

Final Supplemental Programmatic Environmental Assessment
**Extension of HMGP Program
Exception for Residential
Properties in Louisiana**

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**U.S. Department of Homeland Security
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*Office of Environmental Planning
and Historic Preservation*

1800 South Bell St., Arlington, VA 20598-3020



FEMA

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LIST OF ACRONYMS

ACG	Additional Compensation Grant
ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
ARRA	American Recovery and Reinvestment Act of 2009
CDBG	Community Development Block Grants
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CUP	Coastal Use Permit
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DFIRM	Digital Flood Insurance Rate Map
DSG	Disaster Specific Guidance
EA	Environmental Assessment
EHP	Environmental and Historic Preservation
E.O.	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FONSI	Finding of No Significant Impacts
FWS	U.S. Fish and Wildlife Service
GOHSEP	Governors Office of Homeland Security and Emergency Preparedness
HMGP	Hazard Mitigation Grant Program
HUD	Housing and Urban Development
LA HMGP PA	Louisiana State-Specific HMGP Programmatic Agreement (January 2011)
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LRO	Louisiana Recovery Office
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	National Resources Conservation Service
NRHP	National Register of Historic Places
OCD	Office of Community Development
PA	Programmatic Agreement
PEA	Programmatic Environmental Assessment Program Exception (December 2007)
PNP	Private Non Profits
SBA	Small Business Administration
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office

SPEA	Supplemental Programmatic Environmental Assessment Program
	Exception
SWPPP	Stormwater Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers

CHAPTER 1 INTRODUCTION

In December 2007, FEMA requested and received a waiver from the Executive Office of the President's Office of Management and Budget on the grant's management requirement which establishes that applicants must obtain Agency approval prior to engaging in pre-award activities. The waiver was requested for the administration of the Hazard Mitigation Grant Program (HMGP) in Louisiana and Mississippi and was based on the exceptional needs and circumstances resulting from Hurricanes Katrina and Rita. The implications of this HMGP Exception is that certain hazard mitigation actions initiated without prior FEMA approval and implemented in the course of repair activities on structures and facilities (as defined in the Stafford Act) damaged by the disasters in Louisiana, remain eligible for grant consideration if they met all other eligibility considerations.

FEMA engaged in the environmental planning and historic preservation review for its proposal for implementing the proposed limited exception. Through the process required under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), FEMA considered various alternatives for implementing the limited exception. FEMA selected an alternative allowing otherwise eligible hazard mitigation projects initiated before the date of the issuance of a Disaster Specific Guidance (DSG) (January 15, 2008) that explained this limited program exception and would provide a 60 day grace period from the issuance of the DSG for grandfathering otherwise eligible hazard mitigation actions taken by commercial and residential property owners in Louisiana and Mississippi. During this time, the HMGP grantees, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Mississippi Emergency Management Agency (MEMA), were required to provide public materials and notification of the availability of the DSG and requirements to wait for FEMA's review and approval before initiating otherwise eligible hazard mitigation actions. The grace period for public and private non-profit property (PNP) owners ended on January 15, 2008. The grace period for residential and commercial property owners ended on March 16, 2008. Projects initiated after these grace periods would no longer be eligible for FEMA's HMGP funding because residential and commercial property owners interested in obtaining FEMA funding for their actions would have been on notice of the requirements. After this grace period, all potential recipients of FEMA HMGP funds would be expected to comply with the requirements under Federal grant, environmental planning, and historic preservation laws, implementing regulations and national policies. The DSG, the first Programmatic Environmental Assessment for the HMGP Program Exception, the associated Finding of No Significant Impact (FONSI), and the Gulf Coast Programmatic Agreement (HMGP Gulf Coast PA) under Section 106 of NHPA and its amendment can be found at www.fema.gov/plan/ehp/envdocuments/programmatic-ehp and are incorporated into this document by reference.

On February 17, 2009, President Barack Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA). ARRA was designed to be an economic stimulus package to re-invigorate the United States economy, create and save jobs, assist those impacted by the recent economic recession, and begin to address national challenges that have been neglected. Section 602 under the General Provisions of ARRA/Division A – Appropriation Provisions/Title VI –Department of Homeland Security states:

The Administrator of the Federal Emergency Management Agency may not prohibit or restrict the use of funds designated under the hazard mitigation grant program for damage caused by Hurricanes Katrina and Rita if the homeowner who is an applicant for assistance under such program commenced work otherwise eligible for hazard mitigation grant program assistance under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) without approval in writing from the Administrator.

There is an expectation that this language directs FEMA to remove the deadline of March 16, 2008, for the HMGP Exception for actions taken by residential homeowners. However, the provision did not automatically remove the deadline nor did it eliminate the requirement for each hazard mitigation project to comply with other eligibility requirements such as environmental planning and historic preservation requirements, cost effectiveness, and feasibility. On October 8, 2010, GOSHEP urged FEMA to consider Section 602 of ARRA as eliminating the March 16, 2008 deadline and consider eligible any Hurricane Katrina or Rita HMGP residential project in Louisiana that was initiated prior to FEMA's approval and required reviews. It should be noted that this document pertains only to residential structures, and the deadlines noted above for public, PNP, and commercial properties remain in effect.

NEPA and its implementing regulations at 40 C.F.R. Part 1500 and 44 C.F.R. Part 10 require the evaluation of the impacts of policy changes on the natural and human environment. FEMA has a categorical exclusion for preparation, revision, and adoption of directives and other guidance documents (including policies) related to actions that qualify for categorical exclusions [44 CFR Part 10.8(d)(2)(ii)]. Even though the hazard mitigation activities taken by homeowners that are being considered in this request normally qualify for FEMA categorical exclusions, the Agency cannot determine with certainty whether they did or did not trigger extraordinary circumstances. In addition, there are particular extraordinary circumstances associated with the programmatic decision because it is a decision that has a high level of public controversy [44 CFR Part 10.8(d)(3)(ii)] and has the potential to violate a Federal, State, local or tribal laws or requirements imposed for the protection of the environment [44 CFR Part 10.8(d)(3)(ix)]. As a result, FEMA has developed this supplemental programmatic environmental assessment (SPEA) to evaluate the impacts of the decision of whether and how to implement the Congressional mandate and GOSHEP's request.

CHAPTER 2 PURPOSE AND NEED

In the aftermath of Hurricanes Katrina and Rita, homeowners in the affected areas of Louisiana and Mississippi proactively engaged in activities in an effort to recover from the damage and mitigate at-risk properties against future damage. Such activities may have been eligible for funding under the HMGP or could have been used to meet the non-Federal match requirement of the program had the applicants and the prospective beneficiaries of such funds obtained FEMA's approval before they initiated the activities. 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 Mississippi 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 addition, the grantees and applicants were not able to appropriately communicate the requirements of the HMGP program to the prospective beneficiaries of such funds (i.e. homeowners, business owners, local government agencies, etc.).

Louisiana elected to allocate approximately \$750 million of their \$1.47 billion available HMGP funds to eligible hazard mitigation actions taken by residential property owners participating in the State's "Road Home" program. This program leverages \$10.4 billion in Federal assistance from the Department of Housing and Urban Development (HUD) with HMGP funds for various disaster recovery actions or decisions made by residential homeowners. However, to date the grantee (GOHSEP) and applicant (e.g. Louisiana's Office of Community Development) have only been able to disburse \$241 million, of which only \$185 million has been disbursed as payments to property owners for eligible work. The remainder of the funds has not been disbursed to homeowners because the grantee and applicant have not been able to determine and document the complete universe of homeowners that meet the program's eligibility requirements.

In addition, the grantee and its applicant have been unable to place adequate institutional controls to prevent the initiation of residential projects prior to FEMA's approval and review. The grantee identified close to 1,000 properties that fit the DSG HMGP program exception. However, the grantee has also identified close to 64 properties where owners initiated otherwise eligible work after March 16, 2008, without first obtaining FEMA's approval and required review. Before acting on these properties FEMA requested further information from the grantee and applicant to understand the potential scope of properties and otherwise eligible projects that were initiated after the established deadline under the DSG. FEMA believes that this number could change as the grantee continues to review the applications and documentation from homeowners that volunteered to participate in this program.

FEMA considered the following factors to determine if there is a need to engage in an action:

- The extent to which the original DSG was used, which is an indicator of how much a variance from the normal requirements was needed to address the unique disaster-related challenges in the area;

- Congressional intent for FEMA to reconsider the March 16, 2008 deadline established through the DSG, first PEA, FONSI, and HMGP Gulf Coast PA;
- The amount of currently available HMGP funds that have not been obligated after 5 years due to a lack of eligible projects;
- The lack of intent on the part of the ultimate beneficiaries of the disaster assistance (residential property owners) to circumvent program requirements and environmental and historic preservation reviews;
- The need to provide disaster assistance to residential property owners that may not be aware of national environmental and historic preservation policies that affect Federal assistance;
- The critical need for hazard mitigation actions to protect homes from future disasters similar to Hurricanes Katrina and Rita; and
- The potential for disproportionate and adverse economic and environmental (public safety) effects on low-income and minority populations that may have not received adequate and effective communication regarding the consequences of initiating projects prior to FEMA's review and approval.

FEMA has determined that there is a need to consider taking an action related to the HMGP program exception for residential property owners in Louisiana based on these factors. The purpose of this action is to make available funds for the hazard mitigation of residences to protect them from future disasters.

CHAPTER 3 PROGRAM ALTERNATIVES

The alternatives developed in this SPEA are associated with FEMA's decision on allowing a limited exception to this policy and HMGP program requirements in Louisiana. FEMA has not made a decision whether to allow this limited change or how to implement this limited exception. Given that FEMA retains discretion on this decision, the Agency believes that NEPA and the other environmental planning and historic preservation requirements can be complied with even when the specific actions underlying the policy decision have already been initiated or completed. The following options for implementation were evaluated:

3.1 Alternative 1: FEMA retains the limited exception with original grace period (No action)

Under this alternative, FEMA would maintain the status quo for HMGP in Louisiana by keeping the limited exception established through the DSG. The impacts of this alternative were evaluated in the December, 2007 Final PEA and FONSI (i.e. Alternative B-4).

The exception is available to residential and commercial structures, as well the FEMA eligible repair of public facilities, including eligible PNP facilities as defined in 44 CFR §206.221(e), that were damaged by Hurricanes Katrina and Rita. The definition of public facilities and PNP facilities is that used in Section 102 of the Stafford Act. The eligible activities under this alternative for residential and commercial structures include:

- Retrofits (public or private) (also known as individual mitigation measures or IMM)
- Elevations (public or private)
- Mitigation reconstruction (public or private)
- Demolition where a prospective acquisition or mitigation reconstruction is proposed (public or private)

Eligible activities under this alternative for public and PNP facilities include:

- Relocation of public facilities
- Minor, structure-specific, flood-control projects, such as floodgates or minor floodwalls
- Retrofit of stormwater management facilities
- Infrastructure protection measures
- Construction of associated safe rooms

These activities are eligible under the exception if they were not eligible under the Public Assistance Program (Section 406 mitigation).

This alternative included a grace period of 60 days after the issuance of a DSG for grandfathering residential and commercial hazard mitigation projects initiated without FEMA's review and approval. The grace period ended on March 16, 2008. Projects not initiated before that date would be subject to the normal HMGP procedures, including environmental planning and historic preservation review and FEMA approval before the project's initiation.

As required by the HMGP Gulf Coast PA, its amendment, the first HMGP Program Exception PEA, and its associated FONSI, FEMA, GOHSEP, the Louisiana State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), the Alabama-Coushatta Tribe of Texas (ACTT), the Chitimacha Tribe of Louisiana (CTL), the Choctaw Nation of Oklahoma (CNO), the Jena Band of Choctaw Indians (JBCI), the Mississippi Band of Choctaw Indians (MBCI), the Seminole Tribe of Florida (STF), and other signatories have executed a State-Specific Programmatic Agreement under Section 106 of the NHPA to address the adverse effects of this alternative on historic properties. Thus, this alternative includes the implementation of the executed State-specific Programmatic Agreement for HMGP in Louisiana (LA HMGP PA) that provides a process for addressing the potential adverse effects to historic properties from those actions under this alternative.

Under this alternative, the State must submit initiated or completed hazard mitigation projects to FEMA for approval, ensuring that all appropriate documentation for each project is included with the submittal. FEMA will review projects to ensure they meet benefit-cost and engineering feasibility eligibility requirements.

Projects must obtain and comply with all applicable permits (e.g., 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 conditions will not be eligible for HMGP funding.

3.2 Alternative 2: Exception for hazard mitigation measures taken by homeowners in Louisiana before FEMA's approval without grace period (Proposed action)

Under this alternative, FEMA would continue to implement the no action alternative (Alternative B-4 in the first PEA) but provide a limited exception as suggested in Section 602 of ARRA for the funding of any otherwise eligible hazard mitigation activity undertaken by homeowners in Louisiana that was initiated without receiving environmental planning and historic preservation review and prior FEMA approval. This alternative eliminates the cut-off date of March 16, 2008, for grandfathering residential hazard mitigation actions initiated by homeowners without FEMA's prior approval. The hazard mitigation activity must have been undertaken as a result of damages caused by Hurricanes Katrina and Rita. The original exception would remain for commercial and public and private non-profit hazard mitigation actions initiated prior to FEMA review and approval.

The eligible activities under this alternative for residential structures include:

- Retrofits (IMM)
- Elevations
- Mitigation reconstruction
- Demolition where a prospective acquisition or mitigation reconstruction is proposed

Similar to the no action alternative, this alternative would include the implementation of the LA HMGP PA stipulations related to the HMGP program exception for actions initiated without FEMA approval as specified in the DSG and for residential hazard mitigation actions initiated by

homeowners without FEMA approval after March 16, 2008.

The State will continue to submit initiated or completed residential hazard mitigation projects to FEMA for approval, ensuring that all appropriate documentation for each project is included with the submittal. 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 or effective (as applicable) Digital Flood Insurance Rate Maps (DFIRM) when available.

Projects must obtain and comply with all applicable permits (e.g., 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 conditions will not be eligible for HMGP funding.

3.3 Alternative 3: Exception for hazard mitigation measures taken by homeowners in Louisiana with an extension of grace period

This alternative would provide an extension of the grace period that ended on March 16, 2008, to residential hazard mitigation activities to a future date. The Grantee would re-engage in outreach efforts for homeowners about the implications of initiating projects prior FEMA's review and approval. The deadline for the grace period has not been determined.

3.4 Alternatives Considered and Dismissed from Further Review

In addition to the alternatives considered and carried through the analysis FEMA evaluated other options but eliminated them for the reasons identified below:

Exception of hazard mitigation measures taken by homeowners in Louisiana limited to those that did not have adverse effects on historic properties – Under this alternative, FEMA would have eliminated the limited grace period as proposed in Alternative 2 but would find ineligible those properties that adversely affected historic properties. FEMA eliminated this alternative from consideration because by implementing this approach the Agency would be penalizing the owners of historic homes and would frustrate the goal of providing hazard mitigation assistance for at risk properties regardless of status.

Another consideration for eliminating this alternative was its potential to result in disproportionately high and adverse environmental effects to minority and low-income populations. The denial of FEMA funds to historic property owners that engaged in actions causing adverse effects to their properties could result in a disparate effect to such populations by either keeping them vulnerable to future hazards or exposing them to the economic distress of absorbing the full costs of the hazard mitigation measures that otherwise would have been eligible. FEMA has not been able to determine the final total of otherwise eligible properties, the number of historic properties that would be affected by this allowance, the amount of such properties where the hazard mitigation measures taken by the homeowner resulted in adverse effects, nor the socioeconomic characteristics of homeowners that are in this group to be able to fully understand if such decision would result in either a disparate treatment or disproportionate

high and adverse effect on low-income and minority populations. For these reasons FEMA has decided not to pursue this alternative to avoid disproportionately high and adverse effects on minority and low-income populations.

FEMA recognizes that the underlying goal of Section 106 of NHPA to adequately consider potential effects on historic properties early in project planning would be undermined by allowing reimbursement of actions that affected historic properties. However, the unique set of circumstances here and the fact that the limitation is strictly for homeowners, who may not be aware of the restrictions imposed by various national policies on Federal funding, necessitates special consideration for taking this action. FEMA has sought to balance consideration of extreme situations resulting from the disasters with adverse and even irreparable impacts to historic properties. This is particularly the case for archeological resources which once they are disturbed may lose their ability to provide or convey information about the past. In an effort to balance these two considerations, FEMA, in consultation with the signatory parties, has agreed to review and resolve adverse effects of those hazard mitigation projects that are associated with properties within, adjacent to, or within 100 meters of the boundaries of an archeological site recorded with the SHPO and that is previously determined as a NRHP-eligible historic property or of undetermined eligibility on a case-by-case basis.

CHAPTER 4 CURRENT CONDITIONS AND ENVIRONMENTAL IMPACTS

FEMA's categorical exclusions under NEPA, 44 CFR Part 10.8(d)(2), include exclusions that apply to the HMGP actions under this proposal. These include:

- Acquisition of properties and associated demolition, where the property acquired will be dedicated to open space in perpetuity [44 CFR 10.8(d)(2)(vii)];
- Physical relocation of individual structures [44 CFR 10.8(d)(2)(vii); (xiii)]; and
- Reconstruction, elevation, retrofitting, and upgrading to current codes and standards of structures in a manner that substantially conforms to the pre-existing design, function, and location [44 CFR 10.8(d)(2)(xv)].

Extraordinary circumstances must be taken into account in the determination of whether the categorical exclusion applies to the particular activity or project. Typical extraordinary circumstances considered for these activities include impacts or adverse effects to air quality, water resources, floodplains, coastal resources, biological resources, historic properties, environmental justice, and hazardous materials. FEMA's reviewers engage in the extraordinary circumstances evaluation before approving the action and engage in the review of other applicable environmental planning and historic preservation requirements as part of this evaluation. If an extraordinary circumstance exists and cannot be successfully addressed through the applicable environmental planning or historic preservation requirement, such as Section 7 consultation under Endangered Species Act (ESA) or Section 106 of the NHPA, FEMA would develop an environmental assessment (EA) to determine the significance of the impacts to the human environment.

Approval of actions already initiated before this evaluation circumvents the objective in NEPA and many of the environmental planning and historic preservation requirements to take into account the impact of the action before it starts. The review under these requirements would not add value to the decisionmaking because the impacts would have already occurred. It is for this reason that it is FEMA's policy to deny eligibility of actions initiated without the required review. This policy is aligned with general grant principles that do not allow initiation of post-award actions prior to a Federal agency's approval. *See* Office of Management and Budget Circular A-87. It is also aligned with HMGP program guidance.

This SPEA evaluates the impacts on the natural and human environment of FEMA's options for changing this policy and program guidance for the HMGP in Louisiana. The discussion below leverages the discussion in the first HMGP PEA by incorporating by reference those existing conditions and impacts pertinent to Louisiana. Incorporation by reference is a tool allowed in the Council on Environmental Quality (CEQ) NEPA regulations to avoid needless repetition and reduce the length of documents. In addition, FEMA used the scoping process to focus on those areas deserving a more detailed analysis in this document and those areas that could be summarily described without the need for further details. Table 4-1 provides the results of this scoping process. The evaluation assumed that otherwise eligible actions have already occurred.

Table 4-1. Scoping of issues for SPEA

Area of Concern	Further Analysis in this SPEA?	Reasoning
Air quality	No	Only five parishes are in nonattainment (see pp. 9 to 12 of the first PEA). Actions that would be allowed under this exception (elevation, demolition, retrofit, reconstruction) would cause emissions below <i>de minimus</i> thresholds in the non-attainment areas of the state. Actions above established thresholds or with the potential to produce hazardous air pollution would have required permits from Louisiana Department of Environmental Quality (LDEQ) before their initiation. Documentation required for program eligibility determination would include proof that applicable permits were obtained. It is assumed that construction followed best practices to reduce particulate matter and that construction equipment met applicable air pollution control standards. Impacts on air quality would have been negligible.
Water quality	No	A brief description of Louisiana’s water resources can be found in pages 12 to 16 of the first PEA. Actions that would be allowed under this exception (elevation, demolition, retrofit, reconstruction) would involve in construction of less than one acre and would have negligible impacts on water quality. Actions involving construction of one acre or more would have required a storm water pollution prevention general or major construction permit from the LDEQ before their initiation. Documentation required for program eligibility determination would include proof that applicable permits were obtained. Impacts on water quality would have been negligible.
Wetlands	No	Actions that would be allowed under this exception (elevation, demolition, retrofit, reconstruction) would involve construction in already developed areas. Actions involving the fill or modification of jurisdictional wetlands would have required a Clean Water Act Section 404 wetlands permit. Actions affecting wetlands in the coast would have required coastal use permits (CUP) from Louisiana Department of Natural Resources’ Coastal Management Division (LDNR CMD). Documentation required for program eligibility determination would include proof that applicable permits were obtained. Impacts on wetlands would have been negligible.

Area of Concern	Further Analysis in this SPEA?	Reasoning
Coastal resources	No	<p>A brief description of Louisiana’s coastal permit requirements under the Coastal Zone Management Act (CZMA) can be found at page 22 of the first PEA. Actions that would be allowed under this exception (elevation, demolition, retrofit, reconstruction) would involve construction in already developed areas. A CUP from LDNR’s CMD would have been required for activities impacting wetlands in Louisiana’s coast. However, it is unlikely that permits would have been required due to the nature of the particular activities considered. Nonetheless, documentation required for program eligibility determination would include proof that applicable permits were obtained.</p> <p>No projects which are determined by the US Fish and Wildlife Service to be located within the Coastal Barrier Resources System will be approved for funding. Impacts on coastal uses and resources would have been negligible.</p>
Biological resources including threatened and endangered species and critical habitat	No	<p>All citizens are prohibited from taking threatened or endangered species without an appropriate permit. Activities such as vegetation and land clearing in suitable habitat of species have the potential to take threatened or endangered species. However, it is unlikely that the actions involved in this exception (elevation, demolition, retrofit, reconstruction) would take protected species or affect other wildlife because they involve construction within structures or areas that were already urbanized or developed. Impacts on biological resources including threatened and endangered species and critical habitat would have been negligible.</p>
Hazardous materials	No	<p>Activities associated with the demolition and handling of asbestos containing materials (ACM), components with lead-based paint, and household hazardous wastes would have followed State and Federal requirements for their appropriate handling and ultimate disposal. Hazard mitigation actions related to the acquisition of properties in areas contaminated by the release of hazardous substances would not be eligible unless applicant obtains a Certificate of Completion or a No Further Action determination from LDEQ for the property. Impacts associated with hazardous materials would have been negligible.</p>

Area of Concern	Further Analysis in this SPEA?	Reasoning
Noise	No	Construction related activities and associated equipment would produce noise. Some of these activities would occur in noise sensitive areas or near noise sensitive receptors such as neighborhoods, schools, places of worship, parks, and other areas where people congregate. However, it is assumed that construction was conducted during normal business hours and followed applicable noise ordinances. Noise impacts would have been negligible.
Public safety	No	The purpose of the hazard mitigation program is to enhance public safety by improving community resiliency to all disasters. The implementation of the proposed action or alternatives would result in the reduction of hazard risks associated with flooding, extreme wind, and earthquake events. This action will not have an effect to the existing public safety infrastructure such as medical, fire, police, and communications. Moderate positive impacts to public safety are expected.
Housing stock	No	The actions contemplated under these alternatives would affect dwellings. Although demolition of dwellings where a prospective acquisition is proposed is eligible, data received by FEMA to date shows that no project would fit this category. Therefore, no effect to housing stock is expected from the proposed action and its alternatives.
Flood risks	Yes	Minor to moderate negative and positive impacts.
Historic Properties	Yes	No effects to substantial adverse impacts. FEMA will address impacts through the implementation of the LA HMGP PA stipulations addressing the limited exception.
Low-income and minority populations	Yes	Minor negative impacts and moderate positive impacts. No disproportionate high and adverse environmental or health effects on low-income and minority populations.

4.1 Overview of projects received by FEMA to date

FEMA has conducted environmental planning and historic preservation reviews for more than 47,000 properties that were preliminarily submitted by the State as potential candidates for the HMGP funds. The list has been revised numerous times with properties being added or deleted as the State reviews eligibility and documentation.

The latest list of potential candidates for FEMA HMGP funding has 15,000 properties. These properties include properties that the state has funding for, and alternative properties that may be funded if any of the properties selected for funding drop out of the program, are determined to be duplicates from another HMGP program, or additional funding becomes available. Tables 4.2, 4.3, and 4.8 through 4.11 depict data from a universe of 18,644 projects provided by the State. This figure differs from the 15,000 figure discussed above because it includes approximately 3,644 properties that may receive funding for more than one mitigation action. For instance, a homeowner may receive funding to elevate his or her home and may receive funding to wind retrofit the same structure. The latest list of 18,644 properties submitted to FEMA contains 973 projects where work was initiated before the environmental planning and historic preservation review and before March 16, 2008 (Work in Progress [WIP] Properties) and 64 projects where work was initiated before FEMA’s review but the work started after March 16, 2008 (ARRA Properties).

Table 4-2. Number of Projects Initiated before FEMA’s Review and Approval prior to March 16, 2008 listed by Parish (Work In Progress [WIP])

Damaged Residence Parish	WIPs	Parish Percent of Total
Calcasieu	5	0.514%
Cameron	32	3.289%
Iberia	14	1.439%
Jefferson	139	14.286%
Lafourche	2	0.206%
Orleans	546	56.115%
Plaquemines	29	2.980%
Saint Bernard	57	5.858%
Saint Mary	1	0.103%
Saint Tammany	59	6.064%
Terrebonne	65	6.680%
Vermilion	24	2.467%
Totals	973	100.000%

Table 4-3. Number of Projects Initiated before FEMA’s Review and Approval after March 16, 2008 listed by Parish (ARRA Properties)

Damaged Residence Parish	Total ARRAs	Parish Percent of Total
Calcasieu	1	1.563%
Cameron	2	3.125%
Iberia	1	1.563%
Jefferson	11	17.188%
Orleans	35	54.688%
Saint Bernard	1	1.563%
Saint Mary	1	1.563%
Saint Tammany	1	1.563%
Terrebonne	7	10.938%
Vermilion	4	6.250%
Totals	64	100.000%

4.2 Past, Present, and Reasonably Foreseeable Actions

Cumulative impacts evaluation takes into account the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).” FEMA expects that the proposed action and its alternatives would have cumulative impacts on floodplains, historic properties, and minority and low-income populations when added to the major recovery work that has occurred since the Hurricanes Katrina and Rita and the work that is reasonably foreseeable to occur. FEMA does not expect that the cumulative impacts of the alternatives under this analysis would be significant. Other actions and programs FEMA considered in the impacts evaluation below include:

CDBG-funded Road Home Program

Using federal funds, Louisiana created the Road Home Homeowner Assistance Program to assist Louisianans displaced by the hurricanes. The program's principal activity has been provision of grants to homeowners who wish to repair or rebuild and reoccupy their damaged homes. As of March 24, 2011, it had given 117,744 Louisiana homeowners almost \$8 billion in grants for rebuilding. Office of Community Development, The Homeowner Assistance Program Weekly Situation and Pipeline Report Week 247, 1 (March 29, 2011) ("Weekly Situation and Pipeline Report"), <http://www.road2la.org/Docs/pipeline/week247pipeline.pdf>.

FEMA Individual Assistance

FEMA provides assistance to eligible individuals in the aftermath of a Presidential disaster declaration. This assistance takes the form of direct temporary housing assistance and grant assistance for housing-related expenses (e.g. rental, mortgage, minor repairs) and other expenses such as disaster legal services and crisis counseling. Total housing assistance provided under FEMA’s Individual Assistance to date in Louisiana as a result of Hurricane Katrina has been \$3.75 billion. Total housing assistance provided under FEMA’s Individual Assistance to date in Louisiana as a result of Hurricane Rita has been \$418 million.

FEMA Public Assistance

The Public Assistance grant program in FEMA provides disaster assistance for the restoration of public infrastructure. This could involve the repair, relocation, and replacement of these facilities as long as they incurred eligible damages, are eligible facilities, will engage in eligible work, and are proposed by eligible applicants. The total grant dollars of Public Assistance disbursed in Louisiana to date as a result of Hurricane Katrina has been \$10.2 billion. The total grant dollars of Public Assistance disbursed in Louisiana to date as a result of Hurricane Rita has been \$634 million. Examples of projects funded by FEMA's Public Assistance Program include the repair and replacement of schools, repair and replacement of healthcare infrastructure, and replacement of public housing.

FEMA Alternate Housing Pilot Program

In 2006 Congress required FEMA to create a pilot program for evaluating innovative approaches to housing solutions that would be applicable in the Gulf Coast states affected by the 2005 hurricanes. This pilot program allowed for the development and placement of housing that would be considered mid- to long-term housing. Louisiana participated in the program and allowed the placement of these housing units in the Parishes of Baton Rouge, Calcasieu, Jefferson, and Orleans. Environmental assessments for these activities can be found at <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>.

FEMA Traditional Hazard Mitigation Grant Program

FEMA provides funding for hazard mitigation actions that are cost effective and reduce the potential effect of future disasters. In addition to the types of hazard mitigation actions considered and discussed under the proposed alternatives in this SPEA, FEMA provides funding for drainage projects, wildfire mitigation, acquisition and demolition of structures, beach nourishment, and construction of community safe rooms as long as they meet all program eligibility requirements. For instance, FEMA has reviewed and approved one drainage project in Jefferson Parish (<http://www.fema.gov/library/viewRecord.do?id=4343>) and is likely to receive other major hazard mitigation projects under this program.

U.S. Army Corps of Engineers Flood Protection Systems

The United States Army Corps of Engineers (USACE) is undertaking multiple flood control projects in Louisiana. The USACE manages the Greater New Orleans Hurricane Storm Damage Risk Reduction System (GNOHSDRRS) and the Southeast Louisiana Urban Flood Control Program (SELA). During Hurricanes Katrina and Rita, surge and waves caused 50 major levee breaches in the GNOHSDRRS. Thirty-four of the city's 71 pumping stations were damaged, and 169 of the system's 350 miles of protective structures were compromised. Information on the environmental impacts for the USACE projects related to GNOHSDRRS can be found at <http://www.nolaenvironmental.gov/>. The SELA program includes both the east and west banks of the Mississippi River in Orleans and Jefferson Parishes, with an objective to reduce damages due to rainfall flooding in Orleans, Jefferson, and St. Tammany Parishes. Improvements in the drainage system in Orleans Parish support the master drainage plan for the parish and generally provide flood protection on a level associated with a ten-year rainfall event, while also reducing damages for larger events.

The GNOHSDRRS and SELA projects would provide additional flood protection for southeastern Louisiana, which would ultimately encourage new development, restoration, and/or redevelopment within Jefferson and Orleans Parishes. The GNOHSDRRS and SELA projects would provide indirect beneficial cumulative effects to land use, cultural resources, and socioeconomics by lowering insurance rates, creating new jobs and services, and protecting existing cultural resources from storm surge and flooding.

A list of other construction projects by the USACE in Louisiana can be found at <http://www.mvn.usace.army.mil/pd/projectslist/projectList.asp?projectType=CG>.

Small Business Loans

The Small Business Administration (SBA) provides disaster assistance in the form of low-interest loans to survivors of Presidentially-declared disasters. Recipients of this form of financial assistance include businesses, non-profit organizations, and homeowners. This assistance may be used for the repair of their damaged structures. To date the SBA has approved close to \$6.4 billion dollars in homeowner assistance loans for the Hurricane Katrina disaster in Louisiana and \$440 million dollars for the Hurricane Rita disaster.

4.3 Flood Risks

4.3.1 Current Conditions

A brief description of the nature of Louisiana’s floodplains can be found on page 17 of the first PEA for the HMGP Program Exception. Table 4-4 summarizes the current status of Digital Flood Insurance Rate Maps (DFIRM) availability for the state of Louisiana.

Table 4-4. Louisiana Preliminary and Effective DFIRM Status Report

Parish	Preliminary or Effective Status	Date	Parish	Preliminary or Effective Status	Date
Acadia	Effective	11/26/2010	Livingston	Preliminary	01/31/2008
Allen	Effective	03/17/2011	Madison	Preliminary	11/24/2009
Ascension	Effective	08/16/2007	Morehouse	Preliminary	01/25/2010
Assumption	Preliminary	07/20/2009	Natchitoches	Preliminary	05/21/2009
Avoyelles	Preliminary	09/30/2009	Orleans	Preliminary	11/13/2008
Beauregard	Effective	11/26/2010	Ouachita	Preliminary	08/07/2009
Bienville	Effective	07/03/2006	Plaquemines	Preliminary	10/30/2008
Bossier	Effective	09/26/2008	Pointe Coupee	Preliminary	05/29/2009
	Preliminary*	01/31/2011	Rapides	Preliminary	07/31/2007
Caddo	Effective	04/06/2000	Richland	Preliminary	11/23/2009
Calcasieu	Effective	02/18/2011	St. Bernard	Preliminary	10/30/2008
Caldwell	Preliminary	01/07/2011	St. Charles	Preliminary	10/30/2008
Cameron	Preliminary	03/28/2008	St. Helena	Preliminary	03/14/2011
Concordia	Preliminary	01/21/2010	St. James	Effective	07/04/2011
DeSoto	Effective	12/16/2003	St. John the Baptist	Effective	11/04/2010

Parish	Preliminary or Effective Status	Date	Parish	Preliminary or Effective Status	Date
East Baton Rouge	Effective	05/02/2008	St. Landry	Effective	08/05/2010
	Preliminary*	11/20/2010	St. Martin	Effective	11/04/2010
East Feliciana	Preliminary	07/31/2009	St. Mary	Preliminary	03/31/2008
Evangeline	Effective	09/03/2010	St. Tammany	Preliminary	04/30/2008
Franklin	Preliminary	11/20/2009	Tangipahoa	Effective	07/22/2010
	Effective	09/02/2011	Terrebonne	Preliminary	07/30/2008
Iberia	Preliminary	02/19/2008	Union	Effective	07/04/2011
Iberville	Preliminary	09/30/2008	Vermilion	Effective	01/19/2011
Jefferson	Preliminary	10/30/2008	Vernon	Effective	03/03/2011
Jefferson Davis	Effective	07/22/2010	Washington	Effective	12/03/2009
Lafayette	Preliminary	09/28/2007	Webster	Effective	03/02/2010
Lafourche	Preliminary	07/30/2008	West Baton Rouge	Preliminary	12/09/2008
Lincoln	Effective	04/02/2009			

*Revised preliminary maps for partial parish. Only selected DFIRM panels have been revised, as necessary.

Although a particular parish may not have adopted their preliminary DFIRMs, FEMA uses preliminary DFIRM data because it is the best available data. The basis of FEMA's Flood Insurance Studies (FIS) and FIRMs is the 1% chance of flooding on any given year (100-year base flood). This is a probabilistic study that takes into account hydrology and hydraulic analyses based on historical hydrologic data and current land characteristics. FEMA's studies do not take into account future conditions such as future land use and land cover changes within a community or changes in future geophysical conditions such as soil subsidence, rate of coastal erosion, or those related to climate change (e.g. sea level rise, precipitation, frequency and severity of severe weather events such as storms and hurricanes). As a result, the FIS and FIRMs represents the base flood elevations (BFE) and the special flood hazard area (SFHA) and probabilistic flood hazard situation at the time the study is made and does not reflect future changes in base flood elevation, special flood hazard area, and probabilistic flood hazard conditions as a result of changes in the underlying assumptions (i.e. average precipitation, changes in impervious surfaces, frequency of wet weather events, erosion). This scenario is of particular relevance in Louisiana. The degradation and significant reduction in wetland areas in the State, along with high coastal erosion rates, rate of soil subsidence, and potential changes in the frequency and severity of storms and sea level rise as a result of climate change have resulted in an increase in the flood risks in the State, especially in the coastal parishes.

Coastal resources, such as wetlands and barrier shoreline habitats, and coastal construction practices play a key role in reducing the impacts of storms and sea level rise in southern Louisiana. President Obama's Administration has taken concerted efforts to address and improve resiliency of coastal communities in the Gulf Coast. Examples of these efforts include the issuance of Executive Order Gulf Coast Ecosystem Task Force, the creation of the Louisiana-Mississippi Gulf Coast Ecosystem Restoration Working Group, and the Roadmap for Restoring Ecosystem Resiliency and Sustainability. FEMA's implementation of hazard mitigation initiatives in Louisiana, such as those supported by the HMGP, take these efforts into account.

FEMA recognizes that elevation to the base flood elevation or protection of properties through the NFIP minimum standard alone would not reduce the flood risks to properties in Louisiana to the lowest degree possible. In light of this realization, the Agency adopted a more stringent standard for its pilot reconstruction hazard mitigation actions in the Gulf Coast. FEMA's requirements for the HMGP pilot reconstruction require properties to be designed and constructed to the minimum standard established by the 2003 International Building Code (IBC) unless a subsequent edition of the IBC is adopted by the governing jurisdiction. Louisiana has adopted the IBC which incorporates ASCE 24-05 by reference.

4.3.2 Environmental Impacts

Alternative 1: No Action

FEMA would continue with the approach selected in January 2008. In addition to properties that followed the normal review and approval process FEMA would extend eligibility to those residential properties where the homeowner initiated otherwise eligible work without FEMA's approval before March 16, 2008. This analysis assumes that otherwise eligible hazard mitigation actions have already occurred.

Hazard mitigation actions associated with retrofits, elevations, and reconstruction for properties in the floodplain have extended the life of the structure and maintained the occupancy of the floodplain. The properties would remain at risk of flooding in events that exceed the 1% chance of flooding in any given year. In addition, without adequate and effective communication homeowners may believe that they and their properties are safe from future flooding given the hazard mitigation activities that they have employed. Because the activities already occurred, FEMA would not have the opportunity to review the actions in light of the Agency's responsibilities in Executive Order 11988 and 44 CFR Part 9 and determine if alternatives existed outside the floodplain or whether more stringent minimization measures were needed. However, the number of properties in this group is limited to a small number (less than 10% of the expected total number of properties) and program eligibility review would ensure that the minimum program requirements regarding flood risk were adopted.

Hazard mitigation actions related to acquisition and relocation outside the floodplain would have moderate beneficial impacts to the floodplain by restoring the natural beneficial values of floodplains. It would also reduce floodplain occupancy and minimize potential loss of life and property.

Under this alternative FEMA would have made ineligible substantial improvements in the floodway and new construction coastal high hazard areas (V zones).

As a result FEMA expects that these projects would have minor impacts from floodplain occupancy.

Alternative 2: Proposed Action

This alternative would have similar impacts than the no action alternatives. This alternative would marginally increase the number of eligible properties where hazard mitigation actions

occurred prior to FEMA's review and approval. FEMA expects this number to be small compared to the expected total number of properties that will be ultimately funded under the program. As of today, FEMA expects to fund less than 10% of the total properties under the limited exception.

Percent funded = [(properties with work initiated before March 16, 2008 + properties with work initiated after March 16, 2008) ÷ total number of properties to be funded] x 100

$$= [(64 + 973) \div 15,000] \times 100 = 6.9\%$$

FEMA expects the impacts of this action to be minor due to the marginal addition of properties when compared to the overall number of properties likely to be funded and the hazard mitigation eligibility requirements that require protection to at least the 1% chance of flooding on any given year.

Alternative 3: Extension of limited program exception to a future date

This alternative would have similar impacts than the no action and proposed action alternatives. This alternative would increase the number of eligible properties where hazard mitigation actions occurred prior to FEMA's review and approval when compared to the no action alternative but the final number could be less than the proposed action alternative. At this time FEMA does not know how many properties would fall under this scenario.

FEMA expects the impacts of this action to be minor due to the marginal addition of properties when compared to the overall number of properties likely to be funded and the hazard mitigation eligibility requirements that require protection to at least the 1% chance of flooding on any given year.

4.4 Historic Properties

4.4.1 Current Conditions

A recent search of the database maintained by the National Park Service (NPS) and the Louisiana State Historic Preservation Office (SHPO) shows 138 historic districts, 1,340 individual structures, and 37 archaeological sites listed in the NRHP as well as 54 National Historic Landmarks throughout the State. Additionally, local historic preservation ordinances also recognize historic buildings, districts, sites, structures, and objects. Many buildings, older neighborhoods, sites, or objects are likely to meet the definition of a historic property and be subject to consideration under NEPA, or meet NRHP criteria and additionally be subject to the NHPA Section 106 review process.

A number of federally recognized Indian tribes once occupied and continue to occupy the lands within the State, and it is anticipated that undertakings in the area may affect historic resources that have religious or cultural significance to these tribes. Federally recognized Indian tribes that may have interest in properties located in a project area include the Tribes that participated in the LA HMGP PA (ACTT, CTL, CNO, JBCI, MBCI, and STF), and the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Caddo Nation (CN), Coushatta Tribe of Louisiana (CT), and the Tunica Biloxi Tribe of Louisiana (TBTL).

In 2004, FEMA entered into a statewide Programmatic Agreement (PA) with the Louisiana SHPO, GOHSEP, and ACHP (LA Statewide PA) to tailor and streamline the compliance process FEMA would follow to meet its Section 106 responsibilities for FEMA-funded and assisted undertakings. The LA Statewide PA outlines review protocols for certain categories of undertakings. In 2009, this Statewide PA was revised to reflect the needs and concerns of the previously mentioned federally recognized tribes and to further streamline Section 106 reviews for undertakings in Louisiana.

On December 12, 2007 FEMA, ACHP, GOHSEP, the Louisiana SHPO, the Mississippi Emergency Management Agency, the Mississippi SHPO, and MBCI executed the Gulf Coast HMGP PA to address FEMA's limited exception for the HMGP in Louisiana and Mississippi. The Gulf Coast HMGP PA called for the negotiation and execution of State-specific Programmatic Agreements to address the adverse effects on historic properties of the implementation of the HMGP limited exception in each particular state. FEMA intended to negotiate and execute a State-specific PA in Louisiana to address all HMGP actions, including those hazard mitigation actions allowed under the limited program exception. However, it was not until April 2010 that FEMA, GOSHEP, and the interested consulting parties were able to enter into negotiation for this PA due to the lack of project-specific information on the projects associated with the limited HMGP exception. The Gulf Coast HMGP PA was amended on October 8, 2010 in order to take into account the ARRA provision.

The Louisiana SHPO, ACHP, ACTT, CTL, CNO, JBCI, MBCI, STF, and other signatories have executed a State-Specific Programmatic Agreement under Section 106 of the NHPA to address the adverse effects of the HMGP Program Exception on historic properties. The stipulations in the LA HMGP PA address the limited exception which made eligible (1) any hazard mitigation actions that were otherwise eligible and started before January 15, 2008 and (2) otherwise eligible hazard mitigation actions associated with commercial and residential properties that were initiated before March 16, 2008 (i.e. the no action alternative in this SPEA). They also address the proposed action under this SPEA of (3) eliminating the March 16, 2008 limitation for otherwise eligible residential hazard mitigation actions taken by homeowners without prior FEMA review and approval. Specifically, the stipulations for addressing these three allowances call for:

- Funding specified treatment measures in the amount no less than 1% but not more than 2% of the HMGP actual obligated monies for residential hazard mitigation actions as well as any commercial or PNP facilities hazard mitigation actions meeting the limited HMGP exception that was made available as a result of Hurricanes Katrina and Rita;
- For hazard mitigation projects specific to properties located within, adjacent to, or within 100 meters of the boundaries of an archeological site recorded with the SHPO and previously determined as National Register of Historic Places (NRHP) eligible or of undetermined eligibility, treatment measures will include Standard Treatments Measures such as preservation in place initiatives or data recovery plans, treatment measures negotiated through Project Specific Memoranda of Agreement, or treatment measures listed below;
- Funding of a SHPO-FEMA Liaison position to assist FEMA with carrying out its Section 106 review responsibilities under the NHPA;

- Implementation of an Interagency Agreement (IAA) between GOHSEP and SHPO for a Community Education and Outreach program funded by GOHSEP that includes:
 - A minimum of four (4) public workshops pertinent to historic property homeowners to address historic features and design and how they relate to “green issues,” and techniques and design options for retrofitting historic properties to reduce the risk of future disasters while retaining character-defining architectural features.
 - Subject to availability of funding, the implementation of a Mitigated Virtual Demonstration Home initiative that would demonstrate the use of historically-compatible design and construction means and methods for residential hazard mitigation and rehabilitation using “green” products, while retaining the historic features of a historic property,
 - Community outreach efforts centered around Louisiana’s archeological resources including
 - A web-based framework for public information about Louisiana’s archeology,
 - Teaching modules for teachers,
 - Fifteen (15) to twenty (20) essays discussing topics in Louisiana archeology for inclusion in KnowLA, a Louisiana Endowment for the Humanities project to develop a comprehensive web-based encyclopedia of terms, people, events, etc. important in Louisiana;
- GOHSEP’s update to the State Multi-hazard Mitigation Plan to include cultural resources and historic preservation topics;
- FEMA-funded analysis and report of eleven (11) existing excavated archeological collections which will follow reporting and curation guidelines from Louisiana’s Division of Archeology and which will be incorporated in the outreach efforts funded by GOHSEP;
- FEMA-funded scanning and digitization of up to 150,000 forms of SHPO’s Standing Structure Surveys and National Register files;
- Creation by FEMA of a GPS-based resource-level inventory (with geospatially referenced attribute data and associated photographs) and resurvey of seven (7) National Register Historic Districts (NRHD) (Uptown, Esplanade Ridge Extension, Holy Cross & Extensions, Bywater & Extensions, Irish Channel, Gentilly Terrace, and South Lakeview);
- Preparation by FEMA in consultation with SHPO of a formal nomination of Edgewood Park as a NRHD; and
- Systematic survey by FEMA of up to 1,000 acres of City Parks within the City of New Orleans, Orleans Parish, and up to 1,000 acres of Fountainebleau State Park in St. Tammany Parish to identify presence or absence of cultural resources on publicly accessible lands. Survey, evaluation, reporting, and curation of artifacts shall follow guidelines from Louisiana’s Division of Archeology.

The LA HMGP PA, which can be found in Appendix A is incorporated into this document by reference.

4.4.2 Environmental Impacts

Alternative 1: No Action

Under this alternative project proponents have already undertaken hazard mitigation activities. These activities may have caused no adverse effects to substantial adverse effects on historic properties depending on the presence of historic properties in the Area of Potential Effects (APE) of each individual action. For example, actions taken where there were no historic properties in the vicinity of the APE for the action would have no effects on historic properties. Actions such as elevation, demolition, or reconstruction of a historic property; elevation, demolition, or reconstruction in historic districts; or other hazard mitigation actions, such as retrofits, affecting the character defining features of a historic property are examples of actions that would have adverse effects on historic properties.

Generally, all project types considered in this SPEA have the potential to affect historic properties where the project:

- Involves a building, structure, site, or object that is at least 50 years of age or properties listed or eligible for listing in the NRHP; or
- Takes place within or adjacent to the boundaries of NRHP-listed or eligible Historic District

FEMA's inability to review projects with the potential to affect historic properties on a project-by-project basis prior to project initiation precluded FEMA's opportunity to comply with Section 106 of the NHPA in accordance with 36 CFR §800.14(b). Although project proponents would have been required to comply with State laws, such as the Louisiana Archaeological Treasure Act, and local ordinances protecting historic properties and archaeological sites, there may have been historic properties that should have been considered under Section 106 of the NHPA and would have not been taken into account under State law or local ordinance. For example, Section 106 applies not only to resources that are listed in the NRHP but also NRHP-eligible properties, as determined by FEMA, including properties of religious and cultural importance to Indian tribes.

Adverse effects to these resources may have been avoided or minimized if FEMA had completed review under Section 106 of NHPA before these projects were initiated. FEMA would have worked with the project proponent to modify the project, if needed, in a manner that accounted for historic properties. As a result of these consultation efforts, FEMA would have established grant conditions to avoid or mitigate for adverse effects on historic properties, such as ensuring that modifications to historic properties met the Secretary of Interior Standards, or monitoring and documenting potential or known archaeological sites. Some of the changes may have altered the cost of the project and could have impacted its design. These additional costs, under certain circumstances, may have become eligible for funding. Implementing these measures would have allowed FEMA to ensure that all its funds were used in a manner that, to the extent practical, did not adversely affect historic properties.

The stipulations agreed to in the LA HMGP PA will resolve the adverse effects on historic properties of the limited exception. This alternative incorporates these stipulations as mitigation measures and conditions of the action. As a result, no significant impacts on historic properties are expected.

Section 110(k) of the NHPA states:

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106 of this Act, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.

FEMA evaluated whether Section 110(k) was triggered by the homeowners taking these actions. The Hurricanes overwhelmed the Grantee's and applicants' ability and capacity to place controls to avoid the initiation of projects before FEMA review and approval and effectively communicate the consequences of such actions. Property owners were left in a position where they needed to move forward after two years from the Hurricanes independently of the availability of FEMA HMGP funds. The actions were undertaken through the use of private funds, loans, insurance proceeds, and Community Development Block Grant (CDBG) compensation assistance. These otherwise eligible hazard mitigation actions by homeowners were not initiated in contemplation of the receipt of HMGP funds and would have been initiated regardless of the availability of these funds. Thus, FEMA has determined that there was no intent on the part of the project proponents to circumvent the consultation requirements outlined in Section 106 of NHPA and its implementing regulations at 36 CFR Part 800.

Alternative 2: Proposed Action

This alternative may result in a higher number of projects that have the potential to adversely affect historic properties than the no action alternative. The data provided by OCD indicates that about 64 additional properties fit this alternative. FEMA has not determined the potential for adverse effect on historic properties of this group.

As mentioned in Section 4.2.1, the LA HMGP PA takes into account the adverse effects of this alternative.

As with the No Action Alternative, work that was initiated by property-owners prior to FEMA historic preservation review under this Alternative precluded FEMA's opportunity to comply with Section 106 of the NHPA without further consultation with the ACHP, LA SHPO, and other consulting parties to outline a modified Section 106 review process in accordance with 36 CFR §800.14(b) of the ACHP's regulations. Section 106 applies not only to resources that are listed in the NRHP but also NRHP-eligible properties, as determined by FEMA, including properties of religious and cultural importance to Indian tribes. Effects on these resources may have been avoided or minimized if FEMA had completed review under Section 106 of NHPA and its implementing regulations, 36 CFR Part 800, before these projects were initiated. FEMA would have worked with the project proponent to modify the project, if needed, in a manner that

accounted for historic properties. As a result of these consultation efforts, FEMA would have established grant conditions to avoid, minimize, or mitigate for adverse effects on historic properties, such as ensuring that modifications to historic properties met the Secretary of Interior Standards, or monitoring and documenting potential or known archaeological sites. Some of the changes may have altered the cost of the project and could have impacted its design. These additional costs, under certain circumstances, may have become eligible for funding. Implementing these measures would have allowed FEMA to ensure that its funds were used in a manner that, to the extent practical, did not adversely affect historic properties.

The stipulations agreed to in the LA HMGP PA will resolve the adverse effects on historic properties of the limited exception. This alternative incorporates these stipulations as mitigation measures and conditions of the action. As a result, no significant impacts on historic properties are expected.

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Alternative 3: Extension of limited program exception to a future date

This alternative would have similar impacts than the no action and proposed action alternatives. This alternative would increase the number of eligible properties where hazard mitigation actions occurred prior to FEMA's review and approval when compared to the no action alternative but the final number would be less than the proposed action alternative. At this time FEMA does not know how many properties would fall under this scenario.

The LA HMGP PA takes into account the adverse effects of this alternative. The stipulations agreed to in the LA HMGP PA will resolve the adverse effects on historic properties of this alternative. As a result, no significant impacts on historic properties are expected.

FEMA evaluated whether Section 110(k) was triggered by the homeowners taking these actions. The Hurricanes overwhelmed the Grantee's and applicants' ability and capacity to place controls to avoid the initiation of projects before FEMA review and approval and effectively communicate the consequences of such actions. Property owners were left in a position where they needed to move forward after two years from the Hurricanes independently of the availability of FEMA HMGP funds. The actions were undertaken through the use of private funds, loans, insurance proceeds, and CDBG compensation assistance. These otherwise eligible hazard mitigation actions by homeowners were not initiated in contemplation of the receipt of HMGP funds and would have been initiated regardless of the availability of these funds. Thus,

FEMA has determined that there was no intent on the part of the project proponents to circumvent the consultation requirements outlined in Section 106 of NHPA and its implementing regulations at 36 CFR Part 800.

4.5 Impacts to Low-Income and Minority Populations

4.5.1 Current Conditions

Regulatory Framework

Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority and Low-Income Populations requires federal agencies to identify and correct its programs, policies, and activities that have disproportionately high and adverse human health or environmental effects on minority or low-income populations. The E.O. also tasks federal agencies with ensuring that public notifications regarding environmental issues are concise, understandable, and readily accessible. The general purposes of E.O. 12898 are as follows:

- To focus the attention of federal agencies on human health and environmental conditions in minority communities and low-income communities with the goal of achieving environmental justice;
- To foster nondiscrimination in federal programs that substantially affect human health or the environment;
- To give minority communities and low-income communities greater opportunities for public participation in, and access to, public information on matters relating to human health and the environment.

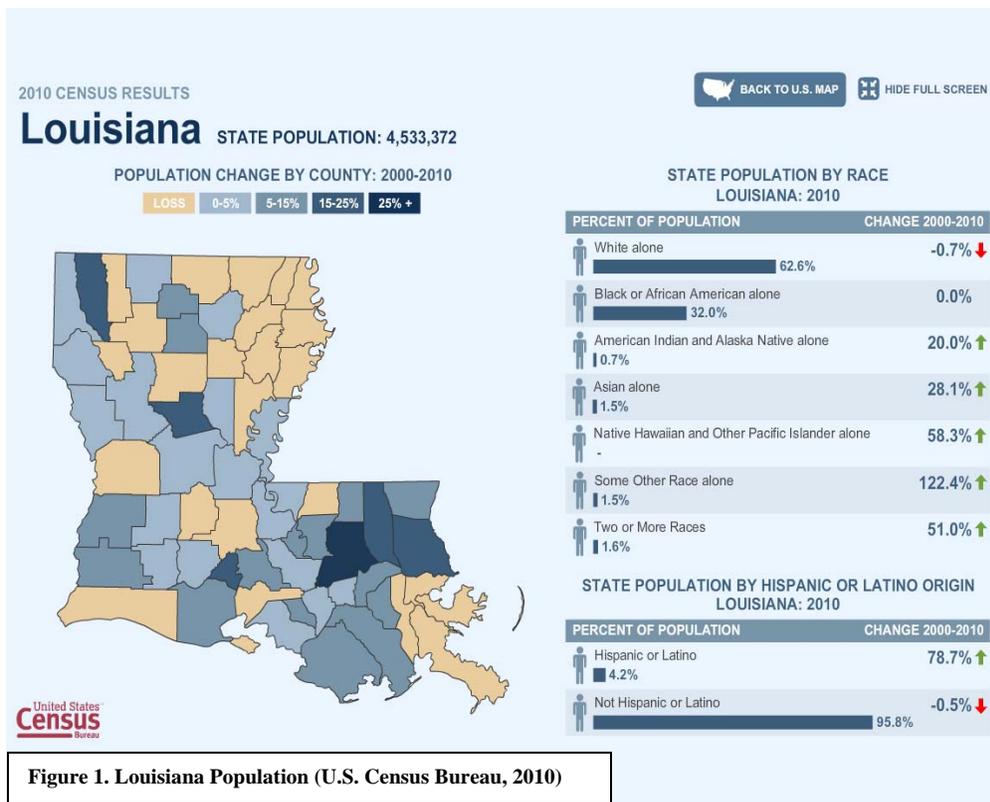
Potential environmental justice impacts are evaluated by analyzing the socioeconomic makeup of the community where a project is proposed to be located. If a proposed project will cause disproportionate high and adverse impacts on low-income or minority populations, mitigation measures will be required.

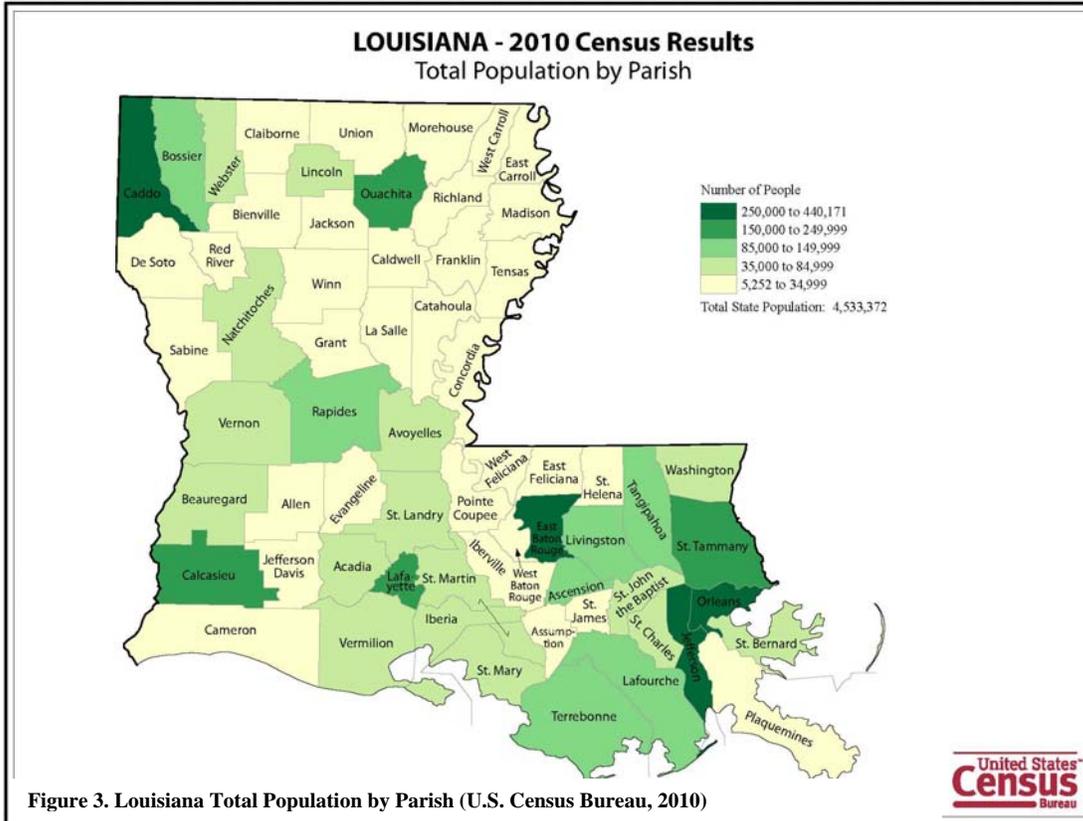
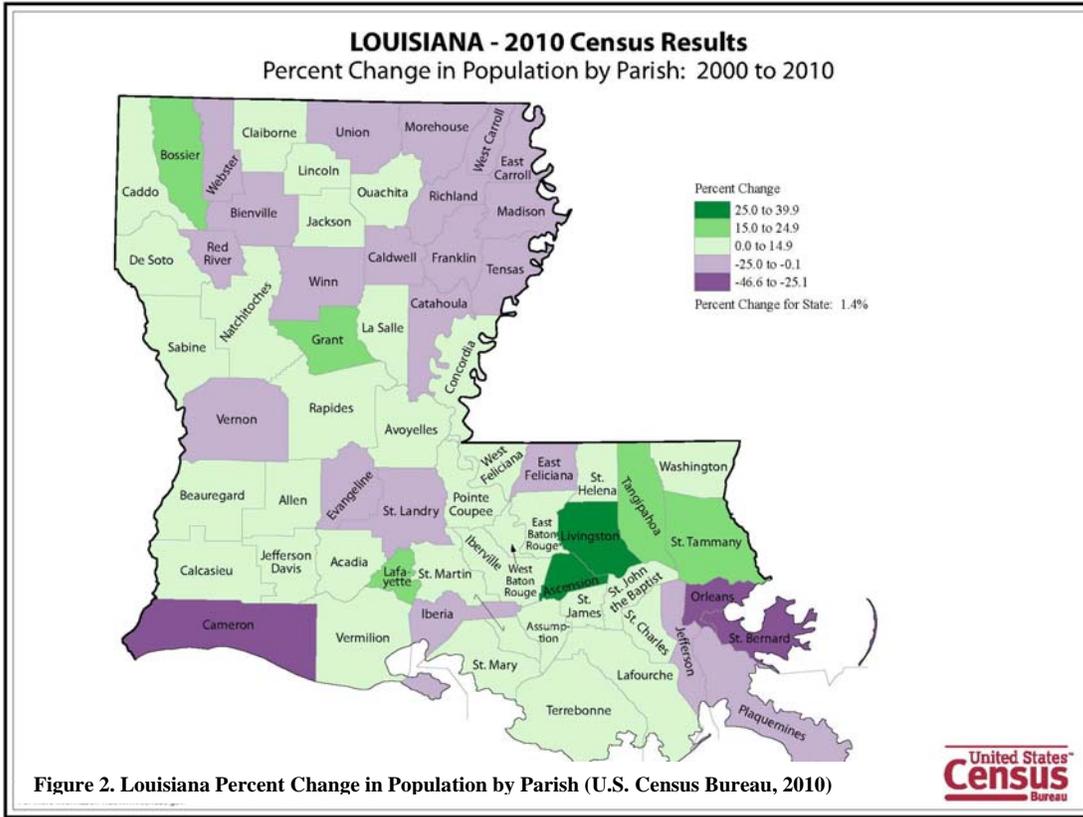
Title VI of the Civil Rights Act of 1964 declares it to be the policy of the United States that discrimination on the grounds of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance. It is FEMA's policy to ensure that the civil rights of all persons receiving services or benefits from agency programs and activities are protected. Section 308 of the Stafford Act requires FEMA to issue regulations to ensure that no person shall, on the grounds of race, color, national origin, sex, religion, age, disability, English proficiency or economic status, be denied the benefits of, be deprived of participation in, or be discriminated against in any program or activity receiving financial assistance from FEMA. 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. All personnel carrying out federal major disaster or emergency assistance functions, including the distribution of supplies, the processing of the applications, and other relief and assistance activities, shall perform their work in an equitable and impartial manner without discrimination. These prohibitions extend to all entities receiving federal financial assistance from the Agency, including state and local governments, Indian tribal

governments, educational institutions, and any organization of any type obtaining benefits through the Mitigation Programs.

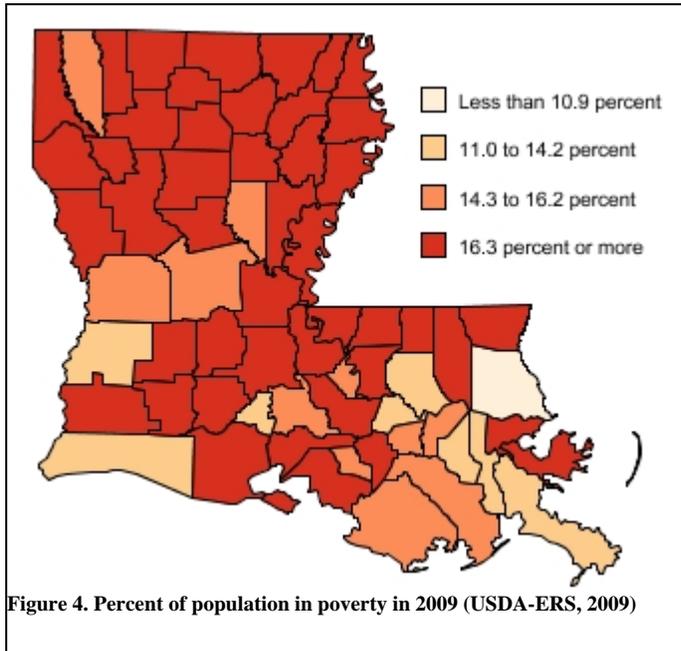
General State Demographics

The 2010 U.S. Census data shows Louisiana with a population of 4,533,372 of which 75% (3,380,738) are in urban areas and 25% (1,152,634) are in rural areas. Of the total population of Louisiana, 63% is white and 37% is non-white. Four percent (4%) of the overall population identified itself as having Hispanic or Latino origin. Twenty-four Parishes experienced population loss in the last decade. Orleans, St. Bernard, and Cameron experienced the most substantial reduction in population. Ascension and Livingston Parishes experienced the most substantial increases in population. See Figures 1, 2, and 3.





In 2000, 19.6% of the population and 15.8% of families in Louisiana were living below the poverty level compared to 12.4% of the U.S. population and 9.4% of U.S. families (U.S. Census, 2000). The 2010 Census income data is not yet available but 2009 estimates from the U.S. Census Bureau’s Small Area Income and Poverty Estimates program indicate that in 2009 the total population living below the poverty level in Louisiana was 17.6%. Dividing this number into urban and rural areas shows that 16.2% of the urban population and 21.8% of the rural population are living below the poverty level in Louisiana (USDA ERS, Louisiana Fact Sheet, 2011), see Figure 4.



The CDBG-Funded Program and Disparate Impacts

In 2008, PolicyLink, a non-profit organization, conducted a study evaluating the administration of Louisiana’s Road Home program and how it affected low-income and African American renters and homeowners. (K. Rose et al., 2008). This study is incorporated by reference into this environmental assessment and can be accessed at <http://policylink.info/threeyears/late/>. The study found that on average African American grant recipients received larger Road Home grants than white recipients in the Homeowner Assistance program. However, it also found that the difference or gap between the actual cost to rebuild and total resources available to the homeowner for rebuilding was on average wider for African American recipients (\$39,082) than for white grant recipients (\$30,863). Total resources available for rebuilding was defined as funding available to the owner for rebuilding in place including Road Home grants, insurance (flood, wind, and homeowners), FEMA Individual Assistance grants, and other funds (excluding Small Business Administration loans).

One of the areas evaluated was the Road Home Homeowner Assistance program’s formula that takes into account the pre-storm home value for limiting the recipient’s total grant amount. The study found that African American and low-income households in Louisiana had lower pre-storm home values than average for closed Road Home grants. Other findings of the PolicyLink study include:

- (1) low-income and African American Louisiana recipients on average had less available resources for rebuilding than any other demographic group;
- (2) low-income and African American households had less insurance on average than any other demographic group;
- (3) families that had sufficient insurance (flood, wind, and homeowners) and those that could rely on their own assets generally moved into repair mode during the first year after the disaster;
- (4) homeowners who depended solely on Road Home grants were predominately low-income and African American homeowners; and
- (5) homeowners who depended solely on Road Home grants to initiate their work bore a greater burden than those who had other resources mainly due to the grant administration requirements such as documentation production deadlines and appeals processes.

The Road Home program created a special grant with a cap of \$50,000, called Additional Compensation Grant (ACG), to cover differences between cost-to-rebuild and the amount of compensation received. This grant was available to homeowners that earn less than 80% of area median income. In 2009, Louisiana removed the \$50,000 cap of the ACG. This had the effect of removing the pre-storm home value cap in Road Home Homeowner Assistance grant formula for mid- to low- income households.

In November 2008, two fair housing organizations in New Orleans and five African American homeowners challenged the Road Home program in the U.S. District Court for the District of Columbia under the antidiscrimination provisions in Title VII of the Fair Housing Act. The plaintiffs sued OCD and HUD claiming that the Road Home Homeowner Assistance program had disparate impacts because it used pre-Katrina house values as a grant ceiling and African American homeowners who tend to live in New Orleans neighborhoods had lower property values than those predominately white neighborhoods. In 2010 the district court granted one of the plaintiff's preliminary injunction requests against the use of the pre-storm home value to limit the grants holding that there was a likelihood of success on the merits of the claim.

In March 2011, the U.S. Court of Appeals for the District of Columbia Circuit reversed holding that the applicant had not shown a likelihood of success on the merits. The court established that in the event that disparate impacts would apply, its focus would be on the formula as a whole due to its statewide application. The court reasoned that looking only into one particular element (i.e. use of pre-storm home values) would ignore the offset that other elements of the formula could have (e.g. lack of insurance for low-income households would allow for higher total grant dollars). The court also reasoned focusing on the application of a statewide formula to one particular geographic unit was also inappropriate because the underlying socioeconomic profile of that geographic unit would invariably influence the result even if the formula clearly had non-disparate racial effects. The court rejected the use of the resource gap as a benchmark to determine disparate effects and indicated that a better benchmark for evaluation could be the

total value grants received or the value of grants as a proportion to the grantee’s uncompensated losses. In the court’s view the study demonstrated that the program had no disparate effects since it found that on average African American grant recipients received larger Road Home grants than white recipients. The court went on to say that even under the rejected benchmark of the resource gap the plaintiffs would fail to show that the program had disparate effects because the 2009 removal of the \$50,000 cap in the ACG allowed more funds to low-income and African American homeowners to cover this gap.

FEMA asked OCD for information on the socioeconomic distribution of assistance under the CDBG Road Home program for purposes of cumulative impacts evaluation. Of the 128,476 grants provided to date 55,147 (43%) were provided to low to moderate income individuals and 60,005 (47%) were provided to minority individuals. The tables below summarize the information provided by the State:

Table 4-5. Grants Provided under CDBG Road Home by Parish

Damaged Residence Parish	Option 1: Rebuild/repair	Option 2: Purchase another home in Louisiana	Option 3: Sale of home and move out of State	Total Count	Parish Percent of Total
Acadia	290	2		292	0.227%
Allen	488	11	1	500	0.389%
Ascension	143			143	0.111%
Assumption	208			208	0.162%
Beauregard	933	10		943	0.734%
Calcasieu	12,629	104	6	12,739	9.915%
Cameron	1,545	126	2	1,673	1.302%
East Baton Rouge	178	1	1	180	0.140%
East Feliciana	27	1		28	0.022%
Evangeline	53			53	0.041%
Iberia	1,020	16	1	1,037	0.807%
Iberville	55	1		56	0.044%
Jefferson	24,632	134	29	24,795	19.299%
Jefferson Davis	849	12		861	0.670%
Lafayette	113	2		115	0.090%
Lafourche	790	6	1	797	0.620%
Livingston	213	3		216	0.168%
Orleans	41,143	3,552	1,506	46,201	35.961%
Plaquemines	2,888	239	21	3,148	2.450%
Pointe Coupee	14			14	0.011%
Sabine	30			30	0.023%
Saint Bernard	7,857	3,739	700	12,296	9.571%
Saint Charles	973	3	1	977	0.760%
Saint Helena	268	2		270	0.210%
Saint James	367			367	0.286%

Damaged Residence Parish	Option 1: Rebuild/repair	Option 2: Purchase another home in Louisiana	Option 3: Sale of home and move out of State	Total Count	Parish Percent of Total
Saint Landry	158	6		164	0.128%
Saint Martin	102	3		105	0.082%
Saint Mary	839	4		843	0.656%
Saint Tammany	10,870	135	30	11,035	8.589%
St John The Baptist	1,217			1,217	0.947%
Tangipahoa	1,499	6	1	1,506	1.172%
Terrebonne	2,467	47	1	2,515	1.958%
Vermilion	1,612	49	3	1,664	1.295%
Vernon	141	2		143	0.111%
Washington	1,314	13	1	1,328	1.034%
West Baton Rouge	13			13	0.010%
West Feliciana	4			4	0.003%
Totals	117,942	8,229	2,305	128,476	100.000%

Table 4-6. Grants Provided under CDBG Road Home by Race

Race	Closings	Percentage of Total
American Indian/Alaska Native	522	0.41%
American Indian/Alaska Native and White	384	0.30%
American Indian/Alaskan Native/Black-African American	297	0.23%
Asian	2,127	1.66%
Asian and White	212	0.17%
Black/African American	52,865	41.15%
Black/African American and White	910	0.71%
Native Hawaiian/Other Pacific Islander	134	0.10%
Other Multi-Racial	2,554	1.99%
White	50,966	39.67%
A Race was not provided	17,505	13.63%
Totals	128,476	100.00%

Table 4-7. Grants Provided under CDBG Road Home to Low- to Moderate-Income (LMI) Families by Parish

Damaged Residence Parish	Option 1: Rebuild/repair	Option 2: Purchase another home in Louisiana	Option 3: Sale of home and move out of State	Totals by Parish	Parish Percent of Total
Acadia	170	1		171	0.31%
Allen	220	8		228	0.41%
Ascension	91			91	0.17%
Assumption	136			136	0.25%
Beauregard	401	7		408	0.74%
Calcasieu	4,273	82	3	4,358	7.90%
Cameron	594	62		656	1.19%
East Baton Rouge	90	1	1	92	0.17%
East Feliciana	18	1		19	0.03%
Evangeline	30			30	0.05%
Iberia	479	7		486	0.88%
Iberville	37			37	0.07%
Jefferson	8,141	70	11	8,222	14.91%
Jefferson Davis	296	11		307	0.56%
Lafayette	66	2		68	0.12%
Lafourche	464	5	1	470	0.85%
Livingston	149	3		152	0.28%
Orleans	19,747	1,955	647	22,349	40.53%
Plaquemines	1,756	129	7	1,892	3.43%
Pointe Coupee	9			9	0.02%
Sabine	20			20	0.04%
Saint Bernard	3,679	1,480	271	5,430	9.85%
Saint Charles	405	2	1	408	0.74%
Saint Helena	208	2		210	0.38%
Saint James	195			195	0.35%
Saint Landry	92	5		97	0.18%
Saint Martin	67	3		70	0.13%
Saint Mary	519	4		523	0.95%
Saint Tammany	3,587	71	12	3,670	6.65%
St John The Baptist	570			570	1.03%
Tangipahoa	967	5		972	1.76%
Terrebonne	1,429	31		1,460	2.65%
Vermilion	613	20		633	1.15%
Vernon	51	1		52	0.09%
Washington	633	11	1	645	1.17%
West Baton Rouge	8			8	0.01%

Damaged Residence Parish	Option 1: Rebuild/repair	Option 2: Purchase another home in Louisiana	Option 3: Sale of home and move out of State	Totals by Parish	Parish Percent of Total
West Feliciana	3			3	0.01%
Totals	50,213	3,979	955	55,147	100.00%

Distribution of HMGP Funds

The latest list of projects provided by the State reveals that about 50% of the grants would be awarded to low to moderate income individuals and about 57% of the grants would be awarded to minority individuals. Of the projects identified as initiated before FEMA’s review and approval before March 16, 2008, 48% are from low to moderate income individuals and about 39% are from minority individuals. Of the projects identified as initiated before FEMA’s review and approval after March 16, 2008, 53% are low to moderate income families and 51% are minority individuals. The tables below summarize the socioeconomic distribution of the projects submitted to FEMA for its consideration under this HMGP initiative.

Table 4-8. Socioeconomic Distribution of HMGP Projects

Project List Socioeconomic Data Summary		
Self Certified Low to Moderate Income (LMI)	# of Grants	Percentage of Grants
No	8,169	43.8%
Yes	9,471	50.8%
No Answer	1,004	5.4%
Grand Total	18,644	100.0%
Ethnicity	# of Grants	Percentage of Grants
Decline to answer	1,309	7.0%
Hispanic/Latino	748	4.0%
Non-Hispanic/Latino	12,774	68.5%
No Answer	3,813	20.5%
Grand Total	18,644	100.0%
Race	# of Grants	Percentage of Grants
American Indian/Alaska Native	125	0.67%
American Indian/Alaska Native and White	60	0.32%
American Indian/Alaskan Native/Black-African American	49	0.26%
Asian	359	1.39%
Asian and White	30	0.16%
Black/African American	9,516	51.00%
Black/African American and White	148	0.79%
Native Hawaiian/Other Pacific Islander	19	0.10%
Other Multi-Racial	507	2.72%
White	4,892	26.23%
No Answer	2,939	15.76%
Grand Total	18,644	100.0%

Table 4-9. Distribution of Low- to Moderate-Income Individuals by Parish of HMGP Projects

Damaged Residence Parish	Low- to Moderate-Income	Parish Percent of Total
Acadia	1	0.011%
Allen	3	0.032%
Ascension	1	0.011%
Calcasieu	71	0.750%
Cameron	63	0.665%
Iberia	47	0.496%
Jefferson	2,561	27.040%
Jefferson Davis	4	0.042%
Lafourche	49	0.517%
Livingston	4	0.042%
Orleans	5,068	53.511%
Plaquemines	124	1.309%
Saint Bernard	478	5.047%
Saint Charles	49	0.517%
Saint Helena	1	0.011%
Saint James	1	0.011%
Saint Martin	3	0.032%
Saint Mary	37	0.391%
Saint Tammany	379	4.002%
St John The Baptist	7	0.074%
Tangipahoa	7	0.074%
Terrebonne	390	4.118%
Vermilion	119	1.256%
Washington	4	0.042%
Totals	9,471	100.000%

Table 4-10. Socioeconomic Distribution of Projects Initiated before FEMA’s Review and Approval prior to March 16, 2008 (Work In Progress [WIP]) and after March 16, 2008 (ARRA)

Project List ARRA and WIP Socioeconomic Summary		
	# of Grants	Percentage of Grants
ARRA with Ethnicity		
American Indian/Alaska Native	1	1.5%
Black/African American	29	45.3%
Black/African American and White	1	1.5%
Other Multi-Racial	2	3.1%
White	19	29.7%
No Answer	12	18.8%
Total ARRA Properties	64	100.0%

WIPS with Race	# of Grants	Percentage of Grants
American Indian/Alaska Native	11	1.1%
American Indian/Alaska Native and White	3	0.3%
American Indian/Alaskan Native/Black-African American	2	0.2%
Asian	6	0.6%
Asian and White	1	0.1%
Black/African American	327	33.6%
Black/African American and White	7	0.7%
Native Hawaiian/Other Pacific Islander	1	0.1%
Other Multi-Racial	22	2.3%
White	439	45.1%
No Answer	154	15.7%
Total WIP Properties	973	100.0%

Table 4-11. Low- to Moderate-Income Distribution of WIP and ARRA HMGP Projects

Project List WIP and ARRA Low to Moderate Income Data Summary		
Self Certified Low- to Moderate-Income (LMI) WIP Projects	# of Grants	Percentage of Grants
LMI WIP Projects	441	45.3%
Total WIP Projects	973	100.0%
Self Certified Low- to Moderate-Income (LMI) ARRA Projects	# of Grants	Percentage of Grants
LMI ARRA Projects	37	57.8%
Total ARRA Projects	64	100.0%

4.5.2 Environmental Impacts

Alternative 1: No Action

Under this alternative, project proponents have already undertaken otherwise eligible hazard mitigation activities. FEMA was not able to engage in EHP review, including review under E.O. 12898, to determine if eligible hazard mitigation actions initiated prior to March 16, 2008 would have resulted in a disproportionate increase in flood, wind, environmental, or safety hazard risk of low-income and minority populations and communities.

Some of the eligible actions could raise concerns regarding exposure of low-income and minority populations to certain environmental, health, and safety hazards such as hazardous substances and flood. Activities associated with the demolition and handling of household-related asbestos containing materials (ACM), components with lead-based paint, and hazardous wastes should have followed State and Federal requirements for their appropriate handling and ultimate disposal. In addition, elevation and floodproofing of structures should have taken into account IBC standards, including ASCE 24.05 which provide a higher level of flood protection than the floodplain management standards in Louisiana prior to the hurricane events.

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 requires its applicants to administer the HMGP in compliance with these requirements. The data submitted by the State indicates that engaging in the no action would have equal impacts on the universe of applicants affected given that about half of the projects started after March 16, 2008 are from low- to moderate-income or minority individuals. The implementation of the no action would not result in the discrimination, denying the benefits of, nor depriving of participation of individuals in the HMGP on the grounds of race, color or national origin.

Section 308 of the Stafford Act also prohibits FEMA and its grantees from conducting its activities and programs in a manner that deny the benefits of, deprive of participation in, or discriminate against individuals on the grounds of sex, religion, age, disability, English proficiency, or economic status. A grant administration approach that limits all available HMGP funds in Louisiana exclusively to those homeowners that initiated work prior to the March 16, 2008 would have the disparate effect of denying low-income homeowners of the benefits of or depriving low-income households in the participation in the HMGP because these homeowners generally had less available resources to initiate work immediately after the hurricane events. They also generally relied exclusively on Road Home grants to engage in any restoration effort of their homes. In this case the applicant is not limiting all available HMGP funds for this program to homeowners that initiated work prior to March 16, 2008. Funds are available for homeowners that followed the traditional approach of initiating work after FEMA reviewed and approved the eligible work. Only 973 (or 6%) of the entire pool of eligible applicants would be homeowners that initiated prior to March 16, 2008. Therefore, FEMA's limited use of HMGP funds for work already initiated would not have the effect of denying the benefits of or depriving the participation in the HMGP benefits by low-income homeowners.

Another issue of concern raised by the PolicyLink study is the delay effect of grant administration on low-income populations. Documentation requirements, including proof of ownership, could result in substantial delays in the processing and release of HMGP funds. The PolicyLink study indicated that some families were struggling to gather the necessary documentation and the timing for securing these documents was not in line with the time limits imposed by OCD. The documentation and grant processing requirements; however, apply uniformly to all applicants regardless of their status. FEMA is not aware of any statistical analysis that demonstrates that the documentation requirements for the HMGP resulted in disproportionate high and adverse effect on minority and low-income households. Even if statistical data is produced demonstrating disproportionate adverse effect of these requirements on low-income populations, FEMA would not be able to waive these requirements for low-income and minority homeowners because doing so would result in FEMA's discrimination of other groups on the ground of economic status, race, or ethnicity.

The CDBG Road Home data reveals that there are no significant issues with regard to the cumulative impacts on minority and low-income populations.

Based on these findings, FEMA has determined that the no action alternative would not result in high and adverse disproportionate environmental and health effects on low-income and minority populations.

Alternative 2: Proposed Action

Under this alternative, project proponents have already undertaken otherwise eligible hazard mitigation activities. FEMA was not able to engage in EHP review, including review under E.O. 12898, to determine if eligible hazard mitigation actions initiated without FEMA's review and approval would have resulted in a disproportionate increase in flood, wind, environmental, or safety hazard risk of low-income and minority populations and communities.

Some of the eligible actions could raise concerns regarding exposure of low-income and minority populations to certain environmental, health, and safety hazards such as hazardous substances and flood. Activities associated with the demolition and handling of household-related ACM, components with lead-based paint, and hazardous wastes should have followed State and Federal requirements for their appropriate handling and ultimate disposal. In addition, elevation and floodproofing of structures should have taken into account IBC standards, including ASCE 24.05 which provides a higher level of flood protection than the floodplain management standards in Louisiana prior to the hurricane events.

The elimination of a deadline for hazard mitigation work initiated prior to FEMA's review and approval could have adverse impacts on low- to moderate-income and minority populations. Without FEMA's review prior to work initiation, there is no opportunity to evaluate if the adverse effect of particular actions, such as demolition or elevations, would be disproportionately high and adverse on these populations. FEMA's experience in conducting environmental justice reviews on the types of actions covered in this alternative before they occur is that they do not result in disproportionate high and adverse impacts on low income and minority populations.

However, a review before the actions occur ensures FEMA takes into account the potential for these effects and make recommendations to modify the projects or mitigate the effects to reduce their impacts. For this action FEMA would not be able to make recommendations for changing projects to account for these effects. In addition, a program modification to allow reimbursement can give homeowners the impression that they will receive HMGP funding. Some may initiate work relying on this availability to later find out that they are ineligible or that there are insufficient funds to include them in the program. This could hit low-income homeowners harder because they could have made decisions to enter into loans or invest their savings based on this reliance.

This alternative could also result in beneficial effects to low-income homeowners. Any homeowner that initiated otherwise eligible hazard mitigation work would remain eligible for FEMA's HMGP grants regardless of their race, ethnicity, or economic status. Low-income and minority homeowners that initiated otherwise eligible hazard mitigation work after March 16, 2008 would remain eligible and would not be penalized for not initiating their action prior to that date. The data provided indicates that of 64 projects currently being considered 33 would be awarded to minority individuals.

The concern with FEMA's HMGP disbursement delays discussed in the no action alternative would remain. Documentation requirements, including proof of ownership, are not waived and can cause substantial delays in the processing and release of HMGP funds. The documentation and grant processing requirements apply uniformly to all applicants. FEMA is not aware of any statistical analysis that demonstrates that the documentation requirements for the HMGP resulted in disproportionate high and adverse effect on minority and low-income households. Even if

statistical data is produced demonstrating disproportionate adverse effect of these requirements on low-income populations, FEMA would not be able to waive these requirements for low-income and minority homeowners because doing so would result in FEMA's discrimination of other groups on the ground of economic status, race, or ethnicity.

The CDBG Road Home data reveals that there are no significant issues with regard to the cumulative impacts on minority and low-income populations.

Based on these findings, FEMA has determined that this alternative would not result in high and adverse disproportionate environmental and health effects on low-income and minority populations.

Alternative 3: Extension of limited program exception to a future date

Under this alternative, project proponents have already undertaken otherwise eligible hazard mitigation activities. FEMA was not able to engage in EHP review, including review under E.O. 12898, to determine if eligible hazard mitigation actions initiated without FEMA's review and approval would have resulted in a disproportionate increase in flood, wind, environmental, or safety hazard risk of low-income and minority populations and communities.

Some of the eligible actions could raise concerns regarding exposure of low-income and minority populations to certain environmental, health, and safety hazards such as hazardous substances and flood. Activities associated with the demolition and handling of household-related ACM, components with lead-based paint, and hazardous wastes should have followed State and Federal requirements for their appropriate handling and ultimate disposal. In addition, elevation and floodproofing of structures should have taken into account IBC standards, including ASCE 24.05 which provides a higher level of flood protection than the floodplain management standards in Louisiana prior to the hurricane events.

Establishing another deadline for eligibility of hazard mitigation work initiated prior to FEMA's review and approval would allow FEMA to waive its prior review and approval requirement for a limited period and once the period expires FEMA would review any proposed work prior its initiation to ensure that it does not cause disproportionate high and adverse effects on low-income and minority populations. For work after the new established deadline FEMA would be able to make recommendations for modifying projects to account for these effects.

The limited waiver would increase the pool of eligible homeowners to include low-income and minority homeowners that initiated otherwise eligible hazard mitigation work in the past 6 years without having prior FEMA approval. It could also give homeowners the impression that they will receive HMGP funding and initiate work on this reliance to later find out that they are ineligible or that there are insufficient funds to include them in the program. This could hit low-income homeowners harder because they could have made decisions to enter into loans or invest their savings based on this reliance.

Establishing another deadline could result in confusion for all homeowners that applied for the program. It would also have adverse effects on those homeowners that will not be able to obtain the necessary documentation (such as proof of ownership) on time.

The concern with FEMA's HMGP disbursement delays discussed in the no action alternative would remain. Documentation requirements, including proof of ownership, are not waived and can cause substantial delays in the processing and release of HMGP funds. The documentation and grant processing requirements apply uniformly to all applicants. FEMA is not aware of any statistical analysis that demonstrates that the documentation requirements for the HMGP resulted in disproportionate high and adverse effect on minority and low-income households. Even if statistical data is produced demonstrating disproportionate adverse effect of these requirements on low-income populations, FEMA would not be able to waive these requirements for low-income and minority homeowners because doing so would result in FEMA's discrimination of other groups on the ground of economic status, race, or ethnicity.

The CDBG Road Home data reveals that there are no significant issues with regard to the cumulative impacts on minority and low-income populations.

Based on these findings, FEMA has determined that this alternative would not result in high and adverse disproportionate environmental and health effects on low-income and minority populations.

CHAPTER 5 REFERENCES

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CHAPTER 6 AGENCIES CONSULTED

FEMA consulted with the following agencies regarding the proposed action discussed in this SPEA:

- Advisory Council on Historic Preservation (ACHP)
- Louisiana State Historic Preservation Office (SHPO)
- Louisiana Department of Environmental Quality (LDEQ)
- United States Environmental Protection Agency (EPA)
- United States Army Corps of Engineers (USACE)
- Louisiana Department of Wildlife and Fisheries (LDWF)
- Louisiana Department of Natural Resources (LDNR)
- National Oceanic and Atmospheric Administration (NOAA)
- Natural Resources Conservation Service (NRCS)
- United States Fish and Wildlife Service (FWS)

CHAPTER 7 PUBLIC INVOLVEMENT

FEMA notified the public of the availability of the draft SPEA through public notices and press releases in local newspapers in Louisiana. FEMA conducted a public comment period from August 10, 2011 through September 18, 2011. A copy of the public notice is presented in Appendix C.

FEMA received sixty-three calls, three emails, and four letters in response to the public notice. The majority of responses (38 callers, 1 email, and 1 letter) were from individuals asking for information on the eligibility of their projects. Twenty callers wanted more information about the public notice and the FEMA action. Two callers and two letters expressed support for Alternative 2 removing the deadline and maintaining eligibility for work started prior to FEMA's approval. One letter stated that man-made changes had created the flooding problems in the state and called for accountability for allowing development in floodplains and marshes. These comments were not substantive to the proposed action and its alternatives or the impacts evaluated. Although they have been noted, no changes to the document are needed to account for them.

Two callers from Lake Charles stated that they felt there was a gender/ racial bias in the way money has been distributed. As discussed in Section 4.5, FEMA has 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 their 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).

CHAPTER 8 LIST OF PREPARERS

The following individuals prepared this supplemental Programmatic Environmental Assessment:

Jomar Maldonado, Environmental Officer,
Federal Emergency Management Agency, Headquarters

Katherine Zeringue, Environmental Liaison Officer
Federal Emergency Management Agency, Louisiana Recovery Office

Tiffany Spann-Winfield, Deputy Environmental Liaison Officer
Federal Emergency Management Agency, Louisiana Recovery Office

Laurel Rohrer, Environmental Specialist, URS - Contractor Support to FEMA
Federal Emergency Management Agency, Louisiana Recovery Office

Melanie Pitts, Environmental Specialist
Federal Emergency Management Agency, Louisiana Recovery Office

Gail Lazaras, Lead Historic Preservation Specialist
Federal Emergency Management Agency, Louisiana Recovery Office

Richard Silverman, Historic Preservation Specialist/Historic Structures, URS - Contractor
Support to FEMA
Federal Emergency Management Agency, Louisiana Recovery Office

APPENDIX A

**SECTION 106 STATE-SPECIFIC PROGRAMMATIC AGREEMENT FOR HMGP IN
LOUISIANA (LA HMGP PA)**

APPENDIX B
AGENCY CORRESPONDENCE

APPENDIX C
PUBLIC NOTICE