



FEMA

**U.S. Department of Homeland Security
Federal Emergency Management Agency
Region VI**
Louisiana Recovery Office
1500 Main Street
Baton Rouge, Louisiana 70802

FINAL FINDING OF NO SIGNIFICANT IMPACT
DESIRE AREA ROAD NETWORK INFRASTRUCTURE RECOVERY
RESTORATION
NEW ORLEANS, ORLEANS PARISH, LOUISIANA
FEMA-1603-DR-LA

BACKGROUND

Hurricane Katrina made landfall on 29 August 2005, near the town of Buras, Louisiana, as a Category 3 storm with sustained winds of more than 125 miles per hour. The accompanying high winds, heavy rains, and flooding caused an accumulation of various types of debris on the streets and rights-of-way of New Orleans. Rain accumulation, in combination with debris blockage, saturated soils, and insufficient drainage, caused flooding and standing water in most of the parish/city. As a result of this event, the roadway system incurred considerable damage.

In order to comply with the provisions of the National Environmental Policy Act of 1969 (NEPA) and the President's Council on Environmental Quality (CEQ) regulations implementing NEPA (Title 40 of the Code of Federal Regulations [C.F.R.] Parts 1500-1508) (Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act 2005), a Programmatic Environmental Assessment (PEA), which would encompass the project now under review, was developed by FEMA. The Programmatic EA was entitled "The City of New Orleans Sewerage and Water Board of New Orleans Joint Infrastructure Recovery Request Project" (JIRR). This PEA concluded with a Finding of No Significant Impact (FONSI), dated 16 June 2016.

The Applicant has requested, via the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (LA GOHSEP), that FEMA provide disaster assistance through the granting of federal funds under the auspices of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), P.L. 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance Program to fund projects to repair, restore, and replace facilities damaged as a result of the declared event. The Applicant has determined that repair of the original damaged facilities to their pre-Hurricane Katrina specifications would not be in the best interest of the community, however. Consequently, in accordance with 44 C.F.R. § 206.203(d), CNO has requested an Improved Project. An Improved Project is any project where an applicant chooses to make additional improvements to an existing facility in the course of making disaster repairs. An Improved Project restores the facility and maintains its function, either at the current site or in another existing or new facility.

For the current request, the Applicant proposes to reconstruct a numerous street segments of the Desire Area Road Network. Prior to Hurricane Katrina, portions of these streets were

already in a deteriorated condition. As a result, only certain sections were FEMA-eligible for storm-related repairs. Although these streets were not in good repair before the storm, due to the aftereffects of the hurricane, they have since worsened considerably. Rather than leave these roads in an undesirable state, the Applicant wishes to completely reconstruct the blocks under consideration to a level beyond their pre-storm condition.

The planned work would involve the complete replacement of the specified street blocks down to the sub-grade, instead of simply repairing the FEMA-eligible sections, and would also include new curbs, as well as ADA-compliant ramps where they do not currently exist. As necessary, storm sewers, manholes, and drain lines would be adjusted, relocated, or removed. All work would occur within previously disturbed rights-of-way.

In accordance with the environmental review guidelines of the Council of Environmental Quality (CEQ) found at 40 C.F.R. Part 1500, as well as other relevant regulations and policies, HUD evaluated an Environmental Assessment (EA) submitted by the City of New Orleans. The purpose of FEMA's Supplemental EA (SEA) was to analyze potential environmental impacts of the proposed project that require additional site-specific analysis and to determine whether a FONSI was appropriate or whether preparation of an Environmental Impact Statement (EIS) was warranted. Although the three alternatives presented in the JIRR PEA are described somewhat differently, they are similar in intent to the alternatives analyzed in this SEA. Therefore, FEMA has consider the following: a No Action Alternative; the Preferred Action Alternative, which is to completely reconstruct the street segments under consideration; and an Alternative Action, which is to repair the streets to their pre-storm condition.

FINDINGS

FEMA has made the following determinations from the information contained in the JIRR PEA and FEMA's SEA:

The proposed project has been evaluated for significant adverse impacts to geology, soils, water resources (surface water, groundwater, and wetlands), floodplains, coastal resources, air quality, biological resources (vegetation, fish and wildlife, federally-listed threatened or endangered species and critical habitats), cultural resources, socioeconomics (including minority and low income populations), safety, noise, and hazardous materials. The results of these evaluations, as well as consultations and input from other federal and state agencies, are presented in the EA and SEA. During the construction period, short-term impacts to water quality, air quality, and noise are anticipated. All short-term impacts require conditions to minimize and mitigate adverse effects to the proposed project site and surrounding areas.

CONDITIONS

The following conditions must be met as part of the implementation of the project. Failure to comply with these conditions may jeopardize federal funds:

- Follow applicable state, territory, tribal, and local permitting requirements for construction;

- Fugitive dust from earth moving activities, storage piles, disturbed surface areas, unpaved areas and other construction related activities will be controlled using one or more of the following measures: watering, coverings, wind fencing, covering of haul beds, wheel washers, vegetation, restricted site access, and/or street sweeping;
- Enclose or water down exposed dirt storage piles;
- Minimize the disturbed area and preserve vegetation to the maximum extent possible;
- Maintain topsoil whenever possible;
- Phase construction activities to the extent possible;
- The contractor shall prepare and maintain a Storm Water Pollution Prevention Plan (SWPPP), which describes in specific details the Contractor's program to prevent contamination of the storm water collection system for this project. The subgrantee's Stormwater Pollution Prevention Plan and its related conditions is located in Appendix C. All project will have a SWPPP that is consistent with the Municipal Separate Storm Sewer System (MS4) Permit for the Orleans Parish area and contractors will be required to take every reasonable precaution to prevent fuels, oils, asphalts, concrete, chemical, and other harmful materials from entering the drainage system and/or ground water table in accordance with the Section C204 of the DPW General Specifications. Storm Water Control Measures (SCMs) may include storm drain system protection, spill prevention and clean-up, employee training, project site housekeeping, and temporary erosion controls. Residue from dust collectors, concrete mixers, vehicles wash racks, an entrance/exits debris will be disposed of in an approved disposal facility;
- Establish stabilized construction entrances/exits (e.g. large crushed rocks, stone pads, steel wash racks, hose-down systems, and pads);
- Work will primarily be performed between 7:00am and 5:00pm, Monday through Friday. subgrantee should limit construction activities, including operation of heavy machinery, to normal business hours (M-F 7am-5pm). Contractors will be required to conform to noise level restrictions as established in Section 66-202 of the City of New Orleans Municipal Code (50-75 dBA, depending on the zoning of the area). All construction machinery and vehicles shall be equipped with practical sound muffling devices and operated in a manner to cause the least noise, consistent with efficient performance of work. Activities near noise and vibration sensitive areas such as churches, hospitals, and schools will be minimized as much as practically possible.
- Ensure adequate maintenance of equipment, including proper engine maintenance, adequate tire inflation, and proper maintenance of pollution control devices;
- Existing trees and other vegetation within the construction area that may be impacted within the public right-of-way will be protected on a location-by-location basis. In general, the Recovery Roads Program will attempt to maintain the existing healthy canopy in place. Protective measures may include fencing and signage. Any trimming, root pruning, or removal of any tree or stump within the public right-of-way due to

construction will be minimized as much as possible and be conducted under the supervision of a licensed arborist. Any trees removed from the construction site within the public right-of-way will be relocated if possible to an area in close proximity to the project site. Trenching within the critical root zone of a tree of a tree will not be permitted on tree roots or within the canopy limits unless approved by Parks and Parkways. Existing vegetation or cover disturbed by construction activities will be seeded and fertilized;

- At least 48 hours notice will be given in advance of any street closures and anticipated areas of low water pressure to residents and emergency response agencies;
- The subgrantee is responsible for acquiring any Section 401/404 Clean Water Act (CWA) permits and/or Section 10 permits under the Rivers and Harbors Act. When these permits are required, subgrantee must maintain documentation of compliance with applicable Nationwide Permit (NWP), exemption from requirements, or obtain individual permits from U.S. Army Corps of Engineers prior to construction, unless exempt by the NWP from pre-construction notification. The subgrantee shall comply with all conditions of the required permit. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files;
- Care should be taken to ensure that any potentially hazardous or toxic materials used for, generated, or encountered during pressure washing, cleaning, or any other construction activities, do not impact groundwater, waterways, wetlands, or nearby stormwater conveyance systems. Potentially hazardous and toxic wastes generated or encountered during these processes should be isolated, contained, and disposed of in an approved manner. This condition includes petroleum products and by-products use in machinery and equipment. The subgrantee shall be responsible for complying with all relative rules of the Clean Water Act (CWA). No activity performed should have any impact on waters of the state;
- Appropriate measures for the proper assessment, remediation, management, and disposal of any contamination discovered in the course of construction activities must be initiated in accordance with applicable federal, state, and local regulations. The contractor is required to take appropriate actions to prevent, minimize, and control the spill of hazardous materials at the proposed site;
- Contractor and/or sub-contractors 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 Occupational Safety and Health Administration worker exposure regulations covered within 29 CFR Parts 1910 and 1926;
- All work affecting the Agriculture Street Landfill Superfund Site must be undertaken in accordance with the Consent Decree between the City and USEPA including the

Technical Abstract for Utility Operations within the Agriculture Street Landfill Superfund Site;

- A spill prevention and emergency response plan (SPERP) will be required for all construction contractor groups. The SPERP will need to identify at a minimum: emergency contact numbers for local, state and federal environmental and public health agencies, material safety data sheets (MSDS) for all hazardous substances, hazardous material inventory, spill prevention plan, spill response plan/emergency response plan, spill response equipment (e.g. absorbent pads, disposal containers) and reporting requirements;
- If any asbestos containing materials (ACM) and/or other hazardous materials are found during remediation or repair/replacement activities, the subgrantee shall comply with all federal, state, and local abatement and disposal requirements under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Louisiana Administrative Code 33:III 5151. Demolition activities related to possible asbestos-containing materials (PACM) must be inspected for ACM/PACM where it is safe to do so. Should ACM be present, the subgrantee is responsible for ensuring proper disposal in accordance with the previously referenced administrative orders. Regardless of the asbestos content, the subgrantee is responsible for ensuring that all renovation or demolition activities are coordinated with the LDEQ to the extent required prior to initiating work. All documentation pertaining to these activities and subgrantee compliance with any conditions should be forwarded to the state and FEMA for inclusion in the permanent project files;
- Unusable equipment, debris, and material shall be disposed of in an approved manner and location. The subgrantee must 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;
- Contractors will be responsible for maintaining, securing, and protecting any staging area, containers, or bins set up for construction purposes. The storage of any equipment or materials will not be permitted immediately adjacent to canals or other water bodies, trees, transportation or utility servitudes, or private property without prior approval from the respective owner or regulatory agency. The contractors will be responsible to ensure all equipment arriving at or departing from the construction limits remains clean and to take any necessary measures to ensure foreign materials or debris is not tracked or deposited on opened streets or outside the construction site limits. The contractor will also be required to store and handle any fuels or other hazardous material in accordance with OSHA requirements, and ensure any such materials required at a construction site be adequately secured and protected at all times;
- 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 subgrantee compliance with any conditions should be forwarded to LA GOHSEP and FEMA for inclusion in the permanent project files;

- The subgrantee shall ensure that best management practices are implemented to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation to ensure that wetlands are not adversely impacted per the clean water act and executive order 11990;
- The Louisiana Department of Natural Resources (LDNR) requires that a complete Coastal Use Permit (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 subgrantee 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 subgrantee must comply with all conditions of the required permits. All documentation pertaining to these activities and subgrantee compliance with any conditions should be forwarded to the state and FEMA for inclusion in the permanent project files;
- Coordination with the appropriate local levee district(s) and USACE would be required for work within 1,500 feet of Mississippi River levees and/or within 300 feet of hurricane protection levees. CNO and SWBNO are responsible for obtaining any required permits from these districts and following any conditions imposed;
- Avoid engaging in construction activities within 660 feet of a bald or golden eagle nest during nesting and fledging where there is no visual buffer or 330 feet where there is a visual buffer, as nesting eagles are quite sensitive to human activities during these times;
- No project may 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. FEMA PA-funded projects carried out in the floodplain must be coordinated with the local floodplain administrator for a floodplain development permit prior to the undertaking, and the action must be carried out in compliance with relevant, applicable, and required local codes and standards and thereby, will reduce the risk of future flood loss, minimize the impacts of floods on safety, health, and welfare, and preserve and possibly restore beneficial floodplain values as required by EO 11988. Coordination pertaining to these activities and subgrantee 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;

- Adverse effects must be minimized in accordance with FEMA's minimization standards in 44 CFR § 9.11. Treatment measures would be required to reduce adverse impacts below the level of significance;
- Louisiana law (Part VII of Chapter 8 of Title 40, and the sections as R.S. 40:1749.11 to 40:1749.26) requires excavators and demolishers to call a regional notification center prior to beginning work. Prior to any excavation or demolition, each excavator or demolisher, including cable television owners or operators, shall serve telephonic notice of the intent to excavate or demolish to the regional notification center serving the area in which the proposed excavation or demolition is to take place. Such notice shall be given to the notification center at least 96 hours, but not more than 120 hours (excluding weekends and holidays) prior to the commencement of any excavation or demolition activity. See entire laws at www.laonecall.com or call 1-800-272-3020 for more information;
- This project involves the modification of a public structure that may contain surfaces coated with lead-based paint. The subgrantee is responsible complying with all local, state, and federal laws and ensuring that project activities are coordinated with the Louisiana Department of Environmental Quality for abatement activities;
- The subgrantee is responsible for obtaining and/or complying with all federal, state and local permits, ordinances and/or requirements for the collection, handling, storage, transportation and disposal of any medical, hazardous, biological, radiological, pharmaceutical or toxic related waste or debris. Equipment such as ice machines, refrigerators, generators, air conditioning units, computers, and televisions may contain chlorofluorocarbons (CFCs), used oil, diesel and other petroleum products, mercury switches, used oil filters, fuel filters, and batteries. The subgrantee shall handle, manage, and dispose of damaged materials and equipment that may be hazardous waste, universal waste, and hazardous materials in accordance with the requirements of local, state, and federal regulations;
- If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary;
- All waste is to be transported by an entity maintaining a current "waste hauler permit" specifically for the waste being transported, as required by Louisiana Department of Transportation and Development (DOTD), LDEQ, and other regulations;
- Disposal of demolition debris must be in accordance with all federal, state, and local laws, regulations, and rules. Prior to disposal, the subgrantee must identify and provide to FEMA and GOHSEP the waste disposal site, including the complete name, location, telephone number, and contact person of the facility. Due to the presence of the Agriculture Street Landfill Superfund site and the potentially hazardous nature of material to be removed from the site, all construction and demolition debris must be disposed in a Type I Industrial Landfill. The disposal facility must be permitted by the State of Louisiana Department of Environmental Quality Permit Support Division to

receive Regulated Asbestos Containing Material. Waste must be packaged, labeled, manifested, and transported in accordance with LDEQ regulations and requirements. Further, the subgrantee must comply with Best Management Practices for Demolition, Construction, and Renovation Sites Under Five Acres (See Appendix C);

- To minimize worker and public health and safety risks from project construction and closure, all construction and closure work must be done using qualified personnel trained in the proper use of construction equipment, including all appropriate safety precautions. Additionally, all activities must be conducted in a safe manner in accordance with the standards specified in OSHA regulations;
- Appropriate signage and barriers shall be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes. The contractor will implement traffic control measures, as necessary. This shall include Subgrantee 24-hour emergency contact information;
- Subgrantee is responsible for maintaining construction site perimeter fencing where possible;
- The subgrantee and its contractor(s) must take all reasonable precautions to control construction site access during project implementation, including posting appropriate signage and fencing, where possible, to minimize foreseeable potential public safety concerns. All activities shall be conducted in a safe manner in accordance with OSHA work zone traffic safety requirements. Truck and equipment routes must be kept free of construction debris;
- The subgrantee and its contractor(s) are responsible for implementing all traffic control and warning in accordance with the Manual of Uniform Traffic Control Devices, including placing signs and signals in advance of construction activities in order to alert pedestrians and motorists of the upcoming work and traffic pattern changes. Subgrantee is responsible for compliance with Section C129, Temporary Signs, Barricades Pavement Markings, Construction Signing, Traffic Maintenance and Public Safety (See Appendix C);
- Subgrantee will perform all Treatment Measures identified by FEMA in consultation with SHPO and other consulting parties through the Section 106 review to offset any adverse effects;
- Subgrantee will implement an **Inadvertent Discovery Clause** to account for unanticipated discoveries. It shall read: If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the subgrantee shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The subgrantee shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The subgrantee will not proceed with work until FEMA HP completes consultation with the SHPO, and others as appropriate;

- Subgrantee will implement a **Louisiana Unmarked Human Burial Sites Preservation Act** discovery provision, as well. It shall read: 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 subgrantee shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four (24) hours of the discovery. The subgrantee shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two (72) hours of the discovery;
- 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;
- All precautions should be observed to control nonpoint source pollution from construction activities. LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permits Division at (225) 219-9371 to determine if your proposed project requires a permit.

General comments/conditions provided by LDEQ:

- If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit is required. An application or Notice of Intent will be required if the sludge management practice includes preparing biosolids for land application or preparing sewage sludge to be hauled to a landfill. Additional information may be obtained on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 9371;
- All precautions should be observed to protect the groundwater of the region;
- Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary;
- If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents;
- Any renovation or remodeling must comply with LAC 33:III.Chapter 28, Lead-Based Paint Activities; LAC 33:III.Chapter 27, Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation); and LAC 33:III.5151, Emission Standard for Asbestos for any renovations or demolitions.

CONCLUSION

The results of these evaluations, as well as consultations and input from other federal and state agencies, are presented in the SEA and appendices. Based on the information analyzed, FEMA has determined that the implementation of the proposed action would not result in significant adverse impacts to the quality of the natural and human environment. In addition, the proposed project does not appear to have the potential for significant cumulative effects when combined with past, present, and reasonably foreseeable future actions. As a result of this FONSI, an Environmental Impact Statement will not be prepared (per 44 C.F.R. § 10.9) and the proposed project as described in the SEA may proceed.

APPROVALS

**JERAME J
CRAMER**

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Jerame J. Cramer,
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LRO – 1603/1607-DR-LA

Date

Thomas M. Womack

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Date