

ABBREVIATED RECORD OF ENVIRONMENTAL CONSIDERATION

See 44 Code of Federal Regulation Part 10.

Project Name/Number: Emergency Protective Measures-Upgrade to Temporary Facility/.PAID-071-U4KKG-00

Project Location: 6220 Chartres Street, City of New Orleans, Orleans Parish, Louisiana 70117, Latitude: 29.9543, Longitude: 90.0117

Project Description: Hurricane Katrina (incident period August 29, 2005 to November 1, 2005) caused wind and flood damage to the St. Margaret's Daughter's Home, an eligible PNP applicant critical nursing home facility at 6220 Chartres Street, New Orleans, LA 70117. Applicant owns facility. Facility is approximately 41,400 sf. The facility received between 4-6' of flood waters rendering the facility inoperable as a nursing home. It was determined that it would take approximately 18-24 months before the 6220 Chartres street facility would be ready to operate as a nursing home again.

The applicant proposed to utilize a temporary location while their permanent facility is repaired. The purchase of the facility to be used by the applicant as a temporary nursing home while St. Margaret's permanent facility at 6220 Chartres street is repaired. The facility is the former Bywater Hospital located at 3419 St. Claude avenue, New Orleans, la 70117 (lat. 29.967; long. -90.040).

The temporary facility is located in Orleans Parish and requires upgrades to current Codes and Standards, thus is considered an Alternative Arrangement for Hospitals and Health Care.

This project meets the criteria for an Alternative Arrangement Hospitals and Healthcare. This project has conditions and requires mitigation under the Environmental Historic Preservation Laws. Project conditions are obligatory and are listed under Section {V} of this Record of Environmental Considerations.

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 criteria for an Alternative Arrangement Hospitals and Healthcare. This project has conditions and requires mitigation under the Environmental Historic Preservation Laws.

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)**

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. No ground disturbing activities will occur as a part of this scope of work. Therefore, the proposed work will have no effect on Historic Properties. Any change to the approved scope of work will require resubmission for re-evaluation under section 106 and consultation with the SHPO. This concludes the Section 106 review for this project
Correspondence/Consultation/References: NHPA effect determinations made by Amy Barnes , FEMA Historic Preservation Specialist.

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: Scope of work indicates ground disturbing activities identified as the creation of new utility lines associated with upgrades to the former Bywater hospital building. Upon consultation of SHPO data, there are no known archaeological sites within .25 miles of the project area but historic maps reveal late 19th-century structures on the block. However utility lines will be dug in previously disturbed areas. Therefore, scope of work meets Programmatic Agreement (12/3/2004) allowance, Appendix A, section I, A. 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 FEMA, who will in turn contact FEMA Historic Preservation staff. The applicant will not proceed with work until FEMA Historic Preservation staff have completed consultation with the Louisiana State Historic Preservation Officer (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 Unmarked Burial Sites Board (call the Louisiana Division of Archeology at 225-342-8170) within seventy-two hours of the discovery. Failure to comply with these stipulations may jeopardize receipt of FEMA funding. If this scope of work changes, the project will need to be resubmitted for further historic review. -

Correspondence/Consultation/References: Katherine Zeringue, Historic Preservation Specialist/Archaeologist

THREATENED AND ENDANGERED SPECIES

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 Listed species habitat does not occur in or near this site, thus this project will have no effect to threatened or endangered species.

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

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: The city of New Orleans / Orleans parish is enrolled in the National Flood Insurance Program (NFIP), as of 08/03/70. Per 44 cfr part 9.5 (c) (1), project is exempt from Floodplain Management Review.

Correspondence/Consultation/References:

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: No wetlands were observed during site visit or determined to be present by checking the USFWS National Wetlands Inventory (NWI) maps.

Correspondence/Consultation/References:

1) USFWS NWI map accessed on-line (<http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>) 6/21/2006.

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: Implementation of the proposed action would result in beneficial impacts to minority and low income displaced residents by restoring nursing home(critical facility) availability. The scope of work is to repair or replace temporary facilities to current codes and standards and thus will not have an adverse effect on low-income or minority populations. The percent populations of 70117 are: 88.8% Black, 9.4% White and .9% 2 or more Races. The median household income in 1999 was \$ 21721 and 34 % of families are below poverty level.

Correspondence/Consultation/References: U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced 6-21-06.

OTHER RELEVANT LAWS AND ENVIRONMENTAL REGULATIONS

- No impacts to other substantive laws/Executive Orders identified. Review concluded.
- Other applicable substantive laws/Executive Orders. (Identify law/E.O. and conditions if any below).

Comments:None

Correspondence/Consultation/Reference:

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:

- 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 FEMA, who will in turn contact FEMA Historic Preservation staff. The applicant will not proceed with work until FEMA Historic Preservation staff have completed consultation with the Louisiana State Historic Preservation Officer (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 Unmarked Burial Sites Board (call the Louisiana Division of Archeology at 225-342-8170) within

seventy-two hours of the discovery. Failure to comply with these stipulations may jeopardize receipt of FEMA funding. If this scope of work changes, the project will need to be resubmitted for further historic review.

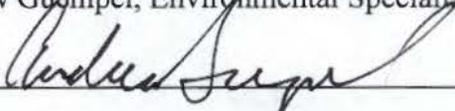
- This project is located within the Louisiana Coastal Management Zone (LCMZ). Louisiana Department of Natural Resources (LDNR) has determined that receipt of federal assistance is consistent with the Louisiana Coastal Resource Program. Projects within the coastal zone may still require a Coastal Use Permit (CUP) or other authorization from DNR. Projects may be coordinated by contacting LA DNR at 1-800-267-4019.
- 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 projects 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.
- This project involves the demolition or renovation of a public structure. Regardless of the asbestos content, the applicant is responsible for ensuring that renovation or demolition activities are coordinated with the Louisiana Department of Environmental Quality (LDEQ) in accordance with the LDEQ "Fifth Amended Declaration of Emergency and Administrative Order" dated March 31st 2006., incorporating the provisions of EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) and the Louisiana Administrative Code (LAC) 33.III.5151 and chapter 27. Should asbestos containing materials (ACMS) be present at the project site, the applicant is also responsible for ensuring proper disposal in accordance with the previously referenced administrative order.
- 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).
- Mercury containing devices - this project potentially involves the disposal of metallic mercury containing electronic devices. The applicant is responsible for ensuring that these devices are recovered, recycled, reused or sequestered in accordance with the Louisiana Department of Environmental Quality (LDEQ) "Declaration of Emergency; mercury-containing devices and electronic equipment as universal waste" letter dated October 3, 2005.

No extraordinary circumstances as described in 44 CFR 10.8(d)(3) were identified during project review.

REVIEWER AND APPROVALS

FEMA Environmental Reviewer.

Name: Andrew Guempel, Environmental Specialist

Signature  Date 6-29-06

FEMA Regional Environmental Officer or delegated approving official.

Name: David Wittum

Signature  Date 6/28/06