

Draft Environmental Assessment

34th District Courthouse:
Communications Tower
St. Bernard Parish
FEMA-1603-DR-LA

St. Bernard Parish, Louisiana
May 2012

U.S. Department of Homeland Security
Federal Emergency Management Agency, Region VI
Louisiana Recovery Office
New Orleans, Louisiana 70114



FEMA

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LIST OF ACRONYMS

ABFE	Advisory Base Flood Elevation
ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
BMPs	Best Management Practices
CAA	Clean Air Act
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CFR	Code of Federal Regulations
CTR	Contractor
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DFIRM	Digital Flood Insurance Rate Map
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
EDMS	Electronic Document Management System
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FP&C	Facility Planning and Control
FT	Feet
GNO	Greater New Orleans
HEAG	Highest Existing Adjacent Grade
HSDRRS	Hurricane Storm Damage Risk Reduction System
LA GOHSEP	Louisiana Governor's Office of Homeland Security and Emergency Preparedness
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
MBTA	Migratory Bird Treaty Act
MOA	Memorandum of Agreement
NAVD 88	North American Vertical Datum of 1988
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic & Atmospheric Administration
NRHP	National Register of Historic Places
PA	Public Assistance Grant Program
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office/Officer
US	United States
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service

1.0 INTRODUCTION

1.1 Project Authority

Hurricane Katrina made landfall on August 29, 2005 near the town of Buras, Louisiana with sustained winds of more than 125 mph. President George W. Bush declared a major disaster for the State of Louisiana (FEMA-1603-DR-LA) on August 29, 2005, authorizing the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide Federal assistance in designated areas of Louisiana. This is pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance Program (PA) to assist in funding the repair, restoration, reconstruction, or replacement of public facilities damaged as a result of the declared disaster.

This Environmental Assessment (EA) has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA), the President's Council on Environmental Quality regulations implementing NEPA (Title 40 of the Code of Federal Regulations [CFR] Parts 1500 to 1508), and FEMA's regulations implementing NEPA (44 CFR Parts 9 and 10).

The purpose of this EA is to analyze potential environmental impacts of the proposed project. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

1.2 Background

The communications antenna tower affixed to the roof of the St. Bernard Parish Government Complex, located at 1101 West St. Bernard Highway, Chalmette, Louisiana (Figure 1) sustained extensive damage from Hurricane Katrina and was deemed eligible for replacement by FEMA for federal disaster public assistance as part of a non-critical facility serving the needs of the general public. The geographic coordinates of the damaged communications tower are: latitude: 29.94120; longitude: -89.97364. The applicant, St. Bernard Parish, proposes to relocate the communications antenna tower to a concrete base at ground level directly behind the current building and within approximately 30feet (ft) of its original location on the roof (Figure 2).

The applicant plans to install additional wireless communications components on the replacement tower, upgrading the capacity but also increasing the overall weight. Rather than rebuilding the roof to support the heavier antenna upgrade, the applicant plans to construct the antenna tower on the ground between two onsite buildings. This involves excavating soils to a depth of about 5ft within a 16ft by 20ft area between the buildings, and driving a total of (9) 90ft long steel pipe piles. A steel reinforced concrete pad foundation would then be constructed to support a 3-beam steel communications tower to a height of 130ft.

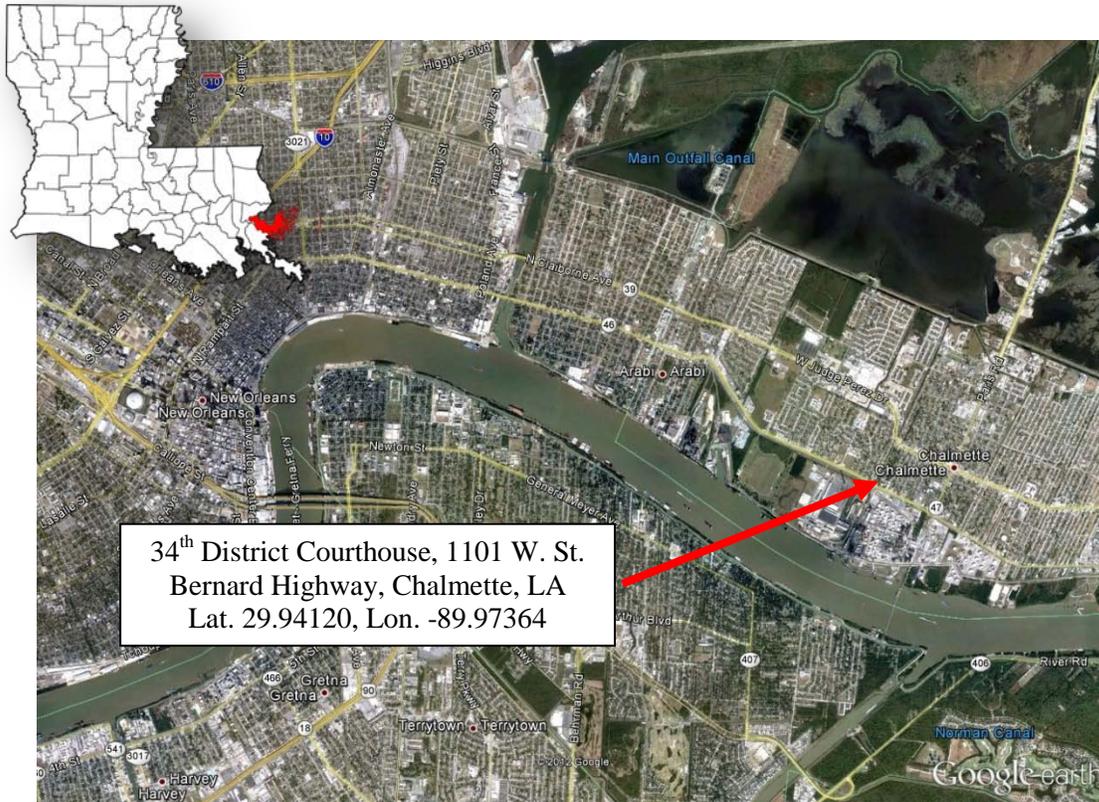


Figure 1. 34th District Courthouse: Communications Tower Area Location (Google Earth®, 2010)

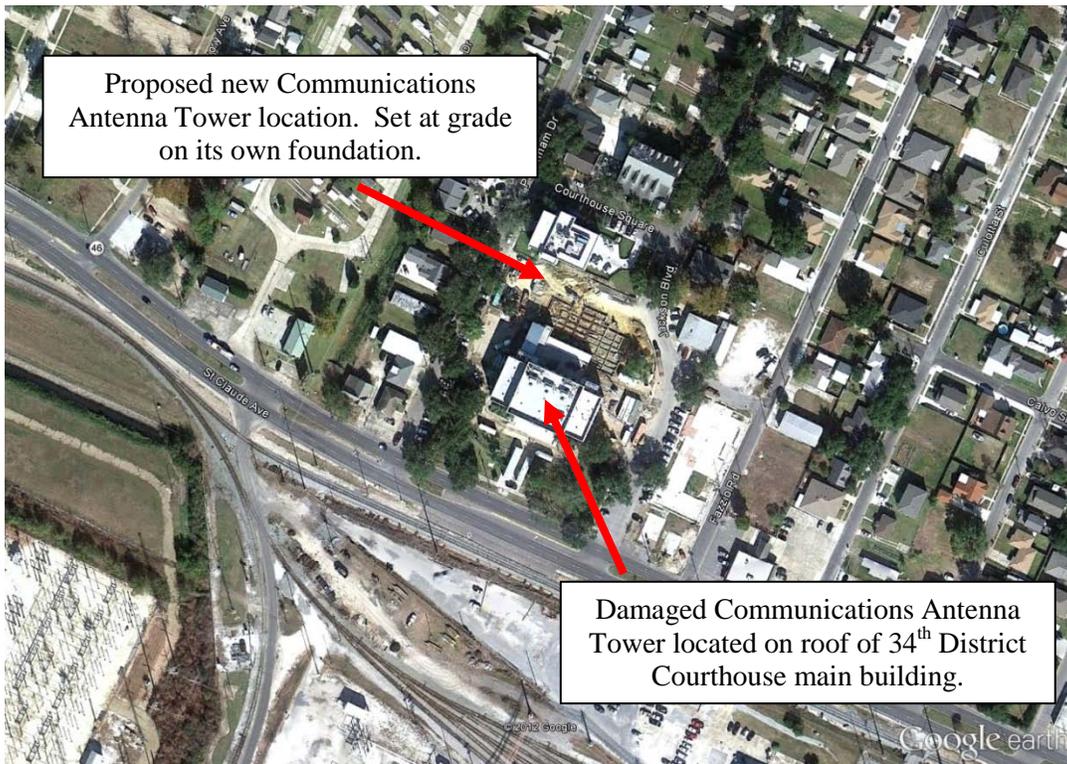


Figure 2. 34th District Courthouse: Communications Tower Site Location (Google Earth®, 2010)

2.0 PURPOSE AND NEED

Prior to Hurricane Katrina, the 34th District Courthouse Communications Antenna Tower served the needs of the command centers of various departments of the St. Bernard Parish Government. The original damaged antenna tower lacked the modern wireless communication technologies necessary for post-hurricane recovery and future anticipated communication requirements.

As directed by the Stafford Act (PL 93-288), the objective of FEMA's PA Grant Program is to provide assistance to State, Tribal and local governments, and certain types of private nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President. The communications tower is an essential resource of the St. Bernard Parish Government as it provides the necessary communication capabilities across several departments. Updating the tower with modern wireless components further allows the parish officials to better carry out their duties and governmental functions both during normal operating conditions as well as in times of emergency. The proposed 34th District Courthouse Communications Antenna Tower replacement with upgraded wireless communication components is essential to better serve the needs of the command centers of various departments of the St. Bernard Parish Government.

3.0 ALTERNATIVES

The NEPA process consists of an evaluation of the environmental effects of a federal undertaking, including its alternatives. Three alternatives have been proposed and reviewed including, 1) the No Action Alternative, 2) Reconstruction of the communications tower in the same footprint and original location, and 3) Reconstruction of the communications tower in a new location (Figure 2).

3.1 Alternative 1 - No Action

Implementation of the No Action Alternative would entail no repair, reconstruction, or relocation of the communications tower. Consequently, the original damaged communications tower has been removed and would not be available for use by the command centers of various departments of the St. Bernard Parish Government. No Action would forego opportunities for reconstruction of, and recompense for, the damaged communications tower. This alternative would not meet the purpose and need and will be eliminated from further consideration.

3.2 Alternative 2 – Reconstruction in the Same Footprint

This alternative would reconstruct the damaged communications tower to the pre-disaster configuration, function, with increased capacity, and in substantially the same footprint. In order to support the increased weight of the replacement tower with the upgraded wireless communications components, this alternative would require a complete replacement or reinforcement of the roof of the 34th District St. Bernard Courthouse building. This alternative meets the purpose and need of the action and will be further evaluated.

3.3 Alternative 3 - Reconstruction at an Alternate Location - Proposed Action

The proposed action is for replacement of the damaged communication tower in a new location within the grounds of the 34th District Courthouse. The proposed location of the new communications tower at ground level will allow for the additions of the necessary wireless communication upgrades to better serve the communication and emergency response needs of the various departments of the St. Bernard Parish Government. The original damaged communications tower has been removed from its previous location on the roof. The proposed communications tower will be consistent with the function, size, and purpose of the damaged tower, with the added capacity of modern wireless communication technology. This action would require excavating soils to a depth of about 5ft within a 16ft by 20ft area between the existing buildings, driving a total of (9) 90ft long steel pipe piles, and installing a steel-reinforced concrete pad foundation. Reconstruction of the communications tower would restore the St. Bernard Parish Government communication services lost as a result of Hurricane Katrina. This alternative also meets the purpose and need of the action and will be further evaluated.

4.0 AFFECTED ENVIRONMENT AND IMPACTS

4.1 Wetlands / Hydrologic Resources

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

Executive Order (EO) 11990, Protection of Wetlands, directs Federal agencies to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the values of wetlands for federally funded projects. FEMA regulations for complying with EO 11990 are found at 44 CFR Part 9, Floodplain Management and Protection of Wetlands. The U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI) map shows no wetlands within the proposed project area that could be adversely affected by the project (Figure 3, USFWS National Wetlands Inventory 2012).

Alternative 2 – Reconstruction in the Same Footprint: Reconstruction of the communications antenna tower in substantially its same location and footprint would have no impact on wetlands or other waters of the U.S. FEMA has determined the proposed location is an urban, previously-disturbed site, and is not a wetland under Executive Order 11990. It would not require permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

Alternative 3 – Reconstruction at an Alternative Location - Proposed Action: The proposed action alternative would have no impact on wetlands or other waters of the U.S. FEMA has determined that the proposed location is an urban, previously-disturbed site, and is not a jurisdictional wetland under Executive Order 11990. The project as proposed would not require permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

To minimize indirect impacts (soil erosion, sedimentation, dust and other construction-related disturbances) to the areas surrounding the proposed action, 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.



Figure 3 - U. S. Fish and Wildlife Service National Wetlands Inventory Map (USFWS, 2012)

4.2 Floodplains

Executive Order 11988 (Floodplain Management) requires Federal agencies to avoid direct or indirect support or development within the 100-year floodplain whenever there is a practicable alternative. FEMA's regulations for complying with EO 11988 are found at 44 CFR Part 9, Floodplain Management and Protection of Wetlands.

In July 2005, FEMA initiated a series of flood insurance studies for many of the Louisiana coastal parishes as part of the Flood Map Modernization effort through FEMA's National Flood Insurance Fund. These studies were necessary because the flood hazard and risk information shown on many Flood Insurance Rate Maps (FIRMs) was developed during the 1970s, and the physical terrain had changed significantly, such as major loss of wetland areas. After hurricanes

Katrina and Rita, FEMA expanded the scope of work to include all of coastal Louisiana. The magnitude of the impacts of hurricanes Katrina and Rita reinforced the urgency to obtain additional flood recovery data for the coastal zones of Louisiana. More detailed analysis was possible because new data obtained after the hurricanes included information on levees and levee systems, new high-water marks, and new hurricane parameters (LaMP 2007).

During an initial post-hurricane analysis, FEMA determined that the “100-Year” or 1-percent chance storm flood elevations on FIRMs for many Louisiana communities, referred to as Base Flood Elevations (BFEs), were too low. FEMA created recovery maps showing the extent and magnitude of hurricanes Katrina’s and Rita’s surge, as well as information on other storms over the past 25 years (Lamp 2007). The 2006 advisory flood data shown on the recovery maps for the Louisiana-declared disaster areas show high-water marks surveyed after the storm; flood limits developed from these surveyed points; and Advisory Base Flood Elevations, or ABFEs. The recovery maps and other advisory data were developed to assist parish officials, homeowners, business owners, and other affected citizens with their recovery and rebuilding efforts (LaMP 2007).

Updated preliminary flood hazard maps from an intensive five-year mapping project guided by FEMA are now provided to all Louisiana coastal parishes. The new maps released in early 2008, known as Preliminary Digital Flood Insurance Rate Maps (DFIRMs), are based on the most technically advanced flood insurance studies ever performed for Louisiana, followed by multiple levels of review. The DFIRMs provide communities with a more scientific approach to economic development, hazard mitigation planning, emergency response and post-flood recovery (LaMP 2007).

The USACE is currently working on a Hurricane and Storm Damage Risk Reduction System (HSDRRS) for the Greater New Orleans (GNO) area (Miller 2011). This 350-mile system of levees, floodwalls, surge barriers, and pump stations will reduce the flood risk associated with a storm event. In September of 2011, the USACE provided FEMA with assurances that the HSDRRS is capable of defending against a storm surge with a one percent (1%) annual chance event of occurring in any given year (Miller 2011). The areas protected include portions of St. Bernard, St. Charles, Jefferson, Orleans, and Plaquemines parishes. FEMA has now begun revising the preliminary DFIRMs within the HSDRRS to incorporate the reduced flood risk associated with the system improvements. In the spring of 2012, FEMA should be prepared to release revised preliminary DFIRMs (Miller 2011).

The 2008 Preliminary DFIRMs – currently viewed as the best available flood risk data for the five GNO parishes – do not consider the completion of the HSDRRS. In many areas, the flood risk has been significantly reduced due to heightened protection. To ensure that the best available data is used when reviewing and approving grant applications within the HSDRRS, FEMA will re-examine individual grant reconstruction projects using sound engineering data and judgment. The case-by-case review may indicate that the source of best available flood risk data for a reconstruction project is preliminary DFIRMs, ABFEs, or other relevant sound engineering data. No project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program (Miller 2011).

In compliance with FEMA policy implementing EO 11988, Floodplain Management, the proposed project was reviewed for possible impacts associated with occupancy or modification to a floodplain. St. Bernard Parish enrolled in the NFIP on March 13, 1970.

Alternative 2 – Reconstruction in the Same Footprint: Per preliminary DFIRM panel number 22087C0480D, dated October 30, 2008 (Figure 4), the current communications antenna tower is located in AE (El 8), a Special Flood Hazard Area (SFHA) subject to inundation by the 1-percent annual chance (100-year) flood; base flood elevations determined. Per Advisory Base Flood Elevation Map (ABFE Map) LA-CC35 (Figure 5), dated June 5, 2006, the current site is located in ABFE 3 feet above Highest Existing Adjacent Grade (HEAG). Reconstruction of the communications antenna tower in substantially its same footprint will have no determinable impact on flood elevations, nor will it increase development in this fully built-out area. In compliance with EO 11988, an 8-step process was completed and documentation is attached in Appendix C.

Alternative 3 – Reconstruction at an Alternate Location - Proposed Action: The proposed action alternative would involve the reconstruction of communications antenna tower at an alternate location. Per preliminary DFIRM panel number 22087C0480D dated October 30, 2008 (Figure 4), the proposed project site is located in AE (El 8), a Special Flood Hazard Area (SFHA) subject to inundation by the 1-percent annual chance (100-year) flood; base flood elevations determined. In addition, per Advisory Base Flood Elevation Map (ABFE Map) LA-CC34 (Figure 5) dated June 5, 2006, the proposed project site is located in ABFE El -.05 or 3 feet above Highest Existing Adjacent Grade (HEAG). In compliance with EO 11988, an 8-step process was completed and documentation is attached in Appendix C.

In compliance with FEMA policy implementing EO 11988, Floodplain Management, the proposed project was reviewed for possible impacts associated with occupancy or modification to a floodplain. The communication tower would not likely affect the functions and values of the 100-year floodplain as the structure would not impede or redirect flood flows. The proposed relocation/reconstruction of the communication tower will be located within neighborhoods among existing residential and recreational structures.

New construction must be compliant with current codes and standards. St. Bernard Parish is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files. 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 (mechanical and electrical) should be, where possible, wet or dry-proofed, elevated, or relocated to or above the BFE.



34th District Courthouse: Communications
 Antenna Tower Proposed Location.
 Lat. 29.94120, Lon. -89.97364

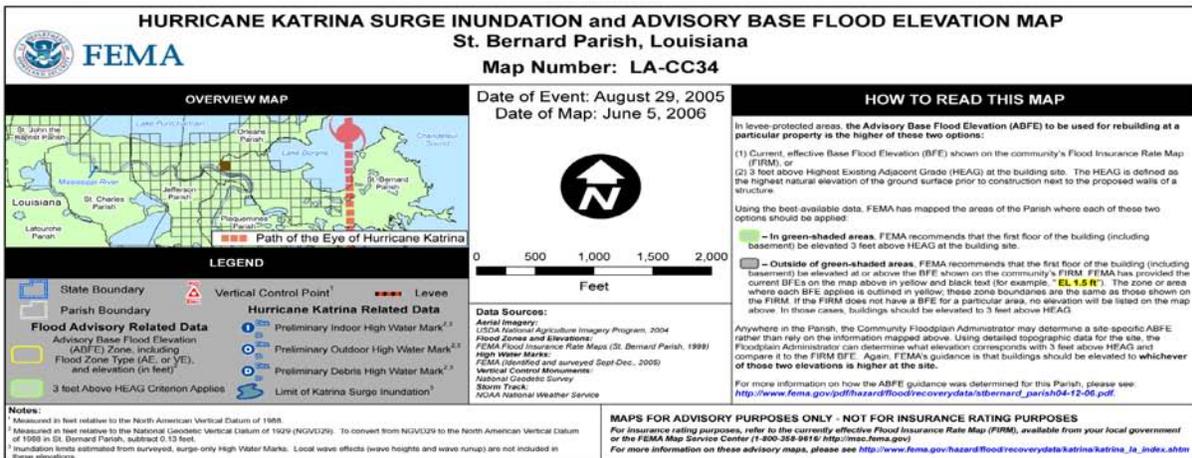


Figure 5. Advisory Base Flood Elevation Map OR-LA-EE34 (FEMA, June 5, 2006)

4.3 Coastal Resources

The Coastal Zone Management Act of 1972 (CZMA) requires Federal agency actions to be consistent with the policies of the state coastal zone management program when conducting or supporting activities that affect a coastal zone. The Louisiana Department of Natural Resources (LDNR) regulates development in Louisiana's designated coastal zone through the Coastal Use Permit Program. By letter of April 4, 2012 from Chris Melton, Permit Coordinator, to Tommy Tregle, LDNR's Office of Coastal Management advised FEMA that the project is located in the Louisiana Coastal Zone, and they require that a complete Coastal Use Permit packet be submitted to their office for review and approval prior to construction (see *Appendix B, Agency Correspondence*).

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

Alternative 2 – Reconstruction in the Same Footprint: Reconstruction of communications antenna tower in substantially its same footprint would involve construction in a designated coastal zone. This project requires a Coastal Use Permit from LDNR. St. Bernard Parish Government is required to contact LDNR prior to initiating work. The original site is not within a CBRS unit; therefore, it does not trigger the CBRA.

Alternative 3 – Reconstruction at an Alternate Location - Proposed Action: The proposed action alternative would involve construction in a designated coastal zone. This project requires a Coastal Use Permit from LDNR. St. Bernard Parish Government is required to contact LDNR prior to initiating work. The proposed site is not within a CBRS unit; therefore, the Proposed Action Alternative does not trigger the CBRA.

4.4 Biological Resources

The Endangered Species Act (ESA) of 1973 prohibits the taking of listed, threatened, and endangered species unless specifically authorized by permit from the USFWS or the National Marine Fisheries Service. According to the Louisiana Department of Wildlife and Fisheries' Natural Heritage Program website, consulted on January 18, 2012, there are no federal or state-listed threatened or endangered terrestrial species or habitats within St. Bernard Township or the 34th District Courthouse grounds. The piping plover, a predominantly coastal bird species typically associated with beach habitats, is known to locate in St. Bernard Parish, but the 34th District Courthouse grounds is not representative of that species' habitat.

The Migratory Bird Treaty Act (MBTA) of 1918 makes it unlawful to pursue, hunt, take, capture, kill, or sell birds listed in the statute as "migratory birds". It does not discriminate between live or dead birds, and also grants full protection to any bird parts including feathers, eggs, and nests. The MBTA is the primary law that affirms or implements the nation's

commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource.

EO 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds) strengthens the protection of migratory birds and their habitats by directing federal agencies to take certain actions that implement the MBTA. USFWS's Division of Migratory Bird Management established several initiatives in the past decade to research collisions of birds with communication towers. In 1999, USFWS established the Communication Tower Working Group, composed of government, industry, and academic groups to study and determine tower construction approaches that prevent bird strikes.

Alternative 2 – Reconstruction in the Same Footprint: Reconstruction of communications antenna tower in substantially its same footprint would have no impact on species federally listed as threatened or endangered.

Alternative 3 – Reconstruction at an Alternate Location - Proposed Action: In correspondence dated April 12, 2012, USFWS concurred that the proposed project will have “no effect” on federal trust biological resources (see *Appendix B, Agency Correspondence*).

4.5 Cultural Resources

The consideration of effects to historic properties listed in or eligible for the National Register of Historic Places (NRHP) is mandated under Section 106 of the National Historic Preservation Act (NHPA) as implemented by 36 CFR Part 800. Requirements include the identification of significant or historic properties that may be affected by the proposed action or alternatives within the project's area of potential effects. Historic properties are defined as archaeological sites, standing structures or other historic resources listed in or determined eligible for listing in the NRHP. Federal agencies must take into account their effects on historic properties and allow the Advisory Council on Historic Preservation (ACHP) opportunity to comment.

FEMA has reviewed this project in accordance with the Statewide Programmatic Agreement (PA) dated August 17, 2009 and amended on July 22, 2011 between the Louisiana State Historic Preservation Officer (SHPO), the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), the Alabama-Coushatta Tribe of Texas, the Caddo Nation, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Advisory Council on Historic Preservation (2009 Statewide PA as amended). The 2009 Statewide PA as amended was created to streamline the Section 106 review process.

Existing Conditions

The now-removed communications antenna tower was affixed to the roof of the 34th District Courthouse, located at 1101 West St. Bernard Highway, Chalmette, Louisiana. This structure, built in 1939, was determined to be eligible for listing on the NRHP under criteria A and C by FEMA on May 18, 2010, with SHPO concurrence on June 4, 2010. The NRHP-Eligible

Courthouse is the only historic property identified within the area of potential effect (APE) of the new tower location. Data provided by the State Historic Preservation Office (SHPO) indicates that there are no known archaeological sites within the project area.

Alternative 2 – Reconstruction in the Same Footprint: This alternative involves the reconstruction of a communications tower on the roof of the NRHP-Eligible 34th District courthouse. The existing building does not have the structural capacity to support a new tower. Reinforcing the existing building to support a new tower may adversely affect the historic property. If this alternative were determined to be an adverse effect by FEMA with SHPO concurrence, FEMA would need to initiate a Section 106 consultation process, whereby the applicant, FEMA, SHPO and invited consulting parties explore methods to avoid, minimize or mitigate the adverse effect through a series of meetings. The resulting resolution of the adverse effects posed by the Undertaking is then memorialized by a Memorandum of Agreement which is binding upon the parties. No archaeological resources would be affected by this alternative.

Alternative 3 - Reconstruction at an Alternate Location - Proposed Action: While the proposed tower location is within the viewshed of the historic 34th District Courthouse, it will be located to the rear of the courthouse, facing a secondary elevation which is obscured by new construction. The new tower will be located adjacent to the newly constructed jail building, and not adjacent to the courthouse. There are no known archaeological sites within the project area, and all work will occur within a previously disturbed area. Therefore, FEMA determined that proposed action met the criteria in the 2009 Statewide PA as amended, Appendix C: Programmatic Allowances, Item I, Section A and Item V, Section F. In accordance with Stipulation VII.A of the 2009 Statewide PA as amended, FEMA documented this determination in the project file and authorized funding for the undertaking without further Section 106 review.

4.6 Hazardous Materials

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

A database search prepared for the proposed project site revealed that there are no Louisiana Volunteer Remedial Program (VRP)/Brownfield sites, or leaking underground storage tank sites (LUSTs) located on or in close proximity to the proposed site. No sites of concern were found during a review of the Electronic Document Management System (EDMS) database for other hazardous waste management and disposal, solid waste disposal, enforcement, and other databases on the proposed site. There are no recorded oil and gas wells on or near the proposed property.

Alternative 2 – Reconstruction in the Same Footprint: No hazardous materials, wastes, or substances (including contaminated soil or groundwater) have been identified at the site. Reconstruction of communications antenna tower in substantially its same footprint would not disturb any hazardous materials or create any potential hazard to human health.

Alternative 3 – Reconstruction at an Alternate Location - Proposed Action: No hazardous materials, wastes, or substances (including contaminated soil or groundwater) have been identified at the proposed site. If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination shall be initiated in accordance with applicable federal, State, and local rules and regulations.

Project construction may involve the use of hazardous materials (e.g., petroleum products, cement, caustics, acids, solvents, paints, electronic components, pesticides/herbicides and fertilizers, treated timber) and may result in the generation of small amounts of hazardous wastes. Best management practices and appropriate measures to prevent, minimize, and control spills of hazardous materials shall be taken, and any hazardous and non-hazardous wastes generated shall be disposed of in accordance with applicable federal, state, and local requirements.

4.7 Environmental Justice

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

Alternative 2 – Reconstruction in the Same Footprint: Reconstruction of the damaged communications antenna tower in substantially its same footprint on the roof of the 34th District St. Bernard Parish courthouse would have no disproportionate adverse impacts to low-income or minority populations.

Alternative 3 – Reconstruction at an Alternate Location - Proposed Action: The proposed action would provide communication capabilities between various departments of the St. Bernard Parish Government. There would be no adverse impacts to any minority or low income populations.

5.0 CUMULATIVE IMPACTS

According to the Council on Environmental Quality (CEQ) regulations, cumulative impacts represent 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 effects can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

The entire Louisiana Gulf Coast is undergoing recovery efforts after the 2005 hurricane season that include demolition, reconstruction, and new construction, within the private sector as well as federal and state government. The USACE is undertaking one of the largest projects in their history. Rebuilding the Greater New Orleans Hurricane and Storm Damage Risk Reduction System will improve approximately 350 miles of levees, concrete floodwalls, and other structures to meet the 100-year level of risk reduction. St. Bernard Parish Government, St. Bernard Parish School Board, St. Bernard Parish Sheriff's Office, and the Louisiana Department of Facility Planning and Control (FP&C) have numerous recovery and other construction projects planned or ongoing throughout the parish. Although these projects can be expected to have cumulative effects to the built and natural environment of the parish, the subject proposed project is not anticipated to contribute to any adverse effects.

6.0 CONDITIONS AND MITIGATION MEASURES

Based upon the studies and consultations undertaken in this EA, several conditions must be met and mitigation measures must be taken by St. Bernard Parish Government (Applicant) prior to and during project implementation.

- 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.
- 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. Hazardous materials need to be elevated above the 0.2 % annual chance (500-year) 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.

7.0 PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

FEMA is the lead federal agency for conducting the NEPA compliance process for this Public Assistance project. It is the responsibility of the lead agency to conduct the preparation and review of NEPA documents in a way that is responsive to the needs of the Parish communities while meeting the spirit and intent of NEPA and complying with all NEPA provisions. As part of the development of early interagency coordination related to the proposed action, state and federal resource protection agencies were contacted and FEMA distributed an informal scoping notification through a Solicitation of Views.

These agencies include 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. FEMA has received no objections to the proposed project. Comments and conditions received from the agencies have been incorporated into this Environmental Assessment (see *Appendix D, Agency Correspondence*).

FEMA invited the public to comment on the proposed action during a fifteen (15) day comment period. A public notice will be published for 1 day in the local newspaper, *The St. Bernard Voice*, announcing the availability of this EA for review at the St. Bernard Parish Central Library at 1125 E. St. Bernard Highway in Chalmette, Louisiana. A copy of the Public Notice is attached in Appendix D. No comments were received regarding the proposed project.

8.0 LIST OF PREPARERS

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9.0 REFERENCES

Endangered Species Act of 1973

Website: <http://epw.senate.gov/esa73.pdf>

Executive Order 11988, Floodplain Management, 1977.

Website: <http://www.fema.gov/plan/ehp/ehplaws/eo11988.shtm>.

Executive Order 11990, Wetlands Management, 1977.

Website: <http://www.fema.gov/plan/ehp/ehplaws/eo11990.shtm>.

Executive Order 12898, Environmental Justice for Low Income and Minority Populations, 1994.

Website: <http://www.fema.gov/plan/ehp/ehplaws/ejeo.shtm>.

Federal Emergency Management Agency. 2006. *Advisory Base Flood Elevation Map, Orleans Parish, Louisiana. Map OR- LA-EE-34.* Website:

http://www.fema.gov/pdf/hazard/flood/recoverydata/katrina/maps/katrina_la_OR-LA-EE34.pdf.

Federal Emergency Management Agency. 2008. Preliminary Digital Flood Insurance Rate Map (DFIRM) Preliminary Revised Map No. 22087C0480D, October 30, 2008.

Federal Emergency Management Agency. 2011. David Miller. *Guidance for Use of Best Available Data in Complying with 44CFR Part 9 and EO 11988 for Certain Areas of Greater New Orleans*

Google Earth. 2010. Aerial Imagery.

U.S. Fish and Wildlife Service. 2010. National Wetlands Inventory Maps.

<http://www.fws.gov/wetlands/Data/mapper.html>.

Louisiana Department of Environmental Quality (LDEQ). 2011. Electronic Document Management System.

Louisiana Department of Natural Resources (LDNR). 2011. Permits/Mitigation Support Division. Website: <http://dnr.louisiana.gov/crm/coastmgt/coastmgt.asp>.

Louisiana Department of Environmental Quality. Air Quality Data.

Website: <http://www.deq.louisiana.gov/portal/tabid/37/Default.aspx?Search=non-attainment+areas>

Louisiana Department of Environmental Quality. Volunteer Remedial Program List.

Website: <http://www.deq.louisiana.gov/portal/Portals/0/Remediation Services/VRP>.

Louisiana Department of Environmental Quality. State Brownfield list.

Online Available: <http://www.deq.louisiana.gov/portal/tabid/2620/Default.aspx>.

Louisiana Department of Environmental Quality. Leaking Underground Storage Tank list.
Website: <http://www.deq.louisiana.gov>.

Louisiana Department of Natural Resources. Coastal Zone Management Act.
Website: <http://dnr.louisiana.gov/crm/coastmgt/coastmgt.asp>.

Louisiana Department of Natural Resources, Office of Coastal Management.
Letter Correspondence 12/13/2011 from Karl L. Morgan, Administrator.

Louisiana Mapping Project (LaMP). 2006-2007.
Website: <http://www.lamappingproject.com>

National Oceanic and Atmospheric Administration. Coastal Barrier Resources Act.
Website: http://www.csc.noaa.gov/cmfp/reference/Coastal_Barrier_Resources_Act.htm
Accessed.

Principal Environmental & Historic Preservation Laws.
Website: <http://www.fema.gov/plan/ehp/ehplaws/>, accessed September 2010.

U.S. Environmental Protection Agency (USEPA). 2010. Currently Designated Nonattainment Areas for All Criteria Pollutants.
Website: <http://www.epa.gov/oar/oaqps/greenbk/ancl.html>.

U.S. Fish and Wildlife Service. Endangered Species Data.
Website: <http://www.fws.gov/endangered/wildlife/htm>.