

Revised Draft Environmental Assessment

St. Bernard Animal Shelter

St. Bernard Parish

FEMA-1603-DR-LA

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FEMA

U.S. Department of Homeland Security
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LIST OF ACRONYMS

ABFE	Advisory Base Flood Elevation
ACM	Asbestos-Containing Material
APE	Area of Potential Effect
BMPs	Best Management Practices
CAA	Clean Air Act
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
EIS	Environmental Impact Statement
USEPA	United States Environmental Protection Agency
EO	Executive Order
ESA	Endangered Species Act
EDMS	Electronic Document Management System
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
HEAG	Highest Existing Adjacent Grade
LA 39	Louisiana Highway 39
LA GOHSEP	Louisiana Governor's Office of Homeland Security and Emergency Preparedness
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LUST	Leaking Underground Storage Tank
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic & Atmospheric Administration
NRCS	Natural Resources Conservation Service
OSHA	Occupational Safety and Health Act
RECAP	Risk Evaluation/Corrective Action Program
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
SHPO	State Historic Preservation Office/Officer
US	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

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**ENVIRONMENTAL ASSESSMENT
FOR
ST. BERNARD ANIMAL SHELTER
ST. BERNARD PARISH, LOUISIANA
FEMA-1603-DR-LA**

1.0 INTRODUCTION

1.1 Project Authority

Hurricane Katrina, a Category 3 hurricane, moved across the State of Louisiana on August 29, 2005. President Bush declared a major disaster for the State of Louisiana due to damages from Hurricane Katrina and signed a disaster declaration (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 to assist in funding the repair, restoration, reconstruction or replacement of public facilities damaged as a result of the declared disaster.

This Environmental Assessment (EA) has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA); the President's Council on Environmental Quality regulations implementing NEPA (Title 40 of the Code of Federal Regulations [CFR] Parts 1500 to 1508); and FEMA's regulations implementing NEPA (44 CFR Parts 9 and 10). The purpose of this EA is to analyze potential environmental impacts of the proposed project in the Parish of St. Bernard. 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

On August 29, 2005, the tidal surge and high velocity winds from Hurricane Katrina caused extensive damage to the St. Bernard Animal Shelter located at 115 Agriculture Street, Chalmette, Louisiana (see Figures 1 and 2). The cost to repair the damage to the facility exceeded 50 percent of the cost to replace the facility, making the replacement of the facility an eligible cost for FEMA Public Assistance (per 44 CFR 206.226(f)). The St. Bernard Parish Government, which owns and operates the shelter, would like to demolish the existing 3,700-square foot shelter and construct a new 6,200-square foot animal shelter approximately six miles from the original location. The undeveloped site is located near the intersection of Louisiana Highway 39 (LA 39, also known as East Judge Perez Drive) and Angeliqe Drive in Violet, Louisiana (see Figures 3 and 4). The St. Bernard Parish Government has not provided an address for the site, but has given the following coordinates: 29.9156 N, -89.8987 W (northwest corner); 29.9160 N, -89.8990 W (northeast corner); 29.9155 N, -89.8996 W (southeast corner); 29.9151 N; -89.8994 W (southwest corner).

2.0 PURPOSE AND NEED

St. Bernard Animal Shelter is the only animal control and shelter facility in St. Bernard Parish. Hurricane Katrina caused significant damage to the facility and it must be repaired or replaced to fully resume its function. As the repair cost is beyond 50 percent of the replacement cost, the FEMA Public Assistance program can assist with funding the replacement of the facility.

Prior to the disaster, the St. Bernard Parish Government recognized that the facility was undersized and required greater capacity to meet the demand for its services. In response to the need to increase the size and capacity of the facility, the St. Bernard Parish Government would like to construct a larger building, with floor space of approximately 6,200 square feet (compared to the original 3,700 square-foot building). In addition, the St. Bernard Parish Government would like to place the facility in a location that is less susceptible to storm surge and flooding.

3.0 ALTERNATIVES

3.1 Alternative 1: No Action

NEPA requires the inclusion of a No Action Alternative in the environmental analysis and documentation. The No Action Alternative is defined as maintaining the status quo with no FEMA funding for any alternative action. The No Action Alternative is used to evaluate the effects of not providing eligible assistance for the project, thus providing a benchmark against which action alternatives can be evaluated. For the purpose of this alternative, it is assumed that the St. Bernard Parish Government would be unable to repair or replace the damaged St. Bernard Animal Shelter due to lack of FEMA assistance. Under this alternative, the St. Bernard Parish community would not have a fully functional animal control shelter facility.

3.2 Alternative 2: Proposed Action – Relocation of St. Bernard Animal Shelter

The St. Bernard Parish Government has prepared and submitted an application to FEMA for funding under FEMA's Public Assistance Program being administered in response to FEMA-1603-DR-LA. The St. Bernard Parish Government proposes to construct a new animal shelter facility at an undeveloped site located six miles from the existing facility that was damaged during Hurricane Katrina (see Figures 3 and 4).

The proposed construction site is located near the intersection of LA 39/ East Judge Perez Drive and Angelique Drive in Violet, Louisiana. The St. Bernard Parish Government has not provided an address for the site, but has provided the following coordinates: 29.9156 N, -89.8987 W (northwest corner); 29.9160 N, -89.8990 W (northeast corner); 29.9155 N, -89.8996 W (southeast corner); 29.9151 N; -89.8994 W (southwest corner). The parcel is approximately one acre, 60 percent larger than the original property. The new site is also farther inland, more than half-mile from both the Mississippi River Levee and the Chalmette Back Levee. The original location was approximately 280 feet from the

Chalmette Back Levee (Figure 2). The St. Bernard Parish Government believes that this site fulfills the purpose and need of the project – it would allow the construction of a much larger facility and is less likely to flood as it is farther from the levees.

The parcel of land for the proposed project was donated to St. Bernard Parish by the Meraux Foundation. The site is currently undeveloped and not in use. Low-lying vegetation covers the site and drainage channels run along its southeastern and northeastern boundaries, as shown in Appendix A photographs. LA 39/ East Judge Perez Drive is located along the southwestern boundary and undeveloped land continues northwest of the site. Residential developments exist southwest of the site.

The existing St. Bernard Animal Shelter is located at 115 Agriculture Street, Chalmette, Louisiana (29.9620 N, -89.9563 W). The one-story structure has a total floor area of approximately 3,700 square feet and consists of a dog holding kennel, dog and cat isolation areas, food preparation area, offices, break room and rest rooms. The proposed structure would have a total floor area of approximately 6,200 square feet and contain the same facilities as the original shelter, plus a dog adoption ward, receiving kennel, examination/euthanasia room, grooming room and adoption room (Figure 6). The single-story prefabricated steel building would be constructed on reinforced concrete slab supported by piles driven approximately 60 feet deep.

3.3 Alternative Eliminated From Further Consideration

The St. Bernard Parish Government considered the alternative of demolishing the existing St. Bernard Animal Shelter and reconstructing it in the same location at 115 Agriculture Street, Chalmette, Louisiana. However, this alternative was not considered viable as it did not meet the purpose and need of the Parish Government; it would again place the facility next to the Chalmette Back Levee and would not allow for the type of expansion desired. In addition, reconstruction at the same location would significantly reduce the ability of the facility to function during reconstruction. Therefore, repairing or rebuilding the facility at the original location was not considered viable alternatives to be carried forward.

The St. Bernard Parish Government sought other locations but did not find any with the size and availability of the proposed site. Therefore, relocating the facility to a location other than the proposed location was not considered a viable alternative to be carried forward.

4.0 AFFECTED ENVIRONMENT AND IMPACTS

4.1 Geology and Soils

The Farmland Protection Policy Act (Title 7 of the United States Code [USC] Section 4201 et seq.) was enacted in an effort to minimize federal actions that contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. The Act requires federal agencies to evaluate the adverse effects of their activities on prime and unique farmland, and to consult with NRCS regarding impacts to prime and unique farmland and farmland of statewide importance.

The proposed site for the relocation of the St. Bernard Animal Shelter is generally flat and bordered by water channels on two sides. According to the Louisiana Geological Survey, the geology in the vicinity of the site is predominantly Holocene coastal marsh and Holocene alluvium. According to the United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) Online Web Soil Survey, there is Schriever (Sharkey) silty clay loam at the project site. The Schriever series consists of very deep, poorly drained, very slowly permeable soils that formed in clayey alluvium. These soils are found on the lower parts of natural levees and in backswamp positions on the lower Mississippi River alluvial plain. The area is shown as undeveloped backswamp in the 1883 Mississippi River Commission map (included in Appendix B).

Alternative 1 – No Action: The No Action Alternative would have no impact to geology or soils.

Alternative 2 – Proposed Action: The Proposed Action Alternative would temporarily impact soils during site preparation and building construction. Soils would be exposed during grading, foundation work and trenching for utilities. Additionally, installation of the proposed building would result in the compaction of the underlying soil. The soil around the newly paved facility could be more susceptible to erosion if adequate drainage and vegetation is not used.

FEMA initiated consultation with the NRCS on June 11, 2009 regarding potential impacts to prime and unique farmland as defined in 7 CFR §658.2(a). According to the response from NRCS dated June 16, 2009, the site contains prime and unique farmland. The next step in the evaluation was to determine the Farmland Conversion Impact Rating for the site. That rating determination, as shown in Appendix B, was calculated to be 101. According to 7 CFR §658.4, sites receiving a total score of less than 160 need not be given further consideration for protection.

After consultation and consideration of potential impacts to soil and geology, it was determined that implementation of the proposed project would result in minor and localized short-term and long-term impacts. Soil erosion would be minimized by the implementation of Best Management Practices (BMPs) such as using silt fencing,

covering stockpiled soils, mulching cleared areas and revegetating with native species. The St. Bernard Parish Government is expected to use BMPs to minimize impacts to soil.

4.2 Water Resources

4.2.1 Surface Water and Groundwater

The Federal Water Pollution Control Act (33 USC §1251 et seq.) was enacted in 1948, and amended in 1972 and 1977. It is commonly called the Clean Water Act (CWA) and seeks to control point and nonpoint source pollution, maintain the integrity of wetlands, and regulate construction, excavation and deposition of materials in navigable waters of the United States. Nonpoint source pollution can come from fertilizers, herbicides, insecticides, oil, grease and other common toxic chemicals, as well as sediment from improperly managed construction sites and eroding stream banks. Rainfall can transfer pollutants to rivers, lakes, wetlands, coastal waters and groundwater. The use of BMPs is encouraged to reduce or prevent such pollution.

The United States Geological Survey (USGS) topographic map of the proposed project site (Figure 4) shows two surface water channels adjacent to the site. A visit to the proposed site on June 12, 2009 confirmed the existence of the Twenty Arpent Canal along the northeast boundary of the site. The Canal begins in Chalmette and runs for approximately eight miles southeast, roughly parallel to LA 39, toward the Violet Canal. An unnamed drainage ditch runs along the southeastern boundary of the proposed site and connects to the Twenty Arpent Canal. The drainage ditch flows through box culverts under LA 39.

Storm water runoff at the proposed site is expected to flow into the unnamed drainage ditch and the Twenty Arpent Canal. According to the Association of Levee Boards of Louisiana, the land naturally slopes away from the Mississippi River toward the marsh areas to the north and east. Surface and subsurface drainage enter into the Lake Borgne Basin Levee District's network of nineteen drainage canals which channel the water to the Florida Walk and Forty Arpent Canals, from which it is pumped over the Back Protection Levee into the marshes.

Alternative 1 – No Action: The No Action Alternative would have no impact to surface and groundwater resources.

Alternative 2 – Proposed Action: Implementation of the Proposed Action Alternative is likely to cause a temporary increase in soil erosion due to construction vehicles and activities that disturb the soil. This would result in a temporary increase in the turbidity of the receiving channel and ditch due to storm water runoff. The St. Bernard Parish Government and/or its contractors should prepare a Storm Water Management Plan before construction. The construction activities would result in minor, localized and short-term impacts to local water quality, which would be minimized through the implementation of BMPs for storm water management. The long-term conversion of natural surface to impermeable surface would change the surface water drainage on the proposed relocation site and may slightly reduce the opportunity for groundwater

recharge. Long-term impacts to the surface and groundwater would be minimized through proper drainage and revegetation of the developed site.

4.2.2 Wetlands

The United States Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into waters of the United States, including wetlands, pursuant to Section 404 of the CWA. Wetlands are identified as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The USACE also regulates the building of structures in waters of the US pursuant to the Rivers and Harbors Act (RHA).

Executive Order (EO) 11990 Protection of Wetlands directs federal agencies to minimize the destruction, loss or degradation of wetlands and to preserve and enhance the values of wetlands for federally funded projects. FEMA's regulations for complying with EO 11990 are found at 44 CFR Part 9, Floodplain Management and Protection of Wetlands.

Aerial USGS photographs dated 1998, 2004 and 2005 show the proposed project site located within what appears to be a floodplain forest. A 2006 aerial USGS photograph indicates that the site was cleared of trees and other vegetation in late 2005 or early 2006. Site inspections conducted on June 12 and 16, 2009 confirmed that the site is a deforested floodplain wetland as an intact forested floodplain wetland was observed approximately 100 yards northeast of the project site. The area was dominated by red maple (*Acer rubrum*), American elm (*Ulmus americana*), sugarberry (*Celtis laevigata*), water oak (*Quercus nigra*), ash (*Fraxinus spp.*) and box elder (*Acer negundo*). The project site, however, had been disturbed by mowing and tilling of the soil. Because of this disturbance, the site was occupied by vegetation that is found on disturbed sites including giant ragweed (*Ambrosia trifida*), annual marsh elder (*Iva annua*), Johnson grass (*Sorghum halapense*) and jungle rice (*Echinochola colona*). Soils have been disturbed but retain hydric characteristics: crawfish burrows and saturated soils were observed on a portion of the site.

The United States Fish & Wildlife Service (USFWS) National Wetlands Inventory Map shows no wetlands within the project area. In correspondence sent July 17, 2009, the USACE indicated that the proposed project site is not within a wetland subject to USACE jurisdiction and that no federal permit would be required for the placement or redistribution of dredged or fill material on the project site (Appendix B).

Alternative 1 – No Action: The No Action Alternative would have no impact on wetlands or other waters of the United States and would not require permits under Section 404 of the CWA or Section 10 of the RHA.

Alternative 2 – Proposed Action: The Proposed Action Alternative would have no impact on wetlands or other waters of the United States. FEMA has determined that the proposed site is not a wetland under EO 11988. The project would not require permits under Section 404 of the CWA or Section 10 of the RHA.

4.2.3 Floodplains

Executive Order 11988 Floodplain Management requires federal agencies to avoid, to the extent possible, the short- and long-term adverse impacts associated with the occupancy and modification of floodplains. FEMA's regulations for complying with EO 11988 are found at 44 CFR Part 9, Floodplain Management and Protection of Wetlands.

In compliance with FEMA policy implementing EO 11988 Floodplain Management, the proposed project was reviewed for possible impacts associated with occupancy or modification to a floodplain. St. Bernard Parish enrolled in the National Flood Insurance Program on 03/13/1970. Per Flood Insurance Rate Map (FIRM) number 2252040295 B and 2252040280 C, dated 03/04/1987 and 05/01/1985 respectively, both sites are located in zone "B", areas protected by levees from the base flood. Per St. Bernard Parish Advisory Base Flood Elevation (ABFE) Map LA-BB35 and LA-BB37 (Figure 5) dated 06/05/2006, both sites are located within an 'ABFE 3 ft. above the Highest Existing Adjacent Grade (HEAG)' zone. This is a special flood hazard area subject to inundation by the 1% annual chance (100-year) flood. Per 44 CFR 9.11(d) (9), the replacement of building contents, materials and equipment, where possible, require disaster proofing of the building and/or elimination of such future losses by relocation of those building contents, materials and equipment to or above the ABFE.

Alternative 1 – No Action: The No Action Alternative would have no impact on the 100-year floodplain. If the St. Bernard Parish Animal Shelter chose to remain at their original location, the facility would remain in the 100-year floodplain, 3 ft above HEAG.

Alternative 2 – Proposed Action: The Proposed Action Alternative would involve the relocation of the St. Bernard Animal Shelter within the 100-year floodplain. The new facility would be farther from the levees than the existing facility. The lowest floor of the new structure should be elevated to or above the ABFE. St. Bernard Parish is required to coordinate construction activities with the local floodplain administrator and comply with the local floodplain ordinance. All permits and certificates, and all the associated coordination, should be documented and provided to the local floodplain administrator, to Louisiana Governor's Office of Homeland Security and Emergency Preparedness (LA GOHSEP) and to FEMA as part of the permanent project file.

This EA forms part of the Eight Step Planning Process outlined in 44 CFR Part 9. No practicable alternatives outside of the floodplain were identified. Mitigation of adverse impacts would be accomplished by elevation to the ABFE.

4.3 Coastal Resources

The Coastal Zone Management Act of 1972 (CZMA) requires that federal agencies consistently enforce the policies of state coastal zone management programs when conducting or supporting activities that affect a coastal zone. The Louisiana Department of Natural Resources (LDNR) regulates development in Louisiana's designated coastal

zone through the Coastal Use Permit Program. The existing facility and the proposed project site are located in the coastal zone.

The USFWS regulates federal funding in Coastal Barrier Resource System (CBRS) units under the Coastal Barriers Resource Act (CBRA). This Act protects undeveloped coastal barriers and related areas (Otherwise Protected Areas) by prohibiting direct or indirect federal funding of projects that might support development in these areas. The purpose is to promote more appropriate use and conservation of coastal barriers along the Gulf of Mexico. The proposed project site is not located within a CBRS unit.

Alternative 1 – No Action: The No Action Alternative would have no effect on a coastal zone or to a CBRS unit.

Alternative 2 – Proposed Action: The Proposed Action Alternative would involve construction in a designated coastal zone. This project would likely require a Coastal Use Permit from LDNR. St. Bernard Parish is required to contact LDNR prior to initiating work. The proposed site is not within a CBRS unit; therefore, the Proposed Action Alternative would have no effect on coastal barrier resources.

4.4 Biological Resources

The Endangered Species Act of 1973 (ESA) establishes a federal program to conserve, protect and restore threatened and endangered plants and animals and their habitats. Section 7 of the ESA specifically charges federal agencies with the responsibility of using their authority to conserve threatened and endangered species. All federal agencies must ensure that any action they authorize, fund or carry out is not likely to jeopardize the continued existence of a threatened or endangered species or result in the destruction of critical habitat for these species.

According to the Louisiana Natural Heritage Program, six species federally listed as threatened or endangered occur in St. Bernard Parish. These species are the Loggerhead Sea Turtle (*Caretta caretta*), Gulf Sturgeon (*Acipenser oxyrinchus desotoi*), Pallid Sturgeon (*Scaphirhynchus albus*), West Indian Manatee (*Trichechus manatus*), Brown Pelican (*Pelecanus occidentalis*) and Piping Plover (*Charadrius melodus*).

An inspection of the proposed site was conducted on June 12 and 16, 2009. Species found on the site include giant ragweed, annual marsh elder, Johnson grass, jungle rice, smartweed (*Polygonum glabrum*), marsh elder (*Iva frutescens*) and swamp verbena (*Verbena hastata*). Typical fauna in this area include small mammals such as nutria (*Myocastor*), rabbits (*Lepus*) and small rodents (*Ctenodactylus*).

Alternative 1 – No Action: The No Action Alternative would have no impact on species federally listed as threatened or endangered.

Alternative 2 – Proposed Action: Inspections of the proposed relocation site did not indicate the presence of any species federally listed as threatened or endangered. In

correspondence dated June 15, 2009, the USFWS stated that the project, as proposed, would have no effect on federal trust resources under its jurisdiction and currently protected by the ESA (Appendix B). The National Oceanic & Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) had no comment to the project scoping notification sent on June 11, 2009 (Appendix B).

The Proposed Action Alternative would result in the clearance of low-lying vegetation and disturbance of any wildlife species in the immediate area. The impacts to wildlife and vegetative resources is expected to minor and localized.

4.5 Cultural Resources

In addition to review under NEPA, consideration of impacts to cultural resources is mandated under Section 106 of the National Historic Preservation Act (NHPA). Requirements include identifying significant historic properties and districts that may be affected by a federal undertaking and mitigating adverse effects to those resources.

The proposed site was reviewed in accordance FEMA's Programmatic Agreement dated December 3, 2004. FEMA reviewed data provided by the Louisiana State Historic Preservation Officer (SHPO) and found no known archaeological sites within 0.5 miles of the proposed project site. A FEMA archaeologist visited the proposed site on May 15, 2009 and found no evidence of historic or prehistoric cultural resources. The site had been recently cleared of vegetation and the surface visibility was excellent (85 to 90 percent exposure) at that time.

Alternative 1 – No Action: The No Action Alternative would have no impact on cultural resources.

Alternative 2 – Proposed Action: The Proposed Action Alternative would involve ground-disturbing activity associated with foundation work, underground utility installation and re-grading. Due to the lack of archival evidence indicating historic structures in the area, the absence of any cultural materials during field inspection and the project's location in reclaimed swampland, FEMA determined that no historic properties would be affected by the proposed action. The SHPO concurred with this determination in correspondence dated May 20 and 21, 2009 (Appendix B).

If during the course of work, archaeological artifacts (prehistoric or historic) or human remains are discovered, St. Bernard Parish and/or its contractors should stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The Parish should inform the FEMA Public Assistance program, who would in turn contact the FEMA Historic Preservation staff. The Parish would not proceed with work until FEMA completes consultation with the SHPO. In addition, if unmarked graves are present, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act is required. In that situation, the Parish should notify the local law enforcement agency within 24 hours of the discovery, and notify FEMA and the

Louisiana Division of Archaeology at 225-342-8170 within 72 hours of the discovery. Failure to comply with these stipulations may jeopardize FEMA funding of the project.

4.6 Air Quality

The Clean Air Act (CAA) is a comprehensive federal law that regulates air emissions from area, stationary and mobile sources. It requires federal agencies to assess the impact that projects would have on air quality and to take actions to prevent air quality degradation by using safe lower-emitting alternatives, employing low-emission practices, identifying local air receptors and conforming to state and local requirements. The United States Environmental Protection Agency (USEPA) uses six common air pollutants (called criteria pollutants) as indicators of air quality, and has established for each of them a maximum concentration above which adverse effects on human health may occur. These criteria pollutants are particulate matter, ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides and lead. When an area does not meet the air quality standard for one of the criteria pollutants, it may be subject to the formal rule-making process which designates it as nonattainment. According to the USEPA, Louisiana is in attainment for all criteria pollutants, with the exception of ozone in the five parish areas that include the city of Baton Rouge.

Alternative 1 – No Action: The No Action Alternative would have no effect on air quality.

Alternative 2 – Proposed Action: Implementation of the Proposed Action would cause a minor, short-term deterioration of air quality due to increased amounts of fugitive dust and equipment emissions during construction. The fugitive dust would result primarily from particulate matter disturbed by excavation, vehicular movement and breezes across stockpiles and haul trucks. Construction vehicles and motorized equipment would also release minor emissions, such as carbon monoxide and ozone precursors, associated with the burning of fossil fuels. These impacts would be temporary and localized, and the lack of development adjacent to the proposed project site reduces the impact that would be felt by humans.

To further minimize temporary air quality impacts, St. Bernard Parish and its contractors would implement BMPs to limit emissions, fugitive dust and exhaust during project activities. BMPs would include maintaining and covering spoil piles, covering the loads of haul vehicles and keeping construction equipment properly tuned. Long-term emissions associated with the new facility, such as those generated by small engines used for lawn maintenance and offsite generation of electrical power, are expected to be minor and comparable to emissions generated by the previously existing facility. As the new facility is larger, there may be a small increase in emissions.

4.7 Noise

Commonly defined as unwanted and/or unwelcome sound, noise is federally regulated by the Noise Control Act of 1972. Although this Act tasks the USEPA to prepare guidelines for acceptable ambient noise levels, it only charges those federal agencies that operate noise-producing facilities or equipment to implement noise standards. Therefore, by the nature of its mission, FEMA does not have statutes defining noise. However, St. Bernard Parish Council's Code of Ordinances has made it unlawful to operate loud machinery from 10:00 p.m. to 7:00 a.m. The Ordinance places this restriction on any machinery, equipment or device which makes or causes a noise that exceeds 65 decibels as monitored from the exterior of the property where the sound producer is located. Repairs performed by public agencies or utility companies are exempted from this restriction.

Noise-sensitive receptors are subject to stress or significant interference from noise. Examples include residential dwellings, mobile homes, hotels, motels, hospitals, nursing homes, educational facilities, libraries and places of worship. Residential dwellings begin approximately 500 feet to the south and east of the proposed project site. A visit on June 12, 2009 did not reveal other noise-sensitive receptors in the vicinity of the proposed project site.

Alternative 1 – No Action: The No Action Alternative would have no impact on noise.

Alternative 2 – Proposed Action: The reconstruction of the St. Bernard Animal Shelter would result in an increase in noise levels at and around the proposed project site because of the operation of construction equipment and increased vehicular activity. During the site visit on June 12, 2009, noise-sensitive receptors were not observed in or adjacent to the project area. Residential dwellings are located approximately 500 feet from the proposed project site, but the impact to the occupants would be minimal as construction activities would not occur between 10:00 p.m. and 7:00 a.m., per St. Bernard Parish's Ordinance. The increased noise at other times would be localized and short-term.

After the construction of the new facility, there would be increased noise at and around the facility due to occupancy of the previously undeveloped site. Noises from vehicular traffic to the facility, and day-to day operation and maintenance of the facility are expected. These long-term effects would be have minimal or no impact on people in the vicinity.

4.8 Traffic

LA 39/ East Judge Perez Drive runs along the southwestern boundary of the proposed project site. In this area, it is a four-lane divided highway with a speed limit of 45 miles per hour. Access to the proposed site is directly off of LA 39. There is no other existing vehicular access to the site as it is bordered by a canal, a drainage ditch and undeveloped land.

Alternative 1 – No Action: The No Action Alternative would have no impact on traffic.

Alternative 2 – Proposed Action: The Proposed Action Alternative would have a temporary influence on traffic by increasing the number of heavy vehicles on LA 39. Construction traffic should be monitored and controlled as appropriate.

Project implementation may result in a long-term impact to traffic along LA 39 due to workers and visitors to the facility. However, this impact would be minimal and is not expected to overwhelm LA 39. The access to the site would be designed to minimize impact to the traffic flow on LA 39.

4.9 Safety

The Occupational Safety and Health Act of 1970 (OSHA) seeks to prevent work-related injuries, illnesses and deaths by issuing and enforcing standards for workplace safety and health. The health, safety and security of construction workers, area residents and the general public as related to the project alternatives are considered in this section.

Alternative 1 – No Action: The No Action Alternative would have no impact on the health, safety and security of St. Bernard Parish.

Alternative 2 – Proposed Action: The Proposed Action Alternative could temporarily impact the safety of workers and others in the vicinity of the projects site during construction. The safety of site workers would be dependent on the policies, knowledge, experience and diligence of the workers. St. Bernard Parish and its contractors should ensure all project activities are conducted in a safe manner and in compliance with all state and federal occupational safety regulations, including OSHA, to protect workers and the general public.

In the long term, the Proposed Action Alternative may positively impact the health, safety and security of residents of St. Bernard Parish as it increases the size of the animal control facility and aims to improve the level of service offered.

4.10 Hazardous Materials

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 of 1976 (RCRA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Emergency Response and Community Right-to-Know Act; the Hazardous Materials Transportation Act; and the Louisiana Voluntary Investigation and Remedial Action statute. The purpose of the regulatory requirements set forth under these laws is to ensure the protection of human health and the environment through proper management (that is, identification, use, storage, treatment, transport and disposal) of these materials. Some of these laws provide for the investigation and cleanup of sites that have already been contaminated by releases of hazardous materials, wastes or substances.

This section addresses the possibility that prior environmental releases of hazardous materials at or near the proposed project site have affected the surface soils or subsurface media (soils and groundwater) at the site. This section also evaluates the potential for the proposed project to use hazardous materials, generate hazardous wastes and release hazardous substances.

Database search results indicate that the proposed project site is not associated with the Louisiana Volunteer Remedial Program; Louisiana State or USEPA Brownfields; Leaking Underground Storage Tanks (LUSTs); oil and gas wells; or other hazardous or solid waste management or disposal concern listed in the Louisiana Department of Environmental Quality (LDEQ) Electronic Document Management System (EDMS).

However, there is one known LUST site approximately 0.6 mile from the proposed site, at 5840 East Judge Perez Drive. Lead and petroleum hydrocarbons were found in the groundwater at levels above the LDEQ Risk Evaluation/Corrective Action Program (RECAP) standards. However, it is unlikely that the LUST affected the proposed site due to the distance between the two locations, the proximity of the LUST site to the Violet Canal and the expected eastward flow of groundwater.

There are several surface wastewater discharges, small quantity hazardous material generators, underground storage tank sites and the St. Bernard Water Treatment Plant located within one mile of the proposed project site. There is also one oil/gas well approximately 0.6 mile away and an oil/gas field, gas hole or bore and a gas pit located approximately 0.75 mile from the site. However, there is no indication that any of these sites would impact the proposed project site.

Alternative 1 – No Action: The No Action Alternative would not disturb any hazardous materials or create any potential hazard to human health.

Alternative 2 – Proposed Action: Research indicates that no hazardous materials, wastes or substances are present in the soil or groundwater of the proposed site. If hazardous constituents are unexpectedly encountered during project activities, 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 would 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 volumes of hazardous wastes. Appropriate measures to prevent, minimize and control spills of hazardous materials should be taken, and any hazardous and non-hazardous wastes generated should be disposed in accordance with applicable federal, state and local requirements.

4.11 Socioeconomics

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

The St. Bernard Parish Government proposes to relocate the St. Bernard Animal Shelter from Chalmette to Violet, approximately six miles away. According to the U.S. Bureau of the Census, 92.7 percent of the population of the Community of Chalmette is Caucasian, 2.4 percent is African American and 4.8 percent is Hispanic. The median family income in 1999 was \$36,699 and 9.2 percent of families earned below the poverty level. For the Community of Violet, 58.3 percent of the population is Caucasian, 38.8 percent is African American and 4.3 percent is Hispanic. The median family income in 1999 was \$32,993 and 18.5 percent of families earned below the poverty level.

Alternative 1 – No Action: The No Action Alternative does not involve the implementation of a federal program, policy or activity. Therefore, EO 12898 does not apply.

Alternative 2 – Proposed Action: The Proposed Action Alternative moves the St. Bernard Animal Shelter to an area with higher minority population and poverty rate. However, the activity is not expected to have adverse human health, economic or social effects. The activity would develop a currently undeveloped piece of land (approximately one acre), but much of the land around the proposed site is also undeveloped. Residential neighborhoods begin approximately 500 feet to the east and south of the project site (see Figure 1). The proposed facility would serve residents living throughout St. Bernard Parish.

5.0 CUMULATIVE IMPACTS

Cumulative impacts are those effects on the environment that result from the incremental effect of the action when added to past, present and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

FEMA has identified no other projects that, when added to the proposed project, would be expected to have a cumulative impact on the human and natural 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 St Bernard Parish Government (Applicant) prior to and during project implementation.

- To minimize soil impacts, St. Bernard Parish should implement BMPs such as using silt fencing, covering stockpiled soils, mulching cleared areas and revegetating.
- A Storm Water Management Plan should be prepared and BMP's for storm water management should be implemented to minimize any detrimental effects to water quality during project implementation.
- St. Bernard Parish is required to coordinate construction activities with the local floodplain administrator and comply with the local floodplain ordinance. All permits and certificates, and all the associated coordination, should be documented and provided to the local floodplain administrator, to LA GOHSEP and to FEMA as part of the permanent project file. Per 44 CFR 9.11(d) (9), the replacement of building contents, materials and equipment, where possible, require disaster proofing of the building and/or elimination of such future losses by relocation of those building contents, materials and equipment to or above the ABFE.
- St. Bernard Parish is required to contact LDNR regarding a Coastal Use Permit prior to initiating work.
- Any fill or borrow material used must be sourced from sites that do not contain any buried cultural materials (i.e. wells, cisterns, foundations, basements, prehistoric Indian artifacts, human burials, and the like). If during the course of work, archaeological artifacts (prehistoric or historic) or human remains are discovered, St. Bernard Parish and/or its contractors should stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The Parish should inform the FEMA Public Assistance program, who would in turn contact the FEMA Historic Preservation staff. The Parish would not proceed with work until FEMA completes consultation with the SHPO. In addition, if unmarked graves are present, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act is required. In that situation, the Parish should notify the local law enforcement agency within 24 hours of the discovery, and notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within 72 hours of the discovery. Failure to comply with these stipulations may jeopardize FEMA funding of the project.
- To minimize air quality impacts, St. Bernard Parish and its contractors should implement BMPs to limit emissions, fugitive dust and exhaust. BMPs would include maintaining and covering spoil piles, covering the loads of haul vehicles and keeping construction equipment properly tuned.
- Construction traffic should be monitored and controlled as appropriate.

- St. Bernard Parish and its contractors should ensure all project activities are conducted in a safe manner and in compliance with all state and federal occupational safety regulations, including OSHA, to protect workers and the general public.
- If hazardous constituents are unexpectedly encountered, appropriate measures for the proper assessment, remediation and management of the contamination should be initiated in accordance with applicable federal, state and local regulations.
- Appropriate measures to prevent, minimize and control spills of hazardous materials should be taken, and any hazardous and non-hazardous wastes generated should be disposed in accordance with applicable federal, state and local requirements.

7.0 PUBLIC INVOLVEMENT AND AGENCY COORDINATION

FEMA is the lead federal agency for conducting 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 St. Bernard Parish community while meeting the spirit and intent of NEPA and complying with all NEPA provisions. FEMA distributed an informal scoping notification to the LDNR, LDEQ, USEPA, USACE, USFWS, NMFS, and NRCS at the beginning of the NEPA review process. FEMA also consulted with NRCS and the SHPO.

FEMA is inviting the public to comment on the proposed action during a fourteen (14) day comment period. A public notice will be published in the local newspaper, *St. Bernard Voice*, announcing the availability of this EA for review at the St. Bernard Parish Government Complex Office of Homeland Security and Emergency Preparedness. A copy of the Public Notice is attached in Appendix C.

8.0 CONCLUSION

Based upon the studies and consultations undertaken in the preparation of this EA, and given the precautionary and mitigating measures, there do not appear to be any significant environmental impacts associated with the construction of the St. Bernard Animal Shelter at the proposed location.

9.0 LIST OF PREPARERS

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Figure 1: Aerial Photograph of Existing St. Bernard Animal Shelter Site



Figure 2: USGS Topographic Map of Existing St. Bernard Animal Shelter Site



Figure 3: Aerial Photograph of Proposed Action Alternative Site

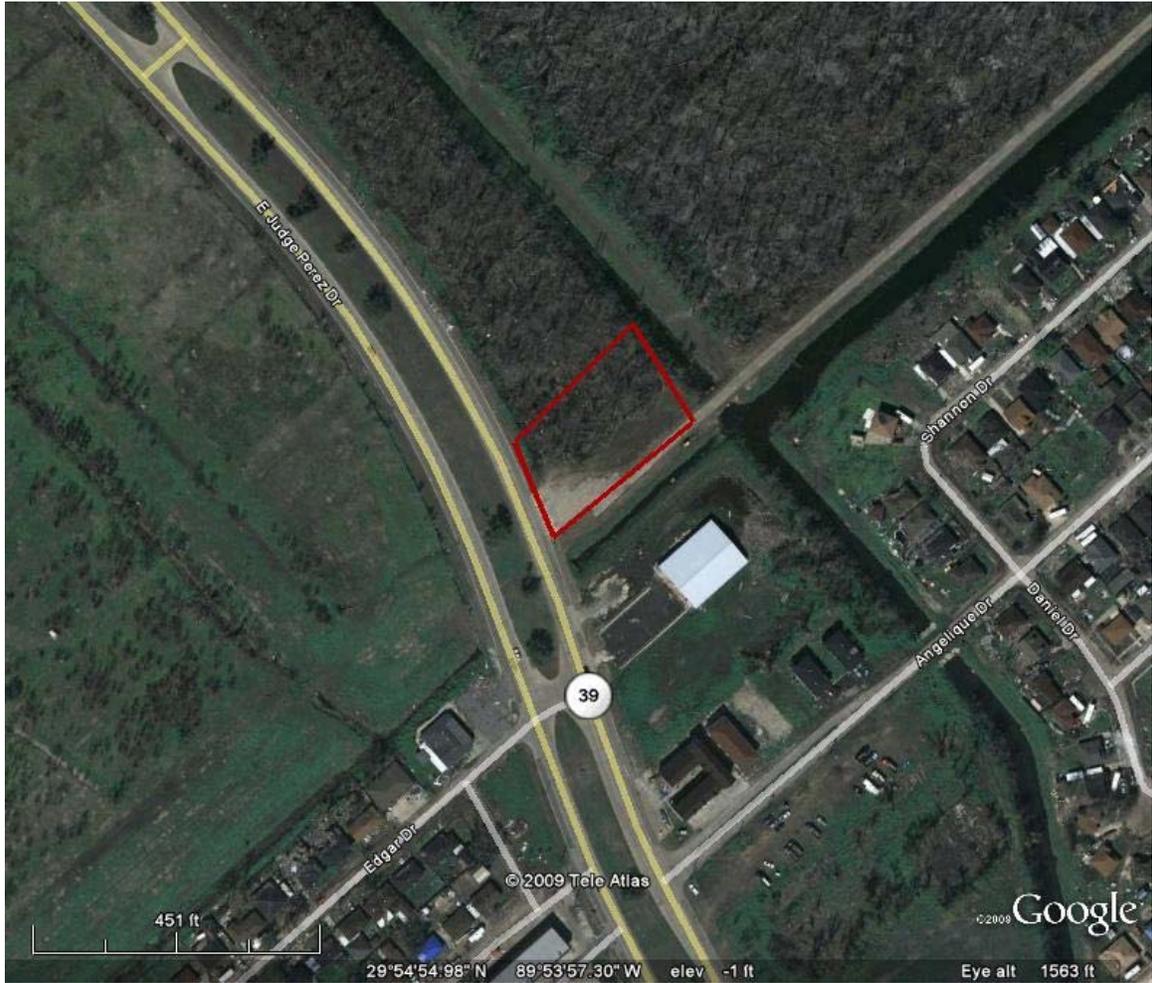


Figure 4: USGS Topographic Map of Proposed Action Alternative Site

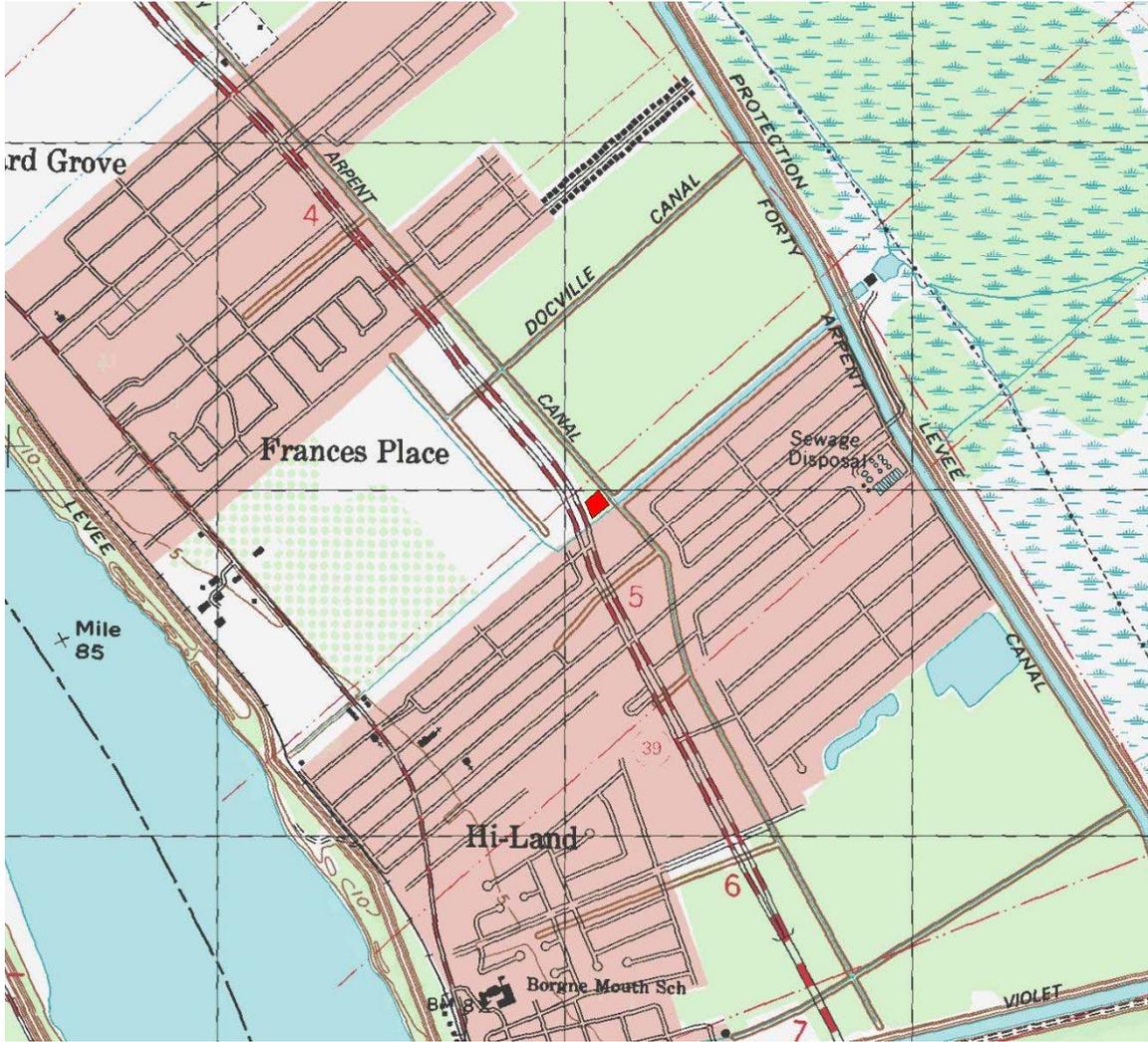


Figure 5: Advisory Base Flood Elevation Map for Proposed Action Alternative Site

