

# **Record of Environmental Consideration**

**REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007**

See 44 Code of Federal Regulation Part 10

**Project Name/Number:** Lynx Drive- Norton Avenue SPS and Force Main/ PW 12451 Version 1 and Amendment 1 to Version 1/ FIPS 087-99087-00

**Applicant Name:** St. Bernard Parish

**Project Location:** Intersection of Lynx Drive and Norton Ave., Chalmette, St. Bernard Parish, Louisiana (29.95854N, 89.98979W)

**Project Description:** This version and amendment are for two Hazard Mitigation Proposals (HMP). The proposal for Version 1 is to mount the new control panel and other electrical components atop a galvanized steel raised platform five foot wide by six foot long. The platform will be raised to the ABFE (14 feet) plus three feet of freeboard. The top of the control panel will be positioned approximately six feet above the platform. The HMP for Amendment 1 of Version 1 is to demolish the building that housed the pumps and motors, control panels, main disconnect, and other electrical components (which will now be elevated as described in the earlier proposal).

## **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
- ☐ Scope of work requires public involvement plan

**Comments:** This project meets the definition of critical infrastructure (utilities and wastewater treatment plants) under the Alternative Arrangements for NEPA compliance.

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

## **Reviewer and Approvals**

### **FEMA Environmental Reviewer:**

Name: Nicole Poret, Environmental Specialist

Signature Nicole Poret Date 4/25/07

### **FEMA Environmental Liaison Officer or Delegated Approving Official:**

Name: Bridget Zachary, Delegated Approving Official, FEMA LA TRO

Signature Bridget Zachary Date 04-25-07

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

## A. National Historic Preservation Act (NHPA)

- ☒ Not type of activity with potential to affect historic structures or archaeological resources (**Review Concluded**)
- ☐ Activity meets Programmatic Agreement, December 3, 2004. Appendix A: Allowance No.  
Are project conditions required? ☐ Yes (see Section V) ☐ No
- ☐ Programmatic Agreement not applicable for historic structures or archeological sites, must conduct standard Section 106 Review (see below).
- ☐ Other Programmatic Agreement dated insert date of PA applies

## 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 scope of work has no potential to affect archeological resources (**Review Concluded**)
- ☒ Project affects only previously disturbed ground. (**Review Concluded**)
- ☐ Project affects undisturbed ground or grounds associated with an historic structure
- ☐ Project area has no potential for presence of archeological resources
- ☐ Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence 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:** The structures do not meet the 50-year-criterion, nor do they possess the level of exceptional importance required by criteria consideration of the National Register Guidelines to be considered eligible for the National Register of Historic Places. Scope of work indicates ground disturbing activities associated with demolishing the structure and excavating to lay a new slab on or adjacent to the demolished building site. Upon consultation of data provided by the State Historic Preservation Office (SHPO), there is one known archaeological sites within 0.5 miles of one of the project areas. However all work should occur on previously disturbed soils. Therefore the undertaking should not affect historic properties. Demolition must follow the Lower-Impact Demolition Stipulations which are attached. These stipulations should be explicit in the demolition contract. If during the course of work, archaeological artifacts (prehistoric or historic) or human remains 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. In addition, if unmarked graves are present, 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. If this scope of work and/or the footprint/location of the new building changes, this project will need to be resubmitted for further Section 106 review prior to ground disturbing activities taking place. Failure to comply with these stipulations may jeopardize receipt of federal funding.

**Correspondence/Consultation/References:** NHPA effect determinations made by Dana Linck, FEMA 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, 2005

## 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 April 25, 2007.

## 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 of Clean Water Act or Section 9/10 of Rivers and Harbors Act permit, including qualification under Nationwide Permits.

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

☐ Project would affect waters of the U.S. by discharging to a surface water body.

**Comments:** The applicant shall coordinate with or obtain any required permits or certifications for wastewater treatment plants (lift stations) from the Louisiana Department of Environmental Quality (LDEQ) and U.S. Corps of Engineers (USACE) prior to initiating work. The applicant shall comply with all conditions of the permits regulated under Section 402 and 404 of the Clean Water Act. 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 National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on April 25, 2007.

## 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

☐ Project would disturb <1 acre, state administering agency does not require consistency review. **(Review Concluded)**.

☒ Project triggers the Clean Water Act or could affect a waterway, 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 queried April 25, 2007

## 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:** Nicole Poret, Environmental Specialist

## 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, Nicole Poret, Environmental Specialist

## H. Farmland Protection Policy Act

☒ Project will not affect undisturbed ground. (**Review Concluded**)

☐ Project has a zoning classification that is other than agricultural or is in an urbanized area. (**Review Concluded**)

☐ 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 Resources Conservation Service required.

☐ Farmland Conversion Impact Rating, Form AD-1006, completed.

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

**Comments:** Project is repair of a lift station.

**Correspondence/Consultation/References:** <http://websoilsurvey.nrcs.usda.gov/app/>

## 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:** USFWS guidance letter dated September 27, 2005.

## 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:** Project is not located in or near any surface waters with the potential to affect EFH species.

**Correspondence/Consultation/References:** Nicole Poret, Environmental Specialist

## 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>.

## L. Resource Conservation and Recovery Act

**Comments:** 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.

**Correspondence/Consultation/References:** Nicole Poret, Environmental Specialist

## M. Other Relevant Laws and Environmental Regulations

### Formosan Termite Initiative Act

In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the Louisiana Parishes of Calcasieu, Cameron, Jefferson Davis, Orleans, Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa and Washington are under quarantine. The movement of wood or cellulose material, temporary housing or architectural components (e.g. beams, doors and other wood salvaged from a structure) may not leave the quarantined parishes without written authorization from the Commissioner of the Louisiana Department of Agriculture and Forestry or his designee(s).

## 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**).

Parish: St. Bernard Parish

- ☐ 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**)
- ☐ A Final Public Notice is required

**Comments:** The parish of St. Bernard enrolled in the National Flood Insurance Program 03/13/1970. Per Flood Insurance Rate Maps (FIRM) 225204 0280 B, 0290 B, and 0295 B dated 03/04/1987 and 05/01/1985. Projects are located in zones A2 and A3 areas of 100-year flood; base flood elevations determined. In compliance with E.O. 11988, and per 44 CFR 9.11 alternatives were reviewed. The projects are functionally dependant on the sewage system. The 4 projects are repair/replacement of the lift stations to the pre-disaster condition. Per 44 CFR 9.11(d)(9), the replacement of building contents, materials and equipment, where possible, disaster proofing of the building and/or elimination of such future losses by relocation of those building contents, materials and equipment outside or above the Advisory Base Floodplain Elevation (ABFE). Per 44 CFR 9.12, applicant must publish a final public notice 15 days prior to the start of construction activities. A certified copy of the published final public notice is to be forwarded to the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and FEMA for inclusion in the permanent project files.

**Correspondence/Consultation/References:** Casey Barefield, FPM

### B. E.O. 11990 - Wetlands

- ☒ No Effects on Wetland(s) and/or 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:**

**Correspondence/Consultation/References:** USFWS NWI map accessed on-line April 25, 2007.

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

- ☒ Project scope of work has no potential to adversely impact any population (**Review Concluded**)
- ☐ No Low income or minority population in, near or affected by the project based on information gathered from [add a reference] (**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:**

**Correspondence/Consultation/References:**

### III. Other Environmental Issues

Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).

**Comments:** Although this project qualifies for Alternative Arrangements, a public involvement plan is not necessary.

**Correspondence/Consultation/Reference:**

### IV. Extraordinary Circumstances

Yes

- ☐ (i) Greater scope or size than normally experienced for a particular category of action
- ☐ (ii) Actions with a high level of public controversy

Parish: St. Bernard Parish

- ☐ (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:

**This project must comply with all conditions of the attached Programmatic Categorical Exclusion. In addition, the following conditions apply as a condition of FEMA funding reimbursement:**

1. Demolition must follow the Lower-Impact Demolition Stipulations which are attached. These stipulations should be explicit in the demolition contract.
2. If during the course of work, archaeological artifacts (prehistoric or historic) or human remains 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. In addition, if unmarked graves are present, 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. If this scope of work and/or the footprint/location of the new building changes, this project will need to be resubmitted for further Section 106 review prior to ground disturbing activities taking place. Failure to comply with these stipulations may jeopardize receipt of federal funding.
3. The applicant shall coordinate with or obtain any required permits or certifications for wastewater treatment plants (lift stations) from the Louisiana Department of Environmental Quality (LDEQ) and U.S. Corps of Engineers (USACE) prior to initiating work. The applicant shall comply with all conditions of the permits regulated under Section 402 and 404 of the Clean Water Act. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
4. 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.
5. 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.

6. In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the Louisiana Parishes of Calcasieu, Cameron, Jefferson Davis, Orleans, Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa and Washington are under quarantine. The movement of wood or cellulose material, temporary housing or architectural components (e.g. beams, doors and other wood salvaged from a structure) may not leave the quarantined parishes without written authorization from the Commissioner of the Louisiana Department of Agriculture and Forestry or his designee(s).

7. Per 44 CFR 9.11(d)(9), the replacement of building contents, materials and equipment, where possible, disaster proofing of the building and/or elimination of such future losses by relocation of those building contents, materials and equipment outside or above the Advisory Base Floodplain Elevation (ABFE). Per 44 CFR 9.12, applicant must publish a final public notice 15 days prior to the start of construction activities. A certified copy of the published final public notice is to be forwarded to the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and FEMA for inclusion in the permanent project files.