

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- 2006

See 44 Code of Federal Regulation Part 10

Project Name/Number: Storm Water Pumping Station (002)/ PW 10186/ FIPS 087-UC8WS-00

Project Location: West of the St. Bernard Port Administrative building off of River Road, Chalmette, St. Bernard Parish, Latitude: 29.93739, Longitude: -89.98899

Project Description: Due to flooding caused by Hurricane Katrina, the St. Bernard Port Stormwater pumping station underwent massive damages. This project includes repairs to the station and hazard mitigation. The work includes electrical repairs to the various motors and pumps; reinstallation of these items; the lease of temporary pumps and generators; repairs to the electrical system; purchase of various items relating to repairs; purchase and installation of a generator, pump control panel, motor control center, and switches; utilities and electrical wiring hookup; and the testing of the system for Environmental Protection Agency (EPA) approval. There are two Hazard Mitigation Proposals related to this project. The first proposal is to mitigate the damage to the electrical motors by elevating the pump motors to a height one foot above the storm flood levels. The second proposal is to mitigate the damage to the electrical components by elevating the generator, fuel storage tank, pump control panel, automatic transfer switch, and motor control center on a platform built on a new concrete slab.

Documentation Requirements

- (Short version) All consultation and agreements implemented to comply with the National Historic Preservation Act, Endangered Species Act, and Executive Orders 11988, 11990 and 12898 are completed and no other laws apply. **(Review Concluded)**
- (Long version) All applicable laws and executive orders were reviewed. Additional information for compliance is attached to this REC and/or included in project files, as applicable.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review. **(Review Concluded)**
- Programmatic Categorical Exclusion - Category (Reference PCE in comments) **(Review Concluded)**
- Categorical Exclusion - Category
- No Extraordinary Circumstances exist.
Are project conditions required? Yes (see section V) No **(Review Concluded)**
 - Extraordinary Circumstances exist (See Section IV).
 - Extraordinary Circumstances mitigated. (See Section IV comments)
Are project conditions required? Yes (see section V) No **(Review Concluded)**
- Environmental Assessment
- Supplemental Environmental Assessment (Reference EA or PEA in comments)
- Environmental Impact Statement

Comments: This project meets the definition of critical infrastructure (Utilities and Wastewater Treatment Plants) under the Alternative Arrangements for NEPA compliance.

Reviewer and Approvals

- Project is Non-Compliant (See attached documentation justifying selection).

FEMA Environmental Reviewer:

Name: Nicole Poret

Signature Nicole Poret Date 9/07/2006

FEMA Regional Environmental Officer or Delegated Approving Official:

Name: William Fagan

Signature [Signature] Date 9/07/2006

I. Compliance Review for Environmental Laws (other than NEPA)

A. National Historic Preservation Act (NHPA)

- Not type of activity with potential to affect historic properties.
- Activity meets Programmatic Agreement, December 3, 2004. Appendix A: Allowance No. II-B-1 and II-H
Are project conditions required? Yes (see Section V) No
- Programmatic Agreement not applicable, must conduct standard Section 106 Review.

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 45/50 years or older in project area. **(Review Concluded)**
- Building or structure listed or 45/50 years or older in project area and activity not exempt from review.
 - Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
 - Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
 - No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file).
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
 - Resolution of Adverse Effect completed. (MOA on file)
Are project conditions required Yes (see Section V) No **(Review Concluded)**

ARCHEOLOGICAL RESOURCES

- Project affects only previously disturbed ground. **(Review Concluded)**
- Project affects undisturbed ground.
 - Project area has no potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence or consultation on file). **(Review Concluded)**
 - Project area has potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required Yes (see Section V) No **(Review Concluded)**
 - Determination of historic properties affected
 - NR eligible resources not present (FEMA finding/SHPO/THPO concurrence on file).
Are project conditions required Yes (see Section V) No **(Review Concluded)**
 - NR eligible resources present in project area. (FEMA finding/ SHPO/THPO concurrence on file)
 - No Adverse Effect Determination. (FEMA finding/ SHPO/THPO concurrence on file)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Adverse Effect Determination. (FEMA finding/ SHPO/THPO concurrence on file)
 - Resolution of Adverse Effect completed. (MOA on file)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Comments: This scope of work has been reviewed and meets the criteria in Appendix A, programmatic allowances, (item II-B-1, replacement and repairs of site utilities, pump station motors and apparatuses, electrical systems), (item II-H, purchase of motors, pumps, circuit breakers starters, hoses, cable connectors and miscellaneous equipment), of FEMA's Programmatic Agreement (PA) dated December 3, 2004. In accordance with the PA, FEMA is not required to determine the national register eligibility of properties where work performed meets the Appendix A criteria. In keeping with the

stipulations of the pa, all proposed replacement/repair activities should be done in-kind to match existing materials and form. Any change to the approved scope of work will require resubmission for re-evaluation under Section 106.

Correspondence/Consultation/References: Wayne L. Wiggins, Historic Preservation Specialist

B. Endangered Species Act

No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**

Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.

No effect to species or designated critical habitat. (See comments for justification)

Are project conditions required? Yes (see Section V) No **(Review Concluded)**

May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence on file) **(Review Concluded)**

Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Likely to adversely affect species or designated critical habitat

Formal consultation concluded. (Biological Assessment and Biological Opinion on file)

Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References: Endangered Species Summary for USFWS consultation, letter to Don Fairley from USFWS dated September 15, 2006

C. Coastal Barrier Resources Act

Project is not on or connected to CBRA Unit or Otherwise Protected Area **(Review Concluded)**.

Project is on or connected to CBRA Unit or Otherwise Protected Area. (FEMA determination/USFWS consultation on file)

Proposed action an exception under Section 3505.a.6 **(Review Concluded)**

Proposed action not excepted under Section 3505.a.6.

Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced September 6, 2006.

D. Clean Water Act

Project would not affect any waters of the U.S. **(Review Concluded)**

Project would affect waters, including wetlands, of the U.S.

Project exempted as in kind replacement or other exemption. **(Review Concluded)**

Project requires Section 404/401/or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits.

Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments: Applicant shall be responsible for complying with Section 402, National Pollutant Discharge Elimination System (NPDES), of the Clean Water Act (CWA). The applicant shall coordinate with or obtain any required permits or certifications from Louisiana Department of Environmental Quality (LDEQ), U.S. Army Corps of Engineers (USACE) and/or the Environmental Protection Agency (EPA) prior to initiating work. The applicant shall comply with all conditions of the required permits. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

Correspondence/Consultation/References: Damage description and scope of work from the project worksheet

E. Coastal Zone Management Act

Project is not located in a coastal zone area and does not affect a coastal zone area **(Review concluded)**

Project is located in a coastal zone area and/or affects the coastal zone

State administering agency does not require consistency review. **(Review Concluded)**.

State administering agency requires consistency review.

Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments: This project is located within the Louisiana Coastal Management Zone. Louisiana Department of Natural Resources (LDNR) has determined that receipt of federal assistance is consistent with the Louisiana Coastal Resource

Program. Projects within the coastal zone may still require a Coastal Use Permit or other authorization from LDNR.
Projects may be coordinated by contacting LDNR at 1-800-267-4019.

Correspondence/Consultation/References: Louisiana Coastal Zone maps referenced September 15, 2006

F. Fish and Wildlife Coordination Act

- Project does not affect, control, or modify a waterway/body of water. **(Review Concluded)**
- Project affects, controls or modifies a waterway/body of water.
 - Coordination with USFWS conducted
 - No Recommendations offered by USFWS. **(Review Concluded)**
 - Recommendations provided by USFWS.
 - Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References: Damage description and scope of work from the project worksheet

G. Clean Air Act

- Project will not result in permanent air emissions. **(Review Concluded)**
- Project is located in an attainment area. **(Review Concluded)**
- Project is located in a non-attainment area.
 - Coordination required with applicable state administering agency.
 - Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References: EPA Region 6 Non-attainment Map referenced September 15, 2006

H. Farmland Protection Policy Act

- Project does not affect designated prime or unique farmland. **(Review Concluded)**
- Project causes unnecessary or irreversible conversion of designated prime or unique farmland.
 - Coordination with Natural Resource Conservation Commission required.
 - Farmland Conversion Impact Rating, Form AD-1006, completed.
 - Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: The site contains urban land and frequently flooded soils

Correspondence/Consultation/References: <http://websoilsurvey.nrcs.usda.gov/app/> referenced September 6, 2006

I. Migratory Bird Treaty Act

- Project not located within a flyway zone. **(Review Concluded)**
- Project located within a flyway zone.
 - Project does not have potential to take migratory birds. **(Review Concluded)**
 - Are project conditions required? Yes (see section V) No **(Review Concluded)**
 - Project has potential to take migratory birds.
 - Contact made with USFWS
 - Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: The site is an existing disturbed area with little value to migratory birds and would not be included in the USFWS migratory bird management program.

Correspondence/Consultation/References: http://library.fws.gov/Pubs/Mississippi_Flywaymap.pdf referenced September 6, 2006

J. Magnuson-Stevens Fishery Conservation and Management Act

- Project not located in or near Essential Fish Habitat. **(Review Concluded)**
- Project located in or near Essential Fish Habitat.
 - Project does not adversely affect Essential Fish Habitat. **(Review Concluded)**
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Project adversely affects Essential Fish Habitat (FEMA determination/USFWS/NMFS concurrence on file)
 - NOAA Fisheries provided no recommendation(s) **(Review Concluded).**

- Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 NOAA Fisheries provided recommendation(s)
 Written reply to NOAA Fisheries recommendations completed.
Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References: Damage description and scope of work from the project worksheet

K. Wild and Scenic Rivers Act

- Project is not along and does not affect Wild or Scenic River (WSR) - **(Review Concluded)**
 Project is along or affects WSR
 Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.**
(NPS/USFS/USFWS/BLM consultation on file) **(Review Concluded)**
 Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)
Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References: National Wild and Scenic Rivers <http://www.nps.gov/rivers/wildriverslist.html>,
referenced September 6, 2006

L. Other Relevant Laws and Environmental Regulations

Resource Conservation and Recovery Act

Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project applicant shall handle, manage, and dispose of petroleum products, hazardous materials and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.

II. Compliance Review for Executive Orders

A. E.O. 11988 - Floodplains

- No Effect on Floodplains/Flood levels and project outside Floodplain - **(Review Concluded)**
 Located in Floodplain or Effects on Floodplains/Flood levels
 No adverse effect on floodplain and not adversely affected by the floodplain. **(Review Concluded)**
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 Beneficial Effect on Floodplain Occupancy/Values **(Review Concluded)**
 Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment
 8 Step Process Complete - documentation on file
Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments: St. Bernard parish enrolled in the National Flood Insurance Program on 03/13/1970. Per Flood Insurance Rate Map (FIRM) panel 225204 0290b, dated 05/01/1985, project is located in zone b, area protected from the one percent annual chance (100-year) flood by levee, dike or other structure subject to possible failure or overtopping during larger floods. Project is for the repair/replacement of water pumping station equipment damaged by flood and is not likely to affect the floodplain. Per Advisory Base Flood Elevation (ABFE) map# LA-CC34, dated 06/05/2006, structures, materials and components protected by levee shall, where possible, be elevated at least 3 feet above the highest existing adjacent grade elevation.

Correspondence/Consultation/References: FEMA Flood Insurance Rate Map, Community Panel No. 225204 0290b, Kimberly R. Rogers, Floodplain Management Specialist.

B. E.O. 11990 - Wetlands

- No Effects on Wetland(s) and project located outside Wetland(s) - **(Review Concluded)**
 Located in Wetland or effects Wetland(s)
 Beneficial Effect on Wetland - **(Review Concluded)**

- Possible adverse effect associated with constructing in or near wetland
 - Review completed as part of floodplain review
 - 8 Step Process Complete - documentation on file
- Are project conditions required? YES (see Section V) NO (**Review Concluded**)

Comments: Applicant shall be responsible for complying with Section 402, National Pollutant Discharge Elimination System (NPDES), of the Clean Water Act (CWA). The applicant shall coordinate with or obtain any required permits or certifications from Louisiana Department of Environmental Quality (LDEQ), U.S. Army Corps of Engineers (USACE) and/or the Environmental Protection Agency (EPA) prior to initiating work. The applicant shall comply with all conditions of the required permits. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

Correspondence/Consultation/References: USFWS NWI map accessed on-line September 6, 2006.

C. E.O. 12898 - Environmental Justice for Low Income and Minority Populations

- No Low income or minority population in, near or affected by the project - (**Review Concluded**)
- Low income or minority population in or near project area
 - No disproportionately high and adverse impact on low income or minority population- (**Review Concluded**)
 - Disproportionately high or adverse effects on low income or minority population
- Are project conditions required? YES (see Section V) NO (**Review Concluded**)

Comments: St. Bernard Parish statistics: 88.3 % Caucasian, 7.6 % African American, 5.1 % Hispanic and 13.1 % Individuals below poverty level

Correspondence/Consultation/References: U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced September 6, 2006.

III. Other Environmental Issues

Comments: None

Correspondence/Consultation/Reference:

IV. Extraordinary Circumstances

Based on the review of compliance with other environmental laws and Executive Orders, and in consideration of other environmental factors, review the project for extraordinary circumstances.

* A "Yes" under any circumstance may require an Environmental Assessment (EA) with the exception of (ii) which should be applied in conjunction with controversy on an environmental issue. If the circumstance can be mitigated, please explain in comments. If no, leave blank.

Yes

- (i) Greater scope or size than normally experienced for a particular category of action
- (ii) Actions with a high level of public controversy
- (iii) Potential for degradation, even though slight, of already existing poor environmental conditions;
- (iv) Employment of unproven technology with potential adverse effects or actions involving unique or unknown environmental risks;
- (v) Presence of endangered or threatened species or their critical habitat, or archaeological, cultural, historical or other protected resources;
- (vi) Presence of hazardous or toxic substances at levels which exceed Federal, state or local regulations or standards requiring action or attention;
- (vii) Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers;
- (viii) Potential for adverse effects on health or safety; and

- (ix) Potential to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

Comments:

V. Environmental Review Project Conditions

Project Conditions:

- 1) Applicant shall be responsible for complying with Section 402, National Pollutant Discharge Elimination System (NPDES), of the Clean Water Act (CWA). The applicant shall coordinate with or obtain any required permits or certifications from Louisiana Department of Environmental Quality (LDEQ), U.S. Army Corps of Engineers (USACE) and/or the Environmental Protection Agency (EPA) prior to initiating work. The applicant shall comply with all conditions of the required permits. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- 2) This project is located within the Louisiana Coastal Management Zone. Louisiana Department of Natural Resources (LDNR) has determined that receipt of federal assistance is consistent with the Louisiana Coastal Resource Program. Projects within the coastal zone may still require a Coastal Use Permit or other authorization from LDNR. Projects may be coordinated by contacting LDNR at 1-800-267-4019.
- 3) Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project applicant shall handle, manage, and dispose of petroleum products, hazardous materials and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.
- 4) Per Advisory Base Flood Elevation (ABFE) map# LA-CC34, dated 06/05/2006, structures, materials and components protected by levee shall, where possible, be elevated at least 3 feet above the highest existing adjacent grade elevation.