

# Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

**Project Name/Number:** Maintenance and Storage Building / FIPS#: 089-0042C-00

**Applicant Name:** St. Charles Parish Public School Board

**Project Location:** 215 Sugarland Parkway, Luling, Louisiana 70070, St. Charles Parish  
Latitude: 29.9359, Longitude: -90.3802

## **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.shtml](http://www.fema.gov/plan/ehp/noma/index.shtml)

Due to the impact of Hurricane Katrina, the St. Charles Parish Public Schools' Maintenance Building suffered significant damage. The former Maintenance Building, located at 211 Ellington Avenue, Luling, LA 70070, was deemed eligible for replacement. However, the applicant has applied for an improved project to rebuild the maintenance facility at an alternate site located at 215 Sugarland Parkway, Luling, LA 70070. The proposed scope of work includes the construction of three maintenance/storage buildings (6,500 SF each) and a parking area.

## **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)
- Environmental Assessment
- Supplemental Environmental Assessment (Reference EA or PEA in comments)
- Environmental Impact Statement

**Comments:** Based on documentation provided by the applicant, FEMA's Environmental Department and Alternative Arrangements team has determined that the project at St. Charles Parish Schools has provided sufficient documentation to support satisfactory public involvement for this project.

**Correspondence/Consultation/References:** NEPA Alternative Arrangements Finding Letter to St. Charles Parish Public Schools, signed by Rick Kuss, Deputy Environmental Liaison Officer for Special Considerations, dated October 3, 2007

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

**Reviewer and Approvals**

**FEMA Environmental Reviewer:**

Name: Brandon M. Clark, Environmental Specialist, FEMA LA TRO

Signature Brandon M. Clark Date 10/18/07

**FEMA Environmental Liaison Officer or Delegated Approving Official:**

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

Signature Cynthia Teeter Date 18 Oct 07

**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)**
- Activity meets Programmatic Agreement, December 3, 2004, Appendix A: Allowance No.  
Are project conditions required?  Yes (see Section V)  No
- Programmatic Agreement not applicable for historic structures or archeological sites, must conduct standard Section 106 Review (see below).
- Other Programmatic Agreement dated \_\_\_\_\_ applies

**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 scope of work has no potential to affect archeological resources **(Review Concluded)**
- 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:** Project activities will have no effect on historic structures as this undertaking involves construction of new buildings on a clear site outside the confines or viewscape of a national register-listed historic district. Connected activities involving adverse effects on historic buildings were resolved via the execution of a Memorandum of Agreement (MOA) between FEMA, the State Historic Preservation Officer (SHPO) and the St. Charles Parish School Board dated 10.31.06. Treatment measures outlined in this MOA were received by the SHPO on 8.30.06.

FEMA recommended that these ground disturbing activities will have no adverse effect on archaeological resources. SHPO concurred with this finding of "No Historic Properties Affected" (see correspondence dated 8/6/2007).

**Correspondence/Consultation/References:** James Crouch, Historic Preservation Specialist and Jerame J. Cramer, 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:** Per correspondence with USFWS dated July 17, 2007, this project has been reviewed for effects to Federal trust Resources under the jurisdiction of the USFWS and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed, will have no effect on those resources. This finding fulfills the requirements under Section 7(a)(2) of the Act.

**Correspondence/Consultation/References:** USFWS consultation dated July 17, 2007

## 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 June 25, 2007

## 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 October 4, 2007. Aaron Cox, Water Pollution Control Division, LDEQ, (225) 219-3092; [http://www.deq.louisiana.gov/permits/lpdes/fp\\_lar20000.pdf](http://www.deq.louisiana.gov/permits/lpdes/fp_lar20000.pdf)

**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:* Per correspondence with USFWS dated July 17, 2007, this project has been reviewed for effects to Federal trust Resources under the jurisdiction of the USFWS and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed, will have no effect on those resources. This finding fulfills the requirements under Section 7(a)(2) of the Act.

*Correspondence/Consultation/References:* USFWS consultation dated July 17, 2007

**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:* Brandon M. Clark

**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 site is located within an existing urban and developed area and is therefore exempt from FPPA regulations.

*Correspondence/Consultation/References:* NRCS Consultation Letter dated July 27, 2007

**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 or near any surface waters with the potential to affect EFH species.  
*Correspondence/Consultation/References:* Brandon M. Clark, Environmental Specialist

### 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:* 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

#### Formosan Termite Initiative Act

In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the Louisiana Parish of St. Charles is 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).

## 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)**
  - A Final Public Notice is required

**Comments:** St. Charles Parish is enrolled in the National Flood Insurance Program (NFIP) as of 03/13/70. Flood Insurance Rate Map (FIRM) panel number 2201600125 c dated 06/16/1992. The reconstruction should be coordinated the local floodplain administrator and comply with floodplain ordinance.

**Correspondence/Consultation/References:** Flood Insurance Rate Map (FIRM) panel number 2201600125 c dated 06/16/1992, A. C. Clark, CFM, Floodplain

### 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:** None

**Correspondence/Consultation/References:** USFWS NWI map accessed on-line June 25, 2007.

### 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 <http://factfinder.census.gov>. **(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 populations within zip code 70070 (construction site) are: 82.1% White, 15.4% Black, and 2.7% Hispanic. The median household income in 1999 was \$55,979 and 7.3% of families are below poverty level.

**Correspondence/Consultation/References:** U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced 10/4/07

### 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:

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

1. 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 or the location of the new building changes outside of the current APE, 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.
2. The reconstruction should be coordinated the local floodplain administrator and comply with floodplain ordinance.
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 (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.
4. In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the Louisiana Parish of St. Charles, is 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. According to the Louisiana Department of Environmental Quality (LDEQ) under the federal Clean Water Act regulations, construction projects disturbing greater than 1 acre require a General Stormwater Construction Permit due to the potential of these activities discharging stormwater to surface water. This general stormwater permit requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWP3) before ground disturbance begins.