

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL – LOUISIANA – April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: St. Bernard Parish Health Units / AI #1562
FIPS#: 087-99087-00

Applicant Name: St. Bernard Parish

Project Location: 7718 W. Judge Perez Drive, Chalmette, Louisiana
Latitude: 29.954673, Longitude: -89.988383

Project Description:

St. Bernard Parish is requesting an Improved Consolidation and Change of Location Project for three (3) health buildings, which include the Alcohol and Drug Abuse Clinic (PW 3847), the Mental Health Child Center and Adolescent Services (PW 3770), and the Health Unit (PW 3840). The Alcohol and Drug Abuse Clinic (Building A) was located at 2712A Palmisano Blvd, Chalmette, LA, the Mental Health Child Center and Adolescent Services (Building B) was located at 2712B Palmisano Blvd, Chalmette, LA, and the Health Unit (Building C) was located at 2712C Palmisano Blvd, Chalmette, LA. These facilities received extensive flood and wind damage as a result of Hurricane Katrina and were deemed replacements by FEMA and have been demolished. The Parish has determined it best to consolidate these three (3) facilities into one (1) location at 7718 W. Judge Perez Drive, Chalmette, LA 70043. The applicant intends to maintain the pre-disaster functions of the facilities covered under the subject project worksheets. The applicant is in the process of negotiating a Memorandum of Agreement (MOA) with the St. Bernard Parish Hospital Service District to acquire ownership of an 11,000 square feet unit in the proposed Medical Office Building, slated to be constructed by the Hospital District. The proposed Medical Office Building will be built in conjunction with and adjacent to the St. Bernard Parish Hospital. The site will be stripped of any vegetation and cleared of roots and debris to facilitate the installation of the foundation and site pavement. The project will include the installation of a pile supported foundation comprising of concrete piles, pile caps, and grade beams. Auger cast-in-place piles will be used. The project will include new sidewalks, flatwork, and concrete paving. Subsurface, site water, fire, sewer and drainage systems will be installed.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion - Category (**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**)
- 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. Based on information provided by the applicant, the scope of work for this project is included in the Alternative Arrangement Process through the National Environmental Policy Act (NEPA). The applicant has provided sufficient documentation to demonstrate a satisfactory public involvement process. Any changes to this approved scope of work will require submission to, and evaluation and approval by, the State and FEMA prior to initiation of any work, for compliance with NEPA. The applicant is required to obtain and comply with all local, State, and Federal permits and requirements. Non-compliance with the requirements noted above may jeopardize the receipt of federal funding.

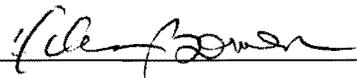
Correspondence/Consultation/References: Cynthia Illick, M.S., CFM, EHP Floodplain & Alt. Arrangements

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

Reviewer and Approvals

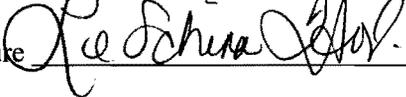
FEMA Environmental Reviewer:

Name: Odessa Bowen, Environmental Specialist

Signature  Date 2-7-2012

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: LeSchina Holmes, Environmental Team Lead, FEMA LRO

Signature  Date 02/07/2012

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

A. National Historic Preservation Act (NHPA)

- Not type of activity with potential to affect historic structures or archaeological resources (**Review Concluded**)
- Activity meets Programmatic Agreement
 - Are project conditions required? Yes (see Section V) No
- Programmatic Agreement not applicable for historic structures or archeological sites, must conduct standard Section 106 Review (see below).
- Other Programmatic Agreement dated _____ 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: A review of this project was conducted in accordance with FEMA's Programmatic Agreement dated August 17, 2009 and amended on July 22, 2011 (2009 Statewide PA as amended). HUD previously consulted with SHPO concerning the Undertaking during the development of an Environmental Assessment on February 11, 2009. SHPO responded that No Historic Properties would be affected by the undertaking on April 6, 2009. Per Stipulation II.B of the 2009 Statewide PA as amended, FEMA has no further requirement for Section 106 review with SHPO as the Undertaking has not changed. FEMA notified SHPO and the ACHP of this decision on August 18, 2011. FEMA was not able to confirm that HUD had completed proper Tribal consultation. Therefore, in accordance with Stipulation VIII.E of the 2009 Statewide PA as amended, FEMA determined that there are No Historic Properties Affected as a result of the proposed undertaking and provided the Tribes (Alabama-Coushatta Tribe of Texas, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Mississippi Band of Choctaw Indians, the Muscogee Creek Nation, the Seminole Nation of Oklahoma, and the Tunica-Biloxi Tribe of Louisiana) the opportunity to review and comment. The remaining Tribes did not object within the regulatory timeframes; therefore, in accordance with Stipulation VIII.E(1) of the 2009 Statewide PA as amended and 36 CFR part 800.5(c)1, FEMA may proceed with funding the undertaking assuming concurrence. The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found under the Environmental Review NHPA conditions. Any change to the approved scope of work will require reevaluation under Section 106.

Correspondence/Consultation/References: D. Owens, Historic Preservation Archaeologist

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: Odessa Bowen, Environmental Specialist

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 01/24/12.

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: Authorization granted by the Secretary of the Army by Permit #MVN 2009-2634-EOO dated July 15, 2010 to clear, grade, excavate, and deposit fill for the construction of a hospital facility from the District Engineer at New Orleans, Louisiana.

Correspondence/Consultation/References: Odessa Bowen, Environmental Specialist

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 should be contacted to determine if consistency review required.
Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments: This project is located within the Louisiana Coastal Management Zone. Projects within the coastal zone may require a coastal use permit or other authorization from DNR. Prior to initiation of work, projects must be coordinated by contacting LA DNR at 1-800-267-4019. If a permit or other authorization is required, applicant shall comply with all conditions of the permit.

Correspondence/Consultation/References: Odessa Bowen, Environmental Specialist

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 will not affect, control or modify a waterway or body of water.

Correspondence/Consultation/References: Odessa Bowen, Environmental Specialist

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: Applicant should ensure that best management practices are taken. Care should be taken to minimize the generation of fugitive dust during construction activities. The proposed project includes activities that would produce a minor, temporary, and localized impact on air quality from vehicle emissions and fugitive dust particles. No long-term air quality impact is anticipated.

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 site is located within an existing urban and developed area.
Correspondence/Consultation/References: Odessa Bowen, Environmental Specialist

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: Odessa Bowen, Environmental Specialist

K. Wild and Scenic Rivers Act

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

Comments: Project will have no effect on Wild or Scenic River
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. 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.

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: St. Bernard Parish enrolled in the National Flood Insurance Program (NFIP), as of 03/13/70. The proposed project is to move the functions and space for three medical services to a newly constructed medical office building in the St. Bernard medical complex at 7718 W. Judge Perez Drive. The project is located in a floodplain as mapped by Advisory Base Flood Elevation: (ABFE) Map LA CC-34, dated 6/5/2006, with flood height established as the higher of -0.5 feet NGVD or 3 feet higher than adjacent grade. The effective FIRM Panel # 225204 0290 B dated 5/1/85, shows the proposed site as zone A3 Elevation -0.5 feet NGVD29. By Memorandum of January 4, 2012 from Frank Pagano, Mitigation Division Director of FEMA Region 6 to John Connolly, Senior Public Assistance Advisor, Louisiana Recovery Office, the 2008 Preliminary Digital Flood Insurance Rate Map (DFIRM) elevation is not required; however, the applicant must coordinate all reconstruction activities with the local floodplain manager and remain in compliance with formally adopted local floodplain ordinances. In compliance with EO11988, an 8-step process, showing considered alternatives was completed and is attached. Per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the Advisory Base Flood Elevation (ABFE) per the ABFE maps. Per 44 CFR 9.12, a cumulative final public notice was published on 10/26/07.
Correspondence/Consultation/References: Alan A. Johnson, CFM, Floodplain/Environmental 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: Plans to replace the affected wetlands on site are included in the coordination documents between the applicant, U.S. Army Corps of Engineers (Permit #MVN 2009-2634-EOO dated July 15, 2010), and U.S. Fish and Wildlife Service.
Correspondence/Consultation/References: Odessa Bowen, Environmental Specialist

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 [add a reference] **(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: Project will have no adverse effect on low income or minority population.
Correspondence/Consultation/References: Odessa Bowen, Environmental Specialist

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

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

- 1) **Louisiana Unmarked Human Burial Sites Preservation Act:**
If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- 2) **Inadvertent Discovery Clause:**

If during the course of work, archaeological artifacts (prehistoric or historic) 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 (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO.

- 3) This project is located within the Louisiana Coastal Management Zone. Projects within the coastal zone may require a coastal use permit or other authorization from DNR. Prior to initiation of work, projects should be coordinated by contacting LA DNR at 1-800-267-4019. If a permit or other authorization is required, applicant shall comply with all conditions of the permit.
- 4) 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.
- 5) The applicant must coordinate all reconstruction activities with the local floodplain manager and remain in compliance with formally adopted local floodplain ordinances. Per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the Advisory Base Flood Elevation (ABFE) per the ABFE maps.

Per USACE Permit #MVN 2009-2634-EOO dated July 15, 2010:

- a) If the proposed work requires any additional work not expressly permitted herein, the permittee must apply for an amendment to this authorization.
- b) The permittee shall employ siltation controls round all construction sites that require earthwork (clearing, grading, dredging and/or deposition of fill material) such that eroded material is prevented from entering adjacent wetlands and/or waterways.
- c) Permittee must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of proposed activities with local floodplain ordinances, regulations or permits.
- d) Prior to commencing work on the project, the permittee must obtain all approvals necessary from the State of Louisiana and St. Bernard Parish.
- e) The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the applicant will contact the Chitimacha Tribe of Louisiana at Post Office Box 661, Charenton, LA 70523, and CEMVN. CEMVN will initiate the required Federal, State, and Tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.