

Record of Environmental Consideration

See FEMA Directive 108-1 and FEMA Instruction 108-1-1.

Project Name/Number: DR-4335/HMGP/US Virgin Islands – Alexander Theater Safe Room/Building Retrofit

Project Location: Alexander Theater, St. Croix, US Virgin Islands (N17.743345, W64.706836)

Project Description: The St. Croix Foundation for Community Development seeks HMGP funding to retrofit the Alexander Theater to FEMA Safe Room and Community Shelter standards, acquire four properties to allow for placement of sufficient backup power equipment as required by FEMA 361, construction of two safe room buildings on the adjacent lots and installation of a generator. The proposed retrofit will provide a safe/room/community shelter for a community that is currently underserved for shelter capacity.

National Environmental Policy Act (NEPA) Determination

- ☐ Statutorily excluded from NEPA review. (**Review Concluded**)
- ☐ Categorical Exclusion - Type Single Project
- ☐ 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 required. See FONSI for determination, conditions and approval.
- ☐ Environmental Assessment required. See FONSI for determination, conditions and approval.

Comments: The St. Croix Foundation for Community Development seeks HMGP funding to retrofit the Alexander Theater to FEMA Safe Room and Community Shelter standards, acquire four properties to allow for placement of sufficient backup power equipment as required by FEMA 361, construction of two safe room buildings on the adjacent lots and installation of a generator. Per HMGP this review is to approve funding for the architectural and engineering design only. No EHP review was conducted. See NEPA Condition.

Conditions: No EHP review was performed on this project because it is an engineering/architecture study. Any subsequent versions of this project will require an EHP review.

Reviewer and Approvals

FEMA Environmental Reviewer

Name: Shenelle Dore, Environmental Specialist

Signature/Date SHENELLE N DORE Digitally signed by SHENELLE N DORE
Date: 2019.01.25 13:50:47 -04'00'

FEMA Historic Preservation Reviewer

Name: M. Elizabeth Rival, Preservation Specialist

Signature/Date MINDI E RIVAL Digitally signed by MINDI E RIVAL
Date: 2019.01.25 14:34:10 -04'00'

FEMA Environmental Officer Reviewer or delegated approving official

Name: M. Elise Haremski, EHP Manager

Signature/Date MARIE ELISE HAREMSKI Digitally signed by MARIE ELISE HAREMSKI
Date: 2019.01.25 16:01:22 -04'00'

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. Activity meets Programmatic Allowance (enter date and # in comments).
☐ Activity meets Programmatic Allowance # _____
Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**
- ☐ Applicable executed Programmatic Agreement (enter date in comments) **(Review Concluded)**
- ☐ Standard Section 106 Review

HISTORIC BUILDINGS AND STRUCTURES

- ☐ No properties in the project area are 50 years or older or listed on the National Register **(Review Concluded)**
- ☐ Building or structure 50 years or older or listed on the National Register in the project area and activity not exempt from review.
☐ Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**
- ☐ Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
☐ Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
- ☐ No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file).
Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**
- ☐ Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
☐ Resolution of Adverse Effect completed. (MOA on file)
Are project conditions required ☐ YES (see section V) ☐ NO **(Review Concluded)**

ARCHEOLOGICAL RESOURCES

- ☐ Project affects only previously disturbed ground. **(Review Concluded)**
- ☐ Project affects undisturbed ground.
☐ 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: The proposed activity complies with Stipulation I.A.7.f of FEMA's Virgin Islands Programmatic Agreement executed on July 14, 2016.

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 areas affected directly or indirectly by the federal action.
☐ No effect to species or designated critical habitat. (See comments for justification) **(Review Concluded)**
- ☐ May affect, but not likely to adversely affect species or designated critical habitat. (FEMA determination/USFWS/NMFS concurrence on file) **(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:

Conditions:

C. Coastal Barrier Resources Act

- ☐ Project is not on or connected to a Coastal Barriers Resource System Unit or Otherwise Protected Area. **(Review Concluded)**
☐ Project is on or connected to CBRA Unit or Otherwise Protected Area.
☐ 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:

Conditions:

D. Clean Water Act

- ☐ Project would not affect any water 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:

Correspondence/Consultation/References:

Conditions:

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 a 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:

Correspondence/Consultation/References:

Conditions:

F. Fish and Wildlife Coordination Act

- ☒ Not applicable for financial assistance. **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

Conditions:

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:

Correspondence/Consultation/References:

Conditions:

H. Farmlands Protection Policy Act

- ☐ Project does not affect prime or unique farmland. **(Review Concluded)**
- ☐ Project causes unnecessary or irreversible conversion of 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:

Correspondence/Consultation/References:

Conditions:

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)**
- ☐ 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:

Conditions:

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)**
- ☐ Project adversely affects Essential Fish Habitat. (FEMA determination/USFWS/NMFS concurrence on file)
- ☐ NOAA Fisheries provided no recommendation(s). **(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:

Conditions:

K. Wild and Scenic Rivers Act

- ☐ Project is not along and does not affect Wild and Scenic River. - **(Review Concluded)**
- ☐ Project is along or affects Wild and Scenic River.
- ☐ Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.**
(NPS/USFS/USFWS/BLM consultation attached.)
- ☐ Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation attached.)
- Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

Conditions:

L. Other Relevant Laws and Environmental Regulations

Identify relevant law or regulations, resolution and any consultation/references such as EO 13112 Invasive Species, RCRA or State Soil & Water Conservation Laws and include any conditions by law/EO

II. Compliance Review for Executive Orders

A. E.O. 11988 - Floodplains

- ☐ Outside Floodplain and No Effect on Floodplains/Flood levels. **(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)**
- ☐ 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 attached. **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

Conditions:

B. E.O. 11990 - Wetlands

- ☐ No Effects on Wetlands and Project Outside Wetlands. **(Review Concluded)**
- ☐ Located in Wetlands or effects on Wetlands.
- ☐ 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 attached. **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

Conditions:

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:

Correspondence/Consultation/References:

Conditions:

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:

Correspondence/Consultation/References:

Conditions:

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) A potentially significant effect on public health or safety;
- ☐ (ii) A potentially significant effect on species or habitats protected by the ESA, Marine Mammal Protection Act, Migratory Bird Treaty Act, Magnuson-Stevens Fishery Conservation and Management Act, or other law protecting a species or habitat;
- ☐ (iii) A potentially significant effect on historic properties (e.g., districts, sites, buildings, structures, or objects) that are listed in or eligible for listing in the National Register of Historic Places, affects traditional cultural properties or sacred sites, or leads to the loss or destruction of a significant scientific, cultural, or historical resource;
- ☐ (iv) A potentially significant effect on an environmentally sensitive area;
- ☐ (v) A potential or threatened violation of a Federal, State, or local law or requirement imposed to protect the environment. Some examples of other requirements to consider are: a local noise control ordinance; the requirement to conform to an applicable State Implementation Plan for air quality standards; Federal, Tribal, State, or local requirements to control hazardous or toxic substances; and environmental permits;
- ☐ (vi) An effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks. This also includes effects that may result from the use of new technology or unproven technology. Controversy over, including public opposition to, a proposed action absent any demonstrable potential for significant environmental impacts does not itself constitute an extraordinary circumstance;
- ☐ (vii) Extent to which a precedent is established for future actions with significant effects;
- ☐ (viii) Significantly greater scope or size than normally experienced for this particular category of action;
- ☐ (ix) Potential for significant degradation of already existing poor environmental conditions. Also, initiation of a potentially significant environmental degrading influence, activity, or effect in areas not already significantly modified from their natural condition;
- ☐ (x) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts.

Comments:

V. Environmental Review Project Conditions

General comments:

Project Special Conditions: No EHP review was performed on this project because it is an engineering/architecture study. Any subsequent versions of this project will require an EHP review.

Standard Conditions:

1. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
2. This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
3. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

Monitoring Requirements: