

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA

See 44 Code of Federal Regulation Part 10

Project Name/Number: Amendment: New Orleans Fire Department Engine House 22/39 AI #2161

Applicant Name: City of New Orleans

Project Location: Fire Station 22
2041 Egan Street, New Orleans, LA 70040
(29.64309, -90.01135)

Fire Station 39
6030 St. Claude Avenue, New Orleans, LA 70117
(29.95980, -90.01135)

Proposed Address:
5600 N. Claiborne Avenue, New Orleans, Louisiana 70117
(29.96569, -90.013892)

Project Description: 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 the 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

FEMA has determined through its review that the public involvement process for the above referenced Alternate Project for the City of New Orleans (hereafter referred to as "the applicant"), meets the requirements for the NEPA's Alternative Arrangements. This finding is based in part on the applicant's Public Involvement Plan submitted to FEMA with a request for expedited review and Alternative Arrangements for NEPA compliance.

On August 29, 2005, Hurricane Katrina made landfall in Orleans Parish, Louisiana. Strong winds, storm surge, and wind-driven debris severely damaged two City of New Orleans fire stations (Engine 22 and Engine 39). Engine 22 has been demolished. Engine 39 is the subject of a Memorandum of Agreement (MOA) between the applicant and other parties providing for the transfer of the facility of a potential buyer, or if unsuccessful, to demolish the structure. The applicant has previously submitted a request for the consolidation of Engines 22 and 3 for a new facility at 5501 N. Claiborne Avenue, which was later amended to Engines 22 and 39. This request was withdrawn by the applicant in 2010.

Under AIDB #1808, the applicant requests to consolidate funding from Engines 22 and 39 to construct a new three bay station at the new location of 5600 N. Claiborne Avenue. The new facility would incorporate current codes and standards, and maintain the same function and capacity as the two pre-existing facilities.

Under AIDB #2161, the applicant proposes to include demolition of the existing residential apartment structure located on the footprint of the proposed consolidation. The amendment does not change any findings reached through review of AI 1808.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion (**Review Concluded**)
- Categorical Exclusion - Category (xv)
 - 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
- Scope of work requires public involvement plan

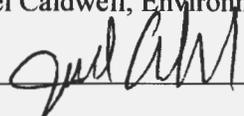
Comments: This project meets the criteria to utilize the Alternative Arrangements process within the National Environmental Policy Act (NEPA) approved by the Council on Environmental Quality, Department of Homeland Security, and FEMA on March 23, 2006. Based on documentation provided by the applicant, FEMA has determined that the City of New Orleans has conducted a satisfactory process of public involvement and outreach in its project development and is otherwise eligible for consideration under Alternative Arrangements for NEPA compliance. The City of New Orleans is responsible for achieving public involvement materials.

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Joel Caldwell, Environmental Protection Specialist, FEMA LRO

Signature  Date 9/23/13

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Tiffany Spann-Winfield, Deputy Environmental Liaison Officer, FEMA LRO

Signature  Date 9-23-13

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). See project review below for historic structures and archaeological resources.
- Other Programmatic Agreement dated _____ applies

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 50 years or older in project area. (**Review Concluded**)
- Building or structure 50 years or older or listed on the National Register in the project area and activity not exempt from review.
 - Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)

- Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
- Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
 - No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
- Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
- Resolution of Adverse Effect completed (MOA on file)
- Are project conditions required Yes (see Section V) No **(Review Concluded)**

ARCHEOLOGICAL RESOURCES

- Project affects only previously disturbed ground – **(Review Concluded)**
- Project affects undisturbed ground or grounds associated with a historic structure
- Project area has no potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file) **(Review Concluded)**
 - Project area has potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file)
 - Are project conditions required Yes (see Section V) No **(Review Concluded)**
 - Determination of historic properties affected
 - NR eligible resources not present (FEMA finding/SHPO/THPO concurrence on file)
 - Are project conditions required Yes (see Section V) No **(Review Concluded)**
 - NR eligible resources present in project area (FEMA finding/SHPO/THPO concurrence on file)
 - No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
 - Resolution of Adverse Effect completed (MOA on file)
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Comments: A review of Version 0 of this project was conducted in accordance with FEMA's Programmatic Agreement dated August 17, 2009. FEMA has previously determined that No Historic Properties are affected by a proposed undertaking, Construction of a Consolidated Fire Station for Engines 22 and 39 (AI 1808), proposed for this location and encompassing the current APE. SHPO concurrence with this determination was received on August 10, 2012. The Tribes did not object within the regulatory timeframes; therefore, in accordance with Stipulation VIII.E(1) of the 2009 Statewide PA as amended and 36 CFR part 800.5(c)1, FEMA may proceed with funding the undertaking assuming concurrence. Any change to the approved scope of work will require reevaluation under Section 106. -Annette Loomis Carroll, HP Specialist and 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, thus FEMA finds there will be no effect to threatened or endangered species.

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

C. Coastal Barrier Resources Act

- Project is not on or connected to CBRA Unit or Otherwise Protected Area **(Review Concluded)**.
 - Project is on or connected to CBRA Unit or Otherwise Protected Area. (FEMA determination/USFWS consultation on file)
 - Proposed action an exception under Section 3505.a.6 **(Review Concluded)**
 - Proposed action not excepted under Section 3505.a.6.
- Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments: Project is not within a CBRA zone.

Corres. pondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced September 23, 2013.

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: USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried September 23, 2013.

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 Zone. In a letter dated September 28, 2012, the Louisiana Office of Coastal Management (OCM) 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 permit(s) from the Louisiana Department of Natural Resources' (LDNR) Coastal Management Division (CMD) prior to initiating work. The applicant shall comply with all conditions of the required permit. 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 referenced September 23, 2013.

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 fugitive dust particles. No long-term air quality impact is anticipated.

Correspondence/Consultation/References: EPA Region 6 Non-attainment Map referenced September 23, 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: The project site is in a developed urbanized area and Farmland Protection Policy Act (FPPA) is precluded. No prime or unique farmland present.
Correspondence/Consultation/References: National Resource Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) September 23, 2013.

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 any surface waters with the potential to affect EFH species.
Correspondence/Consultation/References: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) referenced September 23, 2013.

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/wildriverslist.html#ls> queried September 23, 2013.

L. Resource Conservation and Recovery Act

State Hazardous Materials and Solid Waste Laws and 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 to the requirements and to the satisfaction of the governing local, state and federal agencies. (See Section V)

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)**

Comments: By Memorandum of July 2, 2012 from Frank Pagano, Mitigation Division Director of FEMA Region 6 to John Connolly, Senior Public Assistance Advisor, Louisiana Recovery Office, the 2008 Preliminary Digital Flood Insurance Rate Map (DFIRM) elevation is not required; however, the applicant must coordinate all reconstruction activities with the local floodplain manager and remain in compliance with formally adopted local floodplain ordinances. Per Advisory Base Flood Elevation (ABFE) Map LA-CC33 dated June 5, 2006, the elevation requirement for the site location is 3 feet above Highest Existing Adjacent Grade (HEAG). In compliance with EO 11988, an 8-step process, showing considered alternatives, was completed and is attached or on file. A Cumulative Final Public Notice was published 10/26/07 – 11/07/07, and is attached or on file. In addition, the applicant has successfully executed a Public Involvement Plan (PIP), which is also attached or on file. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials and equipment, where possible, disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials and equipment outside or above the base floodplain.

Correspondence/Consultation/References: None

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: No wetlands were determined to be present by checking the USFWS National Wetlands Inventory (NWI) maps.

Correspondence/Consultation/References: USFWS NWI map accessed on-line.

(<http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>).

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 not affect low income or minority populations.

Correspondence/Consultation/References: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

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: None

V. Environmental Review Project Conditions

Project Conditions:

- 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.
- This project is located within the Louisiana Coastal Zone. In a letter dated September 28, 2012, the Louisiana Office of Coastal Management (OCM) 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 permit(s) from the Louisiana Department of Natural Resources' (LDNR) Coastal Management Division (CMD) prior to initiating work. The applicant shall comply with all conditions of the required permit. 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.

- 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. In addition, if unmarked graves are present, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery. If 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.
- 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.
- 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.