

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- 2006

See 44 Code of Federal Regulation Part 10

Project Name/Number: Water Transfer Lines /PW 14900 /FIPS 075-99075-00

Project Location: All three sites are located 20 miles south of Braithwaite on State Highway 39, Plaquemines Parish, LA (Site 1: 29.6171 N, 89.85762 W; Site 2: 29.59284 N, 89.81151 W; Site 3: 29.58883 N, 89.80603 W)

Project Description: Due to heavy winds and storm surge associated with Hurricane Katrina, several aerial water transfer lines in Plaquemines Parish were significantly damaged. This project worksheet covers the repair and mitigation for 3 sites. At site 1 the repairs will include hazard mitigation to replace 120 feet of 8 inch ductile iron pipe with 150 feet of HDPE pipe and relocate the pipe and associated joints below the canal.

At site 2 the repairs include replacing 500 feet of 8 inch polyvinyl pipe. These repairs require trenching to 4 feet and then backfilling after replacement.

At site 3 the repairs will include hazard mitigation to replace 120 feet of 8 inch ductile iron pipe with 150 feet of HDPE pipe and relocate the pipe and associated joints below the canal.

Documentation Requirements

- (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 and/or included in project files, as applicable.

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 definition of critical infrastructure (utilities and wastewater treatment plants) under the Alternative Arrangements for NEPA compliance.*

Reviewer and Approvals

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

FEMA Environmental Reviewer:

Name: Nicole Poret

Signature Nicole Poret Date 12/18/2006

FEMA Regional Environmental Officer or Delegated Approving Official:

Name: Bridget Zachary

Signature [Signature] Date 12/18/2006

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. I-C
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: Scope of work indicates ground disturbing activities associated with trenching for laying sewer pipe, removing old timber piles and driving new timber piles. Upon consultation of data provided by the State Historic Preservation Record of Environmental Consideration (Version 3/14/06)

Officer (SHPO), there are no known archaeological sites within .25 miles of the project areas and all work will occur within previously disturbed areas or in areas with very low potential for archaeological sites. Therefore, the scope of work as submitted meets the criteria outlined in the Programmatic Agreement dated December 3, 2004, Appendix A, section I C. In accordance with this document, FEMA is not required to submit projects to the SHPO for review where the work performed meets these allowances. 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 staff. The applicant will not proceed with work until FEMA historic preservation staff has completed 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 Unmarked Burial Sites Board (call 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.

Correspondence/Consultation/References: Dana Linck, 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:

Correspondence/Consultation/References: Endangered Species Summary for USFWS consultation, letter to Don Fairley 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: Louisiana Coastal Barrier Resource System Maps referenced December 15, 2006.

D. Clean Water Act

- Project would not affect any waters of the U.S. **(Review Concluded)**
- Project may affect waters, including wetlands, of the U.S.
- Project exempted as in kind replacement or other exemption. **(Review Concluded)**
 - Project may require Section 404/401/402 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: Applicant shall be responsible for complying with sections 401 and 404 of the Clean Water Act (CWA). The applicant shall coordinate with or obtain any required permits or certifications from the Louisiana Department of Environmental Quality (LDEQ) and U.S. Army Corps of Engineers (USACE) prior to initiating work. The applicant shall

comply with all conditions of the required permits. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

Correspondence/Consultation/References: *Damage description and scope of work from the Project Worksheet (14900)*

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 (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 (CUP) or other authorization from DNR. Projects may be coordinated by contacting LA DNR at 1-800-267-4019.*

Correspondence/Consultation/References: *Louisiana Coastal Zone Maps referenced December 15, 2006*

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 (14900)*

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: *Damage description and scope of work from the Project Worksheet (14900)*

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 in developed area.*

Correspondence/Consultation/Reference: *<http://websoilsurvey.nrcs.usda.gov/app/> referenced December 15, 2006*

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 referenced December 15, 2006

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/> referenced December 15, 2006

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> referenced December 15, 2006

L. Other Relevant Laws and Environmental Regulations

A) Resource Conservation and Recovery Act

Comments: Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project applicant shall handle, manage, and dispose of petroleum products, hazardous materials 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 (14900)

B) Formosan Termite Initiative Act

Comments: 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).

Correspondence/Consultation/References: Damage description and scope of work from the Project Worksheet (14900)

I. 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 parish of Plaquemines is enrolled in the National Flood Insurance Program (NFIP) as of 05/01/85. Per Flood Insurance Rate Map (FIRM) panel numbers 2201390430b and 2201390435b, dated 05/01/85, project is located within an "a1" zone, area of 100-yr flooding, base flood elevations and flood hazard factors as determined. Project is for replacement of water transfer lines to predisaster function. Hazard mitigation proposals are attached. Reconstruction must coordinate and comply with local floodplain administrator. Applicant is responsible for obtaining and retaining all permits for verifications.

Correspondence/Consultation/References: J. Schexnayder, CFM.

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: Applicant shall be responsible for complying with sections 401 and 404 of the Clean Water Act (CWA). The applicant shall coordinate with or obtain any required permits or certifications from the Louisiana Department of Environmental Quality (LDEQ) and U.S. Army Corps of Engineers (USACE) prior to initiating work. The applicant shall comply with all conditions of the required permits. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

Correspondence/Consultation/References: Damage description and scope of work from the Project Worksheet (14900)

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: Statistics for Plaquemines Parish: 69.8% Caucasian, 23.4% African American, 2.6% Asian, 18.0% Individuals below poverty level.

Correspondence/Consultation/References: U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced December 15, 2006.

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).

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.

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) This project is located within the Louisiana Coastal Management Zone. LA Department of Natural Resources (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 (CUP) or other authorization from DNR. Projects may be coordinated by contacting LA DNR at 1-800-267-4019.
- 2) Applicant shall be responsible for complying with sections 401 and 404 of the Clean Water Act (CWA). The applicant shall coordinate with or obtain any required permits or certifications from the Louisiana Department of Environmental Quality (LDEQ) and U.S. Army Corps of Engineers (USACE) prior to initiating work. The applicant shall comply with all conditions of the required permits. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- 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.
- 4) 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).

- 5) Reconstruction must coordinate and comply with local floodplain administrator. Applicant is responsible for obtaining and retaining all permits for verifications.

- 6) 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 staff. The applicant will not proceed with work until FEMA historic preservation staff has completed 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 Unmarked Burial Sites Board (call the Louisiana Division of Archaeology at 225-342-8170) within seventy-two hours of the discovery.