

# Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL – LOUISIANA – 2006

See 44 Code of Federal Regulation Part 10

**Project Name/Number:** Incarnate Word PW#10809, fips # 000-UV6IX-00

**Project Location:** 8326 Apricot Street, New Orleans, Orleans Parish, LA, Latitude: 29.9606, Longitude: 90.1197

**Project Description:** Hurricane Katrina caused wind and flood damage to the Incarnate Word building. This project is for repairs to the areas in the building used for a pre-K day care and a family food distribution center. The project also includes a mitigation proposal to replace vinyl floor tiles with ceramic floor tiles.

## 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:** The scope of work for this project meets the criteria for an alternate arrangement permanent schools type of project. This project has conditions and requires mitigation under the other Environmental/Historic Preservation laws.

## Reviewer and Approvals

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

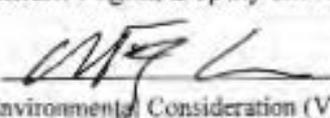
### FEMA Environmental Reviewer:

Name: Bridget Zachary

Signature  Date 08/16/06

### FEMA Regional Environmental Officer or Delegated Approving Official:

Name: William Fagan, Deputy Environmental Liaison Officer, FEMA Region VI

Signature  Date 8/17/2006

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

### A. National Historic Preservation Act (NHPA)

- Not type of activity with potential to affect historic properties.  
 Activity meets Programmatic Agreement, December 3, 2004. Appendix A: Allowance Numbers, II A1, II A2, II A4, II B1, II B2, II C1, II C2, and II.  
Are project conditions required?  Yes (see Section V)  No  
 Programmatic Agreement not applicable, must conduct standard Section 106 Review.

#### 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 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:** The scope of work as submitted in this PW has been reviewed and meets the criteria outlined in Appendix A, Programmatic Allowances, Section (II) (A-1,2,4) (the mitigation proposal for tile replacement meets the Programmatic Allowance in the Programmatic Agreement (PA)), (B-1,2) (C-1,2) (H), of the document. In accordance with the PA, FEMA is not required to determine the National Register eligibility of properties or to submit projects to the State Historic Preservation Officer (SHPO) for review where the work performed meets these allowances. In keeping with the stipulations of the PA, all proposed repair activities should be done in-kind to match existing materials and form  
**Correspondence/Consultation/References:** NHPA effect determinations made by Richard E. Kuss, FEMA Historic Preservation Specialist.

## B. Endangered Species Act

- No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**
- Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.
- No effect to species or designated critical habitat. (See comments for justification)  
Are project conditions required?  Yes (see Section V)  No **(Review Concluded)**
  - May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence on file) **(Review Concluded)**  
Are project conditions required?  Yes (see Section V)  No **(Review Concluded)**
  - Likely to adversely affect species or designated critical habitat
    - Formal consultation concluded. (Biological Assessment and Biological Opinion on file)  
Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**

**Comments:** 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, 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:** Project is not within a CBRA zone.

**Correspondence/Consultation/References:** Louisiana Coastal Barrier Resource System Maps referenced 08/10/06.

## 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:** 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/>) queried on 08/10/06.

## 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:** Proposed site occurs on previously disturbed land and does not require a Louisiana Department of Natural Resources (LDNR) Coastal Management Division Joint Permit.

**Correspondence/Consultation/References:** LDNR Coastal Management Division emergency consultation guidance and provisions in letter dated March 13, 2006.

### 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 occurs within an urban area and does not have the potential to effect federal trust resources  
**Correspondence/Consultation/References:** Project area mapped on 08/10/06

### 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)**

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

### 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** The project site is in a developed urbanized area and FPPA is precluded.  
**Correspondence/Consultation/References:** <http://websoilsurvey.nrcs.usda.gov/app> accessed on 08/10/06

### 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.nmfs.noaa.gov/habitat/habitatprotection/efh/>

### K. Wild and Scenic Rivers Act

- Project is not along and does not affect Wild or Scenic River (WSR) - (Review Concluded)  
 Project is along or affects WSR  
 Project adversely affects WSR as determined by NPS/USFS. FEMA cannot fund the action.  
(NPS/USFS/USFWS/BLM consultation on file) (Review Concluded)  
 Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)  
Are project conditions required?  YES (see Section V)  NO (Review Concluded)

**Comments**

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

### L. Other Relevant Laws and Environmental Regulations

## 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:** The site is located in Zone A3 area of 100-yr flooding, base flood elevations and flood hazard factors determined.

**Correspondence/Consultation/References:** FEMA Flood Insurance Rate Map, Community Panel No. 2252030160 F, revised 03/01/1984.

### 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:** Project located in urbanized area.

**Correspondence/Consultation/References:** USFWS NWI map accessed on-line 08/10/06.

### 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:** The percent populations of New Orleans, LA are: 63.7% African American, 28.1% Caucasian and 2.3% Asian. The median household income in 1999 was \$ 27,133 and 23.7% of families are below poverty level.

**Correspondence/Consultation/References:** U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced 08/10/06.

### 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:**

**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 and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.

**Formosan Termite Initiative Act:**

The Louisiana parish of Orleans is 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 parish without written authorization from the commissioner of the Louisiana Department of Agriculture and Forestry or his designee(s).

**Correspondence/Consultation/Reference:** Project Worksheet #10809 Damage description and Scope of Work.

### 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.

**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:

- As per 44 CFR 9.11, mitigation or minimization standards must be applied. Where possible, building contents, materials, components and equipment (mechanical or electrical) must be elevated to or above Advisory Base Flood Elevations. Per 44 CFR 9.12, a final public notice is to be published 15 days prior to the start of any construction activities. Documentation of completed public notice is to be forwarded to FEMA and Louisiana Governor's Office of Homeland Security and Emergency Preparedness for inclusion in the permanent project files
- Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project applicant shall handle, manage, and dispose of petroleum products, hazardous materials and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.
- In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) The Louisiana parish of Orleans is 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 parish without written authorization from the commissioner of the Louisiana Department of Agriculture and Forestry or his designee(s)
- In keeping with the stipulations of the PA, all proposed repair activities should be done in-kind to match existing materials and form