Record of Environmental Consideration

See 44 Code of Federal Regulation Part 10.

Project Name/Number: ESB0109 JJ Davis Elementary School / PW 11080

Project Location: 4101 Mistrot Drive, Meraux, Louisiana, St. Bernard Parish 70075 (N29.93815, W-89.92339)

Project Description: Project activities include repairing the playground to pre-disaster condition and upgrading to current Codes and Standards. Project includes replacing one drop shot ball stand, one 20' high aluminum flag post, 181 linear feet of 6' high chain link fence, repairing 35 linear feet of 6' high chain link fence, replacing 12 block climbers, 3,984 square feet of 12" thick wood bark play surface at the swing area, (46) 6' long concrete wheel stops in parking lots, and 101 linear feet of 6" high concrete curb.

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: 7/17/2006 - This project meets the criteria for an alternative arrangement (permanent schools) type of project. This project has conditions and requires mitigation under the other EHP laws.

Reviewer and Approvals

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

FEMA Environmental Reviewer.
Name: Brandon M. Clark, Environmental Specialist

Signature Brandon Clark. Date 7/17/2006.

FEMA Regional Environmental Officer or delegated approving official.
Name: Donald R. Fairley, ELO

Signature _____. Date 7/17/2006.

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 12/3/04 Otherwise, conduct standard Section 106 review.
- ☐ Activity meets Programmatic Allowance # Appendix A, Section I-D, E and I
  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: 7-14-06 - Historic review complete. The scope of work as written includes ground disturbing activities, which consist of the replacement of playground equipment, the replacement of a chain link fence, the replacement of a flag pole, and the replacement of a concrete driveway. A review of SHPO data indicates that there are no known archaeological sites within 0.25 miles of this project area. This scope of works meets Programmatic Agreement (12/3/2004) Allowance Appendix A, Section I-D, E and I. However, 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 have completed consultation with the Louisiana State Historic Preservation Officer (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 Archeology at 225-342-8170) within seventy-two hours of the discovery. Failure to comply with these stipulations may jeopardize receipt of FEMA funding. If the scope of work changes, this project will need to be resubmitted for further historic review. Kelly Arford, Historic Preservation Specialist/Archaeologist
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: FEMA has determined that this project is consistent with the Coastal Zone Management Act and the Louisiana Coastal Management Plan (LCMP).
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: Project will not result in permanent air emissions.
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: 07/13/06 - The Parish of St. Bernard enrolled in the National Flood Insurance Program 03/13/70. Per Flood Insurance Rate Map (FIRM) 225204 0295 B, dated 05/01/85, project is located in Zone B, area protected from the 100-yr flood by levee, dike or other structures subject to possible failure or overtopping during larger floods. Project is repair of grounds facilities and should have no effect on the floodplain. Casey Barefield, FPM.
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.

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: None
Correspondence/Consultation/References:

V. Environmental Review Project Conditions

Project Conditions:

1. However, 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 have completed consultation with the Louisiana State Historic Preservation Officer (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 Archeology at 225-342-8170) within seventy-two hours of the discovery. Failure to comply with these stipulations may jeopardize receipt of FEMA funding. If the scope of work changes, this project will need to be resubmitted for further historic review.

Monitoring Requirements: None