



**FEMA**

**DRAFT FINDING OF NO SIGNIFICANT IMPACT  
XAVIER UNIVERSITY TENNIS COURTS  
ORLEANS PARISH  
*FEMA-1603-DR-LA***

**BACKGROUND**

On August 29, 2005, the floods, heavy rain, and high velocity winds from Hurricane Katrina caused extensive flood and wind damage to two Xavier University tennis courts formerly located in the eastern quadrant of the block bounded by Pine Street, Howard Avenue, South Carrolton Avenue and Drexel Drive, behind the University's College of Pharmacy in the City of New Orleans, Louisiana. The two damaged tennis courts have since been removed to allow for the construction of an addition to the College of Pharmacy. The University now proposes to construct six (6) new tennis courts to replace the damaged and demolished courts at a new location approximately .19 mile from the original location, bounded by Pine, Stroelitz, Broadway, and Palm streets in New Orleans. Xavier University plans to centralize the academic component of its Athletics Program on this site to maximize teaching opportunities and offer greater convenience to its students. Relocating the tennis courts to this site is a component of that plan.

The applicant, Xavier University, has requested Public Assistance funding under Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL-93-288, as amended, and implementing regulations at 44 CFR Part 206 for this project. Pursuant to the Council on Environmental Quality's Implementing Procedures for NEPA at 40 CFR 1506.3, and in accordance with 44 CFR Part 10, FEMA regulations to implement the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was prepared. The purpose of the EA was to analyze the potential environmental impacts associated with the construction of the new tennis courts on a new site, and to determine whether to prepare an Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI). The alternatives considered include 1) No Action, 2) Reconstruction in the same footprint at the original location, and 3) Reconstruction at the alternate location. The preferred alternative is 3), Reconstruction at the alternate location.

## AGENCY COORDINATION, PUBLIC REVIEW AND COMMENT

The EA can be viewed and downloaded from FEMA's website at [www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm](http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm). The EA is also available for public review at the New Orleans Public Library, located at 219 Loyola Avenue, New Orleans, LA 70112, from May 28, 2012 through June 11, 2012 from 10:00 a.m. to 6:00 p.m., Monday through Thursday, and 10:00 a.m. to 5:00 p.m. Friday and Saturday.

In preparing the EA, FEMA coordinated with federal, state and local agencies including the Louisiana State Historical Preservation Officer, U. S. Fish and Wildlife Service, the Governor's Office of Homeland Security and Emergency Preparedness, Louisiana Department of Environmental Quality, Louisiana Department of Wildlife and Fisheries, U. S. Environmental Protection Agency, National Marine Fisheries Service, Louisiana Department of Natural Resources, and the U. S. Army Corps of Engineers. A public notice of the University's intent to construct the proposed project and perform the Environmental Assessment, and to request public comment on the project, was published in the *Times Picayune* newspaper for five (5) consecutive days: May 28 - June 1, 2012. The comment period was open for 15 days – beginning on May 28, 2012 and concluding on June 11, 2012. No agency or public comments or concerns were received.

## FINDINGS

FEMA has made the following determinations from the information contained in the EA:

FEMA has evaluated the proposed project for significant adverse impacts to wetlands and hydrologic resources, floodplains, coastal resources, biological resources, cultural resources, hazardous materials, and environmental justice. No long-term, significant adverse impacts to the surrounding area from the proposed project are anticipated.

## CONDITIONS

The following conditions must be met as part of the implementation of the project. Failure to comply with these conditions may jeopardize federal funds. This FONSI applies only to the project area that has been specifically described and evaluated in the EA. If there is a change in the scope of work, or if any other areas outside the project area described in the EA will be impacted, the project must be re-evaluated for compliance with NEPA and other applicable federal, state, and local environmental and historic preservation laws, regulations and Executive Orders. The following conditions must be adhered to:

- In accordance with applicable local, state, and federal regulations, the applicant is responsible for acquiring any necessary permits and/or clearances prior to the commencement of any construction related activities.

- To minimize indirect impacts (soil erosion, sedimentation, dust and other construction-related disturbances) to the surrounding community, the following best management practices should be included into the daily operations of construction activities: silt screens, barriers (*e.g.*, hay bales), berms/dikes, and/or fences to be placed where and as needed. Fencing should be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.
- The applicant must coordinate all construction activities with the local floodplain manager and remain in compliance with formally adopted local floodplain ordinances. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the community established base flood elevation.
- The project has been found by the LDNR to be inside the Louisiana Coastal Zone; therefore, they require that a complete Coastal Use Permit Application package (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.) along with the appropriate application fee be submitted to their office prior to construction.
- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- Inadvertent Discovery Clause: If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO.
- Project construction may involve the use of potentially hazardous materials (*e.g.*, petroleum products, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, treated timber), and may result in the generation of small amounts of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous and non-hazardous wastes are required to be disposed in accordance with applicable Federal, state and local regulations.

