

# Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

**Project Name/Number:** Algiers Courthouse/PW 7561 V1

**Applicant Name:** City of New Orleans

**Project Location:** 255 Morgan Street, New Orleans, LA, Orleans Parish, Latitude: 29.95392,  
Longitude: -90.05412

**Project Description:** The Algiers Courthouse was damaged due to Hurricane Katrina on August 29, 2005. It was constructed in 1896 and is located in both the Algiers Point National Historic District and the City of New Orleans Historic District. The structure experienced roof and window damage with water intrusion throughout the structure.

Hazard mitigation includes adding bracing to the Algiers Courthouse sign. The sign was attached to the parapet and was blown down damaging the parapet.

## National Environmental Policy Act (NEPA) Determination

- ☐ Statutorily excluded from NEPA review (**Review Concluded**)
- ☐ Programmatic Categorical Exclusion - Category (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
- ☐ Scope of work requires public involvement plan

**Comments:** This project meets the definition of critical infrastructure (government building) under the Alternative Arrangement for NEPA compliance.

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

## Reviewer and Approvals

### **FEMA Environmental Reviewer:**

Name: Stephanie Everfield, Environmental Specialist, FEMA

Signature

Date

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

Name: Bridget Zachary, Delegated Approving Official, FEMA LA TRO

Signature

Date

# **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. I-E, II-A1,A2,A3,C1,C2,D2,D3,E1,H and IX-D.
- 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 insert date of PA 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 an 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:** - FEMA's Programmatic Agreement (PA), dated December 3, 2004, provides for expedited project review under Section 106 of the National Historic Preservation Act (NHPA). The scope of work as submitted in this PW has been reviewed and meets the criteria outlined in Appendix A, Programmatic Allowances, Sections II, items; {A.1} preservation of interior materials; {A.2} R&R interior floors/walls/ceilings; {A.3} R&R specialized finishes/plaster; {C.1} R&R windowpanes; {D.2} R&R cornices/trim; {D.3} R&R signs/awnings; {E.1} R&R roofing; {H} R&R contents; and Section IX, Item {D} architectural fees, of the document. In accordance with the PA, FEMA is not required to submit projects to the State Historic Preservation Officer (SHPO) for review where the work performed meets the allowances. In keeping with the stipulations of the PA < all proposed repair activities should be done in-kind to match materials and form.

Work on interior plaster cornices shall follow guidelines in Preservation Brief 23: Preserving historic plaster [HTTP://www.cr.nps.gov/hps/tps/briefs/brief23.htm](http://www.cr.nps.gov/hps/tps/briefs/brief23.htm) Work on roofs shall follow Preservation Brief 29: the repair, replacement and maintenance of historic slate roofs. [HTTP://www.cr.nps.gov/hps/tps/briefs/brief29.htm](http://www.cr.nps.gov/hps/tps/briefs/brief29.htm) Work on the Record of Environmental Consideration (Version April 2007)

windows shall follow Preservation Brief 9: repair of historic wooden windows, [HTTP://www.cr.nps.gov/hps/tps/briefs/brief09.htm](http://www.cr.nps.gov/hps/tps/briefs/brief09.htm) Work on the sign shall follow Preservation Brief 25: preservation of historic signs, [HTTP://www.crr.nps.gov/hps/tps/briefs/brief25.htm](http://www.crr.nps.gov/hps/tps/briefs/brief25.htm) Interior painting shall follow Preservation Brief 28: painting historic interiors, [HTTP://www.cr.nps.gov/hps/tps/briefs/brief28.htm](http://www.cr.nps.gov/hps/tps/briefs/brief28.htm)

Any change to the approved scope of work will require resubmission for re-evaluation under Section 106 and consultation with the SHPO. Non-compliance may jeopardize the receipt of federal funding. This concludes the Section 106 review for this project.

**Correspondence/Consultation/References:** NHPA effect determinations made by Amber Martinez, FEMA Historic Preservation Specialist.

## 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:** Project is located in an urban or previously developed area. Neither listed species nor their habitat occur in or near this site, thus FEMA finds there will be no effect to threatened or endangered species.

**Correspondence/Consultation/References:** USFWS emergency consultation provisions determined in letters 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:** Project is not within a CBRA zone.

**Correspondence/Consultation/References:** Louisiana Coastal Barrier Resource System Maps referenced 04/23/2007.

## 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:**

**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
- ☒ Project would disturb <1 acre, state administering agency does not require consistency review. (**Review Concluded**).
- ☐ Project triggers the Clean Water Act or could affect a waterway, state administering agency requires consistency review.
- Are project conditions required? ☐ YES (see Section V) ☐ NO (**Review Concluded**)

**Comments:** Proposed site occurs on previously disturbed land and does not require a Louisiana Department of Natural Resources (LDNR) Coastal Management Division Joint Permit.

**Correspondence/Consultation/References:** LA DNR Coastal Management Division emergency consultation guidance and provisions in letter dated March 13, 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:**

## 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:** EPA Region 6 Non-attainment Map.

## 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:**

**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:** 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:**

## 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:**

## L. 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 the 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. Documentation should be forwarded to LOHSEP or The Louisiana Office of Homeland Security Emergency Preparedness and Federal Emergency Management Agency for inclusion in the permanent project files.

The demolition of the Algiers Courthouse building may involve the removal and disposal of wood or cellulose materials. Orleans Parish is one of 12 parishes in Louisiana under quarantine for infestation of the Formosan termite. In accordance with the Formosan Termite Initiative Act (Louisiana revised statutes 3:3391.1 thru 3391.13), wood or cellulose material, temporary housing or architectural components (e.g. beams, doors and other wood salvaged from a structure) may not be moved from, buried in, or used as landfill in a quarantined parish without written authorization from the Louisiana Department of Agriculture and Forestry.

## M. 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)**
- ☐ A Final Public Notice is required

**Comments:** The site is located in Zone B.

**Correspondence/Consultation/References:** FEMA Flood Insurance Rate Map, Community Panel No. 225203 0160E, revised 03/01/1984.

### **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:** No wetlands were determined to be present by checking the USFWS National Wetlands Inventory (NWI) maps.

**Correspondence/Consultation/References:** <http://www.fws.gov/nwi>

### **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 [add a reference] **(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:**

## 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/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: None*

#### **V. Environmental Review Project Conditions**

Project Conditions:

**This project must comply with all conditions of the attached Programmatic Categorical Exclusion. In addition, the following conditions apply as a condition of FEMA funding reimbursement:**

- This site is located in the floodplain and must accordingly comply with the minimum requirements of the National Flood Insurance Program as outlined in 44 CFR Part 60. Coordination must be done with the parish floodplain administrator to ensure compliance with the NFIP as administered in the local floodplain ordinance, which may be more stringent than the NFIP's minimum requirements, including issuance of appropriate permitting.
- This project is located within the Louisiana Coastal Management Zone. LA 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 permit or other authorization from DNR. Projects may be coordinated by contacting LA DNR at 1-800-276-4019.
- 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 the 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. Documentation should be forwarded to LOHSEP or The Louisiana Office

of Homeland Security Emergency Preparedness and Federal Emergency Management Agency for inclusion in the permanent project files.

- The demolition of the Algiers Courthouse building may involve the removal and disposal of wood or cellulose materials. Orleans Parish is one of 12 parishes in Louisiana under quarantine for infestation of the Formosan termite. In accordance with the Formosan termite initiative act (Louisiana revised statutes 3:3391.1 thru 3391.13), wood or cellulose material, temporary housing or architectural components (e.g. beams, doors and other wood salvaged from a structure) may not be moved from, buried in, or used as landfill in a quarantined parish without written authorization from the Louisiana Department of Agriculture and Forestry.
- Although this project meets the criteria for Alternative Arrangements for NEPA compliance, no public involvement plan is necessary.