

Record of Environmental Consideration

See 44 Code of Federal Regulation Part 10.

Project Name/Number: EOR1081 Prince of Peace Lutheran School/ PW 11049

Project Location: 9301 Chef Menteur Highway, New Orleans, Orleans Parish, Louisiana 70127 (N30.01647, W89.97915)

Project Description: The project is the repair to the Prince of Peace Lutheran School in order to return it to pre-disaster condition. In addition this project includes a Hazard Mitigation Proposal to install drywall in two sections with a caulked gap (covered by chair rail moulding) sufficient to eliminate wicking, replace drywall vapor barrier and fiberglass insulation with a drainage fabric and sprayed urethane insulation to eliminate mold growth (within 3500 SF of wall cavity), replace VCT flooring with a polyurethane floor system to provide wet flood proofing for 3,182 SF of gym floor, replace VCT flooring with a polyurethane floor system to provide wet flood proofing for 1,650 SF of kindergarten classroom floors, replace VCT flooring with an epoxy/colored quartz composition floor system to provide wet flood proofing of 8,000 SF of floor, replace VCT flooring with an epoxy/colored quartz composition floor system to provide wet flood proofing of 2,300 SF of floor, elevate two fused disconnects one foot above ABFE to provide dry flood proofing of electrical gear, elevate four air conditioning units by adding 102 SF of brick to the wall to support a concrete platform 3 feet above grade.

Documentation Requirements

- No Documentation Required **(Review Concluded)**
- (Short version) All consultation and agreements implemented to comply with the National Historic Preservation Act, Endangered Species Act, and Executive Orders 11988, 11990 and 12898 are completed and no other laws apply. **(Review Concluded)**
- (Long version) All applicable laws and executive orders were reviewed. Additional information for compliance is attached to this REC.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review. **(Review Concluded)**
- Programmatic Categorical Exclusion - Category xv and xvi (Reference PCE in comments) **(Review Concluded)**
- Categorical Exclusion - Category
 - 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)**
- Environmental Assessment
- Supplemental Environmental Assessment (Reference EA or PEA in comments)

Environmental Impact Statement

Comments: This project meets the criteria for an Alternate Arrangement Permanent Schools type of project.

Reviewer and Approvals

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

FEMA Environmental Reviewer.

Name: Nicole Poret

Signature Nicole Poret Date 7/18/2006

FEMA Regional Environmental Officer or delegated approving official.

Name: William Fagan

Signature [Signature] Date 7/18/2006

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

A. National Historic Preservation Act

- Not type of activity with potential to affect historic properties. **(Review Concluded)**
- Applicable executed Programmatic Agreement December 3, 2004 Otherwise, conduct standard Section 106 review.
 - Activity meets Programmatic Allowance
 - Are project conditions required? Yes (see section V) No **(Review Concluded)**

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 45/50 years or older in project area. **(Review Concluded)**
- Building or structure listed or 45/50 years or older in 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.
 - Project area has no potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence or consultation 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: This scope of work has been reviewed and meets the criteria in Appendix A, Programmatic Allowances, Items (I)(E), (II) (A) (1, 2, & 4), (II) (B) (1), (II) (C) (1), (II) (D) (1), (II) (E) (1), (II) (H) and (IX) (A) of FEMA's Programmatic Agreement (PA) dated December 3, 2004. In accordance with the PA, FEMA is not required to determine the national register eligibility of properties where work performed meets the Appendix A criteria. All ground disturbing activities being performed in previously disturbed or archaeologically surveyed areas do not require Section 106 review. In keeping with the stipulations of the PA, all proposed repair activities should be done in-kind to match existing materials and form this concludes the Section 106 review for this project.

Correspondence/Consultation/References: Chelsea Klein, Historic Preservation Specialist

B. Endangered Species Act

- No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**
- Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.
 - No effect to species or designated critical habitat. (See comments for justification)
Are project conditions required? Yes (see section V) No **(Review Concluded)**
 - May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence on file) **(Review Concluded)**
Are project conditions required? Yes (see section V) No **(Review Concluded)**
 - Likely to adversely affect species or designated critical habitat
 - Formal consultation concluded. (Biological Assessment and Biological Opinion on file)
Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References: Endangered Species summary for USFWS service consultation, letter to Don Fairley from USFWS dated September 15, 2005

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:

Correspondence/Consultation/References: FIRM Map 2255203 0115E, dated 03/01/1984

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/or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits.
- Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References: Damage description and scope of work from the Project Worksheet.

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. LA Department of Natural Resources has determined that receipt of federal funding is consistent with the Louisiana coastal resource program. Projects within the coastal zone may still require a Coastal Use Permit or other authorization from DNR. Projects may be coordinated by contacting LA DNR at 1-800-267-4019.

Correspondence/Consultation/References: Firm Panel Number 22051C0225E, dated 03/23/95.

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:

Correspondence/Consultation/References: Damage description and scope of work from the Project Worksheet.

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:

Correspondence/Consultation/References: Damage description and scope of work from the Project Worksheet.

H. Farmland Protection Policy Act

- 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 Resource Conservation Commission required.
 - Farmland Conversion Impact Rating, Form AD-1006, completed.
- Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: Project is located in the city of New Orleans.
 Correspondence/Consultation/References: <http://www.lamap.doa.louisiana.gov/>

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:
 Correspondence/Consultation/References: http://library.fws.gov/Pubs/Mississippi_Flywaymap.pdf

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:
 Correspondence/Consultation/References: <http://www.nmfs.noaa.gov/habitat/habitatprotection/efh/>

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:
 Correspondence/Consultation/References: Damage description and scope of work from Project Worksheet;
<http://www.lamap.doa.louisiana.gov/>

L. Other Relevant Laws and Environmental Regulations

Identify relevant law or regulations, resolution and any consultation/references

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: The city of New Orleans and Orleans parish enrolled in the National Flood Insurance Program (NFIP) 08/03/1970. Per Flood Insurance Rate Map (FIRM) 225203 0115E, dated 03/01/1984, project is located in zone "A4", area of 100-year flood; base flood elevations and flood hazard factors determined. Project is for building repairs including mechanical, electrical, and plumbing components. Hazard mitigation proposals attached. Applicant shall follow all applicable local, state and federal laws, regulations and requirements. In compliance with E.O. 11988, an 8-step process has been completed and has been sent to data entry for attachment. Alternatives have been considered and are listed in step 3, alternative 3. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials, and equipment, where possible, the building shall be disaster proofed and/or such future losses shall be eliminated by relocation of these building contents, materials, and equipment outside or above the advisory base floodplain. Per 44 CFR 9.12, applicant must publish a final public notice 15 days prior to the start of construction activities. Final public notice is to be forwarded to the LA GOSHEP and FEMA for inclusion in the permanent project files.

Correspondence/Consultation/References: Dana Mehlman, Environmental Specialist

B. E.O. 11990 - Wetlands

- No Effects on Wetland(s) and 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:

Correspondence/Consultation/References: <http://www.lamap.doa.louisiana.gov/>, damage description and scope of work

C. E.O. 12898 - Environmental Justice For Low Income and Minority Populations

- No Low income or minority population in, near or affected by the project - **(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: 28.1% Caucasian, 67.3% African American, 3.1% Hispanic, 27.9% Individuals below poverty level.

Correspondence/Consultation/References: <http://factfinder.census.gov/home/saff/main.html>

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 (RCRA)

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 and/or toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.
Correspondence/Consultation/References: Damage description and scope of work from the Project Worksheet.

IV. Extraordinary Circumstances

Based on the review of compliance with other environmental laws and Executive Orders, and in consideration of other environmental factors, review the project for extraordinary circumstances.

* A "Yes" under any circumstance may require an Environmental Assessment (EA) with the exception of (ii) which should be applied in conjunction with controversy on an environmental issue. If the circumstance can be mitigated, please explain in comments. If no, leave blank.

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

General comments:

Project Conditions:

1) In compliance with E.O. 11988, an 8-step process has been completed and has been sent to data entry for attachment. Alternatives have been considered and are listed in step 3, alternative 3. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials, and equipment, where possible, the building shall be disaster proofed and/or such future losses shall be eliminated by relocation of these building contents, materials, and equipment outside or above the advisory base floodplain. Per 44 CFR 9.12, applicant must publish a final public notice 15 days prior to the start of construction activities. Final public notice is to be forwarded to the LA GOSHEP and FEMA for inclusion in the permanent project files.

2) This project is located within the Louisiana Coastal Management Zone. LA Department of Natural Resources has determined that receipt of federal funding is consistent with the Louisiana coastal resource program. Projects within the coastal zone may still require a Coastal Use Permit or other authorization from DNR. Projects may be coordinated by contacting LA DNR at 1-800-267-4019.

3) 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.