

Record of Environmental Consideration

REVISED FOR FEMA ENVIRONMENTAL -- LOUISIANA

See 44 Code of Federal Regulation Part 10

Project Name/Number: Lockett Elementary School- PW 12422V2

Applicant Name: Recovery School District

Project Location: 3240 Law Street New Orleans, Louisiana 70117

Latitude: 29.99918 Longitude: -90.03738

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

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review (**Review Concluded**)
- Programmatic Categorical Exclusion
- Categorical Exclusion - Category
- No Extraordinary Circumstances exist.
Are project conditions required? Yes (see section V) No (**Review Concluded**)
- Extraordinary Circumstances exist (see Section IV).
 Extraordinary Circumstances mitigated. (see Section IV comments)
Are project conditions required? Yes (see section V) No (**Review Concluded**)
- Environmental Assessment
- Supplemental Environmental Assessment (Reference EA or PEA in comments)
- Environmental Impact Statement
- Scope of work requires public involvement plan

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

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

Reviewer and Approvals

FEMA Environmental Reviewer:

Name: Catherine Jones, Environmental Specialist, FEMA LA-TRO

Signature

Date

4/23/09

FEMA Environmental Liaison Officer or Delegated Approving Official:

Name: Cynthia Teeter, Deputy Environmental Liaison Officer, FEMA LA TRO

Signature

Date

4/23/09

I. Compliance Review for Environmental Laws (other than NEPA)

A. National Historic Preservation Act (NHPA)

- Not type of activity with potential to affect historic structures or archaeological resources (**Review Concluded**)
- Activity meets Programmatic Agreement, December 3, 2004, Appendix A: Allowance No.
Are project conditions required? Yes (see Section V) No
- Programmatic Agreement not applicable for historic structures or archeological sites, must conduct standard Section 106 Review (see comments).
- Other Programmatic Agreement dated _____ applies

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 45/50 years or older in project area. (**Review Concluded**)
- Building or structure listed or 45/50 years or older in project area and activity not exempt from review.
 - Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required? Yes (see Section V) No (**Review Concluded**)
 - Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
 - Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
 - No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required? Yes (see Section V) No (**Review Concluded**)
 - Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
 - Resolution of Adverse Effect completed (MOA on file)
Are project conditions required Yes (see Section V) No (**Review Concluded**)

ARCHEOLOGICAL RESOURCES

- Project scope of work has no potential to affect archeological resources (**Review Concluded**)
- Project affects only previously disturbed ground. (**Review Concluded**)
- Project affects undisturbed ground or grounds associated with a historic structure
 - Project area has no potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file) (**Review Concluded**)
 - Project area has potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required Yes (see Section V) No (**Review Concluded**)
 - Determination of historic properties affected
 - NR eligible resources not present (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required Yes (see Section V) No (**Review Concluded**)
 - NR eligible resources present in project area (FEMA finding/SHPO/THPO concurrence on file)
 - No Adverse Effect Determination (FEMA finding/ SHPO/THPO concurrence on file)
Are project conditions required? Yes (see Section V) No (**Review Concluded**)
 - Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
 Resolution of Adverse Effect completed (MOA on file)
Are project conditions required? Yes (see Section V) No (**Review Concluded**)

Comments: - A review of version #3 of this project was conducted in accordance FEMA's Programmatic Agreement dated December 3, 2004. FEMA has determined that No Historic Properties are affected by the demolition of Lockett Elementary. SHPO concurrence with this determination was received, dated 08/12/2008. The review of the Alternate project associated with this PW will be documented in PW 18597. The applicant must comply with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) and the Inadvertent Discovery Clause, which can be found under the Environmental Review NHPA conditions.

Correspondence/Consultation/References: Rusty Anchors, 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. Record of Environmental Consideration (Version April 2007)

- No effect to species or designated critical habitat. (See comments for justification)
Are project conditions required? Yes (see Section V) No (**Review Concluded**)
- May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence on file) (**Review Concluded**)
Are project conditions required? Yes (see Section V) No (**Review Concluded**)
- Likely to adversely affect species or designated critical habitat
 - Formal consultation concluded. (Biological Assessment and Biological Opinion on file)
Are project conditions required? YES (see Section V) NO (**Review Concluded**)

Comments: Project is located in an urban or previously developed area. Neither listed species nor their habitat occur in or near this site, thus FEMA finds there will be no effect to threatened or endangered species.
Correspondence/Consultation/References: USFWS emergency consultation provisions determined in letters dated September 15, 2005 for Katrina.

C. Coastal Barrier Resources Act

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

Comments: Project is not within a CBRA zone.
Correspondence/Consultation/References: Louisiana Coastal Barrier Resource System Maps referenced 04/21/09.

D. Clean Water Act

- Project would not affect any waters of the U.S. (**Review Concluded**)
- Project would affect waters, including wetlands, of the U.S.
 - Project exempted as in kind replacement or other exemption. (**Review Concluded**)
 - Project requires Section 404/401 of Clean Water Act or Section 9/10 of Rivers and Harbors Act permit, including qualification under Nationwide Permits.
Are project conditions required? YES (see Section V) NO (**Review Concluded**)
- Project would affect waters of the U.S. by discharging to a surface water body.

Comments: No jurisdictional waters of the U.S., including wetlands, occur in the project area.
Correspondence/Consultation/References: USFWS National Wetlands Inventory map (<http://www.fws.gov/nwi/>) queried on 04/22/09.

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. LA DNR has determined that receipt of federal assistance is consistent with the Louisiana Coastal Resource Program. Projects within the coastal zone may still require a coastal use permit or other authorization from DNR. Projects may be coordinated by contacting LA DNR at 1-800-276-4019.
Correspondence/Consultation/References: Louisiana Coastal Zone maps queried 04/22/09.

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: No streams or water bodies are located in or near the project area.
Correspondence/Consultation/References: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) queried 04/22/09.

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: This project involves the renovation of a public structure. The proposed project includes activities that would produce a minor, temporary, and localized impact on air quality from fugitive dust particles. No long-term air quality impact is anticipated.
Correspondence/Consultation/References: EPA Region 6 Non-attainment Map.

H. Farmland Protection Policy Act

- Project will not affect undisturbed ground. (**Review Concluded**)
 Project has a zoning classification that is other than agricultural or is in an urbanized area. (**Review Concluded**)
 Project does not affect designated prime or unique farmland. (**Review Concluded**)
 Project causes unnecessary or irreversible conversion of designated prime or unique farmland.
 Coordination with Natural Resources Conservation Service required.
 Farmland Conversion Impact Rating, Form AD-1006, completed.
Are project conditions required? YES (see section V) NO (**Review Concluded**)

Comments: The 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 04/22/09.

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 any surface waters with the potential to affect EFH species.
Correspondence/Consultation/References: Louisiana Map (<http://www.lamap.doa.louisiana.gov/>) referenced 04/22/09.

K. Wild and Scenic Rivers Act

- Project is not along and does not affect Wild or Scenic River (WSR) - **(Review Concluded)**
- Project is along or affects WSR
 - Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.** (NPS/USFS/USFWS/BLM consultation on file) **(Review Concluded)**
 - Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)
Are project conditions required? YES (see Section V) NO **(Review Concluded)**

Comments: Project is not along and does not affect Wild or Scenic River (WSR).
Correspondence/Consultation/References: National Wild and Scenic Rivers <http://www.nps.gov/rivers/wildriverslist.html>.

L. Resource Conservation and Recovery Act

State Hazardous Materials and Solid Waste Laws and Resource Conservation and Recovery Act

Comments: The renovation activities associated with this project may result in various types of debris and wastes, some of which may be hazardous. Therefore, all debris and waste must be treated, stored, and disposed of in a proper manner and location. (See Section V)

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: This version is for the demolition of the facility. The remaining replacement funds will be de-obligated and applied to an alternate project involving another facility. No further floodplain review will be forthcoming for PW listed unless there should be a re-obligation of funds or changes to the scope of work.
Correspondence/Consultation/References: Melanie Sibley, Environmental Specialist-Floodplain

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. (<http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>) 04/22/2009.

C. E.O. 12898 - Environmental Justice for Low Income and Minority Populations

- Project scope of work has no potential to adversely impact any population (**Review Concluded**)
- No Low income or minority population in, near or affected by the project based on information gathered from [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 The percent populations of 70117 are: 31.9% Black, 64% White, and 3.0% Hispanic. The median household income in 1999 was \$ 40,160 and 15.0% of families are below poverty level.

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

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

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

Correspondence/Consultation/References: U.S. Census bureau 2000 data at <http://factfinder.census.gov>, referenced 04/22/09.

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:

This project must comply with all conditions of the attached Programmatic Categorical Exclusion. In addition, the following conditions apply as a condition of FEMA funding reimbursement:

- In accordance with the Formosan Termite Initiative Act, (LA R.S. 3:3391.1 thru 3391.13) the Louisiana parish of Orleans is under quarantine. The movement of wood or cellulose material, temporary housing or architectural components (e.g. beams, doors and other wood salvaged from a structure) may not leave the quarantined parishes without written authorization from the commissioner of the Louisiana Department of Agriculture and Forestry or his designee(s).
- Applicant is responsible to ensure potential hazardous materials, if any, shall be removed, handled, transported and disposed of in accordance with local, state and federal compliance requirements.
- If during the course of work, archaeological artifacts (prehistoric or historic) or human remains are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO. In addition, if unmarked graves are present, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery. If this scope of work and/or the footprint/location of the new building changes, this project will need to be resubmitted for further Section 106 review prior to ground disturbing activities taking place. Failure to comply with these stipulations may jeopardize receipt of federal funding.
- The Recovery School District is responsible for archiving public involvement materials. This material will be available at close-out for authentication and such documentation will be made available for the closeout reviewer.