

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: Plaquemines Parish Sheriff's Office Detention Center, PW 14223 / PL-74

Applicant Name: Plaquemines Parish Sheriff's Office

Project Location: 110 Prison Road, Braithwaite, Louisiana 70040
Latitude/ Longitude: 29.59795 N/ 89.82361 W

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.

On August 29, 2005, Hurricane Katrina made landfall in Plaquemines Parish, Louisiana. Strong winds, storm surge, and wind-driven debris severely damaged the Plaquemines Parish Sheriff's Office Detention Center. Replacement of the permanent facility is expected to take not less than forty-eight months. In the interim, the applicant proposes to construct a smaller facility on the detention center grounds, to serve the public need to house and guard prisoners. The new facility will house 450 inmates.

This project involves the construction of a multi-story, 450-bed temporary prison facility on an elevated platform with approximately 22-foot pilings. The elevated slab for the proposed facility is approximately 95,000 square feet and will be constructed with precast concrete components. The project site is approximately 350 ft southwest of the damaged facility footprint. The site is located about 2.25 miles northwest of Pointe a la Hache, Louisiana. The project site consists of approximately five (5.0) acres of land on a 71-acre plot of land owned by Plaquemines Parish Sheriff's Office. The site is bordered on the west by Suburban Road, on the east by Prison Road, on the north by the damaged prison facility and on the south by the Mississippi River levee. The terrain is flat and the ground is completely covered by grass. Utilities connections are not currently available from the damaged facility and due to natural gas no longer provided in the location of the site, a large electrical substation will be required for the site.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion - (**Review Concluded**)
- Categorical Exclusion

- 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 (see reference below)
- Environmental Assessment
- Supplemental Environmental Assessment (Reference EA or PEA in comments)
- Environmental Impact Statement
- Scope of work requires public involvement plan

Comments: Based on documentation provided by the applicant, FEMA's review has determined that the Plaquemines Parish Sheriff's Office has conducted a satisfactory process for public involvement and outreach in project development and is otherwise eligible for consideration under Alternative Arrangements for NEPA compliance. Nicholas Knowles, Environmental Protection Specialist

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Kimberly R. Rogers, Floodplain Management Specialist, FEMA LA TRO

Signature *Kimberly R. Rogers* Date 4-9-09

FEMA Environmental Liaison Officer or Delegated Approving Official:

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

Signature *Cynthia Teeter* Date 9 April 09

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

A. National Historic Preservation Act (NHPA)

- Not type of activity with potential to affect historic properties.
- Activity meets Programmatic Agreement, December 3, 2004. Appendix A: Allowance No. 1.G.
Are project conditions required? Yes (see Section V) No
- Programmatic Agreement not applicable, must conduct standard Section 106 Review.

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: Project meets Programmatic Agreement dated December 3, 2004. Michael Wilder, Archaeologist. February 25, 2009

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: Endangered Species Summary for USFWS Consultation, letter to Don Fairley dated September 15, 2005. Field observations during site visit on March 7, 2009.

C. Coastal Barrier Resources Act

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

Comments: Project is not within a CBRA zone.

Correspondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced April 7, 2009.

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 or near the project area.
Correspondence/Consultation/References: USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on April 7, 2009.

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
 - Project would disturb <1 acre, state administering agency does not require consistency review. (**Review Concluded**).
 - Project triggers the Clean Water Act or could affect a waterway, 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. Applicant must check with Louisiana Department of Natural Resources for permitting or other authorization requirements by calling 1-800-267-4019.
Correspondence/Consultation/References: Louisiana Coastal Zone Maps queried April 7, 2009.

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: Site visit conducted on March 7, 2009.

G. Clean Air Act

- Project will not result in permanent air emissions. (**Review Concluded**)
 - Project is located in an attainment area. (**Review Concluded**)
 - Project is located in a non-attainment area.
 - Coordination required with applicable state administering agency.
- Are project conditions required? YES (see section V) NO (**Review Concluded**)

Comments: The proposed project includes activities that would produce a minor, temporary, and localized impact on air quality from vehicle emissions and fugitive dust particles. No long-term air quality impact is anticipated.
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: The project site is in a developed area and FPPA is precluded.
Correspondence/Consultation/References: <http://websoilsurvey.nrcs.usda.gov/app/>

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
Are project conditions required? Yes (see section V) No **(Review Concluded)**
- Project has potential to take migratory birds.
 Contact made with USFWS
Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: The site is an existing disturbed area with little value to migratory birds and would not be included in the USFWS migratory bird management program.

Correspondence/Consultation/References: USFWS guidance letter dated September 27, 2005.

J. Magnuson-Stevens Fishery Conservation and Management Act

- Project not located in or near Essential Fish Habitat **(Review Concluded)**
- Project located in or near Essential Fish Habitat.
 Project does not adversely affect Essential Fish Habitat **(Review Concluded)**
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Project adversely affects Essential Fish Habitat (FEMA determination/USFWS/NMFS concurrence on file)
 NOAA Fisheries provided no recommendation(s) **(Review Concluded)**.
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- NOAA Fisheries provided recommendation(s)
 Written reply to NOAA Fisheries recommendations completed.
Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments: Project is not located in or near any surface waters with the potential to affect EFH species.

Correspondence/Consultation/References:

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: National Wild and Scenic Rivers <http://www.nps.gov/rivers/wildriverslist.html>.

L. Resource Conservation and Recovery Act

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.

M. Other Relevant Laws and Environmental Regulations

In accordance with the Formosan Termite Initiative Act (LA R.S. 3:3391.1 through 3391.3), 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).

The applicant is responsible for obtaining and/or complying with all federal, state, and local permits, ordinances and/or requirements for the collection, handling, storage, transportation, and disposal of any medical, hazardous, biological, laboratory/research reagents, radiological, pharmaceutical, or toxic flood-related waste or debris. Applicants are required to self certify and must maintain all records as part of their permanent project file. Documentation should be forwarded

GOHSEP and FEMA for inclusion in the permanent project files. Non-compliance may jeopardize receipt of federal funding.

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) panel 22075C0475 D, dated 10/30/2008, the project is located within Zone AE EL 18, a Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance (100-year) flood; base flood elevations determined. Per the 8-Step Planning Process, there are limited practicable alternatives to siting temporary housing in the floodplain in Plaquemines Parish. The ability to locate sites outside the floodplain is limited because much of the region is floodplain and there is a heavy demand for temporary facilities close to the impact area. Final notice was published with a 3-day comment period starting on October 15-17, 2005, in the *Times Picayune* and October 18-20, 2005, in the *Baton Rouge Advocate*.
Correspondence/Consultation/References: Preliminary Digital Flood Insurance Rate Map (DFIRM) panel 22075C0475 D, dated 10/30/2008, Kimberly Rogers, 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 were observed during site visit or determined to be present by checking the USFWS National Wetlands Inventory (NWI) maps.
Correspondence/Consultation/References: USFWS NWI map accessed on-line April 7, 2009. Field observation from March 7, 2009 site visit.

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: The percent populations of 70040 are: 50.9 % African American, 47.3 % Caucasian and 0.8 % American Indian and Alaska Native. The median household income in 1999 was \$ 34,620 and 21.6 % of families are below poverty level.
Correspondence/Consultation/References: U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced April 7, 2009.

III. Other Environmental Issues

Hazardous Materials and Toxic Wastes

Comments: No hazardous materials were observed at the time of the site visit and the site is not a debris site. The site did not appear on any of the environmental databases searched. The site did not appear on the EPA Brownfield list or on the Louisiana Volunteer Remediation Program list. Louisiana Department of Environmental Quality (DEQ) research did not reveal any records for the site. EPA sediment sampling was not conducted near the site. There are no Historic Sanborn maps available for the proposed site.

Correspondence/Consultation/References: Environmental FirstSearch Report, October 20, 2006. Louisiana Voluntary Remediation Program (VRP) list. EPA Brownfield properties list. Louisiana Department of Natural Resources (DNR) SONRIS Oil/Gas Data – http://sonris-www.dnr.state.la.us/www_root/sonris_portal_1.htm. EPA Sediment Sampling data – <http://www.epa.gov/enviro/katrina/emkatrina.html>. Historic Sanborn maps from the Louisiana State Library databases – <http://www.state.lib.la.us/>. Hazmat review and final health and safety determinations made by Laurel Rohrer, FEMA Hazmat Specialist (URS).

IV. Extraordinary Circumstances

Yes

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

Comments:

V. Environmental Review Project Conditions

Project Conditions:

The following conditions apply as a condition of FEMA funding reimbursement:

1. Applicant is required to coordinate with the local floodplain manager regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these permit(s) should be documented to the local floodplain manager and copies provided to LA GOHSEP and FEMA as part of the permanent project files. Per 44 CFR 9.11 (D) (9), the replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the base flood elevation (BFE).
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 (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.

3. In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) Plaquemines Parish is under quarantine. The movement of wood or cellulose material may not leave the quarantined parishes without written authorization from the Commissioner of the Louisiana Department of Agriculture and Forestry.

4. 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. Failure to comply with these stipulations may jeopardize receipt of FEMA funding.

5. This project is located within the Louisiana Coastal Management Zone. Applicant must check with Louisiana Department of Natural Resources for permitting or other authorization requirements by calling 1-800-267-4019.

6. 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.

7. The Plaquemines Parish Sheriff's Office 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 Applicant is hereby granted final approval for the above-referenced project. Plaquemines Parish Sheriff's Office is responsive 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.