



FEMA

FINDING OF NO SIGNIFICANT IMPACT
for
SITE SELECTION FOR THE LSU AMC PROJECT
FEMA-1603-DR-LA

The Governor's Office of Homeland Security and Emergency Preparedness (Grantee) and the Louisiana Division of Administration's Facility Planning and Control (Applicant) anticipate the use of Public Assistance Grant Program funds for the relocation of the healthcare functions previously housed at the Medical Center of Louisiana at New Orleans (MCLNO). The proposed use of Public Assistance funds for the construction of the new facility is related to other non-Federal connected actions for this project, such as site selection, site preparation, and operations. The Grantee and Applicant have requested environmental and historic preservation reviews of site selection and site preparation to maintain program eligibility for Public Assistance grant funding. The Applicant has identified a 15 block area site (approximately 37 acres), known as the Tulane/Gravier area, as its preferred alternative for site selection.

Similar Federal actions are being proposed on a location adjacent to the Applicant's preferred alternative site. The Department of Veterans Affairs (VA) proposes the location and construction of a Veterans Affairs Medical Center (VAMC) in New Orleans and has identified its preferred alternative to be located adjacent to the FEMA's Applicant's preferred alternative. In addition, the City of New Orleans proposes to use Community Development Block Grant (CDBG) funds for acquisition and site preparation activities for the VA's preferred alternative if this alternative is selected. Given the similarity of geographic location and timing of these activities, FEMA, VA, and the City of New Orleans (acting as the Responsible Entity for the US Department of Housing and Urban Development under 24 C.F.R. 52) have elected to prepare a joint Programmatic Environmental Assessment (PEA) evaluating the significance of the impacts of site selection and site preparation that these similar actions may have on the human environment. A Draft PEA was made available to the public for review and comment on October 16, 2008. A public meeting was held on the draft PEA on 28 October 2008 in New Orleans. Public comments were received until November 15th. All comments received were taken into consideration during the preparation of the Final PEA. The Final PEA is incorporated into this FONSI by reference.

SIGNIFICANCE FACTORS:

FEMA has evaluated the following factors to determine if the proposed action is one that normally would require preparation of an environmental impact statement (EIS) under 44 C.F.R. §10.8(b)(2):

1. If an action will result in an extensive change in land use or the commitment of a large amount of land;
2. If an action will result in a land use change which is incompatible with the existing or planned land use of the surrounding area;
3. If many people will be affected;
4. If the environmental impact is likely to be controversial;
5. If an action will adversely affect a property listed on the National Register of Historic Places or eligible for listing on the Register if, after consultation with the Advisory Council on Historic Preservation an environmental assessment is not deemed sufficient;
6. If an action is one of several actions underway or planned for an area and the cumulative impact of these projects is considered significant in terms of the above criteria, and;

The presence of these factors does not automatically require FEMA to develop an EIS on every occasion, but requires the agency to take them into account in the determination on whether to prepare an EIS. FEMA has determined that although some of these factors may be present, the proposed action does not require the preparation of an EIS in this particular case. In particular, FEMA finds that although the zoning of the area may change from residential and commercial to medical use, the change will not be extensive, will be consistent with the City's planned use, and will be compatible with adjacent urban land uses. FEMA finds that there is low controversy associated with the environmental impact based on the number of comments received of which less than 10% challenged the adequacy of impacts analysis and mitigation measures proposed. (PEA Appendix 2). There is support for these actions and no Federal, state or local agency has opposed the proposed action. FEMA also finds that the extensive public review and comment opportunities provided have addressed the intent behind suggesting an EIS for actions where many people will be affected or where the environmental impact is likely to be controversial, which is to inform the affected parties and the general public of those impacts and to provide them an opportunity to provide their input for the Federal decision-maker's consideration. Additionally, FEMA finds that the Programmatic Agreement (PA) under Section 106 of the National Historic Preservation Act (NHPA), which is incorporated in this FONSI by reference, resolves adverse effects to historic properties by providing mitigation that reduces the impacts on historic properties to less than significant impacts. Finally, FEMA finds that the PEA adequately takes into account cumulative impacts and that these cumulative impacts do not rise to the level of significance that triggers the requirement for the preparation of an EIS.

The Council on Environmental Quality (CEQ) NEPA Implementing Regulations define significance in terms of context and intensity. For context FEMA took into account the uniqueness of New Orleans as an area with extensive presence of historic properties (i.e. buildings, districts, objects) and pervasive 100-year floodplain presence. For intensity, FEMA took into account the following factors from the CEQ NEPA Regulations at 40 C.F.R. 1508.27(b):

1. Unique characteristics of the geographic area such as proximity to historic or cultural resources;

2. The degree to which the effects on the quality of the human environment are likely to be highly controversial;
3. Whether the action is related to other actions with individually insignificant but cumulative significant impacts;
4. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources;

FEMA finds that the mitigation provided in the executed PA, incorporated by reference in this FONSI, resolves the potential adverse effects on historic properties in a manner that reduces the level of impacts to less than significant under NEPA. FEMA finds that there is low controversy associated with the environmental impact based on the number of comments received of which less than 10% challenged the adequacy of impacts analysis and mitigation measures proposed. (PEA Appendix 2). FEMA also finds that the extensive public review and comment opportunities provided have addressed the intent behind suggesting an EIS for actions where the environmental impact is likely to be highly controversial, which is to inform the affected parties and the general public of those impacts and to provide them an opportunity to provide their input for the Federal decision-maker's consideration. In addition, FEMA finds that the cumulative impacts associated with this portion of the project (site selection and site preparation) do not rise to the level of significance that triggers the requirement for the preparation of an EIS.

MITIGATION:

FEMA's finding of no significant impact is conditioned on the execution of the following mitigation measures. Failure to comply with these conditions may jeopardize the use of FEMA funds:

- To avoid, minimize, and mitigate adverse effects on the Mid-City National Register Historic District (NRHD), the New Orleans Medical Historic District (NOMHD) including Charity Hospital, individually listed or eligible structures and archeological resources within the Area of Potential Effect, all activities associated with the proposed action, as described in Section 1.2 of the PEA, must be conducted in accordance with the stipulations of the executed PA.
- The Applicant will comply with the requirements of applicable Federal and state statutes, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act (known as the Uniform Relocation Act [URA]) and the Louisiana Revised Statutes (LA RS) Title 19 - Expropriation. Mitigation measures that will be taken to minimize the impacts of business relocation, business activity loss, employment loss, and relocation of residents are described Chapter 5 of the PEA.
- Hazardous materials used in construction of the new facility must be managed (stored, used, transported, and disposed of) in accordance with federal, state,

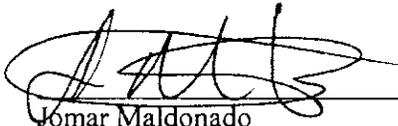
and local hazardous waste, hazardous material, and hazardous substance requirements. If hazardous substances are released to the project area during construction, these federal, state, and local requirements must be followed in response and cleanup.

FINDINGS

Based upon the information contained in the PEA, the potential direct, indirect, and cumulative impacts resulting from implementation of the proposed action, and in accordance with FEMA's regulations in 44 CFR Part 10 (Environmental Considerations) and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), the following is concluded:

FEMA has determined that the implementation of the proposed action, with the mitigation measures identified in the PEA and the PA, or implementation of any of the FEMA-related alternatives identified in the PEA will not result in significant adverse impacts to the quality of the natural and human environment. As a result of this FONSI, an EIS will not be prepared.

APPROVALS



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11/24/08

Date

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