

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA – April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: Edward Livingston High School
AI: 2071
Donor PW's: 13542, 13286, 13376
FIPS: 033-UA9M2-00
DR 1603-LA

Applicant Name: Recovery School District

Project Locations: 7301 Dwyer Road, New Orleans LA 70126
Latitude/Longitude: 30.02183, -90.00259

Project Description:

On August 29, 2005, Hurricane Katrina and its aftermath caused wind and flood damage to multiple Recovery School District (RSD, the Applicant) facilities. Per the Recovery School District's and OPSB "School Facilities Master Plan," these facilities have been approved for repair or replacement. Furthermore, the applicant has been granted a Single Settlement Request (SSR, Project Worksheet 19166) to utilize FEMA grant funding for the reconstruction of New Orleans Public Schools in accordance with this master plan. This EHP record of Environmental Consideration (REC) addresses the Applicant's request for an amendment to the SSR for FEMA grant funding for construction of a new high school at the pre-disaster Edward Livingston School site at 7301 Dwyer Road, New Orleans, LA 70126.

The Department of Homeland Security (DHS) and the White House Council on Environmental Quality (CEQ) have established Alternative Arrangements (AA) to meet the requirements of the National Environmental Policy Act (NEPA) and the CEQ Regulations for Implementing the Procedural Requirements of NEPA to Reconstruct Critical Infrastructure in the New Orleans Metropolitan Area (NOMA). AA will enable FEMA, as a component of DHS, to consider the potential for significant impacts to the human environment from its approval to fund the reconstruction of critical physical infrastructure in NOMA. This proposed project meets AA qualifications for the Reconstruction of Critical Infrastructure in the NOMA. For more information visit www.fema.gov/plan/ehp/noma/index.shtm

The Federal Emergency Management Agency (FEMA), Environmental and Historic Preservation (EHP) Department at the Louisiana Recovery Office (LRO) has determined through its Special Considerations review that the Recovery School District's (Applicant) public involvement process meets the requirements of the NEPA and AA. Those requirements comply with the programmatic agreement between the CEQ, DHS, and FEMA. As part of the Greater New Orleans Area critical infrastructure, this project qualifies for expedited considerations under the Alternative Arrangements for NEPA compliance. The AA process (www.fema.gov/plan/ehp/noma) has been activated to address the basic elements of NEPA for actions taken to restore critical infrastructure devastated by Hurricane Katrina

This Record of Environmental Consideration (REC) specifically addresses the applicant's proposal to construct a new two-story high school at the pre-disaster Edward Livingston School site, located at 7301 Dwyer Road, New Orleans, Louisiana. The proposed 106,800 square foot facility will include a library/media center, performing arts center, gymnasium, auditorium, computer lab, cafeteria, classrooms, a commercial kitchen, and office space for administrative and student support services. The building will consist of wood-pile and concrete-grade beam supported retaining walls, elevated cast-in-place concrete slab, steel framing throughout the building, and metal roofing. The scope of work also includes site clearing, demolition, backfilling, trench work, storm drainage construction, concrete paving for new driveways/walkways, and site fencing.

National Environmental Policy Act (NEPA) Determination

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

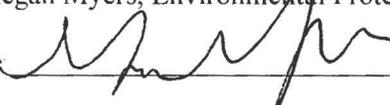
Comments: 6/17/2013 – Based on documentation provided by the sub-applicant, FEMA’s Environmental/Historic Preservation Section and Alternatives Arrangement team determined that the Recovery School District and the Orleans Parish School Board provided sufficient documentation to demonstrate a satisfactory public involvement process for rebuilding schools in Orleans Parish, LA. 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. M. Myers, Environmental Protection Specialist.

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

Reviewer and Approvals

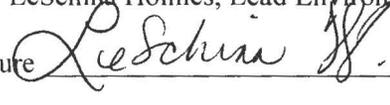
FEMA Environmental Reviewer:

Name: Megan Myers, Environmental Protection Specialist, FEMA LRO

Signature  Date 6/18/2013

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: LeSchina Holmes, Lead Environmental Protection Specialist, FEMA LRO

Signature  Date 06/18/2013

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**)
- Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (date of agreement and allowance number in comments) - **Review Concluded**
- Applicable executed Programmatic Agreement (August 17, 2009 as amended on July 22, 2011). See project review below for historic structures and archaeological resources.
- Other Programmatic Agreement dated _____ applies

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 50 years or older in project area. (**Review Concluded**)
- Building or structure 50 years or older or listed on the National Register in the 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 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: FEMA determined in a letter dated 2/4/10 that there will be “No Effect” to historic properties for the demolition and rebuilding of Edward Livingston School (7301 Dwyer Road). SHPO concurrence with this determination was received, dated 2/15/10. Consultation with affected tribes (Seminole Tribe of Florida, Seminole Tribe of Oklahoma, Quapaw Tribe of Oklahoma, Mississippi Band of Choctaw Indians, Chitimacha Tribe of Louisiana, Choctaw Nation of Oklahoma, Alabama-Coushatta Tribe of Texas and Coushatta Tribe of Louisiana) was conducted per Stipulation VII.E (2) of FEMA’s Secondary Programmatic Agreement Regarding New Orleans School Facilities Master Plan (2PA) dated August 17, 2009. Additionally, consultation with affected tribes (Seminole Tribe of Florida, Seminole Tribe of Oklahoma, Quapaw Tribe of Oklahoma, Mississippi Band of Choctaw Indians, Chitimacha Tribe of Louisiana, Choctaw Nation of Oklahoma, Alabama-Coushatta Tribe of Texas and Coushatta Tribe of Louisiana) was conducted per FEMA’s Programmatic Agreement dated August 17, 2009 and amended on July 22, 2011 (PA). The Alabama-Coushatta Tribe of Texas concurred with FEMA’s recommendation on February 26, 2010. The remaining Tribes did not object within the regulatory timeframes; therefore, in accordance with the 2PA, Stipulation VIII.E(1) of the PA and 36 CFR part 800.5(c)1, FEMA may proceed with funding the undertaking assuming concurrence. The applicant must comply with the NHPA conditions set forth in this A/I project.

Correspondence/Consultation/References: Victoria Byrd, HP Specialist, 5/8/2013

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 disturbed area. No listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action. The scope of work for this project does not require U.S. Fish and Wildlife Service (USFWS) consultation as per FEMA/USFWS disaster consultation letter dated September 15, 2005. Review concluded.
Correspondence/Consultation/References: USFWS emergency consultation provisions determined in letters dated September 15, 2005 for Hurricane Katrina. See also ESA and MBTA Project Review tool (www.fws.gov/lafayette) accessed 1/22/2013. M. Myers, Environmental Protection Specialist, 6/17/2013.

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 CBRS Maps referenced 6/17/2013, M. Myers, Environmental Protection Specialist.

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.nepassisttool.epa.gov/nepamap.aspx>) queried on 6/17/2013. M. Myers, Environmental Protection 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 requires consistency review.
Are project conditions required? YES (see section V) NO (**Review Concluded**)

Comments: This project is located within the Louisiana Coastal Zone. The applicant is responsible for coordinating with and obtaining any required permit(s) from the Louisiana Department of Natural Resources' (LDNR) Coastal Management Division (CMD) prior to initiating work. The applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
Correspondence/Consultation/References: Louisiana Coastal Zone maps queried 6/17/2013. M. Myers, Environmental Protection 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 scope does not include impoundment, diversion, control, or other modification of waters of any stream or body of water.

Correspondence/Consultation/References: NEPAAssist Map (<http://www.nepassisttool.epa.gov/nepamap.aspx>) queried on 6/17/2013, M. Myers, Environmental Protection 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: 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: M. Myers, Environmental Protection Specialist, 6/17/2013.

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: Project does not affect designated prime or unique farmland.

Correspondence/Consultation/References: National Resource Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) referenced 6/17/2013. M. Myers, Environmental Protection 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. M. Myers, Environmental Protection Specialist, 6/17/2013.

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: NEPAAssist Map (<http://www.nepassisttool.epa.gov/nepamap.aspx>) referenced 6/17/2013, M. Myers, Environmental Protection 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: Project is not along and does not affect Wild or Scenic River (WSR).
Correspondence/Consultation/References: National Wild and Scenic Rivers (<http://www.rivers.gov>) referenced 6/17/2013. M. Myers, Environmental Protection Specialist.

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.

This project involves the demolition or renovation, of a facility constructed prior to 1978 that may contain surfaces coated with Lead-Based Paint (LBP). The applicant is responsible for complying with the Toxic Substances Control Act (TSCA) Section 402(c)(3) requirements. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.

Correspondence/Consultation/References: M. Myers, Environmental Protection Specialist, 6/17/2013.

M. 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)**
 - A Final Public Notice is required

Comments: 06/18/2013 - FLOODPLAIN - The Parish of Orleans enrolled in the National Flood Insurance Program (NFIP) on 3/13/1970. As per Preliminary Digital Flood Insurance Rate Map Panel Number 22 071C 0119 F dated 11/9/2012, the site is located within Zone "AE", EI -6, base flood elevation determined. Per 44 CFR 9.11(d) (3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to

these activities and applicant compliance with any conditions should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials and equipment, where possible, disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials and equipment outside or above the base floodplain. In compliance with Executive Order 11988, an 8-step process was completed, is attached and on file.
Correspondence/consultation/references: Wayne Berggren, CFM, Floodplain Specialist, EHP

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: A review of the National Wetland Inventory (NWI) online mapper for the site indicates that the area is not located within a designated wetland.
Correspondence/Consultation/References: U.S. FWS NWI map accessed at NEPAassist Map (<http://www.nepassistool.epa.gov/nepamap.aspx>) 6/17/2013. M. Myers, Environmental Protection Specialist.

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: A comprehensive master plan has been prepared for Orleans Parish, *The School Facilities Master Plan for Orleans Parish (Master Plan)*, which supports Orleans Parish School Board's compliance with the National Environmental Policy Act Executive Order considering Environmental Justice (NEPA EJ). This Master Plan identified effects to low-income and minority populations and potentially Indian Tribes (See Attached Master Plan document detailing the NEPA EJ efforts).
Correspondence/Consultation/References: Amended School Facilities Master Plan for Orleans Parish, February 23, 2012, Megan Myers, Environmental Protection Specialist, 6/17/2013.

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. This project is located within the Louisiana Coastal Zone. The applicant is responsible for coordinating with and obtaining any required permit(s) from the Louisiana Department of Natural Resources' (LDNR) Coastal Management Division (CMD) prior to initiating work. The applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
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. This project involves the demolition or renovation, of a facility constructed prior to 1978 that may contain surfaces coated with Lead-Based Paint (LBP). The applicant is responsible for complying with the Toxic Substances Control Act (TSCA) Section 402(c)(3) requirements. All coordination pertaining to these activities should be documented and copies forwarded to the state and FEMA as part of the permanent project files.
4. Per 44 CFR 9.11(d) (3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files.
5. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials and equipment, where possible, disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials and equipment outside or above the base floodplain.
6. If human bone or unmarked grave(s) are present with the project area, 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 (24) hours of the

discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two (72) hours of the discovery.

7. If during the course of work, archaeological artifacts (prehistoric or historic) 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.

RECOVERY SCHOOL DISTRICT
Edward Livingston High School
FEMA Disaster 1603-DR-LA AI 2071

Executive Order 11988 - FLOODPLAIN MANAGEMENT
Executive Order 11990 - WETLAND PROTECTION

8-STEP DECISION MAKING PROCESS

Date: 06/17/2013

Prepared By: Wayne Berggren, CFM, EHP Floodplain Specialist

Project: On August 29, 2005, Hurricane Katrina and its aftermath caused wind and flood damages to multiple Recovery School District (RSD, the Applicant) facilities. Per the Recovery School District's and OPSB "School Facilities Master Plan," these facilities have been approved for repair or replacement. Furthermore, the applicant has been granted a Single Settlement Request (SSR, Project Worksheet 19166) to utilize FEMA grant funding for the reconstruction of the New Orleans Public Schools in accordance with this master plan. This EHP Record of Environmental Consideration (REC) addresses the Applicant's request for an amendment to the SSR for FEMA grant funding for construction of a new Edward Livingston High School at the proposed site located 7301 Dwyer Road, New Orleans, LA 70126.

The applicant has submitted an Alternate Project requesting approval to construct a permanent school facility with the capacity to serve high school students. Final plans are under development and will be provided to FEMA at a later date.

This project must be conducted in accordance with conditions for federal actions in the floodplain as set forth in presidential Executive Order (EO) 11988, *Floodplains* and presidential Executive Order 11990, *Wetlands* and the implementing regulation found at 44 Code of Federal Regulations (CFR) Part 9, *Floodplain Management and Protection of Wetlands*. These regulations apply to all direct and indirect Agency actions which have the potential to affect floodplains or wetlands or their occupants, or which are subject to potential harm by location in floodplains.

Public Assistance grant funded projects carried out in the floodplain or affecting the floodplain must be coordinated with the local floodplain administrator for a floodplain development permit prior to the undertaking. The action must be carried out in compliance with relevant, applicable, and required local codes and standards, thereby will reducing the risk of future flood loss, minimize the impacts of floods on safety, health, and welfare, and preserving and restoring beneficial floodplain values as required by Executive Order 11988.

Restoration projects conducted with Public Assistance grant funds must be carried out in accordance with the local floodplain management plan and ordinance and shall utilize the

current locally adopted Flood Insurance Rate Map, Advisory Base Flood Elevation map, or draft Preliminary FIRM as the "best available data" as a minimum standard. Per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program.

STEP 1 Determine whether the proposed actions are located in a wetland and/or the 100-year floodplain (500-year floodplain for critical actions [44 CFR 9.4]), or whether they have the potential to affect or be affected by a floodplain or a wetland (see 44 CFR 9.7).

The project is located in relation to floodplains as mapped by:

Latitude: 30.02183 **Longitude** -90.00259
7301 Dwyer Road, New Orleans, LA 70126

Revised Preliminary DFIRM Panel (November 9, 2012):
22 071C 0231 0119 F **Flood Zone:** AE
Base Flood Elevation: EL -6 feet NAVD88

The project is located in a wetland as identified by:

STEP 2 Notify the public at the earliest possible time of the intent to carry out an action in a floodplain or wetland, and involve the affected and interested public in the decision making process (see 44 CFR 9.8).

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Notice will be or has been provided by:

In general, FEMA has an obligation to provide adequate information to enable the public meaningful input on the decision for all actions having the potential to affect or be affected by floodplains or wetlands that it proposes. FEMA shall provide the public with adequate information and opportunity for review and comment at the earliest possible time and throughout the decision-making process; and upon completion of this process, provide the public with an accounting of its final decision (see 44 CFR §9.12). A Cumulative Initial Public Notice was published statewide 11/7/2005-11/9/2005. Additional public notice shall be provided as required by the Executive Order.

STEP 3 Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland (including alternative sites, actions and the "no action" option) [see 44 CFR 9.9]. If a practicable alternative exists outside the floodplain or wetland, FEMA must locate the action at the alternative site.

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Alternatives identified as described below:

The school facilities provide functions to serve the local community, which depends on the availability of appropriate resources and facilities to meet its needs effectively. In order to meet these needs it is imperative that the facility be located such that reasonable access and coverage is provided to all areas served. In order meet this demand, the school facilities must be located centrally to the student population served.

Alternative 1: No Action – With the no action alternative, there would be no repair or replacement of the damaged facilities. No action would leave the community without the function of the damaged facilities. Additionally, this would leave the damaged facility and its environs in an unsafe condition, which would represent a safety hazard to the public and nearby properties. This alternative has been determined not practicable by the applicant and GOHSEP.

Alternative 2 (Proposed Alternative): - Locate School in the Base Floodplain – This alternative would repair or replace facilities in the proposed location in the base floodplain. This would include construction of a new structure that would be elevated to meet minimum National Flood Insurance Program requirements. Detailed design drawings and rationale for this alternative, including proposed mitigation, will provided by the applicant in the amendments to the project worksheet (incorporated herein by reference).

Alternative 3: - Reconstruct Outside the Base Floodplain – This alternative would rebuild the damaged facilities outside the base floodplain. This alternative requires identification of a suitable site not subject to flooding. Grading and grubbing of the site would be necessary to prepare for reconstruction. Additional sewage, electricity, and drainage for each building might also be necessary. Each facility would be constructed to be compliant with current codes and standards (e.g., American with Disabilities Act, building codes, local floodplain ordinances, etc.).

Reconstruction of the facilities outside the base floodplain is not a practicable option because it has been determined by the applicant to not be economically feasible, socially acceptable. Community leaders have also indicated this choice would not serve the best interests of the entire community.

STEP 4

Identify the potential direct or indirect impacts associated with, the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action (see 44 CFR 9.10).

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Alternatives identified as described below:

Alternative 2 (Proposed Alternative): - Locate School in the Base Floodplain -- Reconstruction of school facilities per the plans to be provided in the project worksheet would represent investment at risk subject to damage in future floods. Facilities damaged in future flooding may result in the need for disaster assistance payments. Incorporation of mitigating measures to protect against future floods will lessen the likelihood of flood damage.

STEP 5 **Minimize the potential adverse impacts and support to or within floodplains and wetlands to be identified under step # 4, restore and preserve the natural and beneficial values served by floodplains, and preserve and enhance the natural and beneficial values served by wetlands (see 44 CFR 9.11).**

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Mitigation measures identified in the as described below:

Alternative 2 (Proposed Alternative): - Locate School in the Base Floodplain - Reconstruction shall be in accordance with local floodplain ordinances with applicable building codes and standards applied to mitigate and minimize adverse effects (compliance with minimum National Flood Insurance Program standards and requirements). Building utilities will be protected by methods including elevation and component protection in place.

STEP 6 **Reevaluate the proposed action to determine first, if it's still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others and its potential to disrupt floodplain and wetland values and second, if alternatives preliminarily rejected at step # 3 are practicable in light of the information gained in steps # 4 and # 5. FEMA shall not act in a floodplain or wetland unless it's the only practicable location.**

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Action proposed is located in the only practicable location as described below:

Reconstruction of the school facilities as proposed has been determined by the applicant and GOHSEP to be a practicable option because it is economically feasible, socially acceptable, and has been determined by the community leaders to meet their needs and serve the best interests of the community. This alternative enables the applicant to rebuild in an area centrally located with respect to the school community served and will enable reduced travel times for the use of the school facilities.

STEP 7 **Prepare and provide the public with a finding and public explanation of any final decision that the floodplain or wetland is the only practicable alternative (see 44 CFR 9.12).**

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Finding is or will be prepared as described below:

Reconstruction of the school facilities in the floodplain has been determined to be a practicable alternative with significant benefits to the community, which overrides the prudence of location outside the floodplain. This review and analysis of this proposed action was documented through the required 8-step public participation and decision-making process.

STEP 8

Review the implementation and post-implementation phases of the proposed action to ensure that the requirements of the order are fully implemented. Oversight responsibility shall be integrated into existing processes.

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Approval conditioned on review of implementation and post-implementation phases to ensure compliance with the order(s).

Project shall be reviewed by FEMA at grant closeout to ensure the project was completed in accordance with all relevant and applicable floodplain ordinances, codes and standards and that all project actions were undertaken in accordance with terms and conditions stipulated to mitigate and minimize adverse effects in or to the floodplain and wetlands.

06/17/2013 - FLOODPLAIN - The Parish of Orleans enrolled in the National Flood Insurance Program (NFIP) on 3/13/1970. As per Preliminary Digital Flood Insurance Rate Map Panel Number 22 071C 0119 F dated 11/9/2012, the site is located within Zone "AE", EI -6, base flood elevation determined. Per 44 CFR 9.11(d) (3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials and equipment, where possible, disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials and equipment outside or above the base floodplain. In compliance with Executive Order 11988, an 8-step process was completed, is attached and on file. Wayne Berggren, CFM, EHP Floodplain Specialist.