

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: Coroner's Office and Morgue Improved Project
AI 1793 / PW 17592
FIPS#: 071-55000-00

Applicant Name: City of New Orleans

Project Locations: 3001 Earhart Boulevard bounded by South Claiborne Avenue, South Broad Street,
and Pontchartrain Expressway
Latitude: 29.950276, Longitude: -90.086729

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. 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 the City of New Orleans (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.

Hurricane Katrina caused damage to 10,746 square feet (SF) of space occupied by the City of New Orleans' Coroner's Office and Morgue, which is located on the first and second floors of the Orleans Parish Criminal District Courthouse building at 2700 Tulane Avenue. Approximately 7,328 SF of space on the first floor was damaged by flood waters and approximately 3,418 SF of space on the second floor was damaged by high humidity and mold. The damages required the relocation of the entire Coroner's Office and Morgue to temporary facilities.

Project Worksheet (PW) Version 0 was written for the repair of the existing Coroner's Office and Morgue. PW Version 1 was written to add a conceptual Hazard Mitigation Proposal (HMP) to use Section 406 Mitigation funding for construction of the Coroner's Office and Morgue at a new location: 3001 Earhart Blvd, which is bounded by South Claiborne Avenue, South Broad Street, and Pontchartrain Expressway. Per FEMA Public Assistance, the gross square footage of the areas to be mitigated is approximately 11,000 SF which includes an additional 814 SF due to increased horizontal circulation including access and egress.

The City of New Orleans is requesting all Public Assistance funds obligated and all 406 Hazard Mitigation funds be consolidated and written into an improved project for the Orleans Parish Coroner's Office and Morgue. The improved project design is for a facility with 23,333 gross square feet that will include additional functions such as: decomposed body autopsy room, additional coolers to store bodies, employee break rooms, family waiting rooms, supply closets, holding cells for the mental health department, dead file storage, janitor closets, additional, clerical spaces, pathology laboratory, vitreous fluid laboratory, accessioning, staff showers and locker rooms, and mechanical and IT rooms.

The proposed location of the new Coroner's Office and Morgue is the former New Orleans Union Passenger Terminal (NOUPT) Roundhouse site. A portion of the proposed site was found to be contaminated with diesel and oil while another portion of the site contained subsurface concrete pits that were located under the previous locomotive repair stalls. Several investigations have been conducted, including: an exploratory investigation in 2003, a Risk Evaluation / Corrective Action Program (RECAP) Site Assessment in 2004, an excavation pit investigation in 2008, and a second RECAP Site Assessment in 2009. The Louisiana Department of Environmental Quality (LDEQ) approved the 2009 RECAP Site Assessment and requested a Corrective Action Plan (CAP) be prepared based on the findings. In December 2011, a CAP for the coroner's complex was developed and approved by the LDEQ. Subsequently, the City of New Orleans prepared a project implementation manual and bid package that is currently with the City's purchasing department.

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 _____



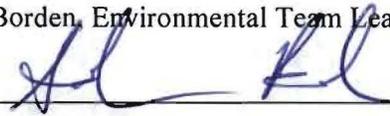
Date _____

7 24.12

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Adam Borden, Environmental Team Lead, FEMA LRO

Signature _____



Date _____

7/24/12

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 and amended July 22, 2011. 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: 6/28/12 - 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, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and the Tunica-Biloxi Tribe of Louisiana) the opportunity to review and comment. SHPO concurrence with FEMA's determination was received, dated March 23, 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.

Correspondence/Consultation/References: D. Owens, Historic Preservation Specialist/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: 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 funds there will be no effect to threatened or endangered species.

Correspondence/Consultation/References: U.S. Fish and Wildlife Service and State of Louisiana Department of Fish and Wildlife consultation letters dated September 15 and 16, 2011 (see attachments).

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 July 19, 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.
Correspondence/Consultation/References: Google Earth and USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) accessed July 19, 2012 and U.S. Army Corps of Engineers, New Orleans District, consultation letter dated October 31, 2011 (see attachment).

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 Louisiana Department of Natural Resources (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.
Correspondence/Consultation/References: State of Louisiana Department of Natural Resources Office of Coastal Management consultation letter dated September 19, 2011 (see attachment).

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: No stream or water bodies are located in or near the project area.
Correspondence/Consultation/References: Google Earth accessed July 19, 2012.

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. 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.
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: Google Earth accessed July 19, 2012.

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 Essential Fish Habitat species.

Correspondence/Consultation/References: Google Earth accessed July 19, 2012.

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

None

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 Shaded Zone "X"; 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 an ABFE 0 feet (ft) or 3 ft above Highest Existing Adjacent Grade (HEAG) per ABFE Map LA – CC31, dated 06/05/06. By memorandum dated February 17, 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.
Correspondence/Consultation/References: USFWS National Wetlands Inventory map accessed November 30, 2011 and U.S. Army Corps of Engineers, New Orleans District, consultation letter dated October 31, 2011 (see attachment).

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: Holly Mittel, Environmental 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: None

V. Environmental Review Project Conditions

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

- 1) 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. Any change to the approved scope of work will require reevaluation under Section 106.
- 2) The applicant must comply with the Inadvertent Discovery Clause. If during the course of work, archaeological artifacts (prehistoric or historic) or human remains are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (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. If this scope of work and/or the footprint/location of the new building changes, this project will need to be resubmitted for further Section 106 review prior to ground disturbing activities taking place. Failure to comply with these stipulations may jeopardize receipt of federal funding.
- 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 the Louisiana Department of Natural Resources (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.

- 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) Per a memorandum dated February 17, 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.