

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA

See 44 Code of Federal Regulation Part 10

Project Name/Number: Orleans Parish Criminal Sheriff's Office Operated Jail System/ DR -1603- LA;
Pw 19011 V1

Applicant Name: Orleans Parish Criminal Sheriff's Office (OPCSO)

Project Location: 2801 Perdido Street, New Orleans, La
(29.96237, -90.0992)

Project Description: The Department of Homeland Security (DHS) and the Council on Environmental Quality (CEQ) have established Alternative Arrangements 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. These alternative arrangements will enable FEMA, as a component of DHS, to consider the potential for significant impacts to the human environment from its approval to fund the reconstruction of critical physical infrastructure in NOMA. This project qualifies as an Alternative Arrangement for the Reconstruction of Critical Infrastructure in the New Orleans Metropolitan Area. For more information visit www.fema.gov/plan/ehp/noma/index.shtm

The Federal Emergency Management Agency (FEMA), Environmental and Historic Preservation (EHP) Division at the Louisiana Transitional Recovery Office has determined through its Special Considerations review that Facility Planning and Control (Applicant) public involvement process meets the requirements of the National Environmental Policy Act (NEPA) Alternative Arrangements (AA). Those requirements comply with the programmatic agreement between the White House Council on Environmental Quality, the Department of Homeland Security, and FEMA.

As part of the Greater New Orleans Area critical infrastructure, this project qualifies for expedited considerations under the Alternative Arrangements for NEPA compliance. The Alternative Arrangements process (www.fema.gov/plan/ehp/noma) has been activated to address the basic elements of NEPA for actions taken to restore critical infrastructure devastated by Hurricane Katrina

Hurricane Katrina caused catastrophic damage on August 29, 2005 to the OPCS0 jail facilities. This project is for the site preparation, purchase of a 500 bed modular jail facility, and the commission of the temporary jail to house prisoners. Construction of permanent jail facilities will not be completed until at least 2013. The pre-Katrina bed capacity of the OPCS0 including all facilities was approximately 7,200 beds. As of July of 2009 the capacity, which includes a temporary facility, is 3,500 beds. As of November 2009 the daily population was 3,568 inmates. This project will add 500 beds to the capacity. The jail will be a medium security facility and will be located at 2801 Perdido Street, New Orleans, LA 70119.

This REC is for activities for site preparation and construction of the temporary modular jail. The applicant is requesting to build the 500 bed facility as a one story horizontal facility. The applicant would demolish the Gallo building in order to accommodate the square footage needed for the one story temporary jail and supporting facility. Once site preparation is complete the applicant will install the temporary modular jail.

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**)
- 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: Based on documentation provided by the sub-applicant, FEMA's Environmental / Historic Preservation Section and Alternatives Arrangement team has determined that OPCSO has provided sufficient documentation to demonstrate a satisfactory public involvement process for the proposed temporary jail facility for the OPCSO.
Correspondence/Consultation/References: NEPA Alternative Arrangements Report of Finding letter dated 1/21/10 signed by Melanie Sibley, providing documentation of public involvement for the Orleans Parish Criminal Sheriff's Office project for the temporary jail building.

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Melanie Sibley, Environmental Specialist, FEMA LA-TRO

Signature Melanie Sibley Date 7/21/10

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Cynthia Teeter, Deputy Environmental Liaison Officer, FEMA LA TRO

Signature [Signature] Date 7/20/10

Tiffany Spann for:

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 dated 7/17/09 Appendix C, Section I, G. - **Review Concluded**
- Applicable executed Programmatic Agreement (date in comments). 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: Ground disturbing activities include the installation of a temporary jail facility in the footprint of the demolished Gallo building. FEMA determined and SHPO concurred (3/20/2009) that no historic properties would be affected by the demolition of that facility. Data provided by the State Historic Preservation Office (SHPO) indicates that there are no known archaeological sites within the project area and all work will occur within a previously disturbed area. The scope of work meets the criteria in FEMA's Programmatic Agreement (PA) dated August 17, 2009, Appendix C: Programmatic Allowances, Section I, G. In accordance with this PA, FEMA is not required to consult with the SHPO where work performed meets these criteria. The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 Et Seq.) and the Inadvertent Discovery Clause, which can be found under the environmental review NHPA conditions. Any change to the approved scope of work will require reevaluation under section 106.
Correspondence/Consultation/References: Hanan Browning, Historic Preservation Specialist/Archaeologist

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:

Correspondence/Consultation/References: Melanie Sibley, Environmental Specialist

D. Clean Water Act

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

Comments: No water is located near the project

Correspondence/Consultation/References: USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on 11/19/09.

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: Projects within the Coastal Zone may still require a Coastal Use Permit or other authorization from LA DNR. Projects may be coordinated by contacting LA DNR at 1-800-276-4019.

Correspondence/Consultation/References: Louisiana Coastal Zone maps queried 11/19/09.

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: No streams or water bodies are located in or near the project area.

Correspondence/Consultation/References: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) queried 11/19/09.

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: This project involves the renovation of a public structure. 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.

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:

Correspondence/Consultation/References: National Resource Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) referenced 11/19/09.

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 11/19/09.

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>.

L. Resource Conservation and Recovery Act

State Hazardous Materials and Solid Waste Laws and Resource Conservation and Recovery Act

Comments: The renovation activities associated with this project may result in various types of debris and wastes, some of which may be hazardous. Therefore, all debris and waste must be treated, stored, and disposed of in a proper manner and location. (See Section V)

M. Formosan Termite Initiative Act

In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the parish of Orleans is under quarantine. The movement of wood or cellulose material, temporary housing or architectural components may not leave the quarantined parish without written authorization from the commissioner of the Louisiana department of agriculture and forestry or his designee(s).

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: Per Preliminary Digital Flood Insurance Rate Map (DFIRM) 22071C0230F dated 11/13/2008, site is located within an "AE" Zone, EL 0, area of special flood hazard risk. New construction must coordinate and comply with local floodplain ordinances, and be built to current codes and standards.

Correspondence/Consultation/References: Alan A. Johnson, CFM, Floodplain Specialist

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 are in the project area.

Correspondence/Consultation/References: USFWS NW1 map accessed on-line.
(<http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>) 11/19/09

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

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/Reference:

IV. Extraordinary Circumstances

Yes

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

Comments:

V. Environmental Review Project Conditions

Project Conditions:

This project must comply with all conditions of the attached Programmatic Categorical Exclusion. In addition, the following conditions apply as a condition of FEMA funding reimbursement:

- Applicant is responsible to ensure potential hazardous materials, if any, shall be removed, handled, transported and disposed of in accordance with local, state, and federal compliance requirements.
- 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.
- In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the parish of Orleans is under quarantine. The movement of wood or cellulose material, temporary housing, or architectural components) may not leave the quarantined parish without written authorization from the commissioner of the Louisiana department of agriculture and forestry or his designee(s).

- 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 required by LDEQ, the applicant shall require its contractor to prepare, certify, and implement a Construction Storm Water Pollution Prevention Plan to prevent sediment and construction material transport from the project site. A Louisiana Pollution Discharge Elimination System (LAPDES) permit will be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- 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.
- Regardless of the asbestos content, the applicant is responsible for ensuring that renovation or demolition activities are coordinated with the Louisiana Department Of Environmental Quality (LDEQ) in accordance with the LDEQ "Fifth Amended Declaration Of Emergency And Administrative Order" Dated March 31, 2006, and the LESHAP protocol dated March 1, 2006, incorporating the provisions of EPA'S National Emission Standards For Hazardous Air Pollutants (NESHAP) and the Louisiana Administrative Code (LAC) 33.III.5151 and Chapter 27. Should Asbestos Containing Materials (ACMS) be present at the project site, the applicant is also responsible for ensuring proper disposal in accordance with the previously referenced administrative orders. Documentation should be forwarded to GOHSEP or the Governor's Office of Homeland Security Emergency Preparedness and Federal Emergency Management Agency for inclusion in the permanent project files.
- The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. In compliance with EO11988, an 8-Step Process, was completed. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the Preliminary DFIRM elevation.
- **Documentation Sufficient** Based on documentation provided by the applicant, FEMA's review has determined that OPCS0 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. OPCS0 is responsible for archiving public involvement materials relative to the projects listed above. This material will be available at close-out for authentication and such documentation will be made available to the close-out reviewer.
- **Final Approval** OPCS0 has been responsive to requests for information about the above-referenced project. Due to satisfactory completion of public involvement processes identified above, and due to submission of sufficient documentation concerning the local planning process, The Environmental/Historic Preservation Staff of the FEMA Louisiana Transitional Recovery Office has determined that the applicant has sufficiently complied with the requirements for Alternative Arrangements as outlined in FR Vol. 71, No. 56, Page 14712, March 23, 2006.