

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA

See 44 Code of Federal Regulation Part 10

Project Name/Number: Jean Lafitte Parkway- St. Bernard Hwy Lift Station/ DR -1603- LA; PW 4818 V3

Applicant Name: St. Bernard Parish

Project Location: Intersection of Jean Lafitte Parkway and St. Bernard Hwy, St. Bernard, LA
(29.94602, -89.98735)

Project Description: Hurricane Katrina caused catastrophic damage on August 29, 2005 to St. Bernard Parish's Lift Station System. This scope of work includes the repair and replacement of the lift station's equipment and protective structure. To mitigate against future damage the applicant has proposed to install control panels for housing the major electrical equipment.

National Environmental Policy Act (NEPA) Determination

- ☐ Statutorily excluded from NEPA review (**Review Concluded**)
- ☐ Programmatic Categorical Exclusion (**Review Concluded**)
- ☒ Categorical Exclusion - Category xv, xvi
- ☒ 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: Based on information provided by the applicant, this action is categorically excluded from the preparation of an Environmental Impact Statement or Environmental Assessment under 44 CFR part 10.8 (d)(2)(xv, xvi). Any changes to the scope of work will require re-submission through the state to FEMA and requires re-evaluation for compliance with national environmental policies. The applicant is responsible for obtaining and complying with all local, state and federal permits. Non-compliance with this requirement may jeopardize receipt of federal funds.

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Melanie Sibley, Environmental Specialist, FEMA LA-TRO

Signature Melanie Sibley Date 12/15/09

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Cynthia Teeter, Deputy Environmental Liaison Officer, FEMA LA TRO

Signature Cynthia Teeter Date 12/15/2009

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. Section I, A
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 comments).
- ☐ Other Programmatic Agreement dated _____ 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 a 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 structure does not meet the 50-year-criterion, nor does it possess the level of exceptional importance required by Criteria Consideration G of the National Register Guidelines to be considered eligible for the National Register Of Historic Places. Additionally, there are no ground disturbing activities outlined in the current scope of work.

Correspondence/Consultation/References: Hanan Browning, Historic Preservation Specialist/Archaeologist

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: Project is located in an urban or previously developed area. Neither listed species nor their habitat occur in or near this site, thus FEMA finds there will be no effect to threatened or endangered species.

Correspondence/Consultation/References: USFWS emergency consultation provisions determined in letters dated September 15, 2005 for Katrina.

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: Melanie Sibley, Environmental Specialist

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: waters of the U.S., including wetlands, occur in the project area.

Correspondence/Consultation/References: USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on 12/11/09

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:

Correspondence/Consultation/References: Louisiana Coastal Zone maps queried 12/11/09.

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: No streams or water bodies are located in or near the project area.

Correspondence/Consultation/References: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) queried 7/8/09.

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: This project involves the renovation of a public structure. The proposed project includes activities that would produce a minor, temporary, and localized impact on air quality from fugitive dust particles. No long-term air quality impact is anticipated.

Correspondence/Consultation/References: EPA Region 6 Non-attainment Map.

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: The project site is in a developed urbanized area and Farmland Protection Policy Act (FPPA) is precluded. No prime or unique farmland present.

Correspondence/Consultation/References: National Resource Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) referenced 12/11/09.

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 any surface waters with the potential to affect EFH species.

Correspondence/Consultation/References: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) referenced 12/11/09.

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: Project is not along and does not affect Wild or Scenic River (WSR).

Correspondence/Consultation/References: National Wild and Scenic Rivers
<http://www.rivers.gov/wildriverslist.html#ls>.

L. Resource Conservation and Recovery Act

State Hazardous Materials and Solid Waste Laws and Resource Conservation and Recovery Act

Comments: The renovation activities associated with this project may result in various types of debris and wastes, some of which may be hazardous. Therefore, all debris and waste must be treated, stored, and disposed of in a proper manner and location. (See Section V)

M. Formosan Termite Initiative Act

In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the parish of Cameron is under quarantine. The movement of wood or cellulose material, temporary housing or architectural components) may not leave the quarantined parish 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)**.
- ☐ 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: Per Preliminary DFIRM Panel 22087C0480D, DATED 10/30/2008., project is located in zone AE (EL 8)

Correspondence/Consultation/References: Alan Johnson, CFM, Floodplain Specialist

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: No wetlands were determined to be present by checking the USFWS National Wetlands Inventory (NWI) maps.
Correspondence/Consultation/References: USFWS NWI map accessed on-line.
(<http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>) 7/8/09

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: None
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
- ☐ (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:

- Applicant is responsible to ensure potential hazardous materials, if any, shall be removed, handled, transported and disposed of in accordance with local, state and federal compliance requirements.
- This project is located within the Louisiana Coastal Management Zone. Projects within the coastal zone may still require a coastal use permit or other authorization from Louisiana Department Of Natural Resources (LDNR) Projects may be coordinated by contacting LDNR at 1-800-267-4019.
- As per 44 CFR 9.11 (d) (9), the replacement of building contents, materials and equipment (mechanical or electrical) should be, where possible, wet or dry-proofed, elevated, or relocated to or above the Preliminary Digital Flood Insurance Rate Map (DFIRM) elevation, as shown on 22087C0480D, dated 10/30/2008.
- In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the parish of Cameron is under quarantine. The movement of wood or cellulose material, temporary housing or architectural components) may not leave the quarantined parish without written authorization from the commissioner of the Louisiana department of agriculture and forestry or his designee(s).
- The applicant shall coordinate with or obtain any required permits or certifications for wastewater treatment plants from the Louisiana Department Of Environmental Quality (LDEQ) and US 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.