

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA -- April 2007

See 44 Code of Federal Regulation Part 10

Project Name/Number: Ernest "Dutch" Morial Elementary School-New School
FIPS #033-UA9M2-00/ AI No. 1762

Applicant Name: Recovery School District

Project Location: Ernest "Dutch" Morial Elementary School- Location: 30.017942, -89.997597
7701 Grant Street, New Orleans, LA 70126

Project Description: 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) Division at the Louisiana Transitional Recovery Office 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

On August 29, 2005, Hurricane Katrina and its aftermath caused wind and flood damages to facilities located at the site of the Ernest "Dutch" Morial Elementary School. Per the Recovery School District's and Orleans Parish School Board's 2008 "School Facilities Master Plan," this facility has been proposed for replacement. 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. There is a recipient scope of work for this facility in PW 19166, which details the applicant's Single Settlement Request agreement with FEMA. However, this amended request withdraws the previously approved scope of work in PW 19166 and should be considered new scope for the Master Plan Alternate Project PW. Consequently, this scope of work will be vetted and memorialized in the amended Record of Environmental Consideration for PW 19166.

This Record of Environmental Consideration (REC) specifically addresses the applicant's proposal to construct a new, state of the art 90,000 square feet pre-kindergarten through eighth grade school. The new, proposed school would be a two-story prototype school (i.e. a previously developed building design that will serve as the basis for multiple facilities proposed by the above-referenced PW) complete with classrooms, a science lab, a library/media center, and art and music facilities with flexible performance space. Additionally, the proposed facility would also include a commercial kitchen and cafeteria, a gymnasium, a stage, and office space for administrative/student support services.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion - Category (**Review Concluded**)
- Categorical Exclusion - Category XV
 - No Extraordinary Circumstances exist.
Are project conditions required? Yes (see section V) No (**Review Concluded**)
 - Extraordinary Circumstances exist (see Section IV).
 - Extraordinary Circumstances mitigated. (See Section IV comments)
Are project conditions required? Yes (see section V) No (**Review Concluded**)
- 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: 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

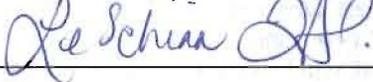
FEMA Environmental Reviewer:

Name: Joseph Chauvin, Environmental Protection Specialist, FEMA LRO

Signature  Date 5/11/2012

FEMA Environmental Liaison Officer or Delegated Approving Official:

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

Signature  Date 05/14/2012

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. 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**)

Comment: A review of this project was conducted in accordance with Stipulation I.E of FEMA’s Secondary Programmatic Agreement Regarding New Orleans School Facilities Master Plan (2PA) dated August 17, 2009. FEMA is not required by this 2PA to perform additional Section 106 reviews for undertakings previously reviewed prior to the implementation of the Master Plan and durin the development of this 2PA unless RSD and/or OPSB propose changes to the scope of work that FEMA determines may cause additional effects to historic properties. FEMA previously reviewed the scope of work in a letter dated November 8, 2007 and determined that No Historic Properties were Affected by the proposed undertaking (Demolition and Rebuild of Morial Elementary School). SHPO concurrence with this determination was received, dated November 13, 2007.
Correspondence/Consultation/References: Victoria Byrd, FEMA 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 that would be adversely impacted, thus FEMA finds there will be no effect to threatened or endangered species or critical habitat.

Correspondence/Consultation/References: Joseph Chauvin, Environmental Protection Specialist

C. Coastal Barrier Resources Act

- Project is not on or connected to CBRA Unit or Otherwise Protected Area (**Review Concluded**).
- Project is on or connected to CBRA Unit or Otherwise Protected Area. (FEMA determination/USFWS consultation on file)
- Proposed action an exception under Section 3505.a.6 (**Review Concluded**)
- Proposed action not excepted under Section 3505.a.6.
- Are project conditions required? YES (see Section V) NO (**Review Concluded**)

Comments: Project is not within a CBRA zone.

Correspondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced 4/23/2012.

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 affected jurisdictional waters of the U.S. in or near the project area.

Correspondence/Consultation/References: Joseph Chauvin, 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 Management Zone. See conditions.

Correspondence/Consultation/References: Louisiana Coastal Zone maps queried 5/3/2012.

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://www.lamap.doa.louisiana.gov/>) queried 5/3/2012.

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. See conditions.

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 ROW and FPPA is precluded.

Correspondence/Consultation/References: Joseph Chauvin, 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. 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: Joseph Chauvin, 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 a Wild or Scenic River (WSR).
Correspondence/Consultation/References: National Wild and Scenic Rivers
<http://www.rivers.gov/maps/zoom/conus/conus.html> referenced 5/4/12.

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: Orleans Parish Advisory Base Flood Elevation Maps (ABFEs) were issued June 2006. This site is shown on ABFE Panel LA-EE34 as in a zone designation of Elevation -4 or 3 feet above the Highest Existing Adjacent Grade (HEAG). Orleans Parish Preliminary DFIRMs were issued November 2008. This site is shown on DFIRM Panel 22071C0140F, as in Zone AE (EL -2) NAVD. See conditions.
Correspondence/Consultation/References: Joseph Chauvin, CFM.

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: Review of the USFWS National Wetlands Inventory map for this project site indicates no mapped wetlands at or near the proposed project site.
Correspondence/Consultation/References: U.S. FWS NWI map accessed on-line 5/4/2012

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 percent populations of 70126 are: 10.3 % White, 87.1% African-American, 1.6% Hispanic. The median household income in 1999 was \$30,627 and 18.8% of families are below the poverty line.
Correspondence/Consultation/References: Joseph Chauvin, Environmental Protection Specialist

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).

Resource Conservation and Recovery Act

Comments: 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 with the requirements and to the satisfaction of the governing local, state, and federal agencies.
Correspondence/Consultation/Reference: Joseph Chauvin, Environmental Protection Specialist

Toxic Substances Control Act

This project involves the demolition, renovation, refurbishing of a public child-occupied structure and/or facility constructed prior to 1978 that may contain surfaces coated with lead-based paint (LBP).

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 compliance with E.O. 11988, a Programmatic Statewide 8-Step process has been completed and is attached; per 44 CFR 9.12 a cumulative public notice was published from 12/08/08-12/12/08. Per 44 CFR 9.11(d)(9), the replacement of building contents, materials, and equipment, where possible, disaster proofing of the building and/or elimination of the such future losses by relocation of those building contents, materials, and equipment to or above the 500 year floodplain for critical actions. The applicant is required to coordinate and comply with local Floodplain Administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these permit(s) should be documented to the local Floodplain Administrator and copies provided to LA GOHSEP and FEMA as part of the permanent project files.
- 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.
- 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.
- This project involves the modification 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.
- This project is located within the Louisiana Coastal Management Zone. Applicant must check with Louisiana Department of Natural Resources for permitting or other authorization requirements. Projects may be coordinated by contacting LDNR at 1-800-267-4019.
- 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.
- If human bone or unmarked grave(s) are present within 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 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.