

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: Maumus Arts Center
Alternate Arrangements Project No. 1213

Applicant Name: St. Bernard Parish School Board

Project Location: Site bounded on three sides by Friscoville Avenue, Royal Street and Leveau Street in the Friscoville Street Historic District
St. Bernard Parish, LA
Latitude: 29.95289; Longitude: -90.0034900

Project Description:

On August 29, 2005, heavy rain, strong winds and flooding associated with Hurricane Katrina damaged the Maumus Art Center, the Maumus Cafeteria, Maumus Outbuilding #1, and Maumus Outbuilding #2. The Cafetorium, and Outbuildngs #1 and #2 were damaged beyond repair, and have been demolished. The St. Bernard Parish School Board proposes to combine the square footage and functions of the Art Center, Cafeteria and Outbuildings into the Maumus Center, a single structure, and to relocate a planetarium and accompanying connector at the Arabi school facility to the proposed Maumus Center. Any increase in the overall square footage of the proposed project will be the result of compliance with current building codes and standards.

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 (NOMA). 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 www.fema.gov/plan/ehp/noma/index.shtm

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 St. Bernard Parish School Board's (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 (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.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion - Category (**Review Concluded**)
- Categorical Exclusion - Category 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)
Are project conditions required? Yes (see section V) No (**Review Concluded**)
- Environmental Assessment
- Supplemental Environmental Assessment (Reference EA or PEA in comments)
- Environmental Impact Statement

Comments: This project meets the criteria to utilize the alternative arrangement process within the National Environmental Policy Act approved by the Council on Environmental Quality, DHS and FEMA on 3/23/2006. S. Epstein, Environmental Specialist
Correspondence/Consultation/References:

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Steven E. Epstein, CFM, Environmental Specialist, FEMA LRO

Signature St E. Epstein Date _____

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Adam Borden, Environmental Team Lead, FEMA LRO

Signature AB Date 10-27-11

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**)
- Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (date of agreement and allowance number in comments) - **Review Concluded**
- Applicable executed Programmatic Agreement (date in comments). See project review below for historic structures and archaeological resources.
- Other Programmatic Agreement dated _____ applies

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 50 years or older in project area. (**Review Concluded**)
- Building or structure 50 years or older or listed on the National Register in the 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 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)**

Comment: A review of AI 1213 was conducted in accordance with FEMA’ Programmatic Agreement dated August 17, 2009 and amended on July 22, 2011 (2009 Statewide PA). FEMA determined the Maumus Art Center was a contributing element to the National Register of Historic Places (NRHP) listed Friscoville Historic District, which as listed on the NRHP on July 9, 1998 for its significance at the local level under National Register Evaluation Criterion C. In accordance with Stipulation IX of the 2009 Statewide PA and 36 CFR § 800.5, FEMA has determined the Undertaking will adversely affect historic properties. FEMA consulted under 36 CFR § 800.6 to develop a Memorandum of Agreement (MOA) to avoid, minimize, and mitigate the adverse effects caused by the Undertaking. The MOA for this undertaking was executed on September 23, 2011. To remain in compliance with Section 106 of the NHPA the stipulations and conditions detailed within the MOA and set forth in this Record of Consideration (REC) must be carried out. Any change to the approved scope of work will require reevaluation under Section 106. Failure to comply with these stipulations may jeopardize receipt of FEMA funding. A. 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, 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. S.Epstein, Environmental Specialist

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. S.Epstein, Environmental Specialist
Correspondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced October 20, 2011.

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. S.Epstein, Environmental Specialist
Correspondence/Consultation/References: USFWS National Wetlands Inventory map (<http://www.fws.gov/new/>) queried November 20, 2011.

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. Applicant must check with Louisiana Department of Natural Resources for permitting or other authorization requirements. Projects may be coordinated by contacting LDNR at 1-800-267-4019 S. Epstein, Environmental Specialist
Correspondence/Consultation/References: Louisiana Coastal Zone maps queried November 20, 2011.

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 does not include impoundment, diversion, control, or other modification of waters of any stream or body of water.
Correspondence/Consultation/References: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) queried November 20, 2010.

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 during construction. No long-term air quality impact is anticipated. Applicant should ensure that best management practices are taken to minimize the generation of fugitive dust during construction activities. S.Epstein, Environmental Specialist
Correspondence/Consultation/References: EPA Region 6 Non-attainment Map.

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 located within an existing urban and developed area and FPPA is precluded. S.Epstein, Environmental Specialist.
Correspondence/Consultation/References:

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. S. Epstein, Environmental Specialist
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 site is not located in or near any surface waters with the potential to effect EFH species. S.Epstein, Environmental Specialist.
Correspondence/Consultation/References: Louisiana Map (<http://www.lamp.doa.louisiana.gov/>) referenced October 20, 2010.

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: *The project is not along and does not affect a Wild or Scenic River. S.Epstein, Environmental Specialist Correspondence/Consultation/References:* National Wild and Scenic Rivers (<http://www.nps.gov/rivers/wildriverslist.html>).

L. Resource Conservation and Recovery Act

Unusable equipment, debris and material shall be disposed of in an approved manner and location. Applicant is responsible to ensure that potential hazardous materials, if any, shall be removed, handled, transported and disposed of in accordance with local, State and Federal compliance requirements. S. Epstein, Environmental Specialist

M. 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)**
 - A Final Public Notice is required

Comments: Per preliminary Digital Flood Insurance Rate Map (DFIRM) Panel No. 22087C0460D dated Oct 30, 2008, the project site is located in Zone AE, EL 8. The project proposes to restore the Maumus Arts Center - a historic building - and construct a new planetarium and planetarium connector to the main building, and a cafeteria with kitchen directly behind the stage of the existing building. The new building components are proposed to be built at the elevation of the existing Maumus Arts Center's finished first floor, which is approximately 2.5 feet above the highest adjacent grade elevation. By letter of October 11, 2011 to Doris Voitier, Superintendent of Schools, St. Bernard Parish Public Schools, Mary Chimento, Acting Director and Floodplain Administrator, Department of Community Development, St. Bernard Parish Government determined that the new construction (planetarium and cafeteria/kitchen) was considered extensions of the existing buildings. Citing 44 CFR 59.1 regarding exemption of historic structures from the definition of "substantial improvement, and 44CFR 60.6(a) regarding variances for repair or rehabilitation of historic structures, the letter grants a variance exempting the project from the requirements to elevate the new structures to BFE, ABFE and DFIRM and allows them to be built to the existing finished first floor elevation (approximately 2.5 feet above highest adjacent grade). The letter cites the use of flood resistant materials for the floors and glazed block walls for the additions as a prudent flood-protection methodology, and requires that any new freestanding structures meet the current floodplain requirements of St. Bernard Parish.

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: There are no wetlands or wetlands buffer on or near the project site. S.Epstein, Environmental Specialist
Correspondence/Consultation/References: U.S.FWS map accessed October 20, 2011.

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 proposed project is deemed consistent with the principles of environmental justice contained in Executive Order 12898. The project will restore the facility to pre-disaster condition through repair or replacement. The project is not anticipated to have disproportionately high or adverse impacts on minority and/or low-income populations, based on an analysis of environmental justice considerations. The principles of environmental justice have been considered for this review, including the principle of equity established by Title VI of the Civil Rights Act of 1964. S. Epstein, Environmental Specialist
Correspondence/Consultation/References:

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:

- In accordance with Stipulation II of the attached MOA, The St. Bernard Parish School Board must submit the next phase of construction documents to FEMA for review.
- In accordance with Stipulation IV of the MOA, SBPSB will notify GOHSEP and FEMA by email as soon as practicable if there is any substantial change in the design, to character defining features, the massing or exterior materials or an increase of the height of the new additions that is greater than the height reviewed by FEMA and SHPO under Stipulation II.C.
- If, in the course of the Undertaking, archaeological deposits or architectural features are uncovered or unforeseen effects occur, SBPSB shall ensure that its contractor immediately stops work in the general vicinity of the discovery or unforeseen effect and take all reasonable measures to avoid or minimize harm to the finds and/or to avoid or minimize further unforeseen effects. SBPSB shall ensure that archaeological findings or architectural features are secured and access to the area of the discovery is restricted.
- FEMA will ensure the school is recorded in accordance with Stipulation III of the attached MOA. The photos were taken in June 2011, the historic narrative and prints are in process.
- This project is located within the Louisiana Coastal Management Zone. Applicant must check with Louisiana Department of Natural Resources for permitting or other authorization requirements. 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. Applicant is responsible to ensure potential hazardous materials, if any, shall be removed, handled, transported and disposed of in accordance with local, State and Federal compliance requirements.
- Any new freestanding structures are required to meet the current floodplain requirements of St. Bernard Parish. Per 44 CFR 9.11 (D)(9), building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the community established base flood elevation. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities.