

Record of Environmental Consideration

See 44 Code of Federal Regulation Part 10.

Project Name/Number: Assembly Center – Permanent Repairs / PW 13916

Project Location: 7027 Milne Blvd., New Orleans, Louisiana Orleans Parish 70124 (N30.01862 W-90.10891)

Project Description: Project activities include replacing 16 CY of carpet, 9,272 SF of drywall walls, 4,004 SF of exterior wall insulation, 240 SF of waterproof drywall walls, 240 SF of ceramic wall tile, 1,165 SF of drywall ceiling, 1,947 act ceiling with grid, storefront glass door with aluminum frame, 14 metal doors with metal frame, 4 metal double doors with frames, 4 exterior metal doors with metal frames, 5 water coolers, 4 fire extinguisher metal cabinets, 17 laminated toilet partitions with doors, 6 urinal privacy walls, 11 lavatory faucets, 17 flush valves for water closet, 7 flush valves for urinals, 3 shower controls with showerhead, 33 fluorescent light fixtures, 3 circuit breaker panels, disconnect box, transformer, controls for scoreboard, security alarm system, fire alarm system, light control system for gymnasium, 28 light switches, 71 double duplex outlets, 11 duplex GFCI outlets and 6,685 SF of branch wiring. Hazard mitigation will be achieved by compliance with codes and standards.

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 **(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: Although this project would have qualified as a CATEX (xv) under 44 CFR part 10.8 (d) (2), this project meets the definition of critical infrastructure (Permanent Schools) under the Alternative Arrangements for NEPA compliance. This project has conditions and requires mitigation under the other Environmental and Historic Preservation (EHP) laws

**Federal Emergency Management Agency
Region VI**

**PROGRAMMATIC CATEGORICAL EXCLUSION
RESTORATION AND/OR IMPROVEMENT OF EXTERNAL FACILITY
SYSTEMS AND COMPONENTS**

FEMA

Public Assistance Program and Hazard Mitigation Grant Program

As a result of a natural disaster, the Federal Emergency Management Agency (FEMA), which has been incorporated into the Department of Homeland Security, was authorized under a Presidential disaster declaration to provide federal assistance to areas of the state designated as major disaster areas. The Governor of the state may request federal assistance under FEMA's Hazard Mitigation Grant Program (HMGP) and Public Assistance Program (PA) for projects that may involve restoration and/or improvements of external facility systems and components. The proposed activities are required as part of the protection and/or restoration of eligible facilities to pre-disaster condition and may involve retrofitting or upgrading to comply with current codes and standards and/or the implementation of small scale mitigation measures or additional structural elements including, but not limited to, measures such as: applicable Americans With Disabilities Act (ADA) codes, the installation of water-tight window or door systems, elevated ramps, rain gutters or rain collection systems, minor flood control devices (i.e. floodgates, flood logs, flood walls/water control devices adjacent to the structure or facility) and/or wet or dry flood proofing (i.e. elevating or anchoring motors, controls, transformers, and other electrical or gas fired items; relocating/elevating emergency generators, telephone, alarm, fire, plumbing, heating-ventilation-air conditioning (HVAC), electrical or control systems). These improvements are considered essential to the restoration and protection of the facility from potential damage caused by future disasters, and comply with applicable local, state, tribal, and federal codes and standards. This Programmatic Categorical Exclusion (PCE) addresses FEMA funding of the restoration and/or improvement of eligible external facility projects and/or associated systems and components, for a period not to exceed five years from the date of the signed PCE or revocation by the Regional Environmental Officer.

The actions proposed under this Programmatic Categorical Exclusion:

- a) must only improve projects in developed areas with substantially completed infrastructures, when the immediate project area has already been disturbed;
- b) must not alter basic functions, exceed the capacity of other system components, or modify intended land use;
- c) must not have an adverse effect on the quality of the human environment; and
- d) must be external modifications to an existing building or structure.

This Programmatic Categorical Exclusion may not be used for projects that involve extraordinary circumstances as described in 44 CFR Part 10.8 (d)(3), and/or other circumstances that would require additional environmental documentation, including the following:

- a) **historic properties determined by FEMA to be adversely affected in accordance with Section 106 of the National Historic Preservation Act. [Note: If, during construction it appears that a previously unidentified property may be eligible for inclusion in the National Register of Historic Places, or a known historical property will be affected in an unexpected manner, FEMA, the State Emergency Management Agency (SEMA), and The State Historic Preservation Officer (SHPO) shall be notified immediately. FEMA and SEMA may require the project applicant to stop construction in the vicinity of the discovery and require the project applicant to take all reasonable measures to avoid or minimize harm to the property until consultation with the SHPO is concluded];**
- b) **short or long-term adverse impacts associated with the destruction or modification of wetlands or the direct or indirect support of construction in wetlands (Executive Order 11990);**
- c) **short or long-term adverse impacts associated with occupancy or modification of floodplains or the direct or indirect support of floodplain development (Executive Order 11988);**
- d) **disproportionately high and adverse effects on minority or low income populations (Executive Order 12898);**
- e) **any known hazardous or toxic materials;**
- f) **adverse effects to federally listed threatened or endangered species or designated critical habitat; and**
- g) **significant change, addition, and/or supplement to the approved scope of work, which would alter the pre-existing condition of the structure, including additional work not funded by FEMA but performed substantially at the same time, which would require resubmission of the application to FEMA for re-evaluation under the National Environmental Policy Act (NEPA) and other applicable federal environmental and historic preservation laws.**

CONDITIONS:

1. Clearance of other substantive environmental laws is still required. NEPA compliance does not exempt projects from all other environmental laws. Examples of other environmental laws include: Endangered Species Act, Migratory Bird Treaty Act, National Historic Preservation Act, Clean Air and Clean Water Acts, Resource Conservation and Recovery Act, Archaeological Resources Protection Act, Coastal Zone Management Act, Executive Orders related to Protection of Wetlands, Floodplains, and Environmental Justice.
2. For each action pursuant to this Programmatic Categorical Exclusion, a Record of Environmental Consideration (REC), a clear brief project description with a map/sketch indicating the location of the external building systems, building or structure, along with the nature and method of restoration or improvement must be submitted to the Regional Environmental Officer or designee for review and verification of compliance with the intent of this document. Upon review and approval, the statement with attachments and the REC are appended to this document and the action will be deemed to have fulfilled the requirements of NEPA and may be funded if otherwise eligible.
3. The applicant is responsible for meeting all requirements set forth by local and state regulatory agencies and/or USACE.

4. The applicant is responsible for obtaining and complying with all required local, state, and federal permits prior to project implementation.

CONCLUSION:

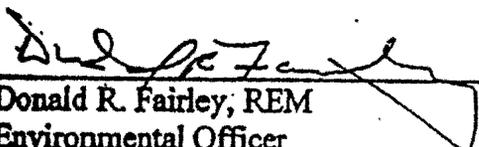
FEMA has determined in advance that activities associated with the restoration and/or improvement of external facility systems and components that meet the above conditions qualify for this Programmatic Categorical Exclusion. These projects meet the criteria defined in 44 CFR Part 10.8(d)(2)(xv)&(xvi), which cover the following:

- (xv): "Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current codes and standards, or replacement of any facility in a manner that substantially conforms to the preexisting design, function and location."
- (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."

FEMA has determined that these projects would have minimal or no effect on natural resources or the human environment. In accordance with FEMA's regulations 44 CFR Part 10.8 these projects are categorically excluded from the need to prepare either an environmental assessment or an environmental impact statement.

The actions identified in this project have been reviewed and, to the best of our knowledge, do not have 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; in accordance with 44 CFR Part 10.8(d)(3)(x).

Approved:


Donald R. Fairley, REM
Environmental Officer
FEMA Region VI

9/22/2005
Date

which are listed under the NEPA level of environmental review in the project worksheet. Any changes to this approved scope of work will require submission to, and evaluation and approval by, the state and FEMA prior to initiation of any work, for compliance with the National Environmental Policy Act. The applicant is required to obtain and comply with all local, state and federal permits and requirements. Non-compliance with the requirements noted above may jeopardize the receipt of federal funding.

Reviewer and Approvals

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

FEMA Environmental Reviewer.

Name: Catherine Jones, Environmental Specialist

Signature *Catherine Jones* Date 09/13/2006

FEMA Regional Environmental Officer or delegated approving official.

Name: Howard R. Bush, ELO

Signature *HR Bush* Date 09/13/2006

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 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: 09/13/2006 – Building constructed in 2004. Catherine Jones, Environmental Specialist.
Correspondence/Consultation/References:

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: None
Correspondence/Consultation/References:

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: None
Correspondence/Consultation/References:

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: Project is not in or adjacent to any waterways of the US.
Correspondence/Consultation/References:

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 DNR has determined that receipt of federal assistance 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:

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 is not in or adjacent to any waterways of the US.

Correspondence/Consultation/References:

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: None

Correspondence/Consultation/References:

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: None

Correspondence/Consultation/References:

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: See letter from Don Fairley to Mr. Russ Watson with USF&WS, dated 09/14/2005. Specifically, FEMA has determined that restoration projects funded with federal resources will not have adverse impacts on migratory birds or other fish and wildlife reserves. These determinations are based on the understanding that the conditions outlined in the Louisiana Endangered Species Summary are met.

Correspondence/Consultation/References: http://pacificflyway.gov/Documents/Mississippi_map.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: None
 Correspondence/Consultation/References:

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: None
 Correspondence/Consultation/References:

L. 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: 09/13/2006 - The City of New Orleans / Orleans Parish enrolled in the National Flood Insurance Program (NFIP) as of 08/03/1970. Facility is located within an "A3" zone, area of 100-yr flooding, base flood elevations and flood hazard factors as determined per Flood Insurance Rate Map (FIRM) panel number 2252030160 e, dated 03/01/1984. Project is repair of building and replacement of equipment and components. In compliance with EO 11988, an 8-step process was completed and is attached. As per 44 CFR 9.11, mitigation or minimization standards must be applied. Where possible, building contents, materials, components and equipment (mechanical or electrical) must be elevated to or above advisory base flood elevations. Per 44 CFR 9.12, a final public notice is to be published 15 days prior to the start of any construction activities. Documentation of completed public notice is to be forwarded to FEMA and La GOHSEP for inclusion in the permanent project files. A. C. Clark, Floodplain Specialist.
 Correspondence/Consultation/References:

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: None
 Correspondence/Consultation/References:

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: None
 Correspondence/Consultation/References:

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/References:

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.

- (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:

1. Per 44 CFR 9.11, mitigation or minimization standards must be applied. Where possible, building contents, materials, and equipment (mechanical or electrical) must be elevated to or above advisory base flood elevations. In compliance with EO 11988, an 8-step process was completed and is attached. 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 LaGOHS/OEP and FEMA for inclusion in the permanent project files.
2. 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.
3. In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the Louisiana Parishes of Calcasieu, Cameron, Jefferson Davis, Orleans, Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa and Washington are under quarantine. The movement of wood or cellulose material, temporary housing or architectural components (e.g. beams, doors and other wood salvaged from a structure) may not leave the quarantined parishes without written authorization from the commissioner of the Louisiana Department of Agriculture and Forestry or his designee(s).
4. 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.
5. Removal and disposal of debris containing household hazardous waste and certain categories of liquid wastes must be performed in accordance with all applicable federal and state laws, regulations, executive orders and guidelines. LAC Title 33 Part VII requires that specified items, including lead acid batteries, used oil filters, used motor oil, scrap tires, cfc's (refrigerants), radioactive waste or regulated infectious wastes must be segregated from and excluded from non-hazardous debris collection, staging, processing and disposal sites. Failure to comply with applicable legal requirements in debris collection and/or disposal operations will jeopardize federal funding. The clean-up or restoration/repair of sites damaged as a result of such operations are ineligible for federal funding. Previously obligated funding is subject to de-obligation if a determination of ineligibility is made.

Monitoring Requirements: None