

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: Alternate/Improved Project – Delgado Community College:
Relocate Building 36 (Workforce Development Building) to former location of
demolished Building 9
AI # 1692 (PW # 10056 - FIPS#: 000-UXL4N-00)

Applicant Name: Facility Planning and Control

Project Location: 615 City Park Avenue, New Orleans, Orleans Parish LA
Latitude: 29.98801 Longitude: -90.10331

Project Description:

Hurricane Katrina generated strong winds, rain, storm surge, and flooding which resulted in severe damage to Delgado Community College (DCC). FEMA conducted AEHP reviews for DCC Classroom Building 9 (State ID 00316 - PW 8201) and Workforce Development Building 36 (State ID 13712 - PW 10056) on August 13, 2008. Upon review of submitted documentation, FEMA EHP staff recommended approval for the applicant's request to demolish the buildings. Both Building 9 (8,009 SF, single story) and Building 36 (3,457 SF, three-story) have been demolished. The applicant is requesting to relocate the Building 36 from its pre-Katrina site on the south side of the campus (29.9858, -90.1058) to the previous site of Building 9 on the east side of the campus (29.98784, -90.10296). The new replacement building on the proposed new location will not be an improvement over the original building as it will serve the same functions as the current building. Per the applicant, any increase in size of the overall square footage of the project will be a result of applicable construction codes and standards.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion - Category (**Review Concluded**)
- Categorical Exclusion
 - 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 Arrangements (AA) process within the National Environmental Policy Act (NEPA) approved by the Council on Environmental Quality, Department of Homeland Security, and the Federal Emergency Management Agency on 3/23/2006. Based on information provided by the applicant, the scope of work for this project is included in the AA process through 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: Public Notice in the Times Picayune, July 9 - 11, 2012, with comment period July 9-23, 2012; Public Involvement Plan, submitted 7/2/12.

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

Reviewer and Approvals

FEMA Environmental Reviewer:

For: Name: Odessa Bowen, Environmental Protection Specialist

Signature  Date 7/25/2012

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Kevin Mannie, Lead Environmental Protection Specialist, FEMA LRO

Signature  Date 7/25/2012

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**)
- Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (date of agreement and allowance number in comments) - **Review Concluded**
- Applicable executed Programmatic Agreement dated August 17, 2009. 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**)

Comments: 06-15-2012---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). 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 SHPO and Tribes (Alabama Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Muscogee Creek Nation, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida, Tunica Biloxi Tribe of Louisiana) the opportunity to review and comment. SHPO concurrence with FEMA's determination was received, dated May, 25, 2012. The 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 re-evaluation under Section 106. Non-compliance may jeopardize the receipt of federal funding. --- D. DiGiuseppe, FEMA HP Specialist & Daphne Owens, FEMA HP Specialist-Archaeologist (CTR).

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 iPAC (<http://ecos.fws.gov/ipac/>), referenced 7/20/12.

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 06/20/12.

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: The project will not impact waters of the United States.

Correspondence/Consultation/References: Google Maps referenced 7/20/12.

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: LDNR SONRIS Interactive Maps (<http://sonris-www.dnr.state.la.us/gis/agsweb/IE/JSViewer/index.html>), referenced 7/20/12.

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: Google Maps, referenced 7/20/12.

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, 6/20/12.

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 LDNR SONRIS Interactive Maps (<http://sonris-www.dnr.state.la.us/gis/agsweb/IE/JSViewer/index.html>), referenced 7/20/12.

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: LDNR SONRIS Interactive Maps (<http://sonris-www.dnr.state.la.us/gis/agsweb/IE/JSViewer/index.html>), referenced 7/20/12.

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.rivers.gov/rivers/louisiana.php>), referenced 7/20/12.

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: By Memorandum of May 16, 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. Per Advisory Base Flood Elevation (ABFE) Map LA-DD30 dated June 5, 2006, the site is located within ABFE Elevation 3 feet above Highest Existing Adjacent Grade (HEAG). In compliance with EO 11988, an 8-step process, showing considered alternatives, was completed and is attached and on file. A Cumulative Final Public Notice was published 10/26/07 - 11/07/07, and is attached or on file. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials and equipment, where possible, disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials and equipment outside or above the base floodplain.

Correspondence/consultation/references: Odessa Bowen, CFM

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: Project will have no impact on wetlands.

Correspondence/Consultation/References: USFWS National Wetlands Inventory Mapper (<http://107.20.228.18/Wetlands/WetlandsMapper.html>), referenced 7/20/12.

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 **(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 Protection Specialist

III. Other Environmental Issues

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:

- 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.
- 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.
- 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.
- 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 applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials and equipment, where possible, disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials and equipment outside or above the base floodplain.
- Applicant must comply with all local, state and federal requirements related to sediment control, disposal of solid waste, control and containment of spills, discharge of surface runoff and storm water from the site.