

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

AI-1920

Project Name/Number: Port Sulphur Lockup Consolidation
FIPS #075-99075-00; AI #1920

Applicant Name: Plaquemines Parish Government

Project Location: 123 Civic Drive
Port Sulphur, LA 70083
Latitude: 29.479559, Longitude: -89.694372

Project Description: On August 29, 2005, Hurricane Katrina and its aftermath caused wind and flood damages to several facilities located throughout Plaquemines Parish. For example, the Port Sulphur Lockup, the Port Sulphur Sheriff Warehouse Building, and the Job Training Partnership Act (JTPA) Domestic Violence Office (also located in Port Sulphur) were all effectively destroyed by Hurricane Katrina's storm surge, heavy rains, and powerful winds. Consequently, FEMA's Public Assistance Department determined that these facilities were eligible for replacement utilizing disaster relief funding. However, in order to best serve the citizens of Plaquemines Parish, the Applicant has requested a consolidated project utilizing eligible disaster relief funding associated with the replacement of these facilities.

Specifically, the Applicant has proposed a consolidation project which would combine the prior functions served by these structures in a new facility to be constructed at the site of the former Port Sulphur Lockup (see **Project Location** section above for geographical information). Accordingly, the proposed consolidated facility would provide holding cells, office space, counseling areas, and storage. The combined square footage of the contributing three facilities totaled 7,898; however, due to elevation requirements, the Americans with Disability Act (ADA) requirements, and other upgrades required to meet current codes and standards the new consolidated facility will total 11,471 square feet. Conversely, the ground footprint of the contributing facilities totaled 6,636 square feet, while the new consolidated building's footprint will encompass 4,801 square feet. It should be noted, the three damaged facilities were located on adjoining properties at the time of the event. Additionally, the footprint of the new consolidated facility will encroach into the former site of the Port Sulphur Firehouse, which was severely damaged by Hurricane Katrina. The functions formerly provided by this firehouse have since been relocated to a new facility located at 114 Civic Drive as part of a separate Alternate and Improved Project (i.e. AI #273).

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion - Category (**Review Concluded**)
- Categorical Exclusion - Category XV, XVI
 - 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 action, as described in the project worksheet, is categorically excluded from the preparation of an Environmental Impact Statement and Environmental Assessment under 44 CFR Part 10.8(d)(2)(xv), "Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current codes and standards, or replacement of any facility in a manner that substantially conforms to pre-existing design, function, and location;" and 44 CFR Part 10.8(d)(2)(xvi), "Improvements to existing facilities and the construction of small scale hazard mitigation measures in

existing developed areas with substantially completed infrastructure, when the immediate project area has already been disturbed, and when those actions do not alter basic functions, do not exceed capacity of other system components, or modify intended land use; provided the operation of the completed project will not, of itself, have an adverse effect on the quality of the human environment." Any changes to the scope or work will require reevaluation for compliance with the National Environmental Policy Act. Non-compliance with this requirement may jeopardize receipt of federal funds. The Applicant is required to obtain and comply with all local, state, and federal permits.

Correspondence/Consultation/References: Joseph Chauvin, Environmental Protection Specialist

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Joseph Chauvin, Environmental Protection Specialist, FEMA LRO

Signature Joseph Chauvin Date 12/28/2012

FEMA Environmental Liaison Officer or Delegated Approving Official:

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

Signature Kevin Mannie Date 12/28/2012

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

A. National Historic Preservation Act (NHPA)

- Not type of activity with potential to affect historic structures or archaeological resources (**Review Concluded**)
- Activity meets Programmatic Agreement. 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**)

Comment: 12/20/2012- FEMA has determined that there will be “No Effect” to historic properties through a series of consultation letters for the Port Sulphur Fire Station(PW2598), JTPA Domestic Violence Office(3138), and Port Sulphur Lockup(2998). SHPO concurrence with these determinations were received, dated 5/21/08 (Fire Station), 4/18/08 (Domestic Violence), and 8/25/08 (Lockup).

Correspondence/Consultation/References: Annette Carroll, HP Specialist; Richard Williamson, Archaeologist/HP 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 listed species nor their habitat occur in or near this site that would be adversely impacted, thus FEMA finds there will be no effect to threatened or endangered species or critical habitat.

Correspondence/Consultation/References: USFWS IPaC website (<http://ecos.fws.gov/ipac/>) queried on 12/13/2012

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 12/13/2012

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 affected jurisdictional waters of the U.S. in or near the project area. See conditions.
Correspondence/Consultation/References: Google Earth referenced on 12/13/2012

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 requires consistency review.
Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: This project is located within the Louisiana Coastal Management Zone. See conditions.
Correspondence/Consultation/References: Louisiana Coastal Zone maps queried 12/13/2012

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: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) queried 12/13/2012

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. See conditions.
Correspondence/Consultation/References: EPA Region 6 Non-attainment Map queried on 12/13/2012

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 ROW and FPPA is precluded.
Correspondence/Consultation/References: Google Earth referenced on 12/13/2012

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 EFH species.
Correspondence/Consultation/References: National Oceanic and Atmospheric Administration's Essential Fish Habitat Mapper referenced on 12/13/2012

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 is not along and does not affect a Wild or Scenic River (WSR).
Correspondence/Consultation/References: National Wild and Scenic Rivers
<http://www.rivers.gov/maps/zoom/conus/conus.html> referenced 12/13/2012

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: The Parish of Plaquemines enrolled in the National Flood Insurance Program (NFIP) on 5/1/1985. As per [Preliminary Digital Flood Insurance Rate Map] Panel Number 22075C 0725E dated 11/9/2012, the site is located within Zone "VE", El 13, base flood elevation determined. This project involves the consolidation of three destroyed facilities (i.e. the Port Sulphur Lockup, the JTPA Domestic Violence Office Building, and the Sheriff Warehouse Building) at the site of the former Port Sulphur Lockup. The project will reduce the combined footprint of the damaged facilities from 6,636 square feet to a footprint 4,801 square feet. FEMA's regulations implementing EO 11988, Floodplain Management, prohibit the Agency from funding new construction in V-Zones that is not functionally dependent on water or facilitates open space use. However, this project has been determined to be eligible by attached FEMA memorandum of June 2, 2009 from James A. Walke, Acting Assistant Administrator, FEMA Disaster Assistance Directorate to FEMA Regional Administrators and Acting Regional Administrators for Regions I - X, Transitional Recovery Office Directors and Federal Coordinating Officers and also by attached memorandum of July 15, 2009 from Elizabeth A. Zimmerman, Assistant Administrator, FEMA Disaster Assistance Directorate to FEMA Regional Administrators and Acting Regional Administrators for Regions I - X, Transitional Recovery Office Directors and Federal Coordinating Officers. Per 44 CFR 9.11(d)(2), there shall be no construction of a new or substantially improved structure in a coastal high hazard area unless it is elevated on adequately anchored pilings or columns, and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level (the 500-year flood level for critical actions) (including wave height). 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. In compliance with Executive Order 11988, an 8-step process was completed, is attached and on file. See conditions.

Correspondence/Consultation/References: Joseph Chauvin, CFM, Floodplain Specialist, 12/13/2012

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: Review of the USFWS National Wetlands Inventory map for this project site indicates no mapped wetlands at or adjacent to the proposed project site.

Correspondence/Consultation/References: U.S. FWS NWI map accessed on-line 12/13/2012

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 <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: The populations within zip code 70083 are: 45.2% White, 43.9% Black, and 9.1 American Indian and Alaska Native. The median household income in 1999 was \$29,714 and 20.9% of families are below poverty level. The

proposed project should have no adverse or disproportionate impacts on low-income or minority populations as it consolidates three Parish facilities at a site adjacent to their prior locations.

Correspondence/Consultation/References: Joseph Chauvin, Environmental Protection Specialist

III. Other Environmental Issues

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

Resource Conservation and Recovery Act

Comments: 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 with the requirements and to the satisfaction of the governing local, state, and federal agencies.

Correspondence/Consultation/Reference: Joseph Chauvin, Environmental Protection Specialist

State Hazardous Materials and Solid Waste Laws

This project potentially involves the disposal of metallic mercury containing electronic devices. The Applicant is responsible for ensuring that these devices are recovered, recycled, reused or sequestered in accordance with the Louisiana Department of Environmental Quality (LDEQ) "Declaration of Emergency; Mercury-Containing Devices and Electronic Equipment as Universal Waste" letter dated October 3, 2005.

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:

- 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.
- Per Clean Air Act National Emission Standards for Hazardous Air Pollutant Regulations 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. ACM/PACM must be handled in accordance with local, state and federal regulations and disposed of at approved facilities that accept ACM. Demolition activity notification must be sent to the LDEQ before work begins.
- This project involves the modification of a public structure that may contain surfaces coated with lead-based paint (LBP). The applicant is responsible complying with all local, state, and federal laws and ensuring that project activities are coordinated with the Louisiana Department of Environmental Quality for abatement activities.
- This project is located within the Louisiana Coastal Management Zone. Applicant must check with Louisiana Department of Natural Resources for permitting or other authorization requirements. Projects may be coordinated by contacting LDNR at 1-800-267-4019.
- 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.
- If human bone or unmarked grave(s) are present within 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.
- This project potentially involves the disposal of metallic Mercury Containing Electronic Devices. The applicant is responsible for ensuring that these devices are recovered, recycled, reused or sequestered in accordance with the Louisiana Department of Environmental Quality (LDEQ) "Declaration of Emergency; Mercury-Containing Devices and Electronic Equipment as Universal Waste" letter dated October 3, 2005.
- 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.
- Per 44 CFR 9.11(d)(2), there shall be no construction of a new or substantially improved structure in a coastal high hazard area unless it is elevated on adequately anchored pilings or columns, and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level (the 500-year flood level for critical actions) (including wave height). 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. In compliance with Executive Order 11988, an 8-step process was completed, is attached and on file.