

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: Sherwood Forest Elementary School, Main Building
PW # 13303 Version 2 FIPS#: 033-UA9M2-00

Applicant Name: Recovery School District

Project Location: 4801 Maid Marion Dr, New Orleans, LA 70128, Orleans Parish,
Latitude: 30.02479, Longitude: -89.95495

Project Description:

Hurricane Katrina generated hurricane force winds, wind driven rains, storm surge, flooding and standing waters resulting in damage to the one story main school building at the Sherwood Forest Elementary School which is a 41,928 square foot concrete/masonry building. As a result of the hurricane the school experienced flooding to a level at least 2.5 feet above the finished floor.

Flooding damaged floors, electrical driven equipment, cabinets, wall material, and building contents. High winds and wind driven rain damaged the buildings roof and windows.

Version 2 of the PW is a re-evaluation of the damage to the school. The re-evaluation found that damages exceeded 50% of the structure, therefore the structure is eligible for replacement. The existing structure will be demolished and replaced in the same footprint as the original structure.

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 xii and 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, the scope of work for this project is categorically excluded from the preparation of an environmental impact statement or environmental assessment under 44 CFR part 10.8 (d)(2)(xii) and (xv). Any changes to this approved scope of work will require submission to, and evaluation and approval by, the state and FEMA prior to initiation of any work, for compliance with the national environmental policy act. The applicant is required to obtain and comply with all local, state and federal permits and requirements. Non-compliance with the requirements noted above may jeopardize the receipt of federal funding

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Ted Murray, Environmental Specialist

Signature Ted Murray Date 7-1-09

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Cynthia Teeter, FEMA LA TRO

Signature for Brandon M. Clark Date 7/1/09

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.
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: A review of version 2 of this project was conducted in accordance FEMA's Programmatic Agreement dated December 3, 2004. FEMA has determined that No Historic Properties are affected by the proposed undertaking. SHPO concurrence with this determination was received, dated 08/12/2008. The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found under the Environmental Review NHPA conditions.

Correspondence/Consultation/References: Amber Martinez, HP 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: Listed species habitat does not occur in or near this site, thus this project will have no effect to threatened or endangered species.

Correspondence/Consultation/References: Ted Murray, Environmental Specialist

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 6/10/09.

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 or near the project area.

Correspondence/Consultation/References: Ted Murray, Environmental Specialist

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 should be contacted to determine if consistency review required..
Are project conditions required? ☒ YES (see Section V) ☐ NO **(Review Concluded)**

Comments: This project is located within the Louisiana Coastal Management Zone. Projects within the coastal zone may require a coastal use permit or other authorization from DNR. Prior to initiation of work, projects should be coordinated by contacting LA DNR at (225) 342-9232. If a permit or other authorization is required, applicant shall comply with all conditions of the permit.

Correspondence/Consultation/References: Ted Murray, Environmental Specialist

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 will not affect, control or modify a waterway or body of water.
Correspondence/Consultation/References: Ted Murray, Environmental Specialist

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: Applicant should ensure that best management practices are taken. Care should be taken to minimize the generation of fugitive dust during construction activities.
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: Ted Murray, Environmental Specialist

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: Ted Murray, Environmental Specialist

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: National Wild and Scenic Rivers <http://www.nps.gov/rivers/wildriverslist.html>.

L. Resource Conservation and Recovery Act

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 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.

M. Other Relevant Laws and Environmental Regulations

In accordance with the Formosan termite initiative act, (LA R.S. 3:3391.1 thru 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, 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)

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: As per preliminary digital flood insurance rate map (DFIRM) panel number 22071c0140 f, dated 10/30/08, the site is located within an "AE" el -2 zone , base flood elevations and flood hazard factors determined. In compliance with EO11988, an 8-step process, showing considered alternatives, was completed and is attached or on file.

Correspondence/Consultation/References: June R. Griffin, FPM 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: Project will have no impact on wetlands.

Correspondence/Consultation/References: Ted Murray, Environmental Scientist

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: Ted Murray, Environmental Scientist

III. Other Environmental Issues

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

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:

- 1) This project is located within the Louisiana Coastal Management Zone. Projects within the coastal zone may require a coastal use permit or other authorization from DNR. Prior to initiation of work, projects should be coordinated by contacting LA DNR at (225) 342-9232. If a permit or other authorization is required, applicant shall comply with all conditions of the permit.
- 2) 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 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.
- 3) In accordance with the Formosan termite initiative act, (LA R.S. 3:3391.1 thru 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, 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)
- 4) The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found under the Environmental Review NHPA conditions.
- 5) New construction must coordinate and comply with local floodplain ordinances, and be built to current codes and standards. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. As per 44 CFR 9.11 (d) (9), mitigation or minimization standards must be applied where possible. The replacement of building contents, materials and equipment should be, where possible, wet or dry-proofed, elevated, or relocated to or above the DFIRM elevation.
- 6) Based on information provided by the applicant, the scope of work for this project is categorically excluded from the preparation of an environmental impact statement or environmental assessment under 44 CFR part 10.8 (d)(2)(xii) and (xv). Any changes to this approved scope of work will require submission to, and evaluation and approval by, the state and FEMA prior to initiation of any work, for compliance with the national environmental policy act. The applicant is required to obtain and comply with all local, state and federal permits and requirements. Non-compliance with the requirements noted above may jeopardize the receipt of federal funding.