

# Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

**Project Name/Number:** Plaquemines Parish Government Complex - Amended  
AI: 1907, 2092  
Donor PW's: 4524, 1865, 2900, 3308, 18539, 16661, 2578, 1919, 18319,  
14754, 2490, 7019.  
FIPS: 075-99075-00  
DR 1603-LA

**Applicant Name:** Plaquemines Parish

**Project Locations:** F. Edward Herbert Blvd., Belle Chasse, LA 70037  
Building 1 - Latitude: 29.896942, Longitude: -89.979341  
Building 2 - Latitude: 29.896974, Longitude: -89.979086  
Building 3 - Latitude: 29.898152, Longitude: -89.979091  
Building 4 - Latitude: 29.898445, Longitude: -89.979550  
Building 5 - Latitude: 29.899023, Longitude: -89.979877  
Building 6 - Latitude: 29.899264, Longitude: -89.979184

## **Project Description:**

On August 29, 2005 several facilities owned by Plaquemines Parish were damaged by heavy winds, rain, and storm surge flooding from Hurricane Katrina. In lieu of repairing or replacing the damaged facilities, the applicant purchased the previous Belle Chasse State School for severely handicapped children with the intent of renovating the structures to house a government center. The former school is located at F. Edward Herbert Blvd, Belle Chasse, LA. The six (6) buildings at issue include school administrative offices, student living quarters, treatment rooms, and a hospital. At the time of the storm, the school was closed; the buildings were not in use, and were not damaged as a result of Hurricane Katrina.

The Department of Homeland Security (DHS) and the White House Council on Environmental Quality (CEQ) have established Alternative Arrangements (AA) 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). AA 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 proposed project meets AA qualifications for the Reconstruction of Critical Infrastructure in the NOMA. For more information visit [www.fema.gov/plan/ehp/noma/index.shtm](http://www.fema.gov/plan/ehp/noma/index.shtm)

The Federal Emergency Management Agency (FEMA), Environmental and Historic Preservation (EHP) Department at the Louisiana Recovery Office (LRO) has determined through its Special Considerations review that the Plaquemines Parish (applicant) public involvement process meets the requirements of the National Environmental Policy Act (NEPA) and Alternative Arrangements (AA). Those requirements comply with the programmatic agreement between the CEQ, DHS, 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 AA process ([www.fema.gov/plan/ehp/noma](http://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

This Record of Environmental Consideration (REC) amends the previous REC for AI 1907 to incorporate the scope of work for AI 2092. AI 2092 is to add eligible funding from PW #7019 to AI 1907. The REC for AI 1907 specifically addresses the applicant's proposal to renovate six (6) buildings on the former school's campus. Each building was similarly constructed of cinderblock with brick façade construction and a flat roof. Each

building also consisted of elevated slab on piers approximately 3 feet off the ground surface. Building 1 was a 12,200 square foot building and Building 2 was a 7,500 square foot building that housed the school's administrative offices. Building 3 was an 18,900 square foot building that provided living quarters to the students. Building 4 was a 13,100 square foot building that provided a diagnostic and evaluation unit, Building 5 was a 18,100 square foot building that provided a treatment space for the students, and Building 6 was used as the main hospital building. The applicant intends to use funding from each donor PW mentioned above to renovate these six (6) existing buildings to create a Government Complex that houses various functions for Plaquemines Parish. No major structural changes would be completed on any of the subject buildings. In addition, renovations and improvements would not increase the original footprints of each of the six (6) buildings.

**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:** 1/22/2013 – This Project meets the criteria to utilize the Alternative Arrangement Process within the National Environmental Policy Act under 40 CFR 1506.11 and 44 CFR 10.13 approved by the Council on Environmental Quality, DHS, and FEMA on 3/23/2006. The applicant has provided sufficient documentation to demonstrate a satisfactory public involvement plan. The applicant is required to obtain and comply with all local, state, and federal permits and requirements. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files. Changes to the scope of work will require reevaluation for compliance with NEPA. Failure to comply with these conditions may jeopardize federal assistance including funding. M. Myers, Environmental Protection Specialist

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

**Reviewer and Approvals**

**FEMA Environmental Reviewer:**

Name: Megan Myers, Environmental Protection Specialist, FEMA LRO

Signature  Date 8/8/2013

**FEMA Environmental Liaison Officer or Delegated Approving Official:**

Name: LeSchina Holmes, Lead Environmental Protection Specialist, FEMA LRO

Signature  Date 08/08/2013

**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 (August 17, 2009 as amended on 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:** FEMA has previously determined that no historic properties are affected by a proposed undertaking, construction of the Plaquemines Parish Government Complex (AI1412), proposed for this location and encompassing the current APE. SHPO concurrence with this determination was received on June 10, 2011. The Jena Band of Choctaw Indians submitted written concurrence with the determination on June 22, 2011. The remaining Tribes (Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Mississippi Band of Choctaw Indians, Seminole Nation of Oklahoma, and Tunica-Biloxi Tribe of Louisiana) did not object within the regulatory timeframes; therefore, in accordance with Stipulation VIII.E(1) of the PA 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 document.

**Correspondence/Consultation/References:** Annette Carroll, HP Specialist/ Daphne Owens, Archeology 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:** Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action. No effect to species or designated critical habitat. The scope of work for this project does not require U.S. Fish and Wildlife Service (USFWS) consultation as per FEMA/USFWS disaster consultation letter dated September 15, 2005. Review concluded.

**Correspondence/Consultation/References:** USFWS emergency consultation provisions determined in letters dated September 15, 2005 for Hurricane Katrina. See also ESA and MBTA Project Review tool ([www.fws.gov/lafayette](http://www.fws.gov/lafayette)) accessed 1/22/2013. M. Myers, Environmental Protection Specialist, 1/22/2013.

### 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 CBRS Maps referenced 1/22/2013, M. Myers, Environmental Protection Specialist.

### D. Clean Water Act

- Project would not affect any waters of the U.S. **(Review Concluded)**
- Project would affect waters, including wetlands, of the U.S.
- Project exempted as in kind replacement or other exemption. **(Review Concluded)**
- Project requires Section 404/401 of Clean Water Act or Section 9/10 of Rivers and Harbors Act permit, including qualification under Nationwide Permits.
- Are project conditions required?  YES (see Section V)  NO **(Review Concluded)**
- Project would affect waters of the U.S. by discharging to a surface water body.

**Comments:** No jurisdictional waters of the U.S., including wetlands, occur in or near the project area. However, a site visit conducted on 10-12-2012 shows small isolated wetlands near project site. The Applicant should implement construction best management practices for equipment and materials storage and construction activities (including equipment and materials storage and construction activities) to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. These measures are to ensure that wetlands are not adversely affected per the Clean Water Act and Executive Order 11990.

**Correspondence/Consultation/References:** USFWS National Wetlands Inventory map (<http://www.nepassisttool.epa.gov/nepamap.aspx>) queried on 1/22/2013. M. Myers, Environmental Protection 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 requires consistency review.
- Are project conditions required?  YES (see section V)  NO **(Review Concluded)**

**Comments:** In a letter dated September 28, 2012, the Louisiana Office of Coastal Management determined that the granting of financial assistance is fully consistent with the Louisiana Coastal Resources Program. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the Louisiana Department of Natural Resources (LDNR) Office of Coastal Management's Permits and Mitigation Division

prior to initiating work. The applicant must comply with all conditions of the required permits. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.

**Correspondence/Consultation/References:** Louisiana Coastal Zone maps queried 1/22/2013. M. Myers, Environmental Protection 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 scope does not include impoundment, diversion, control, or other modification of waters of any stream or body of water.

**Correspondence/Consultation/References:** NEPAAssist Map (<http://www.nepassisttool.epa.gov/nepamap.aspx>) queried on 1/22/2013, M. Myers, Environmental Protection 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:** 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. However, if any asbestos containing materials, lead based paint and/or other hazardous materials are found during remediation or repair activities, the applicant shall comply with all federal, state and local abatement and disposal requirements under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Louisiana Administrative Code 33:III 5151. Demolition activities related to Possible Asbestos-Containing Materials (PACM) must be inspected for ACM/PACM where it is safe to do so. Should asbestos containing materials (ACM) be present, the applicant is responsible for ensuring proper disposal in accordance with the previously referenced Administrative Orders. Demolition activity notification must be sent to the LDEQ before work begins. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

**Correspondence/Consultation/References:** M. Myers, Environmental Protection Specialist, 1/22/2013.

### 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:** Project does not affect designated prime or unique farmland.

**Correspondence/Consultation/References:** National Resource Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) referenced 1/22/2013. M. Myers, Environmental Protection 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. M. Myers, Environmental Protection Specialist, 1/22/2013.

### 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:** NEPAssist Map (<http://www.nepassisttool.epa.gov/nepamap.aspx>) referenced 1/22/2013, M. Myers, Environmental Protection 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 is not along and does not affect Wild or Scenic River (WSR).  
**Correspondence/Consultation/References:** National Wild and Scenic Rivers (<http://www.rivers.gov>) referenced 1/22/2013. M. Myers, Environmental Protection Specialist.

### 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 (such as asbestos and lead based paint) and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.

The applicant is responsible for obtaining and/or complying with all federal, state and local permits, ordinances and/or requirements for the collection, handling, storage, transportation and disposal of any medical, hazardous, biological, laboratory/research reagents, radiological, pharmaceutical or toxic flood related waste or debris. Materials include, but are not limited to ice machines, refrigerators, ATVs, forklifts, generators, air conditioning units, computers, televisions, used oil, diesel and other petroleum products, mercury switches, used oil filters, fuel filters, and batteries. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

**Correspondence/Consultation/References:** M. Myers, Environmental Protection Specialist, 1/22/2013.

## 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:** 10/11/2012 - The Parish of Plaquemines enrolled in the National Flood Insurance Program (NFIP) on 5/01/85. Site is located within Zone "AE", EI -2.0 and Zone X, protected by a levee, base flood elevation determined, as per Preliminary Flood Insurance Rate Map Panel Number 22 0139 0015 B, dated 11/09/12. Project is repair to pre-disaster footprint which is not likely to affect any floodplain. In compliance with Executive Order 11988, an 8-step process showing considered alternatives was completed, is attached and 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. A Cumulative Final Public Notice was published 10/26/07 - 11/07/07, and is attached or on file.  
**Correspondence/consultation/references:** Wayne Berggren, CFM, Floodplain Specialist, EHP

#### 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:** A review of the National Wetland Inventory (NWI) online mapper for the site indicates that the area is not located within a designated wetland. However, a site visit conducted on 10-12-2012 shows small isolated wetlands near project site. The Applicant should implement construction best management practices for equipment and materials storage and construction activities (including equipment and materials storage and construction activities) to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. These measures are to ensure that wetlands are not adversely affected per the Clean Water Act and Executive Order 11990.  
**Correspondence/Consultation/References:** U.S. FWS NWI map accessed at NEPAAssist Map (<http://www.nepassisttool.epa.gov/nepamap.aspx>) 1/22/2013. M. Myers, Environmental Protection 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 <http://factfinder.census.gov>. **(Review Concluded)**
- Low income or minority population in or near project area

- No disproportionately high and adverse impact on low income or minority population (**Review Concluded**)
- Disproportionately high or adverse effects on low income or minority population  
Are project conditions required?  YES (see Section V)  NO (**Review Concluded**)

**Comments:** U.S. Census data shows that the populations within zip code 70037 are: 70.5% White, 20.5% Black, and 4.6% Hispanic. 10.0% of persons are below poverty level. The project is not anticipated to have disproportionately high or adverse impacts on minority and/or low-income populations.  
**Correspondence/Consultation/References:** U.S. Census data compiled from Environmental Justice Mapper via NEPA Assist (<http://epamap14.epa.gov/ejmap/ejmap>) accessed 1/22/2013.

### III. Other Environmental Issues

Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).

**Comments:** None  
**Correspondence/Consultation/Reference:**

### IV. Extraordinary Circumstances

**Yes**

- (i) Greater scope or size than normally experienced for a particular category of action
- (ii) Actions with a high level of public controversy
- (iii) Potential for degradation, even though slight, of already existing poor environmental conditions;
- (iv) Employment of unproven technology with potential adverse effects or actions involving unique or unknown environmental risks;
- (v) Presence of endangered or threatened species or their critical habitat, or archaeological, cultural, historical or other protected resources;
- (vi) Presence of hazardous or toxic substances at levels which exceed Federal, state or local regulations or standards requiring action or attention;
- (vii) Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers;
- (viii) Potential for adverse effects on health or safety; and
- (ix) Potential to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

**Comments:**

### V. Environmental Review Project Conditions

#### **Project Conditions:**

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

1. If any asbestos containing materials, lead based paint and/or other hazardous materials are found during remediation or repair activities, the applicant shall comply with all federal, state and local abatement and disposal requirements under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Louisiana Administrative Code 33:III 5151. Demolition activities related to Possible Asbestos-Containing Materials (PACM) must be inspected for ACM/PACM where it is safe to do so. Should asbestos containing materials (ACM) be present, the applicant is responsible for ensuring proper disposal in accordance with the previously referenced Administrative Orders. Demolition activity notification must be sent to the LDEQ before work begins.

All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

2. The applicant should implement construction best management practices for equipment and materials storage and construction activities (including equipment and materials storage and construction activities) to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. These measures are to ensure that wetlands are not adversely affected per the Clean Water Act and Executive Order 11990.
3. In a letter dated September 28, 2012, the Louisiana Office of Coastal Management determined that the granting of financial assistance is fully consistent with the Louisiana Coastal Resources Program. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the Louisiana Department of Natural Resources (LDNR) Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The applicant must comply with all conditions of the required permits. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
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 (such as asbestos and lead based paint) and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.
5. The applicant is responsible for obtaining and/or complying with all federal, state and local permits, ordinances and/or requirements for the collection, handling, storage, transportation and disposal of any medical, hazardous, biological, laboratory/research reagents, radiological, pharmaceutical or toxic flood related waste or debris. Materials include, but are not limited to ice machines, refrigerators, ATVs, forklifts, generators, air conditioning units, computers, televisions, used oil, diesel and other petroleum products, mercury switches, used oil filters, fuel filters, and batteries. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
6. 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. A Cumulative Final Public Notice was published 10/26/07 - 11/07/07, and is attached or on file.
7. 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 (24) hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two (72) hours of the discovery.
8. 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.