

Draft Environmental Assessment

**City of New Orleans**

**Construction of a New Florida Desire Multi-  
Service Center**

**FEMA-1603-DR-LA**

**New Orleans, Orleans Parish, Louisiana**

May 2018



**FEMA**

U.S. Department of Homeland Security  
Federal Emergency Management Agency, Region VI  
Louisiana Recovery Office  
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**LIST OF ACRONYMS AND ABBREVIATIONS**

ABFE	Advisory Base Flood Elevation
ACM	Asbestos Containing Materials
ADA	Americans with Disabilities Act
APE	Area of Potential Effects
BFE	Base Flood Elevation
BMP	Best Management Practices
CAA	Clean Air Act
CBD	Central Business District
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
C.F.R.	Code of Federal Regulations
CNO	City of New Orleans
CTR	In-House Contract Consultant
CUP	Coastal Use Permit
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
dBA	decibel, on the A-weighted Scale
DEA	Draft Environmental Assessment
DFIRM	Digital Flood Insurance Rate Map
DHS	U.S. Department of Homeland Security
DNL	Day-Night Average Sound Level
DoA	U.S. Department of the Army
EA	Environmental Assessment
EC	Elevation Certificate
EDMS	Electronic Document Management System
EIS	Environmental Impact Statement
EL	Elevation
E.O.	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FFE	furniture, fixtures, and equipment
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
GPO	U.S. Government Printing Office
HANO	Housing Authority of New Orleans
HEAG	Highest Existing Adjacent Grade
HSDRRS	Hurricane Storm Damage Risk Reduction System
HUD	U.S. Department of Housing and Urban Development

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IER	Individual Environmental Report
LA GOHSEP	Louisiana Governor's Office of Homeland Security and Emergency Preparedness
LaDOTD	Louisiana Department of Transportation and Development
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LFA	Local Floodplain Administrator
LPDES	Louisiana Pollutant Discharge Elimination System
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOPBR	New Orleans Public Belt Railroad
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OCM	Office of Coastal Management
OSHA	Occupational Safety and Health Administration
PA	Public Assistance
PACM	Possible Asbestos Containing Materials
PCB	Polychlorinated Biphenyls
P.L.	Public Law
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
SARA	Superfund Amendments and Reauthorization Act
sf	square-foot, square feet
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office/Officer
SIP	State Implementation Plan
SOV	Solicitation of Views
TSCA	Toxic Substances Control Act
USACE	U.S. Army Corps of Engineers
U.S.C.	U.S. Code
USDOC	U.S. Department of Commerce
USDOI	U.S. Department of the Interior
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WBV	West Bank and Vicinity

# 1 INTRODUCTION

## 1.1 Hurricane Katrina

Hurricane Katrina made landfall on 29 August 2005, near the town of Buras, Louisiana, with sustained winds of more than 125 miles per hour. The accompanying storm surge damaged levees and entered the city of New Orleans from various coastal waterways, resulting in flooding throughout much of the city. The storm's high winds, heavy rains, and flooding caused considerable damage throughout New Orleans, Louisiana.

## 1.2 Project Authority

President George W. Bush declared a major disaster for the State of Louisiana (FEMA-1603-DR-LA) on 29 August 2005, authorizing the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of Louisiana. This assistance is pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Public Law (P.L.) 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance (PA) Program to assist with funding the repair, restoration, reconstruction, or replacement of public facilities damaged as a result of the declared disaster.

In accordance with FEMA Instruction 108-1-1, a Draft Environmental Assessment (DEA) has been prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). (Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act 2005).

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

## 1.3 Background

The City of New Orleans (CNO, Sub-Recipient) has requested, through the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (LA GOHSEP) (Recipient), that FEMA provide disaster assistance consisting of federal grant funds in accordance with the provisions of the Stafford Act. FEMA has determined that the CNO is eligible for federal disaster Public Assistance and that the CNO qualifies for rehabilitation as a facility serving the needs of the general public.

The CNO requested FEMA approval of alternate project funds for the design, construction and furnishings, fixtures, and equipment (FFE) for a new Florida Desire Community Center in the Desire neighborhood of New Orleans through the PA Program. Consequently, in accordance with 44 C.F.R. § 206.203(d)(1), CNO has requested an Alternate Project for this project, which will allow funds to restore the pre-disaster functions of the former Bertha Magaurer Community Center in the Desire neighborhood of New Orleans. The Sub-Recipient proposes to construct a new Florida Desire Multi-Service Center and associated parking areas for the building. *Figure 1* depicts the two potential locations for the proposed Multi-Service Center evaluated in this DEA.

## 1.4 General Site Description

The City of New Orleans is located entirely within the parish of Orleans. Orleans Parish is primarily urban, with the exception of some areas of coastal marsh in the eastern part and woodlands on the west bank of the Mississippi River (the Lower Coast). The parish is entirely within the Mississippi River Delta, with a subtropical, humid climate typical of coastal regions along the Gulf of Mexico. The average winter

temperature is 54°F and the average summer temperature is 81°F. Orleans Parish typically receives 59 inches of rainfall annually (Trahan 1989).



**Figure 1 – Project Vicinity in the Desire neighborhood of Orleans Parish. The proposed project area is depicted in red. The CNO’s alternative location is depicted in yellow. (Image Source: Google Earth 2018)**

Although the corporate boundary of the City of New Orleans has been unchanged since the 1800s, the City’s urban footprint has expanded significantly since then. Before 1900, urbanization was confined primarily to natural levees and ridges along the Mississippi River and elsewhere (the Esplanade Ridge, for example). In 1913, construction of a levee and pump system began, which allowed for the development of lower-lying areas and wetlands. Between 1913 and 2000, the city’s urbanized footprint almost doubled to approximately 71 square miles. The extent of urbanization has been relatively unchanged since the mid-1980s, however, when development slowed considerably due to a lack of large remaining developable tracts within the city, the general economic downturn resulting from the “oil bust,” and ongoing concerns about quality of life issues related to crime and public education (CNO 2010).

New development stalled in the 1980s but, by the 1990s, the city began to witness small-scale reinvestment within established neighborhoods and larger adaptive re-use and limited infill development projects within and around the Central Business District (CBD), or “downtown” area. The CBD is located northwest of the project site addressed by this DEA. Since Hurricane Katrina, due to the extent of flooding and numerous other impediments to recovery, many structures within the city remain unoccupied, while others have been demolished and left as vacant lots (CNO 2010).

According to the undated City of New Orleans *Desire Area Neighborhood Planning District 7 Rebuilding Plan*, between 1900 and 1920, various canals along Franklin Avenue, Alvar Street, and Desire Street served as drainage for the Desire Area. Between 1919 and 1935, these canals were replaced with subsurface drainage and covered, making the Desire neighborhood more desirable for development and increased the level of railroad development. In 1946, the Desire neighborhood was supported by Gulf Mobile, Ohio



## 2 PURPOSE AND NEED

The objective of FEMA's PA Grant Program is to provide assistance to state, tribal, and local governments, as well as certain types of private, non-profit organizations, such that communities can quickly respond to, recover from, and mitigate major disasters and emergencies. The massive flooding associated with Hurricane Katrina severely impaired the operation of the existing New Orleans multi-purpose community facilities, damaging several of these facilities beyond repair.

According to the undated City of New Orleans *Desire Area Neighborhood Planning District 7 Rebuilding Plan*, structural damage from Hurricane Katrina in the Desire neighborhood ranged from 0 to 25% to up to 100% (Figure 3), similar to other areas throughout New Orleans.

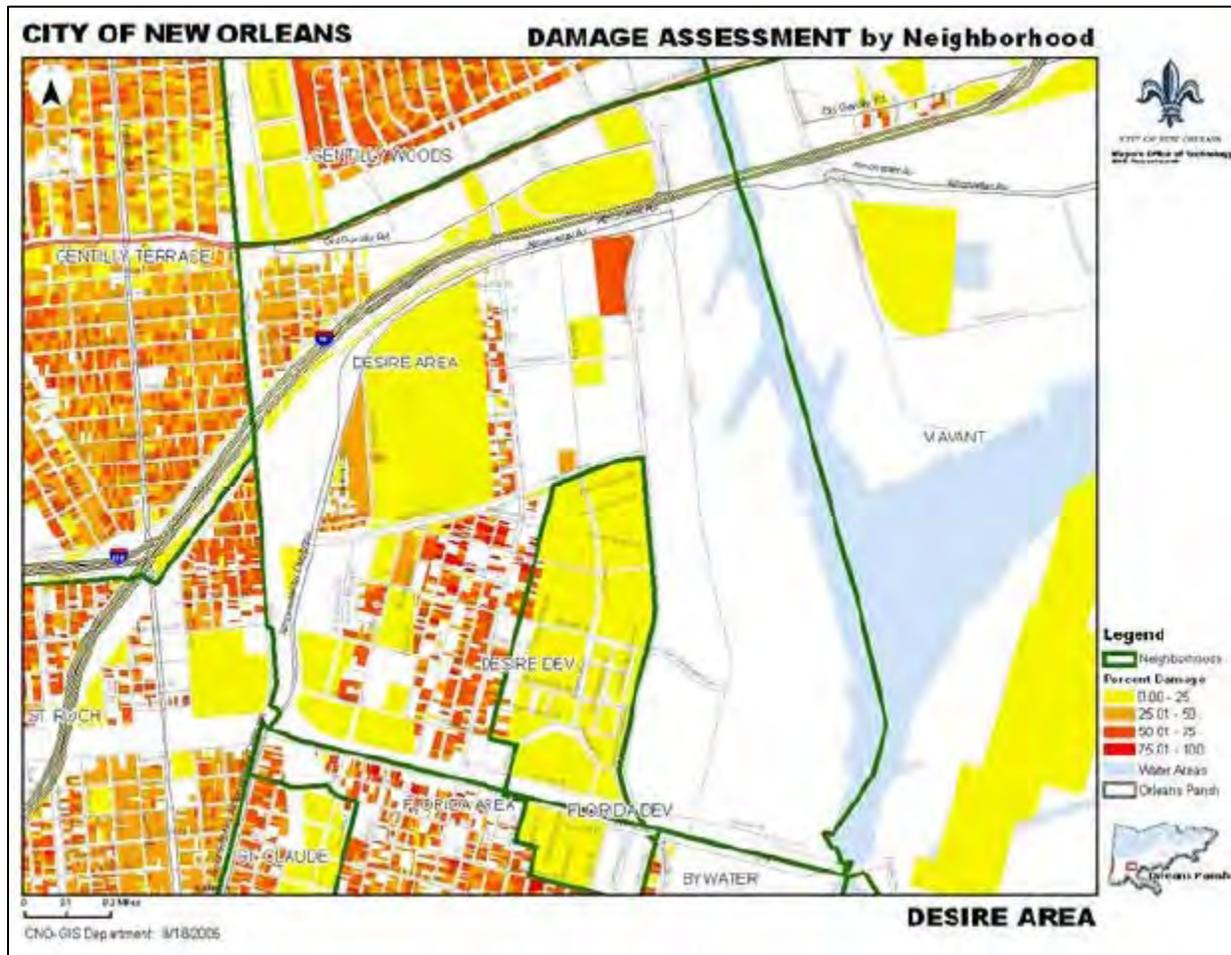


Figure 3 – Map depicting the percentage of damage in the Desire neighborhood by block. (Image Source: *Desire Area Neighborhood Planning District 7 Rebuilding Plan*, undated.)

### 3 ALTERNATIVES

#### 3.1 Overview of Alternatives

The NEPA process consists of an evaluation of the environmental effects of a federal undertaking, including its alternatives. Three alternatives have been considered and reviewed including 1) the “No Action” alternative, 2) Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative), and 3) Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue.

#### 3.2 Alternative 1 – No Action

Under the “No Action” alternative, there would be no new construction of the Florida Desire Multi-Service Center facility. Consequently, the recreational needs residents of the Desire neighborhood would remain underserved, as no new facility would be constructed. “No Action” would forego the opportunity to provide improved community services to the Desire community. This alternative does not meet the purpose and need, but will continue to be evaluated throughout this DEA and serve as a baseline comparison of impacts from other action alternatives.

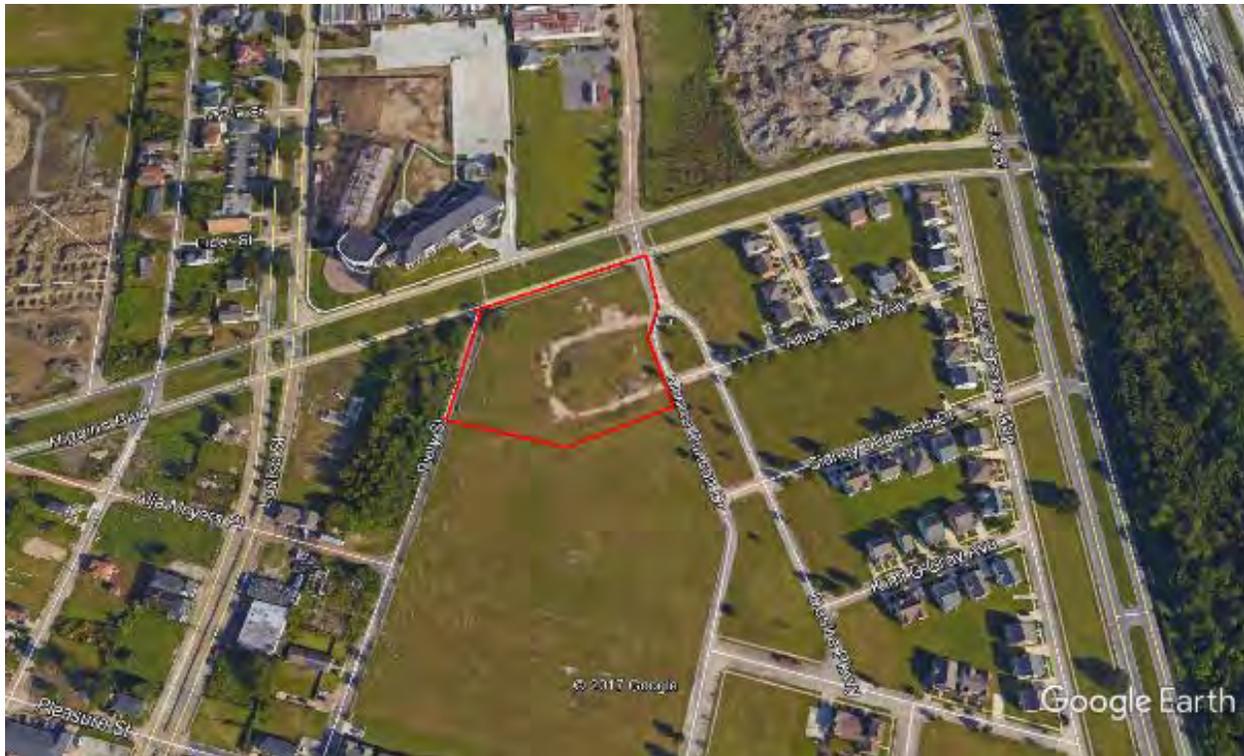
#### 3.3 Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)

This alternative includes the design, construction, and furniture, fixtures, and equipment (FFE) for a new Florida Desire Multi-Service Center building in the Desire neighborhood of New Orleans. The existing project site is currently undeveloped. The lot would be graded as necessary to accommodate the new structure and associated parking lots.

The proposed project site is an approximate 2.5 acre lot located in the Desire neighborhood of New Orleans. The property proposed for the new Florida Desire Multi-Service Center is currently a cleared, maintained, but undeveloped site with evidence of existing utilities remaining from previous site development. *Table 1* defines the four (4) corners of the proposed project site. The footprint of the proposed project location is depicted in *Figure 4*. According to the CNO Property Viewer, the Housing Authority of New Orleans (HANO) owns the proposed project lot. The CNO is currently working on a long term lease agreement with HANO for use of the proposed property. The lot is bordered on the north by Higgins Boulevard, to the east by Desire Parkway, to the south by undeveloped, cleared land and Pleasure Street, and to the west by Piety Street.

**Table 1. Four Corners of the Proposed Florida Desire Multi-Service Center Project Site**

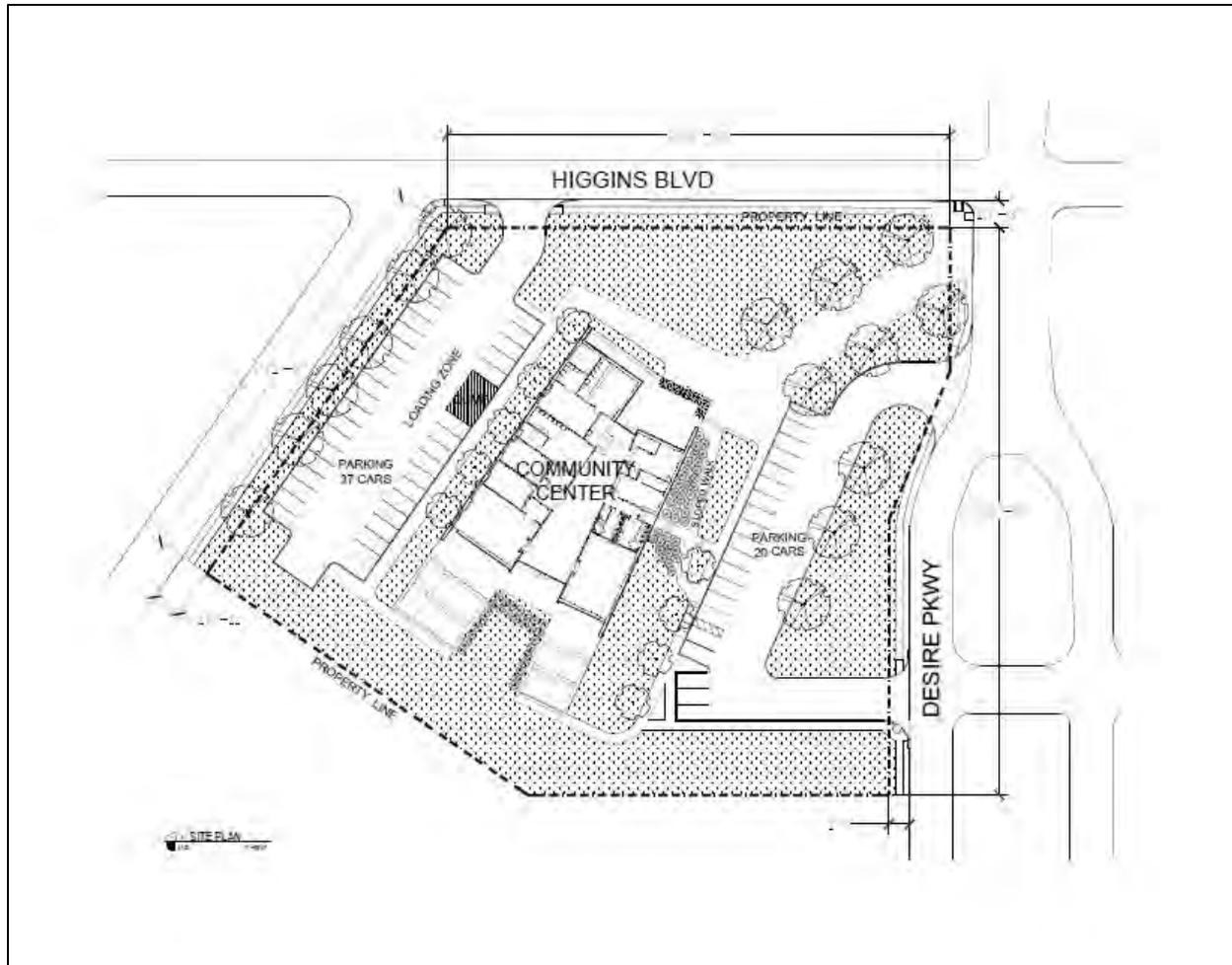
Corner	Latitude	Longitude
Northwest	29.994273	-90.033362
Northeast	29.994619	-90.032273
Southeast	29.993714	-90.032092
Southwest	29.993632	-90.033521



**Figure 4 - Aerial overview of the proposed project footprint, outlined in red. (Image Source: Google Earth 2018)**

Under this Alternative, the CNO would construct a new approximate 10,000 square foot (sf) multi-service center for the use of residents of the Desire neighborhood. The proposed multi-service center would provide community meeting rooms, multi-purpose rooms, a commercial kitchen, and office space. The proposed structure would meet all Federal, State, and local codes, be compliant with the Americans with Disabilities Act (ADA) and have onsite parking for staff and visitors. *Figure 5* depicts a schematic plan showing the locations of the proposed structure and associated parking lots.

FEMA personnel visited the proposed project site on 10 January 2018. There were no structures on the site; however, there was a fire hydrant located at the northwest corner of the site at the intersection of Higgins Boulevard and Piety Street. In addition, there is sewer manhole approximately 50 feet southeast of the fire hydrant. There is pole-mounted utility junction box located at the northwest corner of the site near the intersection of Desire Parkway and Higgins Boulevard. The site is generally flat with less than a one (1) foot of elevation change over the site. The majority of the site is covered with lawn grass and random areas of gravel. The site appears to be maintained by periodic mowing. Site photos for this Alternative site are attached in Appendix A (Photos 1 through 18). Construction Plans for this Alternative are attached to this EA in Appendix B.



**Figure 5 – Schematic image depicting the overall proposed project plans. (Image Source: City Of New Orleans Florida Desire Multi-Purpose Center, Design Development Submittal, Mathes Brierre Architects.)**

As shown in *Figure 5*, the proposed multi-service center would be constructed in the center of the site. Parking areas for a total of 57 vehicles would be constructed to the east and west of the multi-service center. The proposed multi-service center would be accessible from both Higgins Boulevard and Desire Parkway via four driveways. Maintained green spaces would be constructed on the property near the parking areas. There would be several areas where clusters of trees would be planted on the site. According to the CNO, this location was selected because of its proximity to the new Sidney Collier College and Carver High School sites and the Multi-Purpose Center located at this location would complement the programs provided by those facilities and be easily accessible to end user populations.

According to the CNO's proposed project construction design plans from Mathes Brierre Architects, dated December 15, 2017, the finished Florida Desire Multi-Service Center structure will appear as shown in *Figure 6*.



**Figure 6 – Image depicting the proposed Florida Desire Multi-Purpose Center, according to 95% construction plans. (Image Source: City of New Orleans Florida Desire Multi-Purpose Center, Design Development Submittal, Mathes Brierre Architects.)**

### **3.4 Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue**

For this alternative, the CNO would reconstruct the new Florida Desire facility at CNO-owned, pre-Hurricane Katrina, location of the Desire Multi-Service Center at the intersection of Louisa Street and Florida Avenue, which is located at 29.984987, -90.036581, in a similar configuration and of similar size to Alternative 2 to serve the needs of Desire community (*Figure 7*). This alternative site is bounded to the north by Industry Street, to east by Piety Street, to the south by Florida Avenue, and to the west by Louisa Street. Based on review of historic imagery on Google Earth, it appears the pre-Hurricane Katrina facility was demolished in late 2009 or early 2010.

FEMA personnel visited the proposed project site on 25 January 2018. There were no buildings on the site; however, there are remnants of previous structures on the southern portion of the site, and there is evidence that the site is being used by members of the public as a dump site. The site is generally flat with less than a one (1) foot of elevation change over the site. The northern portion of the site is covered with lawn grass. This portion of the site appears to be maintained by periodic mowing. The southern portion of the site is covered with paved areas, remnants of the previous development on the site, and is overgrown with unmaintained vegetation. A fire hydrant was observed at the intersection of Florida Avenue and Piety Street, southeast of the site. Site photos for this Alternative site are attached in Appendix A (Photos 19 through 36).

Although this alternative would meet the needs of the Sub-Recipient, the CNO has determined that this is not the optimal location for the reconstructed Florida Desire Multi-Service Center to be reconstructed. This alternative is a less desirable alternative, however, it does not necessarily render this action alternative unreasonable. The alternative nevertheless meets the purpose and need of the action, and therefore, will continue to be evaluated throughout this DEA.



**Figure 7 – Image depicting the pre-Hurricane Katrina location of the Desire Community Center (Image Source: Google Earth 2018)**

### **3.5 Alternative 4 – Construct the new facility at a HANO-owned location at Louisa Street and Law Street**

For this alternative, the CNO would reconstruct the new Florida Desire facility at a HANO-owned location at the intersection of Louisa Street and Law Street.

Although this alternative would meet the needs of the Sub-Recipient, after careful consideration, the CNO has determined that this is not an optimal location for a number of reasons and no longer considers this site to be a plausible location for construction of this project. Therefore, this alternative will not be further evaluated in this DEA.

## **4 AFFECTED ENVIRONMENT AND ALTERNATIVES ANALYSIS**

### **4.1 Geology, Soils, and Topography**

#### **4.1.1 Regulatory Setting**

The Farmland Protection Policy Act (P.L. 97-98, §§ 1539-1549; 7 U.S.C. 4201, et seq.) was enacted in 1981 and is intended to minimize the impact federal actions have on the unnecessary and irreversible conversion of farmland to non-agricultural uses. This law assures that, to the extent possible, federal programs and policies are administered in a way that is compatible with state and local farmland protection policies and programs. In order to implement the FPPA, federal agencies are required to develop and review their policies and procedures every two (2) years. The FPPA does not authorize the federal government to regulate the use of private or non-federal land or, in any way, affect the property rights of owners.

The Natural Resources Conservation Service is responsible for protecting significant agricultural lands from irreversible conversions that result in the loss of essential food or environmental resources. For purposes of the FPPA, farmland includes prime farmland, unique farmland, and farmland of statewide or local importance. Prime farmland is characterized as land with the best physical and chemical characteristics for production of food, feed, forage, fiber, and oilseed crops (USDA 2013). Farmland subject to FPPA requirements does not currently have to be used for cropland; it also can be forest land, pastureland, or other land, but not water or built-up land.

#### **4.1.2 Existing Conditions**

Within Orleans Parish, approximate surface elevations range from 12 feet above sea level on Mississippi River berms to 5 feet below sea level within the drained wetlands inside the city levees. Undrained marshes and swamps typically range from sea level to about one (1) foot above in elevation (Trahan 1989). According to the Louisiana Geological Survey, the geology in the vicinity of the project site is predominantly Holocene Alluvium, which also covers about 55% of the state. The Holocene Epoch began approximately 11,700 years ago and continues to the present day. These alluvial soils consist of sandy and gravelly river channel material overlain by sandy to muddy natural levee deposits, often with an organic-rich muddy backswamp layer in between (Louisiana Geological Survey 2010). During the Holocene Epoch, there has been no known active faulting in the New Orleans area. The city is “seismically quiescent” (Seed et al. 2006).

#### **4.1.3 Environmental Consequences**

##### ***Alternative 1 – No Action***

The “No Action” alternative would have no significant impacts on prime farmland, unique farmland, farmland of statewide or local importance, or other important geologic resources.

##### ***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

The soils of Orleans Parish vary in their potential for land use and urban development. According to the Natural Resources Conservation Service Web Soil Survey, the project area is situated within low-lying bottomlands soils. The soils underlying the project location consist primarily of Harahan clay, (0 to 1 percent slopes). Harahan clay is classified as prime farmland. This soil is rated as 100% hydric, which is one of the indicators for wetland soils, although other criteria must be met for a particular area to be classified as a wetland. The slopes are less than 1% with a slight erosion hazard.

Harahan clay is poorly suited to surface roads and buildings due to its stickiness and high plasticity index. The main disadvantages of this type of soil are flooding, depth to saturation zone, low strength, and shrink/swell.

The site location is in an urban area and therefore is exempt from the rules and regulations of the Farmland Protection Policy Act (FPPA)-Subtitle I of Title XV, Section 1539-1549. Furthermore, no impacts to NRCS work in the vicinity are predicted. There would be no significant impact to other geologic resources.

***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

According to the Natural Resources Conservation Service Web Soil Survey, the project area is situated within low-lying bottomlands soils. The soils underlying the project location consist primarily of Harahan clay, (0 to 1 percent slopes). Harahan clay is classified as prime farmland. This soil is rated as 100% hydric, which is one of the indicators for wetland soils, although other criteria must be met for a particular area to be classified as a wetland. The slopes are less than 1% with a slight erosion hazard.

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## **4.2 Wetlands and Waters of the United States**

### **4.2.1 Regulatory Setting**

Wetlands have important ecological functions and are biologically diverse. They assimilate nutrients in surrounding surface waters, remove suspended solids and pollutants from stormwater, and protect shorelines from wind and wave action and storm-generated forces. Actions that would impact wetlands would require review under several regulatory programs.

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 Sections 401 and 404 of the Clean Water Act (CWA). Wetlands are identified as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that under normal hydrologic conditions do or would 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 Section 10 of the Rivers and Harbors Act (RHA). Executive Order (E.O.) 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 E.O. 11990 are codified at 44 C.F.R. Part 9, Floodplain Management and Protection of Wetlands.

The U.S. Environmental Protection Agency (USEPA) regulates discharges to waters of the United States through permits issued under Section 402 of the CWA, entitled the National Pollutant Discharge Elimination System (NPDES), which authorizes and sets forth standards for state administered permitting programs regulating the discharge of pollutants into navigable waters within each state's jurisdiction. On August 27, 1996, USEPA Region VI delegated the authority to administer the NPDES program for matters within the jurisdiction of the State of Louisiana. Having assumed NPDES responsibilities, Louisiana directly issues NPDES permits and has primary enforcement responsibility for facilities located within the State, with certain exceptions such as Indian Country Lands. Louisiana administers the NPDES Program and surface water discharge permitting system under the Louisiana Pollutant Discharge Elimination System (LPDES) program.

The LPDES requires permits for the discharge of pollutants/wastewater from any point source into waters of the State. Per the CWA, the term "point source" is defined as "any discernible, confined, and discrete

conveyance such as a pipe or a ditch.” Prior to assumption of the program, permittees were required to hold both a valid state and federal permit. Today, all point source discharges of pollutants to waters in the state of Louisiana are subject to a LPDES permit issued by the Louisiana Department of Environmental Quality (LDEQ). Additionally, the LDEQ requires a Stormwater Pollution Prevention Plan (SWPPP) for land disturbing activities greater than 1 acre. For land disturbing activities greater than 5 acres the LDEQ requires: 1) a SWPPP 2) a Notice of Intent and 3) a Notice of Completion.

Section 303(d) of the CWA requires states to develop a list of impaired waters. Water is considered impaired if the current quality does not meet the numeric or narrative criteria in a water quality standard, or the designated use described by that state is not achieved. Section 303(d)(2) requires that states submit and USEPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards, and for which total maximum daily loads (TMDLs) must be prepared (40 C.F.R. §130.7). Total maximum daily loads are pollution budgets designed to identify necessary reductions of pollutant loads to the impaired waters so that the appropriate water quality standards are met, including designated uses like fishing or swimming and water quality criteria for parameters such as dissolved oxygen and water clarity. The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 C.F.R. § 130.7). Types of impairments may include, for example, impaired primary contact use (e.g., swimming, water skiing), mercury and polychlorinated biphenyls (PCBs) in fish tissue, impaired fish consumption use, low dissolved oxygen, copper, phosphorus, manganese, excessive siltation, physical-habitat alterations, and total suspended solids which impair aquatic life use.

FEMA’s implementation of E.O. 11990 is described in 44 C.F.R. Part 9. Under this regulation, FEMA is required to engage in the 8-step decision-making process to ensure that proposed activities are consistent with EO 11990 and to evaluate the potential effects of an action on wetlands. The 8-step process includes using minimization measures when a project affecting a wetland is the only practicable alternative. The 8-step process for this project is located in Appendix C. Minimization measures include avoidance techniques such as establishing wetland buffer zones to avoid converting or filling wetlands and obtaining and complying with NPDES permits. Recipients and Sub-Recipients are responsible for obtaining any applicable NPDES permits and meeting permit conditions. In addition to complying with 44 C.F.R. Part 9, the Recipient or Sub-Recipient must obtain the applicable CWA Section 404 permit prior to the initiation of the project if it will affect jurisdictional wetlands. The Recipient or Sub-Recipient must coordinate with USACE to determine whether any of the NWP’s or a Regional General Permit apply or whether an Individual Permit is required. Proposed projects that require an Individual Permit will require close coordination between the Recipient or Sub-Recipient, FEMA and USACE. The Recipient or Sub-Recipient is required to comply with all conditions of the 404 general or individual permit, which may include compensation measures, such as wetlands banking, for any loss of wetlands.

#### **4.2.2 Existing Conditions**

Past human interventions have significantly modified the natural hydrologic regime within Orleans Parish. Levees along the Mississippi River now prevent the annual overbank flooding that previously occurred. Water from precipitation is instead discharged into the wetlands that remain via pumping stations and floodgates which are part of the channelized drainage network within the city’s leveed areas. As mentioned earlier, a significant reduction in wetland acreage occurred in the early to mid-20<sup>th</sup> Century due to this drainage network. Elsewhere in the parish, deep canals have been excavated for logging, drainage, improved navigation and, in later years, oil and gas development. These and other similar modifications to the local landscape allowed freshwater to enter the estuary more quickly from point sources. The sidescap excavated material along the canals caused segmentation of the wetlands and interfered with natural circulation. The deeper water within the canals allowed tidal fluctuation to extend farther inland, increasing

saltwater intrusion during drier periods. Although major saltwater intrusions into the Mississippi River usually do not extend as far upstream as Orleans Parish, intrusions through various canals and channels do reach other surface waters in most areas of the parish. Because of these human-created conditions, hydrologic circulation now reflects an unnatural competition between local runoff, discharges from diked areas, and daily tides. As a result, a stable hydrologic regime has been altered relatively rapidly into one with greater fluctuations in water levels, salinity values, and sediment transfer/deposition (Templett 1982).

Stormwater runoff collects any contaminants, including metals and chemical pollutants and objects light enough to be carried by the water, as it flows to the water body. These contaminants then enter the water body, negatively impacting its water quality. Avian, fish, and other aquatic animal excreta also contributes to the accumulation of sediment in the area water bodies. Negative impacts to water quality include high levels of chemical pollutants, high bacteria and virus loads, erosion, and sedimentation. Increased sedimentation in area water bodies has reduced oxygen levels within these water bodies and has compromised their ability to support healthy fish habitats and populations of desired fish species.

#### **4.2.3 Environmental Consequences**

##### ***Alternative 1 – No Action***

The “No Action” alternative would have no impact on wetlands or other waters of the U.S. and would not require permits under § 404 of the CWA or § 10 of the RHA.

##### ***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

The proposed project site is land, which was previously developed, (see Section 4.8.2), is currently maintained as cleared, open space, area in an urban environment. The proposed project involves construction of a new Florida Desire Multi-Service Center and associated parking lots, access roads, and maintained green space. There are no wetlands, navigable waters, or other waters of the U.S. present on the proposed site.

If the project results in a discharge to offsite waters of the state, an LPDES permit may be required in accordance with the CWA and Title 33 of the Louisiana Clean Water Code. For example, if the project results in a new discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater. In addition, proposed construction activities may require an LPDES stormwater permit, but there is an existing general permit (LAR200000) for construction activities between one (1) and five (5) acres.

In order to minimize indirect impacts (erosion, sedimentation, dust, and other construction-related disturbances) to waters of the state or well defined drainage areas surrounding the site, the contractor should implement Best Management Practices (BMPs) that meet LDEQ permitting specifications for stormwater and also include the following into the daily construction routine: silt screens, barriers (e.g., hay bales), berms/dikes, and or fences to be placed as and where needed. Fencing should be placed to mark staging areas for storage of construction equipment and supplies, as well as for sites where maintenance/repair operations occur. As of this writing, the LDEQ did not respond to FEMA’s SOV dated 5 January 2018; however, standard conditions and recommendations regarding discharges to waters provided by the LDEQ for previous similar projects are included in Section 6.0 Conditions and Mitigation Measures.

##### ***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

The proposed project site is land, which was previously developed with the pre-Hurricane Katrina location of the Desire facility, is currently maintained as cleared, open space, area in an urban environment. The proposed project would involve the construction of a new Florida Desire Multi-Service Center and

associated parking lots, access roads, and maintained green space, in a similar configuration to Alternative 2. There are no wetlands, navigable waters, or other waters of the U.S. present on the proposed site.

If the project results in a discharge to offsite waters of the state, an LPDES permit may be required in accordance with the CWA and Title 33 of the Louisiana Clean Water Code. For example, if the project results in a new discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater. In addition, proposed construction activities may require an LPDES stormwater permit, but there is an existing general permit (LAR200000) for construction activities between one (1) and five (5) acres.

In order to minimize indirect impacts (erosion, sedimentation, dust, and other construction-related disturbances) to waters of the state or well defined drainage areas surrounding the site, the contractor should implement Best Management Practices (BMPs) that meet LDEQ permitting specifications for stormwater and also include the following into the daily construction routine: silt screens, barriers (e.g., hay bales), berms/dikes, and or fences to be placed as and where needed. Fencing should be placed to mark staging areas for storage of construction equipment and supplies, as well as for sites where maintenance/repair operations occur.

### **4.3 Floodplains**

#### **4.3.1 Regulatory Setting**

Executive Order 11988, Floodplain Management, requires federal agencies to avoid direct or indirect support or development within or affecting the 1% annual-chance special flood hazard area (SFHA) (i.e., 100-year floodplain) whenever there is a practicable alternative (for “Critical Actions”, within the 0.2% annual chance SFHA, i.e., the 500-year floodplain). FEMA uses the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM) to determine the flood hazard zone for the proposed project location. FEMA’s regulations for complying with E.O. 11988 are codified in 44 C.F.R. Part 9, Floodplain Management and Protection of Wetlands.

Section 9.6, 44 C.F.R., details an eight-step process that decision-makers must use when considering projects either located within the floodplain or with the potential to affect the floodplain. The 8-step process: assesses the action with regard to human susceptibility to flood harm and impacts to wetlands; analyzes principle flood problems, risks from flooding, history of flood loss, and existing flood protection measures; and includes public notice and opportunity for the public to have early and meaningful participation in decision-making and alternative selection. If impacts cannot be avoided, the 8-step process includes requirements to incorporate measures to minimize and mitigate potential risks from flooding and impacts to wetlands as appropriate.

Under 44 C.F.R. Part 9, FEMA is required to avoid activities in a floodplain unless it is the only practicable alternative. If undertaking a proposed project in the floodplain is the only practicable alternative, then FEMA must minimize the impacts to the floodplain and the impacts from floods to the facility or structure. Minimization techniques apply to the location of structures, equipment and building contents in floodplain areas. This could include elevating facilities or structures above the base flood elevation. Minimization techniques may include flood-proofing structures or facilities. Some of these facilities may be considered “critical actions” under this analysis because the risk of flooding might be too great. In such cases, the base flood elevation or standard for flood-proofing is the 500-year flood event.

#### **4.3.2 Existing Conditions**

Orleans Parish is comprised of the City of New Orleans and is located in southeast Louisiana at the head of the Mississippi River Delta. It is approximately 350 square miles, of which approximately roughly 199 square miles (approximately 56.9 percent) is land; the remainder, 151 square miles, is open water and

marsh. Only 51% of New Orleans is at or above sea level, with the more densely populated areas generally on higher ground along the natural levee adjacent to the Mississippi and other waterways. The average elevation of the city is currently between one and two feet below sea level, with some portions of the city as high as 20 feet at the base of the river levee in Uptown and others as low as 7 feet below sea level in the farthest reaches of Eastern New Orleans.

There are approximately 1,547 miles of City-owned streets within Orleans Parish, of which approximately 60% are asphalt-topped and 40% are concrete-topped. The City's drainage system is divided into 10 drainage basins and consists of 1,287 miles of small drain lines (pipes less than 36 inches in diameter) and 65,000 drainage catch basins and inlets. The City's water distribution system consists of over 2,000 miles of water lines and distributes approximately 144 million gallons of water each day. It also includes over 17,000 hydrants for fire protection. The City is divided into 10 sewerage service basins, with over 1,300 miles of sewer collection lines and 120 miles of sewer force mains.

New Orleans' drainage infrastructure is owned and operated by SWBNO and includes 23 drainage pump stations, 13 underpass pumping stations, 260 miles of open and covered canals, and 1,515 miles of subsurface pipes, both gravity and pressurized. With a pumping capacity of over 30 billion gallons—more than the flow rate of the Ohio River—this is the biggest stormwater removal system in the country. All rainwater is pumped to Lake Pontchartrain, the Industrial Canal, the Intracoastal Waterway and Bayou Bienvenue. Dry weather flow goes to the River, the Lake and the Intracoastal Waterway. The system also serves about 2,250 acres in Jefferson Parish.

Urban flooding occurs when rain overwhelms drainage systems and waterways and makes its way into the basements, backyards, and streets of homes, businesses, and other properties. There are several ways in which stormwater can cause the flooding of a property: overflow from rivers and streams, ponding within levee polder areas, sewage pipe backup into buildings, seepage through building walls and floors, and the accumulation of stormwater on property and in public rights-of-way. As New Orleans has developed to accommodate increasing population, more impermeable surfaces (roads, roofs, parking lots, driveways, alleys, sidewalks, and patios) have led to reduced infiltration and increased stormwater runoff. Natural drainage systems have been replaced with man-made sewer and stormwater infrastructure. This infrastructure has fallen into disrepair in many places, and increasingly heavy rainfall events are putting additional strain on the deteriorated drainage systems.

New Orleans has always faced the risk of flooding from three sources: the Mississippi River, heavy rains, and hurricane storm surge through Lake Pontchartrain and Lake Borgne. Hurricane storm surge poses the greatest threat of catastrophic flooding in New Orleans. Risk of flood damage has been modulated by several factors: increased structural flood protection in the form of flood gates and levees; increased development in low-lying, vulnerable areas; soil subsidence; and coastal erosion. Global sea level rise and the risk of stronger, more frequent hurricanes as a result of global warming may also be contributing to increased risk.

Drainage of flood waters in Orleans Parish is accomplished by a system of structures and canals which flow to pumping stations. Orleans Parish is protected from the Mississippi River by man-made levees. On the east bank of Orleans Parish, the Lake Pontchartrain and Vicinity Hurricane Protection Levee was designed to prevent flooding from hurricane storm surges from Lake Pontchartrain and Lake Borgne. Post-Hurricane Katrina, the levees in Orleans Parish, with the exception of the Mississippi River levees, although physically still in place, were compromised to the point that they were not considered sound enough to adequately protect against the 1-percent annual chance storm event.

### 4.3.3 Environmental Consequences

Practicable alternatives to locating the proposed action in the floodplain were identified and evaluated. Various practicability factors were considered including feasibility, social concerns, hazard reduction, mitigation costs, and environmental impacts.

#### *Alternative 1 – No Action*

The “No Action” alternative would not entail any changes to either existing property site. This course would have no further adverse impacts to the floodplain.

#### *Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)*

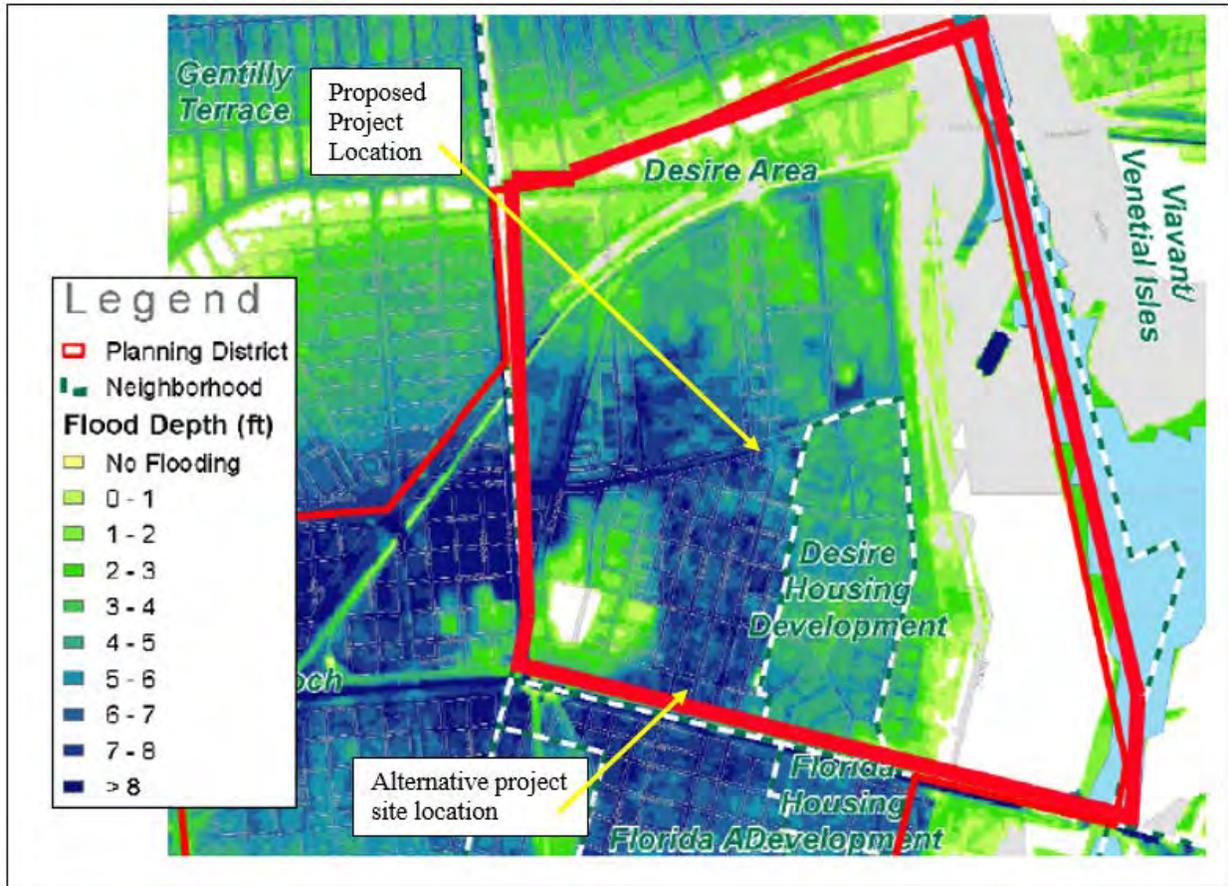
Alternative 2 was reviewed for possible impacts associated with occupancy or modification to a floodplain. Although the character of the proposed site will change significantly from undeveloped but cleared to fully developed with impervious surfaces, due to the relatively small size of the site, impacts to the nature of the floodplain itself have been determined to be negligible. Construction of the Florida Desire Multi-Service Center would not significantly affect the functions and values of the 100-year floodplain since these actions would not significantly impede or redirect flood flows.

Orleans Parish enrolled in the NFIP on 3 August 1970. This project is located within a levee-protected area of the 100-year floodplain. Effective DFIRM Panel 22071C0231F, which became effective on 30 September 2016 (*Figure 8*), indicates that a relatively small area along the western boundary of the project site is located in Flood Zone AE (EL -3), an area levee-protected from the base flood but subject to the 1% annual chance flood, i.e. the 100-year floodplain (dark gray areas on the DFIRM). This area would be constructed as a parking area only, and not where the proposed structure would be constructed. The majority of site lot, including the area where the Florida Desire Multi-Service Center structure would be constructed is located in Flood Zone Shaded “X,” an area levee-protected from the base flood but subject to the 0.2% annual chance flood, i.e. the 500-year floodplain, based upon shallow ponding only (light gray areas on the DFIRM). According to Google Earth, ground elevations within the area are approximately 0 feet above sea level (North American Vertical Datum of 1988). In compliance with E.O. 11988, an 8-step process was completed and documentation is attached in Appendix C.

According to the undated City of New Orleans *Desire Area Neighborhood Planning District 7 Rebuilding Plan*, flood water depths ranged between 1 and 8 feet in much of the Desire neighborhood. At the proposed project site, mapped flood water depths were 5 to 8 feet (CNO, undated) (*Figure 9*).



Figure 8 – The proposed project location depicted on effective DFIRM Panel Number 22071C0231F (Image Source: FEMA 2016). Figure depicts the flood zones for the proposed project site, which is outlined in red.



**Figure 9 – Flood depths during Hurricane Katrina in the Desire Area neighborhood (Image Source: *Desire Area Neighborhood Planning District 7 Rebuilding Plan*).**

According to the current Orleans Parish Floodplain Ordinance, *Sec. 78-81. – Minimum elevation required*, (M.C.S., Ord. No. 26906, § 1, 5-5-16, effective 6-1-16), which may be accessed via the internet at: [https://library.municode.com/la/new\\_orleans/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH78FL\\_ARTIIFLDAPR\\_DIV2PE\\_S78-81MIELRE](https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH78FL_ARTIIFLDAPR_DIV2PE_S78-81MIELRE):

- The lowest floor elevation of new residential and non-residential construction and substantial improvements must, at a minimum, be elevated to one foot above the BFE as determined by the FIRM adopted by this article, or three feet above the highest adjacent curb (in the absence of curbing, three feet above the crown of the highest adjacent roadway), whichever is higher.
- In cases where flood-proofing is utilized for non-residential new construction or substantial improvements, proper certificates from a registered professional engineer or licensed architect shall be obtained and maintained by the director. Such structures utilizing flood-proofing measures must be flood-proofed to a minimum of one foot above the requirement established above.

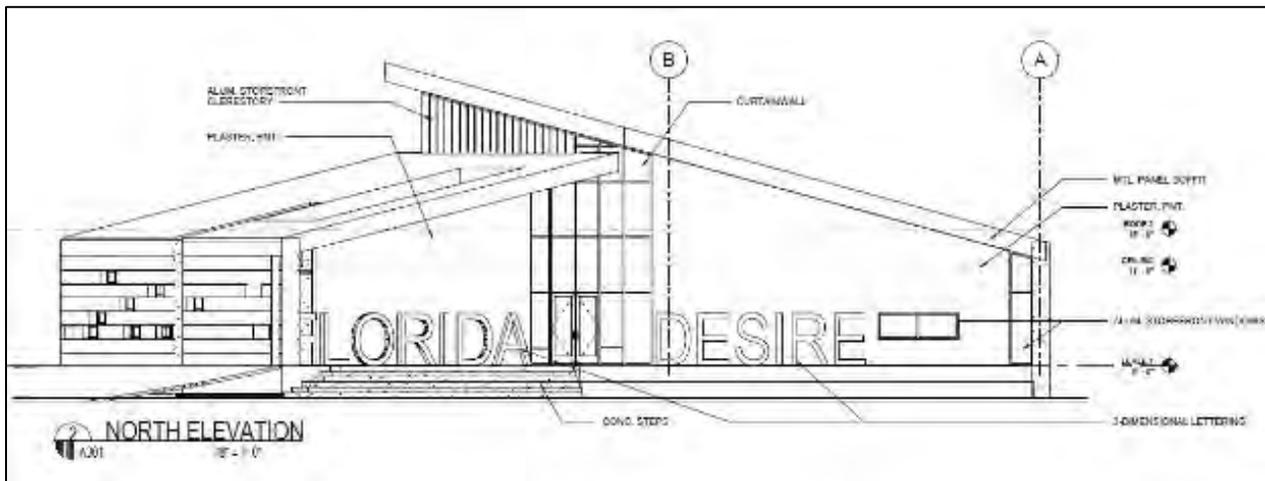
In addition, according to *Sec. 78-82 – Review of permits for construction* of the ordinance referenced above:

- New construction or substantial improvements within special flood hazard areas be protected against flood damage, be anchored in accordance with the building code of the City of New Orleans to prevent flotation, collapse, or lateral movement of the structure, utilize construction materials and utility equipment that is resistant to flood damage, and utilize construction methods and practices to minimize flood damage.

The CNO’s construction plans place the proposed new Multi-Purpose Center within the 500-year floodplain. Regardless of the structure’s location within either the 100-year or 500-year floodplain, Orleans Parish Floodplain management regulations must be followed.

Adverse effects would be minimized in accordance with FEMA’s minimization standards in 44 C.F.R. § 9.11. Treatment measures would be required to reduce adverse impacts below the level of significance. New construction must be compliant with current codes and standards. Per 44 C.F.R. § 9.11(d)(6), 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 NFIP. The Sub-Recipient is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. Coordination pertaining to these activities and Sub-Recipient compliance with any conditions should be documented and copies forwarded to the Louisiana Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) and FEMA for inclusion in the permanent project files.

Based on construction plans, it appears that the lowest occupied level of the Multi-Purpose Center structure would be elevated approximately 3 feet, as depicted in *Figure 10*.



**Figure 10 – Depiction of the proposed building north elevation showing that the lowest level of the structure would be elevated approximately 3 feet. (Image Source: City Of New Orleans Florida Desire Multi-Purpose Center, Design Development Submittal, Mathes Brierre Architects.)**

In order for the CNO to comply with FEMA floodplain management requirements and to be eligible for project funding, after construction of the proposed project and prior to FEMA project close-out, additional verification will be needed to ensure that proper coordination occurred regarding work within the floodplain. The following documentation will be required:

- A copy of the Post-Construction Elevation Certificate (EC) signed/sealed by licensed surveyor, engineer, or architect *as well as* the local floodplain administrator (LFA); or
- If the post-construction EC is not signed by the local Floodplain Administrator, then a Certificate of Occupancy signed by the LFA or a letter from the LFA stating the structure was built in compliance with the local floodplain ordinance.

***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

Effective DFIRM Panel 22071C0231F, which became effective on 30 September 2016 (*Figure 11*), indicates that the alternative project site is located in Flood Zone AE (EL -3), an area levee-protected from

the base flood but subject to the 1% annual chance flood, i.e. the 100-year floodplain (dark gray areas on the DFIRM). According to Google Earth, ground elevations within the area are approximately 0 feet above sea level (North American Vertical Datum of 1988). In compliance with E.O. 11988, an 8-step process was completed and documentation is attached in Appendix C.

According to the undated City of New Orleans *Desire Area Neighborhood Planning District 7 Rebuilding Plan*, flood water depths ranged between 1 and 8 feet in much of the Desire neighborhood. At the proposed project site, mapped flood water depths were 7 to 8 feet (CNO, undated) (*Figure 9*).



**Figure 11 – The alternative project location depicted on effective DFIRM Panel Number 22071C0231F (Image Source: FEMA 2016). Figure depicts the flood zones for the alternative project site, which is outlined in yellow.**

As with Alternative 2, should the project be constructed in this location, to comply with FEMA floodplain management requirements and to be eligible for project funding, the CNO must, after construction of the proposed project and prior to FEMA project close-out, provide additional verification to ensure that proper coordination occurred regarding work within the floodplain. The following documentation would be required:

- A copy of the Post-Construction Elevation Certificate (EC) signed/sealed by licensed surveyor, engineer, or architect *as well as* the local floodplain administrator (LFA); or
- If the post-construction EC is not signed by the local Floodplain Administrator, then a Certificate of Occupancy signed by the LFA or a letter from the LFA stating the structure was built in compliance with the local floodplain ordinance.

#### **4.4 Coastal Resources**

##### **4.4.1 Regulatory Setting**

###### ***4.4.1.1 Coastal Zone Management Act of 1972***

The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451 et seq.) is administered by the Department of Commerce's Office of Ocean and Coastal Resource Management within the National Oceanic and Atmospheric Administration (NOAA). It applies to all coastal states and to all states that border the Great Lakes. The CZMA was established to help prevent any additional loss of living marine resources, wildlife, and nutrient-enriched areas; alterations in ecological systems; and decreases in undeveloped areas available for public use. The CZMA gives states the authority to determine whether activities of governmental agencies are consistent with federally-approved coastal zone management programs. Each state coastal zone management program must include provisions protecting coastal natural resources, fish, and wildlife; managing development along coastal shorelines; providing public access to the coast for recreational purposes; and incorporating public and local coordination for decision-making in coastal areas. This voluntary federal-state partnership addresses coastal development, water quality, shoreline erosion, public access, protection of natural resources, energy facility siting, and coastal hazards.

The Federal Consistency provision, contained in § 307 of the CZMA, allows affected states to review federal activities to ensure that they are consistent with the state's coastal zone management program. This provision also applies to non-federal programs and activities that use federal funding and that require federal authorization. Any activities that may have an effect on any land or water use or on any natural resources in the coastal zone must conform to the enforceable policies of the approved state coastal zone management program. NOAA's regulations in 15 C.F.R. Part 930 provide the procedures for arriving at or obtaining a consistency determination.

The CZMA requires that coastal states develop a State Coastal Zone Management Plan or program and that any federal agency conducting or supporting activities affecting the coastal zone conduct or support those activities in a manner consistent with the approved state plan or program. To comply with the CZMA, a federal agency must identify activities that would affect the coastal zone, including development projects, and review the state coastal zone management plan to determine whether a proposed activity would be consistent with the plan.

###### ***4.4.1.2 Louisiana State and Local Coastal Resources Management Act of 1978***

Pursuant to the CZMA, the State and Local Coastal Resources Management Act of 1978 (R.S. 49:214.21 et seq. Act 1978, No. 361) is the state of Louisiana's legislation creating the Louisiana Coastal Resources Program (LCRP). The LCRP establishes policy for activities including construction in the coastal zone, defines and updates the coastal zone boundary, and creates regulatory processes. The LCRP is under the authority of the Louisiana Department of Natural Resources' (LDNR) Office of Coastal Management (OCM). If a proposed action is within the Coastal Zone boundary, OCM will review the eligibility of the project concurrently with its review by other federal agencies (U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service). The mechanism employed to review these projects is the Coastal Use Permit (CUP). Per the CZMA, all proposed federal projects within the coastal zone must undergo a Consistency Determination by OCM for that project's consistency with the state's Coastal Resources Program (i.e., LCRP) (LDNR 2016).

#### **4.4.1.3 Coastal Barrier Resources Act of 1982**

The Coastal Barrier Resources Act (CBRA) of 1982 (16 U.S.C. § 3501 et seq.), administered by the U.S. Fish and Wildlife Service (USFWS), was enacted to protect sensitive and vulnerable barrier islands found along the U.S. Atlantic, Gulf, and Great Lakes coastlines. The CBRA established the Coastal Barrier Resources System (CBRS), which is composed of undeveloped coastal barrier islands, including those in the Great Lakes. With limited exceptions, areas contained within a CBRS are ineligible for direct or indirect federal funds that might support or promote coastal development, thereby discouraging development in coastal areas.

#### **4.4.2 Existing Conditions**

The proposed Florida Desire Multi-Service Center site is located within the coastal zone and may be required to obtain a CUP prior to construction (Appendix D). The project site is not located within a regulated CBRS unit.

#### **4.4.3 Environmental Consequences**

##### ***Alternative 1 – No Action***

The “No Action” alternative would entail no undertaking and therefore, would have no impact on a coastal zone or a CBRS unit.

##### ***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

The proposed project would involve construction in a designated coastal zone. Per letter from LDNR OCM dated 3 March 2013, the granting of federal financial assistance as defined in 15 C.F.R. § 930.91 is fully consistent with the LCRP. Consistency with the LCRP does not exempt Sub-Recipients from the need to obtain a CUP, if required. In response to FEMA’s SOV dated 5 January 2018, LDNR’s response, dated 12 January 2018, indicated that a CUP may be required prior to initiation of project activities. The Sub-Recipient is responsible for coordinating with LDNR OCM to obtain the CUP required as a result of this project.

The project site is not located within a CBRS unit; therefore CBRA requirements do not apply.

##### ***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

The proposed project would involve construction in a designated coastal zone. Per letter from LDNR OCM dated 3 March 2013, the granting of federal financial assistance as defined in 15 C.F.R. § 930.91 is fully consistent with the LCRP. Consistency with the LCRP does not exempt Sub-Recipients from the need to obtain a CUP, if required. Should the CNO elect to construct the facility at this location, a CUP may be required prior to initiation of project activities. The Sub-Recipient is responsible for coordinating with LDNR OCM to obtain the CUP required as a result of this project.

The project site is not located within a CBRS unit; therefore CBRA requirements do not apply.

## **4.5 Federally Protected Species, Critical Habitats, and Other Biological Resources**

### **4.5.1 Regulatory Setting**

#### ***4.5.1.1 Endangered Species Act***

The Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531-1543) prohibits the taking of listed, threatened, and endangered species unless specifically authorized by permit from the USFWS or the NMFS. “Take” is defined in 16 U.S.C. 1532 (19) as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” “Harm” is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering (50 C.F.R. § 17.3) (Endangered and Threatened Wildlife and Plants 1975).

Section 7(a)(2) of the ESA requires the lead federal agency to consult with either the USFWS or the NMFS, depending which agency has jurisdiction over the federally listed species in question, when a federally funded project either may have the potential to adversely affect a federally listed species, or a federal action occurs within or may have the potential to impact designated critical habitat. The lead agency must consult with the USFWS, the NMFS, or both (Agencies) as appropriate and will determine if a biological assessment is necessary to identify potentially adverse effects to federally listed species, their critical habitat, or both. If a biological assessment is required, it will be followed by a biological opinion from the USFWS, the NMFS, or both depending on the jurisdiction of the federally listed species identified in the biological assessment. If the impacts of a proposed federal project are considered negligible to federally listed species, the lead agency may instead prepare a letter to the Agencies with a “May Affect, but Not Likely to Adversely Affect” determination requesting the relevant agency’s concurrence. This DEA serves to identify potential impacts and meet the ESA § 7 requirement by ascertaining the risks of the proposed action and alternatives to known federally listed species and their critical habitat, as well as providing a means for consultation with the Agencies.

#### ***4.5.1.2 Migratory Bird Treaty Act***

Unless otherwise permitted by regulation, the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) prohibits pursuing; hunting; taking; capturing; killing; attempting to take, capture, or kill; possessing; offering for sale; selling; offering to purchase; purchasing; delivering for shipment; shipping; causing to be shipped; delivering for transportation; transporting; causing to be transported; carrying or causing to be carried by any means whatever; receiving for shipment, transportation, or carriage; or exporting; at any time or in any manner, any migratory bird or any part, nest, or egg of any such bird, that is included on the list of protected bird species (General Provisions; Revised List of Migratory Birds 2013). The USFWS is responsible for enforcing the provisions of this Act.

### **4.5.2 Existing Conditions**

One (1) mammal species, the West Indian manatee, two (2) fish species, the Atlantic Gulf Sturgeon (Gulf Subspecies) and the Pallid Sturgeon, and three (3) reptile species, the Loggerhead sea turtle, the Green sea turtle, and the Kemp’s ridley sea turtle are federally listed as threatened or endangered and are known to occur in select waterways of Orleans Parish (*Table 2*). Within the Alternative 2 and Alternative 3 project site boundaries, critical habitat does not exist for any of the federally listed endangered and threatened species that occur in Orleans Parish. The proposed project sites are located within the Mississippi Flyway (Mississippi Flyway Council n.d.).

**Table 2. Federally Listed Species Known to Occur in Orleans Parish**

Common Name	Scientific Name	Federal Status	Critical Habitat	Habitat Requirements	Impact* / Rationale
Atlantic Gulf sturgeon (Gulf Subspecies)	<i>Acipenser oxyrinchus desotoi</i>	Threatened	No <sup>1</sup>	Anadromous fish species that spends most of its life in freshwater habitats and spawns in estuarine bays. Found in a variety of substrate areas based on age class of species.	None / Project area is not located near critical habitat areas. Any potential stormwater runoff would not significantly impact this species.
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Endangered	No <sup>1</sup>	Prefers large, free-flowing turbid rivers. No information exists on preferred spawning habitat.	None / Less than significant impacts would occur from stormwater runoff even without proper BMPs in place at storm drain locations.
West Indian manatee	<i>Trichechus manatus</i>	Endangered	No <sup>1</sup>	Found in marine, estuarine, and freshwater environments with a strong preference for warm and well-vegetated waters.	None / There is no suitable habitat associated with the proposed project that is close or hydrologically connected to potential habitat for this species.
Loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	No <sup>1</sup>	These sea turtles are most likely enter Lake Pontchartrain most often during the summer when salinity is higher.	None / There is no suitable habitat associated with the proposed project that is close or hydrologically connected to potential habitat for this species.
Green sea turtle	<i>Chelonia mydas</i>	Endangered	No <sup>1</sup>	In water temperatures greater than 20°C, though their distribution can be correlated to seagrass beds, nesting beaches, and associated ocean currents.	None / There is no suitable habitat associated with the proposed project that is close or hydrologically connected to potential habitat for this species.

Common Name	Scientific Name	Federal Status	Critical Habitat	Habitat Requirements	Impact* / Rationale
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Threatened	No <sup>1</sup>	Found worldwide in water temperatures greater than 20°C, though their distribution can be correlated to seagrass beds, nesting beaches, and associated ocean currents. As adults they feed almost exclusively on sea grasses (i.e. turtle grass [ <i>Thalassia testudium</i> ]) growing in shallow water flats.	None / There is no suitable habitat associated with the proposed project that is close or hydrologically connected to potential habitat for this species.

\* Considers potential impacts of Alternatives 1 - 3.

<sup>1</sup> Species may occur in Orleans Parish, but not within the proposed project area.

Note: Data accessed October 2016 from USFWS IPaC Web Portal (<http://ecos.fws.gov/ipac/>) (USDOI 2015c) and the NMFS.

Within the City of New Orleans the setting is decidedly urban. According to aerial photography provided by Google Earth, the proposed project site is part of an isolated plot of densely forested, primarily undisturbed land which is bisected by Wall Boulevard, and which would provide suitable habitat for many of common urban species found in the project area; however, this habitat is unsuitable for the threatened and endangered species found in Orleans Parish.

The city is home to a number of animals adapted to urban conditions, including raccoons (*Procyon lotor*), opossums (*Didelphis marsupialis*), nine-banded armadillos (*Dasypus novemcinctus*), coyotes (*Canis latrans*), Norway rats (*Rattus norvegicus*) (Allman 2011), and various species of mice, as well as reptiles such as the green anole (*Anolis carolinensis*) and amphibians such as the green treefrog (*Hyla cinerea*, the State Amphibian of Louisiana) and the Gulf Coast toad (*Bufo valliceps*). A large number of common bird species are also present, including rock pigeons (*Columba livia*), mourning doves (*Zenaidura macroura*), boat-tailed grackles (*Quiscalus major*), ruby-throated hummingbirds (*Archilochus colubris*), and American robins (*Turdus migratorius*).

#### 4.5.3 Environmental Consequences

##### *Alternative 1 – No Action*

The “No Action” alternative would entail no undertaking and, therefore, would have no impact on species federally listed as threatened or endangered, migratory birds, or federally listed critical habitats.

##### *Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)*

Inspection of the proposed project site did not reveal the presence of any species federally listed as threatened or endangered. Based on a review of this alternative using the USFWS ESA Technical Assistance website (2016), “the proposed project is not an activity that would affect a federally listed threatened or endangered species; nor is there proposed or designated critical habitat present within” Orleans Parish. “Therefore, a ‘no effect’ determination is appropriate. No further ESA coordination with

the Service is necessary for the proposed action, unless there are changes in the scope or location of the proposed project or the project has not been initiated one year from the date of this letter” (Appendix D).

The proposed Alternative would have no effect on species federally listed as threatened or endangered, migratory birds, or federally listed critical habitats. USFWS has interpreted § 7(p) of the ESA to mean that restoring any infrastructure damaged or lost due to Hurricane Katrina back to its original footprint does not require ESA consultation per USFWS letter of 15 September 2005, to FEMA.

***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

Inspection of the alternative project site did not reveal the presence of any species federally listed as threatened or endangered. Based on a review of this alternative using the USFWS ESA Technical Assistance website (2016), “the proposed project is not an activity that would affect a federally listed threatened or endangered species; nor is there proposed or designated critical habitat present within” Orleans Parish. “Therefore, a ‘no effect’ determination is appropriate. No further ESA coordination with the Service is necessary for the proposed action, unless there are changes in the scope or location of the proposed project or the project has not been initiated one year from the date of this letter” (Appendix D).

The proposed Alternative would have no effect on species federally listed as threatened or endangered, migratory birds, or federally listed critical habitats. USFWS has interpreted § 7(p) of the ESA to mean that restoring any infrastructure damaged or lost due to Hurricane Katrina back to its original footprint does not require ESA consultation per USFWS letter of 15 September 2005, to FEMA.

## **4.6 Air Quality**

### **4.6.1 Regulatory Setting**

#### ***4.6.1.1 Clean Air Act of 1970 (Including 1977 and 1990 Amendments)***

The Clean Air Act (CAA) (42 U.S.C. § 7401 et seq.) is the federal law that regulates air emissions from stationary and mobile sources. This law tasks the USEPA, among its other responsibilities, with establishing primary and secondary air quality standards. Primary air quality standards protect the public’s health, including the health of “sensitive populations, such as people with asthma, children, and older adults.” Secondary air quality standards protect the public’s welfare by promoting ecosystem health, preventing decreased visibility, and reducing damage to crops and buildings. The USEPA also has set National Ambient Air Quality Standards (NAAQS) for the following six (6) criteria pollutants: carbon monoxide (CO), lead (Pb), nitrogen oxides (NO<sub>x</sub>), ozone (O<sub>3</sub>), particulate matter (less than 10 micrometers [PM<sub>10</sub>] and less than 2.5 micrometers [PM<sub>2.5</sub>]), and sulfur dioxide (SO<sub>2</sub>).

Under the 1990 amendments to the CAA, the USEPA may delegate its regulatory authority to any state which has developed an approved State Implementation Plan (SIP) for carrying out the mandates of the CAA. The State of Louisiana’s initial SIP was approved on 5 July 2011, and its CAA implementing regulations are codified in Title 33.III of the Louisiana Environmental Regulatory Code. The SIP has been revised several times since its original approval.

According to 40 C.F.R. § 93.150(a), “No department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan.” In addition, 40 C.F.R. § 93.150(b) states, “A Federal agency must make a determination that a Federal action conforms to the applicable implementation plan in accordance with the requirements of this subpart before the action is taken.” As a result, when FEMA provides financial assistance for a project, such as the one currently under review in this DEA, the CAA requires a General Conformity determination whenever the project site is located in a

“non-attainment area” for any one (1) of the six (6) criteria pollutants (Revisions to the General Conformity Regulations 2010).

#### **4.6.2 Existing Conditions**

According to *The Green Book Nonattainment Areas for Criteria Pollutants* (USEPA 2014b), the Parish of Orleans is considered to be an “attainment area” for criteria pollutants. As a result, no General Conformity determination is required by FEMA for projects it funds within this parish.

#### **4.6.3 Environmental Consequences**

##### *Alternative 1 – No Action*

The “No Action” alternative would involve no undertaking and, therefore, would cause no short- or long-term impacts to air quality.

##### *Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)*

This alternative potentially includes short-term impacts to air quality resulting from construction activities, including site grading. Particulate emissions from the generation of fugitive dust during project construction would likely be increased temporarily in the immediate project vicinity. Other emission sources on site could include internal combustion engines from work vehicles, air compressors, or other types of construction equipment. These effects would be localized and of short duration.

To reduce potential short term effects to air quality from construction-related activities, the contractor would be responsible for using BMPs to reduce fugitive dust generation and diesel emissions. For example, the contractor would be required to water down construction areas when necessary to minimize particulate matter and dust. Emissions from the burning of fuel by internal combustion engines (e.g., heavy equipment and earthmoving machinery) could temporarily increase the levels of some of the criteria pollutants, including CO<sub>2</sub>, NO<sub>x</sub>, O<sub>3</sub>, and PM<sub>10</sub>, and non-criteria pollutants such as volatile organic compounds. To reduce emissions of criteria pollutants, running times for fuel-burning equipment should be kept to a minimum and engines should be properly maintained. Contractors are required to follow, at a minimum, these BMPs during site work:

- implement erosion and sediment controls
- stabilize soils
- manage dewatering activities
- implement pollution prevention measures
- provide and maintain buffers around surface waters
- prohibit certain discharges, such as motor fuel and concrete washout

Increased traffic in the area after construction would likely have minor long-term impacts on air quality due to increased police, fire department, and visitor vehicles in the area and their associated emissions.

##### *Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue*

This alternative potentially includes short-term impacts to air quality resulting from construction activities, including site grading. Particulate emissions from the generation of fugitive dust during project construction would likely be increased temporarily in the immediate project vicinity. Other emission sources on site could include internal combustion engines from work vehicles, air compressors, or other types of construction equipment. These effects would be localized and of short duration.

To reduce potential short term effects to air quality from construction-related activities, the contractor would be responsible for using BMPs to reduce fugitive dust generation and diesel emissions. For example, the contractor would be required to water down construction areas when necessary to minimize particulate matter and dust. Emissions from the burning of fuel by internal combustion engines (e.g., heavy equipment and earthmoving machinery) could temporarily increase the levels of some of the criteria pollutants, including CO<sub>2</sub>, NO<sub>x</sub>, O<sub>3</sub>, and PM<sub>10</sub>, and non-criteria pollutants such as volatile organic compounds. To reduce emissions of criteria pollutants, running times for fuel-burning equipment should be kept to a minimum and engines should be properly maintained. Contractors are required to follow, at a minimum, these BMPs during site work:

- implement erosion and sediment controls
- stabilize soils
- manage dewatering activities
- implement pollution prevention measures
- provide and maintain buffers around surface waters
- prohibit certain discharges, such as motor fuel and concrete washout

## **4.7 Noise**

### **4.7.1 Regulatory Setting**

Noise is commonly defined as unwanted or unwelcome sound and most commonly measured in decibels (dBA) on the A-weighted scale (i.e., the scale most similar to the range of sounds that the human ear can hear). The Day-Night Average Sound Level (DNL) is an average measure of sound. The DNL descriptor is accepted by federal agencies as a standard for estimating sound impacts and establishing guidelines for compatible land uses. Sound is federally regulated by the Noise Control Act of 1972, which charges the USEPA with preparing guidelines for acceptable ambient noise levels. USEPA guidelines, and those of many other federal agencies, state that outdoor sound levels in excess of 55 dBA DNL are “normally unacceptable” for noise-sensitive land uses including residences, schools, or hospitals (USEPA 1974). The Noise Control Act, however, only charges implementation of noise standards to those federal agencies that operate noise-producing facilities or equipment.

The City of New Orleans Noise Ordinance (§ 66) places restrictions on any source of sound exceeding the maximum permissible sound level based on the time of day and the zoning district within which the sound is emitted. A number of exemptions exist for certain types of activities, however. In accordance with the City’s Noise Ordinance § 66-138, “[n]oises from construction and demolition activities for which a building permit has been issued by the department of safety and permits are exempt from” maximum permissible sound level restrictions “between the hours of 7:00 a.m. and 11:00 p.m., except in those areas zoned as RS, RD, or RM residential districts. Construction and/or demolition activities shall not begin before 7:00 a.m. or continue after 6:00 p.m. in areas zoned as RS, RD, or RM residential districts, or within 300 feet of such residential districts. Mufflers on construction equipment shall be maintained” (CNO 2014b).

### **4.7.2 Existing Conditions**

The proposed sites evaluated in this DEA are both located in urban areas with residential structures located within 500 feet of both sites. Therefore, whichever location is selected for construction of the proposed project, Orleans Parish Noise Ordinances requirements must be followed during construction activities, as discussed in detail in Section 4.7.3 below.

### **4.7.3 Environmental Consequences**

#### ***Alternative 1 – No Action***

Under the “No Action” alternative there would be no short- or long-term impact to noise levels because no construction would occur.

#### ***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

The proposed site under consideration in this DEA is within an area zoned as Suburban Two-Family Residential District “S-RD”. The future land use is designated as Residential Low Density Post War “RLD-POST”. There are residential structures adjacent to the proposed project area to the east and west. There is similar cleared open space to the south of the proposed site.

Under this alternative, construction activities would result in short-term increases in noise during the construction period. Equipment and machinery utilized on the project site would be expected to meet all local, state, and federal noise regulations; however, due to the adjacent residential structures, in order to be exempt from the City’s Noise Ordinance, work would be restricted to between the hours of 7:00 a.m. and 6:00 p.m. unless statutory ambient noise restrictions are observed.

Following completion of construction activities, operations at the newly constructed facilities would result in moderate increases in noise levels due to increased traffic entering and leaving multi-purpose center after construction is completed.

#### ***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

The entire site under consideration for Alternative 3 is within an area zoned as Suburban Pedestrian-Oriented Corridor Business District or “S-B2”. The future land use is designated as Mixed-Use Low Density or “MUL”. There are residential structures adjacent to the proposed project area to the north, west, and south of the site.

As with Alternative 2, under this alternative, construction activities would result in short-term increases in noise during the construction period. Equipment and machinery utilized on the project site would be expected to meet all local, state, and federal noise regulations; however, due to the adjacent residential structures, in order to be exempt from the City’s Noise Ordinance, work would be restricted to between the hours of 7:00 a.m. and 6:00 p.m. unless statutory ambient noise restrictions are observed.

Following completion of construction activities, operations at the newly constructed facilities would result in moderate increases in noise levels due to increased traffic entering and leaving multi-purpose center after construction is completed.

## **4.8 Land Use**

### **4.8.1 Regulatory Setting**

Land use within New Orleans must be consistent with the “Land Use Plan” section of the City’s Master Plan, *Plan for the 21st Century*, which “sets forth the policy framework for the physical development of the city” as adopted in the City charter. According to the Master Plan, regulated land use actions include 1) the Comprehensive Zoning Ordinance and all zoning amendments, 2) preliminary and final approval of subdivision plans and plats, 3) site plans, 4) approval of planned unit development or other site-specific development plans, and 5) variances. “consistency” means that the land use actions must further, or at a minimum not interfere with, the goals, policies and strategies in the Land Use Plan section of the Master Plan” (*emphasis original*). Among other guidelines, the Land Use Plan includes strategies to “identify

commonalities and differences in the physical character of areas across the city, focusing on more than architectural style to include street organization and size, scale and massing, orientation to the street, and similar urban design features” (CNO 2010a, 2010b).

In Article 1 of the City of New Orleans’ new Comprehensive Zoning Ordinance (CZO) (2015), the ordinance’s stated purpose has multiple components, one of which is to “ensure that the policies set forth in City’s Master Plan are implemented by the land use regulations and are consistent with the goals set forth in the Master Plan.” Another is to “provide for functional public utilities and facilities, and for the convenience of traffic and circulation of people and goods.” A further purpose is to “provide for preservation, protection, development, and conservation of natural resources.”

The CZO established nine (9) zoning districts that regulate such matters as “the location and use of structures, signs, water and land areas for agriculture, trade, industry, and residential use” within their specific zoning category. “These zoning districts also regulate, limit, or determine the height, bulk, and access to light and air of structures, the area of yards and other open spaces, the density of use, and the standards for site organization and layout.” The nine (9) zoning types consist of 1) Open Space, 2) Rural Development, 3) Historic Core Neighborhoods, 4) Historic Urban Neighborhoods, 5) Suburban Neighborhoods, 6) Commercial Center and Institutional Campus, 7) Centers for Industry, 8) Central Business, and 9) Overlay Zoning Districts.

According to Article 6, however, the CZO “does not apply to structures located within the public right-of-way, such as utilities.” In addition, Article 6 provides exemptions for essential services, stating that “[t]he following essential services may be permitted erected, constructed, altered, or maintained in any zoning district, unless otherwise indicated within this Ordinance. Development plan and design review ([Article IV,] Section 4.5) by the Executive Director of the City Planning Commission may be required.” These exemptions apply to:

- A. Traffic signals, fire hydrants, and similar equipment and accessories.
- B. Gas, electric, communication, water supply, and transmission/distribution systems.
- C. Elevated or underground water storage tanks.
- D. Stormwater and sanitary sewer collection and disposal systems.
- E. Utility poles, wires, mains, drains, pipes, conduits and cables reasonably necessary for the furnishing of adequate service by public utilities, municipal or other governmental agencies for the public health, safety and welfare.
- F. Streets.

Finally, there are three (3) local levee districts with regulatory authority over work near the New Orleans levee system. Permits are required for certain types of work, such as excavation, within 1,500 feet of Mississippi River levees and within 300 feet of hurricane protection levees. The Orleans Levee District is the main body with regulatory jurisdiction over levees within Orleans Parish; however, work near the parish boundary could potentially require coordination with the East Jefferson Levee District to the west or the Lake Borgne Basin Levee District to the east.

#### **4.8.2 Existing Conditions**

The City of New Orleans is located entirely within the parish of Orleans, in southeastern Louisiana. New Orleans/Orleans Parish has approximately 343,829 residents according to 2010 census figures (U.S. Department of Commerce [USDOC] 2010). Orleans Parish is about 350 square miles in size, of which roughly 199 square miles (approximately 56.9 percent) is land; the remainder, 151 square miles, is open water (Trahan 1989). The parish is bordered on the east by Lake Borgne, St. Bernard Parish, and

Plaquemines Parish; on the south by the Mississippi River, Plaquemines Parish, and Jefferson Parish; on the west by Jefferson Parish; and on the north by Lake Pontchartrain and St. Tammany Parish. Major transportation routes within Orleans Parish include Interstates 10 and 610 and U.S. Highways 11, 61, and 90.

Orleans Parish is primarily urban, with the exception of some areas of coastal marsh in the eastern part and woodlands on the west bank of the Mississippi River (the Lower Coast). The parish is within the Mississippi River delta, with a subtropical, humid climate typical of coastal regions along the Gulf of Mexico. The average winter temperature is 54°F and the average summer temperature is 81°F. Orleans Parish typically receives 59 inches of rainfall annually (Trahan 1989).

Although the corporate boundary of the City of New Orleans has been unchanged since the 1800s, the city's urban footprint has expanded significantly since then. Before 1900, urbanization was confined primarily to natural levees and ridges along the Mississippi River and elsewhere (the Esplanade Ridge, for example). In 1913, construction of a levee and pump system began, which allowed for the development of lower-lying areas and the back swamp. Between 1913 and 2000, the city's urbanized footprint almost doubled to approximately 71 square miles. The extent of urbanization has been relatively unchanged since the mid-1980s, however, when development slowed considerably due to a lack of large remaining developable tracts within the city, the general economic downturn resulting from the "oil bust," and ongoing concerns about quality of life issues related to crime and public education (CNO 2010c).

Land use differs from zoning in that it groups land distribution patterns into broad general categories. Zoning, on the other hand, regulates specific activities and functions within a particular land use category. Post-Hurricane Katrina, the general pattern of land use has not changed significantly; however, many properties are now vacant or abandoned. According to the latest available data presented in the city's 2010 Master Plan, land use within New Orleans consists approximately of: Residential – 25% of the total land area; Industrial (active or vacant) – 8%; Parkland/Recreation/Open Space and Non-Urban/Wetland/Undeveloped combined – 60%; Institutional/Public/Semi-Public – 3%; and Commercial/Mixed-Use – 4%. Within the Residential land use category, 57% is single family homes, 23% is two (2)- to four (4)-unit structures, and 29% percent is structures containing five (5) units or more. As a result of the hurricane, there are now about 59,000 vacant or blighted residential lots (CNO 2010c).

#### **4.8.3 Environmental Consequences**

##### ***Alternative 1 – No Action***

Implementation of the "No Action" alternative would not adversely affect the current land use as no construction would occur.

##### ***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

According to historical photography, there were numerous structures which were part of the former Desire Public Housing project on the proposed project site in 2003; however, by 2004, these structures were demolished. *Figure 12* depicts the site conditions on 1 February 2003. *Figure 13* depicts the site conditions on 21 January 2004. In 2010, numerous temporary structures appeared on the site (*Figure 14*). These structures indicate the site was used as a storage and yarding area during this time frame. According to Google Earth historical photography, since 2011, the site has appeared to be undeveloped and cleared, as it does today.



Figure 12 – Historical view (2003) of the proposed project site. (Image Source: Google Earth 2/1/2003)



Figure 13– Historical view (2004) of the proposed project site. (Image Source: Google Earth 1/21/2004)



Figure 14 – Historical view (2010) of the proposed project site. (Image Source: Google Earth 3/22/2010)

The entire site under consideration for Alternative 2 is within an area zoned as Suburban Two-Family Residential District or “S-RD”. The future land use is designated as Residential Low Density Post-War or “RLD-POST” (City of New Orleans Property Viewer). The Property Viewer indicates that HANO is the owner of the Alternative 2 property; however, the CNO is currently working with HANO to develop a long term lease agreement for use of the property for the proposed construction of Florida Desire Multi-Service Center. There are residential structures adjacent to the proposed project area to the east and west. *Figure 15* depicts the current zoning and ownership for the proposed project site.

PROPERTY INFORMATION	ZONING	FUTURE LAND USE
Unit Number: L Site Address: 3400 Desire Pkwy, LA First Owner Name: HOUSING AUTHORITY OF NEW ORLEANS Mailing Address: 4100 TOURO ST Mailing City: NEW ORLEANS Mailing State: LA Mailing Zip 5: 70122 Property Description: SQ 25 HOPE VI DESIRE PHASE 1 LOT A LAND ONLY	Zoning District: S-RD Zoning Description: Suburban Two-Family Residential District	Future Land Use: RLD-POST Future Land Use Description: Residential Low Density Post-

Figure 15 – Current zoning map for the proposed project site (Image Source: City of New Orleans Property Viewer).

Under this action alternative, the new Florida Desire Multi-Service Center building and associated parking lots and driveways would be constructed. There would be a substantial change in the current land use, as the land would be converted from undeveloped, cleared land to fully developed land with man-made improvements for municipal use. In addition, a change in the property zoning designation would potentially be required.

***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

Based on review of historic imagery on Google Earth, it appears the pre-Hurricane Katrina Florida Desire Multi-Service facility was demolished in late 2009 or early 2010 (*Figures 16 and 17*).



**Figure 16 – Historical view (2009) of the alternative project site. (Image Source: Google Earth 8/24/2009)**



Figure 17 – Historical view (2010) of the alternative project site. (Image Source: Google Earth 12/30/2010)

The entire site under consideration for Alternative 3 is within an area zoned as Suburban Pedestrian-Oriented Corridor Business District or “S-B2”. The future land use is designated as Mixed-Use Low Density or “MUL” (City of New Orleans Property Viewer). The Property Viewer, as shown in Figure 18, indicates that the CNO is the owner of the Alternative 3 location.

PROPERTY INFORMATION	CONDITIONAL USE/EXCEPTIONAL USE/PLANNED DEVELOPMENT	ZONING
Site Address: 2727 Louisa St, LA, 70126 First Owner Name: THE CITY OF NEW ORLEANS Mailing Address: 1300 PERDIDO ST ROOM 51/17 Mailing City: NEW ORLEANS Mailing State: LA Mailing Zip 5: 70112 Property Description: SQ 1608 LOT 19 38X109 LOUISA ST LOT 1-2-3-4X109 EACH LOT PT 4-PT 5-44X109 EACH LOT 6-7-44X109 LOUISA ST VACANT	A land-use that is allowed to operate subject to design and/or operational requirements thru a review and approval process. Zoning Action Type: CU Zoning Docket Number: 29 Zoning Docket Year: 1973 Ordinance Number: 5,270 Some ordinances may be found by accessing <a href="#">Municode</a> . All ordinances are available from the Clerk of Council's office in City Hall.	Zoning District: S-B2 Zoning Description: Suburban Pedestrian-Oriented Corridor District

Figure 18 – Current zoning map for the alternative project site (Image Source: City of New Orleans Property Viewer).

## **4.9 Traffic**

### **4.9.1 Regulatory Setting**

Roads play a major role in the management of traffic, particularly in densely-populated urban areas such as New Orleans. The Louisiana Department of Transportation and Development (LaDOTD) is responsible for maintaining public transportation, state highways, interstate highways under state jurisdiction, and bridges located within the state of Louisiana. These duties include the planning, design, and building of new highways in addition to the maintenance and upgrading of current highways. Roads not part of any highway system usually fall under the jurisdiction of and are maintained by applicable local government entities; however, the LaDOTD is responsible for assuring that all local agency federal-aid projects comply with all applicable federal and state requirements (LaDOTD 2016).

At the local level, the City of New Orleans' ordinance regarding Streets, Sidewalks, and Other Public Places, Article II, § 146-36, established the Complete Streets program, which was approved on 22 December 2011 and arose from a recommendation in the Master Plan (CNO 2010). With a mandate to commence no later than 1 December 2012, the Department of Public Works, in consultation with the City Planning Commission, is responsible for overseeing and implementing the program. This ordinance requires that "all transportation improvements are planned, designed and constructed to encourage walking, bicycling and transit use, while also promoting the full use of, and safe operations for all users of the City's transportation network." The preamble to the ordinance acknowledges that "amenities, such as sidewalks, bike lanes, bike racks, crosswalks, traffic calming measures, street and sidewalk lighting; targeted pedestrian and bicycle safety improvements; access improvements in compliance with the Americans with Disabilities Act (ADA); public transit facilities accommodation including, but not limited, to pedestrian access improvement to transit stops and stations; street trees and landscaping; drainage and storm water management; and street furniture" make a positive contribution toward an effective Complete Streets program (CNO 2011). By providing and encouraging alternative pedestrian- and bicycle-friendly modes of transportation, as well as mass transit, traffic congestion potentially can be reduced.

In addition, Article IX, § 154-1561, requires that trucks exceeding five (5) tons, such as those transporting materials to and from project sites, utilize established truck routes or the shortest practical route between their point of origin or destination and the nearest designated truck route. Ordinance §§ 154-1522 and 154-1523 place further restrictions on truck sizes and weights.

Finally, with respect to the placement of traffic signals and markers, signs are subject to regulation pursuant to both City ordinance and the CZO. Ordinance Article IV, § 106-213, allows the placement of signals and signs under the authority of the federal, state, or city government. Article 24 of the CZO exempts municipal signs from permit requirements, but requires their approval by the City Council.

### **4.9.2 Existing Conditions**

The proposed project site is surrounded by public streets to the north, east, and west.

### **4.9.3 Environmental Consequences**

#### ***Alternative 1 – No Action***

Implementation of the "No Action" alternative would not adversely affect the site traffic patterns as no construction would occur.

***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

Within the New Orleans Desire neighborhood, the proposed project site is located north of Pleasure Street, south of Higgins Boulevard, east of Piety Street, and west of Desire Parkway. Higgins Boulevard and Desire Parkway are major arteries in the project area. Piety Street and Pleasure Street are residential streets. Based on the site plan provided by the Sub-Recipient, the Multi-Service Center would be accessed from either Higgins Boulevard or Desire Parkway via one of four driveways providing access to the visitor parking lots.

Under this action alternative, a temporary increase in construction-related traffic during the construction of the Florida Desire Multi-Service Center building and associated parking lots and green space would be anticipated. Once construction operations have been completed, traffic would be expected to increase somewhat over the existing traffic in the area as area residents begin to make use of the new facility. Due to the increased human activity at the newly constructed site, small long-term increases in current traffic patterns in the immediate area would likely occur.

During construction the contractor would be expected to take all reasonable precautions to control site access. All activities would be conducted in a safe manner in accordance with Occupational Safety and Health Administration (OSHA) work zone traffic safety requirements. The contractor would post appropriate signage and fencing to minimize foreseeable potential public safety concerns. Proper signs and barriers would be in place prior to the initiation of construction activities in order to alert pedestrians and motorists of the upcoming work and traffic pattern changes (e.g., detours or lanes dedicated for construction equipment egress).

***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

Within the New Orleans Desire neighborhood, the proposed project site is located south of Industry Street, west of Piety Street, north of Florida Avenue, and east of Louisa Street. Louisa Street and certain blocks of Florida Avenue are major arteries in the project area. Industry Street and Piety Street are residential streets.

Under this action alternative, a temporary increase in construction-related traffic during the construction of the Florida Desire Multi-Service Center building and associated parking lots and green space would be anticipated. Once construction operations have been completed, traffic would be expected to increase somewhat over the existing traffic in the area as area residents begin to make use of the new facility. Due to the increased human activity at the newly constructed site, small long-term increases in current traffic patterns in the immediate area would likely occur.

During construction the contractor would be expected to take all reasonable precautions to control site access. All activities would be conducted in a safe manner in accordance with Occupational Safety and Health Administration (OSHA) work zone traffic safety requirements. The contractor would post appropriate signage and fencing to minimize foreseeable potential public safety concerns. Proper signs and barriers would be in place prior to the initiation of construction activities in order to alert pedestrians and motorists of the upcoming work and traffic pattern changes (e.g., detours or lanes dedicated for construction equipment egress).

**4.10 Cultural Resources****4.10.1 Regulatory Setting**

The consideration of impacts to historic and cultural resources is mandated under § 101(b)(4) of NEPA as implemented by 40 C.F.R. Parts 1501-1508. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account their effects on historic properties (i.e., historic and cultural

resources, including American Indian Cultural Sites) and allow the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. Additionally, it is the policy of the federal government to consult with Indian Tribal Governments on a Government-to-Government basis as required in E.O. 13175 (U.S. President 2000). FEMA has chosen to address potential impacts to historic properties through the “Section 106 consultation process” of NHPA as implemented through 36 C.F.R. Part 800.

In order to fulfill its Section 106 responsibilities, FEMA has initiated consultation on this project in accordance with the Statewide Programmatic Agreement (PA) dated December 21, 2016, between the Louisiana State Historic Preservation Officer (SHPO), the Louisiana Governor’s Office of Homeland Security and Emergency Preparedness (LA 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 (<http://www.fema.gov/new-orleans-metropolitan-area-infrastructure-projects-2#2>). The 2016 Statewide Programmatic Agreement (PA) was created to streamline the § 106 review process, and may be reviewed at <https://www.fema.gov/media-library/assets/documents/128322>.

The “Section 106 process” outlined in the Statewide Agreement requires the identification of historic properties that may be affected by the proposed action or alternatives within the project’s area of potential effects (APE). Historic properties, defined in § 101(a)(1)(A) of NHPA, include districts, sites (archaeological and religious/cultural), buildings, structures, and objects that are listed in or determined eligible for listing in the National Register of Historic Places (NRHP). Historic properties are identified by qualified agency representatives in consultation with interested parties. Below is a consideration of various alternatives and their effects on historic properties.

#### **4.10.2 Existing Conditions – Identification and Evaluation of Historic Properties**

FEMA Historic Preservation staff consulted the National Register of Historic Places (NRHP) Database and the Louisiana Cultural Resources Map, and determined that the standing structures APE is not located within a NRHP-listed historic district, nor are there any structures within the APE that are individually listed or have been determined eligible for individual listing on the NRHP. There are no identified archaeological sites within the archaeological APE. The proposed project site is a vacant lot that was once the northwest portion of the Desire Public Housing. After the demolition of the housing complex in 2003, the area was used as a storage and yarding area.

#### **4.10.3 Environmental Consequences**

##### ***Alternative 1 – No Action***

This alternative does not include any FEMA undertaking; therefore FEMA has no further responsibilities under § 106 of the NHPA.

##### ***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

A review of this alternative was conducted in accordance with FEMA’s Programmatic Agreement dated December 21, 2016. Based on research using the NRHP database, the Louisiana Cultural Resources Map on the Louisiana Division of Historic Preservation’s website, and agency files, FEMA has determined that the Undertaking is not located within a listed or eligible National Register Historic District, nor are there any structures within the APE that are individually listed or have been determined eligible for individual listing on the NRHP. There are no identified archaeological sites within the archaeological APE.

FEMA has determined that there will be “No Effect” to historic properties. SHPO concurrence with this determination was received, dated 3/7/2018. Consultation with affected tribes (Alabama-Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Chitimacha Tribe of Louisiana, Eastern Shawnee Tribe of Oklahoma, Jena Band of Choctaw Indians, Kialegee Tribal Town, Mississippi Band of Choctaw Indians, Muscogee Creek Nation, Seminole Nation of Oklahoma, Seminole Tribe of Florida, Tunica-Biloxi Tribe of Louisiana) was conducted per FEMA’s Programmatic Agreement dated December 21, 2016 (PA). None of the Tribes responded within the regulatory timeframes; therefore, in accordance with Stipulation II.C.4 of the PA and 36 CFR part 800.5(c)1, FEMA may proceed with funding the undertaking assuming concurrence. The applicant must comply with the NHPA conditions set forth in this EA. (Louisiana Unmarked Human Burial Sites Preservation Act and Inadvertent Discovery Clause).

***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

Alternative 3 would utilize FEMA funding to construct the new multi-service center at the Pre-Katrina location of the Desire facility at the northeast quadrant of the intersection of Louisa Street and Florida Avenue. In order to fulfill obligations under Section 106 of the NHPA, and in accordance with the PA, a cultural resources review would need to be conducted prior to construction in this location.

#### **4.11 Hazardous Materials**

##### **4.11.1 Regulatory Setting**

The management of hazardous materials is regulated under various federal and state environmental and transportation laws and regulations, including but not limited to the Resource Conservation and Recovery Act (RCRA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Toxic Substances Control Act (TSCA); the Emergency Planning and Community Right-to-Know provisions of the Superfund Amendments and Reauthorization Act (SARA); 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 the laws provide for the investigation and cleanup of sites already contaminated by releases of hazardous materials, wastes, or substances.

The TSCA (codified at 15 U.S.C., Ch. 53), authorizes the USEPA to protect the public from “unreasonable risk of injury to health or the environment” by regulating the introduction, manufacture, importation, sale, use, and disposal of specific new or already existing chemicals. “New Chemicals” are defined as “any chemical substance which is not included in the chemical substance list compiled and published under [TSCA] § 8(b).” Existing chemicals include any chemical currently listed under § 8(b), including polychlorinated biphenyls (PCBs), asbestos, radon, lead-based paint, chlorofluorocarbons, dioxin, and hexavalent chromium.

TSCA Subchapter I, “Control of Toxic Substances” (§§ 2601-2629), regulates the disposal of PCB-containing products, sets limits for PCB levels present within the environment, and authorizes the remediation of sites contaminated with PCBs. Subchapter II, “Asbestos Hazard Emergency Response” (§§ 2641-2656), authorizes the USEPA to impose requirements for asbestos abatement in schools and requires accreditation of those who inspect asbestos-containing materials. Subchapter IV, “Lead Exposure Reduction” (§§ 2681-2692), requires the USEPA to identify sources of lead contamination in the environment, to regulate the amounts of lead allowed in products, and to establish state programs that monitor and reduce lead exposure.

#### **4.11.2 Existing Conditions**

The existing Alternative 2 site is a cleared, undeveloped property that was once the northwest portion of the Desire Public Housing. The existing Alternative 3 site is a partially cleared property that was the site the former Florida Desire Multi-Service Center.

#### **4.11.3 Environmental Consequences**

##### ***Alternative 1 – No Action***

The “No Action” alternative would not disturb any hazardous materials or create any additional hazards to human health.

##### ***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

USEPA database searches for the proposed project area and vicinity reveal that the EPA has no records for proposed project site nor are there any EPA sites located within 500 feet of the site.

The project site did not appear during a review of LDEQ’s Electronic Document Management System (EDMS) database for other hazardous waste management and disposal, solid waste disposal, leaking underground storage tank, enforcement, and similar databases. There are no recorded oil or gas wells on or near the subject property (LDEQ). There are no Louisiana State VRP sites in Orleans Parish located within one mile of the proposed project site.

Under this action alternative, there is a possibility of encountering hazardous materials or suspected hazardous materials during construction activities. During construction the contractor would be expected to take all reasonable precautions to control unauthorized site access. All activities involving the use of hazardous materials would be conducted in a safe manner in accordance with Occupational Safety and Health Administration (OSHA) safety requirements. Should unanticipated hazardous materials or suspected hazardous materials (such as buried waste drums) be encountered, the construction contractor would stop work immediately and notify the LDEQ. Work would remain stopped until LDEQ personnel could access the site and if necessary, remove hazardous materials. The Sub-Recipient would notify the public of the discovery of the hazardous material through a public notice process. In addition, any hazardous materials would be disposed of properly at a landfill that is permitted to accept the type of materials discovered at the project site. As of this writing, neither the LDEQ nor the EPA responded to FEMA’s SOV dated 5 January 2018; however, standard conditions and recommendations regarding hazardous materials provided by the LDEQ for previous similar projects are included in Section 6.0 Conditions and Mitigation Measures.

##### ***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

USEPA database searches for the proposed project area and vicinity reveal that the EPA has no records for proposed project site nor are there any EPA sites located within 500 feet of the site.

The project site did not appear during a review of LDEQ’s Electronic Document Management System (EDMS) database for other hazardous waste management and disposal, solid waste disposal, leaking underground storage tank, enforcement, and similar databases. There are no recorded oil or gas wells on or near the subject property (LDEQ). There are no Louisiana State VRP sites in Orleans Parish located within one mile of the proposed project site.

Under this action alternative, there is a possibility of encountering hazardous materials or suspected hazardous materials during construction activities. During construction the contractor would be expected to take all reasonable precautions to control unauthorized site access. All activities involving the use of

hazardous materials would be conducted in a safe manner in accordance with Occupational Safety and Health Administration (OSHA) safety requirements. Should unanticipated hazardous materials or suspected hazardous materials (such as buried waste drums) be encountered, the construction contractor would stop work immediately and notify the LDEQ. Work would remain stopped until LDEQ personnel could access the site and if necessary, remove hazardous materials. The Sub-Recipient would notify the public of the discovery of the hazardous material through a public notice process. In addition, any hazardous materials would be disposed of properly at a landfill that is permitted to accept the type of materials discovered at the project site.

#### **4.12 Environmental Justice**

##### **4.12.1 Regulatory Setting**

E.O. 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was signed on 11 February 1994 (U.S. President. 1994). The E.O. 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 their programs, policies, and activities on minority and/or low-income populations.

##### **4.12.2 Existing Conditions**

Information obtained from the U.S. Census Bureau (USDOC 2010), compiled and extrapolated by the USEPA and presented on its Enforcement and Compliance History website, indicates that the entire Desire neighborhood is located within zip code 70126. The demographic make-up of zip code 70126 is composed of 91.3% African-American, 5.6% White, 2.5% Hispanic, and 0.6% other groups. Of these households, 47.3% have incomes less than \$25,000 per year, with approximately 36.2% of individuals existing below the poverty level. For the 5-year dataset 2010-2014, the U.S. Census Bureau’s American Community Survey (USDOC 2014) estimated median household income over the preceding 12 months for New Orleans at \$36,964 (in 2014 inflation-adjusted dollars), with a margin of error of +/- \$767.

##### **4.12.3 Environmental Consequences**

In compliance with E.O. 12898, the following key questions were addressed with regard to potential Environmental Justice concerns:

- Is there an impact caused by the proposed action?
- Is the impact adverse?
- Is the impact disproportionate?
- Has an action been undertaken without considerable input by the affected low-income and/or minority community?

##### ***Alternative 1 – No Action***

The “No Action” alternative would not involve the implementation of a federal program, policy, or activity. As a result, there would be no disproportionately high adverse effects on low-income or minority populations.

##### ***Alternative 2 – Construct a new Florida Desire Multi-Service Center at Higgins Boulevard and Desire Parkway (Preferred Alternative)***

Construction of the new Florida Desire Multi-Service Center would generate no disproportionately high adverse impacts on low-income or minority populations, since pre-disaster functionality in the Desire

neighborhood would be restored in an optimal location. Regardless, input from the affected low-income and/or minority community will be solicited through a public notice process.

***Alternative 3 – Construct the new facility at the Pre-Hurricane Katrina location of the Desire facility at Louisa Street and Florida Avenue***

Construction of the new Florida Desire Multi-Service Center would generate no disproportionately high adverse impacts on low-income or minority populations, since pre-disaster functionality in the Desire neighborhood would be restored in a suitable location. Regardless, input from the affected low-income and/or minority community will be solicited through a public notice process.

## 5 CUMULATIVE IMPACTS

CEQ regulations state that the cumulative impact of a project represents 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).

In its comprehensive guidance on cumulative impacts analysis under NEPA, CEQ notes that “the range of actions that must be considered includes not only the project proposal, but all connected and similar actions that could contribute to cumulative effects” (Regulations for Implementing the Procedural Provisions of the NEPA 2005). The term, “similar actions,” may be defined as “reasonably foreseeable or proposed agency actions [having] similarities that provide a basis for evaluating the environmental consequences together, such as common timing or geography” (40 CFR § 1508.25[a][3]).

Not all potential issues identified during cumulative effects scoping need be included in an EA. Because some effects may be irrelevant or inconsequential to decisions about the proposed action and alternatives, the focus of the cumulative effects analysis should be narrowed to important issues of national, regional, or local significance. To assist agencies in this narrowing process, CEQ (2007) provides a list of several basic questions to be considered, including: (1) Is the proposed action one of several similar past, present, or future actions in the same geographic area?; (2) Do other activities (governmental or private) in the region have environmental effects similar to those of the proposed action?; (3) Have any recent or ongoing NEPA analyses of similar or nearby actions identified important adverse or beneficial cumulative effect issues?; and (4) Has the impact been historically significant, such that the importance of the resource is defined by past loss, past gain, or investments to restore resources?

It is normally insufficient when conducting a cumulative effects analysis to merely analyze effects within the immediate area of the proposed action. Geographic boundaries should be expanded for cumulative effects analysis and conducted on the scale of human communities, landscapes, watersheds, or airsheds. Temporal frames should be extended to encompass additional effects on the resources, ecosystems, and human communities of concern. A useful concept in determining appropriate geographic boundaries for a cumulative effects analysis is the project impact zone, that is, the area (and resources within that area) that could be affected by the proposed action. The area appropriate for analysis of cumulative effects will, in most instances, be a larger geographic area occupied by resources outside of the project impact zone (CEQ 2007).

In accordance with NEPA, and to the extent reasonable and practical, this EA considered the combined effects of the proposed project to be undertaken by FEMA, as well as actions by other public and private entities, that affect the environmental resources the proposed action also would affect, and occur within the considered geographic area and temporal frame(s). Specifically, a range of past, present, and reasonably foreseeable future actions undertaken by FEMA within the designated geographic boundary area were reviewed: (1) for similarities such as scope of work, common timing and geography; (2) to determine environmental effects similar to those of the proposed action, if any; and (3) to identify the potential for cumulative impacts. As part of the cumulative effects analysis, FEMA also reviewed known past, present, and reasonably foreseeable future projects of federal agencies and other parties identified within the designated geographic boundary. These reviews were performed in order to assess the effects of proposed, completed, and ongoing activities and to determine whether the incremental impact of the current proposed action, when combined with the effects of other past, present, and reasonably foreseeable future projects, are cumulatively considerable or significant.

FEMA has determined the boundary of a one mile radius from the approximate center of the proposed work area constitutes an appropriate project impact zone for this cumulative impacts analysis. The one mile radius study area includes portions of the 70126 zip code.

FEMA-funded actions are subjected to various levels of environmental review as a requirement for the receipt of federal funding. A Sub-Recipient’s failure to comply with any required environmental permitting or other condition is a grant violation, which can result in the loss of federal assistance, including funding.

After the devastation of the 2005 hurricane season, the USACE, Mississippi Valley Division, New Orleans District was tasked with the planning, design, and construction of a 350-mile system of levees, floodwalls, surge barriers, and pump stations to “increase public safety and enable the physical and economic recovery of the area to occur through the reduction of storm damage risk to residences, businesses, and other infrastructure from hurricanes (100-year storm events) and other high-water events within the Greater New Orleans Metropolitan Area.” Referred to as the Greater New Orleans Hurricane and Storm Damage Risk Reduction System (HSDRRS), it is one of the largest civil works projects ever undertaken, at an estimated cost of \$14 billion (DoA 2013a). Major drainage features associated with this infrastructure project within Orleans Parish include the Mississippi River (Waterbody ID# LA070301) and the Industrial Canal (Waterbody ID# LA041501). Except during major river flooding events, these watercourses serve to remove excess water from the local area more efficiently, providing a positive cumulative benefit to residents and businesses.

Table 3 below lists and briefly describes known present, past, and reasonably foreseeable infrastructure and recovery improvement projects, including activities identified by FEMA that may have the potential for cumulative impacts when combined with the effects of the present proposed action. The table also identifies the potential for cumulative impacts when combined with the effects of the proposed action and the rationale for that assessment.

**Table 3. Projects that May Have the Potential to Contribute to Cumulative Impacts**

<b>Project Name/Status</b>	<b>Lead Agency or Firm</b>	<b>Location</b>	<b>Description</b>	<b>Cumulative Impact</b>	<b>Rationale</b>
<b>City of New Orleans City-Wide Road Repairs</b>	City of New Orleans Department of Public Works	New Orleans City-Wide	Repairs, replacements, and improvements to roads and components damaged as a result of Hurricane Katrina. Elements include upgrades to current codes and standards including mitigation measures to reduce the risk of future damages in the next flood.	Less than significant	Effects of this project when combined with those of the proposed action will not result in significant cumulative impacts.

CUMULATIVE IMPACTS

Project Name/Status	Lead Agency or Firm	Location	Description	Cumulative Impact	Rationale
<b>Comprehensive Environmental Document, Phase I Study for HSDRRS</b>	USACE	217 miles of post-Katrina HSDRRS work located within the Greater New Orleans Metropolitan Area; the area within Lake Pontchartrain and West Bank and vicinity.	Evaluates the cumulative impacts associated with the implementation of the HSDRRS; describes cumulative impacts of HSDRRS construction completed as of July 2011; and incorporates information from Individual Environmental Reports (IERs) and supplemental IERs completed as of 15 November 2010	Less than significant	Adversely affected resources for the HSDRRS project (regional soils, habitat supporting wildlife, wetlands and jurisdictional bottomland hardwood resources) are significantly different from those in the currently proposed action. Through mitigation and compensation measures, the overall socioeconomic benefits are expected to outweigh the unavoidable natural resources impacts and, thus, would not impact the proposed action.
<b>Hurricane Storm Damage Risk Reduction System</b>	U.S. Army Corps of Engineers	New Orleans Regional Metropolitan Area	Complete re-engineering the levee system in New Orleans and surrounding areas in order to withstand effects from a “100 year storm,” or a storm that has a 1% chance of occurring each year.	Less than significant	Effects from this project reduce overall impacts in the areas levee protected from the base flood including the site of the proposed action.
<b>New Orleans East Streetscape</b>	HUD	Eastern New Orleans	Addition of sidewalks, street lights, trees, a bike lane, and trash receptacles	Less than significant	Restoration and improvement to existing infrastructure

CUMULATIVE IMPACTS

<b>Project Name/Status</b>	<b>Lead Agency or Firm</b>	<b>Location</b>	<b>Description</b>	<b>Cumulative Impact</b>	<b>Rationale</b>
<b>New Orleans Rail Gateway</b>	Federal Railroad Administration	Rail corridors citywide	Environmental Impact Statement currently in preparation for upgrades to the city's rail system (LaDOTD 2014)	Less than significant	Although the NOPBR is adjacent to the proposed cruise terminal, close coordination will occur with the railroad to minimize traffic disruption.
<b>New Orleans Sewer and Water Board Water Supply and Sanitary Sewer System-Wide Repairs</b>	Sewer and Water Board of New Orleans	New Orleans City-Wide	Repairs and improvements to water and sanitary sewer system components damaged as a result of Hurricane Katrina. Elements include upgrades to current codes and standards including mitigation measures to reduce the risk of future damages in the next flood.	Less than significant	Project is conditioned to comply with minimum NFIP floodplain development regulations as adopted by the local community and will thereby reduce risk and increase protection from future damage.
<b>Emergency Maintenance Division – Central Maintenance Fuel Facility</b>	FEMA	Desire Area of New Orleans	Construction of an additional new structure	Negligible	Construction of new infrastructure; no impact on the proposed action

CUMULATIVE IMPACTS

<b>Project Name/Status</b>	<b>Lead Agency or Firm</b>	<b>Location</b>	<b>Description</b>	<b>Cumulative Impact</b>	<b>Rationale</b>
<b>Recovery School District Single Settlement Request</b>	Recovery School District	New Orleans City Wide	Refurbishment, repair, reconstruction, and new construction for restoration of the school system	Less than significant	Project is conditioned to comply with minimum NFIP floodplain development regulations as adopted by the local community and will thereby reduce risk and increase protection from future damage.
<b>Response to Hurricanes Katrina and Rita</b>	USACE	Orleans, St. Bernard, Jefferson, Plaquemines, St. Mary's, Terrebonne, and Lafourche Parishes	Evaluates emergency actions to dewater New Orleans Metropolitan Area; rehabilitate federally authorized levees, and restore non-federal levees and pump stations (Orleans, St. Bernard, Jefferson and Plaquemines Parishes); and flood prevention operations (St. Mary, Terrebonne, and Lafourche Parishes)	No effect	Adverse impacts to resources (wetlands) required compensatory mitigation and are significantly different from those in the currently proposed action; no similar resources associated with proposed action; no impact on proposed action
<b>SWBNO Pump Stations</b>	USACE	Throughout Orleans Parish	Pump station elevation	Negligible	Restoration and improvements to existing infrastructure; no impact on proposed action
<b>Demolition of the Bertha Magrauer Center</b>	FEMA	Desire Area of New Orleans	Demolition of the abandoned Bertha Magrauer Center to the slab with no soil disturbance	Negligible	Demolition of existing infrastructure; no impact on proposed action

CUMULATIVE IMPACTS

Project Name/Status	Lead Agency or Firm	Location	Description	Cumulative Impact	Rationale
<b>Desire Street Ministries Clinic Construction</b>	FEMA	Desire Area of New Orleans	Construction of a new approximately 30,800 sf clinic	Negligible	Construction of new infrastructure on a lot across Desire Parkway from the proposed site; no impact on proposed action

As identified in Table 3, the cumulative effect of these present, past, and reasonably foreseeable future actions is not anticipated to result in a significant impact to any resource. Each of the projects either aims to restore or improve the function of pre-existing infrastructure within an urban setting or proposes redevelopment consistent with current zoning requirements, with minimal impacts to the natural and human environment.

## 6 CONDITIONS AND MITIGATION MEASURES

Based upon the studies, reviews, and consultations undertaken in this DEA, several conditions must be met and mitigation measures taken by the Sub-Recipient prior to and during project implementation:

- The Sub-Recipient must follow all applicable local, state, and federal laws, regulations, and requirements and obtain and comply with all required permits and approvals prior to initiating work.
- If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The Sub-Recipient shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The Sub-Recipient shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the Sub-Recipient shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The Sub-Recipient shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The Sub-Recipient will not proceed with work until FEMA HP completes consultation with the SHPO, and others as appropriate.
- Project construction would involve the use of potentially hazardous materials (e.g., petroleum products, including but not limited to gasoline, diesel, brake and hydraulic fluid, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, and/or treated timber) and may result in the generation of small volumes of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous or non-hazardous wastes are required to be disposed in accordance with applicable federal, state, and local regulations.
- LDNR requires that a complete CUP Application package (Joint Application Form, location 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. The Sub-Recipient is responsible for coordinating with and obtaining any required CUPs or other authorizations from the LDNR OCM's Permits and Mitigation Division prior to initiating work. The Sub-Recipient must comply with all conditions of the required permits. All documentation pertaining to these activities and Sub-Recipient compliance with any conditions should be forwarded to the state and FEMA for inclusion in the permanent project files.
- Permittee shall, prior to commencement of the herein permitted activities, contact Billy Wall (phone: 225-342-9423, email: [billy.wall@la.gov](mailto:billy.wall@la.gov)) to determine if a construction permit will be required from the local levee district. This determination does not eliminate the need to obtain a permit from the United States Army, Corps of Engineers or any other Federal, state or local approval that may be required by law. The drawings submitted with your referenced application are attached hereto and made a part of the record. If you have any questions regarding this authorization, please contact our office (225) 342-7591 or (800) 267-4019.
- Sub-Recipient must comply with all local, state, and federal requirements related to sediment control, disposal of solid waste, control and containment of spills, and discharge of surface runoff and/or stormwater from the site.
- The EPA recommends the Sub-Recipient conduct work to determine the extent of wetlands on site. Such investigation should be completed in coordination with the New Orleans District Office of the U.S. Army Corps of Engineers. The EPA also recommends all potential impacts to wetlands and other waters of the United States be avoided and minimized to the maximum extent practicable. Compensatory mitigation will be required for impacts to jurisdictional wetlands, as authorized by a

Clean Water Act Section 404 permit, to avoid a net loss of wetlands and wetland functions as a result of the proposed work.

- Care should be taken in equipment and materials storage and construction activities (including equipment and materials staging) to ensure that nearby wetlands are not adversely affected per the CWA and Executive Order 11990.
- If the project results in a discharge to waters of the State, an LPDES permit may be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater. In order to minimize indirect impacts (erosion, sedimentation, dust, and other construction-related disturbances) to nearby waters of the U.S. and surrounding drainage areas, the contractor must ensure compliance with all local, state, and federal requirements related to sediment control, disposal of solid waste, control and containment of spills, and discharge of surface runoff and stormwater from the site. All documentation pertaining to these activities and Sub-Recipient compliance with any conditions should be forwarded to LA GOHSEP and FEMA for inclusion in the permanent project files.
- Per 44 C.F.R. § 9.11(d)(6), 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 NFIP. Per 44 C.F.R. § 9.11(d)(9), for the replacement of building contents, materials, and equipment, where possible disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials, and equipment outside or above the base floodplain. The Sub-Recipient 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 Sub-Recipient compliance with any conditions must be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files.
- After construction of the proposed project and prior to FEMA project close-out, additional verification will be needed to ensure that proper coordination occurred regarding work within the floodplain. The following documentation will be required:
  - A copy of the Post-Construction Elevation Certificate signed/sealed by licensed surveyor, engineer, or architect *as well as* the local FP administrator; or
  - If the post-construction EC is not signed by the local Floodplain Administrator, then a Certificate of Occupancy signed by the LFA or a letter from the local Floodplain Administrator stating the structure was built in compliance with the local floodplain ordinance.
  - New construction or substantial improvements within special flood hazard areas be protected against flood damage, be anchored in accordance with the building code of the City of New Orleans to prevent flotation, collapse, or lateral movement of the structure, utilize construction materials and utility equipment that is resistant to flood damage, and utilize construction methods and practices to minimize flood damage.
- All activities involving the remediation of known hazardous substances present in on-site soils must be conducted in accordance with LDEQ requirements and as specified in the approved Corrective Action Plan. Activities involving the remediation of as yet undiscovered hazardous substances in on-site soil and groundwater must be conducted in accordance with relevant LDEQ requirements. Remediation activities for such undiscovered contaminants may not begin until LDEQ approval has been received by the Sub-Recipient.

- All waste is to be transported by an entity maintaining a current "waste hauler permit" specifically for the waste being transported, as required by LaDOTD and other regulations.
- Unusable equipment, debris, and material shall be disposed of in an approved manner and location. The Sub-Recipient shall handle, manage, and dispose of petroleum products, hazardous materials, and/or toxic waste in accordance with all local, state, and federal agency requirements. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- Contractor and/or Subcontractors must properly handle, package, transport and dispose of hazardous materials and/or waste in accordance with all local, state, and federal regulations, laws, and ordinances, including all OSHA worker exposure regulations covered within 29 C.F.R. § 1910 and 1926.
- Contractors are required to follow, at a minimum, these BMPs during site work:
  - implement erosion and sediment controls
  - stabilize soils
  - manage dewatering activities
  - implement pollution prevention measures
  - provide and maintain buffers around surface waters
  - prohibit certain discharges, such as motor fuel and concrete washout

## 7 PUBLIC INVOLVEMENT

The public is invited to comment on the proposed action. A legal notice will be published on Wednesday, May 9, 2018, Friday; May 11, 2018; and Sunday, May 13, 2018 in the *Times-Picayune*, the journal of record for Orleans Parish; and in The Advocate-New Orleans Edition for three (3) days - Monday, May 7, 2018 through Wednesday, May 9, 2018. Additionally, the draft Environmental Assessment will be made available for review at the New Orleans Public Library - Main Branch, 219 Loyola Avenue, New Orleans, Louisiana, 70112; and the Norman Mayer Public Library, 3001 Gentilly Blvd, New Orleans, Louisiana 70122. Further, there will be a 30-day comment period, beginning on Monday, May 7, 2018, concluding on Wednesday, June 6, 2018 at 4 p.m. The document also will be published on FEMA's websites. A copy of the Public Notice is attached in Appendix E.

## **8 AGENCY COORDINATION**

Louisiana Department of Environmental Quality

Louisiana Department of Natural Resources

Louisiana State Historic Preservation Office

Tribal Historic Preservation Office and/or cultural offices

U.S. Environmental Protection Agency

U.S. Fish and Wildlife Service

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