

DRAFT Environmental Assessment

# Torres Park Restroom Facility

St. Bernard Parish

FEMA-1603-DR-LA

St. Bernard Parish, Louisiana

*January 2012*

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



**FEMA**

<b><u>SECTION</u></b>	<b><u>PAGE</u></b>
<b>TABLE OF CONTENTS</b>	i
<b>LIST OF ACRONYMS</b>	ii
<b>1.0 INTRODUCTION</b>	1
1.1 Project Authority	1
1.2 Background	1
<b>2.0 PURPOSE AND NEED</b>	2
<b>3.0 ALTERNATIVES</b>	3
3.1 Alternative 1 – No Action	3
3.2 Alternative 2 – Reconstruction/Repair in the Same Footprint	3
3.3 Alternative 3 – Reconstruction at an Alternate Location / Proposed Action	3
<b>4.0 AFFECTED ENVIRONMENT AND IMPACTS</b>	4
4.1 Wetlands / Hydrologic Resources	4
4.2 Floodplains	5
4.3 Coastal Resources	10
4.4 Biological Resources	10
4.5 Cultural Resources	11
4.6 Hazardous Materials	12
4.7 Environmental Justice	13
<b>5.0 CUMULATIVE IMPACTS</b>	14
<b>6.0 CONDITIONS AND MITIGATION MEASURES</b>	14
<b>7.0 PUBLIC INVOLVEMENT AND AGENCY CONSULTATION</b>	15
<b>8.0 LIST OF PREPARERS</b>	16
<b>9.0 REFERENCES</b>	17

**LIST OF FIGURES**

1. St. Bernard Parish, LA	2
2. Torres Park Restroom Facility Site Location	2
3. U.S. Fish and Wildlife Service, National Wetlands Inventory Map	5
4. Preliminary Digital Flood Insurance Rate Map, Panel 22087C0480D	8
5. Advisory Base Flood Elevation Map OR-LA-EE34	9

**APPENDICES**

Appendix A. Site Plan
Appendix B. Agency Correspondence
Appendix C. Eight-Step Decision Making Process
Appendix D. Public Notice

## LIST OF ACRONYMS

ABFE	Advisory Base Flood Elevation
APE	Area of Potential Effects
BMPs	Best Management Practices
CAA	Clean Air Act
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DFIRM	Digital Flood Insurance Rate Map
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
EDMS	Electronic Document Management System
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
GNO	Greater New Orleans
HEAG	Highest Existing Adjacent Grade
HSDRRS	Hurricane Storm Damage Risk Reduction System
LADOTD	Louisiana Department of Transportation and Development
LA GOHSEP	Louisiana Governor's Office of Homeland Security and Emergency Preparedness
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LUST	Leaking Underground Storage Tank
MOA	Memorandum of Agreement
NAVD 88	North American Vertical Datum of 1988
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic & Atmospheric Administration
PA	Public Assistance Grant Program
RECAP	Risk Evaluation/Corrective Action Program
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
SHPO	State Historic Preservation Office/Officer
US	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service

## **1.0 INTRODUCTION**

### **1.1 Project Authority**

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

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

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

### **1.2 Background**

The Restroom Facility at the St. Bernard Parish Maintenance Yard, located at 120 W. Agriculture Road in Chalmette, Louisiana (Figure 1) sustained extensive flood and wind damage from Hurricane Katrina and was deemed eligible for replacement by FEMA for Federal disaster public assistance as a non-critical facility serving the needs of the general public. The geographic coordinates of the damaged facility are: latitude: 29.96156 ; longitude: -89.956334. The applicant – St. Bernard Parish Government – proposes to demolish the damaged facility at its present location and replace it with a new Restroom Facility, to be located within the northwest corner of Sidney Torres Memorial Park, 8201 W. Judge Perez Drive in Chalmette, Louisiana (Figure 2). The coordinates of the proposed location are: latitude: 29.95873; longitude: -89.98153 .

The existing Restroom Facility, whose approximate dimensions are 16'4" x 11'4", has two toilets and two sinks; the proposed facility would have the same capacity and function. Work for the new facility would include removal of ground cover; construction of a slab with footings and a concrete framed one-story structure; extension of existing park utilities to the facility; and upgrading from the existing facility to comply with current codes and standards (see *Appendix A, Project Plans*).



Figure 1. St. Bernard Parish, Louisiana (Google earth, 2010)



Figure 2 – Torres Park Restroom Facility Site Location (Google earth®, 2010)



## **2.0 PURPOSE AND NEED**

Prior to Hurricane Katrina, the Restroom Facility served the employees of, and visitors to, the St. Bernard Parish Main Maintenance Yard. Sidney Torres Memorial Park had restroom facilities insufficient to meet the anticipated level of future park patronage associated with post-hurricane recovery and planned park improvements.

As directed by the Stafford Act (PL 93-288), the objective of FEMA's PA Grant Program is to provide assistance to State, Tribal and local governments, and certain types of Private Nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President. The proposed Torres Park Restroom Facility is essential to better serve the needs of Park patrons and the people of the surrounding community, and St. Bernard Parish.

## **3.0 ALTERNATIVES**

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

### **3.1 Alternative 1 - No Action**

Implementation of the No Action Alternative would entail no repair, reconstruction, or relocation of the Restroom Facility. Consequently, the existing Restroom Facility would not be available for use by Maintenance Yard workers and visitors, and Torres Park would not provide adequate facility services to park users. No Action would forego opportunities for reconstruction of, and recompense for, the damaged Parish Restroom Facility.

### **3.2 Alternative 2 – Reconstruction in the Same Footprint**

This alternative would reconstruct the damaged restroom facility to the pre-disaster configuration, function and capacity in substantially the same footprint in order to restore the community service as it existed prior to Hurricane Katrina. However, St. Bernard Parish government has determined that many more of its citizens would be better served having the restroom facility relocated to Torres Park.

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

The proposed action calls for replacement of the damaged Restroom Facility in a new location in Torres Park. The proposed location of the new facility will allow the Parish to better serve the needs of many more parish residents than reconstructing the facility in its current location. The original facility will be demolished at its current location. The proposed facility will be consistent with the function, capacity, size and purpose of the damaged facility, with any

increase in the size of overall square footage a result of applicable codes and standards. This action would include site preparation, construction of a new building and installation of necessary utilities and appurtenances. Reconstruction of the Restroom Facility will restore the community services lost as a result of Hurricane Katrina. This practicable alternative also meets the purpose and need of the action.

## **4.0 AFFECTED ENVIRONMENT AND IMPACTS**

### **4.1 Wetlands / Hydrologic Resources**

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

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

Torres Park does include a man-made, ring-shaped recreational water feature. The proposed Restroom Facility would be located approximately 218 feet from this water feature.

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 Section 404 of the CWA or Section 10 of the RHA.

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

Alternative 3 – Reconstruction at an Alternative Location - Proposed Action: The proposed action alternative would have no impact on wetlands or other waters of the U.S. FEMA has determined that the proposed location is an urban, previously-disturbed site and is not a

jurisdictional wetland under Executive Order 11990. The project as proposed would not require permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

To minimize indirect impacts (soil erosion, sedimentation, dust and other construction-related disturbances) to the rest of the land and water features of the park surrounding the proposed action, the following best management practices should be included into the daily operations of construction activities: silt screens, barriers (e.g., hay bales), berms/dikes, and/or fences to be placed where and as needed. Fencing should be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.

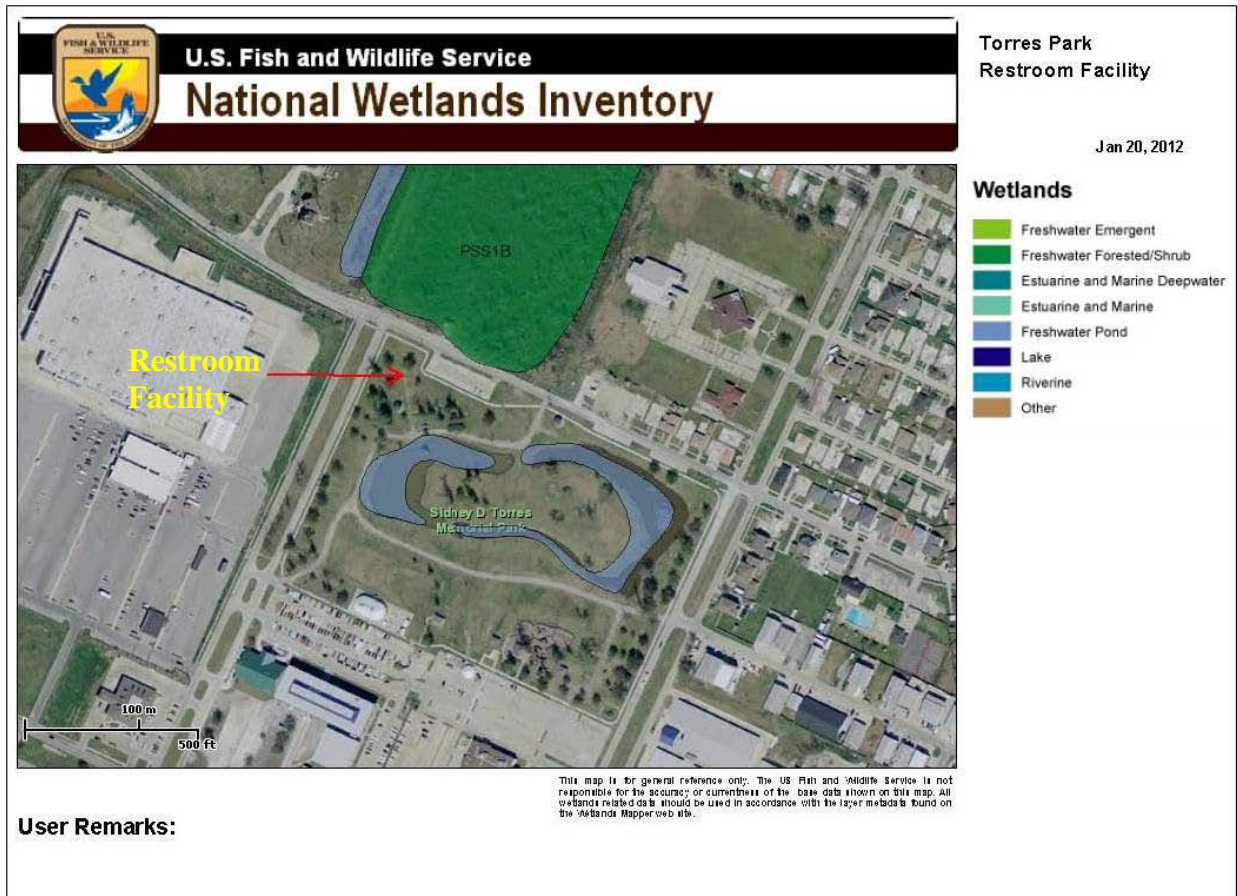


Figure 3 - U. S. Fish and Wildlife Service National Wetlands Inventory Map (USFWS, 2012)

## 4.2 Floodplains

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



In July 2005, FEMA initiated a series of flood insurance studies for many of the Louisiana coastal parishes as part of the Flood Map Modernization effort through FEMA's National Flood Insurance Fund. These studies were necessary because the flood hazard and risk information shown on many Flood Insurance Rate Maps (FIRMs) was developed during the 1970s, and the physical terrain had changed significantly, such as major loss of wetland areas. After hurricanes Katrina and Rita, FEMA expanded the scope of work to include all of coastal Louisiana. The magnitude of the impacts of hurricanes Katrina and Rita reinforced the urgency to obtain additional flood recovery data for the coastal zones of Louisiana. More detailed analysis was possible because new data obtained after the hurricanes included information on levees and levee systems, new high-water marks, and new hurricane parameters (LaMP 2007).

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

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

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

The 2008 Preliminary DFIRMs – currently viewed as the best available flood risk data for the five GNO parishes – do not consider the completion of the HSDRRS. In many areas, the flood risk has been significantly reduced due to heightened protection. To ensure that the best available data is used when reviewing and approving grant applications within the HSDRRS, FEMA will re-examine individual grant reconstruction projects using sound engineering data and judgment. The case-by-case review may indicate that the source of best available flood risk data for a

reconstruction project is preliminary DFIRMs, ABFEs, or other relevant sound engineering data. No project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program (Miller 2011).

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

Alternative 1 – No Action: The No Action Alternative would have no impact on the 100-year floodplain as no building would be constructed at either the existing or proposed sites.

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

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

The reconstruction of this facility will have no determinable impact on flood elevations, nor will it increase development in this largely built-out area. As per 44 CFR 9.11 (d), new construction of non-residential structures must be elevated or flood-proofed to the 100-year BFE. By Memorandum of January 4, 2012 from Frank Pagano, Mitigation Division Director of FEMA Region 6 to John Connolly, Senior Public Assistance Advisor, Louisiana Recovery Office, the 2008 Preliminary Digital Flood Insurance Rate Map (DFIRM) elevation is not required; however, the applicant must coordinate all reconstruction activities with the local floodplain administrator regarding floodplain permit(s) prior to start of any activities, and remain in compliance with formally adopted local floodplain ordinances (see *Appendix B, Agency Correspondence*).

All coordination pertaining to these permit(s) should be documented to the local floodplain administrator and copies provided to the State and FEMA as part of the permanent project files. Additionally, per 44 CFR 9.11 (d)(9), mitigation or minimization standards must be applied, where possible. The replacement of building contents, materials and equipment should be,





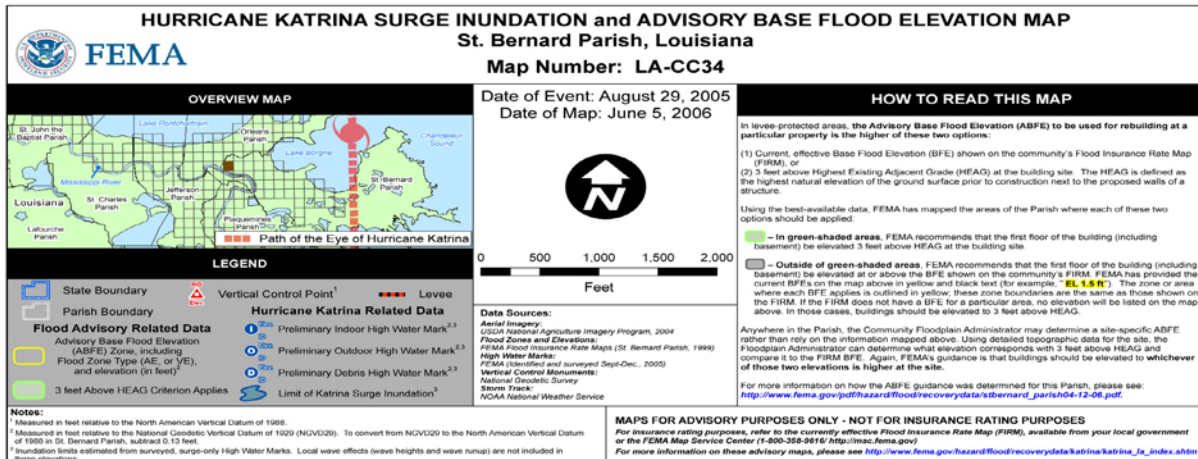


Figure 5 – Advisory Base Flood Elevation Map OR-LA-EE34 (FEMA, June 5, 2006)

### **4.3 Coastal Resources**

The Coastal Zone Management Act of 1972 (CZMA) requires Federal agency actions to be consistent with the policies of the state coastal zone management program when conducting or supporting activities that affect a coastal zone. The Louisiana Department of Natural Resources (LDNR) regulates development in Louisiana's designated coastal zone through the Coastal Use Permit Program. By letter of December 13, 2011 from Karl L. Morgan, Administrator to Steven Epstein, LDNR's Office of Coastal Management advised FEMA that the project is located in the Louisiana Coastal Zone, and they require that a complete Coastal Use Permit packet be submitted to their office for review and approval prior to construction (see *Appendix B, Agency Correspondence*).

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

Alternative 1 – No Action: The No Action Alternative would have no impact on a coastal zone or to a CBRS unit.

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

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

### **4.4 Biological Resources**

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



Alternative 1 – No Action: The No Action Alternative would have no impact on species federally listed as threatened or endangered.

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

Alternative 3 – Reconstruction at an Alternate Location - Proposed Action: Field inspection of the proposed site did not indicate the presence of any species federally or state listed as threatened or endangered. In responses to a Solicitation of Views regarding the proposed project, neither the National Marine Fisheries Service, U.S. Environmental Protection Agency, Louisiana Department of Environmental Quality, nor the Louisiana Office of Coastal Management expressed concern over, or mentioned the presence of, biological resources on or near the project site (see *Appendix B, Agency Correspondence*). The other State and federal agencies solicited for views did not submit comments. The proposed action is not anticipated to have an adverse effect on biological resources.

#### **4.5 Cultural Resources**

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

The project site is located within the aboriginal homelands of the Chitimacha Tribe of Louisiana. FEMA, the Louisiana State Historical Preservation Office (SHPO), the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), and various native American tribes – including the Chitimacha Tribe - and the Advisory Council on Historic Preservation (ACHP) have executed a Statewide Programmatic Agreement (PA) dated August 17, 2009 and amended on July 22, 2011 (2009 Statewide PA as amended), to streamline the NHPA Section 106 review process. The proposed action is subject to the standard project review stipulation of the 2009 Statewide PA as amended.

#### Existing Conditions

The proposed Restroom Facility is entirely within the confines of St. Bernard Parish's Sidney Torres Memorial Park, in its northwest quadrant. The structures in the area of potential effect (APE) do not meet the 50-year criterion or criteria consideration G of the National Register guidelines to be considered eligible for the National Register of Historic Places. Data provided by the State Historical Preservation Office (SHPO) indicates that there are no known

archaeological sites within the project area and all work will occur within a previously disturbed area. The scope of work meets the criteria in FEMA's Programmatic Agreement (PA) dated August 17, 2009, Appendix C: Programmatic Allowances, Item I, Sections A and I. In accordance with this PA, FEMA is not required to consult with the SHPO where work performed meets these criteria. The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found under the Environmental Review NHPA conditions. Any change to the approved scope of work will require reevaluation under Section 106.

Alternative 1 - No Action: This alternative does not include any FEMA undertaking; therefore FEMA has no further responsibilities under Section 106 of the National Historic Preservation Act.

Alternative 2 – Reconstruction in the Same Footprint: This alternative involves the demolition and reconstruction of the facility within the same footprint. In-kind reconstruction in the existing location would not affect any above ground resources, provided that the replacement facility has the same massing, height, scale, and materials as the original building. No archaeological resources would be affected by this alternative.

Alternative 3 - Reconstruction at an Alternate Location - Proposed Action: Because the structures in the area of potential effect are neither on nor eligible for the National Register of Historic Places, there are no known archaeological sites within the project area, and all work will occur within a previously disturbed area, there would be no adverse effects to cultural resources associated with constructing the Restroom Facility within the northeastern corner of Torres Park.

#### **4.6 Hazardous Materials**

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

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

Alternative 1 – No Action: The No Action alternative would not disturb any hazardous materials or create any potential hazard to human health.

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

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

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

#### **4.7 Environmental Justice**

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

Alternative 1 – No Action: The No Action Alternative would not involve the implementation of a federal program, policy or activity. Therefore, there would be no disproportionate adverse impacts to low-income or minority populations.

Alternative 2 – Reconstruction in the Same Footprint: Reconstruction of the damaged Restroom Facility in substantially its same footprint in the Parish's Main Maintenance Yard would have no disproportionate adverse impacts to low-income or minority populations.

Alternative 3 – Reconstruction at an Alternate Location - Proposed Action: The proposed action would provide an additional restroom facility/amenity in a Parish park open to and utilized by all St. Bernard Parish residents, regardless of their minority or socio-economic status. There would be no adverse impacts to any segment, or of any concern, of the parish population.

## 5.0 CUMULATIVE IMPACTS

According to the Council on Environmental Quality (CEQ) regulations, cumulative impacts represent the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

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

## 6.0 CONDITIONS AND MITIGATION MEASURES

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

- In accordance with applicable local, state, and federal regulations, the applicant is responsible for acquiring any necessary permits and/or clearances prior to the commencement of any construction related activities.
- To minimize indirect impacts (soil erosion, sedimentation, dust and other construction-related disturbances) to the rest of the land and water features of the park surrounding the proposed action, the following best management practices should be included into the daily operations of construction activities: silt screens, barriers (*e.g.*, hay bales), berms/dikes, and/or fences to be placed where and as needed. Fencing should be placed for marking staging areas to store construction equipment and supplies as well as conduct maintenance/repair operations.
- The applicant must coordinate all construction activities with the local floodplain manager and remain in compliance with formally adopted local floodplain ordinances. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the community established base flood

- elevation. Hazardous materials need to be elevated above the 0.2 % annual chance (500-year) flood elevation.
- The project has been found by the LDNR to be inside the Louisiana Coastal Zone; therefore, they require that a complete Coastal Use Permit Application package (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.) along with the appropriate application fee be submitted to their office prior to construction.
- Louisiana Unmarked Human Burial Sites Preservation Act: If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- Inadvertent Discovery Clause: If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO.
- Project construction may involve the use of potentially hazardous materials (*e.g.*, petroleum products, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, treated timber), and may result in the generation of small amounts of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous and non-hazardous wastes are required to be disposed in accordance with applicable Federal, state and local regulations.
- Best management practices and appropriate measures to prevent, minimize, and control spills of hazardous materials shall be taken, and any hazardous and non-hazardous wastes generated shall be disposed of in accordance with applicable federal, state, and local requirements.

## **7.0 PUBLIC INVOLVEMENT AND AGENCY CONSULTATION**

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



These agencies include the Louisiana State Historical Preservation Officer, U. S. Fish and Wildlife Service, the Governor's Office of Homeland Security and Emergency Preparedness, Louisiana Department of Environmental Quality, Louisiana Department of Wildlife and

Fisheries, U. S. Environmental Protection Agency, National Marine Fisheries Service, Louisiana Department of Natural Resources, and the U. S. Army Corps of Engineers. FEMA has received no objections to the proposed project. Comments and conditions received from the agencies have been incorporated into this Environmental Assessment (see *Appendix D, Agency Correspondence*).

FEMA is inviting the public to comment on the proposed action during a fifteen (15) day comment period. A public notice will be published for 5 days in the local newspaper, *The St. Bernard Voice*, announcing the availability of this EA for review at the St. Bernard Parish Central Library at 1125 E. St. Bernard Highway in Chalmette, Louisiana. A copy of the Public Notice is attached in Appendix D.

## **8.0 LIST OF PREPARERS**

Steven E. Epstein, CFM – Environmental Specialist  
Adam Borden – Lead Environmental Specialist  
Annette Carroll, Historic Preservation Specialist  
Daphne Owens, Historic Preservation Specialist/Archaeologist  
Tiffany Spann-Winfield – Deputy Environmental Liaison Officer

## 9.0 REFERENCES

Endangered Species Act of 1973

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

Executive Order 11988, Floodplain Management, 1977.

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

Executive Order 11990, Wetlands Management, 1977.

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

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

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

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

[http://www.fema.gov/pdf/hazard/flood/recoverydata/katrina/maps/katrina\\_la\\_OR-LA-EE34.pdf](http://www.fema.gov/pdf/hazard/flood/recoverydata/katrina/maps/katrina_la_OR-LA-EE34.pdf).

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

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

Google Earth. 2010. Aerial Imagery.

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

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

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

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

Louisiana Department of Environmental Quality. Air Quality Data.

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

Louisiana Department of Environmental Quality. Volunteer Remedial Program List.

Website: [http://www.deq.louisiana.gov/portal/Portals/0/Remediation Services/VRP](http://www.deq.louisiana.gov/portal/Portals/0/Remediation%20Services/VRP).

Louisiana Department of Environmental Quality. State Brownfield list.

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

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

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

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

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

National Oceanic and Atmospheric Administration. Coastal Barrier Resources Act.  
Website: [http://www.csc.noaa.gov/cmfp/reference/Coastal\\_Barrier\\_Resources\\_Act.htm](http://www.csc.noaa.gov/cmfp/reference/Coastal_Barrier_Resources_Act.htm)  
Accessed.

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

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

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

## **Appendix A**

### **Project Plans**

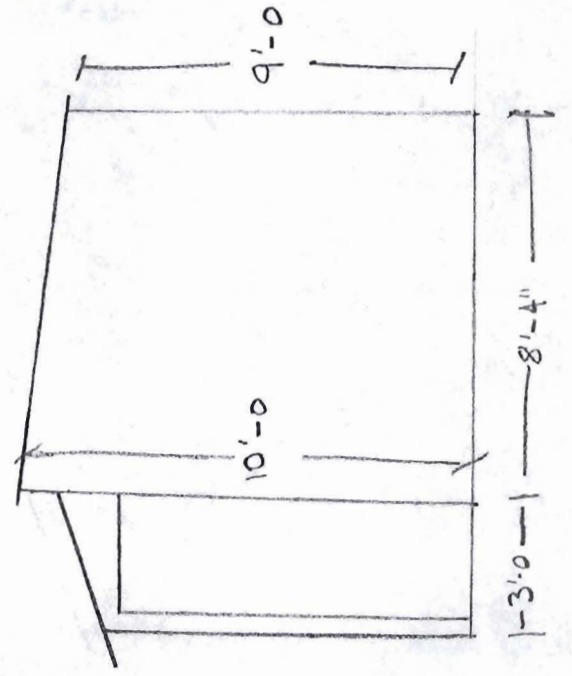
**Note: Project plans are included in the PDF version of this document**



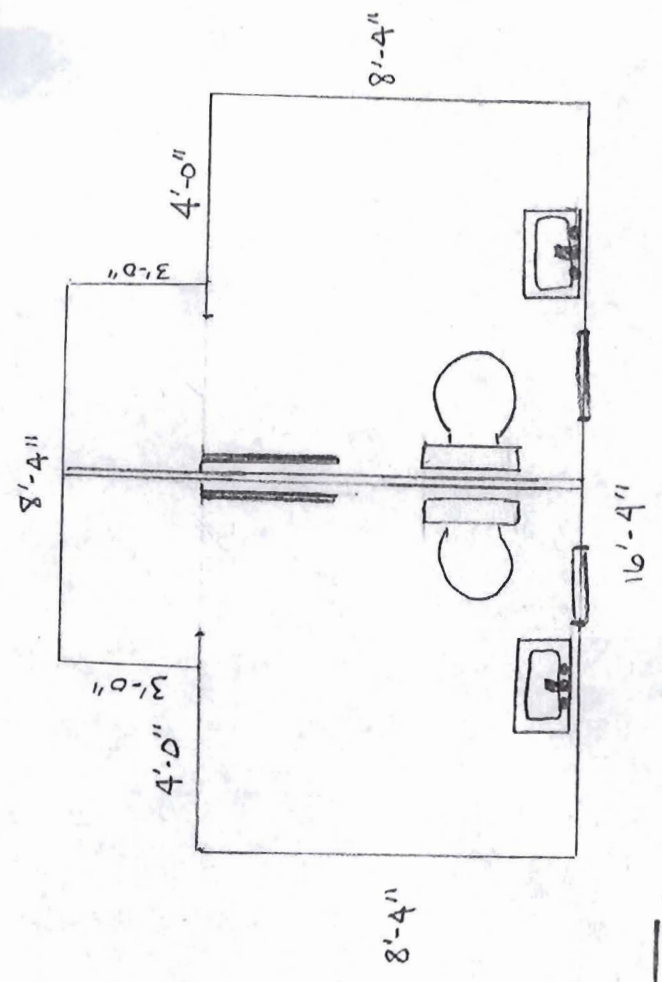


MAIN YARD EXISTING RESTROOM DIMENSIONS  
 PW 14293

SIDE VIEW



AERIAL VIEW



SCALE  
 $\frac{1}{4}'' = 1'-0''$

**Appendix B**  
**Agency Correspondence**

**Note: State and Federal Agency correspondence is included in the PDF version of this document**

**BOBBY JINDAL**  
GOVERNOR



**SCOTT A. ANGELLE**  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF NATURAL RESOURCES**  
**OFFICE OF COASTAL MANAGEMENT**

12/13/2011

U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA  
1 SEINE COURT  
NEW ORLEANS, LA 70114

**RE: P20111571, Solicitation of Views**

**U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA**

**Description:** Proposed construction of a new 16' 4" x 11' 4" restroom facility within Torres Park and demolition of one previously damaged by Hurricane Katrina within the St. Bernard Maintenance Yard. Proposed project will include the removal of ground cover, construction of a slab with footings/concrete framed one-story structure, and extension of existing park utilities to the proposed facility.

**Location:** Lat 29° 57' 31.43"N / Long -89° 58' 53.51"W; 8201 W. Judge Perez Dr., Torres Park, Chalmette, LA.

**Saint Bernard Parish, LA**

Dear Steven Epstein:

We have received your Solicitation of Views for the above referenced project, which has been found to be inside the Louisiana Coastal Zone. In order for us to properly review and evaluate this project, we require that a complete Coastal Use Permit Application packet (Joint Application Form, locality maps, project illustration plats with plan and cross section views, etc.) along with the appropriate application fee be submitted to our office. Using your complete application, we can provide you with an official determination, and begin the processing of any Coastal Use Permit that may be required for your project. You may obtain a free application packet by calling our office at (225) 342-7591 or (800)-267-4019, or by visiting our website at <http://www.dnr.state.la.us/crm/coastmgt/cup/cup.asp>.

We recommend that, during your planning process, you make every effort to minimize impacts to vegetated wetlands. As our legislative mandate puts great emphasis on avoiding damages to these habitats, in many cases the negotiations involved in reducing such disturbances and developing the required mitigation to offset the lost habitat values delay permit approval longer than any other factor. Additionally, the following sensitive features may require additional processing time by the appropriate resource agencies:

The area where the project is located is all part of the aboriginal homelands of the Chitimacha Tribe of Louisiana.

Master Plan feature: Central Wetlands Restoration

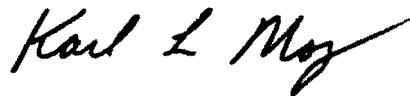
Post Office Box 44487 • Baton Rouge, Louisiana 70804-4487  
617 North Third Street • 10th Floor • Suite 1078 • Baton Rouge, Louisiana 70802  
(225) 342-7591 • Fax (225) 342-9439 • <http://www.dnr.louisiana.gov>

An Equal Opportunity Employer

Should you desire additional consultation with our office prior to submitting a formal application, we recommend that you call and schedule a pre-application meeting with our Permit Section staff. Such a preliminary meeting may be helpful, especially if a permit application that is as complete as possible is presented for evaluation at the pre-application meeting.

If you have any questions, would like to request an application packet or would like to schedule a pre-application meeting, please contact Sharon Mccarthy at (225) 342-6140 or [Sharon.McCarthy@la.gov](mailto:Sharon.McCarthy@la.gov).

Sincerely,

A handwritten signature in black ink that reads "Karl L. Morgan". The signature is written in a cursive style with a long, sweeping underline.

Karl L. Morgan  
Administrator

**Karl L. Morgan/sm**

Attachments

P20111571, Solicitation of Views  
U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA  
12/13/2011  
Page 3

**Final Plats:**

1) P20111571      Final Plats      12/06/2011

cc: Pete Serio, COE w/plats  
Dave Butler, LDWF w/plats  
Jessica Diez, OCM w/plats  
Tim Killeen, CMD/FI w/plats  
Saint Bernard Parish w/plats



## Epstein, Steven (CTR)

---

**From:** Lisa Abernathy [Lisa.Abernathy@noaa.gov]  
**Sent:** Tuesday, December 06, 2011 15:10  
**To:** Steven.Epstein@associates.dhs.gov  
**Subject:** Re: [Fwd: Solicitation of Views - St. Bernard Parish, Torres Park Restroom Facility]

Mr. Epstein,

I have reviewed the scoping notification/solicitation of views for the proposed work concerning the Torres Park restroom facility in Chalmette, Louisiana. This project is not located in an area supportive of marine fishery species, or categorized as essential fish habitat. As such, further coordination with NOAA's National Marine Fisheries Service is not necessary.

Thank you,

Lisa Abernathy  
NMFS - Baton Rouge  
225-389-0508 x209

---

**Subject:**  
Solicitation of Views - St. Bernard Parish, Torres Park Restroom Facility  
**From:**  
"Epstein, Steven (CTR)" <Steven.Epstein@associates.fema.dhs.gov>  
**Date:**  
Tue, 06 Dec 2011 12:23:00 -0500  
**To:**  
"beth.dixon@la.gov" <beth.dixon@la.gov>, "Amy.E.Powell@usace.army.mil" <Amy.E.Powell@usace.army.mil>, "mick.tamara@epamail.epa.gov" <mick.tamara@epamail.epa.gov>, "cmichon@wlf.la.gov" <cmichon@wlf.la.gov>, "Richard.Hartman@noaa.gov" <Richard.Hartman@noaa.gov>, "amy trahan@fws.gov" <amy trahan@fws.gov>, "Karl.Morgan@la.gov" <Karl.Morgan@la.gov>  
**To:**  
"beth.dixon@la.gov" <beth.dixon@la.gov>, "Amy.E.Powell@usace.army.mil" <Amy.E.Powell@usace.army.mil>, "mick.tamara@epamail.epa.gov" <mick.tamara@epamail.epa.gov>, "cmichon@wlf.la.gov" <cmichon@wlf.la.gov>, "Richard.Hartman@noaa.gov" <Richard.Hartman@noaa.gov>, "amy trahan@fws.gov" <amy trahan@fws.gov>, "Karl.Morgan@la.gov" <Karl.Morgan@la.gov>  
**CC:**  
"Borden, Adam" <Adam.Borden@fema.dhs.gov>

Good morning.

Attached please find a Scoping Notification/Solicitation of Views, and project location graphics for the above referenced project. The application is seeking Public Assistance for damages related to Hurricane Katrina.

Your review of, and response to, this request is very much appreciated.

Thank you,

## Epstein, Steven (CTR)

---

**From:** Beth Altazan-Dixon [Beth.Dixon@LA.GOV]  
**Sent:** Monday, December 19, 2011 14:07  
**To:** Epstein, Steven (CTR)  
**Subject:** DEQ SOV 111207/3405 Torres Park Restroom Facility

December 19, 2011

Tiffany Spann-Winfield, Deputy  
Environmental Liaison Officer  
FEMA-Environmental Section, 4th Floor  
1 Seine Court  
New Orleans, LA 70114  
[Steven.Epstein@associates.fema.dhs.gov](mailto:Steven.Epstein@associates.fema.dhs.gov)

RE: 111207/3405            Torres Park Restroom Facility  
                                 FEMA Funding  
                                 St. Bernard Parish

Dear Ms. Spann-Winfield:

The Department of Environmental Quality (LDEQ), Business and Community Outreach Division has received your request for comments on the above referenced project.

After reviewing your request, the Department has no objections based on the information provided in your submittal. However, for your information, the following general comments have been included. Please be advised that if you should encounter a problem during the implementation of this project, you should immediately notify LDEQ's Single-Point-of-contact (SPOC) at (225) 219-3640.

- Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.
- 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.
- 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) 219-3181 to determine if your proposed project requires a permit.
- If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit application or Notice of Intent must be submitted no later than June 1, 2011. Additional information may be obtained on the LDEQ website at <http://www.deg.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 3181.
- If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly regarding permitting issues. If a Corps permit is required, part of the application process may involve a water quality certification from LDEQ.
- 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.
- 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.

- 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.

**Currently, St. Bernard Parish is classified as attainment with the National Ambient Air Quality Standards and has no general conformity determination obligations.**

Please send all future requests to my attention. If you have any questions, please feel free to contact me at (225) 219-3958 or by email at [beth.dixon@la.gov](mailto:beth.dixon@la.gov).

Sincerely,



Beth Altazan-Dixon, EPS III  
Performance Management  
LDEQ/Office of the Secretary  
Business and Community Outreach and Incentives Division  
P.O. Box 4301 (602 N. 5th Street)  
Baton Rouge, LA 70821-4301  
Phone: 225-219-3958  
Fax: 225-325-8148  
Email: [beth.dixon@la.gov](mailto:beth.dixon@la.gov)

## Epstein, Steven (CTR)

---

**From:** Mick.Tamara@epamail.epa.gov  
**Sent:** Tuesday, December 06, 2011 11:44  
**To:** Epstein, Steven (CTR)  
**Subject:** Re: Solicitation of Views - St. Bernard Parish, Torres Park Restroom Facility

Steven - Relevant to the Clean Water Act 404(b)(1) Guidelines, EPA has no objection to the proposed project. Thanks for the opportunity to review and comment.

Tamara Mick  
US EPA Region 6  
Marine & Wetlands Section  
Dallas, TX 75202-2733  
214-665-7134

---

**From:** "Epstein, Steven (CTR)" <Steven.Epstein@associates.fema.dhs.gov>  
**To:** "beth.dixon@la.gov" <beth.dixon@la.gov>, "Amy.E.Powell@usace.army.mil" <Amy.E.Powell@usace.army.mil>, Tamara Mick/R6/USEPA/US@EPA, "cmichon@wlf.la.gov" <cmichon@wlf.la.gov>, "Richard.Hartman@noaa.gov" <Richard.Hartman@noaa.gov>, "amy.trahan@fws.gov" <amy.trahan@fws.gov>, "Karl.Morgan@la.gov" <Karl.Morgan@la.gov>  
**Cc:** "Borden, Adam" <Adam.Borden@fema.dhs.gov>  
**Date:** 12/06/2011 11:23 AM  
**Subject:** Solicitation of Views - St. Bernard Parish, Torres Park Restroom Facility

---

Good morning.

Attached please find a Scoping Notification/Solicitation of Views, and project location graphics for the above referenced project. The application is seeking Public Assistance for damages related to Hurricane Katrina.

Your review of, and response to, this request is very much appreciated.

Thank you,  
[attachment "Torres Park Location and Site Plan.pdf" deleted by Tamara Mick/R6/USEPA/US] [attachment "Torres Park Restrooms SOV.docx" deleted by Tamara Mick/R6/USEPA/US]

## **Appendix C**

### **Eight-Step Decision Making Process**

**Note: The Eight-Step Decision Making Process is included in the PDF version of this document**

## 8-STEP PROCESS CHECKLIST

DATE: 1/23/2012

PREPARED BY: Steven E Epstein, CFM, Environmental Specialist

PROJECT: Torres Park Restroom Facility, AI# 1658

LOCATION: Torres Park (29.95825, -89.97998)

### EO 11988-FLOODPLAIN MANAGEMENT EO 11990-WETLAND PROTECTION

**STEP 1 Determine whether the proposed action is located in a wetland and/or the 100-year floodplain (500-year floodplain for critical actions [44 CFR 9.4]), or whether it has the potential to affect or be affected by a floodplain or a wetland (see 44 CFR 9.7).**

- The project is located in a floodplain as mapped by:  
Preliminary Digital Flood Insurance Rate Map (DFIRM) Panel Number 22087C0480D , dated Oct 30, 2008, the existing and proposed buildings are located in a Zone AE, EL 8, North American Vertical Datum (NAVD) Base Flood Elevation (BFE) determined, a Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance (100-year) flood. The Advisory Base Flood Elevation (ABFE) is -.5' or 3' Above HEAG.
- The project is located in a wetland as identified by:  
A review of the U.S. Fish and Wildlife National Wetland Inventory indicates the proposed project locations are not located in a mapped wetland or U.S. waters and will not likely adversely affect wetlands.

**STEP 2 Notify the public at the earliest possible time of the intent to carry out an action in a floodplain or wetland, and involve the affected and interested public in the decision making process (see 44 CFR 9.8).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Notice will be or has been provided by: FEMA Public Notice dated November 9<sup>th</sup>, 2005. The notice indicated that actions would potentially occur in the 100-year floodplain.

**STEP 3 Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland (including alternative sites, actions and the "no action" option) [see 44 CFR 9.9]. If a practicable alternative exists outside the floodplain or wetland, FEMA must locate the action at the alternative site.**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Alternative identified in the EA Document or is described below:

1. No Action – The No Action Alternative would entail no repair, reconstruction, or relocation of the Restroom Facility. Consequently, the existing Restroom Facility would not be available for use by Maintenance Yard workers and visitors, and Torres Park would not provide adequate facility services to park users. No Action would forego opportunities for reconstruction of, and recompense for, the damaged Parish Restroom Facility.
2. Reconstruction in the Same Footprint - This alternative would reconstruct the damaged restroom facility to the pre-disaster configuration, function and capacity in substantially the same footprint in order to restore the community service as it existed prior to Hurricane Katrina. However, St. Bernard Parish government has determined that many more of its citizens would be better served having the restroom facility relocated to Torres Park.
3. Reconstruction at an Alternate Location – This alternative, the proposed action, calls for replacement of the damaged Restroom Facility in a new location in Torres Park. The proposed relocation of the new facility would allow the Parish to better serve the needs of many more parish residents than reconstructing the facility in its current location. The original facility would be demolished at its current location. The proposed facility would be consistent with the function, capacity, size and purpose of the damaged facility, with any increase in the size of overall square footage a result of applicable codes and standards. This action would include site preparation, construction of a new building and installation of necessary utilities and appurtenances. Reconstruction of the Restroom Facility will restore the community services lost as a result of Hurricane Katrina. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the community established base flood elevation.

The reconstruction of this facility will have no determinable impact on flood elevations, nor will it increase development in this largely built-out area. As per 44 CFR 9.11 (d), new construction of non-residential structures must be elevated or flood-proofed to the 100-year BFE. By Memorandum of January 4, 2012 from Frank Pagano, Mitigation Division Director of FEMA Region 6 to John Connolly, Senior Public Assistance Advisor, Louisiana Recovery Office, the 2008 Preliminary Digital Flood Insurance Rate Map (DFIRM) elevation is not required; however, the applicant must coordinate all



reconstruction activities with the local floodplain administrator regarding floodplain permit(s) prior to start of any activities, and remain in compliance with formally adopted local floodplain ordinances

**STEP 4 Identify the full range or potential direct or indirect impacts associated with, the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action (see 44 CFR 9.10).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Alternatives identified in the EA Document or is described below: Replacement in a location within the same flood zone, and of the same size, configuration and use as the original structure, is not likely to affect the floodplain.

**STEP 5 Minimize the potential adverse impacts and support to or within floodplains and wetlands to be identified under step # 4, restore and preserve the natural and beneficial values served by floodplains, and preserve and enhance the natural and beneficial values served by wetlands (see 44 CFR 9.11).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Mitigation measures identified in the EA Document or are described below: Replacement in the same flood zone and approximately the size and use as the pre-disaster structure will have a negligible impact on the floodplain. The replacement facility will be built to meet local laws and ordinances, and must be coordinated with the local floodplain administrator, thus minimizing any adverse impact on the floodplain.

**STEP 6 Reevaluate the proposed action to determine first, if it is still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others. And its potential to disrupt floodplain and wetland values and second, if alternatives preliminarily rejected at step # 3 are practicable in light of the information gained in steps # 4 and # 5. FEMA shall not act in a floodplain or wetland unless it is the only practicable location (see 44 CFR 9.9).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Action proposed is located in the most useful location to best serve the residents of the parish, and is therefore the most practicable option.
- Applicable - Action proposed is not located in the only practicable location. Describe below:

STEP 7 **Prepare and provide the public with a finding and public explanation of any final decision that the floodplain or wetland is the only practicable alternative (see 44 CFR 9.12).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Finding is or will be prepared as described below:  
Public notice dated: PER 44 CFR 9.12, a cumulative final public notice was published 10/26/2007.

STEP 8 **Review the implementation and post-implementation phases of the proposed action to ensure that the requirements of the order are fully implemented. Oversight responsibility shall be integrated into existing processes.**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Approval conditioned on review of implementation and post-implementation phases to insure compliance of the order(s).
- Applicable - Oversight responsibility established as follows:

**Appendix D**  
**Public Notice**

**FEMA PUBLIC NOTICE OF AVAILABILITY  
DRAFT ENVIRONMENTAL ASSESSMENT AND  
DRAFT FINDING OF NO SIGNIFICANT IMPACT  
FOR  
RECONSTRUCTION AT AN ALTERNATE LOCATION  
OF THE  
ST. BERNARD PARISH MAIN MAINTENANCE YARD RESTROOM  
FACILITY  
ST. BERNARD PARISH, LOUISIANA**

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) has prepared an Environmental Assessment (EA) for a proposed reconstruction and relocation of the Hurricane Katrina-damaged St. Bernard Parish Main Maintenance Yard Restroom Facility located at 120 W. Agriculture Road in Chalmette, Louisiana. The damaged Restroom Facility, whose approximate dimensions are 16'4" x 11'4", has two toilets and two sinks; the proposed facility would be constructed in the northwest corner of Sidney Torres Memorial Park, at 8201 W. Judge Perez Drive in Chalmette, and have the same capacity and function as the damaged facility. Work for the new facility would include removal of ground cover; construction of a slab with footings and a concrete framed one-story structure; extension of existing park utilities to the facility; and upgrading from the existing facility to comply with current codes and standards. The coordinates of the proposed location are: latitude: 29.95873; longitude: -89.98153 .

St. Bernard Parish Government seeks Federal grant funds for this action, eligible for repairs or replacement under a Presidential Disaster Declaration signed on August 29, 2005 (FEMA-1603-DR-LA). Per the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*), and associated environmental statutes, a Draft EA has been prepared to evaluate the action's potential impacts on the human and natural environment. The Draft EA summarizes the purpose and need, alternative site analysis, affected environment, and potential environmental consequences associated with the proposed action.

The public notice will be published for five consecutive days: February [redacted] through February [redacted], 2012. The comment period will be 15 days – beginning on February [redacted], 2012 through February [redacted], 2012. Written comments on the Draft EA or related matters can be faxed to FEMA's Louisiana Recovery Office at (504) 762-2323; or mailed to FEMA Louisiana Recovery Office, 1 Seine Court, New Orleans, Louisiana 70114. The Draft EA can be viewed and downloaded from FEMA's website: <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>. A public notice will be published for 5 days in the local newspaper, The St. Bernard Voice, announcing the availability of the Draft EA for public review at the St. Bernard Parish Central Library at 1125 E. St. Bernard Highway in Chalmette, Louisiana.

Based on FEMA's findings to date, no significant adverse environmental effects are anticipated. However, if FEMA receives new information that results in a change from no adverse effects then FEMA would revise the findings and issue a second public notice allowing time for additional comments.

If no substantive comments are received, the Draft EA and associated Draft Finding of No Significant Impact (FONSI) will become final and this initial Public Notice will also serve as the final Public Notice. Substantive comments will be addressed as appropriate in the final documents.