



Public Memorandum

Re: City Park Golf Complex, New Orleans, Louisiana, USACE after the Fact Permit

Preparers: Jerame Cramer, Environmental Liaison Officer, LRO, EHP
Tiffany Spann-Winfield, Deputy Environmental Liaison Officer, LRO, EHP

Date: July 8, 2016

The proposed action is for the repair of the damaged West and East Golf Courses at essentially the same location as they presently exist within the golf complex at City Park, New Orleans, LA, but with a different orientation and configuration, by combining the two courses into a single, 18-hole professional tournament level golf course. The new 18-hole golf course would utilize the entire old West Course and a portion of the old East Course, convert the unused portion of the East Course (approximately 96 acres) into green space for park visitors, and convert an additional 5.5 acres of previously unused park space for ancillary purposes associated with the operation of the golf course. This action would rearrange the contours of the proposed site and reshape the course with irrigation and improved drainage, by rearranging the greens and fairways; enlarging or reshaping brackish and freshwater lagoons/lakes; installing a new pump station and 1,000 foot deep water well; and replacing the existing weir with a new, adjustable, weir. Two bridges would be built, and one-hundred-eight (108) trees would be removed or relocated throughout the project site.

In accordance with 44 CFR Part 10, FEMA 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 repair and reconfiguration of the City Park Golf Complex courses and ancillary structures, and to determine whether to prepare an Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI). FEMA evaluated the proposed project for significant adverse impacts to geology and soils, water resources (wetlands, floodplains and other waters), coastal resources, biological resources, cultural resources, air quality, noise, hazardous materials and environmental justice. The notice of availability was published on May 22, 24, and 26, 2013. The comment period ended on June 10, 2013. FEMA EHP did not receive any public comments. The proposed project did not appear to have the potential for significant cumulative effects when combined with past, present and reasonably foreseeable future actions. As a result, FEMA issued a FONSI dated June 20, 2013.

The FONSI required the sub-applicant to comply with a series of conditions prior to construction. One of these conditions required the sub-applicant to coordinate with and acquire any Section 401 and/or Section 404 permit(s) from the United States Army Corps of Engineers (USACE). The City Park Improvement Association did not secure the required permit before initiating work. This failure resulted in the issuance of a "cease and desist order" by USACE. Thereafter, the City Park Improvement Association applied for the required permit "after the fact" through the USACE regulatory process and received it. On July 20, 2015, a joint public notice was published. The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality closed 20 days from the date of publication.

In this case, FEMA finds that the sub-applicant's failure to secure a permit prior to initiating work has not substantially changed the environmental conditions addressed in the Environmental Assessment. Further, the applicant is presently in compliance with the Clean Water Act. There were no other impacts to environmental or cultural resources noted in the permit. However, should future project changes occur, FEMA may conduct a reevaluation to determine the significance of the new developments environmental impacts and the continuing validity of its initial EA and associated FONSI dated, June 20, 2013.

This finding is based on the following factors:

- No significant adverse social, economic, environmental, or cultural impacts were identified as a result of the after the fact permit that were not evaluated in the original EA.
- There are no discernible differences in the level of environmental impacts when comparing the original.
- The after the fact permit did not reveal significantly new environmental or cultural resources circumstances that were not evaluated in the original EA.

The following relevant conditions, extracted from FEMA's FONSI, must still be met as part of the implementation of the project. Failure to comply with these conditions may jeopardize federal funds:

- In accordance with applicable local, state, and federal regulations, the applicant is responsible for acquiring any necessary permits and/or clearances prior to the commencement of any construction related activities.
- A Louisiana Pollution Discharge Elimination System (LPDES) permit may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. 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 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.
- The applicant is responsible for coordinating with and acquiring any Section 401 and/or Section 404 permit(s) from United States Army Corps of Engineers (USACE) prior to initiating work. 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 is required to coordinate all construction activities with the local floodplain administrator prior to the start of any activities, and remain in compliance with formally adopted local floodplain ordinances. All coordination pertaining to these permit(s) should be documented to the local floodplain administrator and copies provided to the State and FEMA as part of the permanent project files. Per 44 CFR 9.1 I (d)(9), mitigation or minimization standards must be applied, where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry- proofed, elevated, or

relocated to or above the community established base flood elevation. Hazardous materials need to be elevated above the 0.2% annual chance (500- year) flood elevation.

- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.

- Inadvertent Discovery Clause: If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO, and others as appropriate.

- Lead-Based Paint: The applicant is responsible for complying with the Toxic Substances Control Act (TSCA) Section 402(c)(3) requirements. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

- If any asbestos containing materials, lead based paint and/or other hazardous materials are found during remediation or repair activities, the applicant shall comply with all federal, state and local abatement and disposal requirements under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Louisiana Administrative Code 33:111 5151. Demolition activities related to Possible Asbestos-Containing Materials (PACM) must be inspected for ACM/PACM where it is safe to do so. Should asbestos containing materials (ACM) be present, the applicant is responsible for ensuring proper disposal in accordance with the previously referenced Administrative Orders. Demolition activity notification must be sent to the LDEQ before work begins. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

- If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination should be initiated in accordance with applicable federal, state, and local regulations.

- Project 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.

- 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.

In August 2016, the Memorandum to File, EA, associated FONSI, and USACE permit will be available for viewing and downloading from FEMA's website at: <https://www.fema.gov/media-library/assets/documents/32719> These documents will also be available for public review at the Orleans Parish Main Library at 219 Loyola Avenue, New Orleans, LA, and the Mid-City Branch at 3700 Orleans Ave., New Orleans, LA 70119. This notice will serve as FEMA's final notice regarding this project.