



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
HAZARD MITIGATION GRANT PROGRAM EXCEPTION FOR
RESIDENTIAL PROPERTIES IN LOUISIANA**

In the aftermath of Hurricanes Katrina and Rita, some individual property owners and communities in the impacted areas of Louisiana proactively engaged in hazard mitigation activities in an effort to recover from the damages and mitigate at-risk properties against future damage. Such activities may have been eligible for funding under the Hazard Mitigation Grant Program (HMGP) or could have been used to meet the non-Federal match requirement of the program had they obtained Federal Emergency Management Agency (FEMA) approval before activities started. However, under HMGP requirements, projects initiated or completed prior to FEMA approval are not eligible for funding.

Hurricanes Katrina and Rita overwhelmed the capability of local governments in the affected areas of Louisiana and left communities without resources to assign to the identification, development, and timely application and implementation of hazard mitigation initiatives under HMGP. Communities in these impacted areas were not in a position to engage in the required HMGP application process until more than two years after the catastrophic hurricanes.

In December 2007 FEMA requested and received a waiver from the Office of Management and Budget for implementing a limited exception to the federal grant requirements prohibiting the initiation of work prior to Federal agency's approval. FEMA engaged in an evaluation of impacts to the environment and historic properties of implementing this limited policy exception. After the development of a Programmatic Environmental Assessment under the National Environmental Policy Act and a Programmatic Agreement under Section 106 of the National Historic Preservation Act, FEMA adopted a limited exception allowing for residential hazard mitigation actions initiated prior to March 16, 2008 without FEMA approval to remain eligible for HMGP funding.

The American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law by President Barack Obama on February 17, 2009. FEMA has interpreted Section 602 as requiring FEMA to consider the removal of the deadline of March 16, 2008 for the limited waiver. This modification would allow additional residential structures to be considered for funding if the action was initiated after March 16, 2008, but prior to FEMA approval and met all other program eligibility requirements.

The Supplemental PEA, incorporated by reference to this FONSI, assesses the potential impacts to environmental and cultural resources of retaining the March 16, 2008 restriction

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(Alternative 1: No Action), eliminating the March 16, 2008 restriction (Alternative 2: Preferred Alternative), and extending the date restriction to a future date (Alternative 3). These alternatives were evaluated for any potential significant adverse impacts on air quality, water resources, floodplains, coastal resources, biological resources, historic properties, and hazardous materials. They were also evaluated for disproportionately high and adverse effects on minority or low income populations.

PUBLIC INVOLVEMENT

FEMA provided an opportunity for public comment on the Draft Supplemental PEA from August 17, 2011 to September 24, 2011. FEMA received sixty-three calls, three emails, and four letters in response to the public notice. Two substantive comments raised concerns that there was a gender/ racial bias in the way money has been distributed. FEMA found that the selection of Alternatives 1, 2, or 3 will not result in disproportionately high and adverse impacts on low-income or minority populations. E.O. 12898, Title VI of the Civil Rights Act, and FEMA regulations at 44 C.F.R. Part 7 require FEMA and its applicants to conduct its activities and programs in a manner that does not deny the benefits of, deprive of participation in, or discriminate against on the grounds of race, color, or national origin. FEMA's Title 44 CFR, Parts 7.11 through 7.16, outlines the Agency procedures for voluntary compliance, enforcement action, and processing complaints of discrimination in FEMA's federally assisted programs. Any person who believes himself or herself or any specific class of individuals is being subjected to discrimination prohibited by FEMA's rules may by himself or herself or by a representative file a written complaint with FEMA in accordance with 44 CFR 7.11(b).

CONDITIONS

FEMA will pursue the Preferred Alternative of eliminating the March 16, 2008 restriction with the following conditions:

- The State will continue to submit initiated or completed hazard mitigation projects to FEMA for approval, ensuring that all appropriate documentation for each project is provided. FEMA will review projects to ensure they meet benefit-cost and engineering feasibility and other program eligibility requirements such as meeting local permitting requirements, establishing ownership, construction standards to preliminary Digital Flood Insurance Rate Maps (DFIRM) when available.
- Projects must obtain and comply with all applicable permits (e.g., Coastal Zone Permit, NPDES permits, CWA Section 404 General or Individual Permits, Stormwater Pollution Prevention Plans [SWPPP], Incidental Take permits [ESA Section 10(a)(1)(b)], building permits for construction in the floodplain, and coastal use permits). Projects that did not obtain and properly implement permit

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conditions will not be eligible for HMGP funding.

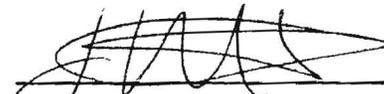
- FEMA and the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) will implement the Louisiana State-Specific HMGP Programmatic Agreement as executed on January 31, 2011. GOHSEP will ensure that its subgrantee(s) comply with any conditions imposed on the projects to meet its responsibilities under the Programmatic Agreement. The stipulations and the Programmatic Agreement are incorporated by reference into the conditions of this FONSI.

Failure to comply with these conditions may jeopardize FEMA HMGP assistance.

FINDING

Based on the incorporated Supplemental PEA and Louisiana State-Specific HMGP Programmatic Agreement as executed on January 31, 2011, FEMA has determined that implementation of any of the alternatives would not have any significant adverse effects on the quality of the natural and human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared (44 CFR Part 10.8).

APPROVALS



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FEMA Environmental Officer
Federal Emergency Management Agency

9/28/11

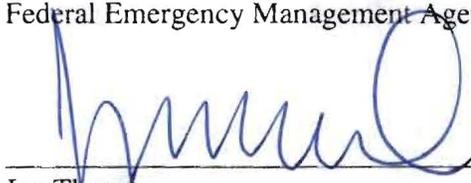
Date



Sandra K. Knight, PhD, PE
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Date



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Louisiana Recovery Office
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Date