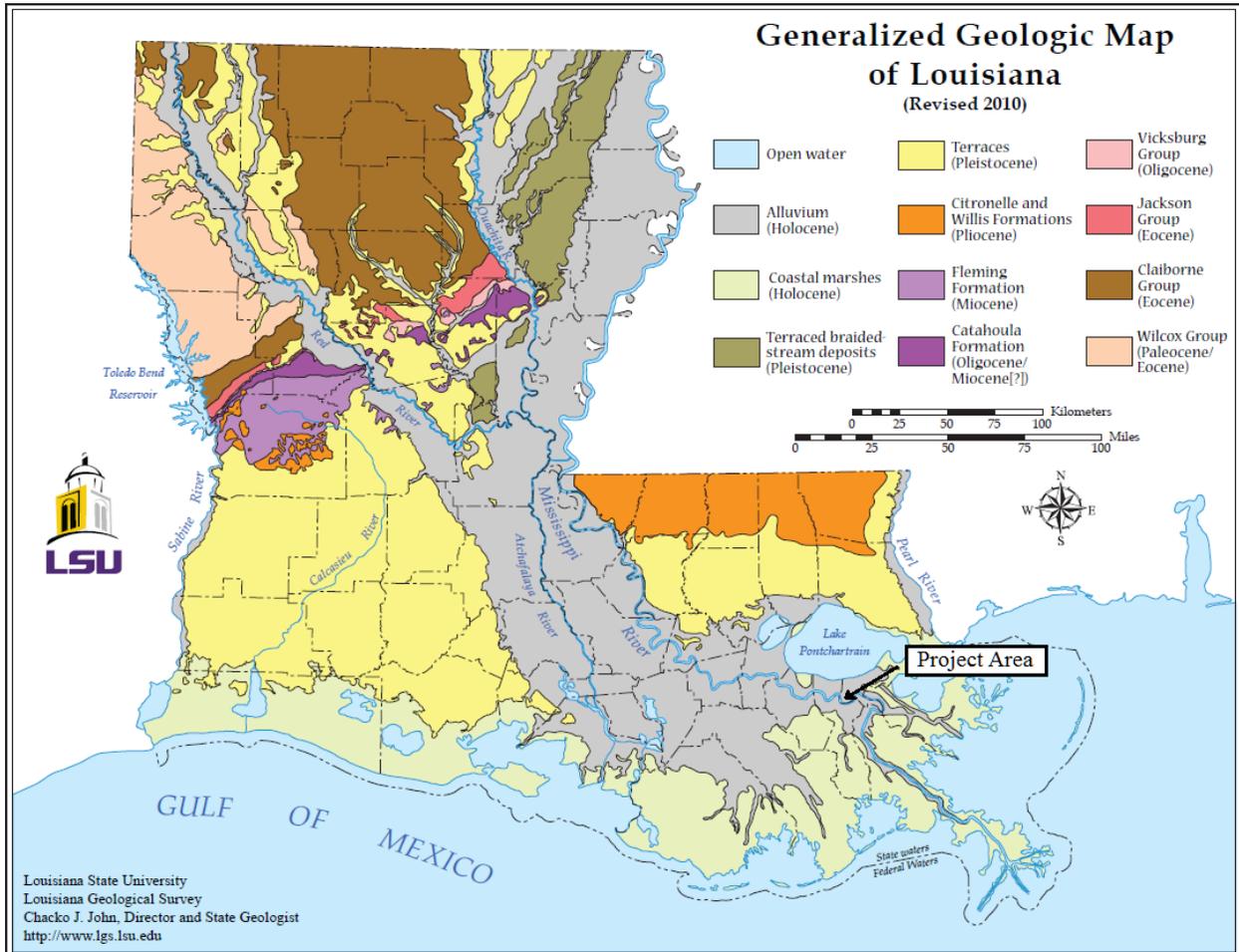


Figure 4 – Generalized Geologic Map of Louisiana indicating project area (Louisiana Geological Survey 2010)

4.1.3 Environmental Consequences

Alternative 1 – No Action

The “No Action” alternative would have no significant impacts on prime farmland, unique farmland, farmland of statewide or local importance, or other important geologic resources.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Repair of the court support facilities to pre-disaster condition also would have no impact on important farmland or other geologic resources. All work performed would be restricted to currently existing structures.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

The site at the intersection of S. White and Gravier Streets where the new facility would be located is currently an old building slab being used as a parking lot. Although the soil mapped in this area is considered to be prime farmland (USDA 2014), the FPPA addresses the conversion of farmland to non-farmland uses only. Because this site is already a developed, urbanized area, the FPPA is precluded. No other significant impacts to geologic resources resulting from Alternative 3 are anticipated.

4.2 Wetlands and Waters of the United States

4.2.1 Regulatory Setting

4.2.1.1 § 401 of the Clean Water Act

Section 401 of the Clean Water Act (CWA) requires state certification of all federal licenses and permits in which there is a “discharge of fill material into navigable waters.” The certification process is used to determine whether an activity, as described in the federal license or permit, would impact established site-specific water quality standards. A water quality certification from the issuing state, the Louisiana Department of Environmental Quality (LDEQ) in this case, is required prior to the issuance of the relevant federal license or permit. The most common federal license or permit requiring certification is the U.S. Army Corps of Engineers (USACE) CWA § 404 permit.

4.2.1.2 § 402 of the Clean Water Act

The National Pollutant Discharge Elimination System (NPDES) program was created by § 402 of the CWA. This program authorizes the U.S. Environmental Protection Agency (USEPA) to issue permits for the point source discharge of pollutants into waters of the United States. Through a 2004 Memorandum of Agreement, the USEPA delegated its permit program for the state of Louisiana to LDEQ. The ensuing Louisiana Pollutant Discharge Elimination System (LPDES) program authorizes individual permits, general permits, stormwater permits, and pretreatment activities that result in discharges to jurisdictional waters of the state.

4.2.1.3 § 404 of the Clean Water Act

As defined in 33 C.F.R. § 328.3,

(a) The term *waters of the United States* means

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

- (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
- (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
- (ii) Which are used or could be used for industrial purpose by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition;
- (5) Tributaries of waters identified in paragraphs (a) (1) through (4) of this section;
- (6) The territorial seas;
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

Wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas” (33 C.F.R. § 328.3[b]) (Regulatory Programs of the Corps of Engineers 1986). The USACE, through its permit program, regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, pursuant to § 404 of the CWA.

4.2.1.4 § 10 of the Rivers and Harbors Act of 1899

Section 10 of the Rivers and Harbors Act of 1899 (RHA) regulates structures or work in or affecting navigable waters. Navigable waters under this statute are defined as “those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce” (33 C.F.R. § 329.4) (Regulatory Programs of the Corps of Engineers 1986). The USACE implements a permit program to evaluate impacts to navigable waters and their navigable capacity under § 10 (jointly with § 404 of the CWA when a discharge of fill material is also involved). Regulated structures include such objects as buoys, piers, docks, bulkheads, and jetties, while work includes dredging or filling activities.

4.2.1.5 Executive Order 11990 – Protection of Wetlands

Executive Order (E.O.) 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 (U.S. President 1977b). FEMA regulations for complying with E.O. 11990 are found at 44 C.F.R. § 9, Floodplain Management and Protection of Wetlands (1980).

4.2.2 Existing Conditions

Past human interventions have significantly modified the natural hydrologic regime within Orleans Parish. Levees along the Mississippi River now prevent the annual overbank flooding that previously occurred. Water from precipitation is instead discharged into the wetlands that remain via pumping stations and floodgates which are part of the channelized drainage network within the city’s leveed areas. As mentioned earlier, a significant reduction in wetland acreage occurred in the early to mid-20th Century due to this drainage network. Elsewhere in the parish, deep canals have been excavated for logging, drainage, improved navigation and, in later years, oil and gas development. These and other similar modifications to the local landscape allowed freshwater to enter the estuary more quickly from point sources. The sidcast excavated material along the canals caused segmentation of the wetlands and interfered with natural circulation. The deeper water within the canals allowed tidal fluctuation to extend

farther inland, increasing saltwater intrusion during drier periods. Although major saltwater intrusions into the Mississippi River usually do not extend as far upstream as Orleans Parish, intrusions through various canals and channels do reach other surface waters in most areas of the parish. Because of these human-created conditions, hydrologic circulation now reflects an unnatural competition between local runoff, discharges from diked areas, and daily tides. As a result, a stable hydrologic regime has been altered relatively rapidly into one with greater fluctuations in water levels, salinity values, and sediment transfer/deposition (Templett 1982).

With one (1) exception, all proposed and existing sites under review in this DEA are currently paved or occupied by buildings. The former Scientific Criminal Investigations Center, which has been demolished, is a vegetated urban lot. As a result, there are no navigable waters or other waters of the U.S. present on these sites. In addition, according to the U.S. Fish and Wildlife Service’s (USFWS) National Wetlands Inventory map, there are no wetlands within or near the project area (*Figure 5*) (USDOI 2013b). None of the locations exhibit any appreciable relief. Stormwater runoff evacuates the sites via the city’s underground sewer system and thence to the city’s channelized drainage network.

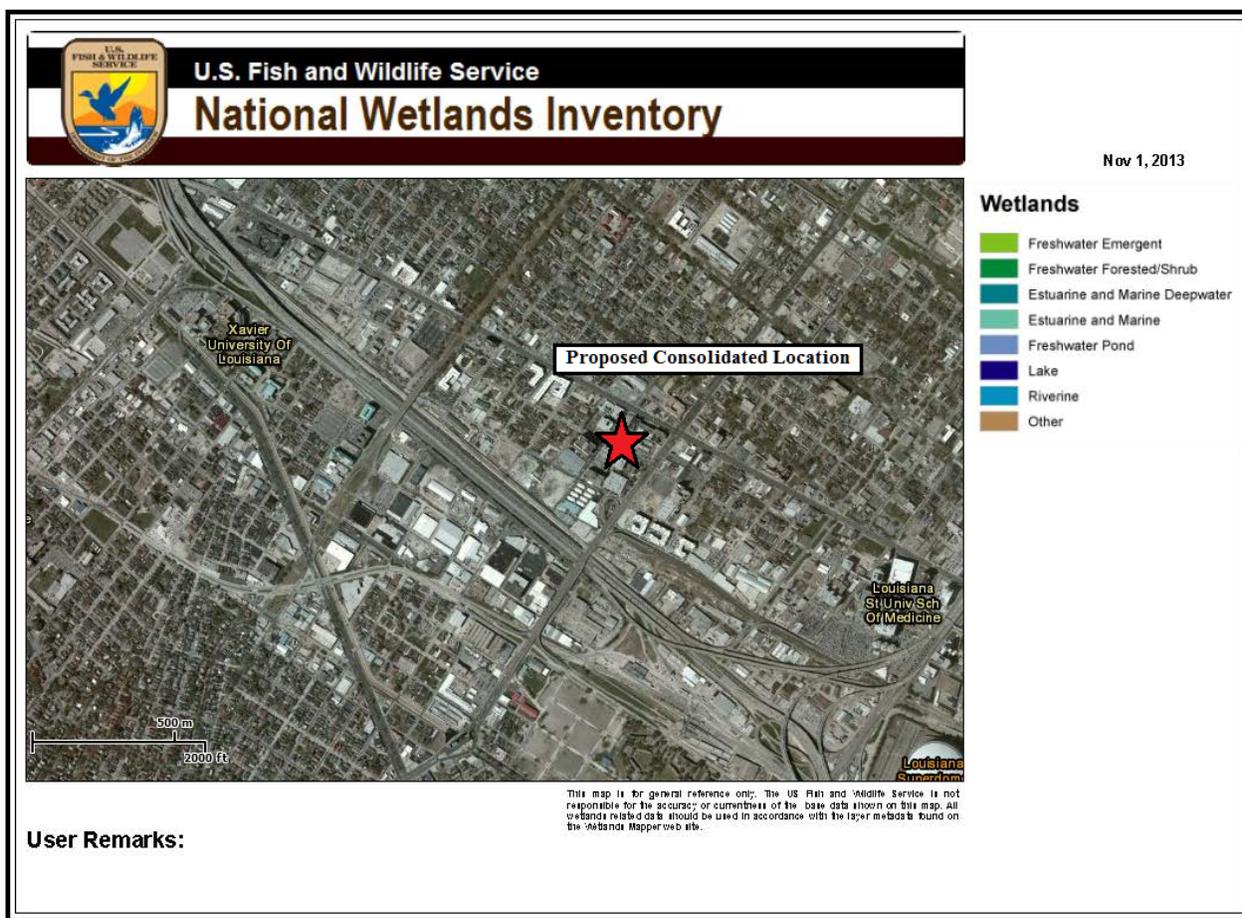


Figure 5 – U. S. Fish and Wildlife Service National Wetlands Inventory map (USDOI 2013)

4.2.3 Environmental Consequences

Alternative 1 – No Action

The “No Action” alternative would have no impact on wetlands or other waters of the U.S. and would not require permits under § 404 of the CWA or § 10 of the RHA.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Repair of the existing court support facilities to pre-disaster condition would likewise have no impact on wetlands or waters of the U.S. The current locations of these facilities are urban, previously-disturbed sites and not wetlands under E.O. 11990. The scope of work would not require permits under § 404 of the CWA or § 10 of the RHA.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

Via comments received on 6 May 2013, the USACE did not anticipate any adverse impacts to any USACE projects nor did the proposed project site appear to be located in a wetland subject to the USACE's jurisdiction. In a 4 June 2013, letter, the USEPA concurred that no waters of the U.S. are present on the proposed site. In addition, FEMA has determined that the proposed location is an urban, previously-disturbed site and is not a wetland under E.O. 11990. Thus, the project as proposed would not require permits under § 404 of the CWA or § 10 of the RHA.

If the project results in a discharge to offsite waters of the state, however, an LPDES permit may be required in accordance with the CWA and Title 33 of the Louisiana Clean Water Code. For example, if the project results in a new 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 addition, proposed construction activities may require an LPDES stormwater permit.

In order to minimize indirect impacts (erosion, sedimentation, dust, and other construction-related disturbances) to waters of the state or well defined drainage areas surrounding the site, the contractor should implement Best Management Practices (BMPs) that meet LDEQ permitting specifications for stormwater and also include the following into the daily construction routine: silt screens, barriers (e.g., hay bales), berms/dikes, and or fences to be placed as and where needed. Fencing should be placed to mark staging areas for storage of construction equipment and supplies, as well as for sites where maintenance/repair operations occur.

4.3 Floodplains

4.3.1 Regulatory Setting

E.O. 11988, Floodplain Management, requires federal agencies to avoid direct or indirect support or development within or affecting the 1% annual chance Special Flood Hazard Area (SFHA) (i.e., the 100-year floodplain) whenever there is a practicable alternative (U.S. President 1977a) (for “Critical Actions,” within the 0.2% annual chance SFHA, i.e., the 500-year floodplain). FEMA's regulations for complying with E.O. 11988 are found at 44 C.F.R. § 9, Floodplain Management and Protection of Wetlands (1980).

4.3.2 Existing Conditions

In July 2005, prior to Hurricane Katrina, FEMA initiated a series of flood insurance studies for many of Louisiana's 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. Since that time, the physical terrain had changed considerably, including the significant loss of wetland areas. After Hurricanes Katrina and Rita, FEMA expanded the scope of work to include all of coastal Louisiana. The magnitude of impacts caused by the two (2) hurricanes 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.

During an initial post-hurricane analysis, FEMA determined that the 100-year or 1% annual 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 the surges from Hurricanes Katrina and Rita, as well as information on other storms over the past 25 years. The 2006 advisory flood data shown on the recovery maps for the Louisiana-declared disaster areas indicated high-water marks surveyed after the storm, flood limits developed from these surveyed points, and Advisory Base Flood Elevations, or ABFEs. These recovery maps and other advisory data were developed to assist parish officials, homeowners, business owners, and other affected citizens with their recovery and rebuilding efforts. Orleans Parish ABFE Maps (DHS 2006) are currently used by the Orleans Parish NFIP community for floodplain management purposes.

Updated preliminary flood hazard maps from an intensive five-year mapping project guided by FEMA were provided to all Louisiana coastal parishes. These 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.

The USACE is currently working on the new Hurricane and Storm Damage Risk Reduction System (HSDRRS) for the Greater New Orleans area (DHS 2011). This 350-mile system of levees, floodwalls, surge barriers, and pump stations will reduce the flood risk associated with future storm events. In September 2011, the USACE provided FEMA with assurances that the HSDRRS is capable of defending against a storm surge with a 1% annual chance of occurrence (DHS 2011). The areas protected include portions of St. Bernard, St. Charles, Jefferson, Orleans, and Plaquemines Parishes. Although the 100-year perimeter system is now complete, additional contracts for armoring and environmental mitigation are either ongoing or have not yet been awarded (DoA 2014). In November 2012, FEMA revised the 2008 preliminary DFIRMs within the HSDRRS to incorporate the reduced flood risk associated with the system improvements.

The 2012 Revised Preliminary DFIRMs are currently viewed as the best available flood risk data for the five Greater New Orleans parishes. In many areas, the flood risk has been significantly reduced due to heightened protection. No project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through its participation in the National Flood Insurance Program (DHS 2011).

4.3.3 Environmental Consequences

Practicable alternatives to locating the proposed action in the floodplain were identified and evaluated. Various practicability factors were considered including feasibility, social concerns, hazard reduction, mitigation costs, and environmental impacts.

Alternative 1 – No Action

The “No Action” alternative would not entail any repair or reconstruction of the court support facilities. This course would have no further adverse impacts to the floodplain.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

This project is within a levee-protected area of the 100-year floodplain. According to the Orleans Parish ABFE Maps issued June 5, 2006 (DHS 2006), the sites are shown on ABFE Panel LA-CC31 (*Figure 6*) Elevation (EL) 0, or 3 feet above the Highest Existing Adjacent Grade (HEAG). Per Revised Preliminary DFIRM Panel Number 22071C0229F, dated November 9, 2012 (*Figure 7*), the sites are located within Zone AE, EL -2: areas of 1% annual chance flood within a SFHA, BFE determined. In compliance with E.O. 11988, an 8-step process was completed and documentation is attached in Appendix C.

AFFECTED ENVIRONMENT AND ALTERNATIVES ANALYSIS

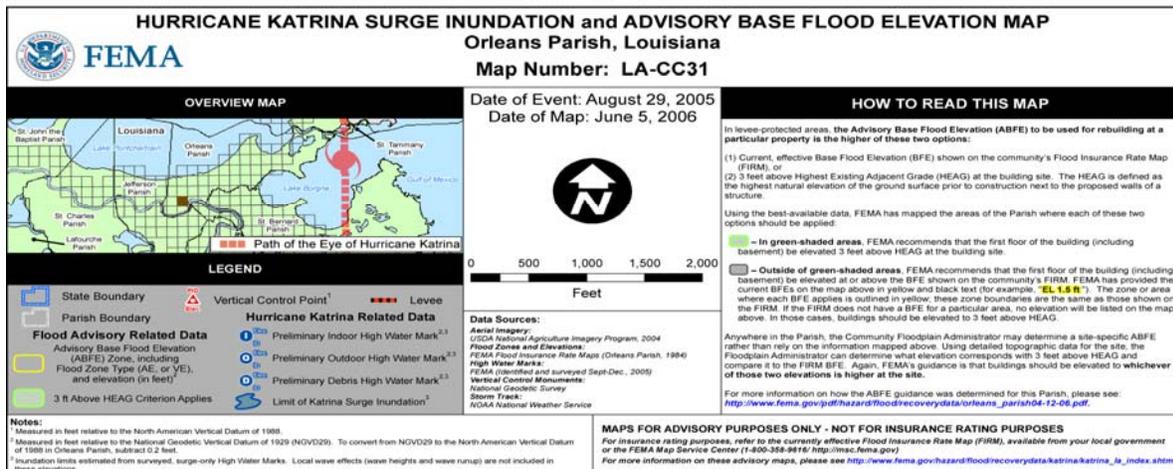
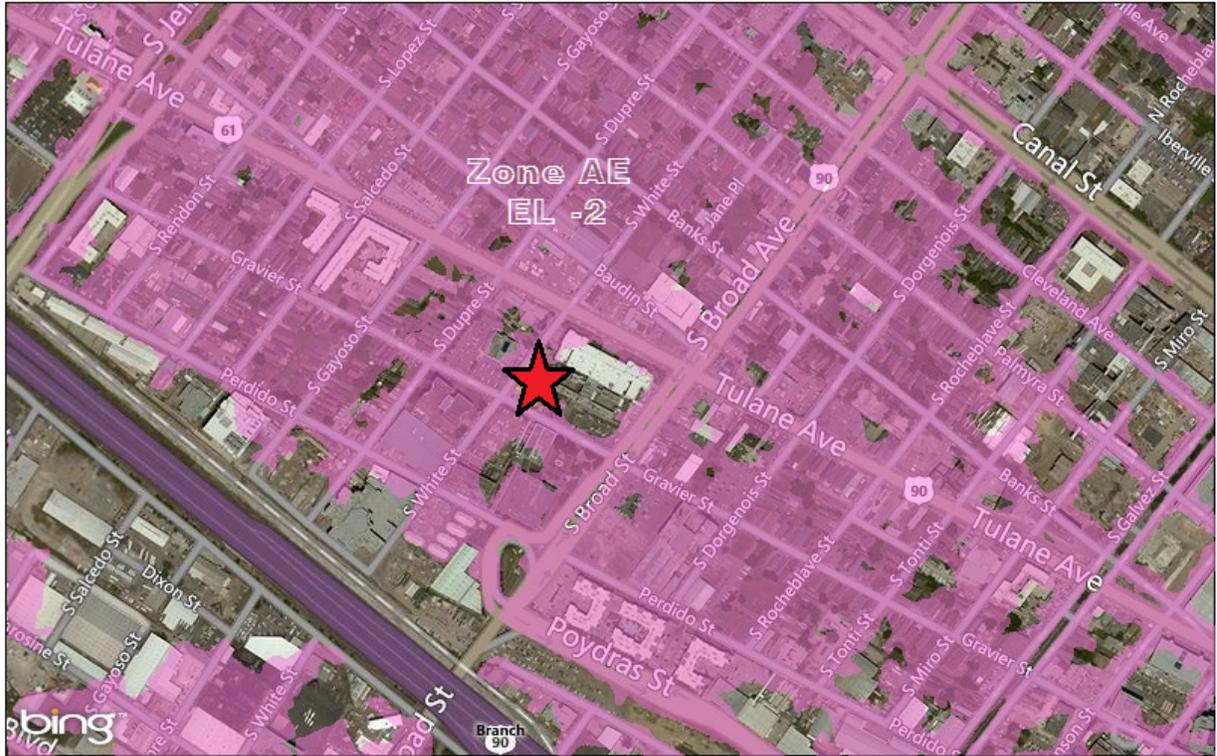


Figure 6 – Advisory Base Flood Elevation Map LA-CC31 (with project site shown as a red star) (DHS 2006)



Louisiana Flood Map
 Title: CEPC, New Orleans, LA



Visible Layers: Bing Hybrid Layer Preliminary FIRM Layer 11/09/12

Flood information is read from digital map

Point	Latitude	Longitude	Panel ID	Flood Zone	BFE*	Ground Elevation ¹	BWS ²
1	29.96137	-90.09281	22071C0229F 11/09/12	AE, EL -2	EL -2	USGS Service Not Responding	110-119 mph

* BFE = Base Flood Elevation (** Some BFEs cannot be read from the data. [Find out how to determine BFE](#))

DISCLAIMER:

Floodplain data that is shown on this map is the same data that your flood plain administrator uses. This web product is not considered an official FEMA Digital Flood Insurance Rate Map (DFIRM). It is provided for information purposes only, and it is not intended for insurance rating purposes. Please contact your local floodplain administrator for more information or to view an official copy of the FIRM or DFIRM.

1. *Ground Elevation* is provided by USGS's elevation web service which provides the best available data for the specified point. If unable to find elevation at the specified point, the service returns an extremely large, negative value (-1.79769313486231E+308).
2. *BWS* is provided by the LSU AgCenter's basic wind speed web service developed for the 2012 IRC building codes.

Figure 7 – Revised Preliminary Digital Flood Insurance Rate Map 22071C0229F (with project site shown as a red star) (DHS 2012b)

Alternative 2 was reviewed for possible impacts associated with occupancy or modification to a floodplain. Due to the previously developed character of the sites, impacts to the nature of the floodplain itself have been determined to be negligible. Repair of the existing buildings would not affect the functions and values of the 100-year floodplain since these facilities would not impede or redirect flood flows. This alternative would restore infrastructure in the base floodplain to predisaster condition, however, which potentially would be subject to damage in the future floods. Furthermore, this alternative would not include upgrades to meet minimum NFIP building standards, including elevation above the BFE, and may subject public facilities to flood damage that could require further disaster assistance.

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 NFIP. The Applicant would be required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. Per 44 C.F.R. § 9.11(d)(9), for the replacement of building contents, materials, and equipment, where possible disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials, and equipment outside or above the base floodplain.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

This proposed alternative is also within a levee-protected area of the 100-yr floodplain. The 2006 Orleans Parish ABFE Panel LA-CC31 (*Figure 6*) shows the site as EL 0, or 3 feet above HEAG. Per Revised Preliminary DFIRM Panel Number 22071C0229F, dated November 9, 2012 (*Figure 7*), the site is located within Zone AE, EL -2: areas of 1% annual chance flood within a SFHA, BFE determined. In compliance with E.O. 11988, an 8-step process was completed and this documentation is attached in Appendix C.

Alternative 3 was reviewed for possible impacts associated with occupancy or modification to a floodplain. Due to the previously developed character of the proposed site, impacts to the nature of the floodplain itself have been determined to be negligible. The proposed CEPC would not likely affect the functions and values of the 100-year floodplain since the facility would not impede or redirect flood flows. This alternative would construct new facilities in compliance with minimum NFIP building standards, including elevation above the BFE, thereby reducing the likelihood of damage in future flooding events, as well as the need for additional disaster assistance.

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 NFIP. The Applicant would be required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. Per 44 C.F.R. § 9.11(d)(9), for the replacement of building contents, materials, and equipment, where possible disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials, and equipment outside or above the base floodplain.

4.4 Coastal Resources

4.4.1 Regulatory Setting

4.4.1.1 Coastal Zone Management Act of 1972

The Coastal Zone Management Act (CZMA) encourages the management of coastal zone areas and provides grants to be used in maintaining these 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. This 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.

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, and salt marshes.

The CZMA requires that coastal 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. To comply with the CZMA, a federal agency must identify activities that would affect the coastal zone, including development projects, and review the state coastal zone management plan to determine whether a proposed activity would be consistent with the plan.

4.4.1.2 Louisiana State and Local Coastal Resources Management Act of 1978

Pursuant to the CZMA, the State and Local Coastal Resources Management Act of 1978 (R.S. 49:214:21 et seq. Act 1978, No. 361), is the state of Louisiana's legislation creating the Louisiana Coastal Resources Program (LCRP). The LCRP establishes policy for activities including construction in the coastal zone, defines and updates the coastal zone boundary, and creates regulatory processes. The LCRP is under the authority of the Louisiana Department of Natural Resource's (LDNR) Office of Coastal Management (OCM). If a proposed action is within the Coastal Zone boundary, OCM will review the eligibility of the project prior to its review from other federal agencies (USACE, USFWS, and National Marine Fisheries Service [NMFS]). The mechanism used to review these projects is the Coastal Use Permit (CUP). Per the CZMA, all proposed federal projects within the coastal zone must undergo a Consistency Determination by OCM for that project's consistency with the state's Coastal Resource Program (i.e., LCRP) (LDNR 2014).

4.4.1.3 Coastal Barrier Resources Act of 1972

The USFWS regulates federal funding in John H. Chafee Coastal Barrier Resources System (CBRS) units under the Coastal Barrier Resources Act (CBRA). CBRA protects undeveloped coastal barriers and related areas (i.e., Otherwise Protected Areas) by prohibiting direct or indirect federal funding of projects that support development in these areas. CBRA promotes appropriate use and conservation of coastal barriers along the Atlantic and Gulf coasts (USDOJ 2014a).

4.4.2 Existing Conditions

Both the existing facilities and the proposed project site are located in the coastal zone and may be required to obtain a CUP prior to construction (Appendix B). Neither the existing facilities nor the proposed project site is located within a regulated CBRS unit, however.

4.4.3 Environmental Consequences

Alternative 1 – No Action

The "No Action" alternative would entail no undertaking and therefore, would have no impact on a coastal zone or a CBRS unit.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Repair of court support facilities to pre-disaster condition would involve construction in a designated coastal zone. CNO is responsible for coordinating with LDNR OCM to obtain any CUP that may be required as a result of this project. Consistency with the LCRP does not exempt applicants from the need to obtain a CUP, if required. The project site is not located within a CBRS unit; therefore CBRA requirements do not apply.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

In accordance with a letter from LDNR OCM dated 4 June 2013, the Proposed Action is inside the Louisiana Coastal Zone. CNO is responsible for coordinating with LDNR OCM to obtain any CUP that may be required as a result of this project. Consistency with the LCRP does not exempt applicants from the need to obtain a CUP, if required. The project site is not located within a CBRS unit; therefore CBRA requirements do not apply.

4.5 Federally Protected Species, Critical Habitats, and Other Biological Resources

4.5.1 Regulatory Setting

4.5.1.1 Endangered Species Act

The Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531-1543) prohibits the taking of listed, threatened, and endangered species unless specifically authorized by permit from the USFWS or the NMFS. “Take” is defined in 16 U.S.C. 1532 (19) as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” “Harm” is further defined 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 (50 C.F.R. § 17.3) (Endangered and Threatened Wildlife and Plants 1975).

Section 7(a)(2) of the ESA requires the lead federal agency to consult with either the USFWS or the NMFS, depending which agency has jurisdiction over the federally listed species in question, when a federally funded project either may have the potential to adversely affect a federally listed species, or a federal action occurs within or may have the potential to impact designated critical habitat. The lead agency must consult with the USFWS, the NMFS, or both (Agencies) as appropriate and will determine if a biological assessment is necessary to identify potentially adverse affects to federally listed species, their critical habitat, or both. If a biological assessment is required, it will be followed by a biological opinion from the USFWS, the NMFS, or both depending on the jurisdiction of the federally listed species identified in the biological assessment. If the impacts of a proposed federal project are considered negligible to federally listed species, the lead agency may instead prepare a letter to the Agencies with a “May Affect, but Not Likely to Adversely Affect” determination requesting the relevant agency’s concurrence. This DEA serves to identify potential impacts and meet the ESA § 7 requirement by ascertaining the risks of the proposed action and alternatives to known federally listed species and their critical habitat, as well as providing a means for consultation with the Agencies.

4.5.1.2 Migratory Bird Treaty Act

Unless otherwise permitted by regulation, the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) prohibits pursuing; hunting; taking; capturing; killing; attempting to take, capture, or kill; possessing; offering for sale; selling; offering to purchase; purchasing; delivering for shipment; shipping; causing to be shipped; delivering for transportation; transporting; causing to be transported; carrying or causing to be carried by any means whatever; receiving for shipment, transportation, or carriage; or exporting; at any time or in any manner, any migratory bird or any part, nest, or egg of any such bird, that is included on the list of protected bird species (General Provisions; Revised List of Migratory Birds 2013). The USFWS is responsible for enforcing the provisions of this Act.

4.5.2 Existing Conditions

One (1) mammal species, the West Indian manatee, and two (2) fish species, the Gulf sturgeon and pallid sturgeon, are federally listed as threatened or endangered and are known to occur in select waterways of

Orleans Parish (Table 1). The existing facilities and the proposed project site are located within the Mississippi Flyway (Mississippi Flyway Council n.d.).

Within both the city of New Orleans and the project area, the setting is decidedly urban. Much of the land surface has been paved, the native vegetation removed, and the remaining open space landscaped with ornamental plants. Plantings at the NOPD Headquarters and Municipal Court Clerk building complex (715 and 727 S. Broad Street) include large live oaks (*Quercus virginiana*), palm trees, crape myrtles (*Lagerstroemia indica*), boxwoods (*Buxus* sp.), and a lawn of broadleaf carpet grass (*Axonopus compressus*) and various weed species. Around the Criminal Court Clerk building at 2700 Tulane Avenue, there is a small lawn area consisting primarily of St. Augustine grass (*Stenotaphrum secundatum*), Bermuda grass (*Cynodon dactylon*), white clover (*Trifolium repens*), and numerous weeds.

Table 1 – Federally Listed Species Known to Occur in Orleans Parish

Atlantic sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Threatened	Yes ¹	Anadromous fish species that spends most of its life in freshwater habitats and spawns in estuarine bays. Found in a variety of substrate areas based on age class of species.	None / Project area is located downstream of critical habitat areas. Any potential storm runoff would not impact this species.
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Endangered	No	Prefers large, free-flowing turbid rivers. No information exists on preferred spawning habitat.	None / Less than significant impacts would occur from storm runoff even without proper BMPs in place at storm drain locations.
West Indian manatee	<i>Trichechus manatus</i>	Endangered	Yes ²	Found in marine, estuarine, and freshwater environments with a strong preference for warm and well-vegetated waters.	None / There is no suitable habitat associated with the proposed project that is close or hydrologically connected to potential habitat for this species.
* Considers potential impacts of Alternatives 1 - 3. 1 Species may occur in Orleans Parish, but not within the proposed project area. 2 Critical habitat is not designated in Louisiana.					

Note: Data accessed November 2014 from USFWS IPaC Web Portal (<http://ecos.fws.gov/ipac/>) (USDOI 2014c).

The city is home to a number of animals adapted to urban conditions, including raccoons (*Procyon lotor*), opossums (*Didelphis marsupialis*), nine-banded armadillos (*Dasypus novemcinctus*), coyotes (*Canis latrans*), Norway rats (*Rattus norvegicus*) (Allman 2011), and various species of mice, as well as reptiles such as the green anole (*Anolis carolinensis*) and amphibians such as the green treefrog (*Hyla cinerea*, the State Amphibian of Louisiana) and the Gulf Coast toad (*Bufo valliceps*). A large number of common bird species are also present, including rock pigeons (*Columba livia*), mourning doves (*Zenaidura macroura*), boat-tailed grackles (*Quiscalus major*), ruby-throated hummingbirds (*Archilochus colubris*), and American robins (*Turdus migratorius*).

4.5.3 Environmental Consequences

Alternative 1 – No Action

The “No Action” alternative would entail no undertaking and, therefore, would have no impact on species federally listed as threatened or endangered, migratory birds, or federally listed critical habitats.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Repair of the court support facilities to pre-disaster condition would have no effect on species federally listed as threatened or endangered, migratory birds, or federally listed critical habitats. USFWS has interpreted § 7(p) of the ESA to mean that restoring any infrastructure damaged or lost due to Hurricane Katrina back to its original footprint does not require ESA consultation per USFWS letter of 15 September 2005, to FEMA.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

Inspection of the proposed site did not indicate the presence of any species federally listed as threatened or endangered. In correspondence dated 31 May 2013, the Louisiana Department of Wildlife and Fisheries (LDWF) stated that no impacts to rare, threatened, or endangered species or critical habitats are anticipated for the proposed project (Appendix B). Via comments dated 4 June 2013, the USFWS stated that the proposed project would have no effect on federal trust resources under its jurisdiction (Appendix B).

4.6 Air Quality

4.6.1 Regulatory Setting

4.6.1.1 Clean Air Act of 1970 (Including 1977 and 1990 Amendments)

The Clean Air Act (CAA) (42 U.S.C. § 7401 et seq.) is the federal law that regulates air emissions from stationary and mobile sources. This law tasks the USEPA, among its other responsibilities, with establishing primary and secondary air quality standards. Primary air quality standards protect the public’s health, including the health of “sensitive populations, such as people with asthma, children, and older adults.” Secondary air quality standards protect the public’s welfare by promoting ecosystem health, preventing decreased visibility, and reducing damage to crops and buildings. The USEPA also has set National Ambient Air Quality Standards (NAAQS) for the following six (6) criteria pollutants: carbon monoxide (CO), lead (Pb), nitrogen oxides (NO_x), ozone (O₃), particulate matter (less than 10 micrometers [PM₁₀] and less than 2.5 micrometers [PM_{2.5}]), and sulfur dioxide (SO₂).

Under the 1990 amendments to the CAA, the USEPA may delegate its regulatory authority to any state which has developed an approved State Implementation Plan (SIP) for carrying out the mandates of the CAA. The State of Louisiana’s initial SIP was approved on 5 July 2011, and its CAA implementing regulations are codified in Title 33.III of the Louisiana Environmental Regulatory Code. The SIP has been revised several times since its original approval.

According to 40 C.F.R. § 93.150(a), “No department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan.” In addition, 40 C.F.R. § 93.150(b) states, “A Federal agency must make a determination that a Federal action conforms to the applicable implementation plan in accordance with the requirements of this subpart before the action is taken.” As a result, when FEMA provides financial assistance for a project, such as the one currently under review in this DEA, the CAA requires a General Conformity determination whenever the

project site is located in a “non-attainment area” for any one (1) of the six (6) criteria pollutants (Revisions to the General Conformity Regulations 2010).

4.6.1.2 Executive Order 13514

E.O. 13514, Federal Leadership in Environmental, Energy, and Economic Performance, signed on 5 October 2009, directs federal agencies to reduce greenhouse gas (GHG) emissions and address climate change in NEPA analyses. It expands upon the energy reduction and environmental performance requirements of E.O. 13423, Strengthening Federal Environmental, Energy, and Transportation Management. E.O. 13514 identifies numerous energy goals in several areas, including GHG management, management of sustainable buildings and communities, and fleet and transportation management. The GHGs covered by this E.O. are: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs). These GHGs have varying heat-trapping abilities and atmospheric lifetimes (U.S. President 2009).

On 23 January 2012, FEMA issued a written statement, FEMA Climate Change Adaptation Policy Statement (2011-OPPA-01), affirming the directive of E.O. 13514 and enacting as policy measures to “integrate climate change adaptation considerations” into its programs and operations (DHS 2012a).

4.6.2 Existing Conditions

According to *The Green Book Nonattainment Areas for Criteria Pollutants* (USEPA 2014b), the Parish of Orleans is considered to be an “attainment area” for criteria pollutants. As a result, no General Conformity determination is required by FEMA for projects it funds within this parish.

4.6.3 Environmental Consequences

Alternative 1 – No Action

The “No Action” alternative would involve no undertaking and, therefore, would cause no short- or long-term impacts to air quality.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

This alternative potentially includes short-term impacts to air quality resulting from construction activities. Particulate emissions from the generation of fugitive dust during project construction would likely be increased temporarily in the immediate project vicinity. Other emission sources on site could include internal combustion engines from work vehicles, air compressors, or other types of construction equipment. These effects would be localized and of short duration.

To reduce potential short term effects to air quality from construction-related activities, the contractor would be responsible for using BMPs to reduce fugitive dust generation and diesel emissions. Emissions from the burning of fuel by internal combustion engines could temporarily increase the levels of some of the criteria pollutants, including CO₂, NO_x, O₃, and PM₁₀, and non-criteria pollutants such as volatile organic compounds. To reduce these emissions, running times for fuel-burning equipment should be kept to a minimum and engines should be properly maintained.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

The Proposed Action alternative potentially includes short-term impacts to air quality that are likely to occur during pavement demolition, pile driving, site preparation, and construction. Particulate emissions from the generation of fugitive dust during project excavation and construction would be temporarily increased in the immediate vicinity of the project area. Other on-site sources of emissions would include

internal combustion engines and heavy construction equipment; however, these effects would be localized and of short duration.

To reduce potential short term effects to air quality from construction-related activities, the contractor would be responsible for using BMPs to reduce fugitive dust generation and diesel emissions. For example, the contractor would be required to water down construction areas when necessary to minimize particulate matter and dust. Emissions from the burning of fuel by internal combustion engines (e.g., heavy equipment and earthmoving machinery) could temporarily increase the levels of some of the criteria pollutants, including CO₂, NO₂, O₃, and PM₁₀, and non-criteria pollutants such as volatile organic compounds. To reduce emissions of criteria pollutants, running times for fuel-burning equipment should be kept to a minimum and engines should be properly maintained.

4.7 Noise

4.7.1 Regulatory Setting

Noise is commonly defined as unwanted or unwelcome sound and most commonly measured in decibels (dBA) on the A-weighted scale (i.e., 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 USEPA with preparing guidelines for acceptable ambient noise levels. USEPA guidelines, and those of many other federal agencies, state that outdoor sound levels in excess of 55 dBA DNL are “normally unacceptable” for noise-sensitive land uses including residences, schools, or hospitals (USEPA 1974). The Noise Control Act, however, only charges implementation of noise standards to those federal agencies that operate noise-producing facilities or equipment.

The City of New Orleans Noise Ordinance (§ 66) places restrictions on any source of sound exceeding the maximum permissible sound level based on the time of day and the zoning district within which the sound is emitted. A number of exemptions exist for certain types of activities, however. In accordance with Noise Ordinance § 66-138, “[n]oises from construction and demolition activities for which a building permit has been issued by the department of safety and permits are exempt from” maximum permissible sound level restrictions “between the hours of 7:00 a.m. and 11:00 p.m., except in those areas zoned as RS, RD, or RM residential districts. Construction and/or demolition activities shall not begin before 7:00 a.m. or continue after 6:00 p.m. in areas zoned as RS, RD, or RM residential districts, or within 300 feet of such residential districts. Mufflers on construction equipment shall be maintained” (CNO 2014b).

4.7.2 Existing Conditions

All of the buildings under consideration in this DEA are within a Commercial Zone “RO,” which allows multi-family dwellings, as well as offices, motels, and clinics (*Figure 8*) (CNO 2014a, 2014c).

4.7.3 Environmental Consequences

Alternative 1 – No Action

Under the “No Action” alternative there would be no short- or long-term impact to noise levels because no construction would occur.

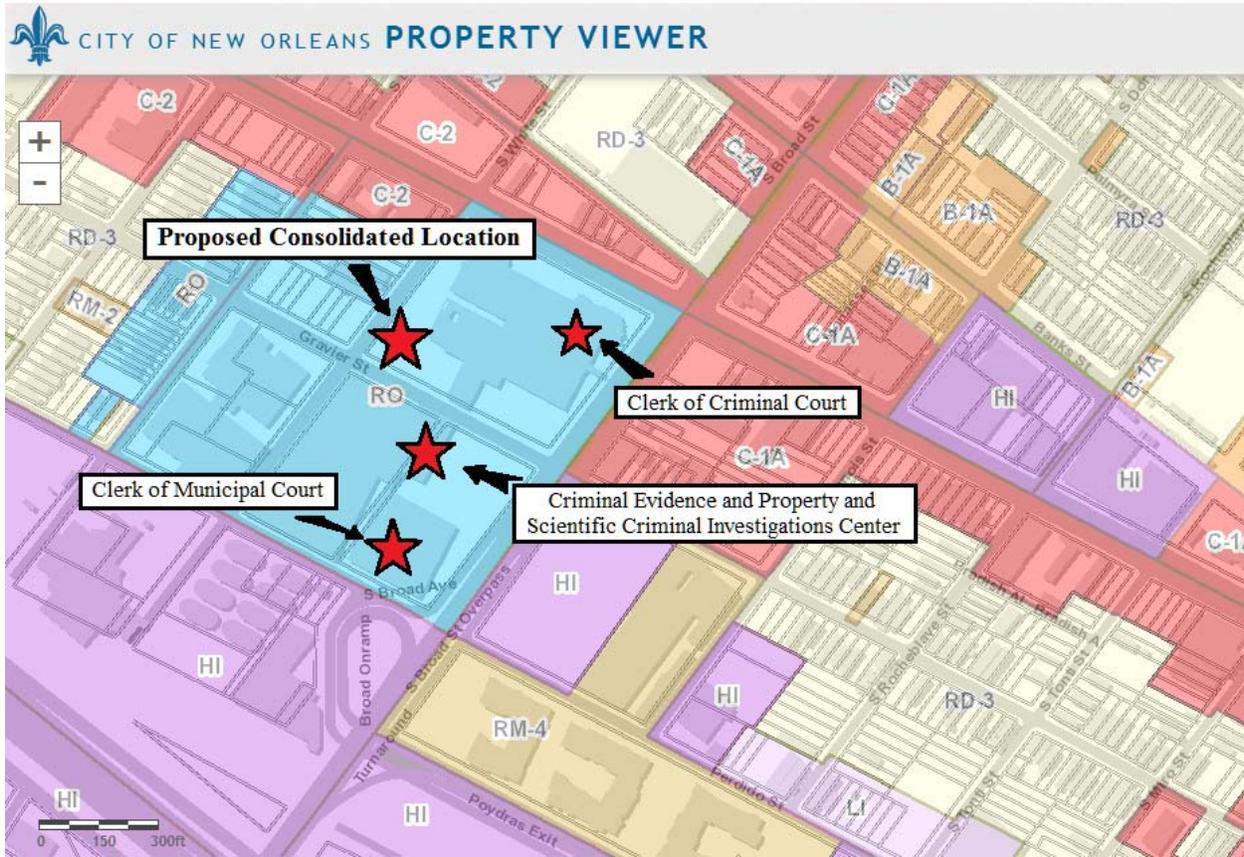


Figure 8 – New Orleans zoning map (Bx, Cx, RO=commercial, Rx=residential, xI=industrial) (CNO 2014a)

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Under this alternative, construction activities would result in short-term increases in noise during the reconstruction/reconfiguration period. Equipment and machinery utilized on the project site would be expected to meet all local, state, and federal noise regulations; however, due to the proximity of RD and RM Zones to two (2) of the existing facilities, in order to be exempt from the City’s Noise Ordinance, work would be restricted to between the hours of 7:00 a.m. and 6:00 p.m. unless statutory ambient noise restrictions are observed. This exemption presumes a proper building permit has been obtained beforehand. Following completion of construction activities, operations at the renovated facilities would not result in any significant permanent increases in noise levels.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

For the Proposed Action alternative, construction activities would result in short-term increases in noise during the construction period. Equipment and machinery utilized on the project site would be expected to meet all local, state, and federal noise regulations. Because the building site is greater than 300 feet from a RS, RD, or RM residential district, work would be exempt from noise standards between the hours of 7:00 a.m. and 11:00 p.m. This exemption presumes a proper building permit has been obtained beforehand. Following completion of construction activities, operations at the new proposed facility would not result in any significant permanent increases in noise levels.

4.8 Traffic

4.8.1 Regulatory Setting

The Louisiana Department of Transportation and Development (LaDOTD) is responsible for maintaining public transportation, state highways, interstate highways under state jurisdiction, and bridges located within the State of Louisiana. These duties include the planning, design, and building of new highways in addition to the maintenance and upgrading of current highways. Roads not part of any highway system usually fall under the jurisdiction of and are maintained by applicable local government entities; however, the LaDOTD is responsible for assuring all local agency federal-aid projects comply with all applicable federal and state requirements (LaDOTD 2014).

4.8.2 Existing Conditions

The Office of the Orleans Parish Criminal Court Clerk is located within the combined Orleans Parish Criminal Courts Building and Prison on the south side of Tulane Avenue. This building extends the entire distance from S. White to S. Broad Streets, covering approximately two-thirds of the corresponding city block. Tulane Avenue is a six-lane boulevard with street parking on both sides of the road. Parking in front of the Criminal Courts Building is reserved for court judges. Tulane Avenue's intersection with S. Broad Street, also a six-lane boulevard with street parking on either side, is controlled by traffic signals. The existing NOPD Headquarters and Municipal/Traffic Courts Building complex is situated on the west side of S. Broad Street, one (1) block south of the Criminal Courts Building. Traffic congestion during morning and afternoon rush periods is heavy.

The proposed project site is bounded on the west by S. White Street, on the south by Gravier Street, and on the north and east by parking lots and the courthouse/prison building described above. Traffic flow on Gravier Street is one (1) way heading west and, on S. White Street, one (1) way heading north. Both streets are approximately 30 feet in width from curb to curb, having two (2) traffic lanes with street parking on both sides of the road. With the exception of the west side of S. White Street, all street parking is reserved for police and other emergency vehicles. The general area consists of numerous government buildings and parking is very limited. Traffic congestion is likely to be very heavy at times.

4.8.3 Environmental Consequences

Alternative 1 – No Action

Implementation of the “No Action” alternative would not adversely affect the site traffic patterns as no construction would occur.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Under this action alternative, a temporary increase in construction-related traffic during renovation of the facilities would be anticipated. Once renovation operations have been completed, traffic would be expected to return to normal. Only minimal long-term effects, if any, on current traffic patterns would likely occur.

During construction the contractor would be expected to take all reasonable precautions to control site access. All activities would be conducted in a safe manner in accordance with Occupational Safety and Health Administration (OSHA) work zone traffic safety requirements. The contractor would post appropriate signage and fencing to minimize foreseeable potential public safety concerns. Proper signs and barriers would be in place prior to the initiation of construction activities in order to alert pedestrians and motorists of the upcoming work and traffic pattern changes (e.g., detours or lanes dedicated for construction equipment egress).

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

Under the Proposed Action alternative, a temporary increase in traffic during construction of the new facility would be expected. The proposed new parking area would occupy a portion of the existing parking lot and would include an entrance/exit in approximately the same position as the current lot's entrance/exit. In addition, the new facility would add seven (7) public parking spaces (including two [2] handicapped spaces) on Gravier Street. Consequently, once completed the net result of the construction of the Proposed Action alternative would likely be a minimal effect on travel levels through an increase in the number of visitors and vehicles traveling along Gravier Street.

During construction the contractor would be expected to take all reasonable precautions to control site access. All activities would be conducted in a safe manner in accordance with OSHA work zone traffic safety requirements. The contractor would post appropriate signage and fencing to minimize foreseeable potential public safety concerns. Proper signs and barriers would be in place prior to the initiation of construction activities in order to alert pedestrians and motorists of the upcoming work and traffic pattern changes (e.g., detours or lanes dedicated for construction equipment egress).

4.9 Cultural Resources

4.9.1 Regulatory Setting

The consideration of impacts to historic and cultural resources is mandated under § 101(b)(4) of NEPA, as implemented by 40 C.F.R. § 1501-1508 (Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act 2005). 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 (ACHP) an opportunity to comment. FEMA has chosen to address potential impacts to historic properties through the “Section 106 consultation process” of NHPA as implemented through 36 C.F.R. § 800.

In order to fulfill its § 106 responsibilities, FEMA has initiated consultation on this project in accordance with the Statewide Programmatic Agreement (SPA) dated 17 August 2009, and amended on 22 July 2011, between the Louisiana State Historic Preservation Officer (SHPO), 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 ACHP (DHS 2009). This SPA was created to streamline the § 106 review process.

The “Section 106 process” outlined in the SPA 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 § 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.

4.9.2 Existing Conditions – Identification and Evaluation of Historic Properties

Within the study area, there are a number of NRHP-listed or eligible buildings, districts, and sites. FEMA focused its analysis in the area surrounding the preferred alternative.

Historic Preservation Staff consulted the NRHP Database on 18 March 2014, and the Louisiana Cultural Resources Map on 28 March 2014, and determined that the APE includes a portion of the Mid-City Historic District, which was placed on the NRHP under Criteria Considerations A and C on 10 December

1993 (updated on 14 December 2011), with a Period of Significance of c.1860-1961. Additionally, the APE includes the New Orleans Criminal Courts Building, which was listed on the NRHP on 12 January 1984, at the state level of significance in the areas of architecture and law. Other, non-historic buildings within the APE include the Orleans Parish Municipal/Traffic Courts Building (1966), the NOPD Headquarters Building (1968), the Community Corrections Center (c.1973-1977), the House of Detention (c.1960s), and the Orleans Parish Prison (c.1930s).

FEMA had previously determined that the House of Detention was not individually eligible for listing on the NRHP through prior consultation in a letter dated 1 November 2012. SHPO concurrence with this determination was received by letter dated 7 November 2012. FEMA had previously determined that the Community Corrections Center was not individually eligible for listing on the NRHP through prior consultation in a letter dated 19 July 2011. SHPO concurrence with this determination was received by letter dated 3 August 2011. FEMA had previously determined that the Orleans Parish Prison was not individually eligible for listing on the NRHP through prior consultation in a letter dated 16 January 2008. SHPO concurrence with this determination was received by letter dated 22 January 2008.

FEMA Historic Preservation Staff previously consulted for the demolition of the New Orleans Satellite Kitchen Complex, 2781 Gravier Street, on 30 August 2006. This consultation proposed archaeological monitoring of the demolition and foundation removal of the warehouse in this location. The SHPO concurred with this determination on 5 September 2006. As the present undertaking includes construction of a new facility at this location, in addition to demolition and foundation removal, FEMA contracted a Phase I/II archaeological survey to determine if there were archaeological deposits in the area and if those deposits retained NRHP eligibility (addressing both the previous monitoring requirements and the present new construction requirements). FEMA previously submitted a Management Summary of the findings on 30 October 2013, to SHPO and Tribes. This Management Summary was reviewed by the SHPO's office and FEMA and found not to contain sufficient enough analysis to make a determination of NRHP eligibility for archaeological site 16OR688. R. Christopher Goodwin and Associates (RCGA) has expanded the analysis in response to SHPO comments, dated December 18, 2013, and FEMA's response letter, dated January 6, 2014.

FEMA has reviewed the draft report entitled, Phase I/II Cultural Resources Investigations of the Proposed New Orleans Police Department Criminal Evidence and Processing Complex (Site 16OR688) Area in Orleans Parish, Louisiana, prepared by RCGA on behalf of FEMA in February 2014. In summary, the archaeological trenching and hand excavation at the site of the proposed new construction for the Criminal Evidence and Processing Complex recorded 13 archaeological features and 5 intact areas of cultural deposits attributable to a mid-nineteenth to early twentieth century time period. Generally, there are limited deposits that are attributable to the later occupation of this portion of the site. The sampling conducted appears to have defined the vertical limits of the deposits, noted significant disturbance in limited sections of the area investigated, and compared the recovered sample to similar sites in New Orleans (16OR69, 16OR260, 16OR555, and 16OR619). Moreover, when comparing deposits at 16OR688 to the sites discussed in *The Archaeology of Institutional Confinement* (Casella 2007), it becomes clear that the archaeological record at such sites has limited interpretive potential as the sole source of information. Considering this data, FEMA has determined that the examined portion of archaeological site 16OR688 is not eligible for the NRHP under criteria outlined in 36 C.F.R. § 60.4(d).

4.9.3 Environmental Consequences

Alternative 1 – No Action

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

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

The proposed undertaking would utilize FEMA funding to repair and provide limited upgrades consistent with current codes and standards to the Office of the Orleans Parish Criminal Court Clerk located at 2700 Tulane Avenue, the Office of the New Orleans Municipal Court Clerk located at 727 S. Broad Street, and the NOPD Criminal Evidence and Property facility located at 715 S. Broad Street. 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 New Orleans Criminal Courts Building, located at 2700 Tulane Avenue, is listed on the NRHP at the state level of significance in the areas of architecture and law; however, this scope of work would meet the criteria in Appendix A: Programmatic Allowances, of FEMA's SPA dated 17 August 2009, and amended on 22 July 2011. In accordance with this SPA, FEMA is not required to submit this project to the SHPO for review, but would require that all proposed repair activities would be done in-kind to match existing materials and form. Regarding the other facilities, it was determined that the Parish Municipal/Traffic Courts Building, located at 715 and 727 S. Broad Street and constructed in 1966 did not meet the 50-year criterion or Criteria Consideration G of the National Register guidelines to be considered eligible for the NRHP and was, therefore, not a historic property. In summary, there would be "No Historic Properties Affected" as a result of this alternative.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

The proposed building location would be at the corner of S. White and Gravier Streets, with the main entrance located on Gravier Street in the Square 602, First District. The building would be five (5) stories in height and approximately 56,636 sf. Ground disturbing activities include demolition of the existing concrete and asphalt surfaces, site preparation, pile driving, and installation of the appurtenant utilities in an approximately 0.8 acre area.

The building would be situated on the site such that a secure fenced sally port entrance would be created from S. White Street for receiving, vehicle processing, and a small area of secured parking. Provisions would be made for a dumpster at the rear of the building. The exterior of the building would be a system of lightweight pre-cast panels, each with exterior surface consisting of two (2) inches of reinforced high strength architectural precast concrete. A curtain wall system of extruded aluminum and insulated glass panels would be used in select locations, such as the public entry lobby. Due to the south facing orientation of the building, vertical aluminum sunscreen Brise Soleil would be used to create an added sense of privacy and shading. The building would have a low slope metal decked roof.

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 determined that there are No Adverse Effects to Historic Properties with Conditions (letter dated 12 May 2014) as a result of the proposed undertaking and provided the SHPO and 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, Seminole Tribe of Florida, and Tunica Biloxi Tribe of Louisiana) the opportunity to review and comment. The Jena Band of Choctaw Indians concurred with FEMA's determination on 29 May 2014. After a request for additional information was met, SHPO concurrence with FEMA's determination was received dated 28 July 2014. The remaining Tribes did not object within the regulatory timeframes; therefore, in accordance with Stipulation VIII.E (1) of the 2009 SPA as amended and 36 C.F.R. § 800.5(c)1, FEMA may proceed with funding the undertaking assuming concurrence. The Applicant must comply with the NHPA condition set forth in this DEA (Louisiana Unmarked Human Burial Sites Preservation Act).

4.10 Hazardous Materials

4.10.1 Regulatory Setting

The management of hazardous materials is regulated under various federal and state environmental and transportation laws and regulations, including but not limited to the Resource Conservation and Recovery Act (RCRA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Toxic Substances Control Act (TSCA); the Emergency Planning and Community Right-to-Know provisions of the Superfund Amendments and Reauthorization Act (SARA); the Hazardous Materials Transportation Act; and the Louisiana Voluntary Investigation and Remedial Action statute. 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 the laws provide for the investigation and cleanup of sites already contaminated by releases of hazardous materials, wastes, or substances.

The TSCA (codified at 15 U.S.C., Ch. 53), authorizes the USEPA 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] § 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-containing products, sets limits for PCB levels present within the environment, and authorizes the remediation of sites contaminated with PCBs. Subchapter II, “Asbestos Hazard Emergency Response” (§§ 2641-2656), authorizes the USEPA 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 USEPA 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.

4.10.2 Existing Conditions

USEPA and LDEQ database searches for the proposed project site revealed that there are no known hazardous wastes or leaking underground storage tank sites located on or in close proximity to the proposed site. No sites of concern were found during a review of LDEQ’s Electronic Document Management System (EDMS) database for other hazardous waste management and disposal, solid waste disposal, enforcement, or other databases on or within 0.5 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 (USEPA 2014a).

The old Falstaff brewery, located at 2600 Gravier Street, is within 0.5 mile of the proposed project site and was formerly included in the Voluntary Remediation Program (VRP)/Brownfields Initiative. After sitting idle since the brewery closed in 1978, the facility was re-opened in 1998 as a steel fabrication yard. EDMS indicates the property entered the VRP/Brownfields program in 2006 due to the presence of lead-based paint and friable asbestos; however, it was removed from the program due to time constraints associated with remediation. EDMS also shows that asbestos and lead-based paint abatement was completed and clearance was received after visual inspection by LEAAF Environmental LLC on 3 February 2007. Air monitoring clearance was received after completion by LEAAF Environmental LLC on 6 February 2007. The facility was subsequently converted to an apartment complex that opened in 2008.

In addition, the Materials Management Group, Inc. (MMG) conducted a Phase I Environmental Site Assessment of the proposed project site in 2014. According to MMG's extensive database review, at the present time none of the nearby parcels that are potential sources of contamination from regulated hazardous waste are in violation of applicable LDEQ criteria. No environmental impacts from these sources are anticipated. Further, the property is free of any environmental liens which could potentially restrict use of the site.

According to MMG research, the project site itself was the location of a fuel service station from the 1940s through the 1990s, after which time the site became vacant of structures with only the slab remaining. A 2014 inspection of the property revealed some remaining scattered floor tiles, possibly containing asbestos, an old hydraulic lift, and an unmarked 55-gallon container. There is also possible soil contamination from vehicles and activities at the former service station. A Phase II Environmental Site Assessment is pending to further investigate the recognized environmental conditions that were identified.

4.10.3 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 of the Existing Buildings with Upgrades to Current Codes and Standards

Findings indicate that no hazardous materials, wastes, or substances, including contaminated soil or groundwater, appear to be present at the existing sites currently in use. 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.

Project construction may involve the use of hazardous materials (e.g., petroleum products, cement, caustics, acids, solvents, paints, electronic components, pesticides/herbicides and fertilizers, and/or treated timber), and may result in the generation of small amounts of hazardous wastes. BMPs should be followed; appropriate measures to prevent, minimize, and control spills of hazardous materials taken; and any generated hazardous or non-hazardous wastes disposed of in accordance with applicable federal, state, and local requirements.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

Preliminary findings indicate that hazardous materials, wastes, or substances, including contaminated soil or groundwater, may be present at the proposed project site. A Phase II Environmental Site Assessment is pending to further investigate the recognized environmental conditions that were identified. Should levels of contamination above established LDEQ thresholds be discovered, CNO would be responsible for coordinating with LDEQ and following their requirements for remediation prior to any new construction.

Project construction may involve the use of hazardous materials (e.g., petroleum products, cement, caustics, acids, solvents, paints, electronic components, pesticides/herbicides and fertilizers, and/or treated timber), and may result in the generation of small amounts of hazardous wastes. BMPs should be followed; appropriate measures to prevent, minimize, and control spills of hazardous materials taken; and any generated hazardous or non-hazardous wastes disposed of in accordance with applicable federal, state, and local requirements.

4.11 Environmental Justice

4.11.1 Regulatory

E.O. 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was signed on 11 February 1994 (U.S. President. 1994). The E.O. 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 their programs, policies, and activities on minority and/or low-income populations.

4.11.2 Existing Conditions

Information obtained from the U.S. Census Bureau (USDOC 2010), compiled and extrapolated by the USEPA and presented on its Enforcement and Compliance History website, indicates that the population within a one-mile radius of the proposed project site is composed of 65.8% African-American, 16.3% White, 10.7% Hispanic, 1.1% Asian/Pacific Islander, and 6.1% other groups. Of these households, 50.0% have incomes less than \$25,000 per year, with approximately 35.2% of individuals existing below the poverty level. For the 5-year dataset 2008-2012, the U.S. Census Bureau’s American Community Survey (USDOC 2012) estimated median household income over the preceeding 12 months for New Orleans (Orleans Parish) at \$36,681 (in 2012 inflation-adjusted dollars).

4.11.3 Environmental Consequences

In compliance with E.O. 12898, the following key questions were addressed with regard to potential Environmental Justice concerns:

- Is there an impact caused by the proposed action?
- Is the impact adverse?
- Is the impact disproportionate?
- Has an action been undertaken without considerable input by the affected low-income and/or minority community?

Alternative 1 – No Action

The “No Action” alternative would not involve the implementation of a federal program, policy, or activity. As a result, there would be no disproportionately high adverse effects on low-income or minority populations.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Repair of court support facilities to current codes and standards likewise would generate no disproportionately high adverse impacts on low-income or minority populations, since pre-disaster functionality would be restored.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

The proposed action would have no disproportionately high adverse human health, economic, or social effects on minority or low-income populations as specified in E.O. 12898. Instead, the new facility would benefit the entire community by assisting City employees and officials to better serve and protect the citizens of New Orleans. CNO will achieve greater efficiency in normal court support functions, while operations during and after disaster events will improve. Input from the affected low-income and/or minority community will be solicited through a public notice process.

5 CUMULATIVE IMPACTS

CEQ regulations state that the cumulative impact of a project represents 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, CEQ notes that “the 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” (Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act 2005). The term, “similar actions,” may be defined as “reasonably foreseeable or proposed agency actions [having] 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]).

Not all potential issues identified during cumulative effects scoping need be included in a DEA. 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 (2007) provides a list of several basic questions to be considered, 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 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?

It is normally insufficient when conducting a cumulative effects analysis to merely analyze effects within the immediate area of the proposed action. 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, that is, 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 (CEQ 2007).

The proposed project site is located at the intersection of S. White and Gravier Streets in New Orleans’ Mid-City neighborhood, in the southeastern corner of the 70119 zip code geographic region. FEMA has determined that the area within a 0.5-mile radius of the site constitutes an appropriate project impact zone. Due to the site’s position near the edge of the zip code boundary, use of the territory contained within the 70119 zip code perimeter was not appropriate for a cumulative impact investigation of the proposed action and alternatives. Instead, a one-mile radius around the project site was used for this analysis.

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

Specifically, a range of past, present, and reasonably foreseeable future 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. As part of the cumulative effects

analysis, FEMA also reviewed known past, present, and reasonably foreseeable future projects of federal agencies and other parties identified within the designated geographic boundary. These reviews were performed in order to assess the effects of proposed, completed, and ongoing activities and to determine whether the incremental impact of the current 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 October 2014, approximately 1,388 FEMA PA-program-funded emergency protective measure and repair projects have occurred, are occurring, or are reasonably foreseen to occur to buildings, recreational and educational facilities, public utilities, and watercourses within a one-mile radius of the proposed project (*Figure 9*). FEMA-funded undertakings are divided into six (6) categories, four (4) of which are represented within the subject one-mile radius: Category B – emergency protective measures, Category E – public buildings, Category F – public utilities, and Category G – recreational or other. The percentage for each type of project is as follows: Category B – 30.3%, Category E – 68.2%, Category F – 0.1%, and Category G – 1.4%. 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.

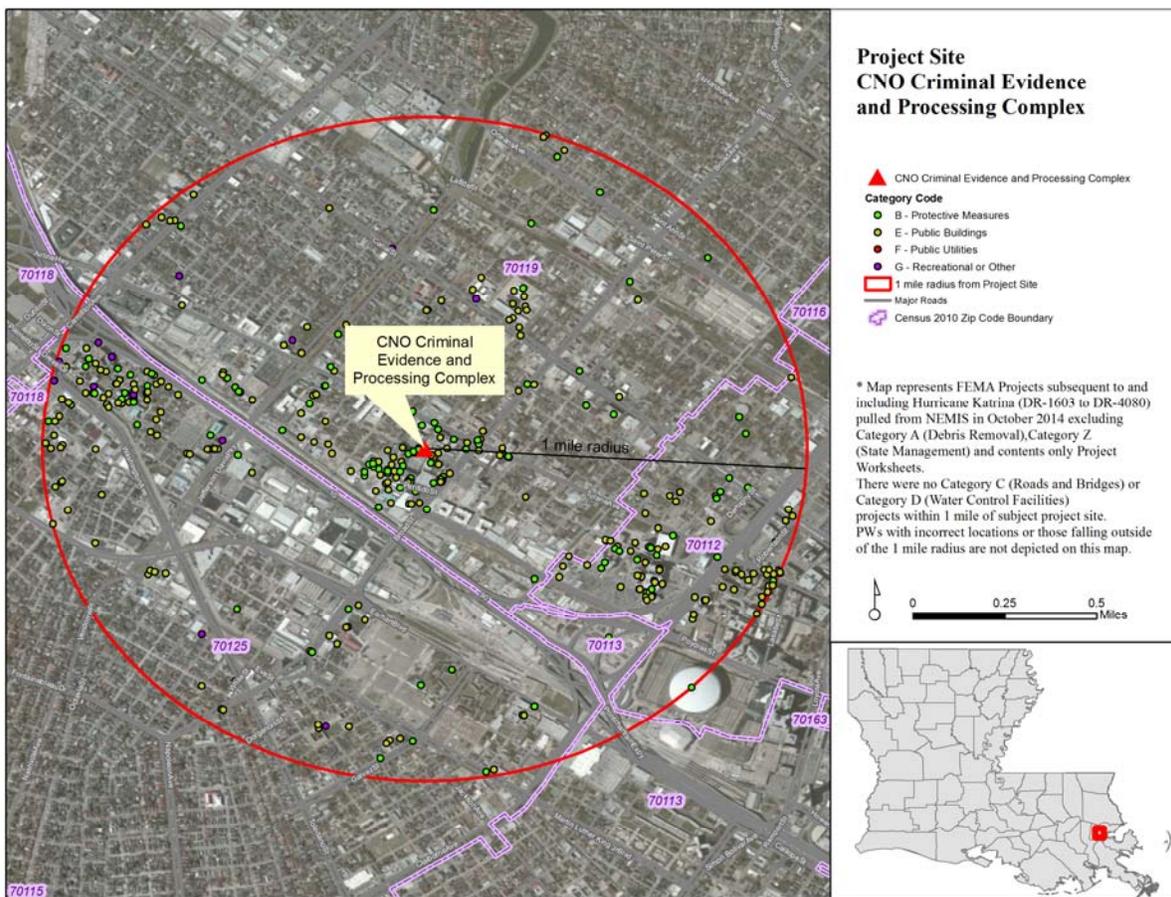


Figure 9 – FEMA-funded projects occurring within a one-mile radius around the proposed project site

After the devastation of the 2005 hurricane season, the USACE, Mississippi Valley Division, New Orleans District was tasked with the planning, design, and construction of a 350-mile system of levees, floodwalls, surge barriers, and pump stations to “increase public safety and enable the physical and economic recovery of the area to occur through the reduction of storm damage risk to residences,

businesses, and other infrastructure from hurricanes (100-year storm events) and other high-water events within the Greater New Orleans Metropolitan Area.” Referred to as the Greater New Orleans Hurricane and Storm Damage Risk Reduction System (HSDRRS), it is one of the largest civil works projects ever undertaken, at an estimated cost of \$14 billion (DoA 2013a). Two (2) major drainage features associated with this infrastructure project are present within one (1) mile of the proposed project, namely, Bayou St. John and Lake Pontchartrain Drain Canal 041302. They serve to remove excess water from the area more efficiently, providing a positive cumulative benefit by reducing flooding.

Table 2 below lists and briefly describes known present, past, and reasonably foreseeable infrastructure and recovery improvement projects, including activities identified by FEMA but not FEMA-funded, within a one-mile radius of the proposed project, for which environmental assessments were performed, and/or that may have the potential for cumulative impacts when combined with the effects of the present proposed action. The table also identifies the potential for cumulative impacts when combined with the effects of the proposed action and the rationale for that assessment.

Table 2 – Projects that May Have the Potential to Contribute to Cumulative Impacts

New Orleans Superdome	FEMA	700 Sugar Bowl Drive New Orleans, LA 70112	Emergency protective measures	Negligible	Remediation of hurricane-damaged interior building components; no impact on proposed action
Templeman Prison Complex	FEMA	846 S. Dupre Street New Orleans, LA 70119	Repair and/or reconstruction of prison complex	Negligible	Restoration and improvements to existing infrastructure; no impact on proposed action
University Medical Center	FEMA	2000 Canal Street New Orleans, LA 70112	Demolition of approximately 25 city blocks of flood-damaged facilities and construction of a new medical complex	Less than significant	Identified potential cultural resource and environmental justice impacts have been or will be mitigated; no impact on proposed action
Xavier University of Louisiana	FEMA	1 Drexel Drive New Orleans, LA 70125	Repair and/or reconstruction of campus buildings at original or new locations within existing campus	Negligible	Restoration and/or improvements to existing infrastructure or within previously disturbed areas; no impact on proposed action
B.W. Cooper Housing Community	HUD	3416 Erato Street New Orleans, LA 70125	Reconstruction of public housing at the original location	Negligible	Restoration and improvements to existing infrastructure; no impact on proposed action
Faubourg Lafitte Housing Community	HUD	2200 Lafitte Avenue New Orleans, LA 70119	Reconstruction of public housing at the original location	Negligible	Restoration and improvements to existing infrastructure; no impact on proposed action
SWBNO Pump Stations	USACE	Throughout Orleans Parish	Pump station elevation	Negligible	Restoration and improvements to existing infrastructure; no impact on proposed action

CUMULATIVE IMPACTS

<p>Comprehensive Environmental Document, Phase I Study for HSDRRS (DoA 2013a)</p>	<p>USACE</p>	<p>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).</p>	<p>Evaluates the cumulative impacts associated with the implementation of the HSDRRS; describes cumulative impacts of HSDRRS construction completed as of July 2011; and incorporates information from Individual Environmental Reports (IERs) and supplemental IERs completed as of 15 November 2010</p>	<p>Less than significant</p>	<p>Adversely affected resources for the HSDRRS project (regional soils, habitat supporting wildlife, wetlands and jurisdictional bottomland hardwood resources) are significantly different from those in the currently proposed action. Through mitigation and compensation measures, the overall socioeconomic benefits are expected to outweigh the unavoidable natural resources impacts and, thus, would not impact the proposed action.</p>
<p>Programmatic IER #36 – LPV Mitigation (DoA 2013b)</p>	<p>USACE</p>	<p>Lake Pontchartrain Basin, between Interstate 12 and the Mississippi River</p>	<p>Evaluates the alternatives to compensate for unavoidable habitat losses resulting from construction of the LPV HSDRRS; identifies the Tentatively Selected Mitigation Plan Alternative for mitigating impacts to four habitat categories: wet and dry bottomland hardwood forests, swamps, and marshlands</p>	<p>Negligible</p>	<p>Impacts to resources are significantly different than those of the proposed action; no impact on proposed action</p>
<p>Response to Hurricanes Katrina and Rita EA #433 and FONSI (DoA 2006a, 2006b)</p>	<p>USACE</p>	<p>Orleans, St. Bernard, Jefferson, Plaquemines, St. Mary’s, Terrebonne, and Lafourche Parishes</p>	<p>Evaluates emergency actions 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); and flood flight operations (St. Mary’s, Terrebonne, and Lafourche Parishes)</p>	<p>None</p>	<p>Adverse impacts to resources (wetlands) required compensatory mitigation and are significantly different from those in the currently proposed action; no similar resources associated with proposed action; no impact on proposed action</p>

As identified in Table 2, the cumulative effect of these present, past, and reasonably foreseeable future undertakings is not anticipated to result in a significant impact to any resource. Each of the projects aims to restore the function of pre-existing infrastructure within an urban setting, with minimal impacts to the

natural and human environment. Projects related to USACE efforts to improve the levee protection system of the Greater New Orleans Area will result in short- and long-term impacts to the human and natural environment; however, the protection the levees afford from flooding is viewed to be a net positive effect. To reduce the environmental impacts from levee construction, mitigation measures for impacted resources have been implemented where possible and where required (DoA 2013a).

6 CONDITIONS AND MITIGATION MEASURES

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

- The Applicant must follow all applicable local, state, and federal laws, regulations, and requirements and obtain and comply with all required permits and approvals prior to initiating work.
- If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservations 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 (24) hours of the discovery. The Applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two (72) hours of the discovery.
- LDNR requires that a complete CUP Application package (Joint Application Form, location 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 CUPs or other authorizations from the LDNR OCM's Permits and Mitigation Division prior to initiating work. The Applicant must comply with all conditions of the required permits. All documentation pertaining to these activities and Applicant compliance with any conditions should be forwarded to the state and FEMA for inclusion in the permanent project files.
- If the project results in a discharge to waters of the State, an 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 nearby waters of the U.S. and surrounding drainage areas, the contractor must ensure compliance with all local, state, and federal requirements related to sediment control, disposal of solid waste, control and containment of spills, and discharge of surface runoff and stormwater from the site. All documentation pertaining to these activities and Applicant compliance with any conditions should be forwarded to LA GOHSEP and FEMA for inclusion in the permanent project files.
- 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 NFIP. Per 44 C.F.R. § 9.11(d)(9), for the replacement of building contents, materials, and equipment, where possible disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials, and equipment outside or above the base floodplain. The Applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and Applicant compliance with any conditions must be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files.
- Project construction would involve the use of potentially hazardous materials (e.g., petroleum products, including but not limited to gasoline, diesel, brake and hydraulic fluid, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, and/or treated timber) and may result in the generation of small volumes of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous or non-hazardous wastes are required to be disposed in accordance with applicable federal, state, and local regulations.

CONDITIONS AND MITIGATION MEASURES

- All activities involving the remediation of hazardous substances in on-site soil and groundwater must be conducted in accordance with LDEQ requirements. Remediation activities may not begin until LDEQ approval has been received by the Applicant.
- All waste is to be transported by an entity maintaining a current "waste hauler permit" specifically for the waste being transported, as required by LaDOTD and other regulations.
- Unusable equipment, debris, and material shall be disposed of in an approved manner and location. The Applicant shall handle, manage, and dispose of petroleum products, hazardous materials, and/or toxic waste in accordance with all local, state, and federal agency requirements. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- Contractor and/or Subcontractors must properly handle, package, transport and dispose of hazardous materials and/or waste in accordance with all local, state, and federal regulations, laws, and ordinances, including all OSHA worker exposure regulations covered within 29 C.F.R. § 1910 and 1926.

7 PUBLIC INVOLVEMENT

The public is invited to comment on the proposed action. A legal notice was published in *The Times Picayune* on Wednesday, 28 January 2015, the journal of record for Orleans Parish, as well as in *The Advocate – New Orleans Edition*, from Monday, January 26 through Friday, January 30, 2015. Additionally, the Draft Environmental Assessment was made available for review at the New Orleans Public Library located at 219 Loyola Avenue, New Orleans, LA 70112. The document also was published on FEMA’s websites. A copy of the Public Notice is attached in Appendix D.

8 AGENCY COORDINATION

Louisiana Department of Environmental Quality

Louisiana Department of Natural Resources

Louisiana Department of Wildlife and Fisheries

Louisiana State Historic Preservation Office

Tribal Historic Preservation Office and/or cultural offices

U.S. Environmental Protection Agency

U.S. Fish and Wildlife Service

U.S. Army Corps of Engineers

9 LIST OF PREPARERS

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Appendix A
Proposed Site Plan

Appendix B
Agency Correspondence

From: Chichester, Shelly
To: beth.dixon@la.gov; Amy.E.Powell@usace.army.mil; cmichon@wlf.la.gov; amy_trahan@fws.gov; Karl.Morgan@la.gov; gutierrez.raul@epa.gov
Cc: Spann.Tiffany; Chauvin.Joseph; Mcclure.Susan (CTR)
Subject: CNO Criminal Evidence and Processing Complex Scoping Notice and SOV
Date: Friday, May 24, 2013 12:31:00
Attachments: [Criminal Evidence & Processing Complex Scoping Notice SOV.pdf](#)

U.S. Department of Homeland Security
FEMA-DR 1603/1607 LA
1 Seine Court
New Orleans, LA 70114

May 24, 2013

MEMORANDUM TO: See Distribution

SUBJECT: Scoping Notification/Solicitation of Views (SOV)

To Whom It May Concern:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is mandated by the U.S. Congress to administer Federal disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. The Stafford Act authorizes FEMA's Public Assistance Program to provide grant assistance to eligible applicants for, among other things, debris removal, emergency protective measures, and the repair, replacement or restoration of eligible disaster damaged facilities, and may include mitigation measures to lessen future damages.

On and around August 29, 2005, high winds, wind-driven rain and storm surge generated by Hurricane Katrina caused considerable damage to the City of New Orleans, and damaged or destroyed the majority of its police and criminal justice facilities, severely impacting the City's ability to properly serve its citizens through the provision of critical public safety services.

The applicant, City of New Orleans (CNO), has requested FEMA funding for a Criminal Justice and Public Safety Alternate Project that would demolish, renovate, or newly construct various criminal justice facilities across the Parish, including the project discussed and described in this SOV, whereby the applicant proposes to consolidate the lost functions and capacities of several Hurricane Katrina-damaged or destroyed police and other criminal justice facilities into a different configuration at a new facility, the CNO Criminal Evidence and Processing Complex (CEPC).

The CEPC facility would be located at the intersection of S. White and Gravier Streets in New Orleans, LA (latitude, longitude: 29.961471, -90.093261), and would house multiple functions central to the City's criminal justice, public safety and court systems, including the New Orleans Police Department (NOPD) Criminal Evidence and Property Section, NOPD

Scientific Criminal Investigations Section (Crime Lab), Orleans Parish Clerk of Criminal Court (including Records and Evidence Storage), and New Orleans Municipal Court (including Property and Evidence, Closed Record Storage, and Clerk of Court IT functions).

Attached is the scope of work and site plan(s) for the proposed new construction of the CNO Criminal Evidence and Processing Complex for which FEMA funding has been requested.

To ensure compliance with the National Environmental Policy Act (NEPA), Executive Orders (EOs), and other applicable Federal regulations, we will be preparing an Environmental Assessment (EA). To assist us in preparation of the EA, we request that your office review the attached documents for a determination as to the requirements of any formal consultations, regulatory permits, determinations, or authorizations.

Please respond within thirty (30) calendar days of the date of this scoping notification. Comments may be faxed to (504) 762-2323, emailed to Shelly.Chichester@fema.dhs.gov, or mailed to the attention of Shelly A. R. Chichester, Environmental and Historical Preservation Program, at the above address.

For questions regarding this matter, please contact Shelly A. R. Chichester, Environmental Protection Specialist, at (504) 762-2116.

Regards,

Tiffany Spann-Winfield
Deputy Environmental Liaison Officer
1 Seine Court
New Orleans, LA 70114
(504) 218-6800
(504) 762-2918
Tiffany.Spann@fema.dhs.gov

Distribution: LDEQ, USEPA, USFWS, USACE, LDWF, LDNR

[Shelly A. R. Chichester](#)
[Environmental Protection Specialist](#)
[FEMA Louisiana Recovery Office](#)
1 Seine Court
New Orleans, LA 70114
504-762-2116 (desk)
504-491-0764 (bb)

**City of New Orleans
Criminal Evidence and Processing Complex
Construction**

Damage Description

On August 29, 2005, Hurricane Katrina caused extensive damage in the State of Louisiana, which resulted in a Presidentially-declared major disaster, FEMA-1603-DR-LA. High winds, wind driven rain, and storm surge generated by the hurricane damaged or destroyed numerous police other and criminal justice facilities located in New Orleans, LA.

The applicant, City of New Orleans (CNO), has sought federal grant funds for the restoration of its lost public safety functions through a Criminal Justice and Public Safety (CJPS) Alternate Project that would demolish, renovate, newly construct, and or consolidate various CNO police and other criminal justice facilities. The applicant proposes, as part of the CJPS, to construct a new facility, the CNO Criminal Evidence and Processing Complex (CEPC), in order to consolidate the lost functions and capacities of several Hurricane Katrina-damaged or destroyed facilities into a different configuration at this single new location.

Scope of Work

The proposed project would consolidate the function and capacities of the New Orleans Police Department (NOPD) Scientific Criminal Investigations Section, NOPD Criminal Evidence and Property Section, Orleans Parish Clerk of Criminal Court, and New Orleans Municipal Court, into a single, newly constructed facility, the CNO Criminal Evidence and Processing Complex, to be located at the intersection of S. White and Gravier Streets in New Orleans, LA, Orleans Parish. The structure formerly occupying the proposed site has been demolished.

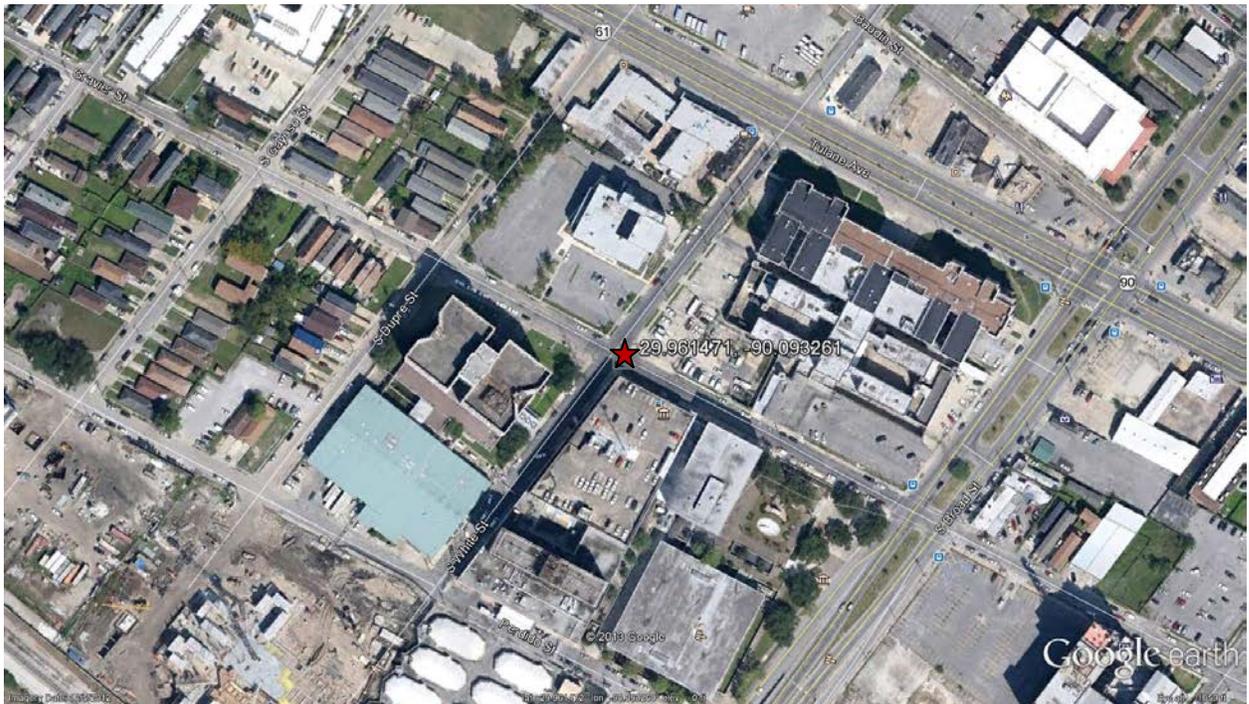
The new structure would be built within a 200ft x 60ft footprint, and consist of a five-story, approximately 56,636 to 60,000 square foot, building with a structural steel braced frame. The building exterior would be composed of a system of lightweight precast panels, with reinforced 2-inch high-strength architectural precast concrete surfaces. Building floors are expected to be approximately 16ft each, cast-in-place concrete on metal deck, with the exception of the first floor, which will consist of structural concrete slabs and grade beams. The structure would be elevated above-ground to comply with flood elevation requirements.

The proposed project site was formerly a warehouse and is currently being used as a parking lot. The site is relatively flat, with an existing concrete slab and no standing trees. The new building would be situated with its main public entrance located on Gravier Street. Sidewalks will connect the CEPC building to Gravier Street. Secured fenced area sally port entrance(s) will be constructed off of S. White Street, and used for receiving, vehicle processing and some secured parking. Each criminal justice section would, for the most part, occupy its own floor.

The proposed project site will be served/supported by potable water, wastewater, storm water, gas, electricity, and telecommunication utility systems. Gas, sanitary sewer, water service, and storm sewers will connect to the existing CNO Department of Public Works and Sewerage and Water Board public utilities located within S. White Street. Water service will connect to the existing CNO public utilities located within Gravier Street. Power, telephone, and television cable are located above ground along S. White Street.

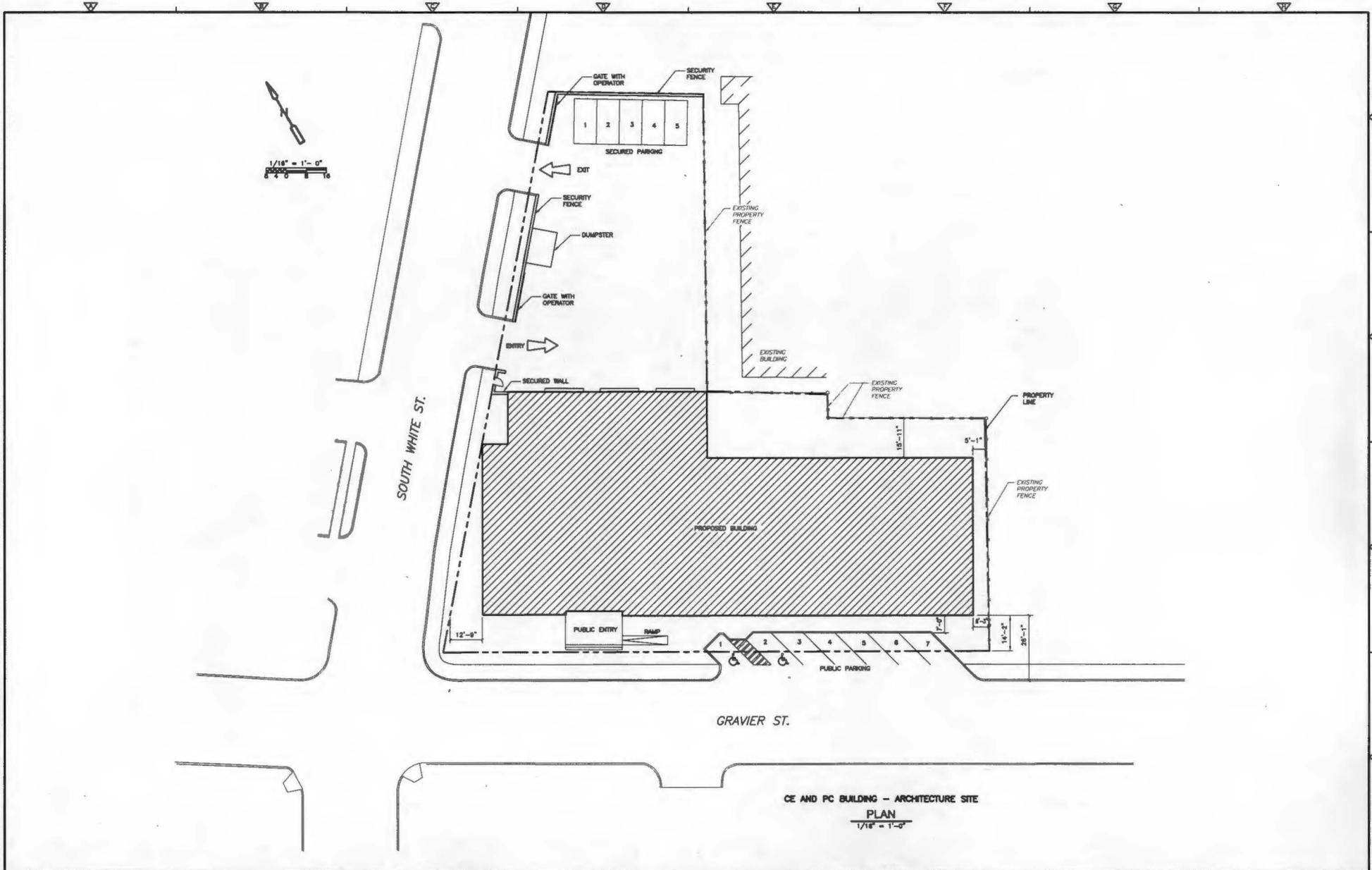
To assist the project review, please find the following attachments:

- Site Location Map
- CEPC Building Schematics
 - Site Plan
 - First Floor Plan
 - Second Floor Plan
 - Third Floor Plan
 - Fourth Floor Plan
 - Fifth Floor Plan
 - Roof Plan
- Floor/Room Summary



Proposed Site Location

SOUTH WHITE ST. GRAVIER ST. CE AND PC BUILDING - ARCHITECTURE SITE PLAN 1/16" = 1'-0"



CE AND PC BUILDING - ARCHITECTURE SITE
 PLAN
 1/16" = 1'-0"

REV. NO.	DATE	DESIGN	CHANGED	REMARKS

DESIGNED BY: CDB
 DRAWN BY: CDB
 SHEET CHECKED BY:
 CROSS CHECKED BY:
 APPROVED BY:
 DATE: FEB 2013

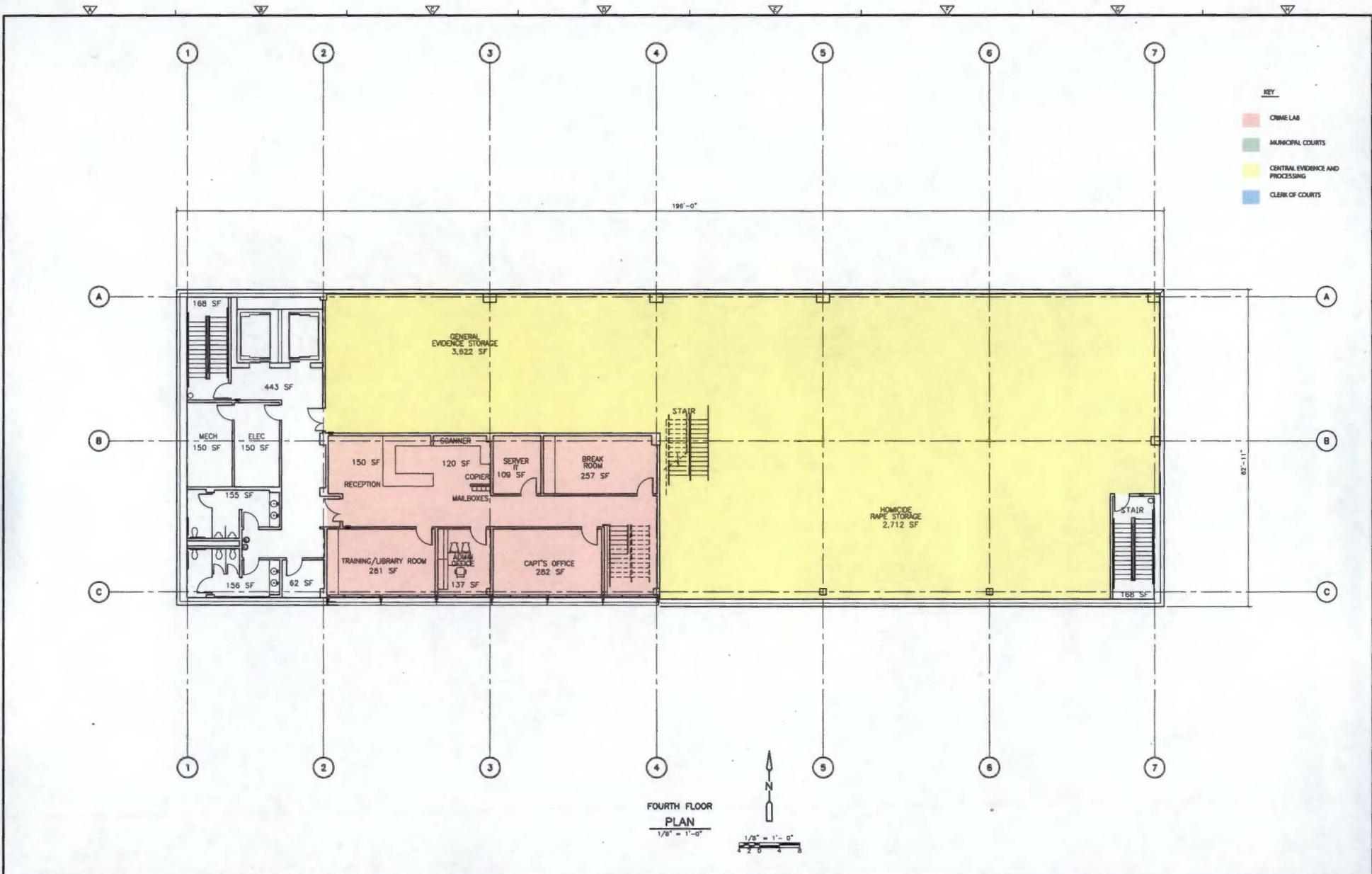
CDM Smith
3315 Poydras St., Suite 1300
 New Orleans, LA 70112
 Tel: 504.774.1100

CITY OF NEW ORLEANS
 CITY OF NEW ORLEANS
 CRIMINAL EVIDENCE & PROCESSING COMPLEX

SCHEMATIC
 CRIMINAL EVIDENCE & PROCESSING COMPLEX
 BUILDING
 SITE PLAN

PROJECT NO.	6488-83708
FILE NAME:	A001CCSTJWG
SHEET NO.	A-1

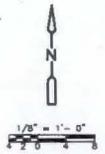
2/27/13 (CONTRACT ADMINISTRATION, INC.) [Signature]
 Last saved by: CDM/SMITH on 2/27/2013 2:51:18 PM
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KEY

	CRIME LAB
	MUNICIPAL COURTS
	CENTRAL EVIDENCE AND PROCESSING
	CLERK OF COURTS

FOURTH FLOOR PLAN
1/8" = 1'-0"



REV. NO.	DATE	DRWN	CHKD	REMARKS

DESIGNED BY: CTR
 DRAWN BY: CB/RS
 SHEET CHECKED BY: C
 CROSS CHECKED BY: C
 APPROVED BY: C
 DATE: FEB. 2013

CDM Smith
 1515 Poydras St., Suite 1500
 New Orleans, LA 70112
 Tel: (504) 718-1100

CITY OF NEW ORLEANS
 CITY OF NEW ORLEANS
 CRIMINAL EVIDENCE & PROCESSING COMPLEX

SCHEMATIC
 CRIMINAL EVIDENCE & PROCESSING COMPLEX
 BUILDING
 FOURTH FLOOR PLAN

PROJECT NO. 8430-83709
FILE NAME: A04ACCP4.DWG
SHEET NO. A-4

PRELIMINARY DESIGN - NOT FOR CONSTRUCTION

ROOM SUMMARY

NOPD Crime Lab		Actual SF	
Common Area			
Staff Restroom		300	311
Staff Breakroom		150	281
SUBTOTAL		450	592
Controlled Substance Lab			
Laboratory		400	656
Instrumentation		200	272
Bulk Exam Area		150	132
Vault		100	84
Bio-Vestibule		64	73
Supervisor's Office		260	138
Open Office		600	282
Case Review	** Part of Open Office	100	**
SUBTOTAL		1874	1637
Fire Arms			
Laboratory		600	656
Microscopy		150	117
Gun Reference and Amunitions Storage		120	132
Fire Arm's Evidence Storage		120	84
Bio-Vestibule		64	73
Ballistic Recovery Room	First Floor	150	363
Test Fire Range	First Floor	400	355
Supervisor Office		120	137
Open Office		260	282
Case review	** Part of Open Office	100	**
Computer room		120	149
SUBTOTAL		2204	2348
Trace Analysis			
Laboratory		400	656
Instrumentation		200	150
Microscopy	*** Part of Laboratory	150	***
Arson investigation Room		150	132
1 Evidence Examination Victim		150	117
2 Evidence Examination Suspect		150	84
Open Office		260	282
Case review	** Part of Open Office	100	**
Supervisor's Office		120	137
SUBTOTAL		1680	1558
Foresnsic Biology/DNA			
Forensic Biology Lab		600	641
1 Evidence Examination Victim		150	118

ROOM SUMMARY

1 Evidence Examination Suspect		150	120
Wet Blood Preparation		100	134
PCR Preparation Area	****Part of Laboratory Area	120	****
Bio-Vestibule		64	71
PCR Amplification/detection room		300	165
Mitochondrial DNA Room		400	136
Research and Development		200	143
Computer room CODIS		120	120
Supervisor's Office		120	137
Open Office		260	291
Case Review	** Part of Open Office	100	**
SUBTOTAL		2584	2076
Crime Scene Unit			
Open Office		570	600
Supervisors' Office(s)		120	166
Equipment Storage		150	213
Staging		150	213
Vehicle Processing	First Floor	750	650
Vehicle Processing	First Floor	750	650
Forensic Photography		120	138
SUBTOTAL		2610	2630
General Lab			
Drying room		150	149
Training Lab		200	610
SUBTOTAL		350	759
Administrative			
Captain Pfeiffer's Office		140	282
Conference /Library/Training		200	281
Staff Breakroom		150	257
Staff Restroom		300	361
Staff Lockers & Showers (men & women)		300	182
Public Reception		300	150
IT/Server Room		120	109
Receiving	First Floor (shared with other users)	500	597
SUBTOTAL		2010	1622
NET TOTAL		13762	13222
Building grossing factor 30%	0.3	4128.6	
GROSS TOTAL		17890.6	

ROOM SUMMARY

NOPD	Central Evidence & Processing	Actual SF	
Common Area			
Staff Restroom		300	311
Staff Breakroom		250	282
SUBTOTAL		550	593
 Central Evidence & Processing Group			
Vault Storage		250	185
Fire Arm Storage		2,600	2534
Narcotics		500	447
Sensitive Evidence Staging		320	282
Over Sized Items	First Floor	800	401
Homocide /Rape Storage		2,500	2712
General Evidence Storage		4500	3622
Temporary Storage Area		150	114
Warehouse Evidence Office		300	401
Supply Storage		350	231
DA & Police Intake Area		200	177
Intake Reception		350	367
Security Camera Monitoring Room		100	78
Viewing Area		100	148
Captain's Office		200	185
Admin. Office		120	138
Lieutenant's Office		140	138
Sargent 1 Office		120	106
Sargent 2 Office		120	107
DNA Refrigeration		300	243
Drying Area		200	144
Public Entry		120	100
Public Reception		120	189
Biohazard Storage Area		1,000	991
IT/Server Room		100	96
Disposal Office	First Floor	80	145
Storage Reuse Area		120	92
Property Storage	First Floor	800	1232
Property Disposal	First Floor	400	430
SUBTOTAL		16960	16035
 NET TOTAL			
		17510	
 Building grossing factor 30%			
		0.3	5253
GROSS TOTAL		22763	

ROOM SUMMARY

NO Clerk of Court		Actual SF
Common Areas		
Staff Breakroom	200	154
Staff Restroom	300	311
Public Restroom	***** Only one set of Restrooms 80	0
SUBTOTAL	580	465
 Accounting		
Office Sr. Accountant	150	265
Main Accounting office	350	278
Office Storage	100	25
SUBTOTAL	600	568
 Closed Records Operations		
Closed Record Storage	2100	2078
Record Viewing	120	150
Closed Record Micro Film	Open to Closed record Storage 100	19
Office Sr. Staff	120	107
Office Assistant	120	96
Office Storage	240	196
SUBTOTAL	2800	2646
 Evidence Storage		
Vault Storage	200	213
Fire Arm Storage	High Density File System Used 936	721
Evidence Storage	High Density File System Used 670	600
Over Sized Items	580	941
Long Term Storage	High Density File System Used 2,418	1063
Evidence Box & Bag Storage	1200	380
Report Writing & Packaging	700	530
Temporary Holding Area	165	123
Office 1	120	137
Supply Storage	500	120
DA & Police Intake Area	200	274
Security Camera Monitoring Room	120	104
Viewing Area	120	139
SUBTOTAL	7929	5345
 IT		
IT Office	120	140
IT Office 2	120	0
SUBTOTAL	240	140
 NET TOTAL		
NET TOTAL	11909	9164
Building grossing factor 30%	0.3	3572.7
GROSS TOTAL		15481.7

ROOM SUMMARY

NEW ORELANS MUNICIPAL COURT	Actual SF	
Evidence Storage	500	426
SUBTOTAL	500	426
NET TOTAL	500	426
Building gr: 0.3 Grossing factor not used for single storage space		
GROSS TOTAL	500	

P20130582



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

MAY 06 2013

REPLY TO
ATTENTION OF

Operations Division
Operations Manager,
Completed Works

OFFICE OF COASTAL MANAGEMENT

2013 JUN 10 PM 2:14

RECEIVED

Ms. Tiffany Spann-Winfield
FEMA
1 Seine Court
New Orleans, Louisiana 70114

Dear Ms. Winfield:

This is in response to the Solicitation of Views request dated April 16, 2013, on behalf of New Orleans Police Department, concerning the demolish, remove and replace of seven damaged structures with the construction of two new structures and an administration building, 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.

We have reviewed your project and determined that a Department of the Army permit under Section 404 of the Clean Water Act will not be required. Any changes or modifications to the proposed project will require a revised determination.

Please be advised that this property is in the Louisiana Coastal Zone. For additional information regarding coastal use permit requirements, contact Ms. Christine Charrier, Coastal Management Division, Louisiana Department of Natural Resources at (225) 342 7953.

You are advised that this 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-2013-00991-SY. 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

Copy Furnished:

Ms. Christine Charrier
Coastal Zone Management
Department of Natural Resources
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487



BOBBY JINDAL
GOVERNOR

State of Louisiana
DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

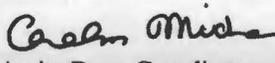
ROBERT J. BARHAM
SECRETARY
JIMMY L. ANTHONY
ASSISTANT SECRETARY

Date May 31, 2013
Name Shelly Chichester
Company FEMA
Street Address 1 Seine Court
City, State, Zip New Orleans, LA 70114
Project CNO Criminal Evidence & Processing Complex
Project ID
Invoice Number 13053108

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,

for 
Amity Bass, Coordinator
Natural Heritage Program



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

June 4, 2013

Shelly Chichester
Environmental and Historical Preservation Program
U.S. Department of Homeland Security
FEMA-DR 1603/1607 LA
1 Seine Court
New Orleans, Louisiana 70114

Dear Ms. Chichester:

The U.S. Environmental Protection Agency (EPA) has completed your request for a solicitation of views concerning the City of New Orleans Criminal Evidence and Processing Complex. The comments that follow are being provided relative to the EPA's *404(b)(1) 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. do not occur at the proposed sites. At this time, the EPA does not object to the project as proposed. 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 that reads "Raul Gutierrez".

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



State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

06/04/2013

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

RE: P20130782, Solicitation of Views
U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA
Description: Construct the City of New Orleans Criminal Evidence and Processing Complex (CEPC).
Location: CEPC @ Lat 29° 57' 41.3"N, Long -90° 05' 35.74"W; intersection of S. White and Gravier Streets New Orleans.
Orleans Parish, LA

Dear Shelly A.R. Chichester:

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 features may require additional processing time by the appropriate resource agencies: The Chitimacha Tribe of Louisiana contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395.

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 Cornelius Williams at (225) 342-1793 or cornelius.williams@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/cw

Attachments

Final Plats:

- 1) [P20130782](#) [Final Plats](#) [05/28/2013](#)

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



FEMA

U.S. Department of Homeland Security
FEMA-DR 1603/1607 LA
1 Seine Court
New Orleans, LA 70114

May 24, 2013

MEMORANDUM TO: See Distribution

SUBJECT: Scoping Notification/Solicitation of Views (SOV)

To Whom It May Concern:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is mandated by the U.S. Congress to administer Federal disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. The Stafford Act authorizes FEMA's Public Assistance Program to provide grant assistance to eligible applicants for, among other things, debris removal, emergency protective measures, and the repair, replacement or restoration of eligible disaster damaged facilities, and may include mitigation measures to lessen future damages.

On and around August 29, 2005, high winds, wind-driven rain and storm surge generated by Hurricane Katrina caused considerable damage to the City of New Orleans, and damaged or destroyed the majority of its police and criminal justice facilities, severely impacting the City's ability to properly serve its citizens through the provision of critical public safety services.

The applicant, City of New Orleans (CNO), has requested FEMA funding for a Criminal Justice and Public Safety Alternate Project that would demolish, renovate, or newly construct various criminal justice facilities across the Parish, including the project discussed and described in this SOV, whereby the applicant proposes to consolidate the lost functions and capacities of several Hurricane Katrina-damaged or destroyed police and other criminal justice facilities into a different configuration at a new facility, the CNO Criminal Evidence and Processing Complex (CEPC).

The CEPC facility would be located at the intersection of S. White and Gravier Streets in New Orleans, LA (latitude, longitude: 29.961471, -90.093261), and would house multiple functions central to the City's criminal justice, public safety and court systems, including the New Orleans Police Department (NOPD) Criminal Evidence and Property Section, NOPD Scientific Criminal Investigations Section (Crime Lab), Orleans Parish Clerk of Criminal Court (including Records and Evidence Storage), and New Orleans Municipal Court (including Property and Evidence, Closed Record Storage, and Clerk of Court IT functions).

Attached is the scope of work and site plan(s) for the proposed new construction of the CNO Criminal Evidence and Processing Complex for which FEMA funding has been requested.

To ensure compliance with the National Environmental Policy Act (NEPA), Executive Orders (EOs), and other applicable Federal regulations, we will be preparing an Environmental Assessment (EA). To assist us in preparation of the EA, we request that your office review the attached documents for a determination as to the requirements of any formal consultations, regulatory permits, determinations, or authorizations.

Please respond within thirty (30) calendar days of the date of this scoping notification.

This project has been reviewed to identify any species under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed,
 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.

Deborah A. Fuller June 7, 2013
Acting Supervisor
Louisiana Field Office
U.S. Fish and Wildlife Service

Comments may be faxed to (504) 762-2323, emailed to Shelly.Chichester@fema.dhs.gov, or mailed to the attention of Shelly A. R. Chichester, Environmental and Historical Preservation Program, at the above address.

For questions regarding this matter, please contact Shelly A. R. Chichester, Environmental Protection Specialist, at (504) 762-2116.

Regards,

Tiffany Spann-Winfield
Deputy Environmental Liaison Officer
1 Seine Court
New Orleans, LA 70114
(504) 218-6800
(504) 762-2918
Tiffany.Spann@fema.dhs.gov

Distribution: LDEQ, USEPA, USFWS, USACE, LDWF, LDNR



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-1603/1607 -DR-LA
Louisiana Recovery Office
Environmental/Historic Preservation
1 Seine Court
New Orleans, LA 70114

May 12, 2014

Pam Breaux
State Historic Preservation Officer
Department of Culture, Recreation & Tourism
P.O. Box 44247
Baton Rouge LA 70804

RE: Section 106 Review Consultation, Hurricane Katrina FEMA-1603 DR-LA

Applicant: City of New Orleans

Undertaking: Construction of Criminal Evidence and Processing Complex, 2761 Gravier Street, New Orleans, Orleans Parish, Louisiana (A/I #2100)

Determination: No Adverse Effect to Historic Properties with conditions

Dear Ms. Breaux:

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to the following major Disaster Declaration:

FEMA-1603-DR-LA, dated August 29, 2005, as amended.

FEMA, through its Public Assistance Program, proposes to fund the construction of a Criminal Evidence and Processing Complex (CE&PC) (Undertaking) as requested by the City of New Orleans (Applicant). FEMA is initiating Section 106 review for the above referenced properties in accordance with the "Programmatic Agreement among FEMA, the Louisiana State Historic Preservation Officer, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness, 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" executed on August 17, 2009 and amended on July 22, 2011 (2009 Statewide PA as amended) and providing the State Historic Preservation Office with the opportunity to consult on the proposed Undertaking. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

Description of the Undertaking

The proposed building location will be on the corner of South White Street and Gravier Street with the main entrance located on Gravier Street in the Square 602, First District. The building will be five (5) stories in height and approximately 56,636 SF. Ground disturbing activities include demolition of the existing concrete and asphalt surfaces, site preparation, pile driving, and installation of the appurtenant utilities in an approximately 0.8 acre area. The building is situated

on the site to create a secured fenced area sally port entrance off of South White Street for the receiving, vehicle processing, and a small portion of secured parking. Provisions will be made for a dumpster at the rear of the building. The exterior of the building is to be a system of lightweight pre-cast panels, whose exterior surface is 2-inches of reinforced high strength architectural precast concrete. A curtain wall system of extruded aluminum and insulated glass panels will be used in select locations, such as the public entry lobby. Due to the south facing orientation of the building, vertical aluminum sunscreen Brise Soleil will be used to create an added sense of privacy and shading. The building will have a low slope metal decked roof. Selected architect's building plan sheets for the proposed facility are displayed in Figures 3-8. A 7.5 USGS map of the Undertaking location is displayed in Figure 1.

Area of Potential Effects (APE)

In accordance with Stipulation VII.A of the 2009 Statewide PA as amended, the APE for both the standing structures and archaeology were developed in coordination with SHPO staff. The standing structures APE is to include the project location and the surrounding view-shed properties affected by the proposed undertaking. The archaeological APE encompasses to all staging and areas of ground disturbance associated with the proposed project including the paved surfaces in the public right-of-way. Both APEs are displayed in Figure 2.

Identification and Evaluation

Historic properties within the APE were identified based on FEMA's review of the National Register of Historic Places (NRHP) database, the Louisiana Cultural Resources Map, historic map research, and site visits by FEMA historic preservation staff. This data was evaluated by FEMA using the National Register Criteria.

Identification and Evaluation of Historic Properties within the Standing Structures APE

FEMA Historic Preservation Staff consulted the NRHP Database on March 18, 2014, and the Louisiana Cultural Resources Map on March 28, 2014, and determined that the APE includes a portion of the Mid-City Historic District (MCHD), which was placed on the NRHP under criterion considerations A and C on December 10, 1993 (updated on December 14, 2011), with a Period of Significance of c.1860-1961. Additionally, the APE includes the New Orleans Criminal Courts Building, which was listed on the NRHP on January 12, 1984 on the state level of significance in the areas of architecture and law. Other, non-historic buildings within the APE include the Orleans Parish Municipal/ Traffic Courts Building (1966), the New Orleans Police Headquarters Building (1968), the Community Corrections Center (c.1973-1977), the House of Detention (c.1960s), and Orleans Parish Prison (c.1930s).

FEMA had previously determined that the House of Detention was not individually eligible for listing on the NRHP through prior consultation in a letter dated November 1, 2012. SHPO concurrence with this determination was received in a letter dated November 7, 2012.

FEMA had previously determined that the Community Corrections center was not individually eligible for listing on the NRHP through prior consultation in a letter dated July 19, 2011. SHPO concurrence with this determination was received in a letter dated August 3, 2011.

FEMA had previously determined that the Orleans Parish Prison was not individually eligible for listing on the NRHP through prior consultation in a letter dated January 16, 2008. SHPO concurrence with this determination was received in a letter dated January 22, 2008.

Identification and Evaluation of Historic Properties within the Archaeological APE

FEMA Historic Preservation Staff previously consulted for the demolition of the New Orleans Satellite Kitchen Complex, 2781 Gravier Street, on 08/30/2006. This consultation proposed archaeological monitoring of the demolition and foundation removal of the warehouse in this location, SHPO concurred on 09/05/2006 with this determination. As the present undertaking includes construction of a new facility at this location, in addition to demolition and foundation removal, FEMA contracted a Phase I/II archaeological survey to determine if there were archaeological deposits in the area and if those deposits retained NRHP eligibility (addressing both the previous monitoring requirements and the present new construction requirements). FEMA previously submitted a Management Summary of the findings on October 30, 2013 to SHPO and Tribes. This Management Summary was reviewed by the SHPO's office and FEMA and found not to contain sufficient enough analysis to make a determination of NRHP eligibility for archaeological site 16OR688. RCGA has expanded the analysis in response to SHPO comments, dated December 18, 2013 and FEMA's response letter, dated January 6, 2014.

FEMA has reviewed the draft report entitled, *Phase I/III Cultural Resources Investigations of the Proposed New Orleans Police Department Criminal Evidence and Processing Complex (Site 16OR688) Area in Orleans Parish, Louisiana*, prepared by R. Christopher Goodwin and Associates (RCGA) on behalf of FEMA in February 2014 (requisite copies enclosed) and determined that the examined portion of archaeological site 16OR688 is not eligible for the NRHP under criteria outlined in 36 CFR 60.4 (d).

In summary the archaeological trenching and hand excavation at the site of the proposed new construction for the Criminal Evidence and Processing Complex recorded 13 archaeological features and 5 intact areas of cultural deposits attributable to a mid-nineteenth to early twentieth century time period. Generally there are limited deposits that are attributable to the later occupation of this portion of the site. The sampling conducted appears to have defined the vertical limits of the deposits, noted significant disturbance in limited sections of the area investigated, and compared the recovered sample to similar sites in New Orleans (16OR69, 16OR260; 16OR555; and 16OR619). Moreover, when comparing deposits at 16OR688 to the sites discussed in *The Archaeology of Institutional Confinement* (Casella 2007) it becomes clear that the archaeological record at such sites has limited interpretive potential as the sole source of information.

Copies or Summaries of Views by Consulting Parties and the Public

FEMA is forwarding this letter to the City of New Orleans, the Mid-City Neighborhood Organization, the Louisiana Landmarks Society, the Preservation Resource Center of New Orleans, and the National Trust for Historic Preservation to notify these organizations of the Undertaking and provide them with the opportunity to comment on FEMA's determinations. In the past, FEMA has responded to the to the NTHP's concerns about the effects of other construction on nearby historic properties for similar projects within the criminal justice project area (letter dated March 29, 2011). Similar to the earlier consultation, FEMA will ensure that the project worksheet for this undertaking has appropriate conditions requiring vibration monitoring; and a compliant management, response, and tracking construction management program. FEMA requests SHPO's

5/12/2014

Construction of Criminal Evidence and Processing Complex, 2761 Gravier Street, New Orleans, Orleans Parish, Louisiana

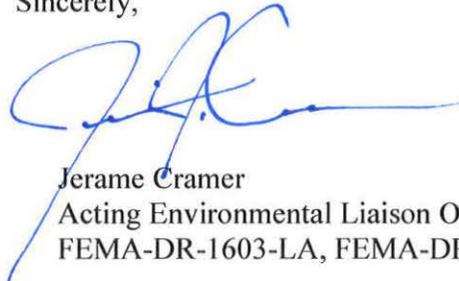
and Indian Tribes' recommendations regarding additional points for seeking public input and for notifying the public of the proposed actions.

Assessment of Effects

Based on the aforementioned identification and evaluation, FEMA has determined that there are two (2) historic properties as defined in 36 CFR 800.16(l) within the APE. FEMA has applied the Criteria of Adverse Effect (36 CFR 800.5(a)(1), and determined that the construction of the Criminal Evidence and Processing Complex at 2761 Gravier Street will not alter, directly or indirectly, any of the characteristics that qualify either the MCHD or the New Orleans Criminal Courts Building for inclusion in the NRHP since it will not change the character of the property's use or introduce visual, atmospheric, or audible elements that will diminish the integrity of either resource's significant historic features. Therefore, FEMA has determined a finding of **No Adverse Effect to Historic Properties** for this Undertaking and is submitting this Undertaking to you for your review and comment. FEMA requests your comments within 15 days.

We look forward to your concurrence with this determination. Should you have any questions or need additional information regarding this Undertaking, please contact Jeramé Cramer, Deputy Environmental Liaison Officer, at (504) 247-7771 or jerame.cramer@fema.dhs.gov, or Jason Emery, Lead Historic Preservation Specialist at (504) 570-7292 or jason.emery@fema.dhs.gov.

Sincerely,



Jerame Cramer
Acting Environmental Liaison Officer
FEMA-DR-1603-LA, FEMA-DR-1607-LA

CC: File
Division of Archaeology Reviewer
Division of Historic Preservation Reviewer
State Historic Preservation Office

Enclosures

References:

Casella, E. C.
2007 *The Archaeology of Institutional Confinement*. University Press of Florida, Gainesville, FL.

The Division of Archaeology Reviewer and the Division of Historic Preservation Reviewer concur with the finding that there will be **No Adverse Effect to Historic Properties with Conditions** as a result of this Undertaking.

Division of Archaeology Reviewer

Date

Division of Historic Preservation Reviewer

Date

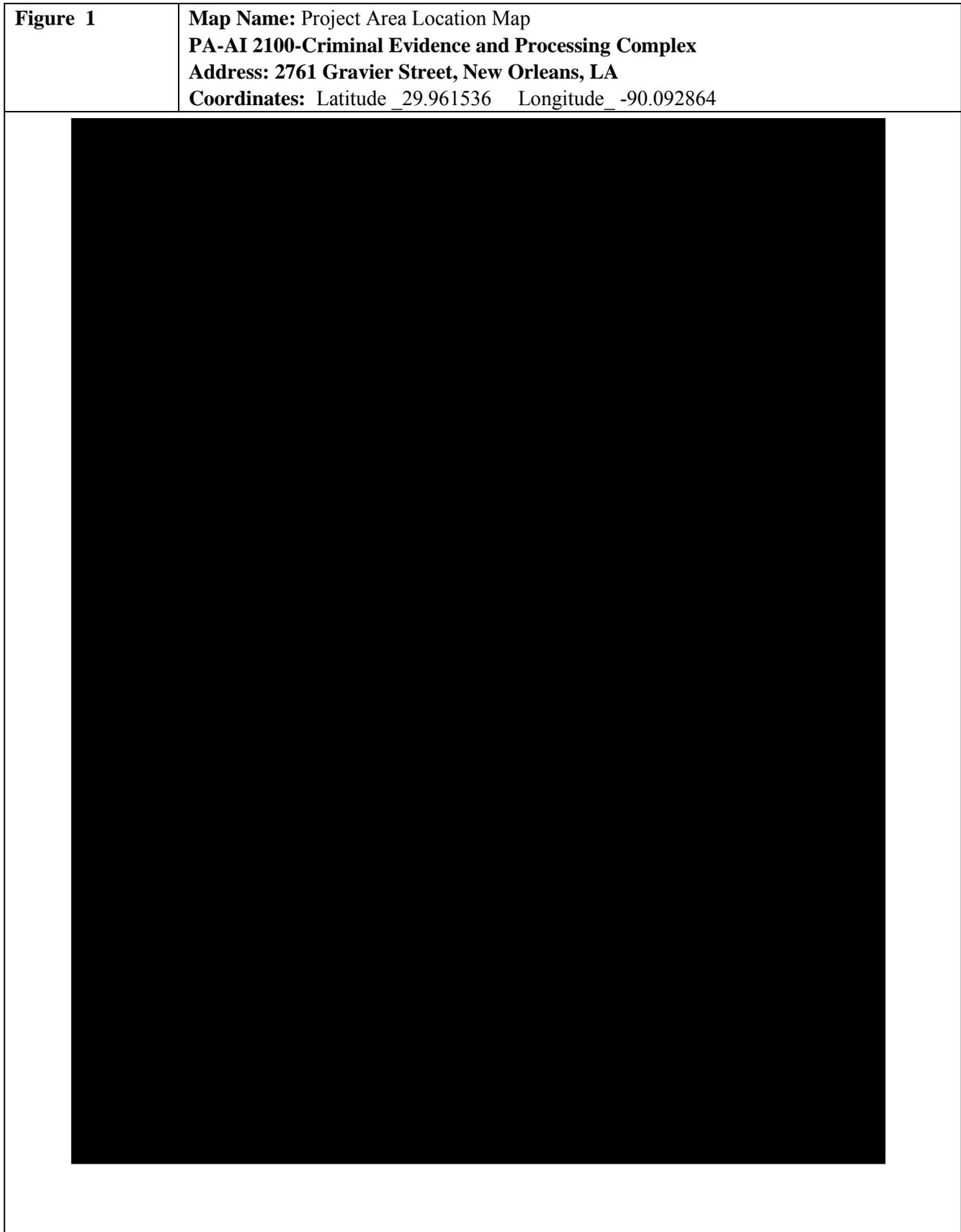


Figure 2. Aerial View location map displaying New Orleans, LA (project area), Standing Structures & Archaeology Area of Potential Effects (APE)

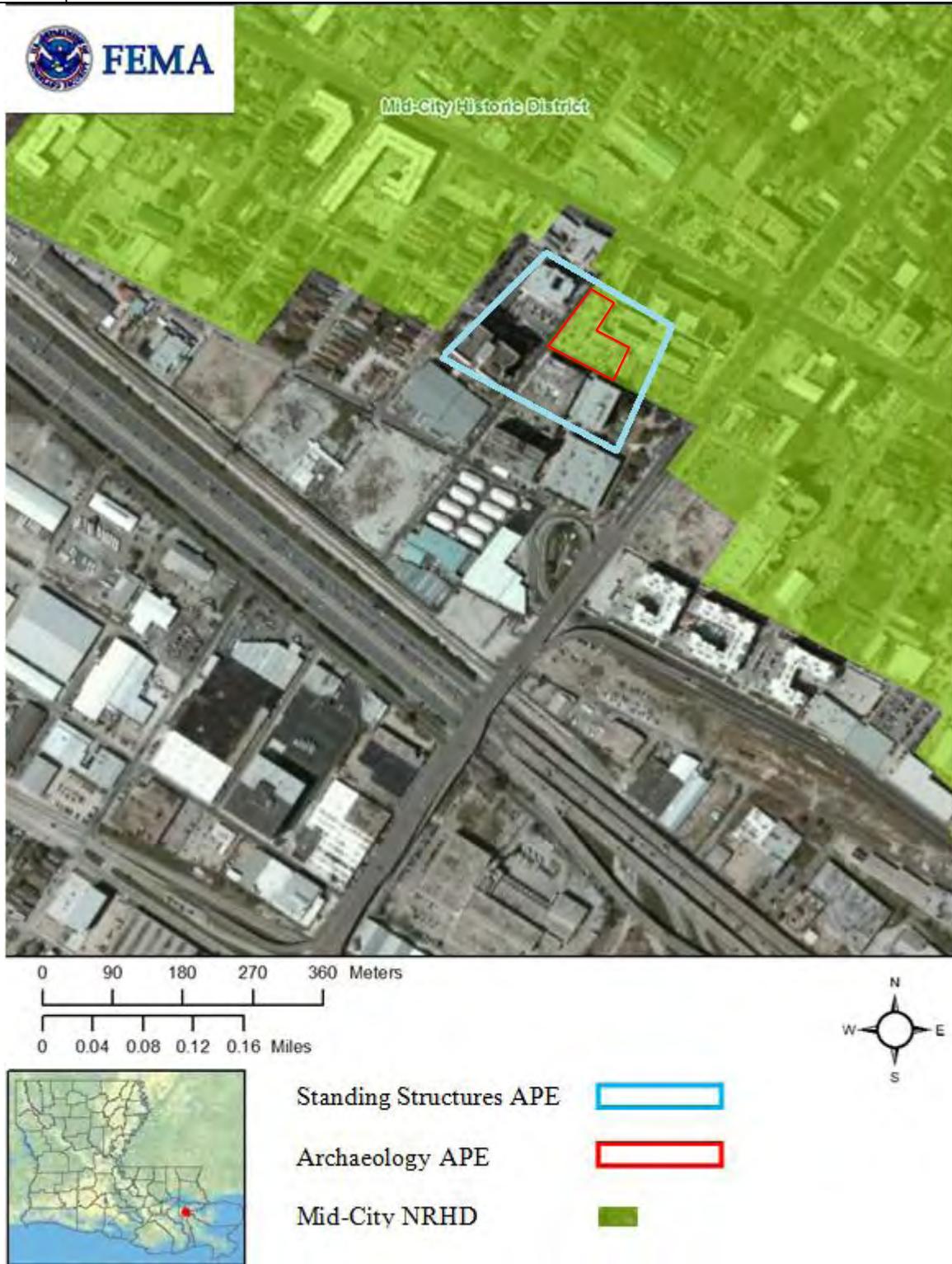


Figure 3 Architect's supplied drawing sheet: site plan for the new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA.

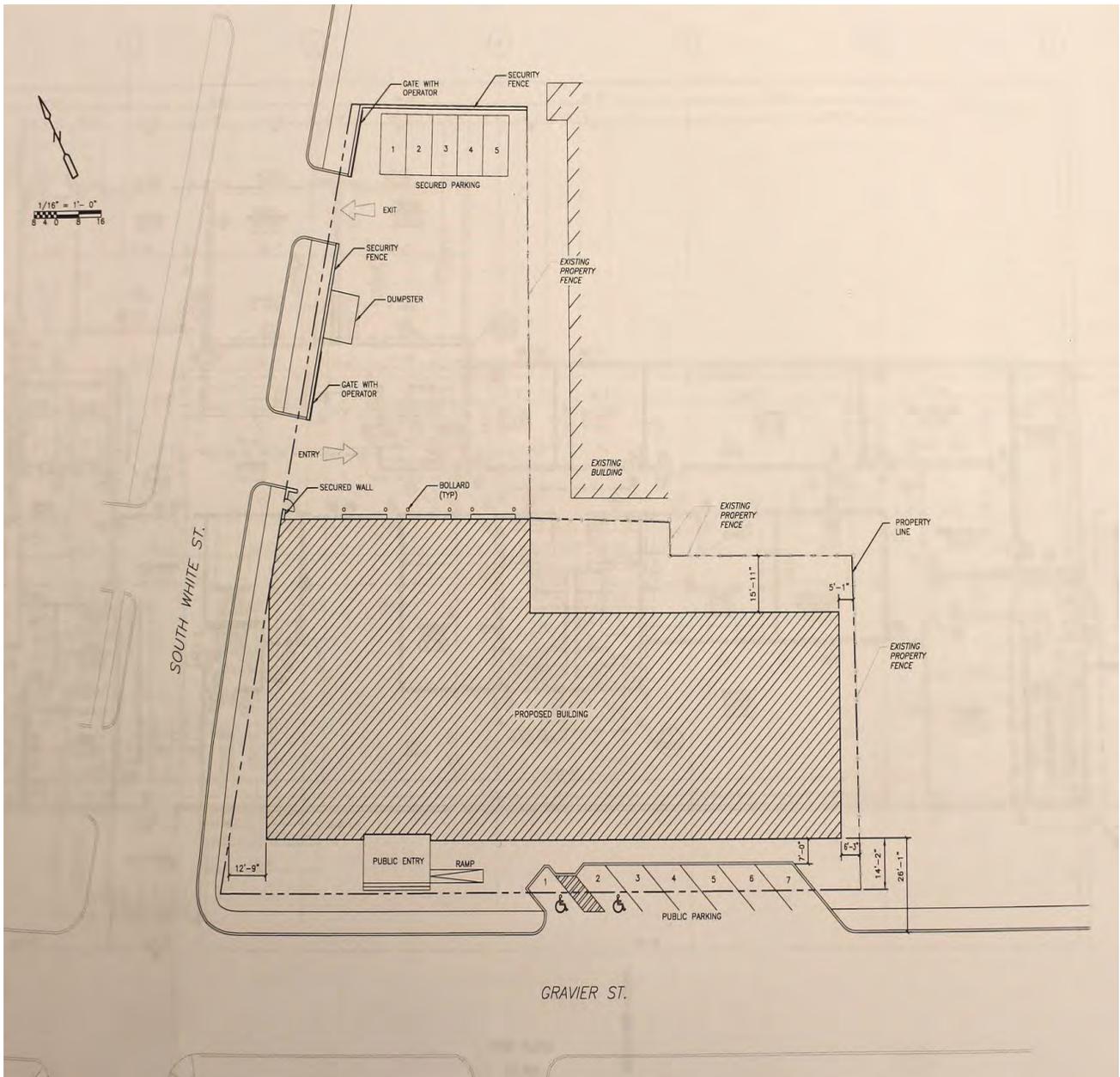


Figure 4 Architect's supplied drawing sheet: south elevation (without sunscreen) for the new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA.

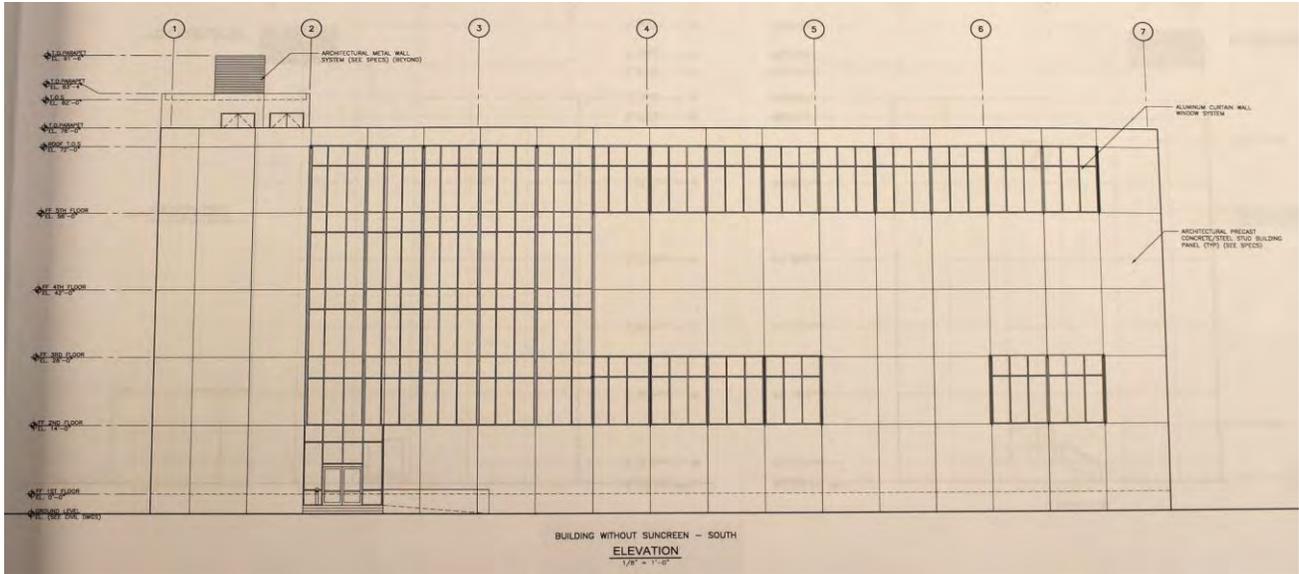


Figure 5 Architect's supplied drawing sheet: south elevation (with sunscreen) for the new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA.

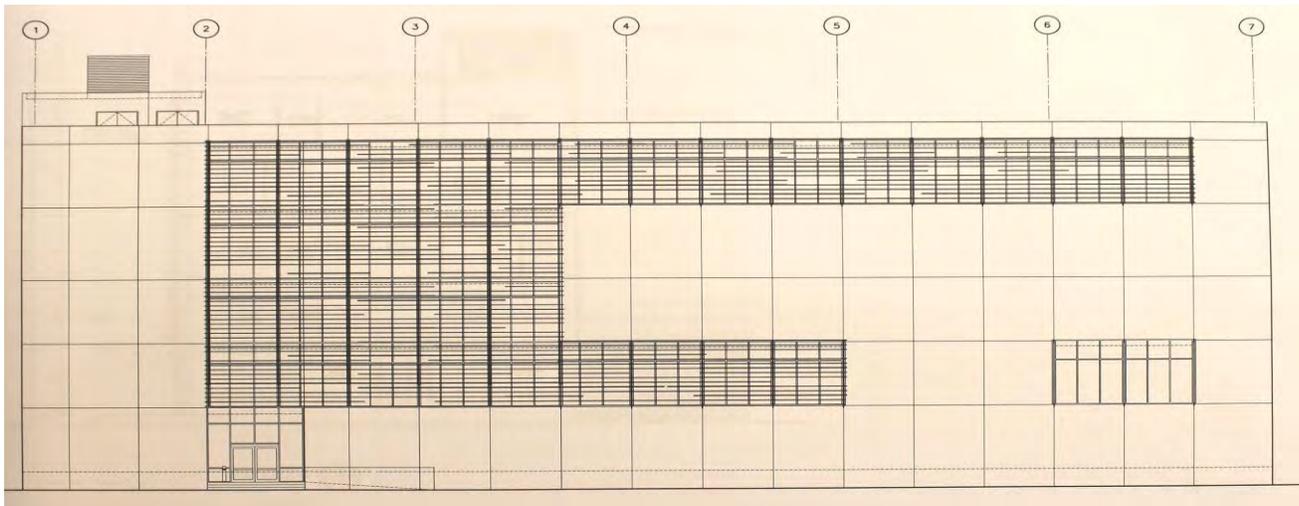


Figure 6 Architect's supplied drawing sheet: north elevation for the new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA.

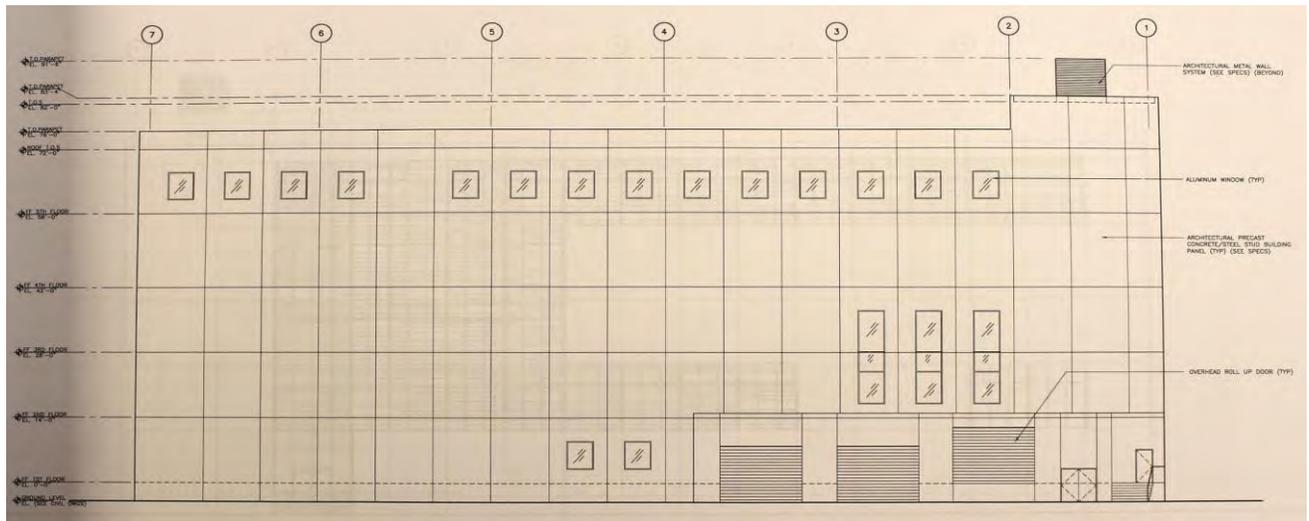


Figure 7 Architect's supplied drawing sheet: east elevation for the new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA.

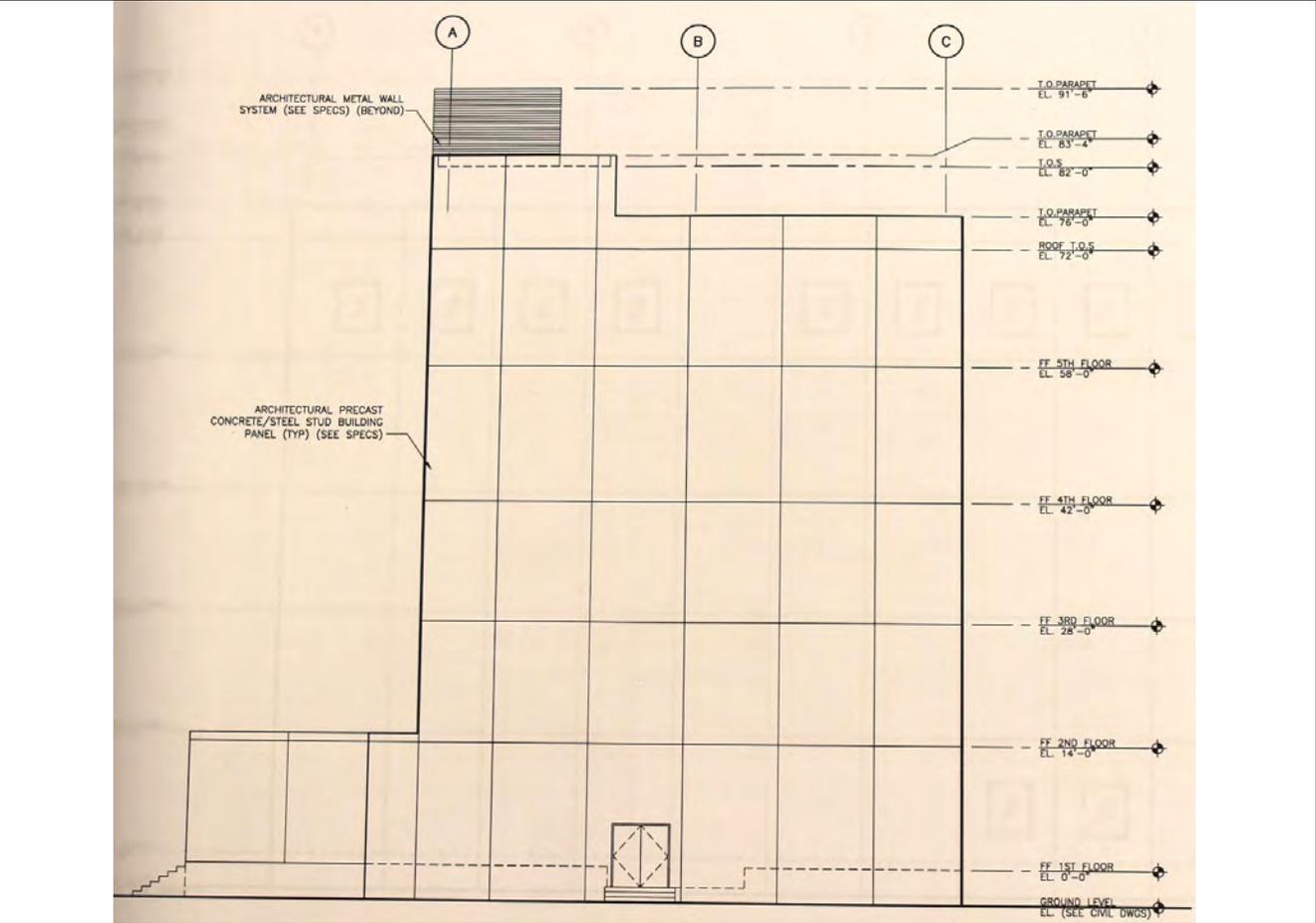


Figure 8 Architect's supplied drawing sheet: west elevation for the new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA.

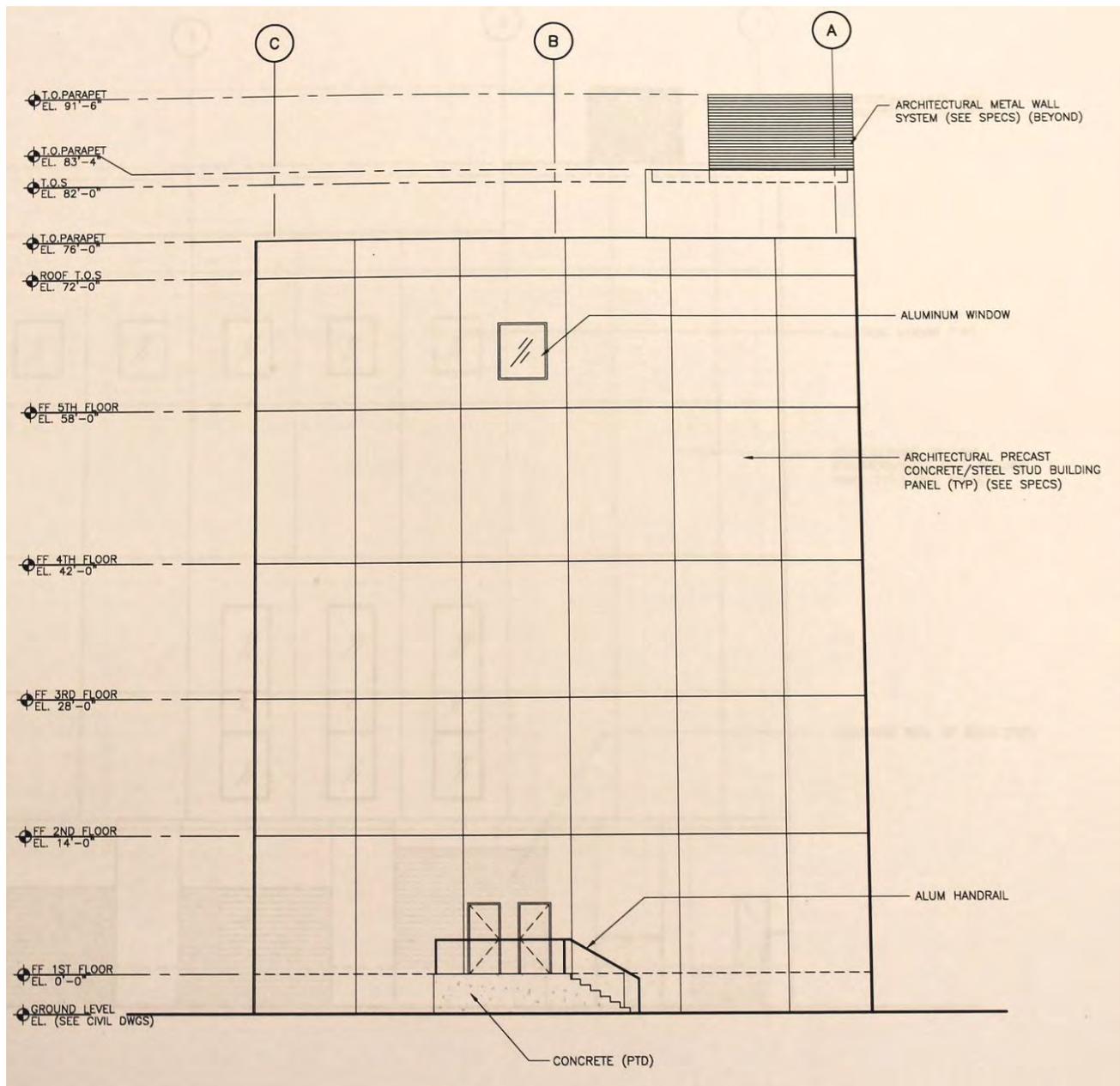


Figure 9 View-shed photography of surrounding APE for proposed new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA. View from intersection of S. White Street and Gravier Street looking towards northeast. Proposed new building location can be observed in far right corner.



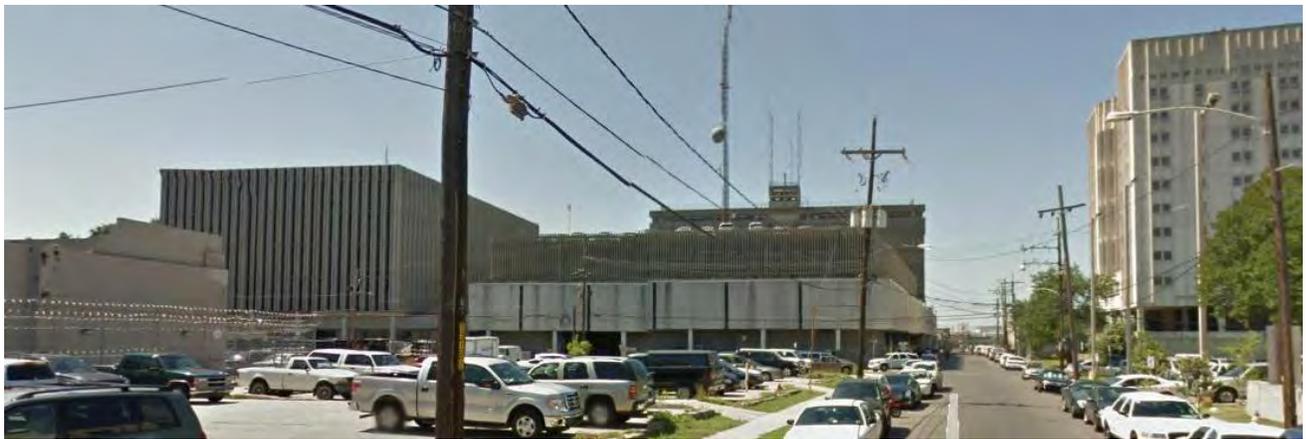
Figure 10 View-shed photography of surrounding APE for proposed new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA. View from intersection of S. White Street and Gravier Street looking towards southwest. Proposed new building location can be observed in far left corner.



Figure 11 View-shed photography of surrounding APE for proposed new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA. View from intersection of S. White Street and Gravier Street looking towards northwest.



Figure 12 View-shed photography of surrounding APE for proposed new Criminal Evidence and Processing Complex located at 2761 Gravier Street, New Orleans, LA. View from center of S. White Street between Gravier Street and Tulane Avenue looking towards south. Proposed new building location can be observed in far left corner.



Smith, R. Darrell (CTR)

Sent:
To:
Subject:

Follow Up Flag:
Flag Status:

To Whom It May Concern:

The Jena Band of Choctaw Indians' THPO hereby concurs with the determination of No Adverse Effect, regarding the above-mentioned project. Please be advised that the attached maps were a little more difficult to read in digital form. If any inadvertent discoveries of Cultural Resources occurs, please contact our office immediately. Thank you.

Sincerely,

Dana Masters, THPO
danammasters@aol.com

Prepared By:
Alina J. Shively
JBC Deputy THPO/Cultural Dept.
P.O. Box 14
Jena, LA 71342
(318)-992-1205
Email: jbc.thpo106@aol.com

-----Original Message-----

From: Krishnan, Alice-Anne <Alice-Anne.Krishnan@fema.dhs.gov>
To: jbc.thpo106 <jbc.thpo106@aol.com>
Cc: danammasters <danammasters@aol.com>
Sent: Tue, May 13, 2014 7:22 am
Subject: FEMA Section 106: CNO Criminal Evidence and Processing Complex

Dear Alina:

Attached please find FEMA's 106 consultation letter regarding the below project. The draft archaeological report mentioned in the letter will be sent in a separate email.

RE: Section 106 Review Consultation, Hurricane Katrina FEMA-1603 DR-LA
Applicant: City of New Orleans
Undertaking: Construction of Criminal Evidence and Processing Complex, 2761 Gravier Street, New Orleans, Orleans Parish, Louisiana (AI 2100)
Determination: No Adverse Effect to Historic Properties with conditions

Please let me know if you need anything further to complete your review.

Sincerely,
AA

Alice-Anne Krishnan
Historic Preservation Specialist
EHP-FEMA, New Orleans

BlackBerry: (504) 491-1395 (Mon, Tue telework)
Email: alice-anne.krishnan@fema.dhs.gov

Mailing address for LRO:

Attn: EHP Department, FEMA Louisiana Recovery Office, 1500 Main St, Baton Rouge, LA 70802

Smith, R. Darrell (CTR)

Sent:
To:
Subject:

Follow Up Flag:
Flag Status:

Dear Ms. Krishnan,

The Choctaw Nation of Oklahoma thanks FEMA for the correspondence regarding the above referenced project. Orleans Parish, LA lies within the Choctaw Nation of Oklahoma's area of historic interest. The Choctaw Nation of Oklahoma is unaware of any Choctaw cultural or sacred sites within the immediate project area. The Choctaw Nation Historic Preservation Department concurs that there should be no adverse effect to any known historic properties. However, as the project is located in an area of historic interest to the Tribe, we ask that work be stopped and our office contacted immediately in the event that Native American cultural objects or human remains are encountered. If you have any questions, please contact our office at 580-924-8280 ext. 2631.

Thank You,

Lindsey Bilyeu
NHPA Senior Section 106 Reviewer
Choctaw Nation of Oklahoma
Historic Preservation Department
P.O. Box 1210
Durant, OK 74702
580-924-8280 Ext. 2631

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Smith, R. Darrell (CTR)

Sent:
To:
Subject:

Follow Up Flag:
Flag Status:

Dear Ms. Krishnan,

The Quapaw Tribe Historic Preservation Office has received notification of the proposed project listed as Construction of CNO Criminal Evidence and Processing Complex.

While the Quapaw Tribe has a vital interest in protecting its historic and ancestral cultural resources, the Quapaw Tribe does not believe this project is within our area of interest. Therefore the Quapaw Tribe does not currently wish to comment at this time.

Should you have any questions or need any additional information please feel free to contact me. Thank you for consulting with the Quapaw Tribe on this matter.

From: Krishnan, Alice-Anne [<mailto:Alice-Anne.Krishnan@fema.dhs.gov>]

Sent: Tuesday, May 13, 2014 1:11 PM

To: celestine.bryant@actribe.org; ithompson@choctawnation.com; llangley@mcneese.edu; jbc.thpo106@aol.com; kcarleton@choctaw.org; tdcole@mcn-nsn.gov; Everett Bandy; harjo.n@sno-nsn.gov; paulbackhouse@semtribe.com; earlii@tunica.org

Cc: kokua.aina57@gmail.com; danammasters@aol.com; ofreeman@mcn-nsn.gov; bradleymueller@semtribe.com; alisonbandy@quapawtribe.com; harjo.n@sno-nsn.gov; paulbackhouse@semtribe.com; earlii@tunica.org; bradleymueller@semtribe.com; alisonswing@semtribe.com; geoffreywasson@semtribe.com; lfontenot@tunica.org; avojpb@paragoncasinoresort.com

Subject: FEMA Section 106: Construction of CNO Criminal Evidence and Processing Complex (AI 2100)

All,

Attached please find Part 1 of 4 of the draft archaeological report for the below FEMA project. Parts 2-4 will follow in separate emails.

RE: Section 106 Review Consultation, Hurricane Katrina FEMA-1603 DR-LA

Applicant: City of New Orleans

Undertaking: Construction of Criminal Evidence and Processing Complex, 2761 Gravier Street, New Orleans, Orleans Parish, Louisiana (AI 2100)

Determination: No Adverse Effect to Historic Properties with conditions

Should you have any questions or comments, please contact Jason Emery, Lead Historic Preservation Specialist, at 504-570-7292 or Jason.emery@fema.dhs.gov ; or Jerame Cramer, Acting Environmental Liaison Officer, at 504-247-7771 or Jerame.cramer@dhs.gov .

Alice-Anne Krishnan

Historic Preservation Specialist

EHP-FEMA, New Orleans

BlackBerry: (504) 491-1395 (Mon, Tue telework)

email: alice-anne.krishnan@fema.dhs.gov

Mailing address for LRO:

Attn: EHP Department, FEMA Louisiana Recovery Office, 1500 Main St, Baton Rouge, LA 70802

Alice-Anne Krishnan

Historic Preservation Specialist

EHP-FEMA, New Orleans

BlackBerry: (504) 491-1395 (Mon, Tue telework)

email: alice-anne.krishnan@fema.dhs.gov

Mailing address for LRO:

Attn: EHP Department, FEMA Louisiana Recovery Office, 1500 Main St, Baton Rouge, LA 70802

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Thank you.



JAY DARDENNE
LIEUTENANT GOVERNOR

State of Louisiana
OFFICE OF THE LIEUTENANT GOVERNOR
DEPARTMENT OF CULTURE, RECREATION & TOURISM
OFFICE OF CULTURAL DEVELOPMENT

CHARLES R. DAVIS
DEPUTY SECRETARY

PAM BREAUX
ASSISTANT SECRETARY

July 28, 2014

Mr. Jeramé Cramer
Deputy Environmental Liaison Officer
Federal Emergency Management Agency
1500 Main St.
Baton Rouge, LA 70802

RE: Section 106 Review Consultation, Hurricane Katrina FEMA-1603 DR-LA
Applicant: City of New Orleans
Undertaking: Construction of Criminal Evidence and Processing Complex, 2761 Gravier Street, New Orleans, Orleans Parish, Louisiana (A/I # 2100)
Determination: No Adverse Effect to Historic Properties with Conditions

Dear Mr. Cramer:

Thank you for your letter of May 12, 2014 regarding the above referenced project and additional information received July 16, 2014. We understand the Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to a major Disaster Declaration designated as FEMA-1603-DR-LA, and dated August 29, 2005, as amended. Furthermore, we understand that FEMA through its Public Assistance Program proposes to provide funds to the City of New Orleans (Applicant) for the construction of a Criminal Evidence and Processing Complex in New Orleans, Louisiana (Undertaking).

Compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, is in accordance with the *Programmatic Agreement among FEMA, the Louisiana State Historic Preservation Officer, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness, 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*, executed on August 17, 2009 and amended on July 22, 2011 (2009 Statewide PA as amended).

We agree that the Area of Potential Effects (APE) for standing structures consists of the proposed project area and associated view shed. The standing structures APE includes a portion of the Mid-City Historic District and the New Orleans Criminal Courts Building, which were listed in the National Register of Historic Places in 1993 and 1984, respectively. No other historic properties were identified within the APE. The APE for archaeology measures 0.8 acres and includes staging

Mr. Jeramé Cramer
July 28, 2014
Page 2

and areas of ground disturbance associated with the proposed project including the paved surfaces in the public right-of-way. Both revised APEs are displayed in Figure 3 of the additional information dated July 16, 2014.

We concur that in its current configuration, the Criminal Evidence and Processing Complex will not adversely affect historic properties within the standing structures APE. The new five-story building will be situated to the rear of the New Orleans Criminal Courts Building, which is located at the edge of the Mid-City Historic District. The APE, including that portion within the Mid-City Historic District, largely consists of similar institutional buildings, which do not reflect the general character and significance of this primarily residential district. The proposed design in massing, size, and scale is similar to the buildings within the APE. The proposed building will be located to the rear of the New Orleans Criminal Courts Building, in an area consisting of other non-historic resources, including the Orleans Parish Prison, an altered 1930s building previously determined ineligible for NRHP listing. As such, the Criminal Evidence and Processing Complex will not overwhelm the New Orleans Criminal Courts Building and will have limited visibility from within the majority of the historic district.

With regard to archaeological considerations, we understand that FEMA contracted R. Christopher Goodwin & Associates (RCGA) to conduct Phase I/II archaeological testing within portions of the proposed Criminal Evidence and Processing Complex project area. The results of these efforts are presented in a draft report entitled, *Phase I/II Cultural Resources Investigations of the Proposed New Orleans Police Department Criminal Evidence and Processing Complex (Site 16OR688) Area in Orleans Parish, Louisiana* (Report No. 22-4457) (Eller et al. 2014). Furthermore, your letter indicates the Phase I/II fieldwork presented in this report also satisfies the conditions associated with an August 30, 2006 FEMA consultation for the demolition and foundation removal of a previous structure (the Satellite Kitchen Complex) within the project area. As part of the identification efforts, RCGA excavated seven trenches totaling 73.6 linear meters and three 1m-by-1m test units. RCGA documented thirteen architectural features and five areas containing intact cultural deposits. These features and deposits appear to date between the mid-nineteenth to the early-twentieth centuries and are likely associated with the institutional use of the property as a hospital, orphanage, and prison. As a result of the archaeological testing, the site was recorded as 16OR688.

The draft report highlights just how few institutional sites in New Orleans have been subject to data-recovery efforts and how little is known about the archaeological “signature” of institutional sites. However, Site 16OR688 within the APE, appears to lack the integrity to address this knowledge gap. The NRHP evaluation of portions of the site suggested limited areas of significant disturbance. Additionally, the five areas with intact deposits yielded minimal artifacts and/or were restricted to very small portions of the site. Furthermore, documented features were not artifact rich; rather they were architectural in nature. Consequently, additional excavation of intact deposits and features would not likely yield important information to our understanding of institutional history in New Orleans. Therefore, we concur with FEMA’s determination that the examined portion of archaeological site 16OR688 is not eligible for inclusion in the NRHP.

Overall, the draft report meets the Louisiana Division of Archaeology’s standards. We have included report comments in a separate attachment. We look forward to receiving the final report incorporating these comments. Please remit two bound copies and a pdf on CD of the final report.

Mr. Jeramé Cramer
July 28, 2014
Page 3

Provide one printed, bound copy of the artifact inventory, as well as an excel file. Please note the report will not be accepted as final until the Louisiana Division of Archaeology has finalized the site form for 16OR688.

In conclusion, we concur with FEMA's determination that the Undertaking as described in your letter would result in a **No Adverse Effect to Historic Properties with Conditions**. The condition takes into consideration the effects of construction on nearby historic properties and consists of vibration monitoring; and a compliant management, response, and tracking construction management program.

For more information, please contact Andrea White, andrea.white@associates.fema.dhs.gov, (504) 762-2941, or Sherry Anderson (504) 762-2911, sherry.anderson@associates.dhs.gov.

Sincerely,



Pam Breaux
State Historic Preservation Officer
PB: aw/sa:s

Appendix C

8-Step Decision-Making Process

**CITY OF NEW ORLEANS
CRIMINAL EVIDENCE AND PROCESSING COMPLEX
FEMA 1603-DR-LA**

Executive Order 11988 - FLOODPLAIN MANAGEMENT
Executive Order 11990 - WETLAND PROTECTION

8-STEP PROCESS CHECKLIST

Date: 1/2/2015

Prepared by: John Renne (CTR), CFM, Floodplain Specialist

Project: Hurricane Katrina, DR-1603, impacted Orleans Parish Louisiana and resulted in a presidentially declared major disaster. The City of New Orleans Criminal Evidence and Processing Complex was impacted by the storm and damaged. The facilities were deemed eligible for repair and/or replacement by the FEMA Public Assistance grant program. The City is requesting, through the Governor's Office of Homeland Security, grant funding for a new Criminal Evidence and Processing facility. A scope of work has been provided and is included in the Environmental Assessment being prepared for this project, which is incorporated herein by reference.

Public Assistance grant funded projects carried out in the floodplain or affecting the floodplain must be coordinated with the local floodplain administrator for a floodplain development permit prior to the undertaking and the action must be carried out in compliance with relevant, applicable, and required local codes and standards, thereby reducing the risk of future flood loss; minimizing the impacts of floods on safety, health, and welfare; and preserving and possibly restoring beneficial floodplain values as required by presidential Executive Order (E.O.) 11988.

This project must be conducted in accordance with conditions for federal actions in the floodplain as set forth in E.O. 11988, "Floodplain Management," E.O. 11990, "Protection of Wetlands," and the implementing regulations found at 44 C.F.R. § 9, "Floodplain Management and Protection of Wetlands." These regulations apply to all Agency actions which have the potential to affect floodplains or wetlands or their occupants, or which are subject to potential harm by location in floodplains.

STEP 1 Determine whether the proposed actions are located in a wetland and/or the 100-year floodplain (500-year floodplain for critical actions [44 C.F.R. § 9.4]), or whether they have the potential to affect or be affected by a floodplain or a wetland (see 44 C.F.R. § 9.7).

- The project is located in relation to floodplains as mapped by:

2761 Gravier Street, New Orleans, LA 70119

Latitude: 29.96158°; Longitude: -90.09298°

Preliminary FIRM Panel: 22071C 0229F dated 12/1/2014

Flood Zone: "AE", area protected from the base flood by levee

Base Flood Elevation: -2 feet NAVD88

- 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 location is not located in a mapped wetland or U.S. waters.

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 C.F.R. § 9.8).

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

- Applicable - Notice will be or has been provided by:

A Cumulative Initial Public Notice was published statewide from 7-9 November 2005. Additional public notice shall be provided as required by the Executive Order.

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 C.F.R. § 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 - Alternatives identified as described below:

Alternative 1 – No Action

Under the "No Action" alternative, there would be no repair of CNO court support buildings. Consequently, the CNO criminal justice facilities would continue to operate under current conditions.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

This alternative would repair the buildings currently in use to pre-disaster condition, with upgrades to current codes and standards. Support

functions located at Criminal Evidence and Property, Clerk of Criminal Court, and Clerk of Municipal Court facilities would continue to be housed in independent buildings. The severely damaged Scientific Criminal Investigations Center was previously demolished; therefore, this function would continue to be sited within Criminal Evidence and Property.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

The Applicant proposes to use eligible funding to consolidate the functions of the Scientific Criminal Investigation, Criminal Evidence and Property, Clerk of Criminal Court, and Clerk of Municipal Court offices at a single new facility, the CEPC. The CEPC would be located at 2761 Gravier Street (the intersection of S. White and Gravier Streets) in New Orleans, Orleans Parish, Louisiana 70119. The approximate geographic coordinates of the proposed project site are Latitude 29.96158°, Longitude -90.09298°.

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 C.F.R. § 9.10).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Alternatives identified as described below:

Alternative 1 – No Action

The CNO criminal justice facilities would continue to operate under current conditions. “No Action” would forego the opportunity to create a more efficient and cost-effective consolidated facility. It would also result in continued security concerns during evidence transfer.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Support functions located at Criminal Evidence and Property, Clerk of Criminal Court, and Clerk of Municipal Court facilities would continue to be housed in independent buildings. The severely damaged Scientific Criminal Investigations Center was previously demolished; therefore, this function would continue to be sited within Criminal Evidence and Property. Consequently, Alternative 2 would not address the problems of inefficient design and security, would not provide an adequate facility for the Criminal Investigations section, and would not mitigate for future flood events.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

The consolidation would provide adequate space for all of the described court functions for the foreseeable future, as well as reduce inefficiency and ensure the secure transfer of evidence. In addition, maintenance of a single facility is anticipated to reduce long term operating costs. Consolidation with construction to current codes and standards also would allow the mitigation of problems encountered during hurricane Katrina, which adversely affected the work of the courts and supporting services, as well as the retention of valuable records and evidence. The proposed 5-story, 56,636 square-foot (sf) building would be elevated above grade to comply with required flood standards. Including the adjacent parking area, the facility is expected to encompass the entire 0.8-acre site.

A review of the natural environment, social concerns, and the economic aspects of the proposed project indicates that construction of the new facility is a practicable alternative.

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 C.F.R. § 9.11).

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Mitigation measures identified in the EA Document or as described below:

Alternative 1 – No Action

The no action alternative would not result in adverse impacts to or within the base floodplain or wetlands.

Alternative 2 – Repair of the Existing Buildings with Upgrades to Current Codes and Standards

Adverse impacts to or within the base floodplain would be mitigated and minimized by meeting current codes and standards. This would lessen the likelihood of damages in the next flood.

Alternative 3 – Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action)

Adverse impacts to or within the base floodplain would be mitigated and minimized by meeting current codes and standards including meeting

minimum NFIP requirements. This would lessen the likelihood of damages in the next flood.

STEP 6 **Reevaluate the proposed action to determine first, if it's 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's the only practicable location.**

- 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:

The proposed action is the chosen practicable alternative based upon a review of possible adverse effects on the floodplain and community and socioeconomic expectations.

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 C.F.R. § 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:

An initial/final Cumulative Public Notice was published.

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 ensure compliance with the order(s).

Review the implementation and post-implementation phase of the proposed action to ensure that the requirements stated in 9.11 are fully implemented.

- Applicable - Oversight responsibility established as follows:

Oversight responsibility shall be integrated into existing processes and project completion in accordance with all applicable floodplain ordinances and codes and standards shall be verified at project.

Appendix D

Public Notice

**PUBLIC NOTICE
FEMA NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL ASSESSMENT
DRAFT FINDING OF NO SIGNIFICANT IMPACT
CITY OF NEW ORLEANS
CRIMINAL EVIDENCE AND PROCESSING COMPLEX
NEW ORLEANS, ORLEANS PARISH, LOUISIANA**

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) has prepared a draft Environmental Assessment (EA) and a draft Finding of No Significant Impact (FONSI) in compliance with the National Environmental Policy Act (NEPA). The purpose of the EA is to assess the effects on the human and natural environment of the City of New Orleans' (CNO) proposed Criminal Evidence and Processing Complex (CEPC) in New Orleans, Louisiana 70119, a proposed action for which FEMA is considering providing funding assistance.

High winds and flooding from Hurricane Katrina destroyed or severely damaged the majority of CNO's police and court support facilities. As a result, the efficiency of the CNO court system has been severely strained, with floodwaters having destroyed valuable evidence and records. Court support functions are currently located in independent structures within close proximity to the main New Orleans Police Department's (NOPD) Criminal Evidence and Property facility. In order to restore services, facilities, and resources lost as a result of the hurricane, the Applicant proposes to use eligible funding to consolidate the functions of the NOPD Scientific Criminal Investigations Center, NOPD Criminal Evidence and Property, Orleans Parish Criminal Court Clerk, and New Orleans Municipal Court Clerk at the proposed CEPC. The new CEPC facility would be located at 2761 Gravier Street (the intersection of S. White and Gravier Streets), in Orleans Parish. The approximate geographic coordinates of the proposed project site are Latitude 29.96158°, Longitude 90.09298°.

The purpose of the draft EA is to analyze the potential environmental impacts associated with the preferred action and alternatives. The draft EA evaluates a No Action Alternative; the Preferred Action Alternative, which is to construct a new facility to consolidate criminal justice, public safety, and court functions; and an Alternative Action, which is to repair the existing buildings with upgrades to current codes and standards.

The draft FONSI is FEMA's finding that the preferred action will not have a significant effect on the human and natural environment.

The draft EA and draft FONSI are available for review at the following location: New Orleans Main Public Library, 219 Loyola Avenue, New Orleans, Louisiana 70112 (hours of operation are 10:00 a.m. to 6:00 p.m., Monday-Thursday and 10:00 a.m. to 5:00 p.m. Friday and Saturday). The documents also can be downloaded from FEMA's website at <http://www.fema.gov/resource-document-library>. A public notice for the project will be published on Wednesday, January 28, 2015, in the *Times-Picayune*, the journal of record for Orleans Parish, as well as in *The Advocate – New Orleans Edition*, from Monday, January 26 through Friday, January 30, 2015. Additionally, there will be a 15-day comment period, beginning on Saturday, January 31, and concluding on Monday, February 14, 2015, at 4:00 p.m. Written comments may be mailed to: DEPARTMENT OF HOMELAND SECURITY-FEMA EHP-CEPC, 1500 MAIN STREET, BATON ROUGE, LOUISIANA 70802. Comments may be e-mailed to fema-noma@dhs.gov or faxed to (225) 346-5848. Verbal comments will be accepted or recorded at (225) 267-2962. If no substantive comments are received, the draft EA and associated FONSI will become final.

Appendix E

FONSI



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency, Region VI
Louisiana Recovery Office
1500 Main Street
Baton Rouge, Louisiana 70802

**DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)
FOR
CITY OF NEW ORLEANS CRIMINAL EVIDENCE AND
PROCESSING COMPLEX ALTERNATE PROJECT,
NEW ORLEANS, ORLEANS PARISH, LOUISIANA
*FEMA-1603-DR-LA***

BACKGROUND

Hurricane Katrina made landfall on August 29, 2005, near the town of Buras, Louisiana, with sustained winds of more than 125 miles per hour. The accompanying storm surge damaged levees and entered the city of New Orleans from various coastal waterways, resulting in flooding throughout much of the city. The high winds and flooding caused considerable damage to the area and destroyed or severely damaged the majority of the City of New Orleans' (CNO) police and court support facilities. As a result, the efficiency of the CNO court system has been severely strained, with floodwaters having destroyed valuable evidence and records. CNO court support functions are currently located in independent structures within close proximity to the main New Orleans Police Department (NOPD) Criminal Evidence and Property facility.

The Applicant has requested, via the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (LA GOHSEP), that the Federal Emergency Management Agency (FEMA) provide disaster assistance through federal grant funds 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 to fund projects to repair, restore, and replace facilities damaged as a result of the declared event. The Applicant has determined that repair of the original damaged facilities to their pre-Hurricane Katrina specifications would not be in the best interest of the community, however. Consequently, in accordance with 44 C.F.R. § 206.203(d), CNO has requested an Alternate Project. An Alternate Project is any project where, in lieu of restoring a damaged facility, the Applicant chooses to repair or expand other selected public facilities, to construct new facilities, or to fund hazard mitigation measures.

Pursuant to the Council on Environmental Quality's procedures for implementing the National Environmental Policy Act (NEPA) at 40 C.F.R. § 1506.3 and in accordance with 44 C.F.R. § 10, FEMA regulations to implement NEPA, an Environmental Assessment (EA) was prepared. The alternatives considered consist of: 1) No Action, 2) Repair of the Existing Buildings with Upgrades to Current Codes and Standards, and 3) Construction of a New Facility to Consolidate Criminal Justice, Public Safety, and Court Functions of the CNO (Proposed Action).

FINDINGS

FEMA has evaluated the proposed project for significant adverse impacts to geology, soils, water resources (surface water, groundwater, and wetlands), floodplains, coastal resources, air quality, biological resources (vegetation, fish and wildlife, federally-listed threatened or endangered species and

critical habitats), cultural resources, socioeconomics (including minority and low income populations), safety, noise, and hazardous materials. The results of these evaluations as well as consultations and input from other federal and state agencies are presented in the EA. During the construction period, short-term impacts to water quality, 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:

- The Applicant must follow all applicable local, state, and federal laws, regulations, and requirements and obtain and comply with all required permits and approvals prior to initiating work.
- The Louisiana Department of Natural Resources (LDNR) requires that a complete Coastal Use Permit (CUP) application package (Joint Application Form, location 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 CUPs 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 documentation pertaining to these activities and Applicant compliance with any conditions should be forwarded to the state and FEMA for inclusion in the permanent project files.
- If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservations 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 (24) hours of the discovery. The Applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two (72) hours of the discovery.
- If the project results in a discharge to waters of the State, a Louisiana Pollutant Discharge Elimination System (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 nearby waters of the United States and surrounding drainage areas, the contractor must ensure compliance with all local, state, and federal requirements related to sediment control, disposal of solid waste, control and containment of spills, and discharge of surface runoff and stormwater from the site. All documentation pertaining to these activities and Applicant compliance with any conditions should be forwarded to the state and FEMA for inclusion in the permanent project files.
- 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 NFIP. Per 44 C.F.R. § 9.11(d)(9), for the replacement of building contents, materials, and equipment, where possible disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials, and equipment outside or above the base floodplain. The Applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and Applicant compliance with any conditions must be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files.
- Project construction would involve the use of potentially hazardous materials (e.g., petroleum products, including but not limited to gasoline, diesel, brake and hydraulic fluid, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, and/or treated timber)

and may result in the generation of small volumes of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous or non-hazardous wastes are required to be disposed in accordance with applicable federal, state, and local regulations.

- All activities involving the remediation of hazardous substances in on-site soil and groundwater must be conducted in accordance with Louisiana Department of Environmental Quality (LDEQ) requirements. Remediation activities may not begin until LDEQ approval has been received by the Applicant.
- All waste is to be transported by an entity maintaining a current "waste hauler permit" specifically for the waste being transported, as required by the Louisiana Department of Transportation and Development and other regulations.
- Unusable equipment, debris, and material shall be disposed of in an approved manner and location. The Applicant shall handle, manage, and dispose of petroleum products, hazardous materials, and/or toxic waste in accordance with all local, state, and federal agency requirements. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- Contractor and/or Subcontractors must properly handle, package, transport and dispose of hazardous materials and/or waste in accordance with all local, state, and federal regulations, laws, and ordinances, including all Occupational Safety and Health Administration worker exposure regulations covered within 29 C.F.R. § 1910 and 1926.

CONCLUSION

The results of these evaluations, as well as consultations and input from other federal and state agencies, are presented in the EA. Based on the information analyzed, FEMA has determined that the implementation of the proposed action would not result in significant adverse impacts to the quality of the natural and human environment. In addition, the proposed project does not appear to have the potential for significant cumulative effects when combined with past, present, and reasonably foreseeable future actions. As a result of this FONSI, an Environmental Impact Statement will not be prepared (per 44 C.F.R. § 10.9) and the proposed project as described in the EA may proceed.

APPROVALS

Kevin Jaynes, _____ Date
Regional Environmental Officer
Region VI

Thomas M. Womack, _____ Date
Director of Louisiana Recovery Office
FEMA-1603/1607-DR-LA