

# Draft Environmental Assessment

## City of New Orleans: Gert Town Pool (Natatorium) Relocation Orleans Parish FEMA-1603-DR-LA

New Orleans, Louisiana  
*July 2015*

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



**FEMA**

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## LIST OF ACRONYMS

ABFE	Advisory Base Flood Elevation
ACHP	Advisory Council on Historic Preservation
ACM	Asbestos Containing Material
AOI	Area of Interest
APE	Area of Potential Effects
BFE	Base Flood Elevation
BMPs	Best Management Practices
CAA	Clean Air Act
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CED	Comprehensive Environmental Document
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CUP	Coastal Use Permit
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DFIRM	Digital Flood Insurance Rate Map
DOE	Determination of Eligibility
EA	Environmental Assessment
EDMS	Electronic Document Management System
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FT	Feet
GCR	General Conformity Rule
HEAG	Highest Existing Adjacent Grade
HP	Historical Preservation
HSDRRS	Hurricane Storm Damage Risk Reduction System
IPaC	Information, Planning, and Conservation
LA GOHSEP	Louisiana Governor's Office of Homeland Security and Emergency Preparedness
LaMP	Louisiana Mapping Project
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LPDES	Louisiana Pollutant Discharge Elimination System
MBTA	Migratory Bird Treaty Act
NAA	Non-Attainment Area
NAAQS	National Ambient Air Quality Standards
Natatorium	Indoor Pool Facility
NAVD 88	North American Vertical Datum of 1988
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act

NMFS	National Marine Fisheries Service
NOAA	National Oceanic & Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
OCM	Office of Coastal Management
OTR	Ozone Transport Region
PA	Public Assistance Grant Program
PCB	Polychlorinated Biphenyls
PW	Project Worksheet
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
RS	Revised Statutes
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office/Officer
SIP	State Implementation Plan
TSCA	Toxic Substances Control Act
US	United States
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank

## **1.0 INTRODUCTION**

### **1.1 Project Authority**

Hurricane Katrina made landfall on August 29, 2005 near the town of Buras, Louisiana with sustained winds of more than 125 mph. President George W. Bush declared a major disaster for the State of Louisiana (FEMA-1603-DR-LA) on August 29, 2005, authorizing the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide Federal assistance in designated areas of Louisiana. This is pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended.

Section 406 of the Stafford Act authorizes FEMA's Public Assistance Program (PA) to assist in funding the repair, restoration, reconstruction, or replacement of public facilities damaged as a result of a declared disaster. FEMA's implementing regulations for the PA Program are found in 44 Code of Federal Regulations (CFR), Part 206.

The Sandy Recovery Improvement Act (SRIA) of 2013 (P.L. 113-2), signed into law by President Barack H. Obama on January 29, 2013, amends the Stafford Act by adding § 428, which, *inter alia*, authorizes Alternative Procedures for the PA Program under §§ 403(a)(3)(A), 406, 407 and 502(a)(5) of the Stafford Act, and authorizes FEMA to implement the alternative procedures through a Pilot Program which will remain in place until FEMA Promulgates and adopts revised regulations that reflect the program changes the law authorizes.

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

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

### **1.2 Background**

High winds, storm surge and flooding from Hurricane Katrina severely damaged the Gert Town Pool Center, formerly located at 7400 Stroelitz Street in New Orleans, LA, and owned and operated by the City of New Orleans (CNO) and New Orleans Recreation Department (NORD), respectively (*Figures 1 and 2*). The facility, now demolished, once consisted of a below ground concrete pool surrounded by concrete inner and outer decks under a freestanding plexiglass dome, and a building with locker rooms and other rooms/offices.

CNO submitted an application through the State of Louisiana's Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) for funding under FEMA's PA Program that would restore the lost functions and capacity of the Gert Town Pool Center, with upgrades to codes and standards. CNO also subsequently requested to participate in the SRIA Alternative Procedures Pilot Program for Permanent Work. FEMA's PA Program determined that the facility was damaged to an extent that it is eligible for replacement costs funding. In addition, by

correspondence dated May 20, 2014, FEMA approved the Applicant's request for participation in the SRIA Alternative Procedures Pilot Program.

Gert Town Pool Center was used as a community pool facility immediately prior to the disaster event. It was demolished in August 2011, and its original location is now the site of another recreational facility. In accordance with 44 CFR § 206.203(d)(2), and the SRIA Alternative Procedures Pilot Program, CNO has requested an Alternate Project and proposes, in lieu of reconstructing the facility at its original site, to instead replace and reconstruct the facility at an alternate location within the same Gert Town neighborhood. The proposed newly constructed natatorium would continue to function as a community pool facility, and would provide the same or similar community recreational services as the existing structure did pre-disaster.



Figure 1 – Orleans Parish, Louisiana (Google Images, 2014)

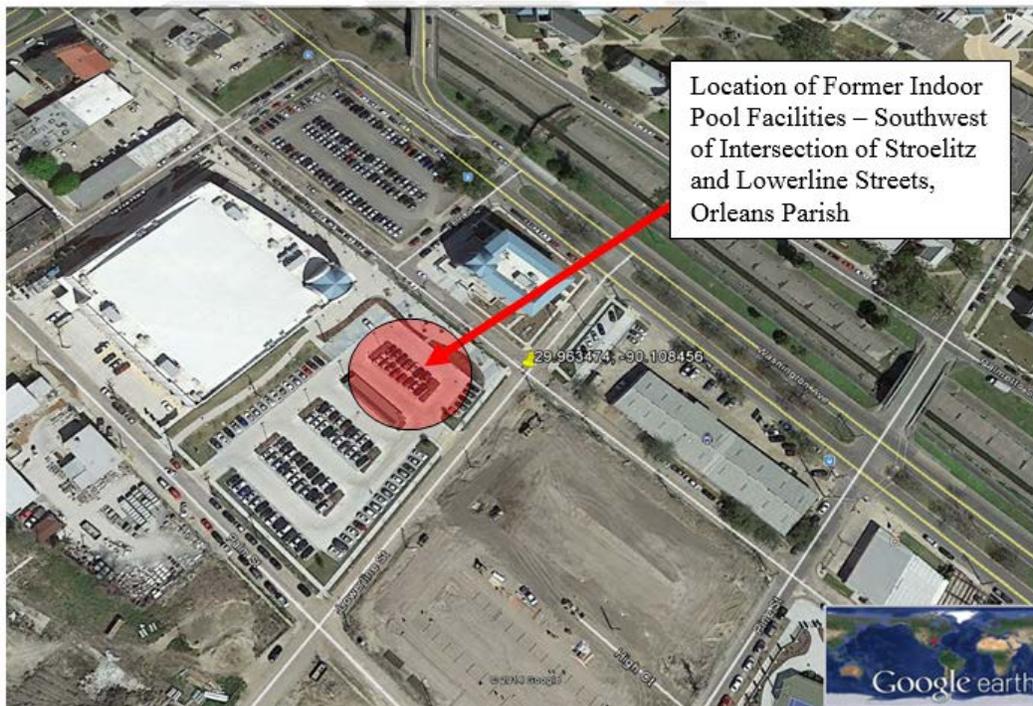


Figure 2 – Gert Town Pool Original Facility Site (Center Demolished in August 2011) (Google Earth 2014)

## **2.0 PURPOSE AND NEED**

Prior to Hurricane Katrina, Gert Town Pool served as a neighborhood recreation center that offered swim and various other aquatic activities to members of the surrounding communities. Due to severe damages sustained as a result of Hurricane Katrina, FEMA approved the demolition and replacement of the Gert Town Pool, and the facility was demolished in 2011.

The objective of FEMA's PA Grant Program is to provide assistance to State, Tribal and local governments, and certain types of Private Not-for-Profit (PNP) organizations, so that communities can quickly respond to, recover from, and mitigate major disasters and emergencies. Restoration of essential recreational services once provided by the Gert Town Pool Center but lost as a result of Hurricane Katrina, in a location that best serves the local community, is needed for FEMA PA to achieve its objective.

## **3.0 ALTERNATIVES**

The NEPA process consists of an evaluation of the environmental effects of a federal undertaking, including its alternatives. This section describes alternatives proposed and considered in addressing the purpose and need stated in Section 2.0 above. Three alternatives have been proposed and reviewed for this project. They include: 1) No Action; 2) Reconstruction of the Gert Town Pool Center at the Original Site; and 3) Reconstruction of the Gert Town Pool Center at the Proposed Alternate Location, 3411 Broadway Street.

### **3.1 Alternative 1 - No Action**

The former Gert Town Pool Center was demolished in 2011, and subsequently replaced with another, non-aquatic, facility. Under the No Action alternative, there would be no reconstruction or relocation of the Gert Town Pool. Consequently, the community would be deprived of the benefits of this public facility. Moreover, an opportunity to replace and improve upon the functions and capacity of the former pool center would be foregone. This alternative does not meet the purpose and need, but will continue to be evaluated throughout this EA and serve as a baseline comparison of impacts from other action alternatives.

### **3.2 Alternative 2 – Reconstruction at the Original Site**

This action alternative would reconstruct the demolished Gert Town Pool and facilities at the original site to their pre-disaster configuration, function and capacity in substantially the same footprint, which would restore essential community services as they existed prior to Hurricane Katrina. 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, 2013). A university gymnasium or other athletic facility has since been built on and presently exists at the original site of the Gert Town Pool, and reconstructing the pool center at its original site would likely mean demolishing said present athletic facility. This changed circumstance does not, however, necessarily render this action alternative unreasonable. Although the conflicts inherent in this alternative must be considered, the alternative nevertheless meets the purpose and need of the action. This action alternative and its impacts will, therefore, continue to be evaluated throughout this Draft EA.

### 3.3 Alternative 3 – Reconstruction at an Alternate Location (Proposed Action)

The proposed action is for the replacement and relocation of the Gert Town Pool Center from its original site at the corner of Stroelitz and Lowerline Streets in New Orleans, LA, with a 17,000sf natatorium that would be located at 3411 Broadway Street in New Orleans, LA, bounded by Audubon, Olive, Broadway and Edinburgh Streets (*Figures 3 and 4*). The new natatorium facility would still be located in the Gert Town neighborhood and would include an in-ground pool, changing rooms, a community room and parking lot. Ground disturbing activities would be limited to those areas necessary to construct the foundation, excavate the in-ground pool, stage construction materials, install utilities, and construct associated driveways and parking. The new natatorium would be co-located with the New Orleans Police Department's (NOPD's) proposed new 2<sup>nd</sup> District Station (*Figure 4*). Reconstruction of the Gert Town Pool Center at an alternate location but within the same neighborhood as its original location would restore the essential community services lost as a result of Hurricane Katrina. This location and action alternative meets the purpose and need of the action and will be further evaluated throughout this EA.

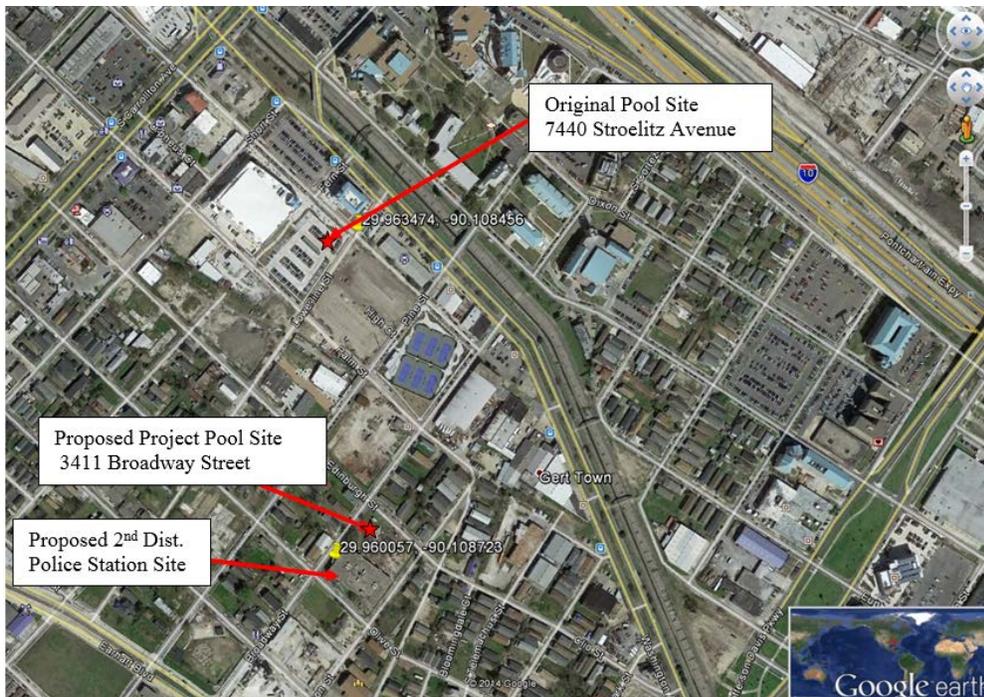


Figure 3 – Gert Town Pool, Original and Proposed Sites, Orleans Parish, LA (Google Earth, 2014)



**Figure 4 – Proposed Site Plan**

## **4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS**

### **4.1 Waters of the United States and Wetlands**

#### **4.1.1 Regulatory Setting**

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

The Environmental Protection Agency (EPA) enforces the CWA and regulates discharges to waters of the United States through permits issued under the NPDES permitting program. On August 27, 1996, Louisiana assumed the NPDES from EPA Region VI, thus becoming a state delegated to administer the NPDES Program (EPA 2013, LDEQ 2011). Having assumed NPDES responsibilities, Louisiana may directly issue NPDES permits and has primary enforcement responsibility for facilities in this state, with certain exceptions such as Indian Country Lands (EPA 2013, LDEQ 2011). Louisiana administers the NPDES Program and surface water discharge permitting system under the Louisiana Pollutant Discharge Elimination System (LPDES) program

(LDEQ 2011). LPDES requires permits for the discharge of pollutants/wastewater from any point source into waters of the state (LAC 33:IX). The term “point source” is defined as “any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, ... vessel, or other floating craft from which pollutants are or may be discharged” (40 C.F.R. § 122.2; LAC 33:IX, Chapter 23, §2313). Prior to assumption of the program, permittees were required to hold both a valid state and federal permit. Today, all point source discharges of pollutants to waters of the state of Louisiana are required to hold an LPDES permit issued by the Louisiana Department of Environmental Quality (LDEQ, 2011).

#### 4.1.2 Existing Conditions

According to the U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI) map, there are no wetlands or other waters of the United States within proximity of the proposed site that could be adversely affected by the project (Figure 5). The EPA commented in correspondence dated December 1, 2014, that jurisdictional waters of the U.S. do not occur near or within the proposed project (*Appendix A, Agency Correspondence*). In a jurisdictional determination letter dated December 9, 2014, the USACE determined that the proposed project site is not a jurisdictional wetland subject to the Corps’ jurisdiction, and a Department of the Army permit under § 404 of the Clean Water Act will not be required for the deposition or redistribution of dredged or fill material on this site.

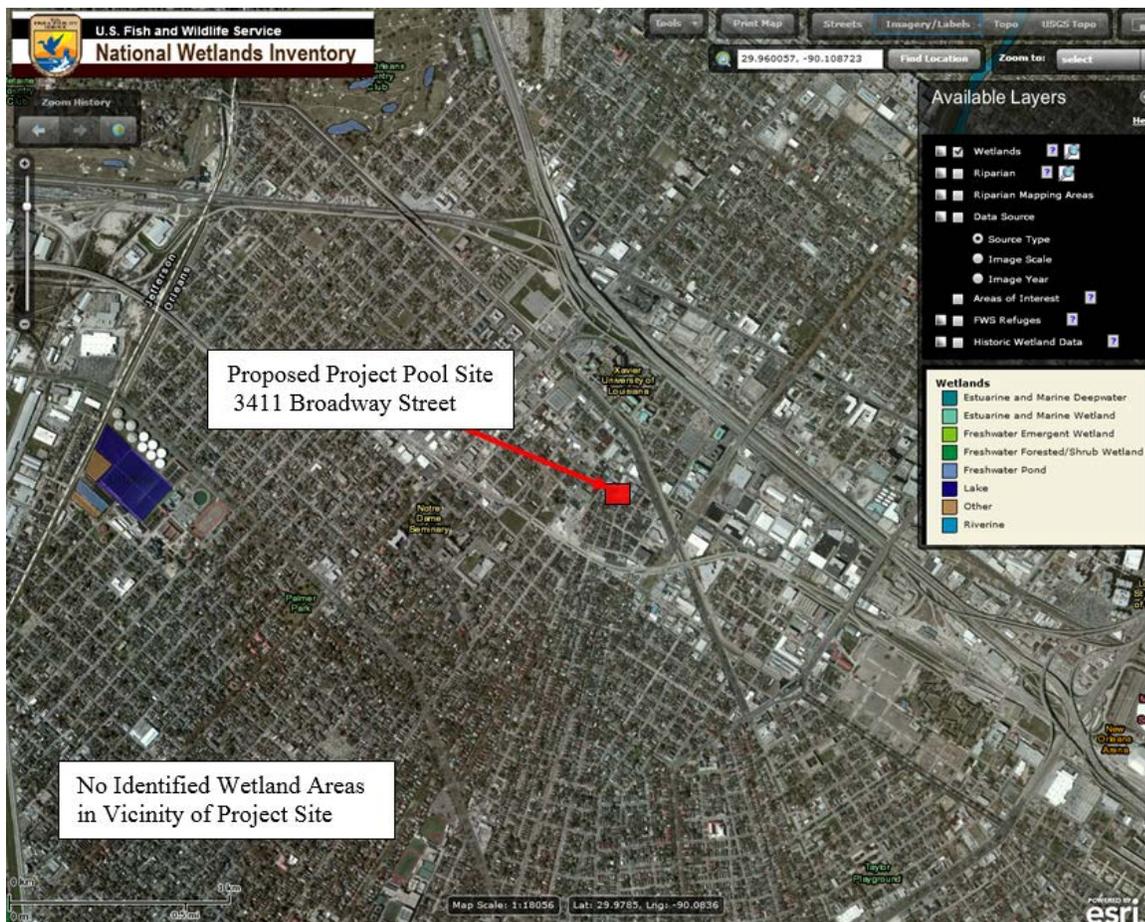


Figure 5 - U.S. Fish and Wildlife Service National Wetlands Inventory Map (USFWS, 2014)

### 4.1.3 Environmental Consequences

#### Alternative 1 – No Action

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

#### Alternative 2 – Reconstruction at the Original Site

This action alternative would have no impact on wetlands or other waters of the United States. FEMA has determined that the location is an urban, previously disturbed site, is not a wetland under E.O. 11990, and has no direct impact to wetlands. The project would not require permits under § 404 of the Clean Water Act or § 10 of the Rivers and Harbors Act.

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

#### Alternative 3 – Reconstruction at an Alternate Location (Proposed Action)

The proposed action alternative would have no impact on wetlands or other waters of the United States. FEMA has determined that the location is an urban, previously disturbed site, is not a wetland under E.O. 11990, and has no direct impact to wetlands. The project would not require permits under § 404 of the Clean Water Act or § 10 of the Rivers and Harbors Act.

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

## 4.2 Floodplains

### 4.2.1 Regulatory Setting

Presidential E.O. 11988, (Floodplain Management) requires federal agencies avoid direct or indirect support or development within the 100-year (1-percent chance) floodplain whenever there is a practicable alternative. FEMA's E.O. 11988 compliance regulations are found at 44 CFR Part 9.

### 4.2.2 Existing Conditions

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

During an initial post-hurricane analysis, FEMA determined that the "100-Year" or 1-percent chance storm flood elevations on FIRMs for many Louisiana communities, referred to as Base Flood Elevations (BFEs), were too low. FEMA created recovery maps showing the extent and magnitude of Hurricanes Katrina's and Rita's surge, as well as information on other storms over the past 25 years (Lamp 2007). The 2006 advisory flood data shown on the recovery maps for the Louisiana-declared disaster areas show high-water marks surveyed after the storm; flood limits developed from these surveyed points; and Advisory Base Flood Elevations, or ABFEs. The recovery maps and other advisory data were developed to assist parish officials, homeowners, business owners, and other affected citizens with their recovery and rebuilding efforts (LaMP 2007).

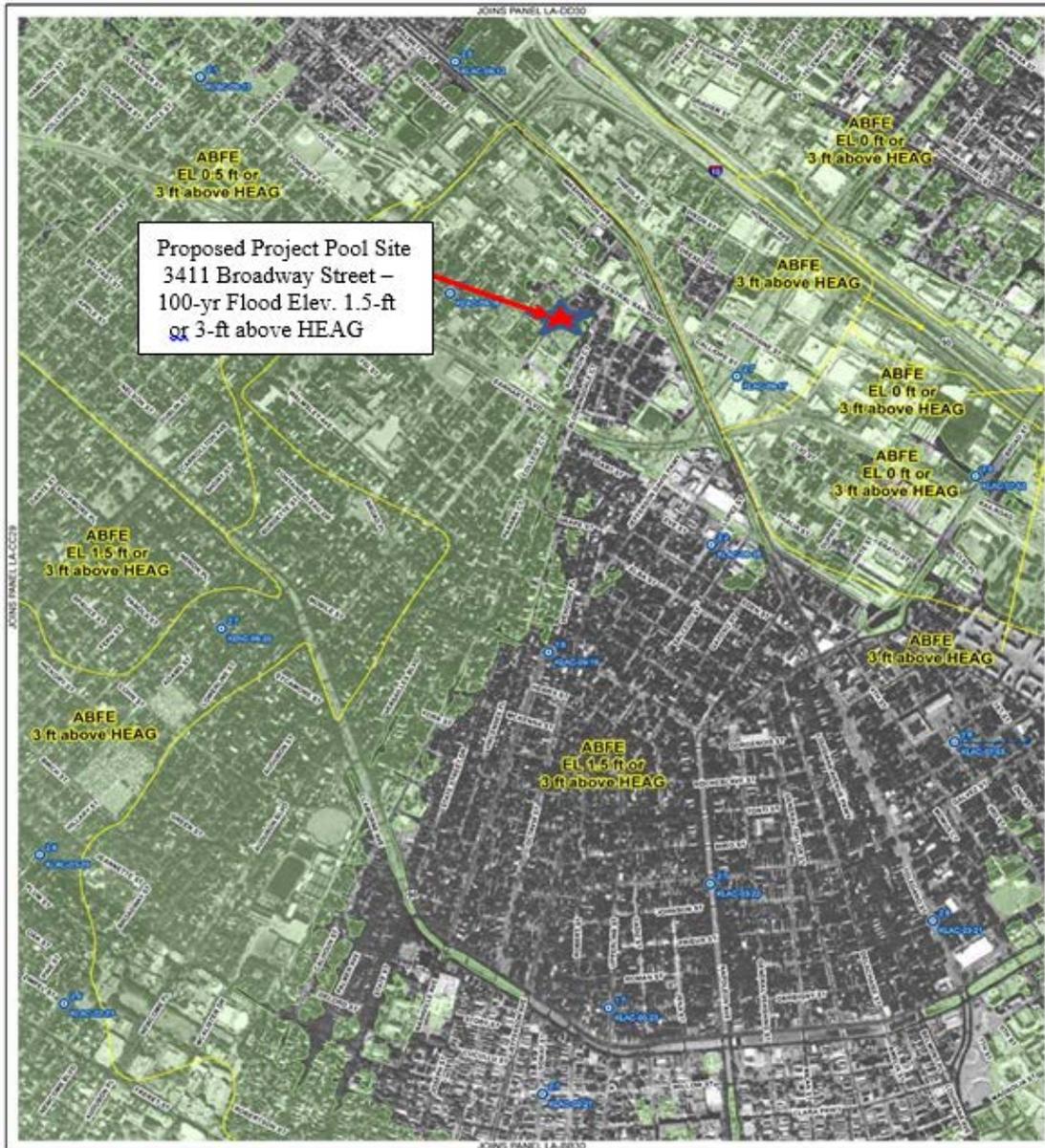
Updated preliminary flood hazard maps from an intensive five-year mapping project guided by FEMA were provided to all Louisiana coastal parishes. The maps released in early 2008, known as Preliminary Digital Flood Insurance Rate Maps (DFIRMs), were based on the most technically advanced flood insurance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

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

preliminary DFIRMS within the HSDRRS to incorporate the reduced flood risk associated with the system improvements.

In November 2012, FEMA revised the 2008 preliminary DFIRMS within the HSDRRS to incorporate the reduced flood risk associated with the system improvements. Where released and available, the 2012 Revised Preliminary DFIRMS are viewed as the best available flood risk data for FEMA's own grant programs in its implementation of E.O. 11988; however, no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program (Miller 2011).

Orleans Parish enrolled in the NFIP as of 08/03/1970. Orleans Parish Advisory Base Flood Elevation Maps (ABFEs) were issued June 2006 (FEMA, 2006), and are currently adopted by the Orleans Parish NFIP community for floodplain management purposes. The proposed site is shown on ABFE Map OR-LA-CC30 (*Figure 6*), Elevation (EL) 1.5 ft. or a BFE elevation of 3 ft. above the Highest Existing Adjacent Grade (HEAG). Per Revised Preliminary DFIRM panel number 22071C0228F, dated 11/09/2012 (*Figure 7*), the proposed site is located within a Shaded Zone X, an area of 0.2% annual chance flood (500-year floodplain); and area of the 1% annual chance flood (100-year floodplain) with average depths of less than 1 ft. or with drainage areas less than 1 square mile; and areas protected by levees from the 1% annual chance flood (100-year).



Proposed Project Pool Site  
 3411 Broadway Street –  
 100-yr Flood Elev. 1.5-ft  
 or 3-ft above HEAG

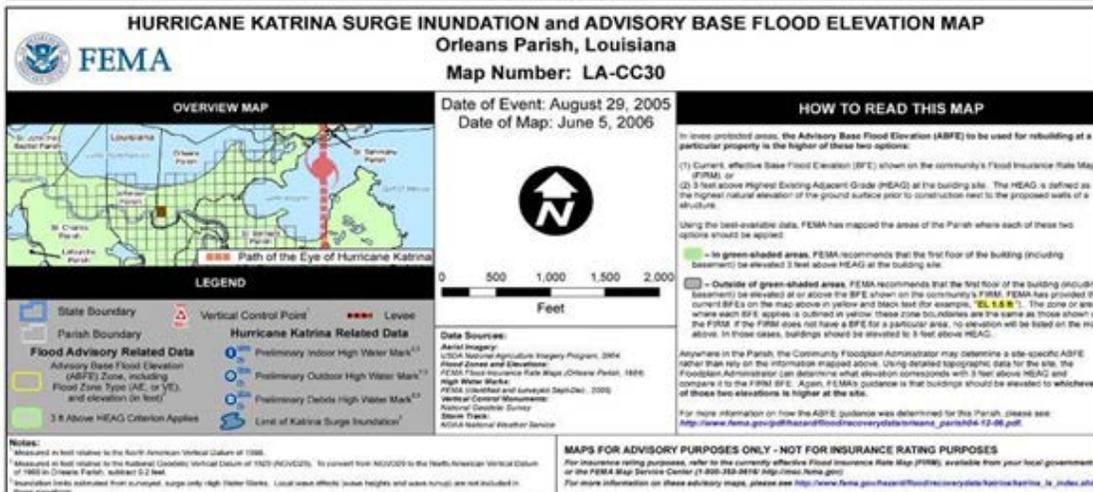


Figure 6 – Advisory Base Flood Elevation Map OR-LA-CC30 (FEMA June 5, 2006)

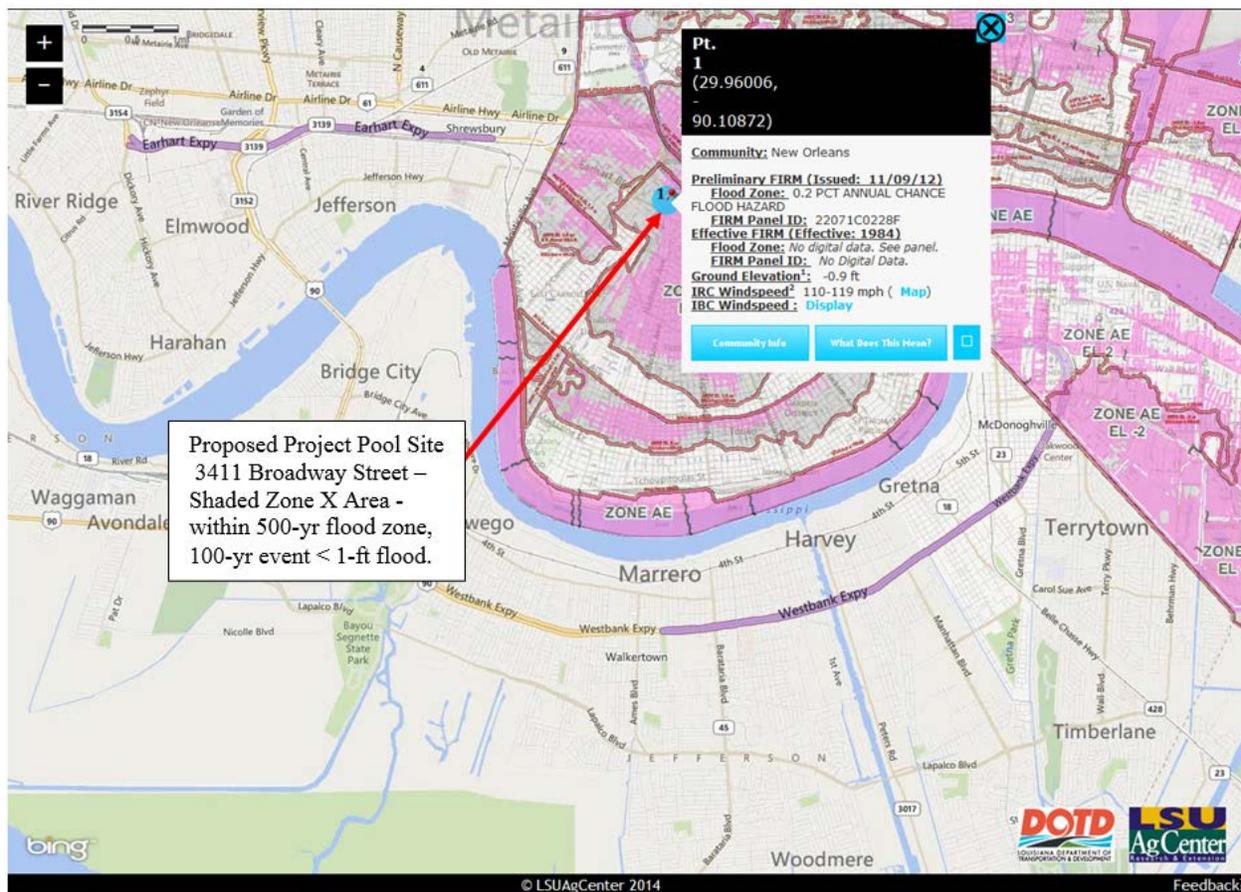


Figure 7 – Revised Digital Flood Insurance Rate Map Panel No. 22071C0228F (FEMA Preliminary Dated November 9, 2012)

#### 4.2.3 Environmental Consequences

##### Alternative 1 – No Action

Under the No Action Alternative no construction would occur and there would be no determinable impact to floodplain elevations.

##### Alternative 2 – Reconstruction at the Original Site

The original site is shown on ABFE Map OR-LA-CC30, EL-1.5 ft. or a BFE elevation of 3 ft. above the Highest Existing Adjacent Grade (HEAG). The original site is shown on ABFE Map OR-LA-CC30 (*Figure 6*, Elevation (EL) 1.5 ft. or a BFE elevation of 3 ft. above the Highest Existing Adjacent Grade (HEAG). Per Revised Preliminary DFIRM panel number 22071C0228F, dated 11/09/2012, the original site is located in Zone AE (EL-1), a Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance (100-year) flood, base flood elevation determined. The site is in an urban, previously developed location that currently serves as having a low capacity for ground water recharge, biological habitat, cultural value, and forestry value. Reconstruction would match the prior capacity of the pre-existing facility’s footprints and would therefore not place within the 100-year floodplain, structures which would impede or redirect flood flows. The facility will not likely have a determinable effect on floodplain functions and values. In compliance with EO 11988, an 8-Step process was completed and documentation is attached in Appendix B.

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

### Alternative 3 – Reconstruction at an Alternate Location (Proposed Action)

The site is in an urban, previously developed location that currently serves as having a low capacity for ground water recharge, biological habitat, cultural value, and forestry value. The proposed site is shown on ABFE Map OR-LA-CC30 (*Figure 6*), Elevation (EL) 1.5 ft. or a BFE elevation of 3 ft. above the Highest Existing Adjacent Grade (HEAG). Per Revised Preliminary DFIRM panel number 22071C0228F, dated 11/09/2012 (*Figure 7*), the proposed site is located within a Shaded Zone X, an area of 0.2% annual chance flood (500-year floodplain); and area of the 1% annual chance flood (100-year floodplain) with average depths of less than 1 ft. or with drainage areas less than 1 square mile; and areas protected by levees from the 1% annual chance flood (100-year). The proposed new location would not increase development in this fully built-up area, and the facility will not likely have a determinable effect on floodplain functions and values. Mitigation measures will be implemented to limit future flood loss. In compliance with EO 11988, an 8-Step process was completed and documentation is attached in Appendix B.

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

## **4.3 Coastal Resources**

### **4.3.1 Regulatory Setting**

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

The Act's definition of a coastal zone includes coastal waters extending to the outer limit of state submerged land title and ownership, adjacent shorelines, and land extending inward to the extent necessary to control shorelines. A coastal zone includes islands, beaches, transitional and intertidal areas, salt marshes, and wetlands (16 U.S.C. § 1453[1]). The CZMA requires that states develop a State Coastal Zone Management Plan or program and that any federal agency conducting or supporting activities affecting the coastal zone conduct or support those activities in a manner

consistent with the approved state plan or program (16 U.S.C. § 1456[c][1][A]). On September 28, 2012, the Louisiana Department of Natural Resources (LDNR), Office of Coastal Management (OCM), issued a letter of general consistency concurrence, “serv[ing] as formal notification that, as of October 1, 2012, the granting of any financial assistance as defined in 15 CFR § 930.91, is fully consistent with the Louisiana Coastal Resources Program.” LDNR also regulates development in Louisiana’s designated coastal zone through the Coastal Use Permit (CUP) Program (LDNR, 2013).

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

#### 4.3.2 Existing Conditions

FEMA has determined that the proposed project site is in Orleans Parish, within the Louisiana Coastal Zone (Figure 8). The proposed project site is not located within a regulated CBRS.

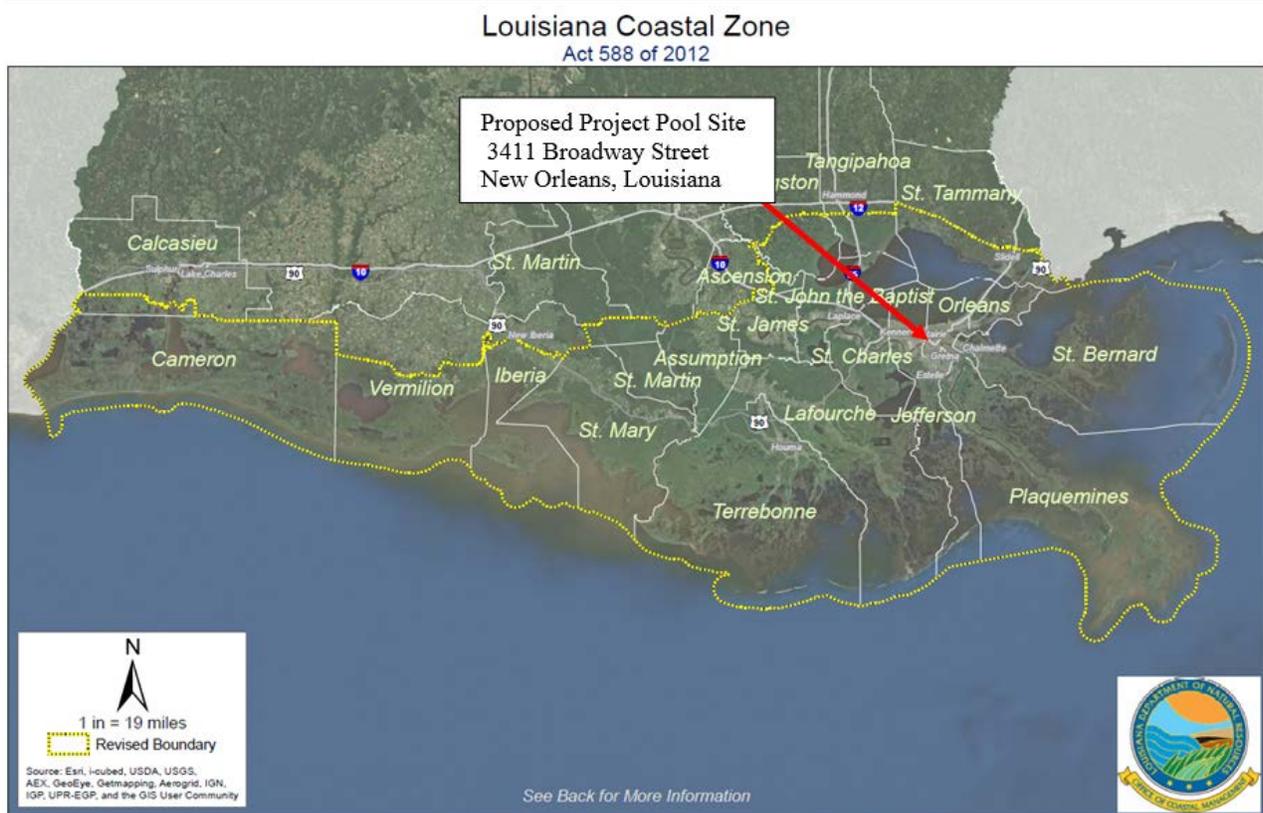


Figure 8 – Louisiana Coastal Zone Boundary Map

### 4.3.3 Environmental Consequences

#### Alternative 1 – No Action

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

#### Alternative 2 – Reconstruction at Original Location

Reconstruction of the storm-damaged structure at the original site would involve construction activities within the Louisiana Coastal Management Zone requiring a Coastal Use Permit. The Applicant would be responsible for coordinating with and obtaining any required CUPs or other authorizations from LDNR-OCM's Permits and Mitigation Division prior to initiating work.

The site is not within a CBRS unit and, therefore, does not trigger the CBRA.

#### Alternative 3 – Reconstruction at an Alternate Location (Proposed Action)

The proposed action alternative would involve construction activities within the Louisiana Coastal Management Zone. In a letter dated November 14, 2014, LDNR-OCM advised that it requires a complete CUP packet be submitted to its office for review and approval prior to construction (*Appendix A*). The Applicant is responsible for coordinating with and obtaining any required CUPs or other authorizations from LDNR-OCM's Permits and Mitigation Division prior to initiating work.

The proposed site is not within a CBRS unit; therefore, the Proposed Action Alternative does not trigger the CBRA.

## **4.4 Biological Resources**

### 4.4.1 Regulatory Setting

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

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

#### 4.4.2 Existing Conditions

According to the USFWS, Information, Planning, and Conservation (IPaC) online system, accessed on January 24, 2014, one mammal species, the West Indian Manatee (*Trichechus manatus*), and two fish species, the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) and Pallid Sturgeon (*Scaphirhynchus albus*), are federally listed by the USFWS as endangered or threatened and are known to occur in select 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).

Birds	Status		Has Critical Habitat	Contact
Sprague's Pipit ( <i>Anthus spragueii</i> ) Population:	Candidate ⓘ	<a href="#">species info</a>		Louisiana Ecological Services Field Office
<b>Fishes</b>				
Atlantic sturgeon (Gulf subspecies) ( <i>Acipenser oxyrinchus</i> (=oxyrinchus) <i>desotoi</i> ) Population: Entire	Threatened ⓘ	<a href="#">species info</a>	<a href="#">Final designated critical habitat</a>	Louisiana Ecological Services Field Office
Pallid sturgeon ( <i>Scaphirhynchus albus</i> ) Population: Entire	Endangered ⓘ	<a href="#">species info</a>		Louisiana Ecological Services Field Office
<b>Mammals</b>				
West Indian Manatee ( <i>Trichechus manatus</i> ) Population: Entire	Endangered ⓘ	<a href="#">species info</a>	<a href="#">Final designated critical habitat</a>	Louisiana Ecological Services Field Office

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

#### 4.4.3 Environmental Consequences

##### Alternative 1 – No Action

The No Action alternative would entail no undertaking and would, therefore, have no determinable impact on any species federally listed as threatened or endangered.

##### Alternative 2 – Reconstruction at Original Location

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

##### Alternative 3 – Reconstruction at an Alternate Location (Proposed Action)

On November 6, 2014, consistent with the direction of the USFWS, Louisiana Ecological Services office, the Proposed Action was evaluated via the Endangered Species Act (ESA) and Migratory Bird Treaty Act (MBTA) project screening website ([www.fws.gov/lafayette/pdc/](http://www.fws.gov/lafayette/pdc/)). As a result of this review, FEMA concludes that the Proposed Action will not affect any threatened or endangered species or their critical habitat (USFWS ESA Technical Assistance Form, November 6, 2014). A copy of this form is included in Appendix A.

## 4.5 Cultural Resources

### 4.5.1 Regulatory Setting

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

In order to fulfill its Section 106 responsibilities, FEMA has initiated consultation on this project in accordance with the Statewide Programmatic Agreement (PA), dated August 17, 2009, and amended on July 22, 2011, 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.

### 4.5.2 Existing Conditions

On December 2, 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 vacant lot. The viewshed APE is composed of vacant lots, several residences dating from the early 1900s through the early 1950s, two commercial buildings (ca. 1940), a church (ca. 1951), and a recently constructed residence (ca. 2010). The residences, commercial buildings, and church ages greater than 50 years are common, altered examples of properties that are found throughout New Orleans and do not exhibit the significance to qualify for individual listing in the NRHP. Neither do they qualify for listing as elements of a district. Representative examples of buildings present in the APE are attached to this consultation.

Upon consultation of data provided by SHPO on December 1, 2014, there are two recorded archaeological sites within 0.5-mile of the APE; however, neither of these sites will be affected by the current undertaking. Historical map research indicates that the APE was originally backswamp. The first construction within the APE was the 1930s-era Daneel School which covered the entire city block (APE). The 1970s-era Terrell Elementary School demolished and replaced the Daneel School. During the post-Katrina demolition of the Terrell School, FEMA archaeologists performed a site inspection of the APE and observed that the school was situated upon approximately 2-3 feet of artificial fill and that the construction of the Terrell School likely destroyed any potential remnants of the earlier Daneel School. FEMA determined on December 5, 2014, that it was unlikely that NRHP-eligible archaeological deposits would be uncovered during this undertaking.

#### 4.5.3 Environmental Consequences

##### Alternative 1 – No Action

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

##### Alternative 2 – Reconstruction at Original Location

A review of this project was conducted in accordance with FEMA’s Programmatic Agreement dated August 17, 2009. FEMA has determined that there is “No Adverse Effect” to Historic Properties as a result of the proposed undertaking. SHPO concurrence with this determination was received on April 5, 2011. On March 23, 2011, consultation with affected tribes (Alabama-Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Tunica-Biloxi Tribe of Louisiana) was conducted in accordance with the Programmatic Agreement dated August 17, 2009 and pursuant to 36 CFR §800.2(c)(2)(i)(B). FEMA has not received a response from the Tribes within the timeframes in the PA and the Section 106 regulations and therefore may proceed with funding under the PA and 36 CFR §800.3(c)(4). 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 – Reconstruction at an Alternate Location (Proposed Action)

The proposed undertaking would utilize FEMA funding to reconstruct the Gert Town Pool at an alternate location at 3411 Broadway Street in New Orleans. 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). In accordance with Stipulation VIII.F of the 2009 Statewide PA as amended, FEMA determined on December 5, 2014, that there will be “No Effect” to historic properties. SHPO concurrence with this determination was received on April 5, 2011. On March 23, 2011, consultation with affected tribes (Alabama-Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Tunica-Biloxi Tribe of Louisiana) was conducted in accordance with the Programmatic Agreement dated August 17, 2009 and pursuant to 36 CFR §800.2(c)(2)(i)(B). FEMA has not received a response from the Tribes within the timeframes in the PA and the Section 106 regulations and therefore may proceed with funding under the PA and 36 CFR §800.3(c)(4). 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.

## **4.6 Air Quality**

### **4.6.1 Regulatory Setting**

The Clean Air Act (CAA) of 1963 (42 U.S.C., Ch. 85), as amended, provides for federal protection of air quality by regulating air pollutant sources and setting emissions standards for certain air pollutants. Under the CAA, the United States Environmental Protection Agency (EPA) establishes primary and secondary air quality standards (42 U.S.C. Sections 7408 and 7409); and states adopt ambient air quality standards in order to protect the public from potentially harmful amounts of airborne pollutants. Primary air quality standards protect the public health, including the health of “sensitive populations, such as people with asthma, children, and older adults” (EPA, 2013). Secondary air quality standards protect the public welfare by promoting ecosystems health, and preventing impaired visibility and reducing damage to crops and buildings (EPA, 2013). The EPA has set National Ambient Air Quality Standards (NAAQS) for the following six criteria pollutants: ozone (O<sub>3</sub>), particulate matter (PM<sub>2.5</sub>, PM<sub>10</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and lead (Pb) (EPA, 2013).

The EPA has designated specific areas as NAAQS attainment or non-attainment areas (NAAs). 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. NAAs are classified by the EPA as marginal, serious, severe, or extreme, based on the severity of the area’s air quality problems.

### **4.6.2 Existing Conditions**

In correspondence dated July 27, 2015, the LDEQ confirms that Orleans Parish is currently classified by the EPA as an NAAQS attainment and has no general conformity determination obligations (Appendix A).

### **4.6.3 Environmental Consequences**

#### **Alternative 1 – No Action**

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

#### **Alternative 2 – Reconstruction at Original Location**

Reconstruction of the Gert Town Pool in its original location and footprint would temporarily impact air quality during excavation and construction activities. Particulate emissions from the generation of fugitive dust would increase temporarily in the immediate project area. Other emission sources on site would be internal combustion engines and heavy construction equipment. The effects would be localized and of short duration.

The contractor shall be responsible for implementing Best Management Practices (BMPs) to reduce fugitive dust generation and diesel emissions. BMPs would include watering down construction areas when necessary to minimize particulate matter and dust, keeping fuel-burning equipment running times at a minimum, maintaining and covering spoil piles, covering the loads

of haul vehicles, and keeping construction equipment properly tuned and maintained. Long term emissions associated with the reconstructed facility, such as those generated by small engines used for lawn and landscape maintenance and offsite generation of electrical power, are expected to be minor and comparable to emissions generated by the previously existing facility.

#### Alternative 3 – Reconstruction at an Alternate Location (Proposed Action)

Under the Proposed Action Alternative, minor impacts to air quality would be anticipated from the movement of heavy equipment during excavation and construction activities. Particulate emissions from the generation of fugitive dust would increase temporarily in the immediate project area. Other emission sources on site would be internal combustion engines and heavy construction equipment. The effects would be localized and of short duration.

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

## **4.7 Hazardous Materials**

### **4.7.1 Regulatory Setting**

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

The TSCA authorizes the EPA to protect the public from “unreasonable risk of injury to health or the environment” by regulating the introduction, manufacture, importation, sale, use and disposal of specific new or already existing chemicals. “New Chemicals” are defined as “any chemical substance which is not included in the chemical substance list compiled and published under [TSCA] section 8(b).” Existing chemicals include any chemical currently listed under § 8(b), including polychlorinated biphenyls (PCBs), asbestos, radon, lead-based paint, chlorofluorocarbons, dioxin and hexavalent chromium. TSCA Subchapter I, “Control of Toxic Substances” (§§ 2601-2629), regulates the disposal of PCB products, sets limits for PCB contamination of the environment, and authorizes the remediation of sites contaminated with PCB. Subchapter II, “Asbestos Hazard Emergency Response” (§§ 2641-2656), authorizes the EPA to impose requirements for asbestos abatement in schools, and requires accreditation of those who

inspect asbestos-containing materials. Subchapter IV, “Lead Exposure Reduction” (§§ 2681-2692), requires the EPA to identify sources of lead contamination in the environment, to regulate the amounts of lead allowed in products, and to establish state programs that monitor and reduce lead exposure.

#### 4.7.2 Existing Conditions

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

FEMA’s review of data sources (*e.g.*, USEPA EnviroMapper, NEPAAssist, Electronic Document Management System [EDMS]) revealed that there are no hazardous waste, Louisiana Volunteer Remedial Program (VRP)/Brownfield sites, or leaking underground storage tank sites (LUSTs) located on or in close proximity to the proposed or original sites. A review of the NEPAAssist and EDMS databases for other hazardous waste management and disposal, solid waste disposal and enforcement for the proposed site revealed that there is a Toxic Release Inventory (TRI) facility (annually reports information on toxic chemical releases and waste management activities), several water dischargers (municipal and industrial wastewater treatment facilities authorized under the NPDES permit program to discharge pollutants into waters of the United States), air emission facilities (permitted stationary air pollution sources), and hazardous wastes (RCRA) facilities (generators, transporters, treaters, storers, or disposers of hazardous waste) within a .5 mile radius of the proposed and original project sites, but no indication that these sites presently pose a concern. A UST was removed from a nearby property at 7209 Stroelitz Street in 2013, with no report of releases. There are no recorded oil or gas wells on or near the proposed or original project sites. The sites have no record or indication of present hazardous waste activities, including notification as a hazardous waste generator or other regulated activity.

#### 4.7.3 Environmental Consequences

##### Alternative 1 – No Action

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

##### Alternative 2 – Reconstruction at Original Location

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

##### Alternative 3 – Reconstruction at an Alternate Location (Proposed Action)

No hazardous materials, wastes, or substances, including contaminated soil or groundwater, have been identified at the proposed site. If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination should be initiated in accordance with applicable federal, state, and local rules and regulations.

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

## **4.8 Environmental Justice**

### **4.8.1 Regulatory Setting**

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

### **4.8.2 Existing Conditions**

Socioeconomic and demographic data for the project area was reviewed to determine if the proposed action would have a disproportionate adverse impact on minority or low-income persons. According to the U.S. Census Bureau Fact Finder website for Orleans Parish zip code 70125, 2010 population percentages were as follows: 59.5-percent Black or African American; 34.7-percent White; and 5.3-percent Hispanic. The 2008-2012 American Community Survey five-year median household income for Orleans Parish zip code 70125 is \$41,146, and 25.8- percent of families earn below the poverty level (U.S. Census Bureau, 2014).

### **4.8.3 Environmental Consequences**

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

- Is there an impact caused by the proposed action? Yes. The decision to reconstruct the Gert Town Pool Center at an alternate location rather than its original site, but within the same neighborhood will allow the community to benefit from services from the recreational facility which currently occupies the original site of the pool facility, and provide a modern and improved aquatic and other recreational facility benefitting Gert Town neighborhood residents and, ultimately, the community at large.
- Is the impact adverse? No. The public will be served by and benefit from a modern natatorium facility.
- Has an action been undertaken without considerable input by the affected low-income and or minority community? No. The draft Environmental Assessment and draft FONSI will be available for public review at the Orleans Parish Main Library at 219 Loyola Avenue,

New Orleans, LA 70112, and at the Rosa Keller Branch at 4300 S. Broad Street, LA 70125. There will be a fifteen (15) day comment period.

#### Alternative 1 – No Action

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

#### Alternative 2 – Reconstruction at Original Location

Reconstruction at the original location with upgrades to current codes and standards would result in the demolition of the university recreational structure presently existing and in operation at that site. This action alternative is likely to bestow some level of social and or economic detriment to area residents, and may result in disproportionate adverse impacts to low-income or minority populations.

#### Alternative 3 – Reconstruction at Alternate Location (Proposed Action)

The Proposed Action would have no disproportionate adverse human health, economic, or social effects on low-income or minority populations. The project would provide long term benefits to the community by restoring lost community services and providing a modern and improved aquatic facility benefitting Gert Town neighborhood residents and the community at large.

## **5.0 CUMULATIVE IMPACTS**

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

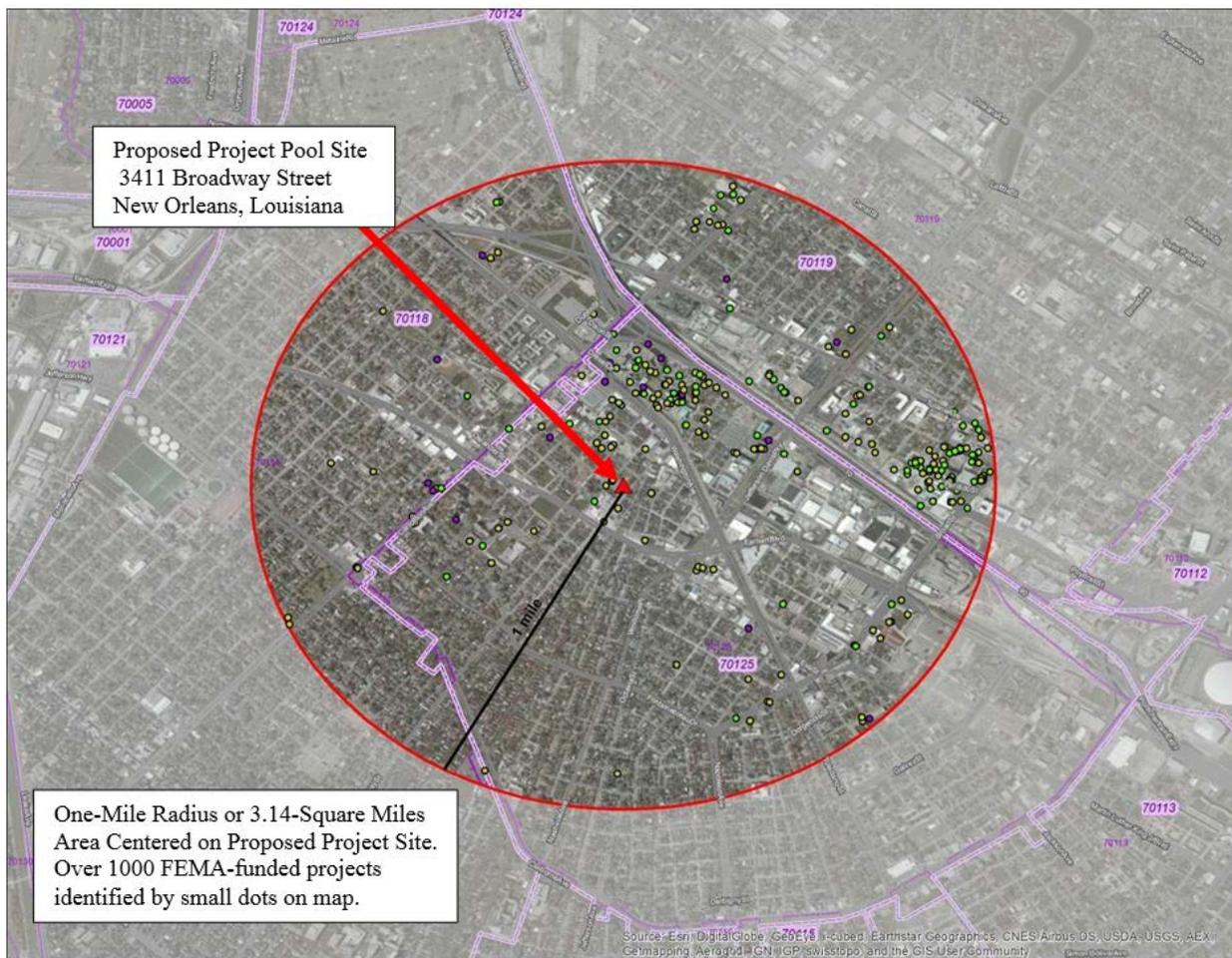
In its comprehensive guidance on cumulative impacts analysis under NEPA, the CEQ notes that: "[t]he range of actions that must be considered includes not only the project proposal, but all connected and similar actions that could contribute to cumulative effects" (CEQ, 1997). The term "similar actions"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

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

significant, such that the importance of the resource is defined by past loss, past gain, or investments to restore resources (CEQ, 1997, Table 2-1).

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

The proposed project site is located at 3411 Broadway Street, New Orleans, LA 70125. 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 within a 1.0 mile radius of the proposed site constitutes an appropriate geographic boundary, for a cumulative impact analysis of the proposed action and alternatives (*Figure 9 below*).



**Figure 9 – Boundary Map, Geographic Area 1-Mile Radius of Proposed Project Site**

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

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

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

The vast majority (1037) of the one-thousand fifty-nine (1059) FEMA PA program funded projects occurring within the specified geographic and temporal boundaries were Category B Actions (actions taken before, during, and after the disaster to save lives, protect public health and safety, and prevent damage to improved public and private) (327), and Category E Actions (actions for the repair or replacement of public buildings, and or their contents and systems, heavy equipment and vehicles (710) (*Figure 10, below*). Of these one-thousand fifty-nine (1059) present, past or reasonably foreseeable FEMA PA funded infrastructure and recovery improvements projects, only the instant project and eight (8) others possessed a potential for impact to environmental resources requiring an EA under NEPA (*see Table 2, below*).

Each project aims to protect lives, prevent damage to property, or restore the function of pre-existing infrastructure with minimal impacts to the natural and human environment. Mitigation measures for impacted resources have been implemented where possible and where required.

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.



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

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

The USACE CED Phase I cumulative impact study represents an analysis of fourteen (14) Risk Reduction LPV (east bank) IERs, six (6) Risk Reduction WBV (west bank) IERs, eleven (11) Borrow IERs, and their supplements, completed as of November 15, 2010; construction contracts completed by July 2011; and other regional projects EIS, EAs, supplements and other decision records. CEMVN mitigation measures and impacts from construction of the LPV and WPV HSDRRS are described in IERs 1-11, 18, 19, 22, 23, 25-32, 35, 36, and their associated Supplemental IERs. IERs completed after November 15, 2010 and HSDRRS features constructed after July 2011 will be described in a future phase of the CED.

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

In 2009, the USACE performed an Environmental Assessment of a stormproofing project for 22 Orleans Parish pump stations, the Carrollton Frequency Changer Building, the Old River Intake Station, the New River Intake Station, and the Carrollton Water Plant and Power Complex. The purpose of the proposed project was somewhat similar to that of the instant proposed hazard mitigation project, in that its purpose was “to provide flood, hurricane, and storm damage risk reduction by helping to ensure pump station operation for the east and west bank of urbanized areas of Orleans Parish during, and immediately following, large tropical storm events, and to provide safe refuge for Orleans Parish employees responsible for the operation and maintenance

of the forced drainage systems” (USACE, EA #474, Orleans Parish Pump Station Storm Proofing Activities, FONSI, June 16, 2009).

In EA #474, USACE, as part of its cumulative impacts discussion for the Orleans Parish Pump Station Storm Proofing project, USACE finding was that: “[t]he implementation of the Proposed Action would have no cumulative adverse impacts because all of the construction activities at the facilities would occur in previously disturbed and developed areas, along existing canal banks. No change in normal pump station operations or canal and pump station maintenance would occur. However, the Proposed Action would have cumulative beneficial impacts on the social, economic, housing and infrastructure resources of Orleans Parish as the stormproofed facilities, generators, pumps, and all other DPS [Drainage Pump System] equipment would ensure that the drainage pump system is operational during and immediately following severe tropical storm events. Improved hurricane, storm, and flood damage reduction benefits all residents, regardless of income, race or age, and allows for development and redevelopment of existing urban areas” (USACE, EA #474, Orleans Parish Pump Station Storm Proofing Project, p. 60, *emphasis supplied*).

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

<b>Project Name / Status</b>	<b>Lead Agency</b>	<b>Location</b>	<b>Description</b>	<b>Cumulative Impacts</b>	<b>Rationale</b>
<b>AI-1697 – Alexander Milne Home For Women / FONSI</b>	FEMA	1913 Gentilly Boulevard, New Orleans 70119 Lat./Long. 29.98771/-90.0759	Relocate facility to St. Tammany Parish	Less than significant.	FONSI (Finding Of No Significant Impact) May 1, 2013; anticipated long term beneficial cumulative effects to socioeconomic resources. Effects to other similar resources would occur outside designated geographic boundary.
<b>AI-2374 – CNO Police Department Second District Station Relocation</b>	FEMA	Lat./Long. 29.96011/-90.10825	Relocate 115-year old facility from 4317 Magazine Street to new facility at northeast corner of Broadway and Olive Streets	Less than significant	NEPA Alternative Arrangements – Record of Environmental Consideration (REC) March 4, 2015; anticipated long-term beneficial cumulative effects to socioeconomic and cultural resources; short term impacts to soils, air quality and noise during ground disturbing activities; all short term impacts conditioned to minimize and mitigate impacts to project site and surrounding areas; permit requirements are a condition for FEMA funding.
<b>AI-1410 – Stallings Center &amp; Pool / FONSI</b>	FEMA	4300 St. Claude Avenue, New Orleans Lat./Long. 29.96460/-90.03235	Replace damaged facility in a new location adjacent to the previous site	Less than significant	FONSI (Finding Of No Significant Impact) January 18, 2012; anticipated long-term beneficial cumulative effects to socioeconomic and cultural resources; anticipated short-term impacts to soils, water quality, transportation, air quality, and noise; cultural resources impacts during ground disturbing activities; January 4, 2012 MOA to ensure NHPA § 106 compliance and to limit potential impacts which could occur; all short term impacts conditioned to minimize and mitigate impacts to project site and surrounding areas; permit requirements are a condition for FEMA funding.
<b>AI 889 – HANO, General Ogden Housing Project / FONSI</b>	FEMA	Scattered sites at Chef Menteur Highway, Old Gentilly Road, and America Street in New Orleans, LA	Demolition of seven (7) buildings at 1400, 1408, 1416, 1424, 1432, 1433 and 1440 General Ogden and the new construction of twenty-two (22) 2, 3 and 4-bedroom units (mixed public housing and Section 8) designed to be compatible with neighborhood; remove contaminated soil and asbestos.	Less than significant.	FONSI (Finding Of No Significant Impact) June 2010; anticipated long-term beneficial cumulative effects to socioeconomic and cultural resources; short term impacts to soils, air quality and noise during ground disturbing activities; all short term impacts conditioned to minimize and mitigate impacts to project site and surrounding areas; permit requirements are a condition for FEMA funding.

<b>Project Name / Status</b>	<b>Lead Agency</b>	<b>Location</b>	<b>Description</b>	<b>Cumulative Impacts</b>	<b>Rationale</b>
<b>AI 1035 – CNO, Nora Navra Library / FONSI</b>	FEMA	Triangular lot bounded by Old Prieur Street, Aubrey Street, and Tureaud Avenue in New Orleans, Orleans Parish	Reconstruct Nora Navra Library with improvements, at an alternate location, approximately 500 feet northeast of the original site	Less than significant.	FONSI (Finding Of No Significant Impact) January 18, 2012; anticipated long-term beneficial cumulative effects to socioeconomic and cultural resources; short term impacts to soils, air quality and noise during ground disturbing activities; all short term impacts conditioned to minimize and mitigate impacts to project site and surrounding areas; permit requirements are a condition for FEMA funding.
<b>AI 2100 – CNO, Criminal Evidence &amp; Processing Complex / EA in Progress</b>	FEMA	Intersection of S. White and Gravier Streets in New Orleans, LA, Lat./Long. 29.96158/-90.09298	Consolidation of CNO court support functions within a single new facility	Less than significant.	EA in progress; anticipated long-term beneficial cumulative effects to socioeconomic and cultural resources; anticipated short-term impacts only to transportation, air quality, and noise during demo period; conditions required to minimize/mitigate impacts to site and surrounding areas. Federal environmental permitting requirements as a condition for FEMA funding.
<b>AI 2148 – SUNO Park Campus Buildings / EA in Progress</b>	FEMA	6400 Press Drive, New Orleans, 70126, Lat./Long. 30.025808/90.044863 and 30.031019/-90.044932	Demolish multi-purpose classroom building, Brown Hall, New Classroom Building and Central Plant and construct five (5) new buildings	Less than significant.	EA in progress; anticipated long-term beneficial cumulative effects to socioeconomic and cultural resources; anticipated short-term impacts only to transportation, air quality, and noise during demo period; conditions required to minimize/mitigate impacts to site and surrounding areas. Federal environmental permitting requirements as a condition for FEMA funding.
<b>AI 1765 – Xavier University Physical Plant Building 11, Office &amp; Locker Rooms / FONSI</b>	FEMA	Physical Plant and Jani King Buildings, 5016 Howard Avenue, New Orleans, Lats./Longs. 29.964806/-90.105103 and 29.964103/-90.105680 and Consolidated Building, 1111 S. Clark Street, New Orleans, Lat./Long. 29.960649/90.104799	Demolish damaged buildings and consolidate functions into single new structure	Less than significant.	FONSI (Finding Of No Significant Impact) May 22, 2014; anticipated long-term beneficial cumulative effects to socioeconomic and cultural resources; short term impacts to soils, air quality and noise during ground disturbing activities; all short term impacts conditioned to minimize and mitigate impacts to project site and surrounding areas; permit requirements are a condition for FEMA funding.
<b>AI 1676 – Xavier University Tennis Courts / FONSI</b>	FEMA	Bounded by Pine, Stroelitz, Broadway and Palm Streets in New Orleans, Lat./Long. 29.962139/-90.107623	Replace tennis facilities with six (6) newly constructed tennis courts, approximately .19 miles from original location	Less than significant.	FONSI (Finding Of No Significant Impact) June 21, 2012; anticipated long-term beneficial cumulative effects to socioeconomic and cultural resources; short term impacts to soils, air quality and noise during ground disturbing activities; all short term impacts conditioned to minimize and mitigate impacts to project site and surrounding areas; permit requirements are a condition for FEMA funding.

<b>Project Name / Status</b>	<b>Lead Agency</b>	<b>Location</b>	<b>Description</b>	<b>Cumulative Impacts</b>	<b>Rationale</b>
<b>Comprehensive Environmental Document (CED) Phase I Study / Completed May 2013</b>	USACE	217 miles of post-Katrina HSDRRS work located within the Greater New Orleans Metropolitan Area; the area within Lake Pontchartrain and Vicinity (LPV) and West Bank and Vicinity (WBV).	Evaluates the cumulative impacts associated with the implementation of the Hurricane and Storm Damage Risk Reduction System (HSDRRS); describes cumulative impacts of HSDRRS construction completed by July 2011 and incorporates information from individual IERs and supplemental IERs completed by November 15, 2010.	Less than significant.	Adversely affected resources (regional soils, habitat supporting wildlife, wetlands and jurisdictional bottomland hardwood resources), are significantly different from those in the proposed action, and overall, including through mitigation and compensation measures, expected to be beneficial investment to resources. Effects to similar resources would be temporary and minimal, or would be beneficial.
<b>Mitigation LPV IER 36 / Final Programmatic IER, Final Decision Record, Pier 36 Lake Pontchartrain and Vicinity (LPV) HSDRRS Mitigation 11/22/2013</b>	USACE	Lake Pontchartrain Basin, between I-12 and the Mississippi River	Evaluates the alternatives to compensate for unavoidable habitat resulting from construction of the LPV HSDRRS; identifies Tentatively Selected Mitigation Plan Alternative (TSMPA) for mitigating impacts to four habitat categories: wet and dry bottomland hardwood forests, swamps, and marshlands.	No impacts.	Final Decisional Record, 11/22/2013; Impacts to resources are significantly different from those expected to be affected by the proposed action.
<b>EA # 433 - Hurricanes Katrina &amp; Rita After-the-Fact / FONSI 07/24/2006</b>	USACE	Orleans, St. Bernard, Jefferson, Plaquemines, St. Mary's, Terrebone, and LaFourche Parishes	Emergency action to unwater New Orleans Metropolitan Area; rehabilitate federally authorized levees, and restore non-federal levees and pump stations (Orleans, St. Bernard, Jefferson and Plaquemines Parishes); flood flight operations (St. Mary's, Terrebone, and LaFourche Parishes).	No impacts.	FONSI 07/24/2006; Adverse impacts to resources (wetlands) are significantly different from those expected to be affected by the proposed action and required compensatory mitigation. No significant impacts identified for any significant similar resources expected to be affected by the proposed action.
<b>EA # 474 - Orleans Parish Pump Station Stormproofing Activities / FONSI 06/16/2009</b>	USACE	22 Orleans Parish pump stations, Carrollton frequency Changer Building, Old River Intake Station, New River Intake Station, and Carrollton Water Plant and Power Complex	Stormproofing activities for described locations, to include building hardening, elevated control rooms, modified roof structures, enhanced water intrusion and protection, protecting and enhancing electrical power production equipment, backup generators, underground ductbank for electrical lines, perimeter wall barriers, elevated generator buildings, pump replacement, installation of water wells, other mechanical, electrical and miscellaneous protection features.	No impacts.	FONSI 06/16/2009; No significant adverse impacts identified for any significant resources; no impacts identified that would require compensatory mitigation. Effects to similar resources would be temporary and minimal.

**Table 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 proposed action, in that the effects to socioeconomic resources are expected to be beneficial, and effects to other similar resources expected to be either non-existent, or minimal and temporary. FEMA has further determined that the incremental impact of the present proposed project, when combined with the effects of other past, present, and reasonably foreseeable future projects, are neither cumulatively considerable nor significant.

These infrastructure actions, some of which have already occurred, and many of which will occur concurrent with and or subsequent to the proposed action, are necessary as a result of the unprecedented devastation caused by the 2005 hurricanes, in order to restore pre-disaster conditions. In reviewing impacts, socioeconomic resources were identified as having the most potential to experience cumulative effects. Although devastating, the 2005 storms created an opportunity for the Applicant to serve residents in the project area and surrounding neighborhoods by repairing, reconstructing, improving and restoring the functions of pre-existing infrastructure. Considered in relation to past, present, and reasonably foreseeable future actions, the cumulative impact of the proposed action to the built and natural environment would be minimal, would be beneficial rather than detrimental, and is not expected to contribute to any adverse effects or to otherwise significantly affect the human environment.

## **6.0 CONDITIONS AND MITIGATION MEASURES**

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

- Applicant is required to comply with all state, federal and local laws and regulations. In accordance with applicable local, state, and federal regulations, the Applicant is responsible for acquiring any necessary permits and or clearances prior to the commencement of any construction related activities.
- New construction must be compliant with current codes and standards. Per 44 C.F.R. Section 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate all construction activities with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities, and remain in compliance with formally adopted local floodplain ordinances. All coordination pertaining to these permit(s) should be documented and provided to the local floodplain administrator, to the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (LA GOHSEP), and to FEMA as part of the permanent project file. Per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied, where possible.
- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (LA Revised Statutes 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.
- Project construction may involve the use of potentially hazardous materials (*e.g.*, petroleum products, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, treated timber), and may result in the generation of small amounts of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous and non-hazardous wastes are required to be disposed in accordance with applicable federal, state and local regulations.
- If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination should be initiated in accordance with applicable federal, state, and local regulations.
- A Louisiana Pollution Discharge Elimination System (LPDES) may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. If required to do so by LDEQ, the Applicant shall require its contractor to prepare, certify, and implement a construction storm water pollution prevention plan approved by LDEQ to prevent sediment and construction material transport from the project site. The Applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- The Applicant should ensure that best management practices that meet the LDEQ permitting specifications for storm water discharge regulated under §§ 401 and 402 of the CWA are implemented in order to minimize indirect impacts (erosion, sedimentation, dust and other construction-related disturbances) to waters of the United States and well defined drainage areas surrounding the site, and include the following into the daily operations of the construction activities: silt screens, barriers (*e.g.*, hay bales), berms/dikes, and or fences to be placed where and as needed. Fencing should be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.
- The project has been found by the Louisiana Department of Natural Resources (LDNR) to be inside the Louisiana Coastal Zone. LDNR, therefore, requires that a complete Coastal Use Permit Application package (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.), along with the appropriate application fee, be submitted to their office prior to construction. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the LDNR Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The applicant must comply with all conditions of the required permits. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.

- To reduce potential short term effects to air quality from construction related activities, the contractor should use BMPs to reduce fugitive dust generation and diesel emissions. The contractor should water down construction areas when necessary to minimize particulate matter and dust. To reduce emission criteria pollutants, fuel-burning equipment running times should be kept at a minimum and engines should be properly maintained.
- Construction traffic should be closely monitored and controlled as appropriate. All construction activities should be conducted in a safe manner in accordance with Occupational Safety and Health Act (OSHA) requirements.

## **7.0 AGENCY CONSULTATION**

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

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

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

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

## **8.0 CONCLUSIONS**

Construction of the proposed improvements at the proposed location was analyzed based on the studies, consultations, and reviews undertaken as reported in this draft EA. The finding of this EA conclude that the proposed action at the proposed site would result in no significant adverse impacts to geology, groundwater, floodplains, public health and safety, hazardous materials, socioeconomic resources, environmental justice, or cultural resources are anticipated under the Proposed Action Alternative.

During project construction, short-term impacts to soils, surface water, transportation, air quality, and noise are anticipated and conditions have been incorporated to mitigate and minimize the effects. Project short-term adverse impacts would be mitigated using BMPs, such as silt fences, proper vehicle and equipment maintenance, and appropriate signage. No long-term adverse impacts are anticipated from the proposed project. Therefore, FEMA presently finds the proposed

actin meets the requirements for a Finding of No Significant Impacts (FONSI) under NEPA and the preparation of an EIS will not be required. If new information is received that indicates there may be significant adverse effects, then FEMA would revise the findings and issue a second public notice, for additional comments. However, if there are no changes, this Draft EA will become the final EA.

## **9.0 PUBLIC INVOLVEMENT**

FEMA has invited the public to comment on the proposed action during a fifteen (15) day comment period. A public notice will be published for three (3) days in the local newspaper, *The Times-Picayune*, announcing the availability of the draft EA for review at the Orleans Parish Main Library at 219 Loyola Avenue, New Orleans, LA 70112, and at the Rosa Keller Branch at 4300 S. Broad Street, LA 70125. A copy of the Public Notice is attached in Appendix B.

## **10.0 LIST OF PREPARERS**

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

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**Appendix A**  
**Agency Correspondence**



**Louisiana Ecological Services Office**

11/6/2014

**ESA Technical Assistance Form**

General Information

**Name:** FEMA - Environmental & Historic Preservation

**Point of Contact:** Shelly A. R. Chichester, Environmental Protection Specialist

**Address:** 1100 Robert E. Lee Blvd.

**City:** New Orleans

**State:** Louisiana

**Zip Code:** 70124

**Phone Number 1:** 504-491-0764

**Phone Number 2:** \_\_\_\_\_

**Email Address:** shelly.chichester@fema.dhs.gov

Proposed Project Information

**Project Reference ID:** 3888

**Project Latitude:** 29.960057 **Project Longitude:** -90.108723

**Project Parish(es):** Orleans

**Project Description:** CNO-Gert Town Pool Relocation/Reconstruction (Natatorium)

Based on the information provided, the proposed project is not an activity that would affect a federally listed threatened or endangered species; nor is there proposed or designated critical habitat present within this Parish.

Therefore, a "no effect" conclusion is appropriate. No further ESA coordination with the Service is necessary for the proposed action, unless there are changes in the scope or location of the proposed project or the project has not been initiated one year from the date of this letter.

If the proposed project has not been initiated within one year, follow-up coordination via this website should be accomplished prior to making expenditures because our threatened and endangered species information is updated annually. If the scope or location of the proposed project is changed, coordination via this website should occur as soon as such changes are made.

This finding completes project review by the Service for effects to Federal trust resources under our jurisdiction and currently protected by the ESA.

Please keep a copy of this pre-development coordination for your records. Do not send it to the Lafayette ES Office.

If you have additional questions, please contact Louisiana ES Office Biological Science Technician at 337/291-3100 for further assistance.



**Louisiana Ecological Services Office**

11/6/2014

**ESA Technical Assistance Form**

**Project Type: Non-Emergency FEMA Project**

Does the project propose to obtain, remodel, refurbish, or rehabilitate existing structures in such a way that does not significantly alter the present capacity or use, and does not alter surrounding land areas that were previously undisturbed? **Yes**

**From:** Linda (Brown) Hardy [mailto:[Linda.Hardy@la.gov](mailto:Linda.Hardy@la.gov)]  
**Sent:** Monday, July 27, 2015 12:55 PM  
**To:** Myers, Megan  
**Cc:** Yasoob Zia  
**Subject:** DEQ SOV 150724/1055 Gert Town Pool Relocation

July 27, 2015

Tiffany Spann-Winfield,  
Deputy Environmental Liaison Officer, FEMA LRO  
1500 Main St  
Baton Rouge, LA 70802  
[Megan.Myers@fema.dhs.gov](mailto:Megan.Myers@fema.dhs.gov)

RE: 150724/1055                      Gert Town Pool Relocation  
   FEMA Funding  
   Orleans 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 is required. An application or Notice of Intent will be required if the sludge management practice includes preparing biosolids for land application or preparing sewage sludge to be hauled to a landfill. 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, Orleans Parish is classified as attainment with the National Ambient Air Quality Standards and has no general conformity determination obligations.**

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

**BOBBY JINDAL**  
GOVERNOR



**STEPHEN CHUSTZ**  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF NATURAL RESOURCES**  
**OFFICE OF COASTAL MANAGEMENT**

11/14/2014

U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA  
1500 MAIN ST.  
BATON ROUGE, LA 70802

**RE: P20141516, Solicitation of Views**

**U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA**

**Description:** Proposed reconstruction of the Gert Town Pool facility in New Orleans including a new parking lot and requisite driveways.

**Location:** Lat 29° 57' 36.2"N / Long -90° 06' 31.4"W; 3411 Broadway Street, New Orleans, LA 70122

**Orleans Parish, LA**

Dear Shelly A. R. Chichester:

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

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

- Chitimacha Aboriginal Grounds contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395.

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

Post Office Box 44487 • Baton Rouge, Louisiana 70804-4487  
617 North Third Street • 10th Floor • Suite 1078 • Baton Rouge, Louisiana 70802  
(225) 342-7591 • Fax (225) 342-9439 • <http://www.dnr.louisiana.gov>

An Equal Opportunity Employer

P20141516, Solicitation of Views  
U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA  
11/14/2014  
Page 2

If you have any questions, would like to request an application packet or would like to schedule a pre-application meeting, please contact Matthew O'Neal at (225) 342-7942 or Matthew.O'Neal@LA.GOV.

Sincerely,

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

Karl L. Morgan  
Administrator

**Karl L. Morgan/mo**

Attachments

P20141516, Solicitation of Views  
U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA  
11/14/2014  
Page 3

**Final Plats:**

1) P20141516    Final Plats    11/05/2014

cc: Jessica Diez, OCM w/plats  
Craig Leblanc, Frank Cole, CMD/FI w/plats  
Orleans Parish w/plats



BOBBY JINDAL  
GOVERNOR

State of Louisiana  
DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF WILDLIFE

ROBERT J. BARHAM  
SECRETARY  
JIMMY L. ANTHONY  
ASSISTANT SECRETARY

**Date** November 7, 2014  
**Name** Shelly Chichester  
**Company** FEMA  
**Street Address** 1500 Main Street  
**City, State, Zip** Baton Rouge, La 70802  
**Project** Gert Town Pool Relocation  
**Project ID**  
**Invoice Number** 14110711

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

## Chichester, Shelly

---

**Sent:** Monday, 01 December, 2014 10:58 AM  
**To:** Chichester, Shelly  
**Subject:** RE: Scoping Notification/Solicitation of Views - Gert Town Pool Relocation

Ms. Chichester:

The U.S. Environmental Protection Agency (EPA) has completed your request for a review of the scoping notification and solicitation of views concerning the relocation of the Gert Town Pool in New Orleans, 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. At this time, the EPA does not object to the project as proposed. Thanks for the opportunity to review the proposed project.

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:** Chichester, Shelly [<mailto:Shelly.Chichester@fema.dhs.gov>]  
**Sent:** Tuesday, November 04, 2014 2:26 PM  
**To:** [linda.brown@la.gov](mailto:linda.brown@la.gov); [Amy.E.Powell@usace.army.mil](mailto:Amy.E.Powell@usace.army.mil); [cmichon@wlf.la.gov](mailto:cmichon@wlf.la.gov); [amy\\_trahan@fws.gov](mailto:amy_trahan@fws.gov);  
<mailto:Karl.Morgan@la.gov> Gutierrez, Raul  
**Cc:** Spann, Tiffany; Mannie, Kevin; Anchors, Rusty (CTR)  
**Subject:** Scoping Notification/Solicitation of Views - Gert Town Pool Relocation

November 4, 2014

MEMORANDUM TO: See Distribution

SUBJECT: Scoping Notification/Solicitation of Views – Gert Town Pool Relocation

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 Gert Town Pool facility in New Orleans Parish, LA. FEMA funded this project as a replacement, the cost to repair the structure having exceeded by more than 50% the cost to replace the structure. The Applicant, City of New Orleans (CNO), requested, however, to instead demolish the existing Gert Town Pool building and construct a new Natatorium facility at an alternate location.

The reconstructed Gert Town Pool facility would consist of a 17,000sf natatorium building, and would include a pool, changing rooms, a community room, and a parking lot, along with any requisite driveways, water and utility lines and hookups.

The general address of the proposed reconstruction project is the site of the former Mary Church Terrell Elementary School, at or near 3411 Broadway Street, New Orleans, LA 70122, in Orleans Parish (Latitude 29.960057, Longitude -90.108723), bounded by Audubon, Olive, Broadway and Edinburgh Streets. The proposed Natatorium would be co-located with a separate proposed new construction, a 17,700sf structure and parking lot that would serve as the New Orleans Police Department's (NOPD's) 2<sup>nd</sup> District Station.

The location and site plan for the proposed Gert Town Pool (Natatorium) re-construction project is attached. CNO's request for demolition of the existing Gert Town Pool structure was granted by FEMA, and the structure was demolished in 2011.

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 [Shelly.Chichester@fema.dhs.gov](mailto:Shelly.Chichester@fema.dhs.gov), or mailed to the attention of Shelly A. R. Chichester, Environmental and Historical Preservation Program, Attn: Gert Town Pool Relocation, 1500 Main Street, Baton Rouge, LA 70802.

For questions regarding this matter, please contact Shelly A. R. Chichester, Environmental Protection Specialist, at (504) 491-0764.

Regards,

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

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

Shelly A. R. Chichester  
Environmental Protection Specialist  
FEMA Louisiana Recovery Office  
[Shelly.chichester@fema.dhs.gov](mailto:Shelly.chichester@fema.dhs.gov)  
504-491-0764 (bb)



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

REPLY TO  
ATTENTION OF

DEC 09 2014

Operations Division  
Operations Manager,  
Completed Works

Ms. Tiffany Spann-Winfield  
Federal Emergency Management Agency  
1500 Main Street  
Baton Rouge, Louisiana 70802

Dear Ms. Winfield:

This is in response to the Solicitation of Views request dated November 4, 2014, concerning the reconstruction of the Gert Town Pool facility, at New Orleans, Louisiana, in Orleans Parish.

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

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

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

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-2014-02753-SK. This will allow us to more easily locate records of previous correspondence, and thus provide a quicker response.

Sincerely,



Karen L. Clement  
Solicitation of Views Manager

Copy Furnished:

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



FEMA

U.S. Department of Homeland Security  
Federal Emergency Management Agency  
FEMA-1603/1607 -DR-LA  
FEMA Louisiana Recovery Office  
Environmental/Historic Preservation  
1500 Main Street  
Baton Rouge, LA 70802

December 5, 2014

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

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

**Applicant:** City of New Orleans

**Undertaking:** Construction of NOPD 2<sup>nd</sup> District Station and Gert Town Pool, 3411 Broadway Street, New Orleans, Orleans Parish, LA (29.960, -90.108) (CNO SRIA)

**Determination:** No Historic Properties Affected

Dear Ms. Breaux:

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

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

FEMA, through its Public Assistance Program, proposes to fund the design and construction of a new 17,700sf police station and required parking lot as well as the design and construction of a new 17,000sf natatorium that will include pool, changing rooms, community room, and required parking lot, at 3411 Broadway Street, New Orleans, Orleans Parish, LA (Undertaking) as requested by the City of New Orleans (Applicant). FEMA is initiating Section 106 review for the above referenced properties in accordance with the "Programmatic Agreement among FEMA, the Louisiana State Historic Preservation Officer, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness, the Alabama-Coushatta Tribe of Texas, the Caddo Nation, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Advisory Council on Historic Preservation" executed on August 17, 2009 and amended on July 22, 2011 (2009 Statewide PA as amended) and providing the State Historic Preservation Office with the opportunity to consult on the proposed Undertaking. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(d).

**Description of the Undertaking**

The proposed police station and natatorium will consist of a two-story, 17,700sf 2<sup>nd</sup> District police station and a single-story, 17,000sf natatorium that will include pool, changing rooms, and a

community room. Both Undertakings include required parking lots. The two projects will be co-located on an entire city block that previously housed the Terrell Elementary School (Figures 1 and 2).

### **Area of Potential Effects (APE)**

In accordance with Stipulation VIII.A of the 2009 Statewide PA as amended, the APE for both the standing structures and archaeology were developed in coordination with SHPO staff. The standing structures APE will include the project location area as well as the surrounding view-shed. The archaeological APE takes into account all ground-disturbing activities including demolition, staging, and site prepping. The archaeological APE measures 3.1 acres (1.25 ha). Both APEs can be observed in Figure 3.

### **Identification and Evaluation**

In a letter dated August 30, 2010, FEMA previously consulted with SHPO and affected Tribes (Alabama-Coushatta Tribe of Texas, Chitimacha Tribe of Louisiana, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Tunica-Biloxi Tribe of Louisiana) on the demolition of Terrell Elementary School and the construction of a new facility at that location. FEMA determined the undertaking would have “no effect” to historic properties. SHPO concurrence with that determination was received in a letter dated September 21, 2010. None of the Tribes objected within the regulatory timeframes. (See attached August 13, 2010, FEMA consultation letter to SHPO for description of original Undertaking.) Terrell Elementary School was subsequently demolished. There are currently no structures on the project site.

On December 2, 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 APE is not located within a National Register Historic District (NRHD). The property is currently a vacant lot (Figures 6 and 7). The viewshed APE is composed of vacant lots, several residences dating from the early 1900s through the early 1950s, two commercial buildings (ca. 1940), a church (ca. 1951), and a recently constructed residence (ca. 2010). The residences, commercial buildings, and church ages greater than 50 years are common, altered examples of properties that are found throughout New Orleans and do not exhibit the significance to qualify for individual listing in the NRHP. Neither do they qualify for listing as elements of a district. Representative examples of buildings present in the APE are attached to this consultation (Figures 8 through 11).

Upon consultation of data provided by SHPO on December 1, 2014, there are two recorded archaeological sites within ½ mile of the archaeological APE: 16OR341 and 16OR469 (Figure 4). Both sites are from the historic period. 16OR341 is a c. early 1900 domestic residence identified by a post-demolition walk-over survey. 16OR469 is the Foley House site/St. Rita Convent also dating to c. 1900 with a historic cistern or well. Neither of the sites has been evaluated to be listed on the NRHP. Neither of the sites is within the archaeological APE. They will not be affected by the Undertaking.

The 1878 Hardee map has the APE in backswamp. The APE is not covered on the 1883 Robinson map. The 1932 New Orleans Northeast quad has the APE platted, but not developed. The

archaeological APE lacks Sanborn Fire Insurance maps until the 1929-1940 (Vol. 6, Sheet 655a) series, which identifies the Daneel Colored School occupying the entire city block (APE) with one other domestic residence in the northwest corner (Figure 5). The Sanborn Fire Insurance 1937-51 map has no changes. The 1939 New Orleans East quad map identifies a school in the APE (presumably the Daneel School), as does the 1954 and 1967 New Orleans quad.

FEMA archaeologists performed a site inspection of the archaeological APE on April 7, 2010 for the demolition of the Terrell Elementary School. It was observed that the school was situated upon approximately 2-3 feet of artificial fill; a single shovel probe confirmed 40cm of fill, below which sub-soil was encountered. In addition, it was noted that the construction of the 1970s-era Terrell School likely destroyed any potential remnants of the earlier Daneel School as the footprints of the two structures contained considerable overlap. The conclusion was that the majority of the upper sediments were mechanically removed, with artificial fill resting atop the clay sub-soil, destroying all remains from the Daneel School. The APE is within the New Orleans Moderate Archaeological probability zone. The soils consist of Harahan-Rita-Westwego, a fresh-water gulf coast marsh.

Based on the available evidence, it is unlikely that intact NRHP-eligible archaeological deposits would be recovered during the construction of the new NOPD 2<sup>nd</sup> District Police Station and Gert Town Natatorium as the area was originally backswamp and the construction and subsequent demolition of the Terrell School, with its mechanical scraping and fill episodes destroyed all evidence of the original structure at this location.

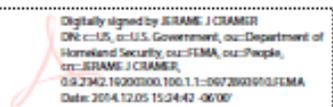
#### Assessment of Effects

Based on the aforementioned identification and evaluation, FEMA has determined that there are no historic properties as defined in 36 CFR 800.16(l) within the APE. Therefore, FEMA has determined a finding of **No Historic Properties Affected** for this Undertaking and is submitting this Undertaking to you for your review and comment. FEMA requests your comments within 15 days.

We look forward to your concurrence with this determination. Should you have any questions or need additional information regarding this Undertaking, please contact me at (504) 247-7771 or [jerame.cramer@fema.dhs.gov](mailto:jerame.cramer@fema.dhs.gov), or Kathryn Wollan, Lead Historic Preservation Specialist at (504) 289-1941 or [kathryn.wollan@fema.dhs.gov](mailto:kathryn.wollan@fema.dhs.gov) Jason Emery, Lead Historic Preservation Specialist at (504) 570-7292 or [jason.emery@fema.dhs.gov](mailto:jason.emery@fema.dhs.gov).

Sincerely,

**JERAME J  
CRAMER**



Digitally signed by JERAME J CRAMER  
DN: c=US, ou=U.S. Government, ou=Department of  
Homeland Security, ou=FEMA, ou=People,  
cn=JERAME J CRAMER,  
0.9.2342.18000000.100.1.1-0972892910.FEMA  
Date: 2014.12.05 15:24:42 -0600

Jeramé J. Cramer  
Environmental Liaison Officer  
FEMA-DR-1603-LA, FEMA-DR-1607-LA

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

Enclosures

The Division of Archaeology Reviewer concurs with the finding that there will be **No Historic Properties Affected** as a result of this Undertaking.

---

Division of Archaeology Reviewer

Date

The Division of Historic Preservation Reviewer concurs with the finding that there will be **No Historic Properties Affected** as a result of this Undertaking.

---

Division of Historic Preservation Reviewer

Date

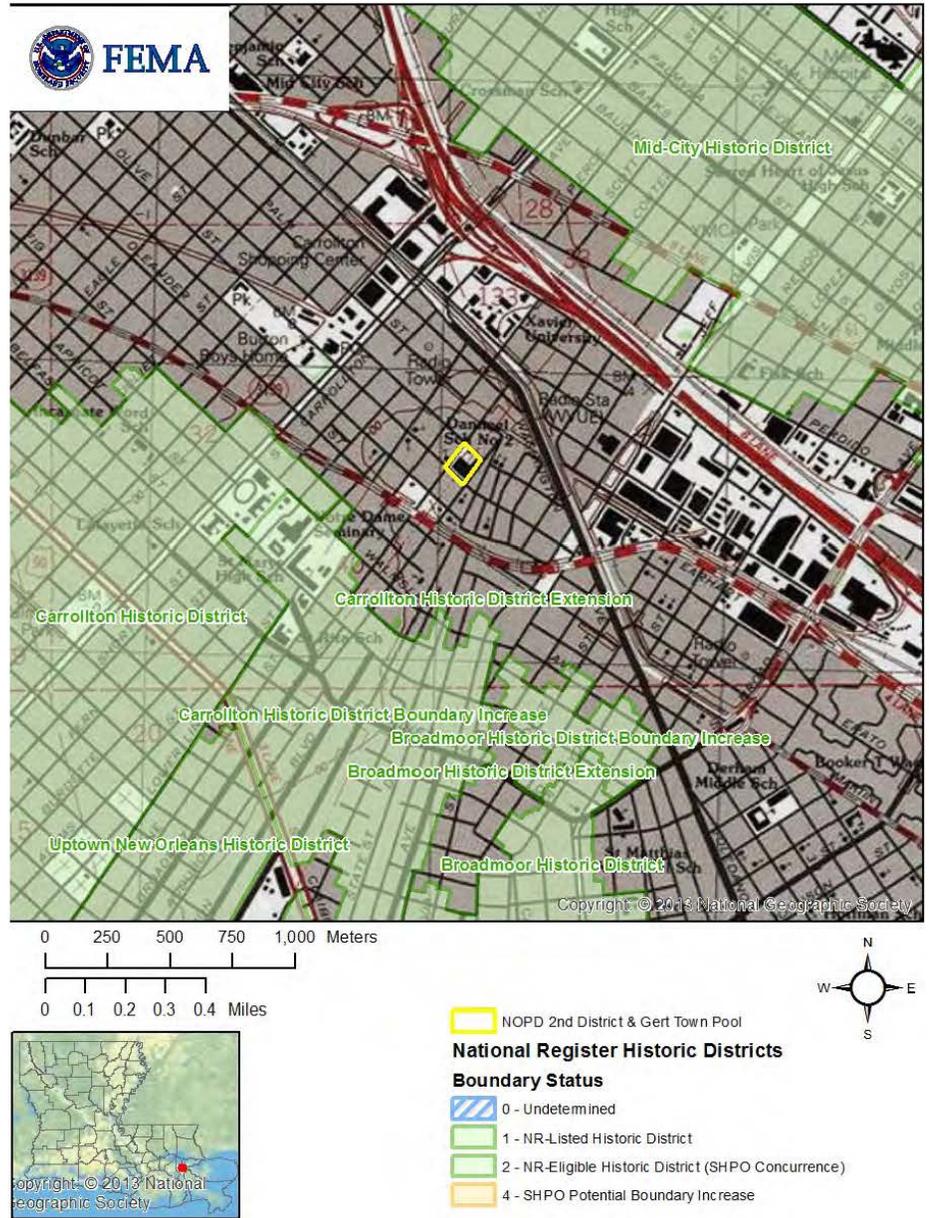


Figure 1. Undertaking Overview Map seen on a portion of the New Orleans East 15' USGS Quad with Historic Districts.



Figure 2. Proposed site plan for the proposed NOPD 2<sup>nd</sup> District Police Station and Gert Town Natatorium.



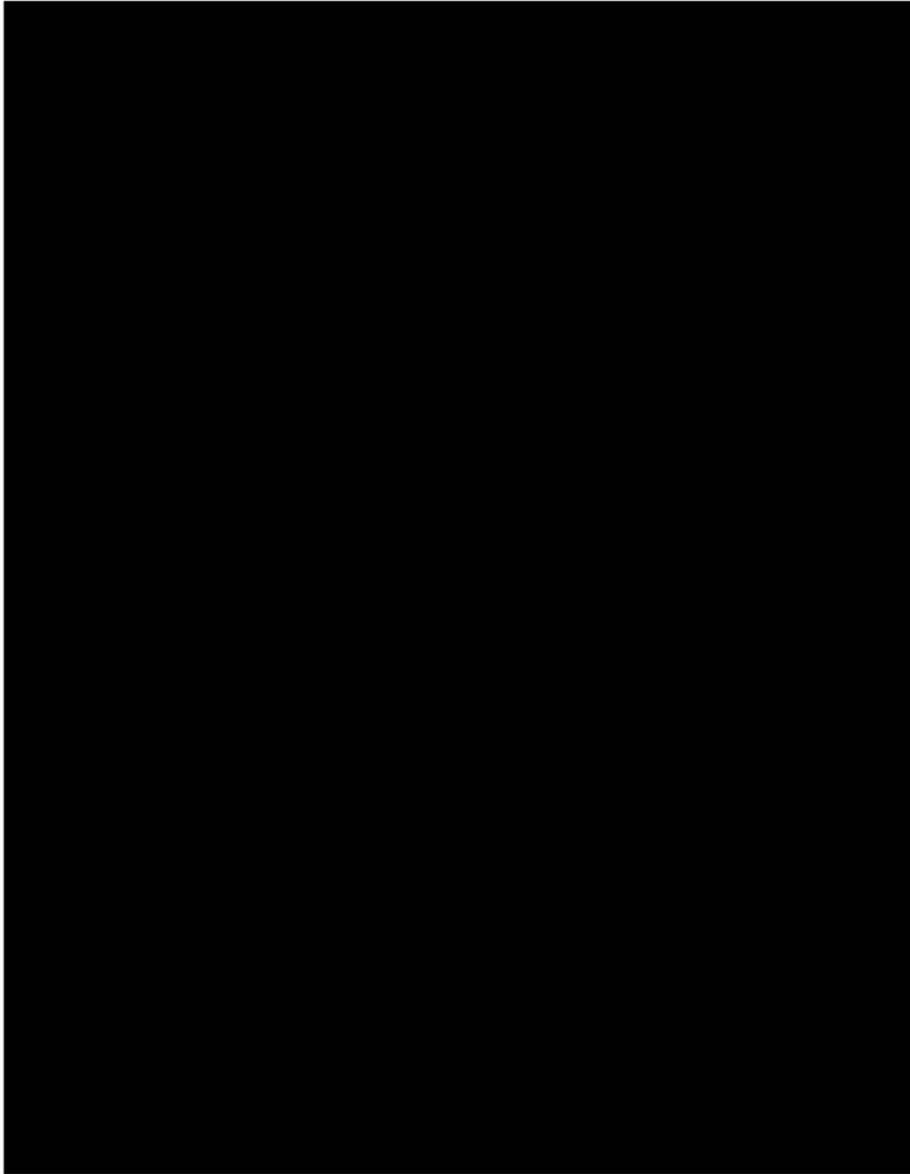


Figure 4. Identified archaeological sites within ½ mile from Archaeological APE. Data provided by Louisiana Division of Archaeology.

CONFIDENTIAL DO NOT DISCLOSE. This document was prepared by the Environmental and Historic Preservation section of the Federal Emergency Management Agency or their contractor. This map is protected from public disclosure in accordance with Section 304 of the National Historic Preservation Act, 16 U.S.C. 470, and 36 CFR 800.11 (c).

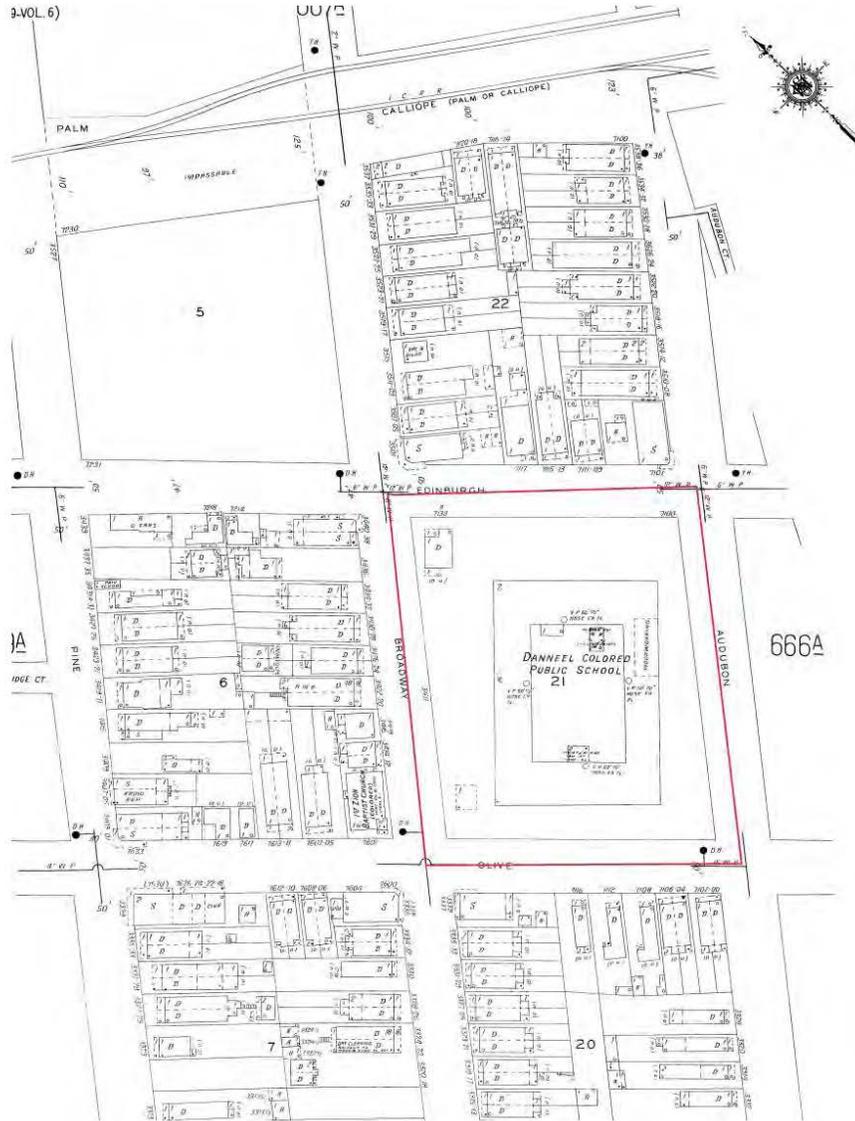


Figure 5. 1929-1940 Sanborn Fire Insurance map (Vol. 6, Sheet 655a). Archaeological APE in red.

<b>NOPD 2<sup>nd</sup> District Station and Gert Town Pool 3411 Broadway, New Orleans, Orleans Parish</b>	
<p>Figure 6. View of proposed location for the NOPD 2<sup>nd</sup> District Station and Gert Town Pool, looking north.</p>	 <p>A photograph showing a view looking north from a sidewalk. In the foreground, there is a concrete sidewalk with a storm drain. A chain-link fence runs across the middle ground, separating the sidewalk from a large, open grassy field. In the background, there are utility poles with power lines, trees, and some buildings under a blue sky with scattered white clouds. A small sign is visible on the right side of the fence.</p>
<p>Figure 7. View of proposed location for the NOPD 2<sup>nd</sup> District Station and Gert Town Pool, looking south.</p>	 <p>A photograph showing a view looking south from a sidewalk. The foreground is a concrete sidewalk. A chain-link fence runs across the middle ground, separating the sidewalk from a large, open grassy field. In the background, there are utility poles with power lines, trees, and some buildings under a blue sky with scattered white clouds.</p>

<b>NOPD 2<sup>nd</sup> District Station and Gert Town Pool 3411 Broadway, New Orleans, Orleans Parish</b>	
Figure 8. Photograph of viewshed properties along Edinburgh Street.	 A street-level photograph showing a row of modest, single-story houses. The house in the foreground is light blue with a small porch and has some graffiti on the wall. A person in a red shirt is walking on the sidewalk. Utility poles and power lines are visible against a blue sky with scattered clouds. The image contains a '© 2014 Google' watermark and a 'Google Earth' logo.
Figure 9. Photograph of viewshed properties along Broadway Street.	 A street-level photograph showing a row of white, single-story houses. The house in the foreground is a simple, rectangular structure with a gabled roof. The street has yellow painted crosswalk markings. Utility poles and power lines are visible against a blue sky with scattered clouds. The image contains a '© 2014 Google' watermark and a 'Google Earth' logo.

<b>NOPD 2<sup>nd</sup> District Station and Gert Town Pool 3411 Broadway, New Orleans, Orleans Parish</b>	
<p>Figure 10. Photograph of viewshed properties along Olive Street.</p>	 <p>A photograph showing a small, single-story red wooden building with a white porch and a gabled roof. The building is situated on a paved area next to a grassy lot. A black trash bag is visible on the ground in the foreground. The background shows trees and a clear sky. The image is watermarked with 'Google Earth'.</p>
<p>Figure 11. Photograph of viewshed properties along Audubon Street.</p>	 <p>A photograph of a residential street. In the foreground, a dark SUV is parked on the side of the road. Further down the street, a red car is parked. The houses are two-story buildings with various colors, including white and green. The sky is blue with some clouds. The image is watermarked with '© 2014 Google' and 'Google Earth'.</p>



FEMA

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

August 30, 2010

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

No known historic properties will be affected by this undertaking. This effect determination could change should new information come to our attention.  
*Phil Boggan* 9-21-10  
Phil Boggan Date  
Deputy State Historic Preservation Officer

**RE: Section 106 Review Consultation, Hurricanes Katrina and Rita**

- Applicant:** Recovery School District
- Undertaking:** Demolition/reconstruction of Terrell Elementary School, 3411 Broadway Street, New Orleans, Louisiana
- Determination:** No Historic Properties Affected

Dear Mr. Boggan:

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

- 1) FEMA-1603-DR-LA, dated August 29, 2005, as amended
- 2) FEMA-1607-DR-LA, dated September 23, 2005.

FEMA is initiating Section 106 review for the above referenced properties in accordance with the *Secondary Programmatic Agreement among Federal Emergency Management Agency, State of Louisiana Division Of Administration Office of Community Development, Louisiana State Historic Preservation Officer, Advisory Council On Historic Preservation, Louisiana Department of Education, through its Recovery School District, And Orleans Parish School Board Regarding implementation of School Facilities Master Plan for Orleans Parish* dated August 17, 2009 (RSD/OPSB 2PA). Due to wind and water damage that caused significant damage to the buildings on the [name of school] campus, it is proposed that federal funding through FEMA's Public Assistance program be provided to the Recovery School District (Applicant) to demolish and replace Terrell Elementary School, 3411 Broadway Street, New Orleans, Louisiana (Undertaking).

In accordance with Stipulation VII.E(1) of the RSD 2PA FEMA is not required to conduct a Determination of Eligibility of standing structures since the building was constructed after 1963 and is not located within an eligible or listed historic district. Based on the building's construction date of 1976 and its location, the Standing Structures APE has, in consultation with SHPO, been defined as the campus of the school.

The archaeological Area of Potential Effects (APE) for this undertaking is the entire campus of the school, comprising approximately 2.3 acres. This area falls within the Orleans Parish Moderate Probability Zone for the occurrence of prehistoric or historic archaeological resources. Upon

consultation of data provided by the Louisiana SHPO, one previously recorded archaeological site (16OR469) falls within 0.5 miles of the project APE.

The project area falls outside the coverage of the 1883 Robinson map, and is depicted as swampland on the 1878 Hardee map. This portion of Orleans Parish lacks coverage of the Sanborn maps until the 1929-1940 series, at which time the Daneel Colored school occupies the majority of the city block, with one other domestic structure depicted at the northwest corner of the block. The subsequent (1937-1951) series shows no changes or additional structures within the APE.

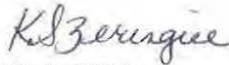
FEMA archaeologists Michael Wilder and Robert Martin performed a site inspection of the APE on April 7, 2010. At this time, it was observed that the school campus was situated on approximately 2-3 feet of artificial fill. A shovel test placed in the northeast portion of the campus (the only non-pavement covered area) confirmed the presence of fill. This test encountered clean sand fill to a depth of 40 cm below surface, at which point a stiff gray clay (natural sub-soil) was encountered.

Construction of the 1970's-era Terrell School likely destroyed any potential remnants of the earlier Daneel School, as the footprints of these two structures contain considerable overlap. Furthermore, based on the shovel test, it appears that the majority of the upper sediments at this location have been mechanically removed, with artificial fill resting directly atop clay sub-soil. Due to the modern construction and mechanical scraping, there is little likelihood of encountering intact subsurface cultural resources at this location.

FEMA has determined a finding of **No Historic Properties Affected** for this Undertaking and is submitting this Undertaking to you for your review and comment. FEMA requests your comments within 30 days.

Should you have any questions or need additional information regarding this Undertaking, please contact Katherine Zeringue, Environmental Liaison Officer, at (504) 762-2256 or [katherine.zeringue@dhs.gov](mailto:katherine.zeringue@dhs.gov) or Michael Wilder, Historic Preservation Specialist/Archaeologist, at (512) 417-4052 or [Michael.wilder@associates.dhs.gov](mailto:Michael.wilder@associates.dhs.gov), or Victoria Byrd, Historic Preservation Specialist/Architectural Historian, at (504) 762-2357 or [Victoria.byrd@dhs.gov](mailto:Victoria.byrd@dhs.gov).

Sincerely,



Katherine S. Zeringue  
Environmental Liaison Officer  
FEMA-DR-1603-LA, FEMA-DR-1607-LA

CC: File

The FEMA/SHPO liaison concurs with the eligibility determination and the finding that there will be **No Historic Properties Affected** as a result of this Undertaking.

\_\_\_\_\_  
FEMA/SHPO Liaison for Archaeology

\_\_\_\_\_  
Date

The SHPO reviewer for standing structures concurs with the eligibility determination and the finding that there will be **No Historic Properties Affected** as a result of this Undertaking.

\_\_\_\_\_  
SHPO Reviewer for Standing Structures

\_\_\_\_\_  
Date



Figure 1. Terrell Elementary School Structures and Archaeological Area of Potential Effects outlined in red.

<b>Terrell Elementary School</b> <b>3411 Broadway, New Orleans, Orleans Parish</b>	
<p>Northwest elevation looking east from the intersection of Broadway and Olive Street.</p>	 <p>A photograph showing the northwest elevation of Terrell Elementary School. The building is a long, single-story structure with a light-colored, vertically-ribbed metal facade. A central entrance is highlighted with a vertical band of red and yellow. The building is situated on a street corner with a paved road in the foreground and some greenery. A utility pole with wires is visible on the left. A red timestamp '8 12:18PM' is in the bottom right corner.</p>
<p>Southwest and southeast elevations from the intersection of Olive and Audubon Streets.</p>	 <p>A photograph showing the southwest and southeast elevations of Terrell Elementary School from the intersection of Olive and Audubon Streets. The building's light-colored, vertically-ribbed metal facade is the primary feature. The view is from a street corner, showing a paved road and utility poles with wires. A red timestamp '8 12:18PM' is in the bottom right corner.</p>

<b>Terrell Elementary School</b> <b>3411 Broadway, New Orleans, Orleans Parish</b>	
Southeast elevations of main building and covered play area from the intersection of Audubon and Edingburgh Streets.	 <p>A photograph showing the southeast elevation of a long, single-story school building with light-colored metal siding. The building has a covered play area in front. A white pickup truck and a silver car are parked on the street in front of the building. A timestamp in the bottom right corner of the photo reads "6 12:18PM".</p>
View from the intersection of Edinburgh and Broadway looking southeast	 <p>A photograph showing a street intersection. A white van with "POLICE" written on the side is driving away from the camera. The street is lined with trees and utility poles. A fire hydrant is visible on the sidewalk in the foreground.</p>



## **Appendix B**

### **Eight-Step Decision Making Process**

**CITY OF NEW ORLEANS - GERT TOWN POOL  
RELOCATION ALTERNATE PROJECT  
Executive Order 11988 – Floodplain Management  
Eight-Step Decision Making Process [EA]**

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

This Eight Step Decision Making Process is applied to the proposed City of New Orleans, Gert Town Pool Reconstruction. The original project area is within the 100-year floodplain. The proposed project area is located within the 500-year floodplain, areas of the 1% annual chance flood (100-year floodplain) with average depths of less than 1 ft. or with drainage areas less than 1 square mile, and areas protected by levees from the 1% annual (100-year flood). The steps in this decision making process is as follows:

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

Where released and available, the 2012 Revised Preliminary DFIRMS are viewed as the best available flood risk data for FEMA’s own grant programs in its implementation of E.O. 11988; however, no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program (NFIP) (Miller 2011). Orleans Parish enrolled in the NFIP as of 08/03/1970. Orleans Parish Advisory Base Flood Elevation Maps (ABFEs) were issued June 2006 (FEMA, 2006) and are currently adopted by the Orleans Parish NFIP community for floodplain management purposes.

Per ABFE Panel OR-LA-CC30, the original site is located in ABFE Elevation 1.5 ft. or 3 ft. above the Highest Existing Adjacent Grade (HEAG). Per Revised Preliminary DFIRM panel number 22071C0228F, dated 11/09/2012 (*Figure 7*), the original site is located in Zone AE, Elevation -1, a Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance (100-year) flood, base flood elevation determined.

Per ABFE Panel OR-LA-CC30, the proposed site is located in ABFE Elevation 1.5 ft. or 3 ft. above the Highest Existing Adjacent Grade (HEAG). Per Revised Preliminary DFIRM panel number 22071C0228F, dated 11/09/2012 (*Figure 7*), the proposed site is located within a Shaded Zone X, an area of 0.2% annual chance (500-year) flood; and area of the 1% annual chance flood (100-year floodplain); and areas protected by levees from the 1% annual chance (100-year) flood.

**Step 2: Early Public Notice (Preliminary Notice)**

In general, FEMA has an obligation to provide adequate information to enable the public to have impact on the decision outcome for all action having the potential to affect, adversely, or be affected by floodplains or wetlands that it proposes. FEMA shall provide the public with adequate information and opportunity for review and comment at the

earliest possible time and throughout the decision-making process; and upon completion of this process, provide the public with an accounting of its final decision (*see* §9.12). A Cumulative Initial Public Notice was published statewide 11/07/2005 – 11/09/2005. Additional Public Notice shall be provided as required by the Executive Order.

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

The original site is located within the 100-year floodplain. The proposed new site is located within the 500-year floodplain. The alternative of “no action” would have no determinable impact to the floodplain; it is, however, not practicable as it would have negative impacts to community, leaving the community without required services. The proposed action would allow accomplish the alternative of relocation outside the 100-year floodplain. The alternative of relocation outside the 500-year is not practicable and was rejected due to the lack of available open space and excessive cost of relocating the pool and aquatic facilities. According to 2006 ABFE maps, there are no locations in Orleans Parish that are considered outside the floodplain. The chosen location and redesign is highly practicable when considering natural, social, economic, and legal constraints, mitigation costs and environmental impacts.

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

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

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

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

### **Step 6: Re-evaluate the Proposed Action**

The proposed reconstruction project at an alternate site is not likely to have an adverse effect on the floodplain. The proposed relocation project is not likely to aggravate the current flood hazard because the facility is not likely to impede or redirect flood flows.

These projects are not likely to disrupt floodplain values because they are not likely to change water levels in the floodplain, and will not reduce habitat in the floodplain. Therefore, it is still practicable to reconstruct at the original site or construct the proposed project at an alternate site within the floodplain.

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

#### **Step 7: Findings and Public Explanation (Final Notification)**

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

#### **Step 8: Implement the Action**

The proposed Gert Town Pool reconstruction project will be accomplished in accordance with applicable floodplain development requirements.

## **Appendix C**

### **Public Notice**

**FEMA'S PUBLIC NOTICE OF AVAILABILITY FOR  
CITY OF NEW ORLEANS – GERT TOWN POOL (RELOCATION)  
ORLEANS PARISH, LOUISIANA,  
DRAFT ENVIRONMENTAL ASSESSMENT AND  
DRAFT FINDING OF NO SIGNIFICANT IMPACT**

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) has prepared a Draft Environmental Assessment (DEA) for the proposed relocation and reconstruction of the Gert Town Pool, originally located at 7400 Stroelitz Street in New Orleans, LA 70125. The purpose of the DEA is to analyze the potential environmental impacts associated with the preferred action and alternatives. FEMA is required by NEPA and Section 106 of the National Historic Preservation Act to take into account historic properties considered in the alternatives.

Hurricane Katrina made landfall on 29 August 2005, near the town of Buras, Louisiana, with sustained winds of more than 125 miles per hour. The accompanying storm surge caused extensive flooding throughout most of the Louisiana coastal zone. In addition, high winds, wind-blown debris, and wind-driven rain damaged a significant number of facilities, both within the coastal zone and farther inland. As a result of Hurricane Katrina, a number of facilities belonging to the City of New Orleans were damaged.

The proposed action would relocate the Gert Town Pool from its original location to a new site, also in the Gert Town neighborhood, at 3411 Broadway Street in New Orleans, LA 70125, Latitude: 29.96036, Longitude: -90.10826. The original Gert Town Pool facility was demolished in 2011. The reconstructed natatorium facility would consist of a 17,000 square feet building, in-ground pool, changing rooms, a community room, and parking lot. Ground disturbing activities would be limited to those areas necessary to construct the foundation, excavate the in-ground pool, stage construction materials, install utilities, and construct associated driveways and parking. The new natatorium would be co-located on the same block with the New Orleans Police Department's (NOPD's) proposed new 2<sup>nd</sup> District Station.

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

The DEA and draft Finding of No Significant Impact (FONSI) will be available for public review at the Orleans Parish Main Library, 219 Loyola Avenue, New Orleans, LA 70112 (hours are 10:00 AM to 6:00 PM, Mon. thru Thu., and 10:00 AM to 5:00 PM Fri. and Sat.), and at the Rosa Keller Branch Library at 4300 S. Broad Street, LA 70125 (hours are 10:00 AM to 7:00 PM, Mon. through Thu., and 10:00 AM to 5:00 PM Sat.). The DEA can also be viewed and downloaded from FEMA's website: [http://www.fema.gov/media-library/search/Gert\\_Town\\_Pool](http://www.fema.gov/media-library/search/Gert_Town_Pool). The public notice will run in the local newspapers, The Times-Picayune, on July 29 and 31 and August 2, 2015, and The Advocate-New Orleans Edition on July 29, 30, and 31, 2015. The 15-day comment period will

begin on August 3, 2015, and end August 18, 2015 at 4 pm. Written comments on the DEA/Draft FONSI or related matters can be faxed to FEMA's Louisiana Recovery Office at (504) 762-2323; emailed to [FEMA-NOMA@fema.dhs.gov](mailto:FEMA-NOMA@fema.dhs.gov); or mailed to FEMA Louisiana Recovery Office, EHP – 1500 Main Street, Baton Rouge, LA 70802.

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

## **Appendix D**

### **Draft FONSI**



# FEMA

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

**DRAFT FINDING OF NO SIGNIFICANT IMPACT  
CITY OF NEW ORLEANS – GERT TOWN POOL RELOCATION  
NEW ORLEANS, ORLEANS PARISH, LOUISIANA  
FEMA-DR-1603-LA**

## **Introduction**

Hurricane Katrina made landfall on 29 August 2005, near the town of Buras, Louisiana, with sustained winds of more than 125 miles per hour. The accompanying storm surge caused extensive flooding throughout most of the Louisiana coastal zone. High winds, storm surge and flooding from Hurricane Katrina severely damaged the Gert Town Pool Center, formerly located at 7440 Stroelitz Street in New Orleans, LA, and owned and operated by the City of New Orleans (CNO) and New Orleans Recreation Department (NORD).

The Applicant has requested, via the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (LA GOHSEP), that the Federal Emergency Management Agency (FEMA) provide disaster assistance through federal grant funds pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance Program to fund projects to repair, restore, and replace facilities damaged as a result of the declared event. The Applicant has determined that repair of the original damaged facilities to their pre-Hurricane Katrina specifications would not be in the best interest of the community, however. Consequently, in accordance with 44 C.F.R. § 206.203(d), CNO has requested an Alternate Project under the auspices of the Sandy Recovery Improvement Act (SRIA) Alternative Procedures Pilot Program for Permanent Work. An Alternate Project is any project where, in lieu of restoring a damaged facility, the Applicant chooses to repair or expand other selected public facilities, to construct new facilities, or to fund hazard mitigation measures.

The proposed action is for the relocation and reconstruction of damaged structures at an alternate location, but within the same neighborhood as the original facility. Due to the severity of the damage sustained, the original facility was demolished in 2011. The reconstructed facility would consist of a new, 17,000 square feet, natatorium with an in-ground pool, changing rooms, a community room, and parking lot. Ground disturbing activities would be limited to those areas necessary to construct the foundation, excavate the in-ground pool, stage construction materials, install utilities, and construct associated driveways and parking.

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

## **Findings**

FEMA has evaluated the proposed project for significant adverse impacts to water resources (wetlands, floodplains and other waters), coastal resources, biological resources, cultural resources, air quality, noise, hazardous materials and environmental justice. The results of these evaluations, as well as consultations and input from other federal and state agencies, are presented in the EA. During the construction period, short-term impacts to 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:

- Applicant is required to comply with all state, federal and local laws and regulations. In accordance with applicable local, state, and federal regulations, the Applicant is responsible for acquiring any necessary permits and or clearances prior to the commencement of any construction related activities.
- New construction must be compliant with current codes and standards. Per 44 C.F.R. § 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate all construction activities with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities, and remain in compliance with formally adopted local floodplain ordinances. All coordination pertaining to these permit(s) should be documented and provided to the local floodplain administrator, to the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (LA GOHSEP), and to FEMA as part of the permanent project file. Per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied, where possible.
- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (LA Revised Statutes 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.

- Project construction may involve the use of potentially hazardous materials (*e.g.*, petroleum products, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, treated timber), and may result in the generation of small amounts of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous and non-hazardous wastes are required to be disposed in accordance with applicable Federal, state and local regulations.
- If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination should be initiated in accordance with applicable federal, state, and local regulations.
- A Louisiana Pollution Discharge Elimination System (LPDES) permit may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. If required to do so by LDEQ, the Applicant shall require its contractor to prepare, certify, and implement a construction storm water pollution prevention plan (SWPPP) approved by LDEQ to prevent sediment and construction material transport from the project site. The Applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- The Applicant should ensure that best management practices that meet the LDEQ permitting specifications for storm water discharge regulated under §§ 401 and 402 of the CWA are implemented in order to minimize indirect impacts (erosion, sedimentation, dust and other construction-related disturbances) to waters of the United States and well defined drainage areas surrounding the site, and include the following into the daily operations of the construction activities: silt screens, barriers (*e.g.*, hay bales), berms/dikes, and or fences to be placed where and as needed. Fencing should be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.
- The project has been found by the Louisiana Department of Natural Resources (LDNR) to be inside the Louisiana Coastal Zone. LDNR, therefore, requires that a complete Coastal Use Permit Application package (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.), along with the appropriate application fee, be submitted to their office prior to construction. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the LDNR Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The applicant must comply with all conditions of the required permits. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.

- To reduce potential short term effects to air quality from construction related activities, the contractor should use best management practices (BMPs) to reduce fugitive dust generation and diesel emissions. The contractor should water down construction areas when necessary to minimize particulate matter and dust. To reduce emission criteria pollutants, fuel-burning equipment running times should be kept at a minimum and engines should be properly maintained.
- Construction traffic should be closely monitored and controlled as appropriate. All construction activities should be conducted in a safe manner in accordance with Occupational Safety and Health Act (OSHA) requirements.

**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:**

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Kevin Jaynes  
Regional Environmental Officer  
FEMA Region VI

Date

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

Date