

# Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA

See 44 Code of Federal Regulation Part 10

**Project Name/Number:** Youth Study Center/ PW 12621vsn3

**Applicant Name:** City of New Orleans

**Project Location:** 1100 Milton St., New Orleans, LA 70122  
Latitude: 29.99536, Longitude: -90.08391

**Project Description:** Hurricane Katrina caused catastrophic damage on August 29, 2005 to the City of New Orleans Youth Study Center. Project scope of work involves the demolition and replacement of the facility.

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

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion
- Categorical Exclusion - Category xii & 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**)
- Environmental Assessment
- Supplemental Environmental Assessment (Reference EA or PEA in comments)
- Environmental Impact Statement
- Scope of work requires public involvement plan

**Comments:** Based on information provided by the applicant, this action is categorically excluded from the preparation of an Environmental Impact Statement or Environmental Assessment under 44 CFR part 10.8 (d)(2)(xii & xv). Any changes to the scope of work will require re-submission through the state to FEMA and requires re-evaluation for compliance with national environmental policies. The applicant is responsible for obtaining and complying with all local, state and federal permits. Non-compliance with this requirement may jeopardize receipt of federal funds.

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

## **Reviewer and Approvals**

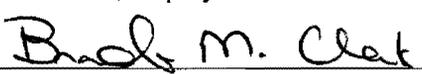
### **FEMA Environmental Reviewer:**

Name: Adam Borden, Environmental Specialist, FEMA LA-TRO

Signature  Date 7-11-07

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

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

Signature <sup>for</sup>  Date 7/11/07

## **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: Section A & E  
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 comments).
- 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:** The structure does not meet the 50 year criterion, nor does it possess the level of exceptional importance required by criteria consideration G of the Nation Register Guidelines to be considered eligible for the National Register of Historic Places. Scope of work indicates ground disturbing activities associated with demolishing and rebuilding the structure within its pre-disaster footprint as well as elevating HVAC units and replacing fencing. Upon consultation of data provided by the State Historic Preservation Office (SHPO), there is one known archaeological site near and possibly beneath the project area. However all work is expected to occur within previously disturbed areas. Therefore the scope of work as submitted meets the criteria outlined in the Programmatic Agreement dated December 3, 2004 Appendix A Section A & E. In accordance with this document FEMA is not required to submit projects to the SHPO for review where the work performed meets these allowances. Demolition must follow the Lower Impact Demolition Stipulations which are attached. These stipulations should be explicit in the demolition contract.

**Correspondence/Consultation/References:** - Dana Linck, 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:** 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 for Katrina.

### 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 07/11/07.

### 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 the project area.  
**Correspondence/Consultation/References:** USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on 07/11/07.

### 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. 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 use permit or other authorization from DNR. Projects may be coordinated by contacting LA DNR at 1-800-276-4019.  
**Correspondence/Consultation/References:** Louisiana Coastal Zone maps queried 07/11/07.

### 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:** No streams or water bodies are located in or near the project area.  
**Correspondence/Consultation/References:** Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) queried 07/11/07.

### 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:** This project involves the renovation of a public structure. The proposed project includes activities that would produce a minor, temporary, and localized impact on air quality from 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:** The project site is in a developed urbanized area and Farmland Protection Policy Act (FPPA) is precluded. No prime or unique farmland present.  
**Correspondence/Consultation/References:** National Resource Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) referenced 07/11/07.

### 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 any surface waters with the potential to affect EFH species.  
**Correspondence/Consultation/References:** Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) referenced 07/11/07.

### 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:** Project is not along and does not affect Wild or Scenic River (WSR).  
**Correspondence/Consultation/References:** National Wild and Scenic Rivers <http://www.nps.gov/rivers/wildriverslist.html>.

### L. Resource Conservation and Recovery Act

*State Hazardous Materials and Solid Waste Laws and Resource Conservation and Recovery Act*  
**Comments:** The renovation activities associated with this project may result in various types of debris and wastes, some of which may be hazardous. Therefore, all debris and waste must be treated, stored, and disposed of in a proper manner and location. (See Section V)

## 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**)

**Comments:** The City of New Orleans is enrolled in the national flood insurance program as of 8/3/1970. Facility is located within an "A5" zone, area of 100-yr flooding, base flood elevations and flood hazard factors as determined per flood insurance rate map panel number 2252030095E, dated 3/1/84. Applicant shall follow all applicable local, state and federal laws, regulations and requirements.  
**Correspondence/Consultation/References:** ,Dana Mehlman, Environmental 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:** No wetlands were determined to be present by checking the USFWS National Wetlands Inventory (NWI) maps.  
**Correspondence/Consultation/References:** USFWS NWI map accessed on-line.  
(<http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>) 07/11/2007.

### 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 [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** The percent populations of 70122 are: 73.2% Black, 23.0% White, 3.2% Hispanic. The median household income in 1999 was \$ 31,104 and 19.9% of families are below poverty level.  
**Correspondence/Consultation/References:** U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced 07/11/07.

### 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:

**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:**

- In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the Louisiana parish of Orleans are 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).
- If required by LDEQ, the applicant shall require its contractor to prepare, certify, and implement a construction storm water pollution prevention plan to prevent sediment and construction material transport from the project site (a Louisiana Pollution Discharge Elimination System (LAPDES) permit will be required in accordance with the Clean Water Act and the Louisiana Clean Water Code. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
- Applicant is responsible to ensure potential hazardous materials, if any, shall be removed, handled, transported and disposed of in accordance with local, state and federal compliance requirements.
- Per Clean Air Act National Emission Standards for Hazardous Air Pollutant regulations and Louisiana Administrative Code 33:III 5151, demolition activities related to Possible Asbestos-Containing Materials (PACM) must be inspected for ACM/PACM where it is safe to do so. ACM/PACM must be handled in accordance with local, state and federal regulations and disposed of at approved facilities that accept ACM. Demolition activity notification must be sent to the LDEQ before work begins.
- 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 and/or the footprint/location of the new building changes, 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.