

**DRAFT FINDING OF NO SIGNIFICANT IMPACT  
JEFFERSON DAVIS ELECTRIC COOPERATIVE, INC.  
HURRICANE LAURA REPAIR, REPLACEMENT, AND RESTORATION PROGRAM  
CAMERON AND CALCASIEU PARISHES, LOUISIANA  
FEMA-4559-DR-LA**

**BACKGROUND**

In accordance with the Federal Emergency Management Agency's (FEMA) Instruction 108-1-1, a Programmatic Environmental Assessment (PEA) has been prepared pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C §§ 4321 et seq.) and the President's Council on Environmental Quality (CEQ) regulations to implement NEPA (40 Code of Federal Regulations (CFR) Parts 1500-1508). The need for this action is to repair, improve, or replace storm-damaged electrical system critical infrastructure and utility lines throughout the Jefferson Davis Electric Cooperative, Inc. (JDEC) system, create redundancies within the system, and make the system more resilient against future storm events. The JDEC electrical system has suffered repetitive catastrophic damages from storm events in recent decades; and restoration of the entire system, complete with resiliency and redundancy features, is needed to mitigate susceptibility to future physical storm damage, support more load, increase resiliency for the coastal circuits, and allow for quicker and less expensive restoration of power following future disaster events.

The Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and JDEC have submitted a combined request for FEMA funding, referred to as the JDEC Hurricane Laura Repair and Restoration Program. FEMA has determined that the GOHSEP and JDEC are eligible to receive FEMA Public Assistance (PA) funding, and FEMA is administering this assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's PA Program to repair, restore, and replace state and local government and certain private not-for-profit facilities damaged as a result of the declared event. The purpose of FEMA's PA Grant Program is to provide assistance to state, tribal, and local governments, and certain types of not-for-profit organizations, so that communities can quickly respond to, recover from, and mitigate major disasters and emergencies. The proposed action would utilize FEMA-provided PA grant funding and possibly FEMA Hazard Mitigation Grant Program (HMGP) funding to repair, improve, or replace storm-damaged electrical system critical infrastructure, including transmission lines, distribution lines, substations, and related assets.

Three project alternatives were considered in this PEA: Alternative 1 (No-Action Alternative); Alternative 2 (230 kilovolt (kV) Resiliency and Redundancy), Preferred Action Alternative; and Alternative 3 (69kV/138kV Repair/Resiliency). A fourth alternative, Alternative 4 (Repair to Current Codes and Standards), was considered and dismissed because it does not meet the purpose and need. Under the proposed preferred alternative, FEMA would provide funding for JDEC to conduct a series of projects that would replace existing system infrastructure with a single 230kV transmission line with an underbuilt 13.2kV distribution line which would replace the existing 69kV and 138kV transmission lines that were temporarily repaired following Hurricane Laura. This alternative includes utility improvements and upgrades as well as realignment or relocation of JDEC infrastructure. Activities may include, where necessary, repairing or removing existing emergency repair poles and associated hardware as needed; installing new utility poles, conductors, conduit routing, towers, and underground waterway crossings; and repairing and elevating substations.

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The Proposed Action as described in the PEA may have short-term, temporary, negligible to minor impacts to geology, topography, soils, wetlands and waters of the U.S., floodplains and hydrology, water quality and resources, land use and planning, habitats including wetlands and essential fish habitat types, threatened and endangered species, migratory bird species, bald and golden eagles, air quality, climate change, cultural resources, low income and minority populations, hazardous materials, noise, and traffic. The Proposed Action may have long-term, permanent, negligible to minor impacts to geology, soils, topography, hydrology, floodplains, land use and planning, and habitats including estuarine emergent marsh and estuarine open water/mud bottom which will be limited to pole placements, new waterway crossing footprints, and new or relocated substations. The Proposed Action may also have permanent, negligible to minor impacts to wetlands and waters of the U.S. limited to localized areas of pole placements, vaults, and platforms; and spread of invasive species from the movement of construction equipment and boats. Long-term beneficial impacts to public services and health and safety are expected because of the Proposed Action through improved electrical service reliability and resiliency for residents. Increased resiliency and reliability could reduce risks of heat-related illness and death by providing more reliable electricity for cooling and attract businesses and jobs through quicker power restoration following outages. All adverse impacts require conditions to minimize or mitigate impacts to the proposed project site and surrounding areas.

## CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize the receipt of federal funding.

- Follow applicable local, territory, state, and federal permitting requirements for construction.
- Minimize the disturbed area and preserve vegetation to the maximum extent possible.
- Phase construction activities to the extent possible.
- Ensure adequate maintenance of equipment, including proper engine maintenance, adequate tire inflation, and proper maintenance of pollution control devices.
- JDEC 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, JDEC must maintain documentation of compliance with applicable Nationwide Permit (NWP), exemption from requirements, or obtain individual permits from US Army Corps of Engineers (USACE) prior to construction, unless exempt by the NWP from pre-construction notification. JDEC 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.
- 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. Contractors are required to take appropriate actions to prevent, minimize, and control the spill of hazardous materials at the proposed site.
- Contractors 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 (OSHA) worker exposure regulations covered within 29 CFR Parts 1910 and 1926.

- 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.
- Unusable equipment, debris, and material shall be disposed of in an approved manner and location. JDEC 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, 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. Contractors 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 (e.g., erosion, sedimentation, dust, and other construction-related disturbances) to nearby waters of the United States 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 JDEC compliance with any conditions should be forwarded to GOHSEP and FEMA for inclusion in the permanent project files.
- JDEC shall ensure that best management practices (BMPs) 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 CWA and Executive Order (EO) 11990.
- Louisiana Department of Natural Resources (LDNR) requires that a complete Coastal Use Permit (CUP) application package (e.g., 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. JDEC will be 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. JDEC must comply with all conditions of the required permits. All documentation pertaining to these activities and JDEC compliance with any conditions should be forwarded to the state and FEMA for inclusion in the permanent project files.
- 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. This 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 JDEC compliance with any conditions should be documented, and copies forwarded to GOHSEP and FEMA for inclusion in the permanent project files. JDEC is required to utilize the Best Available Information (BAI) for reconstruction, new construction, and substantial improvements.

- Adverse effects on the floodplain 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.
- JDEC 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, used oil, diesel and other petroleum products, mercury switches, used oil filters, fuel filters, and batteries. JDEC 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 the 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 the Louisiana Department of Transportation and Development (LaDOTD), Louisiana Department of Environmental Quality (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, JDEC must identify and provide to FEMA and GOHSEP the waste disposal site, including the complete name, location, telephone number, permit number, and contact person of the facility.
- 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 24-hour emergency contact information for JDEC.
- JDEC is responsible for maintaining construction site perimeter fencing where possible.
- JDEC 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.

- JDEC and its contractor(s) are responsible for implementing all traffic control and warning in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), 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.
- 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.
- JDEC will perform all Treatment Measures identified by FEMA in consultation with the State Historic Preservation Office (SHPO) and other consulting parties through the Section 106 review to offset any adverse effects.
- JDEC 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, JDEC shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. JDEC shall inform their PA contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. JDEC will not proceed with work until FEMA HP completes consultation with the SHPO, and others as appropriate.
- JDEC 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. JDEC shall notify the law enforcement agency of the jurisdiction where the remains are located within 24 hours of the discovery. JDEC shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within 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.
- JDEC is required to protect existing individual trees through project design and implementation. If tree removal is unavoidable, the Subrecipient is required to plant two new trees for every one removed.
- Follow all applicable BMPs during pre-construction and construction activities.

## CONCLUSION

Based on the findings of the PEA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this Finding of No Significant Impact (FONSI), FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (FEMA Instruction 108-1-1) and the Proposed Project as described in the attached PEA may proceed.

APPROVAL AND ENDORSEMENT

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Kevin Jaynes  
Regional Environmental Officer  
FEMA Region 6

Date \_\_\_\_\_

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Traci L. Brasher  
Recovery Division Director  
FEMA Region 6

Date \_\_\_\_\_