

Draft Environmental Assessment
City of Kenner
Laketown Park – New Dog Park
Improved Project
Jefferson Parish, Louisiana

April 2015

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



FEMA

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ACRONYMS AND ABBREVIATIONS

APE	Area of Potential Effects
BFE	Base Flood Elevation
BMP	Best Management Practices
CAA	Clean Air Act
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CPRA	Coastal Protection Restoration Authority
CUP	Coastal Use Permit
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
dB	Decibels
DFIRM	Digital Flood Insurance Rate Map
DNL	Day-Night Average Sound Level
EA	Environmental Assessment
e.g.	For Example
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
et seq.	And What Follows
°F	Fahrenheit
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
FWS	Fish and Wildlife Service
GOHSEP	Governor's Office of Homeland Security and Emergency Preparedness
HUC	Hydrologic Unit Code
i.e.	That Is
IPaC	Information, Planning, and Conservation
LA	Louisiana
LADOTD	Louisiana Department of Transportation and Development
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LDWF	Louisiana Department of Wildlife and Fisheries
LGS	Louisiana Geological Survey
LPDES	Louisiana Pollutant Discharge Elimination System
LSU	Louisiana State University
mph	Miles Per Hour
MRGO	Mississippi River Gulf Outlet
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
NO ₂	Nitrogen Dioxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
O ₃	Ozone
OCM	Office of Coastal Management
OPA	Otherwise Protected Area
OSHA	Occupational Safety and Health Administration
PA	Programmatic Agreement
PA	Public Assistance
Pb	Lead
PCB	Polychlorinated Biphenyls
PM _{2.5}	Particulate Matter Less Than 2.5 Micrometers in Diameter
PM ₁₀	Particulate Matter Less Than 10 Micrometers in Diameter
PNP	Private Non-Profit
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
SELA	Southeastern Louisiana
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office/Officer
SO ₂	Sulfur Dioxide
sq mi	Square Miles
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TSCA	Toxic Substances Control Act
U.S.	United States
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

1.0 INTRODUCTION

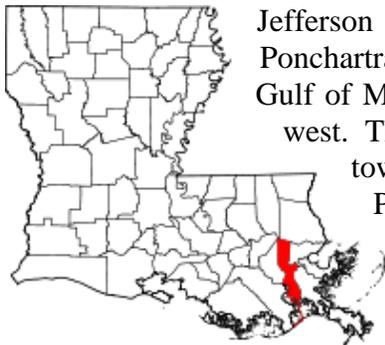
1.1 Project Authority

Hurricane Katrina made landfall on August 29, 2005, near Buras, Louisiana as a Category 3 storm. Maximum sustained winds at landfall were estimated at 125 miles per hour (mph) and were accompanied by a strong and damaging storm surge well above normal high tide. President George W. Bush declared a major disaster for the State of Louisiana and signed a major disaster declaration (FEMA-1603-DR-LA) on the same day, authorizing the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of Louisiana.

The City of Kenner (Applicant, City of Kenner) has requested, through the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) that FEMA provide disaster assistance through the provision of federal grant funding 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 (PA) 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 damaged facilities to their pre-Katrina specifications would not be in the best interest of the community. Consequently, in accordance with 44 Code of Federal Regulations (CFR) Section 206.203(d), the Applicant has requested an Improved Project. When performing permanent restoration work on a damaged facility, an applicant may decide to use the opportunity to make improvements to the facility while still restoring its pre-disaster function and at least its pre-disaster capacity; such improvements are called Improved Projects.

In accordance with 44 CFR, Chapter 1, Part 10.9, an Environmental Assessment (EA) is being prepared in compliance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (40 CFR. Sections 1500-1508). This EA will determine if the proposed Improved Project will have the potential for significant adverse effects on the quality of the human and natural environment. The results of this EA will be used to make a decision whether to initiate preparation of an Environmental Impact Statement (EIS) or to prepare a Finding of No Significant Impact (FONSI).

1.2 Area Description



Jefferson Parish lies in southeastern Louisiana and is bordered by Lake Ponchartrain to the north, Orleans and Plaquemines Parishes to the east, the Gulf of Mexico to the south, and Lafourche and St. Charles Parishes to the west. The Cities of Gretna, Harahan, Kenner, and Westwego; and the towns of Grand Isle and Jean Lafitte are located within Jefferson Parish. The total land area contained within the Jefferson Parish limits is 306.5 square miles (sq mi) (U.S.Census Bureau, 2008).

Major transportation routes that traverse the parish include State Routes 18, 23, 45 and 48, the Lake Ponchartrain Causeway, U.S. Routes 61 and 90, and Interstate 10. The parish is also traversed by the Mississippi River, the Gulf Intercoastal Waterway, and the Illinois Central Gulf, Kansas City Southern, Texas and Pacific, and Southern Pacific railroads. Air transportation in Jefferson Parish is provided by the New Orleans International Airport located in the City of Kenner.

Jefferson Parish is located in a part of the Mississippi River deltaic plain now occupied by the present course of the river. Principal physiographic features of the area are the river channel, natural levee ridges along its banks and along the banks of abandoned distributary channels, and low marshlands situated between and bordering the channels. Land elevations vary in Jefferson Parish from about 10.0 feet North American Vertical Datum of 1988 (NAVD88) near the Mississippi River to less than 0.0 feet NAVD88 in the coastal marsh area. The crest of the natural levee is the highest ground in the region. The coastal marsh area contains numerous bodies of shallow water.

Jefferson Parish is located in a subtropical latitude. The climate is characterized by mild winters and hot, humid summers. During the summer, prevailing southerly winds produce conditions favorable for thunder showers. During hurricane season, the area experiences frontal passages which produce squalls and sudden temperature drops. The mean annual temperature is about 70 degrees Fahrenheit (°F). The average temperatures in the summer and winter are 82°F and 56°F, respectively. The average annual rainfall is 63 inches (Louisiana Department of Health and Hospitals, 2005).

The Mississippi River divides the parish into two distinctly different communities. Development on the east bank of the Mississippi River consists mainly of residential and commercial improvements. Although some industrial development is located on the east bank of the river, most of the heavy industrial concentration is found on the west bank. In recent years, the west bank area has also experienced rapid residential development.

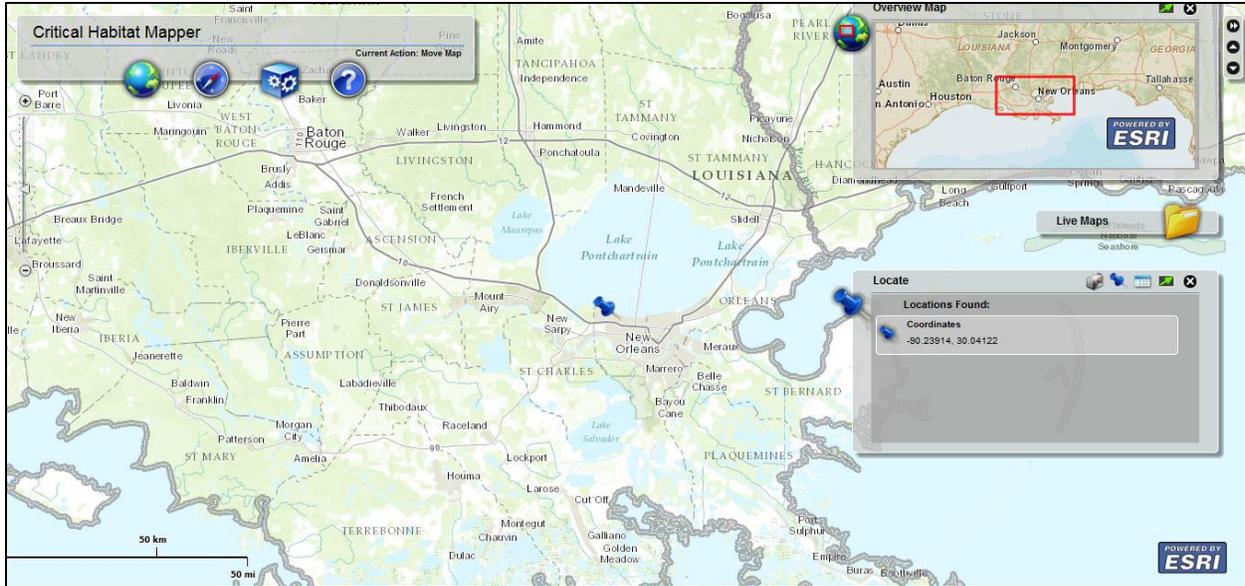


Figure 1 - Project Vicinity Map (ESRI 2014)

1.3 Site Description

Hurricane Katrina on August 29, 2005, caused flood damages to the City of Kenner Laketown Park located at 1801 Williams Boulevard at Lake Pontchartrain, in Jefferson Parish, Kenner, LA 70065 (Figure 2).



Figure 2 – City of Kenner Laketown Park (Google Earth 2014)

Laketown Park is situated on nearly 100 acres of shoreline accessed by road and boat lanes, with a lighted pier, sandy beaches, and lit walkways. It is home of the Pontchartrain Center, Treasure Chest Casino, many concerts, festivals, car shows, and other events (Latitude 29.9386, Longitude -90.0867, Figure 4 and Figure 5).



Figure 3 – Laketown Park – Proposed Dog Park Footprint (Google Earth 2014)



Figure 4 - Aerial View of Proposed Project Location (Google Earth 2014)

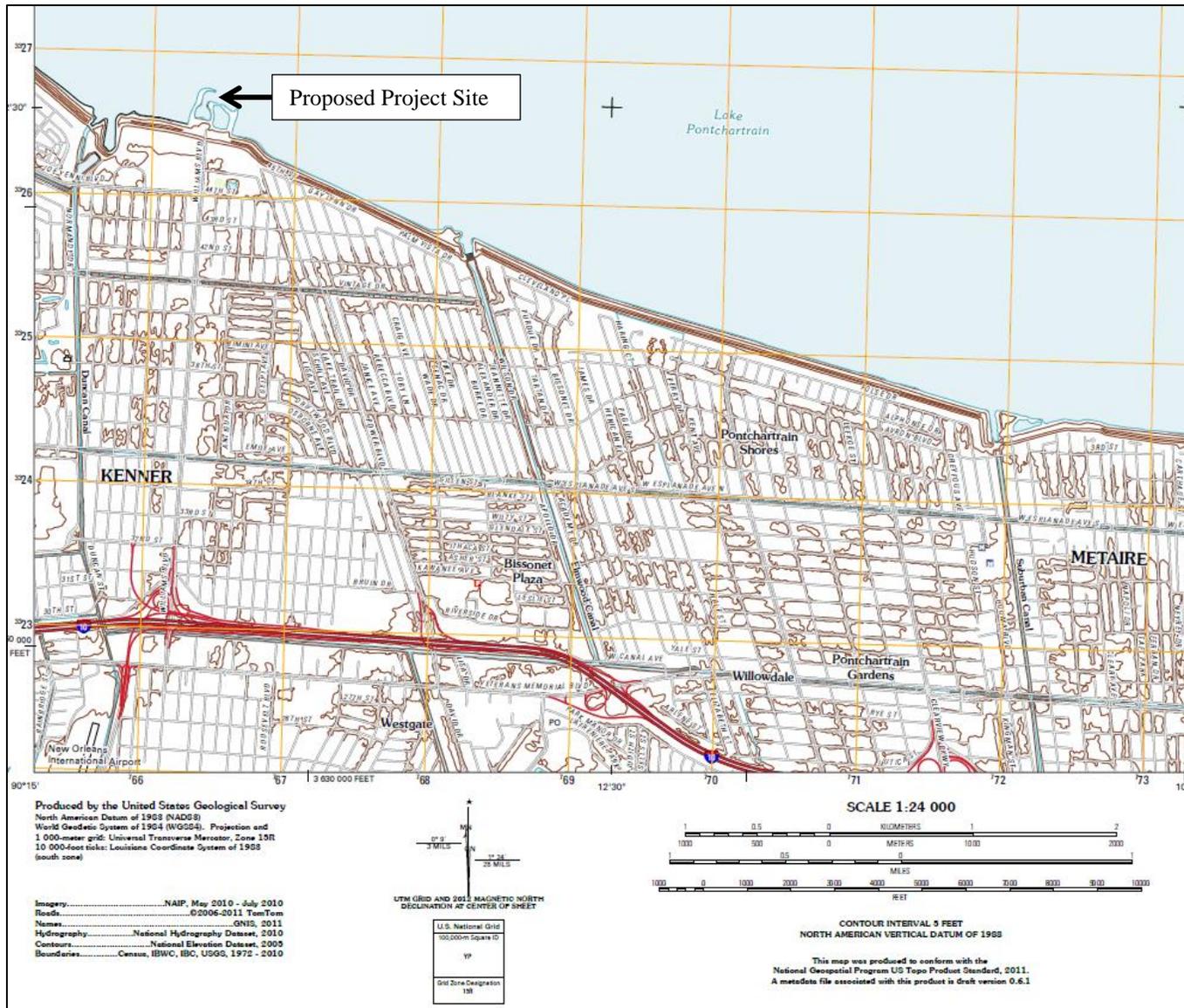


Figure 5 - Topographic Map View of Proposed Project Site (USGS 2012)

City of Kenner Laketown Dog Park Improved Project
 Draft Environmental Assessment (April 2015)

2.0 PURPOSE AND NEED FOR THE PROPOSED ACTION

The objective of the PA Program is to provide assistance to state, tribal, and local governments, and certain types of private non-profit (PNP) organizations, so that communities can quickly respond to and recover from major disasters or emergencies. The mission of the City of Kenner Laketown Park is to provide basic outdoor recreation services to the community. Situated on the southern shore of Lake Pontchartrain, the park provides an attractive neighborhood setting and a place for passive recreation for all people of many ages. Activities include walking, picnicking, shoreline fishing, and special events held through rental arrangements with the City.

The original park terrain and appurtenant facilities such as walkways, pavilions, and parking areas were damaged from inundation by storm surge and related flotsam. Erosion caused extensive damage to turf and surrounding shoreline riprap, which have been temporarily repaired. The ability to effectively accommodate the public's recreation needs is a basic requirement for any urban, public use area. This essential requirement is fundamental to the inherent usability and purpose of an urban, open-public facility. The current need is to restore the park facilities in a progressive and responsive manner that incorporates the long range plans of the City Parks and Recreation Department.

3.0 ALTERNATIVES CONSIDERED

This section describes alternatives proposed and considered in addressing the purpose and need stated in Section 2.0 above. The NEPA process consists of an evaluation of the environmental effects of a federal action, including its alternatives. The identification and evaluation of the purpose and need of a project is essential in establishing a basis for the development of the range of reasonable alternatives required in an EA, and assists with the identification and eventual selection of a preferred alternative.

Under NEPA, the term “reasonable alternatives” is generally understood to mean those technically, economically and legally practical or feasible project alternatives that would satisfy the primary objectives of the project defined in the Purpose and Need statement (FEMA 1996; CEQ 1981). Three alternatives have been proposed and reviewed for this project. They include: 1) No Action; 2) Repair of the Laketown Park to Pre-Disaster Condition; and 3) Construct a Dog Park at Laketown Park (Proposed Action).

3.1 Alternative 1 – No Action

Under the No Action Alternative, no improvements or construction activities would occur at the Laketown Park. This alternative does not meet the purpose and need; however, it will continue to be evaluated throughout this EA to serve as a baseline for comparison of action impacts.

3.2 Alternative 2 – Repair Damaged Facility to Pre-Disaster Condition

This alternative would repair the damaged Laketown to the pre-disaster configuration, function, and capacity in substantially the same footprint in order to restore the facility as it existed prior to Hurricane Katrina. This alternative would replace 11,033 cubic yards of park soil estimated lost as a result of storm damage. Soil would be placed to restore the site grade that was determined to exist before the storm. The site would then be seeded to promote revegetation and stabilize the soil from stormwater erosion. Reconstruction in the same footprint would meet the purpose and need and will therefore be further evaluated.

3.3 Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

The dog park facility would consist of a 1.7 acre dog park, which would be located along the south edge of the park, west of the parking lot (Latitude 29.04122, Longitude -90.23914). The project will be limited to the placement of non-structural fill, landscaping pavement, fencing, benches and associated appurtenant utilities. A review of the proposed scope of work indicates the action meets FEMA’s allowance for new construction of facilities in the coastal high hazard area that facilitate open space use, i.e., park features with minimal filling and construction of structures. All utility services are proposed to be reasonably safe from the base flood in order to achieve compliance with the minimum National Flood Insurance Program requirements. The scope of work would include removing appropriate topsoil at the proposed site of the dog park and filling 1.7 acres to the appropriate elevations, and reseeding as required for erosion control.

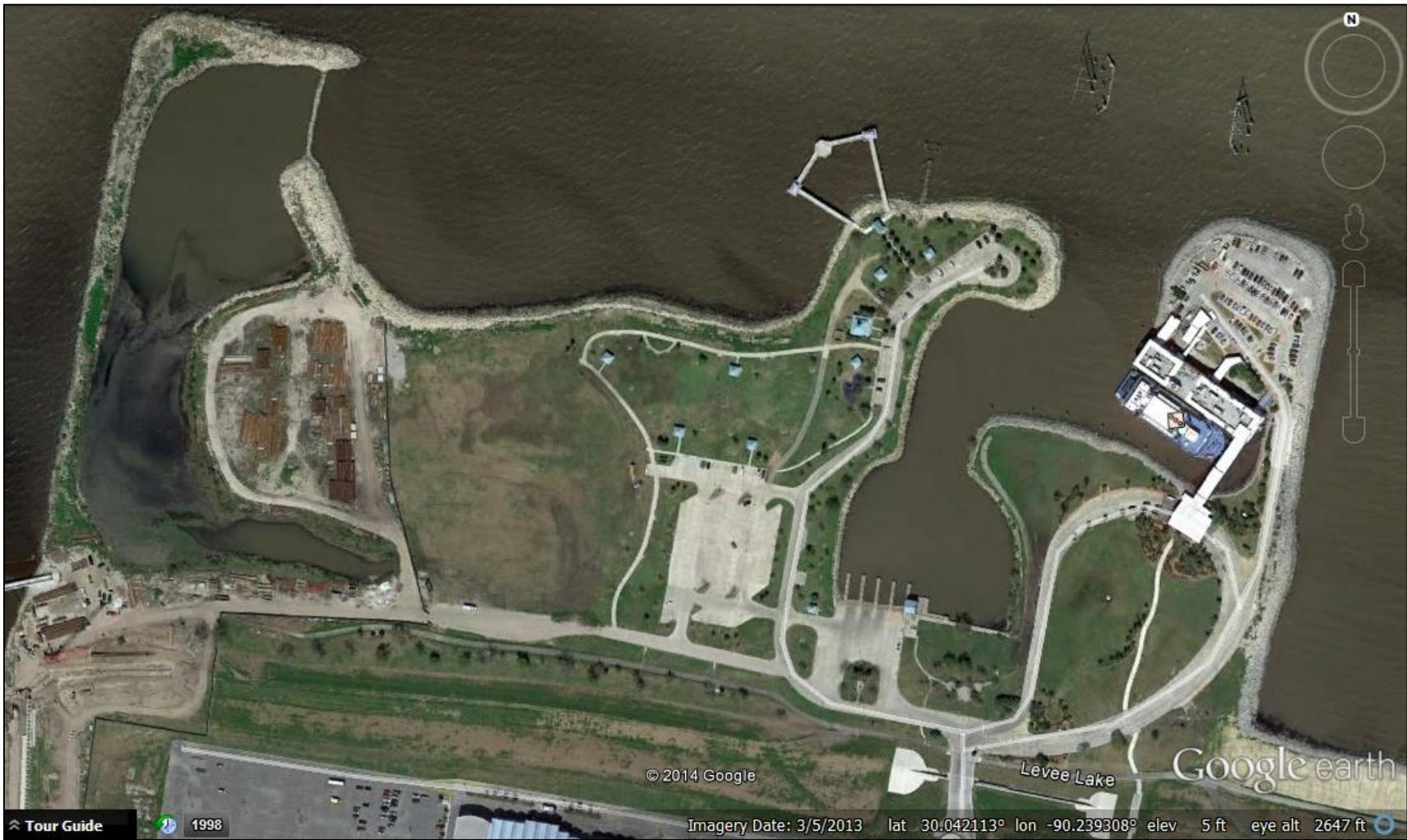


Figure 6 - Aerial View of Proposed Site Layout (Google Earth)

4.0 AFFECTED ENVIRONMENT AND ALTERNATIVE ANALYSIS

4.1 Geology and Soils

4.1.1 Regulatory Setting

The Farmland Protection Policy Act (FPPA: P.L. 97-98, Sections 1539-1549; 7 U.S.C. 4201, *et seq.*) was enacted in 1981 and is intended to minimize the impact federal actions may have on the unnecessary and irreversible conversion of farmland to non-agricultural uses. It assures that, to the extent possible, federal programs and policies are administered to be compatible with state and local farmland protection policies and programs. 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 nonfederal land or, in any way, affect the property rights of owners.

The Natural Resources Conservation Service (NRCS) is responsible for protecting significant agricultural lands from irreversible conversions that result in the loss of essential food or environment sources. For purposes of the FPPA, farmland includes prime farmland, unique farmland, and land 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 (United States Department of Agriculture, USDA 2013). Farmland subject to FPPA requirements does not have to be currently used for cropland; it can be forest land, pastureland, cropland, or other land, but not water or built-up land.

4.1.2 Existing Conditions

The parish is entirely within the Mississippi River Delta. The natural levees of the Mississippi River and its distributaries are dominated by firm, loamy and clayey soils. These soils make up about one-third of the total land area of the parish and are developed almost entirely for urban uses. An extensive system of manmade levees protects these soils from flooding. The other two-thirds of the land area of the parish consists of soils formed in marshes and swamps. Most of the area has been protected from flooding by a system of levees and pumps. The unprotected areas are subject to frequent flooding and have a water table at or above the soil surface most of the time. These areas are used as habitat for wetland wildlife and for recreation. Areas protected from flooding are in urban and industrial uses or are being planned and developed for these uses. Elevation ranges from about 12 feet above sea level on the natural levees along the Mississippi River to about five (5) feet below sea level in the former marshes and swamps that have been drained. The undrained marshes and swamps, however. Mostly range in elevation from sea level to about one (1) foot above sea level.

According to the Louisiana Geological Survey (LGS), the geology in the vicinity of the site is predominantly Holocene Alluvium (Figure 7). The soils in Jefferson Parish vary in their potential for major land uses and urban development. According to the USDA, NRCS Web Soil Survey, the soils in the proposed site include Kenner Muck and Harrahan Clay.

The Kenner series consists of level, very poorly drained and poorly drained, rapidly permeable and very rapidly permeable organic soils. The soils formed in herbaceous plant material in freshwater marshes. Unless drained, these soils are ponded or flooded most of the time. Elevation ranges from about one (1) foot above sea level to five (5) feet below sea level. Slope is less than 0.5 percent.

The Harahan Clay series, consists of poorly drained, very slowly permeable soils that formed in clayey alluvium. These soils are form in the upper part and slightly fluid in the lower part. They are in drained, former swamps in the lower part of the Mississippi River flood plain. (Figures 8, 9, and 10, NRCS 2014).

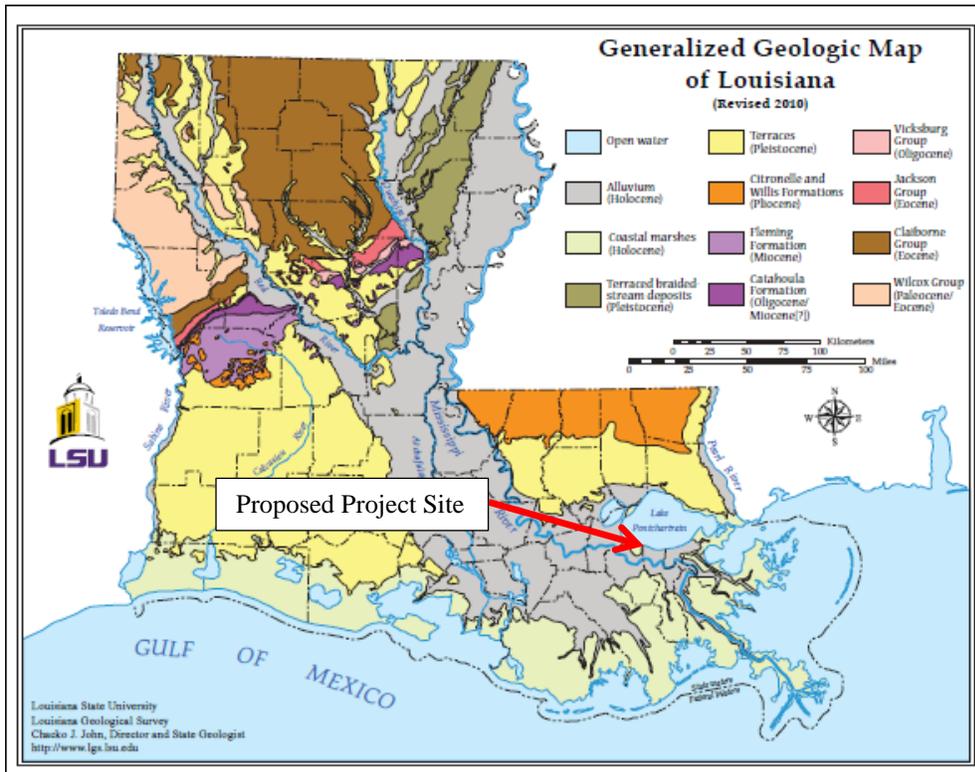
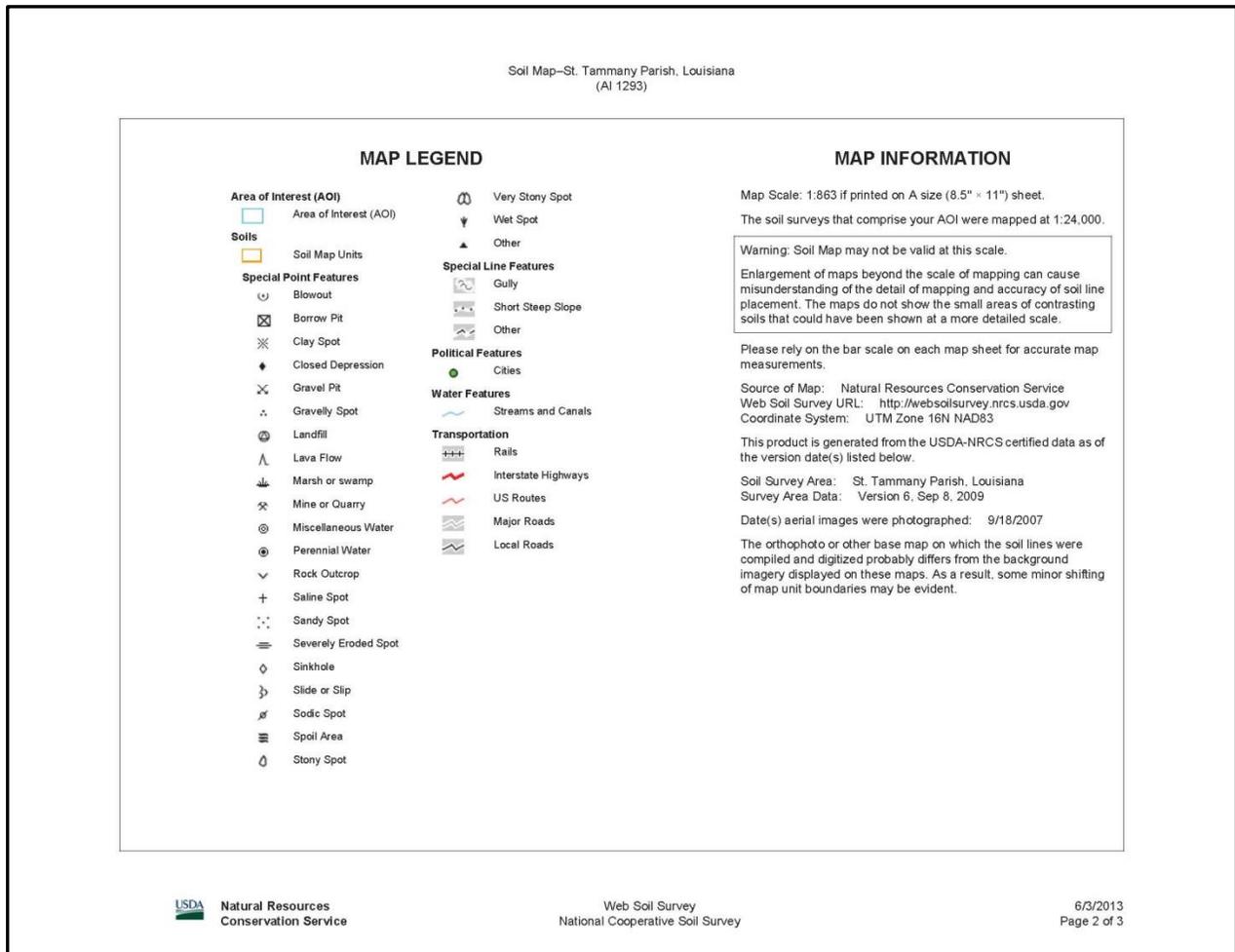


Figure 7 - Generalized Geologic Map of Louisiana (Louisiana State University 2010)



Figure 8 - NRCS Web Soil Survey Mapper (NRCS 2014)



Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

6/3/2013
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Figure 9 - NRCS Web Soil Survey Mapper Legend (NRCS 2014)

Jefferson Parish, Louisiana (LA051)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ae	Allemands muck, drained	56.7	2.0%
Ha	Harahan clay	95.1	3.4%
Ka	Kenner muck, drained	1,289.5	46.3%
W	Water	1,342.3	48.2%
Totals for Area of Interest		2,783.6	100.0%

Figure 10 - NRCS Classification Summary for Proposed Project Site (NRCS 2014)

4.1.3 Environmental Consequences

Alternative 1 – No Action

Implementation of the No Action Alternative would include no undertaking and, therefore, would not impact the soils or geologic processes known for the area.

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

This action alternative would temporarily impact soils, primarily as part of site preparation and building construction. Soils at the project site may be exposed during grading and trenching for utilities or other code upgrades. Additionally, installation of the proposed structure may result in compaction of all underlying soil, and the removal of other soil. However, this alternative would only include construction in areas that have already been disturbed, graded, and developed, and would not cause significant disturbance of geology or soils as part of the site preparation and building construction. Furthermore, the project will also not result in the conversion of any Prime, or State-wide and locally important farmlands.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

The Proposed Action Alternative would temporarily impact soils, primarily as part of site preparation and building construction. Soils at the project site may be exposed during grading and trenching for utilities or other code upgrades. Additionally, installation of the proposed addition may result in compaction of all underlying soil, and the removal of other soil. However, this alternative would only include construction in areas that have already been disturbed, graded, and developed, and would not cause significant disturbance of geology or soils as part of the site preparation and building construction. Furthermore, the project will also not result in the conversion of any Prime, or State-wide and locally important farmlands.

4.2 Waters of the United States and Wetlands

4.2.1 Regulatory Setting

The United States Army Corps Engineers (USACE) regulates the discharge of dredged or fill material into waters of the United States (U.S.), including wetlands, pursuant to Sections 401 and 404 of the Clean Water Act (CWA). Wetlands are identified as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that under normal hydrologic conditions do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The USACE also regulates the building of structures in waters of the U.S. pursuant to Section 10 of the Rivers and Harbors Act (RHA). Executive Order (EO) 11990, Protection of Wetlands, directs federal agencies to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the values of wetlands for federally funded projects. FEMA regulations for complying with EO 11990 are found at 44 CFR Part 9, Floodplain Management and Protection of Wetlands.

The U.S. Environmental Protection Agency (USEPA) regulates discharges to waters of the United States through permits issued under Section 402 of the CWA, entitled the National Pollutant Discharge Elimination System (NPDES), which authorizes and sets forth standards for state administered permitting programs regulating the discharge of pollutants into navigable waters within each state's jurisdiction. On August 27, 1996, USEPA Region VI delegated the authority to administer the NPDES program for matters within the jurisdiction of the State of Louisiana. Having assumed NPDES responsibilities, Louisiana directly issues NPDES permits and has primary enforcement responsibility for facilities located within the State, with certain

exceptions such as Indian Country Lands. Louisiana administers the NPDES Program and surface water discharge permitting system under the Louisiana Pollutant Discharge Elimination System (LPDES) program.

The LPDES requires permits for the discharge of pollutants/wastewater from any point source into waters of the State. The term “point source” is defined as “any discernible, confined, and discrete conveyance such as a pipe or a ditch.” Prior to assumption of the program, permittees were required to hold both a valid state and federal permit. Today, all point source discharges of pollutants to waters in the state of Louisiana are subject to a LPDES permit issued by the Louisiana Department of Environmental Quality (LDEQ). Additionally, the LDEQ requires a Stormwater Pollution Prevention Plan (SWPPP) for land disturbing activities greater than 1 acre. For land disturbing activities greater than 5 acres the LDEQ requires: 1) a SWPPP 2) a Notice of Intent, and 3) a Notice of Completion.

Section 303(d) of the CWA requires states to develop a list of impaired waters. A water is considered impaired if the current water quality does not meet the numeric or narrative criteria in a water quality standard, or the designated use described by that state is not achieved. Section 303(d)(2) requires that states submit and USEPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards, and for which total maximum daily loads (TMDLs) must be prepared (40 CFR 130.7). Total maximum daily loads are pollution budgets designed to identify necessary reductions of pollutant loads to the impaired waters so that the appropriate water quality standards are met, including designated uses like fishing or swimming and water quality criteria for parameters such as dissolved oxygen and water clarity. The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7). Types of impairments may include, for example, impaired primary contact use (e.g., swimming, water skiing), mercury and polychlorinated biphenyls (PCBs) in fish tissue, impaired fish consumption use, low dissolved oxygen, copper, phosphorus, manganese, excessive siltation, physical-habitat alterations, and total suspended solids which impair aquatic life use.

4.2.2 Existing Conditions

Surface Water

The original Laketown Park including the footprint of the proposed new dog park is located within a fill area built into Lake Pontchartrain (Lake). The Lake is an estuarine waterbody subject to the influence of tide, approximately 640 square miles in area, that receives fresh water from several natural rivers and streams in the northern lake basin and a marine water influence from the Gulf of Mexico in the east via Lake Borgne, Chef Menteur Pass, The Rigolets and other smaller bayou connections. On the south shore of the Lake are several areas of connectivity to the Mississippi River. The largest, Bonnet Carré Spillway, is located west of Norco, LA and is used during flooding events to reduce the likelihood of flooding by the Mississippi River by allowing floodwaters from the Mississippi River to flow via the Bonnet Carré Spillway to the Lake and ultimately to the Gulf of Mexico. Other permanent confluences with the Lake and the

Mississippi River include the Inner Harbor Navigation Canal or “Industrial Canal” and the Mississippi River Gulf Outlet (MRGO). In addition, the City of New Orleans utilizes the following canals that terminate in the Lake as part of its flood control operations: 17th Street Canal, London Avenue Canal and Orleans Avenue Canal.

The Lake is part of the Lake Pontchartrain Hydrologic Unit Code (HUC 080902) watershed area which is inclusive of Liberty Bayou-Tchefuncta (HUC 08090201), Lake Pontchartrain (HUC08090202) and the Eastern Louisiana Coastal (HUC 08090203) watershed areas (United States Geologic Survey, USGS 2010).

The Lake is used extensively for commercial and sport fishing; crab, shrimp and oyster harvesting, as well as barge traffic. The Lake is an important economic resource for local, interstate and foreign commerce. The U.S. Fish & Wildlife Service’s (FWS) National Wetlands Inventory (NWI) map defines the Lake under the Cowardin Classification System (Cowardin *et al.* 1979) as a mesohaline, estuarine, subtidal water with an unconsolidated bottom (wetland code: E1UBL5)(USFWS 2012a). Based on NWI results and color aerial imagery reconnaissance (Google Earth 2012) no additional waters of the U.S., including wetlands, were identified within the proposed project area (Appendix A).

As of 2010, the designated area “*Lake Pontchartrain Basin Coastal Bays and Gulf Waters to the State 3 mile limit*” is listed as an impaired waterway for fecal Coliform contamination from an unknown source pursuant to CWA § 303(d)(LDEQ 2010). The south beaches of the Lake have also been under a “No Swim Advisory” since June 01, 1985 due to fecal Coliform contamination (LDEQ 2012).

Site Conditions

According to the FWS NWI map, the proposed project is not located in any designated wetlands or jurisdictional waters of the U.S. The park is bordered on three (3) sides by Lake Pontchartrain with the shoreline armored with rock and concrete riprap. The area of the proposed site is urban park development with paved roadways, curbing, and other developed features. Site drainage is ultimately conveyed through a network of onsite swales to the adjacent Lake Pontchartrain.

4.2.3 Environmental Consequences

Alternative 1 – No Action

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

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

This action alternative would have no impact on wetlands or other waters of the U.S.. FEMA has determined that the project location is an urban, previously-disturbed site, and is not a wetland subject to EO 11990. This alternative would not require a permit under Section 10 of the RHA. Correspondence from the USACE, dated February 9, 2015, states that the site is not a wetland subject to USACE jurisdiction, and that a Department of the Army permit under

Section 404 of the CWA will not be required for the deposition or redistribution of dredged or fill material on this site (Appendix G).

If the project results in a discharge to waters of the State, a LPDES permit may be required in accordance with the CWA 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 the nearby waters of the U.S. and well defined drainage areas surrounding the site, 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. Accordingly, the contractor must implement Best Management Practices (BMPs) that meet the LDEQ permitting specifications for stormwater discharge regulated under Sections 401 and 402 of the CWA, and include the following into the daily operations of the construction activities: silt screens, barriers (e.g., hay bales), berms/dikes, and/or fences placed where and as needed. Fencing should be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations. Hazardous materials associated with construction equipment must be handled according to local, state, and federal regulations in order to minimize the risk of spills and leaks and subsequent impacts to surface and groundwater resources.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

The Proposed Action Alternative would have no impact on wetlands or other waters of the U.S.. FEMA has determined that the project location is an urban, previously disturbed site, and is not a wetland subject to EO 11990. This alternative would not require permits under Section 10 of the Rivers and Harbors Act. Correspondence from the USACE, dated February 9, 2015, states that the site is not a wetland subject to USACE jurisdiction, and that a Department of the Army permit under Section 404 of the CWA will not be required for the deposition or redistribution of dredged or fill material on this site (Appendix E).

If the project results in a discharge to waters of the State, a LPDES permit may be required in accordance with the CWA 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 the nearby waters of the U.S. and well defined drainage areas surrounding the site, 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. Accordingly, the contractor should implement BMPs that meet the LDEQ permitting specifications for stormwater discharge regulated under Sections 401 and 402 of the CWA, and include the following into the daily operations of the construction activities: silt screens, barriers (e.g., hay bales), berms/dikes, and/or fences placed where and as needed. Fencing must be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations. Hazardous materials associated with construction equipment must be handled according to

local, state, and federal regulations in order to minimize the risk of spills and leaks and subsequent impacts to surface and groundwater resources.

4.3 Floodplains

4.3.1 Regulatory Setting

EO 11988, Floodplain Management, requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development, i.e., within the 1% annual chance special flood hazard area (SFHA) (i.e., 100-year floodplain) whenever there is a practicable alternative (for “Critical Actions”, within the 0.2% annual chance SFHA, i.e., the 500-year floodplain). FEMA used the National Flood Insurance Program (NFIP) revised preliminary Flood Insurance Rate Maps (FIRM) to determine the flood hazard zone for the proposed project location. FEMA’s regulations for complying with EO 11988 are found in 44 CFR Part 9, Floodplain Management and Protection of Wetlands.

44 CFR Section 9.6 details an 8-step process that decision-makers must use when considering projects either located within the floodplain or with the potential to affect the floodplain. The 8-step process: assesses the action with regard to human susceptibility to flood harm and impacts to wetlands; analyzes principle flood problems, risks from flooding, history of flood loss, and existing flood protection measures; and includes public notice and opportunity for the public to have early and meaningful participation in decision-making and alternative selection. In conjunction with the EA development, the 8-step process formulates and describes considered alternatives and determines their practicability as required by FEMA regulations. If impacts cannot be avoided, the 8-step process includes requirements to incorporate measures to minimize and mitigate potential risks from flooding and impacts to wetlands as appropriate.

4.3.2 Existing Conditions

The history of flooding within Jefferson Parish indicates that flooding may occur during any season of the year. In the cooler months, the area is subject to heavy rainfalls resulting from frontal passages; in the summer months, heavy rainfalls result from convective thundershowers. In the later summer, hurricanes accompanied by rainfall and super-elevated water surface elevations pose the largest threat of flooding to the area. The principal sources of flooding are rainfall ponding, levee overtopping and hurricane or tropical storm surges originating in the Gulf of Mexico from Lake Ponchartrain on the east bank and Lakes Salvador and Cataouatche on the west bank. According to the original parishwide Flood Insurance Study (FIS), the largest 24-hour rainfall amount during a 107-year period of record at a nearby gage in Audobon Park in Orleans Parish was 14 inches, on April 15 and 16, 1927.

The most severe flood in the study area occurred in August 2005 when Hurricane Katrina passed through the area. A mandatory evacuation order was issued by the Jefferson Parish President on August 26, 2005, for Hurricane Katrina. Three days later, the storm crossed southeastern Louisiana, approximately 20 miles east of Jefferson Parish, with wind gusts reaching 100 to 125 mph. Storm surges of up to 15 feet severely flooded areas in the southern part of the parish.

Heavy rains and overtopping of the Lake Pontchartrain levees resulted in flooding in the northernmost sections of the parish, and sections of “Old Metairie” remained flooded for weeks (Jefferson Parish – Disaster Impact and Needs Assessment, 2008). On September 27, 2005, Hurricane Rita hit the western part of the state, bringing sustained winds of 45 mph to Jefferson Parish. Storm surges again flooded areas of southern Jefferson Parish, particularly around the Town of Jean Lafitte. Utilities were disrupted throughout the parish and most commerce was halted for several weeks. High winds damaged more than 26,700 residential roofs throughout the parish. Jefferson Parish, although suffering significant damage, fared better than its neighbors Orleans, Plaquemines, and St. Bernard Parishes (Jefferson Parish – Disaster Impact and Needs Assessment, 2008). Other significant floods in Jefferson Parish occurred in 1909, 1915, 1947, 1956, 1965, 1969, 1978, 1980, and 1992. Severe flood in the parish also occurred in September 1965 when Hurricane Betsy crossed the Louisiana coastline.

The federally-constructed Mississippi River and Tributaries Levee protects Jefferson Parish from flooding due to high stages in the Mississippi River. On the east bank of the parish, the Lake Pontchartrain and Hurricane Protection Levee affords protection from hurricane surges from Lake Ponchartrain. The west bank area is partially protected from hurricane surge from the Gulf of Mexico by parish-built levees. The Laketown Park is situated outside the protection of the Lake Pontchartrain Levee and is exposed to severe flood and surge inundation during storms.

The preliminary Digital Flood Insurance Rate Maps (DFIRMs) for Jefferson Parish, dated November 9, 2012, are currently considered the best available flood risk data for the project area. Even if not officially adopted by a community, best available floodplain data identifies the minimum elevation and reconstruction requirements for FEMA grants. Per Preliminary DFIRM Panel 22051C0115F (Figure 12), the proposed project site is located in a Coastal High Hazard Flood Zone (i.e., the V-Zone), an area of the base floodplain with velocity wave action and waves greater than three (3) feet during the base flood conditions. The base flood elevation (BFE) in Laketown Park is 15 feet above the North American Vertical Datum 1988.

In compliance with FEMA policy implementing EO 11988, Floodplain Management, the proposed project was reviewed for possible impacts associated with occupancy or modification to floodplain. Jefferson Parish enrolled in the NFIP on August 3, 1970.

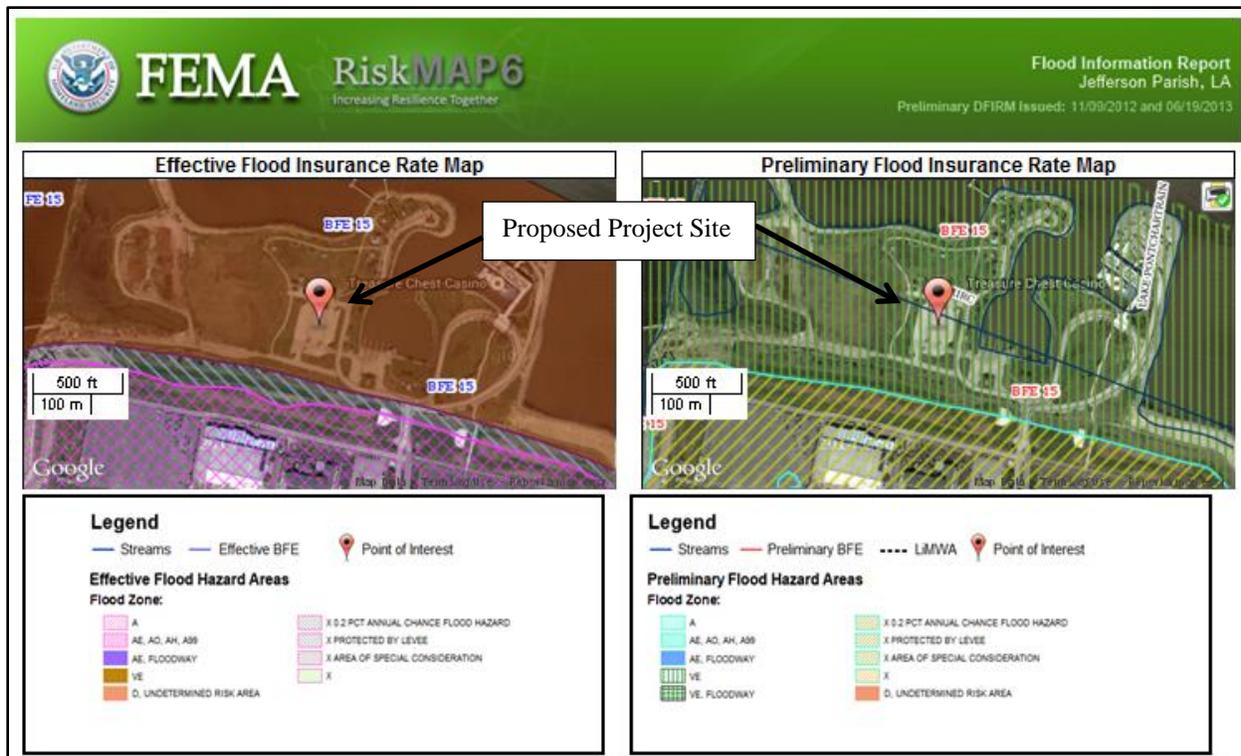


Figure 12 - Jefferson Parish Preliminary DFIRM Map Panel Number 22051C0115F (FEMA 2013)

4.3.3 Environmental Consequences

Alternative 1 – No Action

The No Action Alternative would involve no undertaking and would not result in any adverse impacts to the base floodplain.

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

This action alternative includes repair of the facility in the base floodplain. Per 44 CFR 9.11(d)(3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The Applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All documentation pertaining to these activities and Applicant compliance with any conditions should be forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 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. In compliance with Executive Order 11988, an 8-step process was completed, is attached, and on file (Appendix B.)

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

The Proposed Action Alternative would expand a facility located in the base floodplain, and, additionally, would also include improvements to the same facility (i.e., the addition of a new dog park). A review of the proposed scope of work indicates the action meets FEMA’s allowance for new construction of facilities in the coastal high hazard area that facilitate open space use, i.e., park features with minimal filling and construction of structures. Per 44 CFR 9.11(d)(3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The Applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All documentation pertaining to these activities and Applicant compliance with any conditions should be forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 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. In compliance with Executive Order 11988, an 8-step process was completed, is attached and on file (Appendix B).

4.4 Coastal Resources

4.4.1 Regulatory Setting

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

The CZMA’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 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. The Louisiana Department of Natural Resources (LDNR) regulates development in Louisiana’s designated coastal zone through the Coastal Use Permit (CUP) Program.

The USFWS regulates federal funding in Coastal Barrier Resource System (CBRS) units under the Coastal Barrier Resources Act (CBRA). This Act protects undeveloped coastal barriers and related areas (i.e., Otherwise Protected Areas [OPAs]) by prohibiting direct or indirect Federal

funding of projects that support development in these areas. The Act promotes appropriate use and conservation of coastal barriers along the Gulf of Mexico.

4.4.2 Existing Conditions

The proposed project site is in Jefferson Parish, which is located in the Louisiana Coastal Zone (Appendix E; Figure 13).



Figure 13 - Louisiana Coastal Zone Boundary Map (LDNR OCM 2012)

4.4.3 Environmental Consequences

Alternative 1 - No Action

The No Action Alternative would entail no undertaking and, therefore, would have no adverse impacts related to the designated coastal management zone or to a CBRS unit.

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

Consistency Review for Federal Assistance

Federal regulations at 15 CFR §930.90 *et seq.* require state and local government bodies applying for federal financial assistance (grants, loans, guarantees, insurance, contractual arrangements, or other form of financial aid) to submit a request for Consistency review of that assistance to OCM. Since the inception of the Louisiana Coastal Resources Program in 1980, OCM has never found that financial assistance for a proposed project would be inconsistent with the state Coastal Zone Management program. The Office of Coastal Management therefore issued a letter of general consistency concurrence, which shall serve as formal notification that, as of October 1, 2012, the granting of any financial assistance as defined at 15 CFR §930.91, is fully consistent with the Louisiana Coastal Resources Program. Federal agencies should not require applicants for financial assistance to seek OCM's approval for that assistance.

Request for Determination for Project Implementation

The applicant must seek comments on the need to obtain a Coastal Use Permit or other authorization from OCM for projects in or near the Louisiana Coastal Zone and a Request for Determination or Solicitation of Views should be submitted to OCM's Permits and Mitigation Division. The Applicant is responsible for coordinating with and obtaining any required CUPs or other authorizations from LDNR-OCM's Permits and Mitigation Division prior to initiating work.

The site is not within or affecting a CBRS unit and, therefore, not subject to the CBRA.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

Consistency Review for Federal Assistance

Federal regulations at 15 CFR §930.90 *et seq.* require state and local government bodies applying for federal financial assistance (grants, loans, guarantees, insurance, contractual arrangements, or other form of financial aid) to submit a request for Consistency review of that assistance to OCM. Since the inception of the Louisiana Coastal Resources Program in 1980, OCM has never found that financial assistance for a proposed project would be inconsistent with the state Coastal Zone Management program. The Office of Coastal Management therefore issued a letter of general consistency concurrence, which shall serve as formal notification that, as of October 1, 2012, the granting of any financial assistance as defined at 15 CFR §930.91, is fully consistent with the Louisiana Coastal Resources Program. Federal agencies should not require applicants for financial assistance to seek OCM's approval for that assistance.

Request for Determination for Project Implementation

The applicant must seek comments on the need to obtain a Coastal Use Permit or other authorization from OCM for projects in or near the Louisiana Coastal Zone and a Request for Determination or Solicitation of Views should be submitted to OCM's Permits and Mitigation

Division. The Applicant is responsible for coordinating with and obtaining any required CUPs or other authorizations from LDNR-OCM's Permits and Mitigation Division prior to initiating work.

The site is not within a CBRS unit and, therefore, not subject to the CBRA.

4.5 Federally Protected Species and Critical Habitats

4.5.1 Regulatory Setting

The Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884)(ESA) prohibits the taking of listed, threatened, and endangered species unless specifically authorized by permit from the USFWS or the National Marine Fisheries Service. "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 CFR 17.3).

Section 7(a)(2) of the ESA requires the lead federal government 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 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 ESA defines critical habitat as "the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and specific areas outside the geographical area occupied by the species at the time it is listed that are determined by the Secretary to be essential for the conservation of the species."

4.5.2 Existing Conditions

According to the USFWS, Information, Planning, and Conservation (IPaC) online system, accessed on December 11, 2014, two fish species, the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) and Pallid Sturgeon (*Scaphirhynchus albus*), are federally listed by the USFWS as endangered or threatened and are known to occur in select areas of Orleans Parish (USFWS, IPaC, 2014). The proposed project site is located within a previously disturbed urban area. No state or federal parks, national wildlife refuges, scenic streams, or wildlife management areas are known to exist at or in the vicinity of the proposed site. According to IPaC, no FWS Endangered Species Conservation measures were found for the project location (USFWS, IPaC, 2014).

Common Name	Scientific Name	Federal Status	Critical Habitat	Habitat Requirements
Pallid sturgeon	(<i>Scaphirhynchus albus</i>)	Endangered	No	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.
Gulf sturgeon	(<i>Acipenser oxyrinchus desotoi</i>)	Threatened	No	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.

Table 1 - Federally Listed Species Known to Occur in Orleans Parish (USFWS 2014)

4.5.3 Environmental Consequences

Alternative 1 – No Action:

The No Action Alternative would entail no undertaking and, therefore, would have no adverse impacts on species federally listed as threatened or endangered.

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

The proposed project site is located within a previously disturbed area. Additionally, FEMA Environmental Specialists identified no listed species or critical habitat at the proposed project site. Consequently, given the scope of work, it is anticipated that this action alternative would have no impacts on species federally listed as threatened or endangered, migratory birds, or federally listed critically habitats.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

The Proposed Action Alternative has been reviewed by the USFWS for effects to federal trust resources under their jurisdiction and currently protected by the Endangered Species Act of 1973. Correspondence from the Louisiana Department of Wildlife and Fisheries (LDWF), dated January 30, 2015, states that the Agency anticipates no impacts to rare, threatened, or endangered species or critical habitats for the proposed project. Additionally,

correspondence from the U.S. FWS, dated January 6, 2015, and correspondence from the NMFS dated April 4, 2015, states that the proposed project would have no effect on federal trust resources under their jurisdiction and currently protected by the ESA (Appendix E).

4.6 Air Quality

4.6.1 Regulatory Setting

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

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

4.6.2 Existing Conditions

Correspondence from the LDEQ, dated February 10, 2015, states that Jefferson Parish is currently classified by the USEPA as an attainment area and has no general conformity determination obligations (Appendix E).

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 Laketown Park to Pre-Disaster Condition

This action alternative potentially includes short-term impacts to air quality that could occur during excavation and construction. Particulate emissions from the generation of fugitive dust during project excavation and construction would be increased temporarily in the immediate project area as a result of this alternative. Other emission sources on site would be internal combustion engines and heavy 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 should be responsible for using BMPs to reduce fugitive dust generation and diesel emissions. The contractor would be required to water down construction areas when necessary to minimize particulate matter and dust. Emissions from fuel-burning internal combustion engines (e.g., heavy equipment and earthmoving machinery) could temporarily increase the levels of some of the criteria pollutants, including CO, NO₂, O₃, and PM₁₀, and non-criteria pollutants such as volatile organic compounds. To reduce emission criteria pollutants, fuel-burning equipment running times would be kept at a minimum and engines would be properly maintained.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

The Proposed Action Alternative potentially includes short-term impacts to air quality that could occur during excavation and construction. Particulate emissions from the generation of fugitive dust during project excavation and construction would be increased temporarily in the immediate project area as a result of this alternative. Other emission sources on site would be internal combustion engines and heavy 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 should be responsible for using BMPs to reduce fugitive dust generation and diesel emissions. The contractor would be required to water down construction areas when necessary to minimize particulate matter and dust. Emissions from fuel-burning internal combustion engines (e.g., heavy equipment and earthmoving machinery) could temporarily increase the levels of some of the criteria pollutants, including CO, NO₂, O₃, and PM₁₀, and non-criteria pollutants such as volatile organic compounds. To reduce emission criteria pollutants, fuel-burning equipment running times would be kept at a minimum and engines would 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 (dB) 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 dB 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.

Jefferson Parish Ordinance places certain restrictions on any machinery, equipment or device that makes or causes a noise. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the Jefferson Parish Municipal Code Noise Section, but said enumeration shall not be deemed to be exclusive, namely: The erection (including excavating), demolition, alteration or repair of any facility other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period of not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets or highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for work is awarded or during the progress of the work. (Jefferson Parish 2014).

4.7.2 Existing Conditions

The Laketown Park is not classified as a noise-sensitive receptor, i.e., serving a population considered particularly vulnerable to the adverse effects of noise pollution. The area immediately surrounding the proposed project site contains mainly residential and light commercial/industrial development.

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.

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

Under this action 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 meet all local, state, and federal noise regulations. Additionally, the contractor should coordinate with the Applicant so as to minimize the potential disruption of any school activities to the extent possible. Following the completion of construction activities, operations at the proposed expanded facility would not result in any significant permanent increases in noise levels.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

Under the Proposed Action 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 meet all local, state, and federal noise regulations.

Additionally, the contractor should coordinate with the Applicant so as to minimize the potential disruption of any other park activities to the extent possible. Following the completion of construction activities, operations at the proposed expanded 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.

4.8.2 Existing Conditions

The Laketown Park is accessed by vehicle from Williams Boulevard, which enters via a four lane roadway divided with a median (Louisiana Highway 49). Onsite roads move traffic into parking areas and provide access to the casino, boat ramp, and other areas (Figure 14, Google Earth 2014).



Figure 14 - Traffic Layout (Google Earth 2014)

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 Laketown Park to Pre-Disaster Condition

Under this action alternative, a temporary increase in construction related traffic during building of the facilities is anticipated. Additionally, this action alternative would improve the Applicant's current recreational capabilities. Consequently, construction of the dog park facility at the proposed project site could minimally affect traffic levels by increasing the numbers of visitors and vehicles traveling to and from the site daily.

During construction the contractor would take all reasonable precautions to control site access. All activities would be conducted in a safe manner in accordance with Occupational Safety and Health (OSHA) work zone traffic safety requirements. The contractor would post appropriate signage and fencing to minimize foreseeable potential public safety concerns. Appropriate signage and barriers would be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes (detours/lanes dedicated for construction equipment egress). Upon completion of the proposed action, there would be minimal long-term effect on the current traffic patterns.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

Under the Proposed Action Alternative, there is anticipated to be a temporary increase in construction related traffic during building of the facilities. Furthermore, the proposed action would expand the damaged facility's educative and administrative capabilities and includes the repair of the existing driveway entrance along Philip Street at the corner of S. Liberty Street. Consequently, construction of the Proposed Action alternative could adversely affect travel levels by increasing the numbers of visitors and vehicles traveling to and from the site daily. The population served by the facility includes a large proportion of nearby residents that are currently utilizing the park, which would likely reduce adverse impacts attributable to traffic.

During construction the contractor must take all reasonable precautions to control site access. All activities must 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. Appropriate signage and barriers would be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes (detours/lanes dedicated for construction equipment egress). Upon completion of the proposed action, there would be minimal long-term effect on the current traffic patterns.

4.9 Environmental Justice

4.9.1 Regulatory Setting

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

4.9.2 Existing Conditions

Socioeconomic and demographic data for the project area was reviewed to determine if the proposed action would have a disproportionate adverse impact on minority or low-income persons. According to the 2010 U.S. Census, the population of Jefferson Parish is: 33.0% White; 60.2% Black or African American; 5.2% Hispanic; and 2.9% Asian. The median household income for Jefferson Parish is \$36,681, and 27.2% of families earn below the poverty level.

The proposed action is not the type of action with disproportionately high adverse human health, environmental, economic, and social effects. The action would improve the existing facility but does not substantially alter park use. The park improvements would be accessible, inclusive, public, and would not charge fees for use. The Dog Park addition is a compatible land use not likely to adversely affect nearby residents and increases the availability of high quality desirable recreational facilities that promote open space use.

4.9.3 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative no construction activities would occur and there would be no disproportionately high or adverse impacts on minority or low-income populations.

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

This action alternative would have no disproportionate adverse human health, economic, or social effects on minority or low-income populations. The project would increase the Applicant’s pre-Katrina community service and recreation capabilities. Consequently, the proposed action would benefit the local population as a whole as the expansion would provide services available to all without regard to race, color, or national origin.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

The Proposed Action Alternative would have no disproportionate adverse human health, economic, or social effects on minority or low-income populations. The project would increase the Applicant's pre-Katrina recreation service capabilities. Consequently, the proposed action would benefit the local population as a whole as the expansion would provide services available to all without regard to race, color, or national origin.

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 the Resource Conservation and Recovery Act (RCRA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Toxic Substances Control Act of 1976 (TSCA); the Emergency Planning and Community Right-to-Know Act; 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 these 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] Section 8(b).” Existing chemicals include any chemical currently listed under Section 8(b), including polychlorinated biphenyls (PCBs), asbestos, radon, lead-based paint, chlorofluorocarbons, dioxin and hexavalent chromium.

TSCA Subchapter I, “Control of Toxic Substances” (Sections 2601-2629), regulates the disposal of PCB products, sets limits for PCB contamination of the environment, and authorizes the remediation of sites contaminated with PCB. Subchapter II, “Asbestos Hazard Emergency Response” (Sections 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” (Sections 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

A review of multiple data sources (e.g. USEPA EnviroMapper and the LDEQ Electronic Document Management System™) revealed that the proposed project site is not identified on a federal and/or state agency's list concerning voluntary remediation, brownfield, underground storage tank decommission, waste/debris disposal facilities, or oil/gas wells sites. Additionally, there are no obvious sites of concern in the vicinity of proposed project area (USEPA 2014, Appendix E).

4.10.3 Environmental Consequences

Alternative 1 – No Action

Implementation of the No Action Alternative would not disturb any hazardous materials or create potential hazards to human health related to hazardous material because no construction would occur.

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

This action alternative would not disturb any subsurface hazardous materials or increase potential hazards to human health. The proposed site is not adjacent to hazardous or solid waste facilities. If hazardous materials are unexpectedly encountered in the project area during the construction activities, appropriate measures for the proper assessment, remediation, management and disposal of the contamination must be initiated in accordance with applicable federal, state, and local regulations. The contractor is required to take appropriate actions to prevent, minimize, and control the spill of hazardous materials at the proposed site.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

Under the Proposed Action Alternative, the construction of an expanded facility at the proposed project site would not disturb any subsurface hazardous materials or increase potential hazards to human health. The site is not adjacent to hazardous or solid waste facilities. If hazardous materials are unexpectedly encountered in the project area during the construction activities, appropriate measures for the proper assessment, remediation, management and disposal of the contamination must be initiated in accordance with applicable federal, state, and local regulations. The contractor is required to take appropriate actions to prevent, minimize, and control the spill of hazardous materials at the proposed site.

4.11 Cultural Resources

4.11.1 Regulatory Setting

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

In order to fulfill its Section 106 responsibilities, FEMA has initiated consultation on this project in accordance with the Statewide Programmatic Agreement (Statewide PA), dated August 17, 2009, and amended on July 22, 2011, between FEMA, the Louisiana State Historic Preservation Officer (SHPO), the Louisiana Governor’s Office of Homeland Security and Emergency Preparedness (LA GOHSEP), the Alabama-Coushatta Tribe of Texas, the Caddo Nation, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Advisory Council on Historic Preservation (<http://www.fema.gov/new-orleans-metropolitan-area-infrastructure-projects-2#2>). The 2009 Statewide PA, as amended, was created to streamline the Section 106 review process.

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

4.11.2 Existing Conditions

On November 24, 2014 FEMA Historic Preservation Staff consulted the National Register of Historic Places (NRHP) database, the Louisiana Cultural Resources Map, and aerial photographs and determined that the Area of Potential Effects (APE) is not located within a National Register Historic District (NRHD). The property is currently a park. Upon consultation of data provided by SHPO on November 24, 2014, there are no recorded archaeological sites within one mile of the APE. The property consists of fill from Lake Pontchartrain.

4.11.3 Environmental Consequences

Alternative 1 – No Action

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

Alternative 2 – Repair Laketown Park to Pre-Disaster Condition

A review of this alternative was conducted in accordance with FEMA's Programmatic Agreement dated December 3, 2004. Based on research using the NRHP database and the Louisiana Cultural Resources Map on the Louisiana Division of Historic Preservation's website, FEMA has determined that the project area is not located within a National Register Historic District. Upon consultation of data provided by the SHPO, there are no known archaeological sites within one mile of the project area and all work will occur within fill taken from Lake Pontchartrain or previously disturbed ground. In accordance with this PA FEMA determined on August 23, 2006, that the scope of work met the criteria in Appendix C: Programmatic Allowances, item I, section A (previously disturbed ground). In accordance with this PA, FEMA is not required to determine the National Register eligibility of properties where work performed meets the Appendix C criteria. FEMA has determined that there will be no affects to historic properties as a result of implementing this alternative. The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found in section 6.0 of this EA, Conditions and Mitigation Measures.

Alternative 3 – Construct a New Dog Park within a Portion of the Laketown Park Footprint

A review of this alternative was conducted in accordance with FEMA's Programmatic Agreement dated August 17, 2009 and amended on July 22, 2011 (2009 Statewide PA as amended). Based on research using the NRHP database and the Louisiana Cultural Resources Map on the Louisiana Division of Historic Preservation's website, FEMA has determined that the project area is not located within a National Register Historic District. Upon consultation of data provided by the SHPO, there are no known archaeological sites within one mile of the project area and all work will occur within fill taken from Lake Pontchartrain or previously disturbed ground. In accordance with Stipulation VII.A of this PA FEMA determined on November 24, 2014, that the scope of work met the criteria in Appendix C: Programmatic Allowances, item I, section A (previously disturbed ground). In accordance with this PA, FEMA is not required to determine the National Register eligibility of properties where work performed meets the Appendix C criteria. FEMA has determined that there will be no affects to historic properties as a result of implementing this alternative. The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found in section 6.0 of this EA, Conditions and Mitigation Measures.

5.0 Cumulative Impacts

The Council on Environmental Quality's (CEQ) regulations state that cumulative impacts represent the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions." Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR. Section 1508.7).

In its comprehensive guidance on cumulative impacts analysis under NEPA, the 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" (CEQ 1997). The term "similar actions" may be defined as "reasonably foreseeable or proposed agency actions [with] similarities that provide a basis for evaluating the environmental consequences together, such as common timing or geography" (40 CFR. Section 1508.25(a)(3)).

Not all potential issues identified during cumulative effects scoping need be included in an EA. Because some effects may be irrelevant or inconsequential to decisions about the proposed action and alternatives, the focus of the cumulative effects analysis should be narrowed to important issues of national, regional, or local significance. To assist agencies in this narrowing process, CEQ lists seven (7) basic questions, including: (1) is the proposed action one of several similar past, present, or future actions in the same geographic area; (2) do other activities (governmental or private) in the region have environmental effects similar to those of the proposed action; (3) have any recent or ongoing NEPA analyses of similar actions or nearby actions identified important adverse or beneficial cumulative effect issues; and, (4) has the impact been historically significant, such that the importance of the resource is defined by past loss, past gain, or investments to restore resources (CEQ 1997).

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; i.e., the area (and resources within that area) that could be affected by the proposed action. The area appropriate for analysis of cumulative effects will, in most instances, be a larger geographic area occupied by resources outside of the project impact zone.

The proposed project site at the northern terminus of Williams Boulevard at Lake Pontchartrain, in Jefferson Parish, LA, within the 70065 zip code geographic area (Figure 15). FEMA has determined that the area within a .5 mile radius of the site constitutes an appropriate project impact zone, and the larger geographic area consisting of the 70065 zip code constitutes an appropriate boundary, for a cumulative impact analysis of the proposed action and alternatives.



Figure 15 - Boundary Map for the 70065 Zip Code Geographic Area (Map Technica 2014)

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

Specifically, a range of past, present and reasonably foreseeable actions undertaken by FEMA within the designated geographic boundary area were reviewed: (1) for similarities such as scope of work, common timing and geography; (2) to determine environmental effects similar to those of the proposed action, if any; and (3) to identify the potential for cumulative impacts. As part of the cumulative effects analysis, FEMA also reviewed past, present and reasonably foreseeable projects of federal resource agencies and other parties within the designated geographic boundary. These reviews were performed in order to assess the proposed actions and effects of completed and ongoing actions, and to determine whether the incremental impact of the instant proposed action, when combined with the effects of other past, present, and reasonably foreseeable future projects, are cumulatively considerable or significant.

From August 2005 continuing to February 2015 numerous FEMA PA program funded, and various non-FEMA funded, debris removal, protective measures, and repair projects have occurred, are occurring, or are reasonably foreseen to occur within the 70065 geographic area to buildings, roads and bridges, recreational and educational facilities, public utilities, waterways, levees, and more (Figure 16). 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.

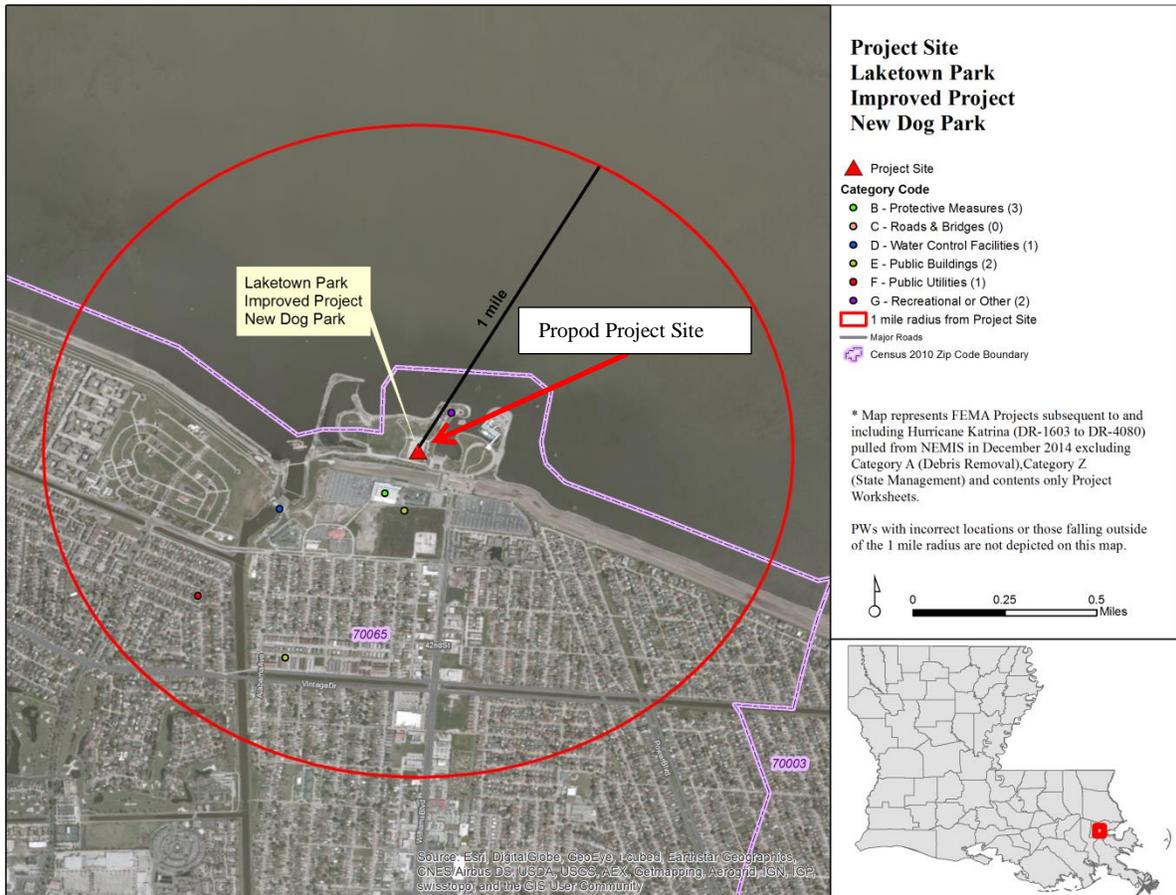


Figure 16 - FEMA-Funded Projects Occurring within the 70065 Zip Code (FEMA 2014)

Table 2 below lists and briefly describes present, past, and reasonably foreseeable infrastructure and recovery improvement projects in or near the 70065 geographic area that are known to FEMA for which environmental reviews 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, and the rationale for that assessment.

Project Name / Status	Lead Agency	Location	Description	Cumulative Impacts	Rationale
Recovery School District Single Settlement Request	Recovery School District	New Orleans City Wide	Refurbishment, repair, reconstruction, and new construction for restoration of the school system.	New infrastructure in the areas protected from the base flood promotes future development and represents investment at risk subject to the need for future disaster assistance.	Project is conditioned to comply with minimum NFIP floodplain development regulations as adopted by the local community and will thereby reduce risk and increase protection from future damage.
New Orleans Sewer and Water Board Water Supply and Sanitary Sewer System-Wide Repairs	Sewer and Water Board of New Orleans	New Orleans City-Wide	Repairs and improvements to water and sanitary sewer system components damaged as a result of Hurricane Katrina. Elements include upgrades to current codes and standards including mitigation measures to reduce the risk of future damages in the next flood.	New infrastructure in the areas protected from the base flood promotes future development and represents investment at risk subject to the need for future disaster assistance.	Project is conditioned to comply with minimum NFIP floodplain development regulations as adopted by the local community and will thereby reduce risk and increase protection from future damage.
Hurricane Storm Damage Risk Reduction System	U.S. Army Corps of Engineers	New Orleans Regional Metropolitan Area	Complete re-engineering the levee system in New Orleans and surrounding areas in order to withstand effects from a "100 year storm," or a storm that has a one percent chance of occurring each year.	The Risk Reduction System provides a greater level of flood protection likely providing increased flood damage protection.	Effects from this project reduce overall impacts in the areas levee protected from the base flood including the site of the proposed action.
City of New Orleans City-Wide Road Repairs	City of New Orleans Department of Public Works	New Orleans City-Wide	Repairs and improvements to roads and components damaged as a result of Hurricane Katrina. Elements include upgrades to current codes and standards including mitigation measures to reduce the risk of future damages in the next flood.	New infrastructure in the areas protected from the base flood promotes future development and represents investment at risk subject to the need for future disaster assistance.	Effects of this project when combined with those of the proposed action will not result in significant cumulative impacts.

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

FEMA has determined that the incremental effects of the other infrastructure recovery and improvement actions are likely to be similar to the impacts and effects described in this EA for the present proposed action, in that the impacts to affected resources are expected to be beneficial, non-existent, minimal, or temporary. FEMA has further determined that the incremental impact of the present proposed project, when combined with the effects of other past, present, and reasonably foreseeable future projects, are neither cumulatively considerable nor significant. Therefore, the cumulative impact of the proposed action to the built and natural environment would be minimal, would be beneficial rather than detrimental, and is not expected to contribute to any adverse effects or to otherwise significantly affect the human environment.

6.0 CONDITIONS AND MITIGATION MEASURES

Based upon the studies, reviews and consultations undertaken in this environmental assessment, several conditions and mitigation measures must be taken by the Applicant prior to and during proposed 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.
- Applicant shall comply 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.
- If the project results in a discharge to waters of the State, a Louisiana Pollution Discharge Elimination System (LPDES) permit may be required in accordance with the Clean Water Act (CWA) 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 the nearby waters of the United States and well defined drainage areas, the contractor should 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.
- The project has been found by the Louisiana Department of Natural Resources (LDNR) to be inside the Louisiana Coastal Zone. LDNR, therefore requires that a complete Coastal Use Permit (CUP) Application package (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.) along with the appropriate application fee, be submitted to their office prior to construction. The Applicant is responsible for coordinating with and obtaining any required CUP or other authorizations from the LDNR Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The Applicant must comply with all conditions of the required permits. All 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 CFR 9.11(d)(3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The Applicant is required to coordinate with the local floodplain administrator

regarding floodplain permit(s) prior to the start of any activities. All documentation pertaining to these activities and Applicant compliance with any conditions should be forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 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.

- Equipment and machinery utilized on the project site must meet all local, state, and federal noise regulations.
- All activities must be conducted in a safe manner in accordance with Occupational Health and Safety Administration (OSHA) work zone traffic safety requirements.
- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- Inadvertent Discovery Clause: If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO, and others as appropriate.
- Any changes or modifications to the proposed project would require a revised United States Army Corps of Engineers (USACE) determination. Off-site locations of activities such as borrow, disposals, haul-and detour-roads and work mobilization site developments may be subject to the USACE regulatory requirements.
- Hazardous materials associated with construction equipment should be handled according to local, state, and federal regulations in order to minimize the risk of spills and leaks and subsequent impacts to surface and groundwater resources.
- 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 documentation pertaining to these activities should be forwarded to the State and FEMA as part of the permanent project files.

7.0 PUBLIC INVOLVEMENT AND AGENCY CONSULTATIONS

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

These consulting agencies include the State Historical Preservation Office, U. S. Fish and Wildlife Service, Louisiana Department of Wildlife and Fisheries, the Governor's Office of Homeland Security and Emergency Preparedness, Louisiana Department of Environmental Quality, U. S. Environmental Protection Agency, Louisiana Department of Natural Resources, and U. S. Army Corps of Engineers. FEMA has received no objections to the project as proposed subsequent to these notifications, and comments and conditions received have been incorporated.

In accordance with applicable local, state, and federal regulations, the Applicant would be responsible for acquiring any necessary permits prior to commencing construction at the proposed project site. FEMA is inviting the public to comment on the proposed action during a fifteen (15) day comment period. A public notice will be published for (5) days in the Parish newspaper, *The Times Picayune*, announcing the availability of this EA for review at the City of Kenner Main Branch Library, Kenner, Louisiana, and at the FEMA Louisiana Recovery Office in New Orleans, LA. A copy of the Public Notice is attached in Appendix C.

8.0 LIST OF PREPARERS

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Appendix A
Site Photographs



Photograph 1 – Laketown Park Facing West



Photograph 2 – Laketown Park Facing North

Appendix B
Floodplain and Wetland
8-Step Planning Documentation

Kenner Dog Park – Improved Project
PW #11755
Development in the Coastal High Hazard Area of the Base Floodplain
FEMA 1603-DR-LA

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

8-STEP PROCESS CHECKLIST

Date: 12/11/2014

Prepared By: John Renne, Floodplain Specialist

Project: Hurricane Katrina, DR-1603, impacted Orleans Parish, Louisiana and resulted in a presidentially declared major disaster. Hurricane Katrina made final landfill near the New Orleans area with sustained winds estimated at 120 mph. Floodwaters associated with the storm inundated the City of Kenner Laketown Park with floodwater and damaged the park. This project proposes improve

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 Kenner, Louisiana Laketown Park facility in Jefferson Parish, LA. FEMA funded this project as eligible for repair to pre-disaster condition. The Applicant, City of Kenner (Kenner), requested, however, to instead request an Improved Project to apply eligible funding toward building a new dog park within the existing park footprint.

The applicant proposes to build a dog park in the existing park footprint. The dog park facility would consist of a 1.7 acre dog park, which would be located along the south edge of the park, west of the parking lot (Latitude 29.04122, Longitude - 90.23914). The project will be limited to the placement of non-structural fill, landscaping pavement, fencing, benches and associated appurtenant utilities. A review of the proposed scope of work indicates the action meets FEMA's allowance for new construction of facilities in the coastal high hazard area that facilitate open space use, i.e., park features with minimal filling and construction of structures. All utility services are proposed to be reasonably safe from the base flood in order to achieve compliance with the minimum National Flood Insurance Program requirements. The scope of work would include removing appropriate topsoil at the proposed site of the dog park and filling 1.7 acres to the appropriate elevations, and reseeding as required for erosion control.

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/restoring beneficial floodplain values as required by Executive Order 11988.

These projects must be conducted in accordance with conditions for federal actions in the floodplain as set forth in Presidential Executive Order 11988, *Floodplain Management* and Presidential Executive Order 11990, *Protection of Wetlands* and FEMA's implementing regulation found at 44 Code of Federal Regulations (CFR) Part 9. 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 CFR 9.4]), or whether they have the potential to affect or be affected by a floodplain or a wetland (see 44 CFR 9.7).

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

Preliminary Digital Flood Insurance Map Panel 22051C0115F, dated 11/9/2012, places this project in a Coastal High Hazard Area, Velocity Wave Action Flood Zone "VE," within the base floodplain.

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. jurisdictional 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 CFR 9.8).

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

Applicable – Notice will be or has been provided by:

In general, FEMA has an obligation to provide adequate information to enable the public to have impact on the decision outcome for all actions having the potential to affect, adversely, or be affected by floodplains or wetlands that it proposes. FEMA shall provide the public with adequate information and opportunity for review and comment at the earliest possible time and throughout the decision-making process; and upon completion of this process, provide the public with an accounting of its final decision (see 44 CFR §9.12). A Cumulative Initial Public Notice

was published in the New Orleans Times Picayune, Baton Rouge Advocate, Lafayette Daily Advertiser, Lake Charles American Press and the Hammond Star on November 7th - November 9th, 2005.

Furthermore, a National Environmental Policy Act (NEPA) Environmental Assessment (EA) has been drafted to determine if the proposed improvements, as described, will have the potential for significant adverse effects on the quality of the human and natural environment. The results of the investigation are being used to make a decision whether to initiate preparation of an Environmental Impact Statement or to prepare a Finding of No Significant Impact. The availability of the Draft EA was advertised in the *Times Picayune*, a Parish publication, on August 25, 2014. The Draft EA was also provided to the City of Kenner Main Branch Library in Jefferson Parish, Louisiana and made available on the FEMA website, at <http://www.fema.gov/media-library>, for public inspection and invited comments to be submitted with instructions for submission.

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

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Alternatives identified as described below:
 - **Alternative 1: No Action** – No action would leave the Applicant’s abilities to provide recreational services and facilities to the public diminished due to damages caused by Hurricane Katrina. No action would not meet the purpose and need and therefore, will not be further evaluated.
 - **Alternative 2: Repair Damaged Facility to Pre-Disaster Condition** – This alternative would repair the damaged Laketown Park to the pre-disaster configuration, function, and capacity in substantially the same footprint in order to restore the facility as it existed prior to Hurricane Katrina.
 - **Alternative 3: Improved Project to Build a New Dog Park in the Existing Park Footprint** – The applicant proposes to build a new dog park in the existing park footprint. Plans have been provided and reviewed for impacts from flooding.

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

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

Applicable – Alternatives identified as described below:

Alternative 3: This alternative consists of the improvement of a facility located in a coastal high hazard area of the base floodplain and, therefore, includes the loss of potential floodwater storage and conveyance area and, additionally, investment at risk subject to damage during future flood events. Facilities damaged in future flooding may result in the need for disaster assistance. However, incorporation of construction methods that meet the local floodplain ordinance may reduce risk and protect against future flood damage.

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

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

Applicable – Mitigation measures identified in the EA Document or as described below:

Alternative 3: Construction shall be in accordance with local floodplain ordinances with applicable codes and standards applied to mitigate and minimize adverse effects (compliance with minimum National Flood Insurance Program standards and requirements). Accordingly, per 44 CFR 9.11(d)(3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program.

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 CFR 9.12).

- Not applicable – Project is not located in a floodplain or in a wetland.
- Applicable – Finding is or will be prepared as described below:

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

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).

Project shall be reviewed by FEMA at grant closeout to ensure the project was completed in accordance with all relevant and applicable floodplain ordinances, codes and standards and that all project actions were undertaken in accordance with terms and conditions stipulated to mitigate and minimize adverse effects in or to the floodplain and wetlands.

Appendix C
Public Notice/Finding of No Significant Impact

**PUBLIC NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL ASSESSMENT AND
DRAFT FINDING OF NO SIGNIFICANT IMPACT FOR AN
IMPROVED PROJECT FOR THE CITY OF KENNER LAKETOWN PARK
NEW DOG PARK WITHIN THE EXISTING PARK FOOTPRINT**

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) prepared an Environmental Assessment (EA) for a proposed improvement of the City of Kenner Laketown Park, located at the north end of Williams Boulevard at Lake Pontchartrain, Jefferson Parish, Louisiana (Latitude: 29.04122, Longitude: -90.23914). The Applicant (i.e. the City of Kenner) seeks federal grant funds for this action eligible under a Presidential Disaster Declaration, signed on August 29, 2005 (FEMA-1603-DR-LA).

The applicant proposes to build a new dog park within the existing park footprint.

Per the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*), and associated environmental statutes, a Draft EA has been prepared to evaluate the action's potential impacts on the human and natural environment. This Draft EA summarizes the purpose and need, site selection process, affected environment, and potential environmental consequences associated with the proposed action.

The public comment period will be 15 days, beginning on April 8, 2015, and concluding on April 23, 2015. Written comments on the Draft EA or related matters can be faxed to FEMA's Environmental and Historic Preservation (EHP) Section in the Louisiana Recovery Office at (504) 330-7476; or mailed to FEMA EHP-Louisiana Recovery Office, 1500 Main Street, Baton Rouge, Louisiana 70802. The Draft EA can be viewed and downloaded from FEMA's website: <http://www.fema.gov/media-library/search/>. A public notice will be published for five (5) days in the, The Advocate, New Orleans Edition on April 3 through April 7, and in the Parish newspaper, Times Picayune, Friday, April 3 announcing the availability of the Draft EA for public review at the City of Kenner North Branch Library at 630 West Esplanade Avenue, Kenner, Louisiana 70065 (hours are 9:00 AM to 9:00 PM, Mon.-Thurs. and 9:00 AM to 5:00PM Fri.-Sat.).

Based on FEMA's findings to date, no significant adverse environmental effects are anticipated. However, if FEMA receives new information that results in a change from no adverse effects then FEMA would revise the findings and issue a second public notice allowing time for additional comments. However, if there are no changes, this Draft EA will become the Final EA.

If no substantive comments are received, the Draft EA and associated Finding of No Significant Impact (FONSI) will become final and this initial Public Notice will also serve as the final Public Notice. Substantive comments will be addressed as appropriate in the final documents.



FEMA

U.S. Department of Homeland Security
Louisiana Recovery Office
1500 Main Street
Baton Rouge, Louisiana 70802

**FINDING OF NO SIGNIFICANT IMPACT
CITY OF KENNER LAKETOWN PARK
IMPROVED PROJECT TO BUILD A NEW DOG PARK
WITHIN THE EXISTING PARK FOOTPRINT
JEFFERSON PARISH, LOUISIANA
*FEMA-1603-DR-LA***

Background

On August 29, 2005, floodwaters caused by Hurricane Katrina inundated the City of Kenner Laketown Park, located at the North terminus of Williams Boulevard at the south shore of Lake Pontchartrain, Jefferson Parish, Louisiana.

The Applicant has requested, through the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (the Grantee or GOHSEP) that FEMA provide disaster assistance through the provision of federal grant funding 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 (PA) 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 damaged facilities to their pre-Katrina specifications would not be in the best interest of the community. Consequently, in accordance with 44 Code of Federal Regulations (CFR) Section 206.203(d), the City of Kenner has requested an Improved Project. When performing permanent restoration work on a damaged facility, an applicant may decide to use the opportunity to make improvements to the facility while still restoring its pre-disaster function and at least its pre-disaster capacity; such improvements are called Improved Projects. In this circumstance, the applicant may request approval of an improved project from the Grantee.

Pursuant to the Council on Environmental Quality's Implementing Procedures for NEPA at 40 CFR 1506.3, and in accordance with 44 CFR Part 10, FEMA regulations to implement the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was prepared. The alternatives considered include: 1) No Action, 2) Repair Damaged Facility to Pre-Disaster Condition, 3) Construct a New Dog Park within a Portion of the Laketown Park Footprint (Proposed Action).

Proposed Action

The dog park facility would consist of a 1.7 acre dog park, which would be located along the south edge of the park, west of the parking lot (Latitude 29.04122, Longitude -90.23914). The project will be limited to the placement of non-structural fill, landscaping pavement, fencing, benches and associated appurtenant utilities. All utility services are proposed to be reasonably safe from the base flood in order to achieve compliance with the minimum National Flood Insurance Program requirements. The scope of work would include removing appropriate topsoil at the proposed site of the dog park and filling 1.7 acres to the appropriate elevations, and reseeded as required for erosion control.

Agency Coordination, Public Review, and Comment

The public comment period will be 15 days, beginning on April 8, 2015, and concluding on April 23, 2015. Written comments on the Draft EA or related matters can be faxed to FEMA's Environmental and Historic Preservation (EHP) Section in the Louisiana Recovery Office at (504) 330-7476; or mailed to FEMA EHP-Louisiana Recovery Office, 1500 Main Street, Baton Rouge, Louisiana 70802. The Draft EA can be viewed and downloaded from FEMA's website: <http://www.fema.gov/media-library/search/>. A public notice will be published for 5 days in the Parish newspaper, The Advocate, New Orleans Edition on April 3 through April 7, and in the Times Picayune Monday April 6 announcing the availability of the Draft EA for public review at the Orleans Parish Main Branch Library at 219 Loyola Avenue, New Orleans, Louisiana 70112 (hours are 10:00 AM to 6:00 PM, Mon.-Thurs. and 10:00 AM to 5:00PM Fri.-Sat.).

In preparing the EA, FEMA coordinated with federal, state and local agencies including the Louisiana State Historical Preservation Officer (SHPO), U.S. Fish and Wildlife Service, the Governor's Office of Homeland Security and Emergency Preparedness, Louisiana Department of Environmental Quality (LDEQ), Louisiana Department of Wildlife and Fisheries, U.S. Environmental Protection Agency, Louisiana Department of Natural Resources (LDNR), and the U.S. Army Corps of Engineers (USACE).

Findings

FEMA has evaluated the proposed project for significant adverse impacts to geology and soils, water resources (wetlands, floodplains and other waters), coastal resources, biological resources, cultural resources, air quality, noise, hazardous materials and environmental justice. During the construction period, short-term impacts to 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.
- Applicant shall comply 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.
- If the project results in a discharge to waters of the State, a Louisiana Pollution Discharge Elimination System (LPDES) permit may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. If 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 the nearby waters of the United States and well defined drainage areas surrounding the contractor should 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.
- The project has been found by the Louisiana Department of Natural Resources (LDNR) to be inside the Louisiana Coastal Zone. LDNR, therefore requires that a complete Coastal Use Permit Application package (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.) along with the appropriate application fee, be submitted to their office prior to construction. The Applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the LDNR Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The Applicant must comply with all conditions of the required permits. All 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 CFR 9.11(d)(3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The Applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All documentation pertaining to these activities and Applicant compliance with any conditions should be forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 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.

- Equipment and machinery utilized on the project site must meet all local, state, and federal noise regulations.
- All activities must be conducted in a safe manner in accordance with OSHA work zone traffic safety requirements.
- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- Inadvertent Discovery Clause: If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO, and others as appropriate.
- Any changes or modifications to the proposed project would require a revised USACE determination. Off-site locations of activities such as borrow, disposals, haul-and detour-roads and work mobilization site developments may be subject to the USACE regulatory requirements.
- Hazardous materials associated with construction equipment should be handled according to local, state, and federal regulations in order to minimize the risk of spills and leaks and subsequent impacts to surface and groundwater resources.
- 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 documentation pertaining to these activities should be forwarded to the State and FEMA as part of the permanent project files.

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 EIS will not be prepared (per 44 CFR Part 10) and the proposed project as described in the EA may proceed.

Approval:

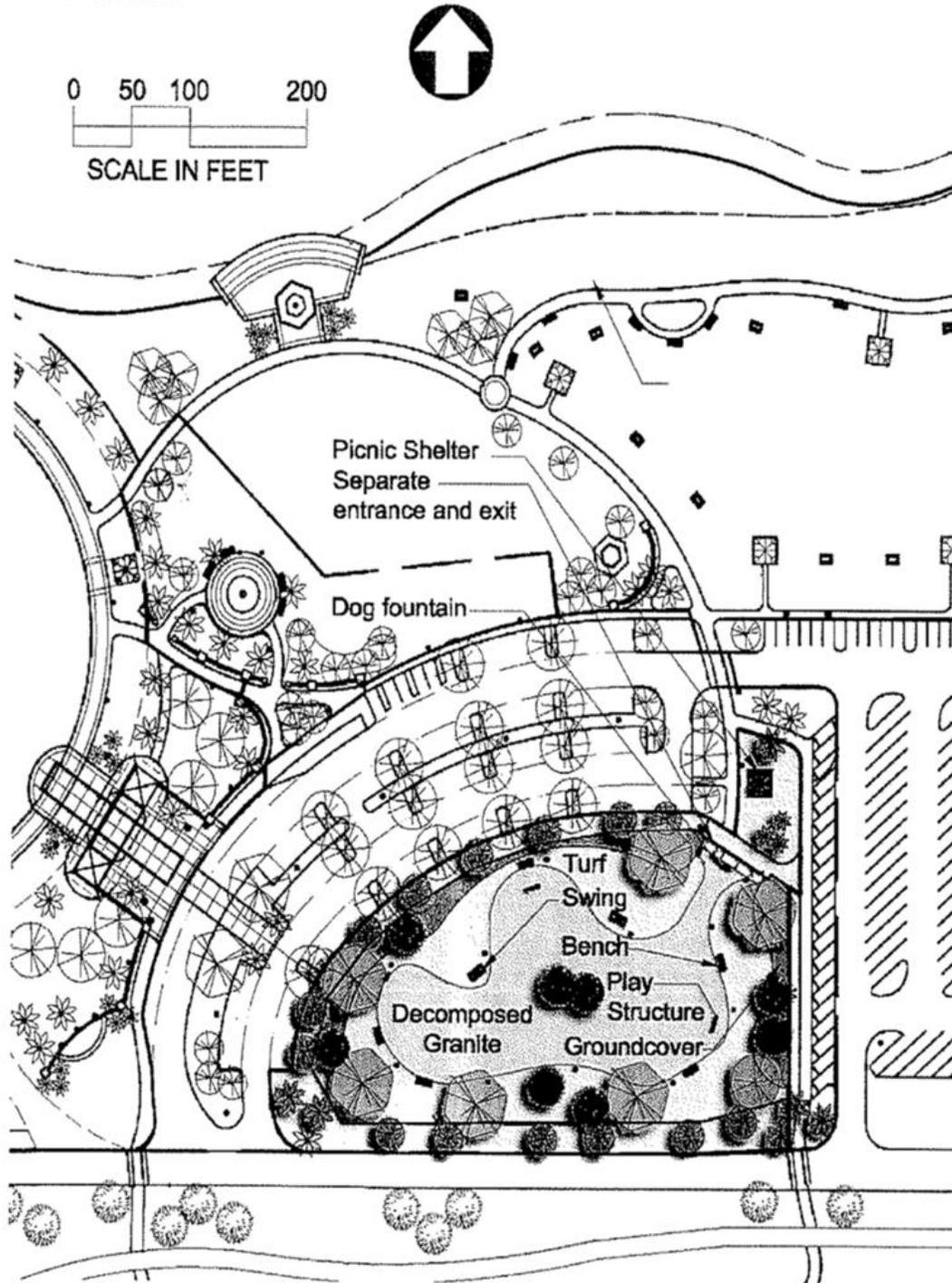
Kevin Jaynes, Regional Environmental Officer Louisiana Recovery Office FEMA-1603/1607-DR-LA	Date
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Thomas M. Womack, Director Louisiana Recovery Office FEMA-1603/1607-DR-LA	Date
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Appendix D
Project Plans

Figure 18 – Recommended Dog Park Plan

Source: JIG/BKI, 2009



Appendix E
Agency Correspondence



FEMA

U.S. Department of Homeland Security
FEMA-DR 1603/1607 LA
1500 Main Street
Baton Rouge, LA 70802

December 19, 2014

MEMORANDUM TO: See Distribution

SUBJECT: Scoping Notification/Solicitation of Views – City of Kenner, LA, Laketown Park – Improved Project to Construct a New Dog Park at Laketown Park

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 Kenner, Louisiana Laketown Park facility at 1801 Williams Boulevard, in Jefferson Parish, LA. FEMA funded this project as eligible for repair to pre-disaster condition. The Applicant, City of Kenner (Kenner), requested, however, to instead request an Improved Project to apply eligible funding toward building a new dog park within the existing park footprint.

The dog park facility would consist of a 1.7 acre dog park, which would be located along the south edge of the park, west of the parking lot (Latitude 29.04122, Longitude 90.23914). The project would be limited to the placement of non-structural fill, landscaping pavement, fencing, benches and associated appurtenant utilities. All utility services are proposed to be reasonably safe from the base flood in order to achieve compliance with the minimum National Flood Insurance Program requirements. The scope of work would include removing appropriate topsoil at the proposed site of the dog park and filling 1.7 acres to the appropriate elevations, and reseeded as required for erosion control.

The site plan for the proposed dog park project is attached.

To ensure compliance with the National Environmental Policy Act (NEPA), Executive Orders (EOs), and other applicable Federal regulations, FEMA will be preparing an Environmental Assessment (EA). To assist in preparation of the EA, FEMA requests 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 (225) 346-5848, emailed to John.Renne@fema.dhs.gov, or mailed to the attention of John D. Renne, Environmental and Historical Preservation Program, Attn: Kenner Laketown Dog Park EA, 1500 Main Street, Baton Rouge, LA 70802. For questions regarding this matter, please contact John D. Renne, Environmental Protection Specialist, at (504) 330-7476.

Regards,

Tiffany Spann-Winfield
Acting Environmental Liaison Officer
1500 Main Street
Baton Rouge, LA 70802
(504) 218-6800
Tiffany.Spann@fema.dhs.gov

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

U.S. Department of Homeland Security
FEMA-DR 1603/1607 LA
1500 Main Street
Baton Rouge, LA 70802

City of Kenner Laketown Park Improved Project to Build a New Dog Park Within the Existing Park Footprint

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 caused considerable damage the Laketown Park facility, located in the City of Kenner in Jefferson Parish, LA. The applicant, City of Kenner (Kenner), in lieu of repairing the park to predisaster condition, seeks federal grant funds for an Improved Project that would instead construct a new dog park within the existing park footprint.

Scope of Work

The dog park facility would consist of a 1.7 acre dog park, which would be located along the south edge of the park, west of the parking lot. The project will be limited to the placement of non-structural fill, landscaping pavement, fencing, benches and associated appurtenant utilities. All utility services are proposed to be reasonably safe from the base flood in order to achieve compliance with the minimum National Flood Insurance Program requirements. The scope of work would include removing appropriate topsoil at the proposed site of the dog park and filling 1.7 acres to the appropriate elevations, and reseeded as required for erosion control.

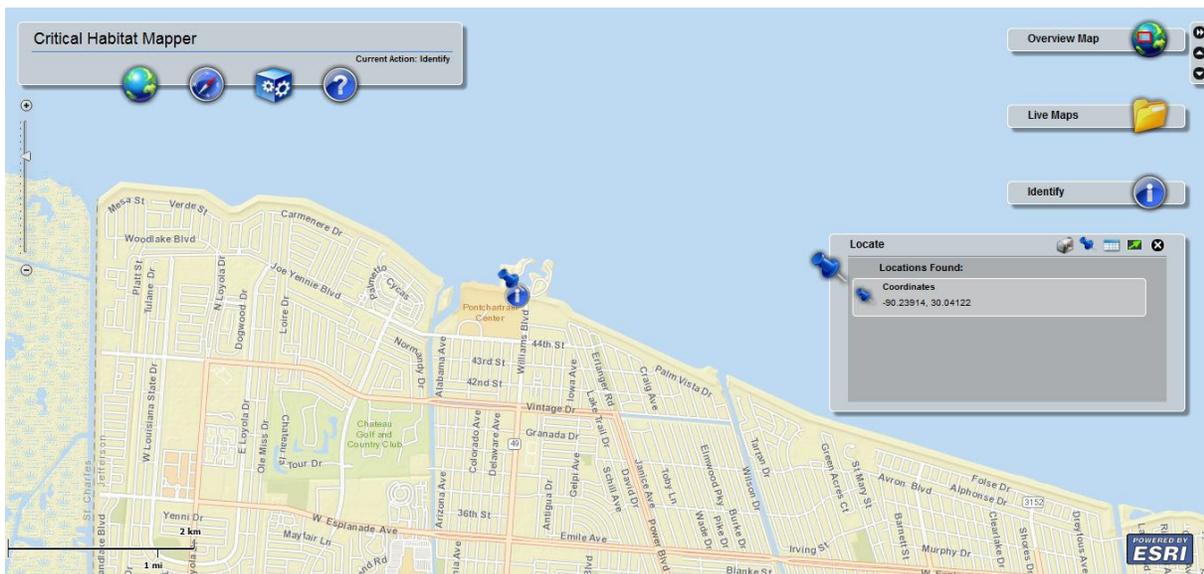


Figure 1- City of Kenner Laketown Park Location (USFWS Critical Habitat Mapper 2014)



Figure 2 - City of Kenner Laketown Park Aerial Overview (Google Earth 2014)

Figure 18 – Recommended Dog Park Plan

Source: JG/BK1, 2009

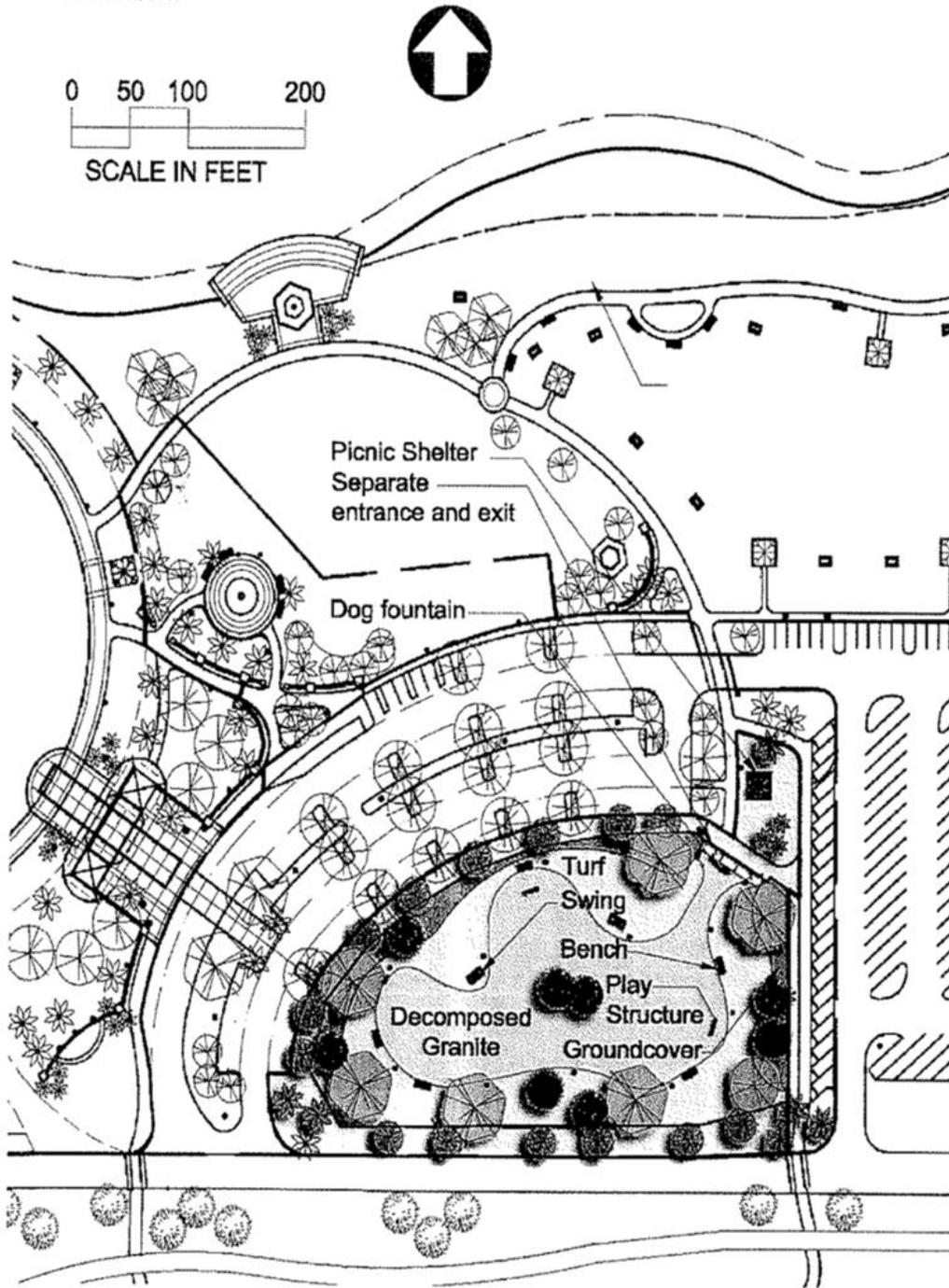


Figure 3 - City of Kenner Laketown Park Proposed Dog Park Site Plan (City of Kenner 2010)



Trahan, Amy <amy_trahan@fws.gov>

City of Kenner Laketown Park - New Dog Park - NEPA Environmental Assessment Solicitation of Views

1 message

Renne, John (CTR) <John.Renne@associates.fema.dhs.gov> Mon, Jan 5, 2015 at 9:55 AM
 To: "Michale.lindsey@la.usda.gov" <Michale.lindsey@la.usda.gov>, "amy.e.powell@usace.army.mil" <amy.e.powell@usace.army.mil>, "Raul Gutierrez (Gutierrez.Raul@epamail.epa.gov)" <Gutierrez.Raul@epamail.epa.gov>, "Richard Hartman (richard.hartman@noaa.gov)" <richard.hartman@noaa.gov>, "Patti_Holland@fws.gov" <Patti_Holland@fws.gov>, "Amy_Trahan@fws.gov" <Amy_Trahan@fws.gov>, "linda.hardy@la.gov" <linda.hardy@la.gov>, "cmichon@wlf.la.gov" <cmichon@wlf.la.gov>, "keith.lovell@la.gov" <keith.lovell@la.gov>, "jeff.harris@la.gov" <jeff.harris@la.gov>
 Cc: "Pitts, Melanie" <melanie.pitts@fema.dhs.gov>, "Anchors, Rusty (CTR)" <Rusty.Anchors@associates.fema.dhs.gov>



FEMA

U.S.

Department of Homeland Security

FEMA-DR 1603/1607 LA

1500 Main Street

Baton Rouge, LA 70802

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed,
 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.

John A. Fuller Jan 6, 2015
 Acting Supervisor
 Louisiana Field Office
 U.S. Fish and Wildlife Service

January 5, 2015

MEMORANDUM TO: See Distribution

SUBJECT: Scoping Notification/Solicitation of Views – City of Kenner, LA, Laketown Park – Improved Project to Construct a New Dog Park at Laketown Park

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



State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

September 28, 2012

To whom it may concern:

The Louisiana Department of Natural Resources, Office of Coastal Management (LDNR OCM) administers the state's federally-approved Coastal Zone Management (CZM) program.

A number of federal and state agencies are involved in providing financial assistance to state and local governments, non-governmental organizations, businesses, and individuals in Louisiana. As part of their award process, many of these agencies require the applicant to coordinate with the Louisiana CZM program. This coordination is generally intended to address one of two questions: concerns about awarding the financial assistance, or concerns about implementing the proposed project.

As a result of an internal review of program functions, OCM is streamlining its financial assistance review procedure to ensure response to all requests in a timely and appropriate manner. The OCM is confident that this procedure change will greatly improve office productivity, and provide for better accountability to the public we serve. Consequently, as of October 1, 2012, the coordination with OCM concerning applications for federal financial assistance should follow the procedures below, depending on the nature of the inquiry:

Consistency review for Federal Assistance

Federal regulations at 15 CFR §930.90 *et seq.* require state and local government bodies applying for federal financial assistance (grants, loans, guarantees, insurance, contractual arrangements, or other form of financial aid) to submit a request for Consistency review of that assistance to OCM. Since the inception of the Louisiana Coastal Resources Program in 1980, OCM has never found that financial assistance for a proposed project would be inconsistent with the state Coastal Zone Management program. The Office of Coastal Management therefore is issuing this letter of general consistency concurrence, which shall serve as formal notification that, as of October 1, 2012, the granting of any financial assistance as defined at 15 CFR §930.91, is fully consistent with the Louisiana Coastal Resources Program. Federal agencies should not require applicants for financial assistance to seek OCM's approval for that assistance.

Request for Determination for project implementation

If the applicant is seeking comments on the need to obtain a Coastal Use Permit or other authorization from OCM, for projects in or near to the Louisiana Coastal Zone, a Request for Determination or Solicitation of Views should be submitted to OCM's Permits and Mitigation

Division. Instructions and downloadable and online applications are located online at <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=93>. In Step 3 of the application, the box for Request for Determination or Solicitation of Views should be checked. Questions regarding this process may be directed to the OCM Permits Section staff at (225) 342-7591 or 1-800-267-4019, or by mail at P.O. Box 44487, Baton Rouge, LA 70804.

Outside of the Coastal Zone

Projects which are clearly located outside of the Coastal Zone and are not likely to have an impact on coastal waters generally will not require coordination with the OCM. However, projects near the Coastal Zone boundary where there may be some doubt, or those which may involve discharges into waters that flow into the Coastal Zone, should be submitted to OCM for review. A map of the Coastal Zone may be found at <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=89&pnid=0&nid=39>.

Finally, OCM may find it necessary to change or rescind the provisions of this letter. Should this become necessary, OCM will publish a public notice in the Official State Journal (The Baton Rouge Advocate) and on the DNR web page, and attempt to contact all affected federal agencies directly.

Questions concerning these procedures should be addressed to Mr. Jeff Harris of the Consistency Section, at (225) 342-7949 or via e-mail to Jeff.Harris@LA.gov.

Sincerely,



Keith Lovell
Acting Administrator
Interagency Affairs/Field Services Division

cc: Karl Morgan, P/M Division
Consistency file C20120326

rev 11/14/2012



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

REPLY TO
ATTENTION OF

Operations Division
Operations Manager,
Completed Works

FEB 09 2015

Mr. John Renne
Federal Emergency Management Agency
1100 Robert E. Lee Boulevard
New Orleans, Louisiana 70124

Dear Mr. Wilkinson:

This is in response to the Solicitation of Views request dated January 5, 2015, concerning the construction of a new dog park, at Kenner, Louisiana, in Jefferson 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 additional Department of the Army permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors 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 and a Coastal Use Permit may be required prior to initiation of any activities on this site. For additional information, contact Ms. Christine Charrier, Office of Coastal Management, Louisiana Department of Natural Resources at (225) 342-7953.

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

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

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

Future correspondence concerning this matter should reference our account number MVN-2015-00246-SB. This will allow us to more easily locate records of previous correspondence, and thus provide a quicker response.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Clement".

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

Renne, John (CTR)

From: Spann, Tiffany
Sent: Tuesday, February 10, 2015 09:13
To: Renne, John (CTR)
Cc: Pitts, Melanie; Holmes, Leschina
Subject: FW: DEQ SOV 150112/0035 City of Kenner Laketown Park Dog Park Construction

SOV response

From: Linda (Brown) Hardy [<mailto:Linda.Hardy@la.gov>]
Sent: Tuesday, February 10, 2015 8:44 AM
To: Spann, Tiffany
Cc: Yasoob Zia
Subject: DEQ SOV 150112/0035 City of Kenner Laketown Park Dog Park Construction

February 10, 2015

Tiffany Spann-Winfield
Acting Environmental Liaison Officer
1500 Main Street
Baton Rouge, LA 70802
Tiffany.Spann@fema.dhs.gov

RE: 150112/0035 City of Kenner Laketown Park Dog Park Construction
FEMA Public Assistance Program Funding
Jefferson Parish

Dear Ms. Spann-Winfield:

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

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

- Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.
- If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
- If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.
- All precautions should be observed to control nonpoint source pollution from construction activities. LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permits Division at (225) 219-9371 to determine if your proposed project requires a permit.
- If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit application or Notice of Intent must be submitted no later than January 1, 2014. Additional information may be obtained on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 9371.

- If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly regarding permitting issues. If a Corps permit is required, part of the application process may involve a water quality certification from LDEQ.
- All precautions should be observed to protect the groundwater of the region.
- Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.
- Any renovation or remodeling must comply with LAC 33:III.Chapter 28, Lead-Based Paint Activities; LAC 33:III.Chapter 27, Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation); and LAC 33:III.5151, Emission Standard for Asbestos for any renovations or demolitions.
- If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

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

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

Sincerely,

Linda M. Hardy

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

Renne, John (CTR)

From: Richard Hartman - NOAA Federal <richard.hartman@noaa.gov>
Sent: Monday, April 06, 2015 14:36
To: Renne, John (CTR)
Subject: Re: FW: City of Kenner Laketown Park - New Dog Park - NEPA Environmental Assessment Solicitation of Views

John - I don't have a record of having received information pertaining to this project, or that we have responded to any request for a project of similar nature in the general project area. Regarding issues to be addressed, the proposed project has no potential to impact tidally influenced waters or habitat supportive of marine fishery resources under our jurisdiction. As such, we have no recommendations regarding issues to be addressed in your EA and we would not be objecting to FEMA funding for the project.

Richard Hartman
Fishery Biologist
NOAA/NMFS

On Thu, Mar 26, 2015 at 9:11 AM, Renne, John (CTR) <John.Renne@associates.fema.dhs.gov> wrote:

Richard,

FEMA has been having some difficulties with mail and receipt of responses to SOVs.

The attached was sent with the incorrect mailing address. It lists our physical location at USDA, which rejects our mail.

Could you check and see if a response was sent for this? I'll be issuing the draft EA in the next week or so. Public notice is scheduled for the first week of April.

It'd be helpful to complete my checklist.

Thanks!

John

Renne, John (CTR)

From: Gutierrez, Raul <Gutierrez.Raul@epa.gov>
Sent: Wednesday, February 04, 2015 14:17
To: John.Renne@fema.dhs.gov
Subject: FW: City of Kenner Laketown Park - New Dog Park - NEPA Environmental Assessment Solicitation of Views

John,

The U.S. Environmental Protection Agency (EPA) has completed your request for a review of the scoping notification and solicitation of views concerning the City of Kenner Laketown Park in Kenner, Louisiana. 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 did not reveal any jurisdictional waters of the U.S. on the proposed site; therefore, 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.

Raul Gutierrez, Ph.D.
Wetlands Section (6WQ-EM)
US EPA Region 6
(504) 862-2371

Office:
US Army Corps of Engineers
New Orleans District
CEMVN-OD-SC
Post Office Box 60267
New Orleans, Louisiana 70160-0267

From: Renne, John (CTR) [mailto:John.Renne@associates.fema.dhs.gov]
Sent: Monday, January 05, 2015 9:55 AM
To: Michale.lindsey@la.usda.gov; amy.e.powell@usace.army.mil; Gutierrez, Raul; Richard Hartman (richard.hartman@noaa.gov); Patti_Holland@fws.gov; Amy_Trahan@fws.gov; linda.hardy@la.gov; cmichon@wlf.la.gov; keith.lovell@la.gov; jeff.harris@la.gov
Cc: Pitts, Melanie; Anchors, Rusty (CTR)
Subject: City of Kenner Laketown Park - New Dog Park - NEPA Environmental Assessment Solicitation of Views



U.S. Department of Homeland Security
FEMA-DR 1603/1607 LA
1500 Main Street
Baton Rouge, LA 70802

January 5, 2015



BOBBY JINDAL
GOVERNOR

State of Louisiana
DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

ROBERT J. BARHAM
SECRETARY
JIMMY L. ANTHONY
ASSISTANT SECRETARY

Date January 30, 2015

Name John Renne

Company FEMA

Street Address 1500 Main Street

City, State, Zip Baton Rouge, La 70802

Project City of Kenner: Laketown Park
Construct New Dog Park

Project ID

Invoice Number 15013011

Personnel 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