Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA – April 2007
See 44 Code of Federal Regulations, Part 10

Project Name/Number: Josephine Louise House (U075); PW 9868-5/FIPS 000-ULVHC-00

Applicant Name: The Administrators of Tulane Educational Fund

Project Location: 6823 St. Charles Ave., New Orleans, Louisiana, 70118
Latitude: 29.94218, Longitude: -90.12227

Project Description:

The Department of Homeland Security (DHS) and the Council on Environmental Quality (CEQ) have established Alternative Arrangements to meet the requirements of the National Environmental Policy Act (NEPA) and the CEQ Regulations for Implementing the Procedural Requirements of NEPA to Reconstruct Critical Infrastructure in the New Orleans Metropolitan Area. These alternative arrangements will enable FEMA, as a component of DHS, to consider the potential for significant impacts to the human environment from its approval to fund the reconstruction of critical physical infrastructure in NOMA. This project qualifies as an Alternative Arrangement for the Reconstruction of Critical Infrastructure in the New Orleans Metropolitan Area. For more information visit: http://www.fema.gov/new-orleans-metropolitan-area-infrastructure-projects-1.

The Federal Emergency Management Agency (FEMA), Environmental and Historic Preservation (EHP) Division at the Louisiana Recovery Office has determined through its Special Considerations review that Administrators of Tulane Educational Fund (Applicant) public involvement process meets the requirements of the National Environmental Policy Act (NEPA) Alternative Arrangements (AA). Those requirements comply with the programmatic agreement between the White House Council on Environmental Quality, the Department of Homeland Security, and FEMA.

As part of the Greater New Orleans Area critical infrastructure, this project qualifies for expedited considerations under the Alternative Arrangements for NEPA compliance. The Alternative Arrangements process (http://www.fema.gov/new-orleans-metropolitan-area-infrastructure-projects-6) has been activated to address the basic elements of NEPA for actions taken to restore critical infrastructure devastated by Hurricane Katrina.

On August 29, 2005, Hurricane Katrina's high winds and heavy rains and resultant loss of municipal power caused extensive flooding and damage to the roof, basement and interior floors of the Josephine Louise House, located on Tulane University's St. Charles Campus. The Josephine Louise House was built in 1913, and is a three-story, approximate 89,081 SF, brick veneer building, used for female resident housing. The building has an irregular footprint of approximately 148 feet by 220 feet. Hurricane force winds and blowing debris damaged windows, roof tiles, downspouts and pipe flashing. The finished basement level of the Josephine Louise House was flooded up to thirty inches, and the three upper levels were inundated by flood waters to a depth of approximately two to six inches above finished floors. Flooding and the loss of electrical power and ambient control resulted in high humidity and mold growth to interior surfaces and contents, and damage to interior walls, paints and coatings, floor surfaces and coverings, doors and door frames, ceiling tiles and acoustical panels, bathroom stalls, sinks, toilets and other fixtures, carpentry and cabinetry, and other contents. Prior versions of PW 9868 include eligible repair costs for the Josephine Louise House. Version "5" includes a hazard mitigation proposal to dry flood proof the building's grade level office, housekeeping, storage and mechanical/electrical spaces by provision of a cast-in-place concrete stem wall/foundation flood retaining wall and system, with two sets of 4x10-ft sliding vehicle flood gates, provision of a compacted aggregate parking area, installation of back-flow preventers to existing storm drain lines, and provision of new discharge sump pumps and electrical service to sump pumps.

A conceptual, campus wide mitigation plan was provided by Tulane University in December 2006. The proposed flood-proofing treatments throughout Tulane's campus include dry flood-proofing measures below-grade, at grade-level, or in the mechanical spaces of various buildings; the construction of free-standing and attached concrete flood walls around the perimeters of select buildings; the installation of flood doors and gates at select locations; and the installation of a fiber reinforced polymer dry flood-proofing system to the interior faces of below-grade portions of exterior walls. The applicant's proposal of dry flood-proofing the Josephine Louise House is considered eligible based on the Unified Public Assistance Project Decision Team Eligibility Decision #8 dated March 27, 2009. Any floodgates associated with this undertaking will only be closed during a significant flooding event (100-yr flood/storm). A conceptual drawing for this undertaking is provided in the attached.

FEMA determined that Tulane's proposed floodproofing mitigation measures throughout the university resulted in an extraordinary circumstance whereby a greater scope or size than normally experienced for mitigation activities was being proposed. Particular concern was raised for the campus wide proposed undertaking's impact to the surrounding community's floodplain. Tulane University completed a Hydrology and Hydraulics (H&H) study to determine the environmental effects of this undertaking to the surrounding community's floodplain. The (attached) study concluded that the proposed project would present negligible impacts to the surrounding community in the event of a 100-yr storm. As a requirement of Executive Order 11988 and NEPA Alternative Arrangements, significant public outreach was also achieved through the applicant's Public Involvement Plan as documented in the attached, Report of Finding for NEPA compliance.

National Environmental Policy Act (NEPA) Determination

- ☐ Statutorily excluded from NEPA review **(Review Concluded)**
- ☐ Programmatic Categorical Exclusion - Category **(Review Concluded)**
- ☐ Categorical Exclusion - Category ix and xv
  - ☐ 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)**
- ☒ Alternative Arrangements
  - ☒ Public Involvement Plan on file (see comments below)
- ☐ Environmental Assessment
- ☐ Supplemental Environmental Assessment (Reference EA or PEA in comments)
- ☐ Environmental Impact Statement

Comments: This project meets the criteria to utilize the Alternative Arrangement Process within the National Environmental Policy Act (NEPA) under 40 CFR 1506.11 and 44 CFR 10.13 approved by the Council on Environmental Quality, DHS, and FEMA on 3/23/2006. The applicant has provided sufficient documentation to demonstrate a satisfactory public involvement process. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files. Any changes to this approved scope of work will require submission to, and evaluation and approval by, the State and FEMA prior to initiation of any work, for compliance with NEPA. The applicant is required to obtain and comply with all local, state, and federal permits and requirements. Non-compliance with the requirements noted above may jeopardize the receipt of federal funding.

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

Reviewer and Approvals

FEMA Environmental Reviewer:
Name: Shelly Chichester, Environmental Protection Specialist, FEMA LRO

Signature _____ Date 12/10/2012

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Kevin Mannie, Lead Environmental Protection Specialist, FEMA LRO

Signature _____ Date 12/10/2012

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
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, December 05, 2012, 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 (2PA 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: A review of this project was conducted in accordance with the Secondary Programmatic Agreement among FEMA, SHPO, ACHP, and the Administrators of the Tulane Education Fund (Tulane) regarding the Installation of Flood-Proofing Treatments at Tulane University (Tulane 2PA) executed on December 5,2012. Per the Tulane 2PA, FEMA will complete Section 106 review following receipt of schematic design plans with completed Appendix C form as described in Stipulations III-IX. Any change to the approved scope of work will require reevaluation under Section 106.

Correspondence/Consultation/References: Amber Martinez, 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: 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: Project is not within a CBRA zone.
Correspondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced 11/05/2012

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: No jurisdictional waters of the U.S., including wetlands, occur in or near the project area.
Correspondence/Consultation/References: USFWS National Wetlands Inventory map (http://www.fws.gov/nwi/).
S.Chichester, Environmental Protection Specialist, 11/05/2012

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. In a letter dated September 28, 2012, the Louisiana Office of Coastal Management determined that the granting of financial assistance is fully consistent with the Louisiana Coastal Resources Program. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the Louisiana Department of Natural Resources (LDNR) Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.

Correspondence/Consultation/References: Louisiana Coastal Zone maps. (http://dnr.louisiana.gov/assets/OCM/CoastalZoneBoundary/CZB2012/maps/Outreach_Map.pdf), S.Chichester, Environmental Protection Specialist, 11/05/2012

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 scope does not include impoundment, diversion, control, or other modification of waters of any stream or body of water.
Correspondence/Consultation/References: Louisiana Map (http://wwwlamap.doa.louisiana.gov/) queried 11/06/2012.

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: The proposed project includes activities that would produce a minor, temporary, and localized impact on air quality from vehicle emissions and fugitive dust particles. No long-term air quality impact is anticipated. See Section V.
Correspondence/Consultation/References: EPA Region 6 Non-attainment Map. (http://www.epa.gov/oaqps001/greenbk/map/mapnpoll.pdf) S.Chichester, Environmental Protection Specialist, 11/05/2012

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 11/05/2012

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: (http://www.habitat.noaa.gov/protection/efh/efhmapper/index.html).
S.Chichester, Environmental Protection Specialist, 11/05/2012

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,
S.Chichester, Environmental Protection Specialist, 11/05/2012

L. 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 (such as asbestos and lead based paint) and or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies. All coordination pertaining to these activities should be documented and copies forwarded to the state and to FEMA as part of the permanent project files. (See Section V)

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)**
  - ☐ A Final Public Notice is required

Comments: Orleans Parish enrolled in the National Flood Insurance Program (NFIP) on 08/03/1970. Revised Preliminary Digital Flood Insurance Rate Maps (DFIRM) were issued on 11/9/12 for areas benefiting from the protection of the Hurricane Storm Damage Reduction System (HSDRRS). Where issued, the Revised Preliminary DFIRM's replace the 2008 Preliminary DFIRMs and now represent the best available flood risk data for compliance with E.O. 11988 and 44CFR 9.

Elevation or mitigation to the 2008 Preliminary DFIRM base flood elevation (BFE) is not required. The Tulane campus is located within Zones "AE" (El -1), and "Shaded X" (Protected by Levee), as per Revised Preliminary DFIRM Panel Numbers 22071C0228F, dated 11/09/2012, and 22071C0230F, dated 11/13/2008. Per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. In compliance with EO11988, an 8-step process showing considered alternatives was completed and is attached and/or on file.

Correspondence/Consultation/References: Preliminary Digital Flood Insurance Rate Map (DFIRM) panels 22071C0228F, dated 11/09/2012, and 22071C0230F, dated 11/13/2008, and attached 8-step process.

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). S.Chichester, Environmental Protection Specialist, 11/05/2012

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 http://factfinder.census.gov. **(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: The populations within zip code 70118 are: 44.6% White, 51.6% Black, and 3.2% Hispanic.
Correspondence/Consultation/References: U.S. Census bureau 2000 data at http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml. S.Chichester, Environmental Protection Specialist, 11/05/2012

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:

The following conditions apply as a condition of FEMA funding reimbursement:

1. To remain in compliance with Section 106 of the NHPA, the applicant must comply with the stipulations set forth in the Secondary Programmatic Agreement among the Federal Emergency Management Agency, Advisory Council of Historic Preservation Officer, and the Administrators of the Tulane Educational Fund regarding the installation of flood-proofing treatments at Tulane University of Louisiana, New Orleans, La executed on December 5, 2012.

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. Within three days of the discovery, the applicant shall inform GOHSEP and 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. Failure to comply with these stipulations may jeopardize receipt of FEMA funding.

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 (such as asbestos and lead based paint) and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies. 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. Applicant is responsible for obtaining and/or complying with all federal, state and local permits, ordinances and/or requirements for the collection, handling, storage, transportation and disposal of any medical, hazardous, biological, laboratory/research reagents, radiological, pharmaceutical or toxic flood related waste or debris. Materials include, but are not limited to ice machines, refrigerators, ATVs, forklifts, generators, air conditioning units, computers, televisions, used oil, diesel and other petroleum products, mercury switches, used oil filters, fuel filters, and batteries. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

5. This project involves the demolition or renovation, of a facility constructed prior to 1978 that may contain surfaces coated with Lead-Based Paint (LBP). The applicant is responsible for complying with the Toxic Substances

Control Act (TSCA) Section 402(c)(3) requirements. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

6. If any asbestos containing materials, lead based paint and/or other hazardous materials are found during remediation or repair activities, the applicant shall comply with all federal, state and local abatement and disposal requirements under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Louisiana Administrative Code 33:III 5151. Demolition activities related to Possible Asbestos-Containing Materials (PACM) must be inspected for ACM/PACM where it is safe to do so. Should asbestos containing materials (ACM) be present, the applicant is responsible for ensuring proper disposal in accordance with the previously referenced Administrative Orders. Demolition activity notification must be sent to the LDEQ before work begins. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

7. This project is located within the Louisiana Coastal Management Zone. In a letter dated September 28, 2012, the Louisiana Office of Coastal Management determined that the granting of financial assistance is fully consistent with the Louisiana Coastal Resources Program. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the Louisiana Department of Natural Resources (LDNR) Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.

8. Applicant is required to coordinate with the local floodplain administrator regarding floodplain permits prior to the start of any activities. Applicant is responsible for obtaining and retaining all permits and certificates for verification. All coordination pertaining to these permits should be documented to the local floodplain administrator and copies provided to LA GOHSEP and FEMA as part of the permanent project files.

9. Any changes to this approved scope of work will require submission to, and evaluation and approval by, the State and FEMA prior to initiation of any work, for compliance with NEPA. The applicant is required to obtain and comply with all local, state, and federal permits and requirements. Non-compliance with the requirements noted above may jeopardize the receipt of federal funding.

Environmental / Historic Preservation Section
FEMA Louisiana Recovery Office
1 Seine Court, New Orleans, LA 70114

CASE: Tulane University Floodproofing

National Environmental Policy Act

Alternative Arrangements for NEPA Compliance

REPORT OF FINDING: Final Approval

The Administrators of Tulane Educational Fund-Floodproofing measures at Tulane University

Project Worksheets:

3975-5, 6058-3, 8155-3, 9856-6, 9868-5, 9247-5, 9724-5, 9960-6, 10357-4, 10436-5, 10454-7, 10488-5, 12199-4, additional project worksheets submitted not specified here as deemed applicable by FEMA-EHP

PW 9868
FILING
DR-412

The Federal Emergency Management Agency (FEMA), Environmental and Historic Preservation (EHP) Division at the Louisiana Recovery Office has determined through its Special Considerations review that public involvement process for the above-referenced undertaking meets the requirements of the National Environmental Policy Act (NEPA) Alternative Arrangements (AA). Those requirements comply with the programmatic agreement between the White House Council on Environmental Quality, the Department of Homeland Security, and FEMA.

BACKGROUND: As part of the Greater New Orleans Area critical infrastructure, this project qualifies for expedited considerations under the Alternative Arrangements for NEPA compliance. The Alternative Arrangements process (www.fema.gov/plan/ehp/noma) has been activated to address the basic elements of NEPA for actions taken to restore critical infrastructure devastated by Hurricane Katrina.

PUBLIC INVOLVEMENT: Applicants wishing to utilize Alternative Arrangements are required to follow a public involvement plan and to obtain public input regarding the proposed project.

ANALYSIS of PUBLIC INVOLVMENT for this project:

1. Tulane meets bi-annually with neighborhood associations in an effort to update them on current and future construction projects. On September 1, 2009 and December 13, 2011, Tulane held a neighborhood meeting and discussed proposed Tulane projects, including mitigation with floodproofing activities.
2. Tulane's Capital Projects and Real Estate Group (CPREG) developed a website with links to the University's Mitigation Plan as well as a link to a study defining the proposed undertaking's impact to the surrounding floodplain. This study has been available for public comment since 8/9/11.

3. A legal notice was placed in the Times-Picayunne Legal Section from 8/12/11 to 8/16/11 announcing the availability of the study at the website with a hardcopy also available at the Howard Tilton Memorial Library near Tulane University's St. Charles Ave. Campus.
4. On 3/15/12, Tulane University emailed their listserv community an announcement directing readers to the CPREG website for further review of conceptual plans for floodproofing and an explanation of FEMA's obligations for review under the National Environmental Policy Act, National Historic Preservation Act, and Executive Order 11988. Readers were granted 15 days to comment on the undertaking as it relates to these laws and Executive Order. Any member of the public is welcome to join Tulane's listserv community. The current listserv includes representatives from nearby neighborhood organizations.
5. Tulane University is also currently engaged in a Section 106 process under the NHPA for public involvement. Although the 106 process remains ongoing with the exception of the 'Wilson Athletic Center' (PW 10454) and 'Super Block Power Plant'(PW 12199), a solicitation for public comment was satisfactorily completed. Starting 3/15/12, the public was given 15 days to comment on the undertaking and FEMA's Section 106 review. Notice of the announcement was provided to consulting parties through email. The announcement was placed on the Louisiana Department of Culture, Recreation, and Tourism website, and the Tulane CPREG website.
6. The FEMA website for Alternative Arrangements also calls public attention to the floodproofing undertaking. The FEMA internet site contains a feature allowing a user to write a feedback comment on a specific project.
7. All outreach activities resulted in two public comments received by FEMA. Neither comment was substantive and on-topic with the solicitations. Tulane University will post their response to the two comments on the Tulane CPREG website.

FINDING:

A. **Documentation Sufficient** Based on documentation provided by the applicant, FEMA's review has determined the above-referenced project by the Administrators of Tulane's Educational Fund includes a satisfactory process for public involvement in project development and is otherwise eligible for consideration under Alternative Arrangements for NEPA compliance.

B. **Final Approval** The Administrators of Tulane University have been responsive to requests for information about the above-referenced project. Due to satisfactory completion of public involvement processes identified above the Applicant is hereby granted final NEPA approval for the above-referenced project.

Approved: _____

Date: _____

Tiffany Spann-Winfield
Deputy Environmental Liaison Officer
FEMA Environmental/Historic Preservation
#1 Seine Court, 6th Floor, New Orleans, Louisiana 70114