

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- 2006

See 44 Code of Federal Regulation Part 10

Project Name/Number: Port Sulphur Water Treatment Plant/ 13878

Project Location: Highway 23, Port Sulphur, Plaquemines Parish,
Latitude: 29.57171, Longitude: -89.80426

Project Description: Hurricane Katrina caused wind and flood damage to the Port Sulphur Water Treatment Plant. This project is for debris removal from property; cleaning and repairs to the main, intake, wastewater treatment plant, and raw water intake buildings; and repairs to the plant's mechanical and electrical components.

The project also includes two mitigation proposals. One to elevate and relocate the Motor Control Center (MCC) and emergency generator to the second floor and one to install shutter/roll down on the windows and door of the chemical building.

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: Although this project would have qualified as a CATEX (xv) and (xvi) under 44 CFR part 10.8 (d)(2), this project meets the definition of critical infrastructure (utilities and wastewater treatment plants) under the Alternative Arrangements for NEPA compliance. This project has conditions and requires mitigation under the other environmental and historic preservation (EHP) laws which are listed under the NEPA level of environmental review in the project worksheet. 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 the national environmental policy act. 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.

Reviewer and Approvals

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

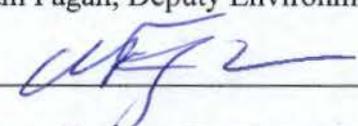
FEMA Environmental Reviewer:

Name: Bridget Zachary

Signature _____ Date _____

FEMA Regional Environmental Officer or Delegated Approving Official:

Name: William Fagan, Deputy Environmental Liaison Officer

Signature  Date 9/27/2006

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 No.
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:

Correspondence/Consultation/References: Scope of Work and Damage Description for project worksheet (PW) #13878

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 letter to Don Fairly 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:

Correspondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced 09/26/06.

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 404/402/401/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: The applicant shall coordinate with or obtain any required permits or certifications for wastewater treatment plants from the Louisiana Department of Environmental Quality (LDEQ) and US Army Corps of Engineers (USACE) prior to initiating work. The applicant shall comply with all conditions of the permits regulated under sections 401, 402, and 404 of the Clean Water Act. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files

Correspondence/Consultation/References: Scope of Work and Damage Description for project worksheet (PW) #13878 and USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on 09/26/06.

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: Project is within the Louisiana Coastal Zone and may require a Coastal Use Permit from Louisiana Department of Natural Resources (LDNR). Projects may be coordinated by contacting LDNR at 1-800-267-4019.

Correspondence/Consultation/References: Louisiana Coastal Management Division map and Scope of Work and Damage Description for project worksheet (PW) #13878.

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: The Mississippi River and Grand Bayou are located near the site but the proposed project will not result in an adverse impact to water resources because project scope does not include any new impoundment, diversion, control, or other modification of waters of any stream or body of water.

Correspondence/Consultation/References: Scope of Work and Damage Description for project worksheet (PW) #13878.

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:

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 area and FPPA is precluded.

Correspondence/Consultation/References: Scope of Work and Damage Description for project worksheet (PW) #13878

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:

Correspondence/Consultation/References: Scope of Work and Damage Description for project worksheet (PW) #13878.

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

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 Plaquemines 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 #13878 Damage description and Scope of Work

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 "A-14", area of 100-yr flooding, base flood elevations and flood hazard factors determined.

Correspondence/Consultation/References: FEMA Flood Insurance Rate Map, Community Panel No. 2201390435 B, revised 05/01/1985.

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: 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 09/26/06.

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 Port Sulphur, Louisiana are: 45.3% Caucasian, 44.4% African American and 7.0% American Indian. The median household income in 1999 was \$ 33,021 and 20.5 % of families are below poverty level.

Correspondence/Consultation/References: U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced 09/26/06.

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: none

Correspondence/Consultation/Reference: Project Worksheet #13878 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:

- The applicant shall coordinate with or obtain any required permits or certifications for wastewater treatment plants from the Louisiana Department of Environmental Quality (LDEQ) and US Army Corps of Engineers (USACE) prior to initiating work. The applicant shall comply with all conditions of the permits regulated under sections 401, 402, and 404 of the Clean Water Act. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files
- Project is within the Louisiana Coastal Zone and may require a Coastal Use Permit from Louisiana Department of Natural Resources (LDNR). Projects may be coordinated by contacting LDNR 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 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.
- The Louisiana parish of Plaquemines 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).
- Project is replacement of building and components, and must be coordinated and complied with the local floodplain administrator.
- Per 44 CFR 9.11(d) (9), the replacement of building contents, materials and equipment, where possible, disaster proofing of the building and/or elimination of such future losses by relocation of those building contents, materials and equipment to or above the advisory base flood elevation.
- Per 44 CFR 9.12, applicant must publish a final public notice 15 days prior to the start of construction activities. Final public notice is to be forwarded to the Louisiana Office of Homeland Security and Emergency Preparedness and FEMA for inclusion in the permanent project files