

# Record of Environmental Consideration

See 44 Code of Federal Regulation Part 10.

**Project Name/Number:** Permanent Building Repairs-Kearny Hall Elevators / PW 9991

**Project Location:** 2601 Gentilly Blvd., New Orleans, Louisiana, Orleans Parish 70122 (N29.5982, W-90.03834)

**Project Description:** Project activities include demolishing/removing and replacing 2 elevator cabs, tracks, and equipment. Hazard mitigation will be achieved through compliance with current codes and standards.

## Documentation Requirements

- No Documentation Required **(Review Concluded)**
- (Short version)** All consultation and agreements implemented to comply with the National Historic Preservation Act, Endangered Species Act, and Executive Orders 11988, 11990 and 12898 are completed and no other laws apply. **(Review Concluded)**
- (Long version)** All applicable laws and executive orders were reviewed. Additional information for compliance is attached to this REC.

## National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review. **(Review Concluded)**
- Programmatic Categorical Exclusion - Category **(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

*Comments:* This project meets the criteria for an Alternative Arrangement (Permanent Schools) type of project. This project has conditions and requires mitigation under the other Environmental and Historic Preservation (EHP) laws.

### Reviewer and Approvals

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

FEMA Environmental Reviewer.

Name: Letha Dawson, Environmental Specialist

Signature Letha Dawson Date 07/06/2006

FEMA Regional Environmental Officer or delegated approving official.

Name: Donald Fairley, ELO

Signature DF Date 07/06/2006

### 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 (12/03/2004) Otherwise, conduct standard Section 106 review.
  - Activity meets Programmatic Allowance # \_\_\_\_\_
  - Are project conditions required?  Yes (see section V)  No **(Review Concluded)**

#### 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 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:* 07/06/06 The property has been determined by FEMA to be not eligible for listing in the National Register or located within the boundaries of a National Register District. Concurrence with this determination was received from the SHPO dated 04/10/2003. At that time the SHPO stated that the National Register guidelines require that this building be listed as a non-contributing element to the Dillard University National Register District (due to the extensive modifications made to the original structure). In keeping with this determination, the proposed project will have no effect on historic resources. This concludes the Section 106 review for this project. Elrhei S. Thibodeaux, Historic Preservation Specialist  
*Correspondence/Consultation/References:* SHPO letter dated 04/10/2003

### 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:* None  
*Correspondence/Consultation/References:*

### 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:* None  
*Correspondence/Consultation/References:*

### 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/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:* Project is not in or adjacent to any waterways of the US.  
*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
    - 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:* FEMA has determined that this project is consistent with the Coastal Zone Management Act (CZMA) and the Louisiana Coastal Management Plan (LCMP).  
*Correspondence/Consultation/References:*

**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:* Project is not in or adjacent to any waterways of the US.  
*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:* None  
*Correspondence/Consultation/References:*

**H. Farmland Protection Policy Act**

- 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 Resource Conservation Commission required.
      - Farmland Conversion Impact Rating, Form AD-1006, completed.
- Are project conditions required?  YES (see section V)  NO (**Review Concluded**)

*Comments:* None  
*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:* See letter from Don Fairley to Mr. Russ Watson with USF&WS, dated 09/14/2005. Specifically, FEMA has determined that restoration projects funded with federal resources will not have adverse impacts on migratory birds or other

fish and wildlife reserves. These determinations are based on the understanding that the conditions outlined in the Louisiana Endangered Species Summary are met.

Correspondence/Consultation/References: [http://pacificflyway.gov/Documents/Mississippi\\_map.pdf](http://pacificflyway.gov/Documents/Mississippi_map.pdf)

**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: None

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: None

Correspondence/Consultation/References:

**L. 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)**

Comments: 06/30/06 - The City of New Orleans/Orleans Parish enrolled in the National Flood Insurance Program (NFIP) on 8/3/70. Per Flood Insurance Rate Map (FIRM) panel number 225203 0095E, dated 3/1/84, project is located in Zone "B", this area protected from the annual chance (100 year) flood by levee, dike or other structures subject to possible failure or over topping during larger floods. This project is the repair of a building to its pre-disaster condition and replacement of building contents which per flood recovery guidance, dated 04/12/2006, where possible, all equipment and contents should be elevated at least 3 ft. above the highest grade elevation. A. C. Clark Floodplain Spec

Correspondence/Consultation/References:

**B. E.O. 11990 - Wetlands**

- No Effects on Wetland(s) and 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: None  
Correspondence/Consultation/References:

**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: None  
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: None  
Correspondence/Consultation/References:

**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) 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**

General comments: None

Project Conditions:

1. Per flood recovery guidance, dated 04/12/2006, where possible, all equipment and contents should be elevated at least 3 feet above the highest grade elevation.

Monitoring Requirements: None