

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: Alternate Project – City of New Orleans:
Youth Study Center
AIDB # 1721 (PW # 12621; FIPS#: 071-55000-00)

Applicant Name: City of New Orleans

Project Location: 51 Imperial Drive, New Orleans, LA 70122
Latitude: 29.99377, Longitude: -90.08517

Project Description:

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 the Federal Emergency Management Agency (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 NOMA. For more information visit www.fema.gov/plan/ehp/noma/index.shtm

The Federal Emergency Management Agency, Environmental and Historic Preservation (EHP) Division at the Louisiana Recovery Office has determined through its Special Considerations review that the City of New Orleans' (the applicant) public involvement process meets the requirements of NEPA Alternative Arrangements. Those requirements comply with the programmatic agreement between the CEQ, DHS, and FEMA.

As part of the NOMA 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.

The Youth Study Center was severely damaged by strong winds as well as flood waters that resulted from the associated levee breaches during Hurricane Katrina on August 29, 2005. The Youth Study Center was utilized as a juvenile detention center that also included educational areas for the detainees. The original facility, located at 1100 Milton Street, was an approximate 53,107 square foot (SF) masonry block and steel frame structure with a metal roof deck. Per Version 2 of the Project Worksheet (PW), the facility qualified for replacement based on the cost to repair the structure exceeding more than 50% of the cost to replace the structure, which is in accordance with 44 CFR 206.226(F), FEMA Policy 9524.4, and Public Assistance Guide FEMA - 322, Page 29. The building has been partially demolished, with the remaining portion of the building currently being used to house detainees.

The applicant proposes to use the funds from PW 12621 to construct a new Juvenile Justice Complex located on the adjacent property of the existing Youth Study Center site. The new complex, located at 51 Imperial Drive, will have the same function of the previous Youth Study Center's detention services as well as several other functions including but not limited to: Juvenile Administrative Services, District Attorney Offices, Juvenile Courts and related functions, and the New Orleans Police Department.

The proposed location of the new Youth Study Center formerly consisted of the Housing Authority of New Orleans (HANO) Imperial Arms housing complex that was developed in the 1960s and later demolished in 2003. Prior to the housing complex, the site was undeveloped marshland. Currently the site consists of a vacant lot covered with grass as well as an unmaintained U-shaped asphalt roadway (Imperial Drive) and a chain link

fence surrounding the perimeter. Extensive environmental investigations, including groundwater and soil sampling, have been conducted from 2005 through 2010 as a result of contamination likely associated with construction debris from the demolition of the housing development. The site was entered into the Louisiana Department of Environmental Quality's (LDEQ) Voluntary Remediation Program (VRP) to address remediating the contamination. The applicant's consultant conducted a Voluntary Remedial Investigation in November 2011 to define the nature and extent of the soil and groundwater contamination as well as identify any area(s) requiring remediation prior to site closure and the ensuing development. The investigation involved the advancement of eight soil borings to 12 feet below ground surface (bgs), three of which were converted to monitoring wells. Constituents of concerns (COCs) included metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs). Laboratory analyses indicated antimony, lead, zinc, arsenic and several polycyclic aromatic hydrocarbons (PAHs), which are group of SVOCs, were detected above the RECAP limiting screening standards. No COCs were detected above the RECAP groundwater screening standards.

A Voluntary Remedial Action Plan (attached), submitted to the LDEQ in March 2012 and approved in September 2012, outlines the remedial design to be implemented at the site prior to redevelopment. The remedial design will involve the installation of institutional controls (i.e. capping with sand or geo-textile materials and a clay-sand mixture) prior to construction of building foundations and pavement to prevent exposure.

Per the Voluntary Remedial Action Plan, a U.S. Coast Guard radiation survey conducted after Hurricane Katrina in 2005 found a radium-226 needle on the western point of the property, close to Bayou St. John. The needle was removed, along with surrounding soil, and a radiation survey was conducted of the entire property. No other radioactive material was found and the site was closed.

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 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.

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Holly Mittel, Environmental Specialist

Signature _____

Date _____

10.5.12

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Adam Borden, Environmental Team Lead, FEMA LRO

Signature _____

Date _____

10/5/12

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: 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 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, and Tunica-Biloxi Tribe of Louisiana the opportunity to review and comment. SHPO concurrence with FEMA's determination was received, dated April 5, 2012. The Jena Band of Choctaw Indians also submitted written concurrence with the determination. 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 NHPA conditions set forth in this PW. Any change to the approved scope of work will require reevaluation under Section 106. See Section V for project conditions.

Correspondence/Consultation/References: Annette Carroll, Historic Preservation Specialist & Richard Williamson, Archaeologist / 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 or previously developed area. Neither the listed species nor their habitat occur in or near this site, thus FEMA finds there will be no effect to threatened or endangered species.

Correspondence/Consultation/References: USFWS emergency consultation provisions determined in letters dated September 15, 2005 for Hurricane 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.

Correspondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced February 27, 2012.

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 the project area. However, the applicant must comply with all local, state, and federal requirements related to sediment control, disposal of solid waste, control, and containments of spills, and discharge of surface runoff and storm water from the site. See Section V for project conditions.
Correspondence/Consultation/References: Google Earth and USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) accessed February 27, 2012.

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. Projects must be coordinated by contacting 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: Louisiana Coastal Zone maps.

F. 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. 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. See Section V for project conditions.
Correspondence/Consultation/References: EPA Region 6 Non-Attainment Map.

G. 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 and Farmland Protection Policy Act (FPPA) is precluded.
Correspondence/Consultation/References: Google Earth accessed February 27, 2012.

H. 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.

I. 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 Essential Fish Habitat species.

Correspondence/Consultation/References: Google Earth accessed February 27, 2012.

J. 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 a Wild or Scenic River.

Correspondence/Consultation/References: National Wild and Scenic Rivers <http://www.nps.gov/rivers/wildriverslist.html>.

K. Resource Conservation and Recovery Act

The site has been entered into the Louisiana Department of Environmental Quality Voluntary Remediation Program (VRP) to address contamination that is a result of using the demolition debris as fill at the site. Subsequently, a Voluntary Remedial Investigation was conducted to define the nature and extent of soil and groundwater contamination as well as identify any area(s) requiring remediation prior to site closure and ensuing development. In 2012, a Voluntary Remedial Action Plan (VRAP) was submitted to the LDEQ outlining the remedial design to be implemented at the site prior to development. The remedial design consists of installing institutional controls such as capping with sand or geo-textile material and a clay-sand mix prior to construction of building foundations and pavement to prevent exposure. In September 2012, LDEQ approved the VRAP for implementation. The applicant must adhere to any stipulations outlined in the LDEQ approval letter dated September 25, 2012.

Furthermore, 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.

L. Other Relevant Laws and Environmental Regulations

Toxic Substances Control Act

This project involves the demolition, renovation, refurbishing of a public-occupied structure and/or facility constructed prior to 1978 that may contain surfaces coated with lead-based paint (LBP). See Section V for project conditions.

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: Proposed Site is located within a Zone "AE", EL 1; per Preliminary Digital Flood Insurance Rate Map (DFIRM) Panel #: 22071C0230 F, dated 11/13/08 North American Vertical Datum (NAVD). The proposed site is located within ABFE 3 feet above Highest Existing Adjacent Grade (HEAG) per ABFE Map LA-DD31, dated 06/05/06. By Memorandum of January 04, 2012, from Frank Pagano, Mitigation Division Director of FEMA Region V1 to John Connolly, Senior Public Assistance Director Advisor, Louisiana Recovery Office; elevation to the 2008 Preliminary DFIRM is not required; however, the applicant must coordinate all reconstruction activities with the local floodplain administrator regarding floodplain permit(s) prior to start of any activities, and remain in compliance with formally adopted local floodplain ordinances. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied, where possible. In compliance with EO11988, an 8-Step Process, showing considered alternatives, was completed and is attached or on file. A Cumulative Final Public Notice was published 10/26/07 - 11/02/07 and is attached or on file.

Correspondence/consultation/references: June R. Griffin, 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 is not located in or near any wetlands. However, the applicant must comply with all local, state, and federal requirements related to sediment control, disposal of solid waste, control, and containments of spills, and discharge of surface runoff and storm water from the site. See Section V for project conditions.

Correspondence/Consultation/References: USFWS National Wetlands Inventory map accessed February 27, 2012.

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: The populations within zip code 70122 are: 76.7% Black, 17.4% White, and 4.6% Hispanic. The median household income in 1999 was \$23,379 and 30.3% of families are below poverty level.

In keeping compliance with Executive Order 12898, the following key issues were addressed with regard to potential Environmental Justice issues:

1. Is there an impact caused by the proposed action? Yes. The proposed site will be developed as an expansion of the Youth Study Center, which will be used to detain juvenile offenders. Furthermore, it will also conduct juvenile administrative services such as housing district attorneys' offices and juvenile courts. The site is currently zoned as residential; in order for the facility to be constructed, the proposed site will require a "conditional use" conveyance.
2. Is the impact adverse? No. A portion of site (1100 Milton Street) is already in use as the Youth Study Center. Additionally, the proposed project consists of an improved facility to house juvenile detainees in order to comply with a federal consent decree mandating the City of New Orleans improve conditions for juvenile detainees. The combination of 1100 Milton Street with 55 Imperial Drive translates into one expanded site that can accommodate the improved facility.
3. Is the impact disproportionate? No. The proposed project will allow for the City of New Orleans to comply with a federal consent decree that concluded the new Youth Study Center should have a capacity of 40 juvenile detainees, rather than the previous capacity of 82 detainees, with a greater emphasis on alternative methods of managing pre-trial juveniles.
4. Is the proposed project site environmentally suitable? Yes. Although the proposed site is in the Voluntary Remediation Program, the site area will be remediated with institutional controls to prevent contamination deeper in the soil from migrating to the upper layers, thus avoiding potential human contact.
5. Has an action been undertaken without considerable input by the affected low-income and / or minority community? No. Public involvement has been on-going through a series of public meeting regarding zoning; community meetings held before the New Orleans City Council; information uploaded to the City of New Orleans website for recovery projects; City of New Orleans Capital Budget hearings that were televised live and available for download; and numerous media articles published regarding the proposed Youth Study Center. Additionally, FEMA posted the project on the Alternative Arrangements website and the LDEQ issued a public notice in the Times-Picayune newspaper regarding the Voluntary Remedial Action Plan. Comments received from the public mainly concerned site usage / location. Several citizens and neighborhood organizations objected to the designated site for the facility, stating this area was considered prime real estate and better suited for other purposes, both commercial and residential. However, through site selection analysis, the site was determined to be the best location for the proposed facility based on factors such as accessibility to support services (i.e. public transportation and hospitals), acreage, and that the 'use' was already established in that community (the former Youth Study Center located at 1100 Milton Street). See attached City of New Orleans Public Information Plan as well as related LDEQ documentation for further information regarding public input.

Correspondence/Consultation/References: U.S. Census bureau 2010 data at <http://factfinder2.census.gov>, referenced September 11, 2012 and HANO's Scattered Sites Policy Plan; City of New Orleans Youth Study Center Public Involvement Plan, dated July 17, 2012; LDEQ Voluntary Remedial Action Plan Final Approval Letter, dated September 25, 2012.

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: None

V. Environmental Review Project Conditions

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

- Louisiana Unmarked Human Burial Sites Preservation Act:

If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservations 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.

- 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.

- 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. Projects should be coordinated by contacting DNR at 1-800-267-4019. If a permit or other authorization is required, applicant shall comply with all conditions of the permit.

- 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 stormwater from the site. If repair work includes or affects areas associated with waters of the U.S., the applicant will be responsible for complying with Sections 401 and 404 of the Clean Water Act (CWA) and Executive Order 11990 – Wetlands. The applicant shall coordinate with or obtain any required permits or certifications from the LDEQ and U.S. Army Corps of Engineers (USACE) prior to initiating work. The applicant shall comply with all conditions of the required permits. All coordination pertaining to these activities should be documented and copies forwarded to GOHSEP and FEMA as part of the permanent project file.
- 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.
- This project involves the demolition of a public structure. Regardless of the asbestos content, the applicant is responsible for ensuring that demolition activities are coordinated with the Louisiana Department of Environmental Quality (LDEQ) in accordance with the LDEQ "Fifth Amended Declaration of Emergency and Administrative Order" dated March 31, 2006, and the LESHAP Protocol dated March 1, 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 orders. Documentation should be forwarded to GOHSEP and FEMA for inclusion in the permanent project files.
- This project involves the demolition, renovation, refurbishing of a public-occupied structure and/or facility constructed prior to 1978 that may contain surfaces coated with lead-based paint (LBP). The applicant is responsible for complying with the Toxic Substances Control Act (TSCA) Section 402(c)(3) requirements as well as to the satisfaction of the governing local, state, and federal agencies to ensure that project activities are managed, administered, and/or handled by certified/accredited technicians, contractors, and providers. The applicant is responsible complying with all local, state, and federal laws and ensuring that project activities are coordinated with the LDEQ for abatement activities. Coordination with agencies pertaining to these activities should be documented and copies forwarded to GOHSEP and FEMA as part of the permanent files.
- By Memorandum of January 04, 2012, from Frank Pagano, Mitigation Division Director of FEMA Region V1 to John Connolly, Senior Public Assistance Director Advisor, Louisiana Recovery Office; elevation to the 2008 Preliminary DFIRM is not required. However, the applicant must coordinate all reconstruction activities with the local floodplain administrator regarding floodplain permit(s) prior to start of any activities, and remain in compliance with formally adopted local floodplain ordinances. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied, where possible. In compliance with EO11988, an 8-Step Process, showing considered alternatives, was completed and is attached or on file. A Cumulative Final Public Notice was published 10/26/07 - 11/02/07 and is attached or on file.

- The applicant shall adhere to all stipulations required in the LDEQ Voluntary Remedial Action Plan Final Approval letter, dated September 25, 2012. Additionally, personnel involved in remediation efforts will need to be trained in accordance with U.S. Occupational Health and Safety Administration's (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) standard. Furthermore, remediation and construction personnel should be aware of the possible presence of radium needles.