

# **Record of Environmental Consideration**

**REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007**

See 44 Code of Federal Regulation Part 10

**Project Name/Number:** Hynes Elementary School  
PW 12301 Version 4 / FIPS# 071-UFTI3-00

**Applicant Name:** Orleans Parish School Board

**Project Location:** 10200 Curran Road, New Orleans, Louisiana 70127  
Orleans Parish  
Latitude/Longitude: 30.04749 N, -89.97824 W

## **Project Description:**

On August 29, 2005, Hynes Elementary School was damaged by strong winds and flooding associated with Hurricane Katrina. The school campus consists of 6 buildings; this project involves Annex Building #4, which was constructed after 1970. The building is single story, slab on grade, steel framed, with concrete block perimeter and partition walls and an asphalt shingle roof. The building's footprint is 80 feet by 122 feet, plus 10 feet by 156 feet of attached corridors. It contains 8 classrooms with restroom facilities. Floodwaters from Hurricane Katrina rose to 6 feet above the floor and remained for weeks.

Project Worksheet (PW) 12301 Version 4 reported that the cost to repair the building is 54.8 percent of the cost of replacement, making it eligible for replacement in accordance with 44 CFR 206.226(f). Therefore, the scope for the project includes demolition and reconstruction of the foundation and superstructure, as well as installation of utilities, finishes and equipment. Utilities, sidewalks and chain link fences around the facility would also be replaced as part of the project. The vicinity of the site is fully developed.

This review assumes that the replacement facility is constructed in the footprint of the demolished building.

## **National Environmental Policy Act (NEPA) Determination**

- ☐ Statutorily excluded from NEPA review (**Review Concluded**)
- ☐ Programmatic Categorical Exclusion - Category (**Review Concluded**)
- ☒ Categorical Exclusion - Category (xv)
  - ☒ 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)
    - 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:** This project involving the replacement of a facility in a manner that substantially conforms to the pre-existing design, function and location is categorically excluded from the preparation of an Environmental Impact Statement or Environmental Assessment under 44 CFR Part 10.8 (d)(2)(xv). The Applicant is required to obtain and comply with all local, state and federal permits and requirements. Non-compliance may jeopardize the receipt of federal funding.

**Correspondence/Consultation/References:** 44 CFR Part 10.8 (d)(2)(xv)

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

## Reviewer and Approvals

### FEMA Environmental Reviewer:

Name: Desiree Joseph, Environmental Specialist, FEMA LA TRO

Signature Desiree Joseph Date 8/12/09

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

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

Signature <sup>for</sup> Tracie M. Clark Date 8/12/09

## 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. Item I, Section A and C  
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:** A review of this project was conducted in accordance FEMA's Programmatic Agreement dated December 3, 2004. FEMA has determined that there is no adverse effect to historic properties as a result of the demolition of Hynes Elementary (letter dated April 27, 2006). SHPO concurrence with this determination was received, dated May 16, 2006. Additionally, FEMA has determined that there is no adverse effect to historic properties as a result of the foundation removal and rebuild of Hynes Elementary (letter dated March 13, 2008). SHPO concurrence with this determination was received, March 24, 2008.

**Correspondence/Consultation/References:** 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:**

**Correspondence/Consultation/References:** Rare, Threatened, and Endangered Species & Natural Communities Tracked by the Louisiana Natural Heritage Program ([www.wlf.louisiana.gov/pdfs/experience/naturalheritage/orleans.pdf](http://www.wlf.louisiana.gov/pdfs/experience/naturalheritage/orleans.pdf)).

**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:**

**Correspondence/Consultation/References:** Louisiana Coastal Barrier Resource System Map.

**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:** Project description and area maps.

**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:** This project is located within the Louisiana Coastal Management Zone. The applicant must check with the Louisiana Department of Natural Resources (225-342-9232) for permitting or other authorization requirements.

**Correspondence/Consultation/References:** Louisiana Coastal Zone Map.

## 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:** Project description and area maps.

## 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:** Project description.

## 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:** Project description and area maps.

## 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:

**Correspondence/Consultation/References:** National Marine Fisheries Service, Essential Fish Habitat for the Gulf of Mexico ([www.nmfs.noaa.gov/habitat/habitatprotection/profile/gulfcouncil.htm](http://www.nmfs.noaa.gov/habitat/habitatprotection/profile/gulfcouncil.htm)).

## K. Wild and Scenic Rivers Act

- ☒ Project is not along and does not affect Wild or Scenic Rivers (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:** National Wild and Scenic Rivers (<http://www.rivers.gov/wildriverslist.html>).

## L. Resource Conservation and Recovery Act

Unusable equipment, debris and material shall be disposed 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 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 relevant 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 through 3391.13), the Louisiana Parishes of Calcasieu, Cameron, Jefferson Davis, Orleans, Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa and Washington are under quarantine. The movement of wood or cellulose material (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:** The City of New Orleans/Orleans Parish is enrolled in the National Flood Insurance Program (NFIP) as of 08/03/70. Per Flood Insurance Rate Map (FIRM) panel number 2252030105 E, dated 03/01/84, the facility is located within an "A4" zone, area of 100-yr flooding, base flood elevations and flood hazard factors determined. Per Orleans Parish Advisory Base Flood Elevation (ABFE) map LA-FF 34, dated 06/05/06, the project is located in an "ABFE EL -4 ft or 3 ft above highest existing adjacent grade (HEAG)" zone. The project is the replacement of a building, equipment and components. In compliance with EO 11988, the 8-step process was completed and is on file. Per 44 CFR 9.12, a cumulative final public notice was published 10/26/2007 and documentation is on file. No further floodplain review will be forthcoming unless there should be a change in the scope of work.

**Correspondence/Consultation/References:** A.C.Clark, CFM, Floodplain Management Specialist

## 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:** The project site is not within wetlands.

**Correspondence/Consultation/References:** USFWS National Wetlands Inventory map (<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 <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:**

**Correspondence/Consultation/References:** Project description.

## 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:**

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

### **Project Conditions:**

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

1. Applicant shall follow all applicable local, state and federal laws, regulations and requirements. The Applicant shall coordinate with the local floodplain administrator and comply with floodplain ordinances. Per 44 CFR 9.11, mitigation or minimization standards must be applied. Building contents, materials, and equipment (mechanical or electrical) must be elevated to or above the ABFE.
2. This project is located within the Louisiana Coastal Management Zone. The applicant must check with the Louisiana Department of Natural Resources (225-342-9232) for permitting or other authorization requirements.
3. Unusable equipment, debris and material shall be disposed 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 petroleum products, hazardous materials (such as asbestos and lead-based paint) and/or toxic waste in accordance with the requirements and to the satisfaction of the relevant local, state and federal agencies.
4. In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 through 3391.13), the Louisiana Parishes of Calcasieu, Cameron, Jefferson Davis, Orleans, Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa and Washington are under quarantine. The movement of wood or cellulose material (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. This project involves the demolition of a public structure that may contain surfaces coated with lead-based paint (LBP). Activities shall comply with applicable provisions of 29 CFR Parts 1910 and 1926 (OSHA - Worker Safety), and 40 CFR 260 through 268 (EPA - Hazardous Waste). The applicant is responsible for ensuring that demolition activities are coordinated with the Louisiana Department of Environmental Quality (LDEQ) for abatement activities and is also responsible for ensuring proper disposal in accordance with the previously referenced regulations.
6. This project involves the demolition of a public structure. Regardless of the asbestos content, the applicant is responsible for ensuring that renovation or demolition activities are coordinated with the LDEQ in accordance with the LDEQ "Seventh Amended Declaration of Emergency and Administrative Order" dated August 28, 2006, incorporating the provisions of EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) and the Louisiana Administrative Code (LAC) 33.III.5151 and Chapter 27. Should asbestos containing materials (ACMs) be present at the project site, the applicant is also responsible for ensuring proper disposal in accordance with the previously referenced administrative order.
7. This project potentially involves the disposal of metallic mercury containing electronic devices. The applicant is responsible for ensuring that these devices are recovered, recycled, reused or sequestered in accordance with the LDEQ "Declaration of Emergency; Mercury-containing Devices and Electronic Equipment as Universal Waste" letter dated October 3, 2005.