Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA – April 2007
See 44 Code of Federal Regulation Part 10

Project Name/Number: Dunbar Elementary School – Portable 2 / PW 14349-3
FIPS#: 033-UA9M2-00

Applicant Name: Recovery School District

Project Location: 9330 Forshey Street, New Orleans, Louisiana 70118, Orleans Parish
Latitude: 30.01054, Longitude: -90.07777

Project Description:

Hurricane Katrina caused catastrophic damage on August 29, 2005 to Dunbar Elementary School. This project is one among a total of 22 contributing (donor) facilities approved by FEMA for replacement. The Recovery School District chooses to use eligible funds for this replacement project (less demolition costs) towards the renovation of another existing RSD school. This project scope of work includes only the demolition and disposal of Dunbar Elementary School.

National Environmental Policy Act (NEPA) Determination

- ☐ Statutorily excluded from NEPA review (**Review Concluded**)
- ☐ Programmatic Categorical Exclusion - Category (**Review Concluded**)
- ☐ Categorical Exclusion - Category xii
  - ☐ 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)
- ☐ Environmental Assessment
- ☐ Supplemental Environmental Assessment (Reference EA or PEA in comments)
- ☐ Environmental Impact Statement

Comments: This project meets the criteria to utilize the Alternative Arrangements process within the National Environmental Policy Act (NEPA) approved by the Council on Environmental Quality, Department of Homeland Security, and FEMA on 3/23/06. Based on documentation provided by the applicant, FEMA has determined that the Recovery School District has conducted a satisfactory process of public involvement and outreach in its project development and is otherwise eligible for consideration under Alternative Arrangements for NEPA compliance. The Recovery School District is responsible for archiving public involvement materials. This material will be available at close-out for authentication and such documentation will be made available for the closeout reviewer.

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

Reviewer and Approvals

FEMA Environmental Reviewer:
Name: Brandon M. Clark, Environmental Specialist, FEMA LA TRO

Signature Brandon M. Clark Date 4/21/09

FEMA Environmental Liaison Officer or Delegated Approving Official:
Name: Cynthia Tetter, Deputy Environmental Liaison Officer, FEMA LA TRO
Signature for [signature] Date 4-21-09

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: Section I, A-J
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 No Historic Properties are affected by the proposed undertaking. SHPO concurrence with this determination was received, 6/10/08. 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. The review of the Alternate project associated with this PW will be documented in PW 18597.
Correspondence/Consultation/References: Rusty Anchors, 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: 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 April 21, 2009

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: USFWS National Wetlands Inventory map (http://www.fws.gov/nwi/) queried on April 21, 2009

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. Projects within the coastal zone may require a coastal use permit or other authorization from LADNR. Projects may be coordinated by contacting LA DNR at 1-225-342-9232.
Correspondence/Consultation/References: Louisiana Coastal Zone maps queried April 21, 2009

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 scope does not include impoundment, diversion, control, or other modification of waters of any stream or body of water.
Correspondence/Consultation/References: Louisiana Map (http://wwwlamap.doa.louisiana.gov/) queried April 21, 2009

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: The site is located within an existing urban and developed area and FPPA is precluded.
Correspondence/Consultation/References: National Resource Conservation Service, Web Soil Survey (http://websoilsurvey.nrcs.usda.gov/app/) referenced April 21, 2009

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: Louisiana Map (http://wwwlamap.doa.louisiana.gov/) referenced April 21, 2009

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

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 (such as asbestos and lead based paint) 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

Formosan Termite Initiative Act
In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the Louisiana Parish of Orleans is 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: This version is for the demolition of the facility. The remaining replacement funds will be de-obligated and applied to an alternate project involving another facility. No further floodplain review will be forthcoming for PW listed unless there should be a re-obligation of funds or changes to the scope of work.
Correspondence/Consultation/References: Kimberly R. Rogers, 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: None
Correspondence/Consultation/References: USFWS NWI map accessed on-line April 20, 2009

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: The populations within zip code 70118 are: 44.6% White, 51.6% Black, and 3.2% Hispanic or Latino (of any race). The median household income in 1999 was $28,006 and 18.7% of families are below poverty level.

This project involves the demolition and abandonment of a public school. Costs associated with rebuilding this school will be applied to the reconstruction of other schools throughout Orleans Parish. This action takes into consideration the changed demographics as a result of the storm; the changed cultural environment subsequent to the age of school integration; and the substandard functionality of the existing buildings. This action is considered to be the best alternative for the welfare of the students.

One of the main goals of the RSD Master Plan was to ensure the maximization of public involvement and develop a plan that is embraced by the public. Numerous public meetings were held in developing the Master Plan. The meetings were meticulously documented and public comments were correlated for consideration in the plan.

The Recovery School District is responsible for archiving public involvement materials. This material will be available at close-out for authentication and such documentation will be made available for the closeout reviewer.

Correspondence/Consultation/References: U.S. Census bureau 2000 data at http://factfinder.census.gov, referenced April 20, 2009

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:

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

1. 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.
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 (such as asbestos and lead based paint) 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 Parish of Orleans is 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. 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.
5. This project involves the demolition of a public structure that may contain surfaces coated with lead-based paint (LBP). The Applicant is responsible complying with all local, state, and federal laws and ensuring that project activities are coordinated with the Louisiana Department of Environmental Quality for abatement activities.
6. The Recovery School District is responsible for archiving public involvement materials. This material will be available at close-out for authentication and such documentation will be made available for the closeout reviewer.