

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project PA-02-VI-4340-PW-01014
Title: 85424 - TIUO908 - GM85424 - Ezra Fredericks Ballpark

NEPA DETERMINATION

Non Compliant Flag: No	EA Draft Date:	EA Final Date:
EA Public Notice Date:	EA Fonsi	Level: CATEX
EIS Notice of Intent	EIS ROD Date:	

Comment VI Department of Sports Parks and Recreation, St. Thomas, 18.32008, -64.87198, Cat G, \$286,792.00, 0%, The applicant intends In-kind repairs to chain link fence and gate(s); concrete retaining wall; dugouts; stands; lighting/electrical; utility poles; scoreboard; basketball courts; and press box. - kjerris - 04/29/2020 15:01:07 GMT
Previous Review Still Applies Total estimate cost has been adjusted to \$878,055.00 - kjerris - 07/08/2020 17:32:30 GMT
VERSION 3 UPDATE Previous V1 and V2 were created for a cost share adjustment only and were not sent to EHP for review. There was no change to the SOW in Versions 1 and 2; therefore, the previous EHP review applies for these versions. V3 cost is updated to \$878,055.00. Version 3 is for an Improved Project at the Ezra Fredericks Ballpark (built 1965) project on St. Thomas to allow for the installation of LED light fixtures instead of the sodium metal halide lights. The previous review applies with updates to NEPA, E0 11988, and RCRA. Conditions have been clarified for ESA and E0 11990. - kbarray2 - 05/20/2024 16:19:06 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
*n7	(*n7) Federal Assistance for Structure and Facility Upgrades. Federal assistance for the reconstruction, elevation, retrofitting, upgrading to current codes and standards, and improvements of pre-existing facilities in existing developed areas with substantially completed infrastructure, when the immediate project area has already been disturbed, and when those actions do not alter basic functions, do not exceed capacity of other system components, or modify intended land use. This category does not include actions within or affecting streams or stream banks or actions seaward of the limit of moderate wave action (or V zone when the limit of moderate wave action has not been identified).	Yes

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comment
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	Per review of the USFWS Coastal Barrier Resources System (CBRS) mapper, accessed 04/29/20, the project is not located in a CBRS Unit. - kjerris - 04/29/2020 15:07:05 GMT

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Environmental Law/ Executive Order	Status	Description	Comment
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is located in a coastal zone area and/or affects the coastal zone	Activity meets the exemption outlined in 12 VIC 910(b)(1) or 910(b)(2) and is therefore, deemed consistent with the VICZMA, see Repair/Restoration of Hurricane Damaged Buildings dated 12/7/2017 and letter adding recreations facilities . - kjerris - 04/29/2020 15:09:26 GMT
	Completed	State administering agency does not require consistency review - Review concluded	
Executive Order 11988 - Floodplains	Completed	Located in floodplain or effects on floodplain/flood levels	Based on the effective FIRM panel 7800000029G, dated 04/16/07, the project is outside the floodplain and has no effect on the floodplain or flood levels. - kjerris - 04/29/2020 15:14:32 GMT***Disregard the Previous Comment*** The project is located within an A zone, area of 100-yr flooding, per Flood Insurance Rate Map (FIRM) panel number 7800000029G, dated 04/16/07. Initial Disaster Public Notice was published in the USVI Daily News throughout the territory on 11/18-19/2017. The proposed action is not likely to result in any potential direct impacts that will adversely affect the natural values and function of floodplains nor is it likely to increase the risk of flood loss. - kjerris - 07/27/2020 12:31:43 GMT***DISREGARD PREVIOUS COMMENT***The project is located within an A zone, area of 100-yr flooding, per Flood Insurance Rate Map (FIRM) panel number 7800000029G, dated 04/16/07. FEMA has applied the 8-step decision-making process per 44 CFR 9.6, and has determined that the project will not result in short or long-term adverse impacts to the floodplain. Initial Disaster Public Notice was published in the USVI Daily News throughout the territory on 11/17-18/2017. - kbarry2 - 05/20/2024 16:04:08 GMT
	Completed	Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment	
	Completed	8 Step Process Complete - documentation attached - Review concluded	

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Environmental Law/ Executive Order	Status	Description	Comment
Executive Order 11990 - Wetlands	Completed	Located in wetlands or effects on wetlands	Per review of the USFWS National Wetlands Inventory (NWI) mapper, accessed 04/29/20, the project is not located in a wetland. - kjerris - 04/29/2020 15:15:47 GMT***Disregard Previous Comment*** Per the USFWS Wetlands Inventory (NWI) mapper, accessed 04/29/20, the proposed scope of work is located in or adjacent to a wetland classified as Riverine and Estuary Wetlands. The scope of work is restoration to pre-disaster condition which may include addition of minor mitigation without change in footprint. FEMA has determined the project will not result in short or long-term adverse effects. There are no other practical alternatives. The VI Department of Sports Parks and Recreations should ensure best management practices are implemented to prevent erosion and sedimentation to surrounding, nearby, or adjacent wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation to ensure that wetlands are not adversely impacted. - kjerris - 07/27/2020 12:38:46 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Possible adverse effect associated with constructing in or near wetland	
	Completed	Review completed as part of floodplain review - Review concluded	
	Completed	Low income or minority population in or near project area	
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	Per review of U.S. Fish and Wildlife Service's Information for Planning, and Conservation System (IPaC) listing of threatened and endangered species for this project site 18.32008, -64.87198, accessed on 04/29/20 species are present, but the work proposed involves repairs to pre-disaster condition within the same footprint or with small-scale mitigation and will have no effect on the species or the habitat. - kjerris - 04/29/2020 15:01:48 GMT***Disregard Previous Comment*** The US Fish and Wildlife Service's Information, Planning, and Conservation System (IPaC), dated 07/29/20, and available at http://ecos.fws.gov/ipac/ ,

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Environmental Law/ Executive Order	Status	Description	Comment
			indicates occurrences of the following species VI Tree Boa within the project Action Area. Based on the project location and scope of work, FEMA finds that the proposed project conforms to criteria set forth in the agreement between FEMA and the USFWS PR Field Office dated July 19, 2019 for actions which are not likely to adversely affect designated species and/or critical habitat. - kjerris - 07/27/2020 12:18:55 GMT***V2 UPDATE**Conditions have been updated for clarification. Previous review and conditions apply. - kbarry2 - 05/20/2024 15:51:41 GMT
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments) - Review concluded	The proposed activity meets Tier II Allowances A.1.a.; A.2.a.; A.2.b.; and B.11.a. of FEMA's Virgin Islands Programmatic Agreement executed on July 14, 2016. This determination was made by Rebecca Johnson who meets the applicable SOI staff qualifications pursuant to Stipulation I.B.1.a of the Agreement. - rjohns76 - 04/27/2020 19:49:10 GMT***Previous review applies*** - mdrew1 - 07/08/2020 11:58:10 GMT
Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)	Completed	Review concluded	The applicant is responsible to ensure potentially hazardous materials, if any, shall be removed and disposed of in accordance with all applicable federal and state laws and local compliance requirements. - kbarry2 - 05/17/2024 16:15:22 GMT

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Environmental Law/ Executive Order	Status	Description	Comment
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Special Conditions required on implementation of Projects:

The Applicant shall ensure best management practices are implemented to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. To ensure that wetlands are not adversely impacted, per the Clean Water Act and Executive Order 11990, equipment storage and staging of construction materials and machinery should be in a location that would prevent erosion and sedimentation.

Source of condition: Executive Order 11990 - Wetlands Monitoring Required: No

Contact the VI Division of Fish and Wildlife (VIDFW), for technical assistance: 340-773-1082 ext 2261. The VIDFW has developed site specific VI boa protocol; Applicants will be responsible for executing conservation measures recommended by VIDFW. Final project report to be submitted to USFWS. For all VI boa sightings (dead or alive), the Applicant must record the time and date of the sighting and the specific location where it was found. Boa data should also include a photo of the animal (dead or alive), relocation site GPS coordinates, and the time and date of the relocation. All boa sightings and relocation reports should be sent to the USFWS Caribbean Ecological Services Field Office, Marelisa Rivera - Deputy Field Supervisor, 787-851-7297 extension 206, 787-510-5207, marelisa_rivera@fws.gov.

Source of condition: Endangered Species Act (ESA) Monitoring Required: No

If a VI tree boa is found within any of the working or construction areas, activities should stop in the area where the boa was found. Do not capture the boa. Project-related activities at this area must stop until the boa moves out of harm's way on its own. Activities at other work sites, where no boas have been found after surveying the area, may continue.

Source of condition: Endangered Species Act (ESA) Monitoring Required: No

A disposal permit/approval letter must be provided at closeout.

Source of condition: Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA) Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

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.

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.