

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA

See 44 Code of Federal Regulation Part 10

Project Name/Number: RSD – Andrew Bell Middle School Stabilization
FIPS No. 033-UA9M2-00/ AI No. 2029
AMENDMENT – Single Settlement Request PW 19166
(Change approved stairway from metal to wood)

Applicant Name: Recovery School District

Project Location: 1010 Galvez St., New Orleans LA 70119
Latitude: 29.96944°, Longitude: -90.07500°

Project Description:

On August 29, 2005, Hurricane Katrina and its aftermath caused wind and flood damage to facilities located at the site of the former Andrew Bell Middle School. Per the Recovery School District's and Orleans Parish School Board's 2008 "School Facilities Master Plan," this facility has been proposed for stabilization repairs. Furthermore, the applicant has been granted a Single Settlement Request (SSR) to utilize FEMA funding for the reconstruction of the New Orleans Public Schools (NOPS) 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 stabilization repairs of Andrew Bell Middle School located at 1010 Galvez St., New Orleans, LA 70119.

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 (applicant) public involvement process meets the requirements of the National Environmental Policy Act (NEPA) and Alternative Arrangements (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 stabilize school. The request in the Single Settlement Request Project Worksheet 19166 proposed stabilization repairs to roofing, mechanical, electrical, and plumbing. The scope of work described removal and replacement of a set of metal stair. The amended request in Alternate Project 2029 changes the description to wooden stairs.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion
- 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
- Scope of work requires public involvement plan

Comments: 05/23/2013 - 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.

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: John Renne, Environmental Protection Specialist

Signature John Renne Date 5/23/2013

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: LeSchina Holmes, Lead Environmental Protection Specialist

Signature LeSchina Holmes Date 05/23/2013

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**)
- Activity meets Programmatic Agreement, (August 17, 2009 as amended on July 22, 2011):
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 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: FEMA has determined that there will be “No Adverse Effect” to historic properties. SHPO concurrence with this determination was received, dated February 22, 2013. Consultation with affected tribes (Jena Band of Choctaw Indians; Alabama-Coushatta Tribe of Texas; and Choctaw Nation of Oklahoma) was conducted per Stipulation VIII.C of FEMA’s Secondary Programmatic Agreement Regarding New Orleans School Facilities Master Plan (2PA) dated August 17, 2009. Additionally, consultation with affected tribes (Coushatta Tribe of Louisiana; Chitimacha Tribe of Louisiana; Mississippi Band of Choctaw Indians; Quapaw Tribe of Oklahoma; Seminole Nation of Oklahoma; Seminole Tribe of Florida; and Tunica-Biloxi Tribe of Louisiana) was conducted per FEMA’s Programmatic Agreement dated August 17, 2009 and amended on July 22, 2011 (PA). The Choctaw Nation of Oklahoma submitted written concurrence with the determination. 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 PW.

Correspondence/Consultation/References: Mike Wilder, Historic Preservation Specialist/Archaeologist and Victoria Byrd, Historic Preservation 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. J. Renne, Environmental Protection Specialist, 5/23/2013.

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 Coastal Barrier Resource System Maps referenced 5/23/2013, J. Renne, 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 the project area.
Correspondence/Consultation/References: USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on 5/23/2013. J. Renne, 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: In a letter dated September 28, 2012, the Louisiana Office of Coastal Management determined that the granting of financial assistance is fully consistent with the Louisiana Coastal Resources Program. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the Louisiana Department of Natural Resources (LDNR) Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The applicant must comply with all conditions of the required permits. 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. M. Myers, Environmental Protection Specialist
Correspondence/Consultation/References: Louisiana Coastal Zone maps queried 5/23/2013, J. Renne, 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.nepassistool.epa.gov/nepamap.aspx>) queried on 5/22/2013, J. Renne, 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: J. Renne, Environmental Protection Specialist, 5/23/2013.

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: The project site is in a developed urbanized area and Farmland Protection Policy Act (FPPA) is precluded. No prime or unique farmland present.

Correspondence/Consultation/References: National Resource Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) referenced 5/23/2013. J. Renne, 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. J. Renne, Environmental Protection Specialist, 5/23/2013.

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 any surface waters with the potential to affect EFH species.
Correspondence/Consultation/References: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) referenced 5/23/2013. J. Renne, 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 website (<http://www.rivers.gov>) accessed 5/23/2013. J. Renne, Environmental Protection Specialist.

L. Resource Conservation and Recovery Act

Comments: Unusable equipment, debris and material shall be disposed of in an approved manner and location. The applicant shall handle, manage, and dispose of petroleum products, hazardous materials and/or toxic waste in accordance with all local, state and Federal agency 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: J. Renne, Environmental Protection Specialist, 5/23/2013

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: 05/23/2013 - Floodplain - The Parish of Orleans enrolled in the National Flood Insurance Program (NFIP) on 8/13/1970. As per revised Preliminary Digital Flood Insurance Rate Map Panel Number 22 071C 0227 F dated 11/9/2012, the site is located within shaded Zone X: areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from the 1% annual chance flood. Project is for non-substantial repair and/or contents in the 500-year floodplain. Project will have no effect on floodplains. Per 44 CFR 9.5(a), floodplain management regulations are therefore not applicable.
Correspondence/Consultation/References: J. Renne, CFM, Floodplain Specialist.

B. E.O. 11990 - Wetlands

- No Effects on Wetland(s) and/or project located outside Wetland(s) - **(Review Concluded)**
- Located in Wetland or effects Wetland(s)
 - Beneficial Effect on Wetland - **(Review Concluded)**
 - Possible adverse effect associated with constructing in or near wetland
 - Review completed as part of floodplain review
 - 8 Step Process Complete - documentation on file
Are project conditions required? YES (See Section V) NO **(Review Concluded)**

Comments: No wetlands were determined to be present by checking the USFWS National Wetlands Inventory (NWI) maps.

Correspondence/Consultation/References: USFWS NWI map accessed on-line. J. Renne
(<http://wetlandsfws.er.usgs.gov/wtlns/launch.html>) 5/23/2013.

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: 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*, J. Renne, Environmental Protection Specialist, 5/23/2013

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:

- In a letter dated September 28, 2012, the Louisiana Office of Coastal Management determined that the granting of financial assistance is fully consistent with the Louisiana Coastal Resources Program. The applicant is responsible for coordinating with and obtaining any required Coastal Use Permit(s) (CUP) or other authorizations from the Louisiana Department of Natural Resources (LDNR) Office of Coastal Management's Permits and Mitigation Division prior to initiating work. The applicant must comply with all conditions of the required permits. 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.
- Unusable equipment, debris and material shall be disposed of in an approved manner and location. The applicant shall handle, manage, and dispose of petroleum products, hazardous materials and/or toxic waste in accordance with all local, state and Federal agency 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.
- 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. 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.
- 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 hours (24) 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.
- 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.