

Record of Environmental Consideration

See 44 Code of Federal Regulation Part 10.

Project Name/Number: Plaquemines Sheriff's Detention Center / PW 1211

Project Location: Plaquemines Sheriff's Detention Center, 110 Prison Road, Braithwaite, Louisiana 70082 [N29.59859, W-89.82654]

Project Description: Demolish 800 bed, 90,300sf detention center which was destroyed by 30 foot flood surge and flying debris. Rebuild on existing slab, pile footings, and foundations. The building will be an identical structural system to pre-disaster condition. Replace fence, in kind.

Documentation Requirements

- No Documentation Required (**Review Concluded**)
- (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.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review. (**Review Concluded**)
- Programmatic Categorical Exclusion - Category (xv) (**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: Refer to Programmatic Categorical Exclusion Restoration and/or Improvement of External Facility Systems and Components dated 09/01/2005. See attached.

Reviewer and Approvals

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

FEMA Environmental Reviewer.

Name: Amanda Duchek, Environmental Specialist

Signature  . Date 01/21/06

FEMA Regional Environmental Officer or delegated approving official.

Name: Mike Grisham, DELO

Signature [Signature] Date 01/21/06

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

A. National Historic Preservation Act

- Not type of activity with potential to affect historic properties. **(Review Concluded)**
- Applicable executed Programmatic Agreement 12/04.
 - Activity meets Programmatic Allowance # I, E.
 - Are project conditions required? Yes (see section V) No **(Review Concluded)**
- Programmatic Agreement does not apply, must conduct Standard Section 106 Review.

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties listed on NRHP or 45/50 years or older in project area. **(Review Concluded)**
- Building or structure listed on NRHP 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)**

ARCHAEOLOGICAL 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 archaeological 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
 - NRHP eligible resources not present (FEMA finding/SHPO/THPO concurrence on file).
 - Are project conditions required Yes (see section V) No **(Review Concluded)**
 - NRHP 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: Buildings constructed in the 1995, and expanded in 1999. The fence repair/replacement falls under the Programmatic Agreement: THIS SCOPE OF WORK HAS BEEN REVIEWED AND MEETS THE CRITERIA IN APPENDIX A, PROGRAMMATIC ALLOWANCES, ITEM I, SECTION E, 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.

Correspondence/Consultation/References:

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: Endangered species within Plaquemines Parish include the Bald Eagle, Brown Pelican, West Indian Manatee, Piping Plover, Green Sea Turtle, Hawksbill Sea Turtle, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle, Loggerhead Sea Turtle, Gulf Sturgeon, and Pallid Sturgeon. Project activities will have no adverse effect on any listed species or critical habitat

Correspondence/Consultation/References: www.fws.gov/southeast/es/louisiana.htm, US Fish and Wildlife Service letter dated September 12, 2005, and September 19, 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: None

Correspondence/Consultation/References:

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: None

Correspondence/Consultation/References:

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: FEMA has determined that this project is consistent with the Coastal Zone Management Act and the Louisiana Coastal Management Plan (LCMP). Any change to the approved scope of work will require re-submission to FEMA for re-evaluation for the consistency with the LCMP. Non-compliance with this requirement may jeopardize the receipt of federal funds. No further review is required.

Correspondence/Consultation/References:

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: Project is not in or adjacent to any waterways of the US.
 Correspondence/Consultation/References:

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: Project is rebuilding a structure in kind, will not result in permanent air emissions.
 Correspondence/Consultation/References:

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: None
 Correspondence/Consultation/References:

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: See letter from Don Fairley to Mr. Russ Watson with USF&WS, dated 09/14/2005. Specifically, FEMA has determined that restoration projects funded with federal resources will not have adverse impacts on migratory birds or other fish and wildlife reserves. These determinations are based on the understanding that the conditions outlined in the Louisiana Endangered Species Summary are met
 Correspondence/Consultation/References: http://pacificflyway.gov/Documents/Mississippi_map.pdf,

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: None

Correspondence/Consultation/References:

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: None
Correspondence/Consultation/References:

L. Other Relevant Laws and Environmental Regulations

Identify relevant law or regulations, resolution and any consultation/references: None

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: 1/21/2006.-- THE PARISH OF PLAQUEMINES IS ENROLLED IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AS OF 5/1/85. FACILITY IS LOCATED WITHIN A "B" ZONE, AREA BETWEEN LIMITS OF 100-YR FLOOD AND THE 500-YEAR FLOOD, PER FLOOD INSURANCE RATE MAP (FIRM) PANEL NUMBER 220139 0450 B. DATED 5/1/85. PROJECT IS DEMOLITION AND RECONSTRUCTION OF SHERIFF'S DETENTION CENTER TO PRE-DISASTER FOOTPRINT WHICH IS NOT LIKELY TO AFFECT ANY FLOODPLAIN. PROHNE, CFM.

Correspondence/Consultation/References: see PW for reference to floodplain report

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: None
Correspondence/Consultation/References:

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: None
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/References:

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: None

V. Environmental Review Project Conditions

Project Conditions:

1. This project must comply with all conditions of the attached Programmatic Categorical Exclusion.

Monitoring Requirements: None