



FEMA

FINDING OF NO SIGNIFICANT IMPACT

for

**Design, Construction and Operation of the University Medical Center
Louisiana Division of Administration, Office of Facility Planning and Control
*FEMA-1603-DR-LA***

The Governor's Office of Homeland Security and Emergency Preparedness (Grantee) and the Louisiana Division of Administration's Facility Planning and Control (Applicant) have requested to use Public Assistance Grant Program funds for an improved project to relocate the healthcare functions previously housed at the Medical Center of Louisiana at New Orleans (MCLNO). The Applicant proposes to construct a new University Medical Center (formerly known as the LSU AMC) on a 15-block site bounded by Canal Street, Tulane Avenue, S. Galvez Street and Claiborne Avenue. The proposed use of Public Assistance funds for the construction of the new University Medical Center is related to other non-Federal connected actions for this project, such as design, construction, and operation of the facility.

FEMA assessed the environmental impacts that may result from the design, construction and operation of the proposed University Medical Center (UMC). A Site-specific Environmental Assessment (SEA) was prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations found in Title 40 of the Code of Federal Regulations (CFR) Parts 1500 through 1508 (Council on Environmental Quality's [CEQ] NEPA implementing regulations) and 44 CFR Part 10 (FEMA's NEPA procedures). The SEA was also tiered from, and incorporated by reference, the findings of the *Final Programmatic Environmental Assessment for Site Selection for the Veterans Affairs Medical Center (VAMC) and Louisiana State University Academic Medical Center of Louisiana (LSU AMC)*, dated November 2008. The Finding of No Significant Impacts (FONSI) for the PEA was issued on November 24, 2008.

The SEA, PEA, FONSI for the PEA, SEA for the design, construction and operation of the Veterans Affairs Medical Center and the FONSI for the VAMC SEA are incorporated into this FONSI by reference.

Public Involvement:

FEMA conducted extensive public involvement in preparing the SEA. Early in the Tier II NEPA process, FEMA and FP&C launched a project website at www.lsuamc.com. The purpose of the website was to provide a mechanism for sharing information about the project and for receiving questions and comments from the public. Information about public meetings, as well as the alternative designs being assessed during the environmental assessment process, was also posted on the website.

In April 2009 a public meeting was held to provide the public an opportunity to review and comment on the alternative designs for the project. FEMA also provided a 15-day comment period following the public meeting, during which the public could submit comments about the proposed design alternatives.

Stipulation VI.C.d.iv of the *Programmatic Agreement (PA) among the US Department of Veterans Affairs, the Federal Emergency Management Agency, the City Of New Orleans, the Louisiana State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Funding to Repair or Replace Healthcare Facilities Comprising the VA Medical Center and the Medical Center of Louisiana at New Orleans, November 2008*, required FP&C to conduct two design review meetings with the Section 106 consulting parties. The purpose of the design review meetings was to provide the consulting parties with information about the design progress, discuss design options, and to explain what steps were taken to meet the design goals set forth the PA. It also afforded the consulting parties an opportunity to offer input to the design process. FP&C conducted two design review meetings on January 22, and April 29, 2009, and one web-based conference call on February 25, 2010.

In March 2010, FEMA and FP&C held a public meeting to share the findings in the draft SEA with the public and to receive their questions and comments regarding the draft SEA. A 30-day comment period for comments on the draft SEA ended on April 12, 2010. Appendix A of the SEA provides a summary of the comments received and FEMA's responses.

Significance Factors:

FEMA used three sets of criteria to assess the level of significance of the impacts to the quality of the environment. First, FEMA evaluated significance by analyzing the factors established in the CEQ NEPA Implementation Regulations. The regulations at 44 CFR 1508.27 define significance in terms of context and intensity. For context, FEMA took into account the uniqueness of New Orleans as an area with an extensive presence of historic properties (i.e. buildings, districts, objects) and an extensive 100-year and 500-year floodplain presence. For intensity, FEMA took into account the following factors from the CEQ NEPA Regulations:

1. Unique characteristics of the geographic area such as proximity to historic or cultural resources;
2. Whether the action is related to other actions with individually insignificant but cumulative significant impacts;
3. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources, and;
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

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FEMA also took into account its own regulations under 44 CFR §10.8(b)(2), which provides factors to determine if the proposed action is one that normally would require preparation of an Environmental Impact Statement (EIS). FEMA found that the factors relevant to this analysis were:

- (i) If an action will result in an extensive change in land use or the commitment of a large amount of land;
- (ii) If an action will result in a land use change which is incompatible with the existing or planned land use of the surrounding area;
- (iii) If many people will be affected;
- (iv) If an action will adversely affect a property listed on the National Register of Historic Places or eligible for listing on the Register if, after consultation with the Advisory Council on Historic Preservation an environmental assessment is not deemed sufficient;
- (v) If an action is one of several actions underway or planned for an area and the cumulative impact of these projects is considered significant in terms of the above criteria, and;
- (vi) If the environmental impact is likely to be controversial.

Although the presence of these factors does not automatically require FEMA to develop an EIS, they require FEMA to take them fully into account in its determination of whether to prepare an EIS.

As an additional set of criteria FEMA developed significant thresholds under each of the areas evaluated in the SEA (p1-5). The purpose of these criteria was to provide an objective standard that would be clear and transparent to the general public. They were developed in response to concerns expressed from the public on how FEMA evaluated NEPA significance for this project.

Using these three sets of criteria, FEMA has found that the proposed action and alternatives would have significant impacts on historic resources and significant cumulative impacts associated with traffic. The project and its alternatives would have adverse effects on historic properties in the area of potential effect of the proposed action. The project will cause travel Level of Service (LOS) F at S. Roman Street and Tulane Avenue and at S. Derbigny Street and Tulane Avenue. FEMA will require the applicant to engage in mitigation actions to reduce these impacts below significance as a condition of the grant award. Failure to meet these conditions will jeopardize this FONSI and the financial award for this project.

Project Conditions:

FEMA's finding of no significant impact is conditioned on the execution of the following measures:

A. Mitigation to Reduce Significant Impacts

- a. Traffic
 - i. Install a traffic signal at the intersection of Tulane Avenue and S. Roman Street;
 - ii. Coordinate new traffic signal with existing traffic signals; and
 - iii. Coordinate traffic signals at the intersection of Tulane Avenue and S. Derbigny Street.
- b. Historic Resources
 - i. FP&C must comply with the stipulations of the *Programmatic Agreement among the US Department of Veterans Affairs, the Federal Emergency Management Agency, the City of New Orleans, the Louisiana State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Funding to Repair or Replace Healthcare Facilities Comprising the VA Medical Center and the Medical Center of Louisiana at New Orleans* executed on November 2008, and specifically the mitigation measures outlined in Stipulation VI for the standing historic properties and Stipulation VII for archaeological properties should treatment strategies be determined necessary.

B. Mitigation Measures to Reduce Other Impacts

- a. Floodplain and Stormwater Management
 - i. Buildings on the proposed site would have a finished floor elevation of +3.0 feet NAVD88;
 - ii. Critical activities in the new UMC facility must be placed at an elevation of 20 feet NAVD88. Critical activities are those needed for the hospital to function after a flood; and
 - iii. Obtain LDEQ, Louisiana Pollution Discharge Elimination System, General Permit number LAR100000 - AI83363 Stormwater General Permit for Construction Activities five acres or more (LAC 33:IX.2511.B.14.j).
- b. Hazardous materials used in construction of the new facility must be managed (stored, used, transported, and disposed of) in accordance with federal, state, and local hazardous waste, hazardous material, and

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hazardous substance requirements. If hazardous substances are released to the project area during construction, these federal, state, and local requirements must be followed in response and cleanup.

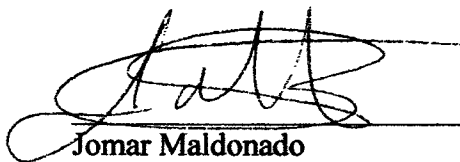
- c. FP&C must comply with the stipulations of the *Programmatic Agreement among the US Department of Veterans Affairs, the Federal Emergency Management Agency, the City of New Orleans, the Louisiana State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Funding to Repair or Replace Healthcare Facilities Comprising the VA Medical Center and the Medical Center of Louisiana at New Orleans* executed on November 2008.
- d. If during the course of work, archaeological artifacts (prehistoric or historic) or human remains are discovered, FP&C and/or its contractors must stop work near the discovery and take all reasonable measures to avoid or minimize harm to the finds. FP&C must inform the FEMA Public Assistance program, who would in turn contact the FEMA Historic Preservation staff. FP&C would not proceed with work until FEMA completes consultation with the SHPO.
- e. In addition, if unmarked graves are present, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act is required. In that situation, FP&C must notify the local law enforcement agency within 24 hours of the discovery, and notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within 72 hours of the discovery.
- f. Any fill or borrow material used must be sourced from sites that are free from hazardous waste contamination and do not contain any buried cultural materials (i.e. wells, cisterns, foundations, basements, prehistoric Indian artifacts, human burials, and the like). If during the course of work, archaeological artifacts (prehistoric or historic) or human remains are discovered, FP&C must follow the procedures described above.

Findings:

Based upon the information contained in the SEA, the potential direct, indirect, and cumulative impacts resulting from implementation of the proposed action, and in accordance with FEMA's regulations in 44 CFR Part 10 (Environmental Considerations) and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), the following is concluded:

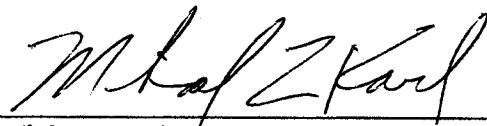
FEMA has determined that the implementation of the proposed action, with the mitigation measures identified herein, will not result in significant adverse impacts to the quality of the natural and human environment. As a result of this FONSI, an EIS will not be prepared and the proposed project as described in the SEA may proceed.

APPROVALS



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7/09/10
Date



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7-16-10
Date