

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.

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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.

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

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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.

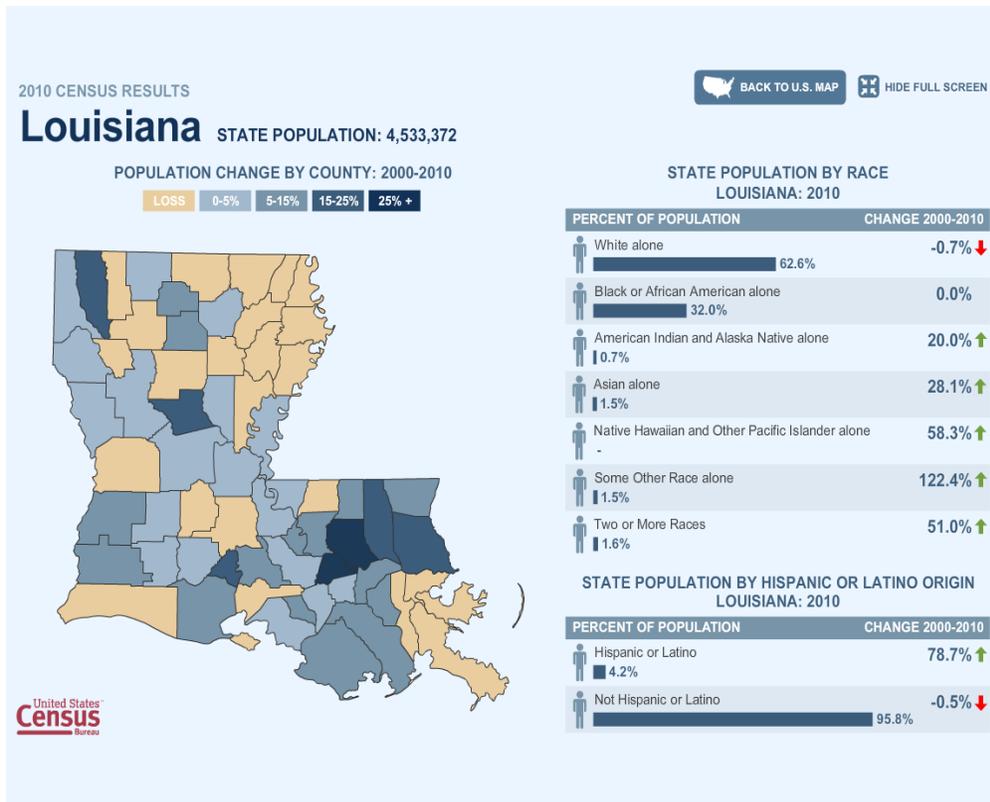
Potential environmental justice impacts are evaluated by analyzing the socioeconomic makeup of the community where a project is proposed to be located. If a proposed project will cause disproportionate high and adverse impacts on low-income or minority populations, mitigation measures will be required.

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.



LOUISIANA - 2010 Census Results
 Percent Change in Population by Parish: 2000 to 2010

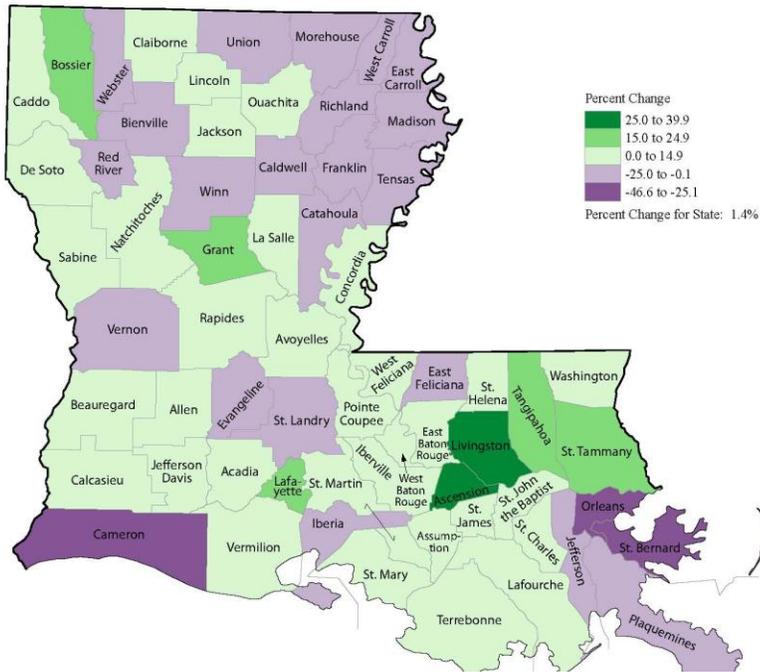


Figure 2. Louisiana Percent Change in Population by Parish (U.S. Census Bureau, 2010)



LOUISIANA - 2010 Census Results
 Total Population by Parish

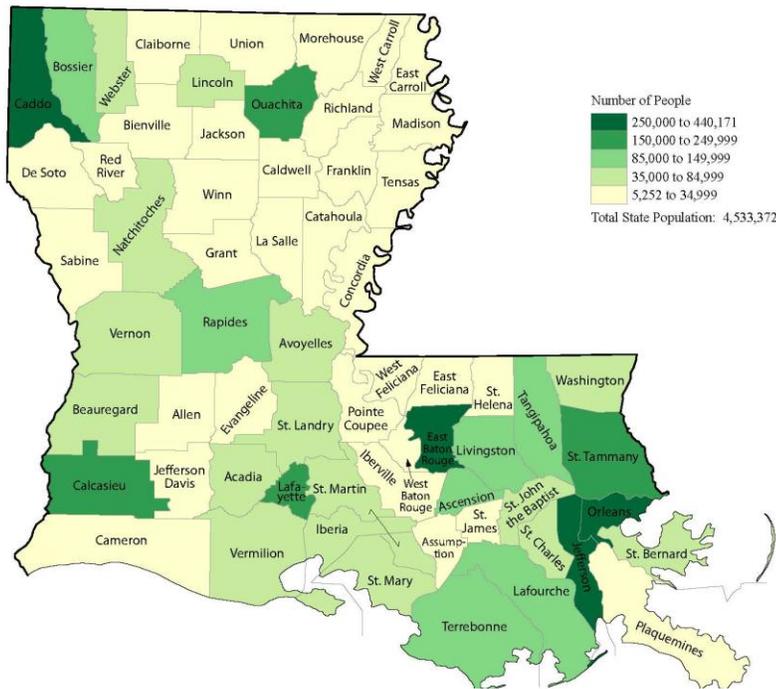


Figure 3. Louisiana Total Population by Parish (U.S. Census Bureau, 2010)

