

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: St. Mark Parish 5th and 6th Grade School Building
PW 7747 Version 3 / FIPS# 000-UV6IX-00

Applicant Name: Roman Catholic Church Archdiocese of New Orleans

Project Location: 1625 Missouri Street, Chalmette, Louisiana 70043
Latitude, Longitude: 29.94258, -89.94525
St. Bernard Parish

Project Description:

On August 29, 2005, strong winds and flooding associated with Hurricane Katrina damaged the St. Mark School at 1625 Missouri Street in Chalmette, St. Bernard Parish, Louisiana. The campus is owned and maintained by the Roman Catholic Church Archdiocese of New Orleans (Applicant), a non-critical PNP per FEMA Policy 9521.3.

Project Worksheet (PW) 7747 was written for damages to the 5th and 6th Grade School building, one of the buildings in the St. Mark School compound. It is a one-story, 3840 square-foot (120 feet by 32 feet), steel frame building with brick veneer and was built in 1964. It is located within the footprint of the Murphy Oil Spill Zone, which is involved in litigation.

According to PW 7747 Version 3, the cost to repair the damage to the facility exceeds 50 percent of the cost to replace it, making the replacement of the facility an eligible cost for FEMA Public Assistance funding (per 44 CFR 206.226(f)). The Applicant has examined the changes in demographics and community needs after Hurricane Katrina, and determined that public welfare would not be best served by returning the facility to pre-disaster condition. The Applicant would like to demolish this facility and apply the remaining eligible FEMA funds towards an Alternate Project. Therefore, the scope of work for PW 7747 Version 3 is limited to the demolition and disposal of the existing St. Mark 5th and 6th Grade School facility, including slab, foundation, sidewalks, ramps, driveways and utilities.

The remaining funds from PW 7747 will be applied towards the implementation of an Alternate Project involving the renovation of 8 buildings at Central Schools in Orleans Parish. The environmental review for the Alternate Project was written separately (see Environmental Database Number 390, REC dated May 22, 2009).

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion - Category (**Review Concluded**)
- Categorical Exclusion - Category (xii)
 - 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)
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 involving demolition of a structure and other improvements and their disposal to permitted off-site locations is categorically excluded from the preparation of an Environmental Impact Statement or Environmental Assessment under 44 CFR Part 10.8 (d)(2)(xii). The Applicant is required to obtain and comply with all local, state and federal permits and requirements. Non-compliance may jeopardize the receipt of federal funding.

Correspondence/Consultation/References: 44 CFR Part 10.8 (d)(2)(xii)

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Desiree Joseph, Environmental Specialist, FEMA LA TRO

Signature Desiree Joseph Date 8/27/09

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Cynthia Teeter, Deputy Environmental Liaison Officer, FEMA LA TRO

Signature Cynthia Teeter Date 27 Aug 09

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, December 3, 2004. Appendix A: Allowance No. Item I, Section A and C
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 _____ 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 (MOA 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: The facility was built in 1964 and is not 45 years or older. Therefore, this project does not have the potential to cause effects on historic resources. No further historic preservation review is required.
Correspondence/Consultation/References: Derek A. Galose, 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: The project is within a developed area. Neither listed species nor their habitat appear in or near the project site, thus FEMA finds there will be no effect to threatened or endangered species.
Correspondence/Consultation/References: Rare, Threatened, and Endangered Species & Natural Communities Tracked by the Louisiana Natural Heritage Program (www.wlf.louisiana.gov/pdfs/experience/naturalheritage/st%bernard.pdf)

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 Map.

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: The project is not within or adjacent to any water body.
Correspondence/Consultation/References: Project description and area maps.

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. The applicant must check with the Louisiana Department of Natural Resources (225-342-9232) for permitting or other authorization requirements.
Correspondence/Consultation/References: Louisiana Coastal Zone Map.

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 project is not within or adjacent to any water body.
Correspondence/Consultation/References: Project description and area maps.

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 demolition would produce minor, short-term, localized adverse impacts on air quality because of vehicle emissions and fugitive dust particles. No long-term adverse impact to air quality is expected.
Correspondence/Consultation/References: Project description.

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:
Correspondence/Consultation/References: Project description.

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 within existing disturbed areas 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: The project is not within or adjacent to any water body.
Correspondence/Consultation/References: National Marine Fisheries Service, Essential Fish Habitat for the Gulf of Mexico (www.nmfs.noaa.gov/habitat/habitatprotection/profile/gulfcouncil.htm)

K. Wild and Scenic Rivers Act

- Project is not along and does not affect Wild or Scenic Rivers (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: The project is not within or adjacent to any water body.
Correspondence/Consultation/References: National Wild and Scenic Rivers (www.rivers.gov/wildriverslist.html)

L. Resource Conservation and Recovery Act

The school is located within the footprint of the Murphy Oil Spill Zone. Contaminated soils, as well as unusable equipment, debris and material shall be disposed in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, the Applicant shall handle, manage and dispose petroleum products, hazardous materials (such as asbestos and lead based paint) and/or toxic waste in accordance with the requirements, and to the satisfaction, of the relevant local, state and federal agencies.

M. Other Relevant Laws and Environmental Regulations

Formosan Termite Initiative Act

In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 through 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 (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).

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: The Parish of St. Bernard enrolled in the National Flood Insurance Program 03/13/70. Per Flood Insurance Rate Map 225204 0290 b, dated 05/01/1985, project is located in Zone A2, area of 100yr flood, base flood elevations and flood hazard factors determined. The demolition of the facility removes it from the floodplain and restores floodplain value in this area.

Correspondence/Consultation/References: A. Spann, Floodplain Management Specialist

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: The project site is not within wetlands.

Correspondence/Consultation/References: USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>).

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 project involves the demolition of a school in zip 70043. The demographics of this area in 2000 were 92.7% white (one race), 2.4% black (one race) and 4.8% Hispanic or Latino (of any race). The median age was 37.3 and 76.3 % of the population was 18 years and older. The median household income in 1999 was \$36,699 and 12% of individuals were below the poverty level. More recent data was not found.

The project relocates the function (schooling) to facilities in New Orleans. In the 2005-2007 American Community Survey, the demographics of New Orleans were estimated as 31.6% white (one race), 63.5% black (one race) and 4.0% Hispanic or Latino (of any race). The median age was 38.2 and 78.7% of the population was 18 years and older. The median household income (in 2007 adjusted dollars) was \$35,409 and 22.6% of individuals were below the poverty level.

The demolition of St. Mark Parish 5th and 6th Grade School Building at zip code 70043 is not expected to have a disproportionately high and adverse impact on low income or minority populations as the area did not have significant low income or minority populations. The Alternate Project is expected to improve a similar facility in an area with higher percentages of low income and minority populations.

Correspondence/Consultation/References: US Census Bureau.

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:

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. 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 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 State Historic Preservation Officer. 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 24 hours of the discovery. The Applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within 72 hours of the discovery. If this scope of work or the location of the new building changes outside of the current area of potential effect, this project will need to be resubmitted for further Section 106 review prior to ground disturbing activities taking place. Failure to comply with these stipulations may jeopardize receipt of federal funding.
2. This project is located within the Louisiana Coastal Management Zone. The applicant must check with the Louisiana Department of Natural Resources (225-342-9232) for permitting or other authorization requirements.
3. The school is located within the footprint of the Murphy Oil Spill Zone. Contaminated soils, as well as unusable equipment, debris and material shall be disposed in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, the Applicant shall handle, manage and dispose petroleum products, hazardous materials (such as asbestos and lead based paint) and/or toxic waste in accordance with the requirements, and to the satisfaction, of the relevant local, state and federal agencies.

4. In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 through 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 (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).
5. This project involves the demolition of a public structure that may contain surfaces coated with lead-based paint (LBP). Activities involving abrading (sanding, scraping, etc.), heating, stripping, or otherwise concentrating LBP shall comply with applicable provisions of 29 CFR Parts 1910 and 1926 (OSHA - Worker Safety), and 40 CFR 260 through 268 (EPA - Hazardous Waste). The applicant is responsible for ensuring that demolition activities are coordinated with the Louisiana Department of Environmental Quality (LDEQ) for abatement activities and is also responsible for ensuring proper disposal in accordance with the previously referenced regulations.
6. This project involves the demolition of a public structure that may contain asbestos. Regardless of the asbestos content, the applicant is responsible for ensuring that demolition activities are coordinated with the LDEQ in accordance with the LDEQ "Seventh Amended Declaration of Emergency and Administrative Order" dated August 28, 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.
7. Removal and disposal of debris containing household hazardous waste and certain categories of liquid wastes must be performed in accordance with all applicable federal and state laws, regulations, executive orders and guidelines. LAC Title 33 Part vii requires that specified items, including lead acid batteries, CFC's (refrigerants), radioactive waste or regulated infectious wastes must be segregated from and excluded from non-hazardous debris collection, staging, processing and disposal sites. Failure to comply with applicable legal requirements in debris collection and/or disposal operations will jeopardize federal funding. The clean-up or restoration/repair of sites damaged as a result of such operations are ineligible for federal funding. Previously obligated funding is subject to de-obligation if a determination of ineligibility is made.
8. This project may involve 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.