



**FEMA**

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

**FINDING OF NO SIGNIFICANT IMPACT  
FOR THE  
ST. BERNARD BASIN BACK PROTECTION LEVEE SYSTEM EXTENSION,  
VIOLET, LOUISIANA  
ST BERNARD PARISH, LOUISIANA  
*HMGP 1603-0438*  
*FEMA-1603-DR-LA***

**BACKGROUND**

The Lake Borgne Basin Levee District; the applicant; with The Southeast Louisiana Flood Protection Authority-East, through the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) has requested federal funding through the Federal Emergency Management's (FEMA) 404 Hazard Mitigation Grant Program to realign a portion of the back basin levee along Violet Canal and improve drainage through design reconfiguration in an effort to have the back basin levee incorporated into the federal hurricane protection system and included in the forthcoming Flood Insurance Rate Map (FIRM) for St. Bernard and Orleans parishes.

In accordance with 44 Code of Federal Regulations (CFR) Part 10, FEMA regulations to implement the National Environmental Policy Act, an Environmental Assessment (EA) was prepared. The purpose of the EA was to analyze the potential environmental impacts associated with levee realignment and drainage reconfiguration and to determine whether to prepare an Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI).

As part of the evaluation of the Back Protection Levee System (BPLS) and the 40 Arpent Levee system, it was determined that the Violet Canal North Bank required improvements to meet the FEMA National Flood Insurance Program (NFIP) regulations (44 CFR 65.10) for 100-year level flood protection. In an effort to reduce flooding, NFIP claims, and NFIP participation costs for residents, Southeast Louisiana Flood Protection Authority – East is working to get the BPLS incorporated into the federal hurricane protection system and included in the forthcoming FIRM for St. Bernard and Orleans parishes.

If the levee is left unincorporated the entire St Bernard Basin (over 45,500 St. Bernard and Orleans Parish residents) would be denied 100-year flood protection. Furthermore, the pending FIRMs for both parishes would drastically change, reflecting increased risk and flood insurance premiums. Changes to the pending FIRMs would further delay adoption of the new maps in both parishes and would undoubtedly have a devastating impact on post-Katrina redevelopment efforts. The alternatives considered include: 1) No Action, 2)

Violet Canal North Bank Levee Realignment and Drainage Improvement through Design Reconfiguration (Proposed Action), and 3) Construction of 1,375 Linear Foot Sheet Pile Wall along the Interior of the Violet Canal Stretch (Considered Action).

## **FINDINGS**

FEMA has evaluated the proposed project for significant adverse impacts to geology, soils, water resources (surface water, groundwater, and wetlands), floodplains, coastal resources, air quality, biological resources (vegetation, fish and wildlife, Federally-listed threatened or endangered species and critical habitats), cultural resources, socioeconomics (including minority and low income populations), safety, noise, and hazardous materials. The results of these evaluations as well as consultations and input from other federal and state agencies are presented in the EA.

## **CONDITIONS**

- The applicant is required to comply with all federal, state, and local laws, Executive Orders (EOs), and regulations. Failure to do so will jeopardize federal funding.
- Implement construction Best Management Practices (BMPs); install silt fences/straw bales to reduce downslope sedimentation. Area soils must be covered and/or wetted during construction.
- If fill is stored on site as part of unit installation or removal, the contractor is required to appropriately cover it.
- Construction contractor is required to obtain applicable Louisiana Pollutant Discharge Elimination System (LPDES) permit, and implement stormwater pollution prevention plan.
- The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All correspondence must be submitted to FEMA and FEMA-Environmental Historic Preservation (FEMA-EHP) for inclusion in the project files. Should the site plans (including drainage design) change the applicant must submit changes to FEMA-EHP for review and approval prior to the start of construction.
- New construction must be compliant with current codes and standards.
- The project area must be kept cleared so as not to interfere with floodplain functions.

- 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 NFIP.
- The project is in close proximity and directly adjacent to wetlands. Extreme care should be taken during the construction process through the appropriate use and maintenance of BMP's. Erosion Control Devices such as silt fencing, hay bales, sediment traps, etc. **must be used and maintained extensively** to prevent any potential direct or indirect adverse impacts to nearby wetland areas per the Clean Water Act and EO 11990. Potential concerns include but are not limited to silting-in and contamination from spills.
- Proper signage is required to clearly identify the adjacent wetland boundaries to help prevent any potential adverse impacts from construction vehicles/equipment/supplies accidentally leaving the boundaries of the approved Right of Way.
- Any adverse impacts to adjacent wetlands resulting from the construction of this project will jeopardize receipt of federal funding.
- Any changes or modifications to the proposed project will require a revised determination. Off-site locations of activities such as borrow, disposals, haul- and detour roads, and work mobilization site developments may be subject to United States Army Corps of Engineers (USACE) regulatory requirements.
- If the project results in a discharge to waters of the State; submittal of a LPDES application is necessary.
- If proposed work is located in wetlands or other areas subject to the jurisdiction of the USACE, USACE should be contacted directly to inquire about the possible necessity for permits. If a USACE permit is required, part of the application process may involve a water quality certification from the Louisiana Department of Environmental Quality (LDEQ).
- All precautions must be observed to control nonpoint source pollution from construction activities. LDEQ has stormwater general permits for construction areas equal to or greater than one (1) acre. The applicant must contact the LDEQ Water Permits Division at 225-219-9371 to determine if the proposed project requires a permit. 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 solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQs Single-Point-of-Contact at 225-219-3640 is required. Additionally, precautions must be taken to protect workers from these hazardous constituents.

- The contractor must observe all precautions to protect the groundwater of the region.
- Vehicle operation times would be kept to a minimum. Area soils must be covered and/or wetted during construction to minimize dust.
- If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within 24 hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within 72 hours of the discovery (Louisiana Unmarked Human Burial Sites Preservation Act).
- If at any time Heritage tracked species are encountered within the project area, please contact the Louisiana Natural Heritage Program Data Manager at 225-765-2643.
- If the proposed project has not been initiated within one (1) year, follow-up coordination via this website [www.fws.gov/lafayette](http://www.fws.gov/lafayette), should be accomplished prior to making expenditures because threatened and endangered species information is updated periodically. If the scope or location of the proposed project is changed, coordination via this website should occur as soon as such changes are made.
- 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, GOHSEP State Applicant Liaison and Hazard Mitigation Assistance contacts at FEMA, who will in turn contact FEMA-HP staff. The applicant will not proceed with work until FEMA-HP completes consultation with the State Historic Preservation Officer, and others as appropriate (Inadvertent Discovery Clause).
- Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project applicant shall handle, manage, and dispose of petroleum products, hazardous materials and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.
- Applicant is responsible for acquiring LDEQ permits for the temporary debris staging and reduction sites associated with this project prior to project closeout. Failure to provide FEMA with LDEQ approval may jeopardize project funding eligibility.
- All debris would be disposed of at a permitted landfill.

- Mitigation and abatement measures would be required to reduce the noise levels to a range that would be considered acceptable. The applicant must comply with the local ordinance.
- To minimize worker and public health and safety risks from project construction and closure, all construction and closure work must be done using qualified personnel trained in the proper use of construction equipment, including all appropriate safety precautions. Additionally, all activities must be conducted in a safe manner in accordance with the standards specified in the Occupation Safety and Health Administration regulations and the USACE safety manual.
- The contractor must post appropriate signage and fencing to minimize potential adverse public safety concerns, and to protect nearby residents from vehicular traffic.
- Appropriate signage and barriers must be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes.
- The contractor must implement traffic control measures, as necessary.
- The contractor must post appropriate signage and fencing to minimize potential adverse public safety concerns.
- If hazardous materials are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation, management and disposal of the contamination would be initiated in accordance with applicable federal, state, and local regulations. The contractor would be required to take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction area.
- The Louisiana Department of Natural Resources Office of Conservation should be contacted at 225-342-5540 if any unregistered wells of any type are encountered during construction work.
- For pipelines and other underground hazards, Louisiana One Call should be contacted at 800-272-3020.
- To reduce potential short term effects to air quality from construction-related activities, the contractor would be responsible for using BMPs to reduce fugitive dust generation and diesel emissions. Emissions from the burning of fuel by internal combustion engines would temporarily increase the levels of some of the criteria pollutants, including Carbon Dioxide, Nitrogen Oxide, Ozone, and Particle Matter (PM<sub>10</sub>), and non-criteria pollutants such as Volatile Organic Compounds. To reduce these emissions, running times for fuel-burning equipment should be kept to a minimum and engines should be properly maintained.

**CONCLUSIONS**

Based upon the incorporated EA, and in accordance with Presidential Executive Orders 12898 (Environmental Justice), 11988 (Floodplain Management), and 11990 (Wetland Protection), FEMA has determined that the proposed action implemented with the conditions and mitigation measures outlined above and in the EA will not have any significant adverse effects on the quality of the natural and human environment. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.8) and the proposed action alternative as described in the EA may proceed.

**APPROVALS**

**JERAME J  
CRAMER**

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Jerame J. Cramer  
Environmental Liaison Officer  
Louisiana Recovery Office, Region VI  
FEMA 1603-1607-DR-LA

Date



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Thomas M. (Mike) Womack  
Director of the Louisiana Recovery Office  
Region VI  
FEMA 1603-1607-DR-LA

Date