

# **Draft Environmental Assessment**

City of New Orleans

Orleans Justice Center, Medical and Mental  
Health Services Building

Phase III

PA-LA-1603

Orleans Parish, Louisiana

*August 2022*



**FEMA**

**U.S. Department of Homeland Security**  
**Federal Emergency Management Agency**  
Region 6  
800 North Loop 288  
Denton, TX 76209

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

|             |   |
|-------------|---|
| ABFE        | Advisory Base Flood Elevation   |
| ACHP        | Advisory Council on Historic Preservation                             |
| ACM         | Asbestos Containing Materials   |
| ACS         | American Community Survey   |
| ADA         | Americans with Disabilities Act                                       |
| APE         | Area of Potential Effects   |
| BFE         | Base Flood Elevation  |
| BMP         | Best Management Practices   |
| CAA         | Clean Air Act   |
| CBRA        | Coastal Barrier Resources Act   |
| CBRS        | Coastal Barrier Resources System                                      |
| CCS         | Correct Care Solutions  |
| CEQ         | Council on Environmental Quality                                      |
| CERCLA      | Comprehensive Environmental Response, Compensation, and Liability Act |
| C.F.R.      | Code of Federal Regulations   |
| CNO or City | City of New Orleans   |
| CPC         | City Planning Commission  |
| CUP         | Coastal Use Permit  |
| CWA         | Clean Water Act   |
| CZMA        | Coastal Zone Management Act   |
| dBA         | decibel, on the A-weighted Scale                                      |
| DFIRM       | Digital Flood Insurance Rate Map                                      |
| DHS         | U.S. Department of Homeland Security                                  |
| DNL         | Day-Night Average Sound Level   |
| DOC         | Louisiana Department of Corrections                                   |
| DOJ CRD     | Department of Justice Civil Rights Division                           |
| DPW         | Department of Public Works  |
| DSP         | Department of Safety and Permits                                      |
| EA          | Environmental Assessment  |
| EC          | Elevation Certificate   |

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|-----------|---|
| EDMS      | Electronic Document Management System                                       |
| EIS       | Environmental Impact Statement  |
| E.O.      | Executive Order   |
| ESA       | Endangered Species Act  |
| FEMA      | Federal Emergency Management Agency   |
| FIT       | Formerly Incarcerated Transitions Clinic                                    |
| FONSI     | Finding of No Significant Impact  |
| FPFA      | Farmland Protection Policy Act  |
| GHC       | Grace Hebert Curtis Architects  |
| GIS       | Geographic Information System   |
| HDLC      | Historic District Land Commission   |
| HOD       | House of Detention  |
| HUD       | U.S. Department of Housing and Urban Development                            |
| IPaC      | Information for Planning and Consultation                                   |
| JJIC      | Juvenile Justice Intervention Center  |
| LA GOHSEP | Louisiana Governor's Office of Homeland Security and Emergency Preparedness |
| LaDOTD    | Louisiana Department of Transportation and Development                      |
| LCRP      | Louisiana Coastal Resources Program   |
| LDEQ      | Louisiana Department of Environmental Quality                               |
| LDNR      | Louisiana Department of Natural Resources                                   |
| LFA       | Local Floodplain Administrator  |
| LPDES     | Louisiana Pollutant Discharge Elimination System                            |
| MCS       | Minor Conditional Use Permit  |
| NAAQS     | National Ambient Air Quality Standards                                      |
| NEPA      | National Environmental Policy Act   |
| NFIP      | National Flood Insurance Program  |
| NHPA      | National Historic Preservation Act  |
| NMFS      | National Marine Fisheries Service   |
| NOAA      | National Oceanic and Atmospheric Administration                             |
| NOPD      | New Orleans Police Department   |
| NORDC     | New Orleans Recreation Development Commission                               |

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|--------|---|
| NPDES  | National Pollutant Discharge Elimination System |
| NRCS   | Natural Resources Conservation Service          |
| NRHP   | National Register of Historic Places            |
| NWP    | Nationwide Permit                               |
| OCM    | Office of Coastal Management                    |
| OJC    | Orleans Justice Center                          |
| OPP    | Orleans Parish Prison                           |
| OPPRC  | Orleans Parish Prison Reform Coalition          |
| OPSO   | Orleans Parish Sheriff's Office                 |
| OSHA   | Occupational Safety and Health Administration   |
| PCB    | Polychlorinated Biphenyls                       |
| P.L.   | Public Law                                      |
| RCRA   | Resource Conservation and Recovery Act          |
| RHA    | Rivers and Harbors Act                          |
| SARA   | Superfund Amendments and Reauthorization Act    |
| sf     | square-foot, square feet                        |
| SFHA   | Special Flood Hazard Area                       |
| SHPO   | State Historic Preservation Office/Officer      |
| SIP    | State Implementation Plan                       |
| SOV    | Solicitation of Views                           |
| SWBNO  | Sewerage and Water Board New Orleans            |
| SWPPP  | Storm Water Pollution Prevention Plan           |
| TDC    | Temporary Detention Center                      |
| THPO   | Tribal Historic Preservation Officers           |
| TSCA   | Toxic Substances Control Act                    |
| USACE  | U.S. Army Corps of Engineers                    |
| USDA   | United States Department of Agriculture         |
| U.S.C. | U.S. Code                                       |
| USEPA  | U.S. Environmental Protection Agency            |
| USFWS  | U.S. Fish and Wildlife Service                  |



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# 1. Introduction

## 1.1 Hurricane Katrina

Hurricane Katrina made landfall on August 29, 2005, near Buras, Louisiana with sustained winds of more than 125 miles per hour. The accompanying storm surge damaged levees and entered the city of New Orleans from various coastal waterways and compromised drainage systems, resulting in flooding throughout much of the city. The storm's high winds, heavy rains, and flooding caused considerable damage throughout New Orleans and the southeast Louisiana region.

## 1.2 Project Authority

President George W. Bush declared a major disaster for the State of Louisiana (FEMA-1603-DR-LA) on August 29, 2005, authorizing the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of Louisiana. This assistance is pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Public Law (P.L.) 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance (PA) Program to assist with funding the repair, restoration, reconstruction, or replacement of public facilities damaged as a result of the declared disaster.

In accordance with FEMA Instruction 108-1-1, this draft Environmental Assessment (EA) has been prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508) (Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act 2005).

The purpose of this EA is to analyze potential environmental impacts of the proposed project on the physical and human environment. FEMA is also using the EA to document compliance with other applicable federal laws, regulations, and Executive Orders (E.O.), including the Clean Water Act (CWA), the Clean Air Act (CAA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), E.O. 11988 (Floodplain Management), E.O. 11990 (Wetland Protection), and E.O. 12898 (Environmental Justice). FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

## 1.3 Background

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Beginning in approximately 1960, the Orleans Parish Prison (OPP) system has a documented history of overcrowding, elevated rates of incarceration, and other, ongoing challenges related to meeting the environmental, physical, medical, and mental healthcare needs of the incarcerated population. Based on the House of Detention (HOD) Report, Appendix J, the original overcrowding and elevated rates of incarceration documented at OPP facilities in the early 1960's may have been related to the growth of the City's population between 1940 (~495K) and 1960 (~620K) in conjunction with a local crime rate described as "*over three times that of the rest of the country*" in addition to other, unspecified factors. In order to alleviate this overcrowding, as well as to streamline intake, processing, and temporary detention processes and requirements, additional OPP facilities intended to centralize specific police and law enforcement operations and provide house and services for incarcerated persons, were constructed between 1960 and 1970. Internal administrative and policy reforms were also implemented.

Despite these changes, persons working within the OPP system continued to report chronic personnel shortages, high rates of alcohol addiction among incarcerated persons, and other issues related to providing appropriate supervision and physical/medical/mental health care to the incarcerated population. As early as 1972, a United States District Judge found that "*confinement in [OPP] constituted cruel and unusual punishment.*" This finding ultimately led to the issuance of a "*remedial decree*" which "*covered all phases of prison operations: medical services, limitations upon the size of the inmate population, inmate security, inmate discipline, recreation, administrative and personnel matters, admission and orientation procedures, rehabilitation systems, and environmental health conditions.*"

Although interim actions were taken to address some the deficiencies outlined in the "remedial decree" including the construction of new kitchen facilities, periodic reductions in the population of incarcerated persons, the implementation of hygiene and self-improvement programs for certain subpopulations of incarcerated persons, and the introduction of a "*computerized online booking system*", issues with overcrowding and the challenges inherent to providing physical, medical, and mental healthcare to incarcerated persons continued to deteriorate between 1970 and 1980.

In 1980, a "*jail consolidation plan*" was enacted; at the time, this was seen as "*a temporary way out of the overcrowding problem at the Parish Prison pending the construction of additional facilities for state detained persons*". In 1982, a US District Court Judge capped the number of incarcerated persons that could be housed in existing OPP facilities at 817; by June 1983, the number of persons detained by OPP had reached ~1,053. In 1988, several parties again challenged OPP in federal court citing a "*need for immediate relief in the prison's medical department... which was the designated acute mental health facility for the jail*" and argued that existing records "*showed a pattern of serious failures to provide medical care*". This issue was resolved by "*signing a comprehensive agreement to install a system of medical care at OPP*" and a "*stipulation*" regarding mental health services signed by the parties which "*acknowledged the severity of conditions at OPP and essentially confessed liability.*"

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Throughout the 1990s, City administrators, the OPSO, and the NOPD engaged in a series of investigations and actions intended to 1) update OPP infrastructure including a “District Plan” to satisfy the heating and cooling needs of the OPP system; 2) determine whether or not parts of the OPP system could be run more efficiently by the Police Department than by the Criminal Sheriff; and 3) respond to a series of media reports published by the Times Picayune, Human Rights Watch, and Amnesty International criticizing the overcrowding of OPP, the sanitary/environmental conditions in the detention facilities, and the general conduct, administrative policies, and standard operating procedures of OPP personnel.

According to a DOJ CRD report from September 2009 (Appendix K), the population of persons incarcerated in the OPP system appears to have reached its peak shortly before Hurricane Katrina (August 2005) with an average occupancy of ~6,500 persons per day and a total estimated detention capacity of ~8,000 persons. Individual case studies collected between 2000 and 2011 demonstrate consistent issues with overcrowding, initial medical/risk assessment practices, physical interventions, suicide prevention measures, and chronic, limited access to medical, mental health, and emergency care for incarcerated persons which resulted in unnecessary suffering, serious injury, and/or death (HOD Report). It is noted within the HOD report and a DOJ report from that while Hurricane Katrina (August 2005) damaged or destroyed multiple parts of the OPP system and created unprecedented logistical and infrastructure restoration challenges throughout New Orleans, in particular, and the Gulf South as a whole, the OPP system reopened on October 17, 2005 with the capacity to accommodate an estimated 2,454 incarcerated persons in its remaining facilities. A report authored by the City of New Orleans regarding the history of the HOD states that “*arrests in post-Katrina did not stop*” and “*with the court system at a virtual standstill*” the number of incarcerated persons continued to increase in the aftermath of the storm. This caused further deterioration of the remaining OPP facilities and contributed to understaffing and “*unsafe and unsanitary conditions*” (HOD Report). In August 2007, the American Civil Liberties Union released a report “*urging the federal government to investigate inadequate medical and mental health care for detained persons*” (HOD Report). As late as 2010, the Director of Food Services for the Orleans Parish Sheriff’s Office reported “*that he was feeding the 3,300 – 3,400 detained persons in the prison system out of a 2,500 sq. ft kitchen outfitted with small, labor intensive equipment*” (HOD Report).

By all available accounts, recovery and rebuilding throughout the OPP system between 2005 and 2012 was slow and hampered in part by internal disagreements on how best to address not only long-standing historical issues regarding facility capacity and appropriate services for incarcerated persons but also the form, number, and function(s) of the physical buildings themselves (HOD Report). Meanwhile, conditions for persons incarcerated in the OPP system continued to decline. In August 2008, the Civil Rights Division of the US Department of Justice confirmed that it was investigating conditions at the Orleans Parish Jail. According to the DOJ CRD Report, this resulted in a report of investigational findings issued to the Orleans Parish Criminal Sheriff on September 11, 2009. Section 3 of the report states that:

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*We find that OPP fails to protect inmates from harm and serious risk of harm from staff and other inmates; fails to provide inmates with adequate mental health care; fails to provide adequate suicide prevention; fails to provide adequate medication management; fails to provide safe and sanitary environmental conditions; and fails to provide adequate fire safety precautions.*

Specific institutional, administrative, and historical factors identified in the report which may have contributed to the deficiencies notes above include the “*devastating effects*” of Hurricane Katrina, the loss of or significant damage to physical facilities, the consistently elevated population of incarcerated persons, inadequate staffing and supervision, consistent deviations from best recommended professional practice (correctional, institutional, administrative, and medical), inadequate record-keeping, and failure to engage in consistent effective quality assurance review of internal policies and procedures. Section IV of DOJ report details specific recommended remedial measures, highlights the “*spirit of cooperation*” shown by the City show throughout the investigation process, and expresses a preference to “*resolve this matter by working cooperatively with you*”.

DOJ CRD issued an Updated Letter of Findings – US Civil Rights Investigation of the Orleans Parish Prison System on April 23, 2012 (found in Appendix K). In the Letter, DOJ CRD stated “*since we issued our findings letter on September 11, 2009, which identified serious constitutional violations, [the Orleans Parish Sheriff] has failed to take basic steps to correct the systematic issues that [were] identified.*” In the Executive Summary, DOJ CRD reiterates ongoing deficiencies in 1) the protection of incarcerated persons from violence (both from other incarcerated persons and as a result of officer misconduct); 2) self-harm and suicide prevention procedures and protocols; and 3) access to adequate, timely mental and physical health care services. Potential causes for these deficiencies largely mirror those outlined in the September 2009 Report and include inadequate staffing, poor staff training, deficient classification and initial assessment procedures for incarcerated persons, and an inadequate quality assurance review process. Additionally, both the 2009 Report and the 2012 Update Letter estimated that ~6% of incarcerated persons in the OPP system were “*on the mental health case load*”. This was notable because the national average for city jails with OPP’s population is 18-30% and was considered indicative of OPP’s consistent “*failure to adequately identify and refer inmates with mental illnesses.*”

The current numbers show that Orleans Parish has a jail incarceration rate of 239 per 100,000. The national average is 167 per 100,000. The City is part of the John D. and Catherine T. MacArthur Foundations Safety and Justice Challenge, which is designed to lower the jail population. If the OPSO could achieve the national average of 167, the jail population would need to be further reduced to approximately 650 inmates.

In recent history, municipal, state, federal, and individual attempts to address and mitigate these issues culminated in *Consent Judgement 2:12-cv-00859* issued on June 6, 2013, which is intended to “*address the constitutional violations alleged... [and] seek to ensure that the conditions in OPP protect the constitutional rights of prisoners confined there.*” *Consent Judgement 2:12-cv-00859, Section IV – Substantive Provisions* details multiple, specific

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“categories” of service, accommodation, and/or professional conduct which require remedy and are pertinent to the discussion of the OJC Medical and Mental Health Services Building – Phase III Project. These include:

- 1) The provision of a safe and secure environment for inmates which ensures their “*reasonably safety from harm*”;
- 2) The “*constitutionally adequate intake, assessment, treatment and monitoring of mental health needs*” including “*priority access*” for incarcerated persons at risk for self-injurious behavior or suicide;
- 3) The constitutionally adequate treatment of prisoners’ medical need including the prevention of “*unnecessary risk*” to prisoners and proper medication administration practices; and
- 4) The provision of constitutionally adequate sanitation and environmental conditions.

The Consent Judgement (also referred to throughout this document as “Agreement” or “Decree”) was filed on June 6, 2013, under Civil Action No. 2:12-cv-00859 between the Plaintiff class, the United States of America, acting through the United States Department of Justice, and the Orleans Parish Sheriff and any successors in the office. The purpose of the Consent Judgement was to address the constitutional violations alleged by the United States on September 11, 2009, which sought to ensure that the conditions in Orleans Parish Prison (OPP), also referred to as “Orleans Justice Center (OJC)” throughout the document, protect the constitutional rights of prisoners confined in the Orleans Parish Prison. It is noted in the Agreement that the Orleans Parish Sheriff’s Office (OPSO) had taken steps to address concerns at OPP, and the Agreement is based on the policies, practices, and procedures, and contemplates that the dispute between the Parties will be resolved by the continued development and implementation of these measures.

Under the Substantive Provisions found within the Consent Judgement, a specific section was dedicated to mental health care within OPP. Under this provision, the Orleans Parish Sherriff’s Office shall ensure constitutionally adequate intake, assessment, treatment, and monitoring of prisoners’ mental health needs including, but not limited to, protecting the safety of, and giving priority access to prisoners at risk for self-injurious behavior or suicide.

The provisions include operational items to improve mental health services in the areas of screening and assessment, treatment, counseling, suicide prevention training, suicide precautions, use of restraints, detoxification and training, medical and mental health staffing, and risk management. The Federal Monitors or “Monitors”, who are a team of professionals selected by the Parties to oversee implementation of the Agreement, will review reports, and evaluate whether services are being provided properly on a scheduled basis depending on the operational area. This document can be found as Appendix A.

Additionally, in association with the Consent Decree under Civil Action No. 2:12-cv-00859, a Supplemental Compliance Action Plan (also in Appendix A), which is a supplement to a Compliance Action Plan entered to record by the Court on December 2, 2016, was

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submitted to the Court by the Orleans Parish Jail’s Independent Compliance Director and the Orleans Parish Sheriff and filed on January 4, 2017. The Supplemental Compliance Plan discusses the work that was conducted from the time of the initial Consent Decree in 2013 and notes that a Mental Health Working Group was created by a Federal Judge to obtain compliance with the Agreement. Additionally, a Special Care Populations Working Group was created independently of the Court in 2015. Both groups discussed options to better mental health services and better facilities for specific populations within the jail. Additionally, there was information within the Supplemental Compliance Plan indicating that the population of the jail was projected to decrease significantly over time. The baseline projections served as the basis for the Compliance Director’s decision-making on how future facilities should be programmed to house incarcerated persons with medical and mental health needs. The Compliance Director factored in numerous meeting and discussions with advocacy groups, community groups, OPSO employees, Correct Care Solutions (CCS), architects, City of New Orleans (CNO or “City”) administration, City Council Members, the Federal Monitors, FEMA, and citizens of New Orleans.

The Compliance Director evaluated multiple alternatives, and the recommendation to address the acute and sub-acute mental health needs was to construct housing in a Phase III Facility with a significantly reduced scope than was originally proposed in 2014 by the Sheriff and his team. The facility proposed by the Compliance Director would house male and female acute/sub-acute populations separately and not include space for incarcerated youths who should be housed in a proposed Juvenile Justice Intervention Center (JJIC) expansion incorporating an additional 28 beds for youths. It would also not include general population beds for incarcerated females or bed space for step-down from acute or sub-acute mental health housing. Given OJC’s current population and the population projections anticipated in the coming years, the OJC Medical and Mental Health Services Building - Phase III (also referred to “Phase III” throughout the document) would require 77 beds to house the male population with acute and sub-acute mental health needs, and 12 beds to house the female population with acute and sub-acute mental health needs. This would result in a total design plan to add 89 beds to the OJC facilities for acute and subacute needs. This plan would accommodate sufficient space for all incarcerated people with acute and subacute mental health needs in OJC based on the population projections. The recommendation of the Compliance Director to address the medical service needs of the facility would be to construct an infirmary, clinic, and administrative medical/mental health space directly adjacent to the proposed mental health housing units described above as part of the OJC Medical and Mental Health Services Building - Phase III plan. Additionally, the OJC Medical and Mental Health Services Building - Phase III would provide a space for laundry services, attorney and family visiting rooms, and food service delivery space.

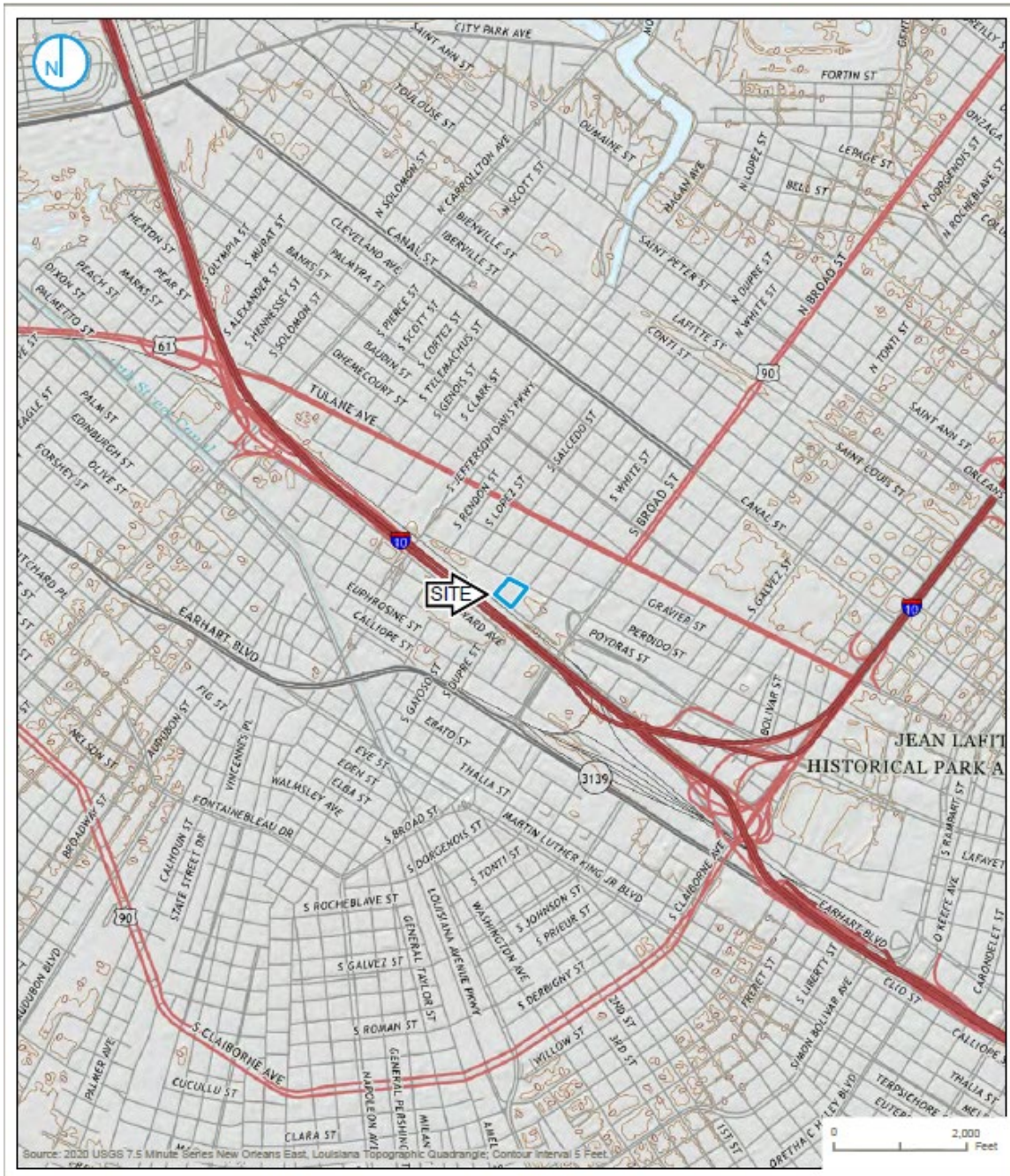
In March 2018, the City hired Hill International and Grace Hebert Curtis (GHC) Architects to provide Project Management and Architectural Services for the design and construction of a new 89-bed male and female OJC Medical and Mental Health Services Building – Phase III on the OJC campus. However, in June 2020, the City asked the Federal Judge to modify the OJC Medical and Mental Health Services Building - Phase III Plan to renovate the second floor of the existing OJC Facility to accommodate the medical services scope of

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work, as other work has been conducted on the OPP campus and JJIC to support the population that would be supported from the OJC Medical and Mental Health Services Building – Phase III. After discussions with the Court, in January 2021, the Federal Judge directed the City to move forward with the design for the new building. Therefore, the option provided to the Court in the Supplemental Compliance Action Plan was pushed forward for completion as the Court continues to drive the City of New Orleans and OPSO to complete the project, as proposed in the supplemental plan.

## 1.4 General Site and Project Development Description

The proposed project site will be located at 2900 Perdido Street, New Orleans, Orleans Parish, Louisiana with location coordinate for the central portion of the site as 29.960766, -90.096006 (Figure 1).

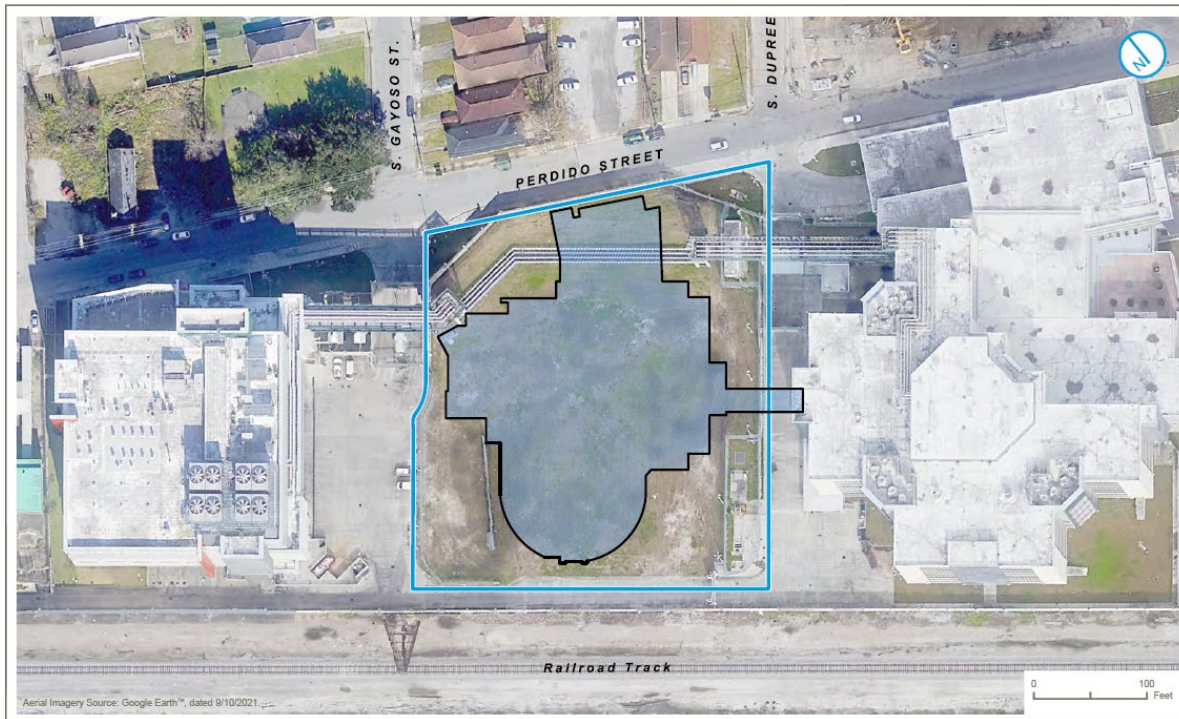


**Figure 1: Site Location Map at 2900 Perdido Street, New Orleans, LA.**

As shown in Figure 2, the site is situated between two buildings associated with the OJC and is currently surrounded by an approximately 12-foot concrete wall. The site is generally undeveloped and covered with the grass, which is maintained regularly. Various features noted on the site include metal fencing on the western side that is not associated with any feature of the jail, a fenced off trash/wastewater separator and shredder on the southeastern side of the property, and elevated metal piping on the northern portion of the site. The site is accessed through a security gate to the west; a paved driveway for access is on the southern



portion of the site. Figure 2 also provides a proposed site footprint of the new building that will be constructed in this portion of the OJC property.



**Figure 2: Site Layout, which depicts the footprint of the OJC Medical and Mental Health Services Building – Phase III**

According to City Planning Commission (CPC) documents, the OJC is located on Square 600-A on Lots 1 and 2 and measures approximately 654,000 square feet (sf) (15 acres) in total area. The site is generally bounded by Poydras Street, South Broad Street, Perdido Street, and Norman C. Francis Parkway. Lot 1 constitutes the majority of the OJC complex (617,477 sf), while Lot 2 (36,547 sf) is significantly smaller. Despite the existence of two lots of record, the land functions as a single development site.

The Phase III facility would be situated on the portion of land bounded by Perdido Street, the former S. Dupree Street right-of-way, Interstate 10, and the former S. Gayoso Street right-of-way, a portion of both Lots 1 and 2. The 97,178-sf area largely consists of green space and is vacant except for an overhead walkway and security fences/walls and gates. This was the former site of the Templeman I and II Buildings.

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## 2. Purpose and Need

The objective of FEMA’s PA Grant Program is to assist state, tribal, and local governments, as well as certain types of private, non-profit organizations, respond to, mitigate, and recover from major disasters and emergencies. The massive flooding associated with Hurricane Katrina severely damaged the physical facilities of the OPP system. Damage to physical facilities, as well as the significant reduction in financial and human resources available in and around New Orleans in the post-Katrina era, continues to impact OPP’s ability to provide adequate intake, assessment, treatment, and monitoring of the physical, mental, and medical health needs of incarcerated persons. This includes, but is not limited to, mental and medical health services in the areas of screening and assessment, treatment, counseling, suicide prevention training, suicide precautions, use of restraints, detoxification and training, medical and mental health staffing, and risk management.

Historical records, specifically the Narrative History of House of Detention (HOD) document found in Appendix J and the Department of Justice Civil Right Division (DOJ CRD) Report found in Appendix K, which describe the treatment of incarcerated people in the OPP system demonstrate a persistent, systemic failure to adequately address the mental, physical, and medical health care needs of the incarcerated population over time. Conditions inside OPP, which appear to have deteriorated steadily between 1965 and 2005, were only exacerbated by the widespread destruction caused by Hurricane Katrina. By all accounts, recovery throughout the OPP system between 2005 and 2012 was exceedingly slow and hampered by a number of internal and external factors which caused the incarcerated population to expand rapidly while the quality, availability, and accessibility of medical, mental, and physical health services for incarcerated people continued to decline. This culminated in the publication of Consent Judgement 2:12-cv-00859 issued on June 6, 2013, which constituted a written agreement between the Plaintiffs, the United States of America acting through the Department of Justice, and the Orleans Parish Sheriff, to address the long-standing historical inequities and deficiencies experienced by people incarcerated in the OPP system. The Consent Decree included several provisions pertinent to the proposed project. These were 1) the requirement to provide a safe and secure environment for inmates [sic] which ensures their “*reasonable safety from harm*”; 2) the “*constitutionally adequate intake, assessment, treatment and monitoring of mental health needs*” including “*priority access*” for incarcerated persons at risk for self-injurious behavior or suicide; and 3) the constitutionally adequate treatment of prisoners’ medical needs including the prevention of “*unnecessary risk*” to prisoners and proper medication administration practices.

Based on a letter written by the Orleans Parish Prison Reform Coalition (OPPRC) to the Federal Judges, which can be found in Appendix K, recent documents published by the City of New Orleans, the Federal Monitors, the JFA Institute, and citizen action groups, indicate that the quality, availability, and accessibility of medical, mental, and physical health services for people incarcerated in the OPP system have “*made meaningful and noteworthy improvement*” since June 2013. Per comments provided by the JFA Institute in June 2022, “*monthly audits... show that patients assigned to the TMH and OJC POD 2A are being seen*

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*on at least a weekly basis for counseling services. They are also receiving daily medication as prescribed by Tulane psychiatrists.”* This documented improvement in the quality and accessibility of services provided, combined with targeted policy changes intended to dramatically reduce the number of people incarcerated in the OPP system over time, represent demonstrable, positive change.

However, all parties agree that significant administrative and logistical challenges related to OPP staffing, facility usage, layout, and design persist. These include 1) the lack of “safe” beds (single cells with suicide prevention features and other specialized accommodations) within the OJC, although the number of beds within the facility does accommodate those with acute and subacute mental health problems (OPPRC letter), 2) an inadequate number of individual rooms for therapy, family visitation, counseling, and specialized care; 3) insufficient programming space; and 4) staffing shortages throughout the OPP system. This makes the current delivery of mental, medical, and physical health services considerably more inefficient and far less effective than it should be. There is an established correlation between mental, medical, and physical health problems, disorderly behavior, perceived criminal conduct, and risk of incarceration. Persons with a history of mental illness are generally over-represented in the incarcerated population (~37% per 2017 DOJ report) and often face challenges navigating life in a jail or prison as behaviors related to their symptoms can put them at risk for violating facility rules and incurring institutional consequences. Incarceration has also been demonstrated to exacerbate existing mental and physical health problems.

Therefore, even minor shortcomings in the quality, availability, and accessibility of medical, mental, and physical health care services for incarcerated people may disrupt the “*continuity of treatment*” required to effectively manage medical and mental health care and improve both general health outcomes and rates of recidivism over time. Based on reports published about conditions in the Orleans Parish Prison system by the DOJ CRD in 2009 and 2012, the average percentage of inmates receiving mental health services in city jails [across the United States] ranges from ~18 – 30%. More current estimates published by the National Alliance on Mental Illness in 2022 placed the average percentage of incarcerated persons with a “*history of mental illness*” in local jails at 44%. At the current population of the OPP system (~950 people), this implies that as many as 420 people may require the medical, mental, and physical health services at issue in the proposed project. Per comments provided by the JFA Institute, there are approximately 460 inmates currently on the Wellpath behavioral health caseload at OPP, only about half of whom have treatment plans and are currently receiving adequate mental health services. Of this population about 50 are classified as suffering from acute or sub-acute mental illnesses. This data demonstrates a localized need for these services and makes the need for the efficient and effective provision of these services both real and immediate.

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## 3. Alternatives

NEPA requires Federal agencies to consider the effects of a proposed action and any reasonable alternatives on the human and natural environment. Therefore, a key step in the EA process is to identify a range of reasonable alternatives to be studied in detail in the EA. This step is commonly referred to as an alternative’s development and screening process. The purpose is to identify reasonable alternatives to the proposed action to allow for meaningful subsequent comparison of how these alternatives may affect the human and natural environment. This section describes alternatives proposed and considered in addressing the purpose and need.

The specific alternatives considered as part of the review included:

1. “No Action”
2. Construction, location, and/or alternative methods
3. Proposed Action

The three proposed alternatives to the project are considered appropriate with respect to a wider consideration of alternatives to meet the goals of the overall project. These alternatives are evaluated below for other environmental factors. Ultimately, these alternatives, which have supplemental background information in Appendix B, were considered based on the continued trend of a decreased incarcerated population. The jail system has a population of 871 as of May 24, 2022, as opposed to the 1,400 projected incarcerated population by 2019 originally considered when the Compliance Director was evaluating the jail for the Supplemental Plan. According to City officials, the only plan that is still being considered as an alternative is Option 3 (OJC Second Floor Retro-Fit Design); however, all options were evaluated to determine the best option for those within OJC that need mental health services.

### 3.1 Alternative 1 – No Action

Under the “No Action” alternative, there would be no new construction of the OJC Medical and Mental Health Services Building – Phase III at OJC. If this alternative were to be adopted, this would be in violation of the Supplemental Compliance Action Plan filed January 4, 2017, which has continued to be addressed by the Court. The City of New Orleans would be acting against the requirements of the Federal Court to implement the Supplemental Compliance Action Plan if a “no action” alternative were taken. Additionally, if a “no action” alternative was adopted, those within OJC in need of mental health services would not have proper, separate facilities to provide the appropriate care.

### 3.2 Alternative 2 – Alternate Construction and/or Resource Use Methods

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In 2019, the Compliance Director of OJC believed it was necessary to renovate the Temporary Detention Center (TDC) to temporarily house acute and sub-acute male and female patients at TDC while the OJC Medical and Mental Health Services Building - Phase III was being constructed. This belief was grounded in the fact that a) the contractual agreement with the Louisiana Department of Corrections (DOC) for housing the acute male patients at the Hunt facility, which was entered into on December 1, 2014, following damage from Hurricane Katrina, was set to end in April 2020, and b) the assumption there was no alternative space in OJC to house the 17-20 acute male patients previously at Hunt within OJC while the OJC Medical and Mental Health Services Building - Phase III was constructed.

On December 5, 2019, the City Council unanimously voted to set a cap for the total inmate population of the OJC at 1,250. The City also proceeded, in response to a Federal Judge's order, to renovate TDC Buildings 1 and 2 to create a new, temporary 61-bed acute Medical and Mental Health Services facility.

One side of Building 1 is designated for the females and provides for 22 beds. The remaining portion of Building 1 and all of Building 2 are designated for the males and provides for 36 beds and three temporary isolation cells for a total of 39 beds. The total number of beds for the TDC in Buildings 1 and 2 is 61. For regular housing purposes, the three isolation cells are not to be counted, so the total number is 58 beds.

The two TDC Buildings were completed in July 2020 and 17-20 Hunt incarcerated patients were transferred to TDC. Further, approximately 20 females receiving mental health services housed in the OJC (Pod 3D) were also transferred to the TDC. The City also transferred juveniles charged as adults now housed in OJC Pod 2C to the JJIC, as renovations on this building were completed to house the juveniles.

The capital cost for the expanded use of the TDC totaled \$6.1 million.

The renovation of the TDC allows for three options to be considered that, if implemented, in the City's opinion, would negate the need for the OJC Medical and Mental Health Services Building - Phase III facility, which has an estimated \$53 million construction cost, another \$7.7 million in "soft costs" (or a total project cost of about \$61 million), an \$8 million annual staffing cost, and a projected 2-3 year construction schedule to complete. What follows below are descriptions of the current acute, sub-acute, and step-down populations and the three alternatives to the OJC Medical and Mental Health Services Building - Phase III facility programs and each option's cost (construction and operating) and timeline for completion.

Option 1: Retain TDC as a Long-Term Facility for Acute Males and Acute/Sub-Acute Females and Renovate OJC Pod 2C to Accommodate the Sub-Acute Males in OJC Pod 2A.

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In this option, the current renovated TDC facility would be used indefinitely. For this to happen, the City would have to purchase the TDC facility from FEMA at an estimated cost between \$3.5 and \$4 million for the TDC facility, which consists of five buildings.

As described above, both the acute males assigned to the Hunt facility and the acute/sub-acute females who resided in the OJC inmate housing building were transferred to the TDC. However, there would still be a lack of space for the 26-28 sub-acute males currently assigned to OJC Pod 2A; therefore, it was proposed that, to avoid the issue, OJC Pod 2C be renovated as it would be vacated with the removal of juveniles to the City's Juvenile Justice Intervention Center (JJIC). This renovation is estimated at \$3 million over a six-month timeframe. With this renovation, the sub-acute incarcerated people now housed in OJC Pod 2A would be relocated to OJC Pod 2C.

Under this option additional security staff would be required as described earlier (about \$3 million per year). However, for the Wellpath providing medical care and Tulane staff providing psychological and psychiatric care to the incarcerated population, there are no additional staffing requirements. However, Wellpath and Tulane staff would have to walk or be transported daily to the TDC facility from their administrative offices in OJC.

Option 1 (Retention of the TDC as a Long-Term Facility) could be completed within nine months including analysis of design, procurement, and construction. The renovation work on OJC Pod 2C would proceed as follows:

#### Main Level

1. Repurpose two of the 15 cells for one-on-one interviews and one other cell for office supplies.
2. 12 remaining cells will have double bunk capacity.
3. Install unit nurse station on the floor for direct observation.
4. Install new cell doors with top and bottom vision panels and floor-to-ceiling vision panels in the cell front walls, similar to the TDC and Phase 3 cells.
5. New Capacity of 24 beds.

#### Mezzanine Level

1. Convert 15 of 15 cells to single bed cells.
2. Install new doors with top and bottom vision panels and floor-to-ceiling vision panels in the cell-front walls, similar to the TDC and Phase 3 cells.
3. New Capacity of 15 beds.
4. Install mezzanine walkway edge floor-to-ceiling jump security barrier.

Total OJC Pod 2C Capacity – 39 beds

#### Option 2: Renovate TDC Buildings 3 and 4 to Accommodate the 33 OJC Sub-Acute Males in OJC Pod 2A

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Option 2 (Renovate TDC Buildings 3 & 4) similar to Option 1 (Retention of the TDC as a Long-Term Facility), would also require the City to purchase TDC from FEMA at an estimated cost of approximately \$3.5 to \$4 million. The City would then renovate Buildings 3 and 4 in the identical manner that Building 2 was renovated to mimic the requirements for male patients. These units would be used to house the 33 male sub-acute patients now housed in OJC Pod 2A. Females housed in OJC Pod 3D with mental health illnesses would be transferred from their current location to TDC. This would vacate the OJC Pod 3D unit. OJC Pods 3C, 2A and 2C would be available for occupancy. In essence, TDC would become a version of the OJC Medical and Mental Health Services Building - Phase III with all male and female, subacute, and acute patients housed in a single facility. Again, the Monitors have stated this would be an acceptable option if the OJC Medical and Mental Health Services Building - Phase III could not be constructed.

There would be no need to renovate any portion of the OJC. However, renovations cost for Building 3 and 4 would be approximately \$10 million.

Additional security staff would be needed to operate Buildings 3 and 4 similar to the staffing levels for Buildings 1 and 2 at an additional cost of \$3 million per year or a total of \$6 million per year. There are no additional Wellpath or Tulane staffing requirements. However, Wellpath and Tulane staff would have to walk or be transported on a daily basis to the TDC facility from their administrative offices in OJC. There may be a need to build out administrative support staff for Wellpath and Tulane staff to avoid the need to be transported back and forth between OJC and TDC.

Option 2 (Renovate TDC Buildings 3 & 4) could be completed within 12 months including analysis of design, procurement, and construction.

### Option 3: The OJC Second Floor Retro-Fit Design

The overall goal of this plan would be to concentrate the location of all acute, sub-acute, and step-down incarcerated people, male and female, on the second floor of the OJC. This option became the preferred alternative of the City, due to the fact that it was designed to improve operations at OJC, substantially reduce comparative staffing requirements, reduce the construction duration, and improve the overall project delivery timeframe (complete the project within 18 months as opposed to 2-3 years for the OJC Medical and Mental Health Services Building - Phase III Construction).

Currently, the OJC second floor consists of six pods. Each pod has two levels with 15 cells on each level for a total of 30 cells. Each cell has two bunks for a total of 60 beds. For the second or mezzanine level there is a railing with security mesh installed from the top of the railing to just above the floor. There is also a large outdoor covered recreation areas off of each pod. There are telephone booths and a washer/dryer room in each pod.

Based on the patients' treatment and security needs, the Retro-Fit is designed to make modifications that will a) increase the number of single cells, and b) provide for a sufficient

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number of individual counseling rooms. The counseling rooms will be located on each housing pod and thus eliminate the need to be escorted by security staff who are not assigned to the pod. Since each pod has an open-air recreation yard there is no need to modify those spaces.

Consistent with the Executive Committee's consultant recommendation, the entire second floor in the OJC would house behavioral health patients. Pods 2A, 2B, and 2C would house all of the acute and sub-acute patients while the other three pods would house non-acute male patients. With Pods 2A, 2B, and 2C being altered from double to single cells, and three cells being retrofitted into interview rooms or offices in all six pods, the total capacity of the second floor would be reduced from 360 beds to 252 beds. This reduces the overall capacity of the OJC from 1,438 to 1,330 which is well above the total jail population of approximately 950. There would also be the continued availability for housing patients in the TDC and the minimum and medium custody incarcerated population in the TDC.

In Pods 2A, 2B and 2C, the Retro-Fit would consist of the following modifications:

1. For 29 cells, replace the existing sliding front cell door with a full-vision door;
2. In three cells closest to the security station on the pod, remove the existing toilet, sink, and bunk bed;
3. Furnish the three cells with desk, chairs, and cameras;
4. Convert 27 cells by replacing the double bunks with a single bed;
5. Create a nurse's station on the pod main floor next to the existing security station; and
6. Install mesh as needed on the mezzanine railings (male only – all 10 females can be housed on first floor of their pod).

During the day shift from Monday to Friday, the three acute and sub-acute pods would have two security officers whose sole job would be to escort patients to their counseling and structured recreation sessions.

For Pods 2D, 2E, and 2F, the same number of interview and office rooms would be created. However, there would be no need for the nurse station, mezzanine mesh, cell door replacements or removing the double bunks for the other 27 cells. One of the pods would be a dedicated step-down program for males.

During the on-site construction period, one of the pods on the second floor would be depopulated. Currently, there are six general population pods in OJC that have less than 20 incarcerated people in them (Pods 2B, 2C, 2D, 3C, 3D, and 3E). By combining two of these sparsely populated pods, it will be possible to establish a "staging" pod where the incarcerated people in a second floor "renovation" pod could be transferred for 30 days. This would allow for the vacated second floor pod to be renovated in 45 days. The process would be repeated on a pod-by-pod basis. Pods 2A, 2B, and 2C would take the longest to renovate due to the number of doors to be replaced and installing the meshing (male Pods 2A and 2B). The other pods will require very little time to complete as only two full vision doors are being installed and three cells modified as either interview rooms or the behavioral health office.



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Estimated time for the completion of the entire Retro-Fit including selection of the construction firm, the fabrication and delivery of materials, and installation is 12-15 months. The cost is estimated at \$10 million. There are no additional operating costs.

### 3.3 Alternative 3 – Proposed Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III

Under the proposed action, development includes the construction of the OJC Mental and Medical Services Building – Phase III. This building is proposed as a two-story 80,500 sf facility on the secure site (appx. 106,000 sf/ 2.4 acres). Programmatic elements include spaces for family and attorney visitation, laundry, male acute and sub-acute mental health housing, female acute and sub-acute mental health housing, infirmary, clinic, medical/mental health administrative, and male & female mental health housing support.

As a result of damage sustained during Hurricane Katrina, the entire OJC was redeveloped in order to provide a more up-to-date facility to those within the system and working at the facility. During the redevelopment planning, the work was separated into three phases.

- **Phase I** involved rebuilding of a kitchen warehouse and campus central plant facility on the square between South Salcedo and South Gayoso Streets. Overall, the building was to have a gross area of 163,885 sf. This phase has been completed.
- **Phase II**, on the block between South Dupre and South White Streets, Templeman III & IV incarcerated housing facility, which suffered extensive flood damage from Hurricane Katrina and had been demolished, was replaced. The building integrates many critical prison functions into one building, including an intake processing facility, administrative offices, a public lobby and visitation center, and has 1,438 beds. This facility received its certificate of occupancy in 2015 and is fully operational.
- The proposed **Phase III** (the former Templeman I and II Buildings) is on the block between South Gayoso and South Dupre Streets. Phase III, as contemplated under the original conditional use, would include a permanent eighty-nine (89) bed facility to house the incarcerated male and female population with acute and sub-acute mental health conditions, as well as an infirmary, a family visitation facility, an incarcerated population-attorney visitation center, a laundry, and a pedestrian sky bridge.
- **Temporary Detention Center.** The originally approved conditional use required that the “TDC,” modular units with 400 beds be demolished in accordance with FEMA regulations when Phase II was complete. As noted above, Phase II received its certificate of occupancy in 2015, and the TDC continues to operate. Due to the transfer of the Hunt incarcerated people/patients in 2019-20, Buildings #1 and #2 were retrofitted as “temporary” use for male and female acute mental health.

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Phase I, Phase II, and the TDC have all been completed; therefore, the next step is to complete Phase III, the final phase of the project. Although there has been community and City opposition to the project, the project is required to be carried forth based on the Judge's order overseeing the Consent Decree and Supplemental Compliance Action Plan.

### First Floor

The first floor includes visitation, laundry, female acute and sub-acute mental health housing, male acute and sub-acute mental health housing, and the male & female mental health support areas.

**Visitation:** The visitation area provides space for family and attorney visitation. Located off Perdido Street, the public entry provides access separate from the secured entrances. This area fills a need that was lacking in the Phase II facility which had no space for family visitation and limited space for attorney visitation which required constant supervision. While video visitation exists, there are strong preferences for personal visits; the Supplemental Compliance Action Plan required considerations for both. The OJC Medical and Mental Health Services Building – Phase III provides space for contact family visitation and 10 attorney/client visitation areas. Support spaces include a waiting area, men's & women's restrooms, janitor space, vending & lockers for the public, secure waiting area and storage adjacent to the family visitation on the public side. The secured side includes a security area overlooking the incarcerated male and female waiting area, a staff restroom, an incarcerated population restroom, and search areas.

**Laundry:** Considered another gap in the current operations, the laundry fulfills a crucial role. Laundry is currently outsourced by a third-party company with facilities offsite, which requires laundry to be brought offsite. The in-house laundry, with five extractor washers, seven dryers and two ironers, will service the campus laundry needs allowing incarcerated people' uniforms, as well as institutional items (sheets, towels, blankets, mattresses, and pillows), to be washed on site. The laundry also includes an office, incarcerated population restroom, cart storage areas, clean linen storage, and storage for laundry supplies.

**Male Acute and Sub-acute Mental Health Housing:** Phase II has no facilities to address the acute and sub-acute needs (special needs) of the incarcerated males. Modifying the Phase II facility to accommodate special needs for males poses some operational concerns, such as unobstructed visibility and lack of adjacent counseling and exam rooms. The Supplemental Compliance Action Plan determined the new facility should provide 77 beds to house the male population with special needs. The first floor provides 39 beds that open to sub-day rooms with adjacent consult spaces. Sub-day rooms open to a dayroom. The centralized nurse & officer station allows for unobstructed visibility, thus minimizing the risk of suicide. Consult spaces off the sub-day rooms accommodates individual treatment. A triage room with adjacent medication storage is provided within the unit minimizing movement of the incarcerated population and the need for additional staff. A fresh air court/exercise area is provided off the dayroom. Additional components include a calming cell, a safety cell,

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clean & soiled linen holding, food service for staging food carts, video visitation, showers, janitorial space, and staff restrooms.

Female Acute and Sub-acute Mental Health Housing: Phase II has no facilities for females in New Orleans. Modifying the Phase II facility to care for acute and sub-acute mental health needs for females poses some operational problems such as unobstructed visibility and lack of adjacent counseling and exam rooms; however, a Pulitzer/Bogard & Associates, LLC report from March 2022 does note that there is sufficient and appropriate bed capacity to meet the health care needs of the population. The Supplemental Compliance Action Plan determined the new facility should provide 12 beds to house the female population with special needs. The design of the new unit provides those 12 beds that open to sub-day rooms with adjacent consult spaces. Sub-day rooms open to a dayroom. The centralized nurse & officer station allows for unobstructed visibility, thus minimizing the risk of suicide, of all the cells and dayrooms. Consult spaces off the sub-day rooms provide for individualized treatment. Two counsel rooms provide space for group counselling. Counseling rooms and an exam room within the unit minimize movement of the incarcerated population, consequently reducing the need for additional staff. A fresh air court/exercise area is provided off the dayroom. Additional components include a calming cell, a safety cell, a food prep area for staging food carts, a medication room, video visitation, showers, janitor area, staff restroom and a multi-purpose room with adjacent storage.

Male & Female Mental Health Housing Support: Located adjacent to the male acute and sub-acute mental health housing, the support space contains counselling spaces that include two rooms for smaller groups and a larger, group room for up to fourteen people. The open lobby space has a fixed, correctional-furniture table that accommodates eight with a security officer position within the room. Off the lobby, and across the corridor from the female housing unit, there is a staff work area that includes workstations for ten staff members, a staff restroom and a coffee/break area. The counselling spaces allow for group mental health counseling and treatment that is integral to the ‘step-down’ process assisting incarcerated people in transitioning to a living situation closer to the general population. Counseling spaces in the Phase II Building are in cramped quarters away from the therapeutic area on an unsecure side that requires going through security each time an incarcerated person needs access.

## Second Floor

The second floor includes male & female infirmary, medical/dental health clinic, medical/mental health administration, male acute and sub-acute mental health housing, and the male & female mental health support areas.

Male & Female Infirmary: The infirmary is divided into a male side and a female side. The male side has three double bed spaces, two single bedrooms and one negative pressure room with bath, for a total of nine beds. All open to a common dayroom overseen by a nurse & security station. An incarcerated population restroom and a shower are located off the dayroom. The female side has one double bed space, one single bedroom and one negative

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pressure room with bath, for a total of four beds. All open to a common dayroom overseen by a nurse & security station. Between the male and female sides, a bariatric bed and an exam room area are located. With secured doors to each side, they can be utilized as necessary by male or female. A fresh air court is also shared between the male and female side. Security doors are located on each side to allow for separate use by either side. Accessed from the female side are the medication storage and supply area at one end and clean and soiled linen holding on the opposite end. The soiled holding shares function with a work/trash area. The total bed count for the infirmary is fourteen. Currently, there is no infirmary space in Phase II. The infirmary beds will allow for treatment of incarcerated people within the facility, there is a need for this level of care to be provided within the OJC facilities, due to the growing number of incarcerated people who spend extended periods of time in local hospitals each of them requiring two officers to guard them. It would save money and staff resources as well as being considered safer for the patients. Currently, medical and mental health services are generally met at both the OJC and the Temporary Mental Health/TDC; however, when a higher level of medical care or skilled nursing needs cannot be met at the facilities, patients are transported to the local hospital for appropriate treatment.

**Medical/Mental Health Clinic:** The medical clinic will operate 24 hours a day and seven days a week for emergent care. The primary focus of the clinic will be outpatient medical services that require provider (M.D., P.A., N.P.) medical evaluation including radiology and/or laboratory testing, and any specialty care or trauma services. Dental care will also be delivered in the medical clinic. The clinic contains three exam areas and one each specialty exam, tele-med exam, urgent/trauma exam and a phlebotomy room. Patients waiting is accommodated in three small group holding areas and one large group holding area. A central nurse/security station oversees the exam side of the clinic. The opposite side contains a dental suite with two chairs, an x-ray room and storage. A dental office, medication prep, medical gas, medical supply/equipment, clean & soiled holding are located nearby. In a secured space, contiguous to the clinic, is the administrative support area that includes an office, three medical records workstations and six clinic workstations, a room for medical records, janitor area, and breakroom with storage.

**Medical/Mental Health Administration:** All health care administration will be co-located in the health care administration area. This area will consist of numerous offices and other support spaces for those providing services for the medical and mental health components. There are eight individual offices and one office with three workstations. An open work area provides eleven workstations. Also included are two conference rooms, a secure file room, copy room, supply room, janitor room men's and women's restrooms and a staff breakroom.

The Infirmary, Clinic and adjacent medical/mental health administration space were part of the recommendations by the compliance director in the Supplemental Compliance Action Plan. Consolidating the mental health incarcerated population with the providers – coupled with the Infirmary and Clinic – into one area provides better service delivery and supervision.

Male Acute and Sub-acute Mental Health Housing: The second-floor housing area replicates the first-floor housing space but contains 38 beds.

Male & Female Mental Health Housing Support: The second-floor housing support space is identical to the first-floor housing support space.

Food service delivery was another concern noted in the Supplemental Compliance Action Plan. Currently, the food is non-refrigerated when it is delivered to the buildings. The OJC Medical and Mental Health Services Building – Phase III, per recommendations, includes a connecting bridge to the Kitchen/Warehouse Building, which facilitates food delivery to the overall complex. The bridge connections provide a single core security perimeter around these facilities that will enable OPSO staff to access them seamlessly and with fewer security risks.

The total bed capacity for the OJC Medical and Mental Health Services Building – Phase III is 89 beds. The aggregate incarcerated population of the OJC complex, including those held in Phase II, the TDC, and in the Medical and Mental Health Services Building – Phase III is now restricted to no more than 1,250 incarcerated people under New Orleans City Council Ordinance No 28,300 M.C.S.

### 3.4 Alternatives Summary

The table below provides a summary of the Proposed Action (OJC Medical and Mental Health Service Building - Phase III) vs the Alternate Construction and/or Resource Use Methods Option 1 (Retention of the TDC as a Long-Term Facility), Option 2 (Renovate TDC Buildings 3 & 4), and Option 3 (OJC Second Floor Retro-Fit)].

| <b>Cost Item</b>   | <b>Phase III</b> | <b>Option 1</b> | <b>Option 2</b> | <b>Option 3</b> |
|--|------------------|-----------------|-----------------|-----------------|
| Population as of July 3, 2020  | 835              | 835             | 835             | 835             |
| Population as of April 19, 2022  | 871              | 871             | 871             | 871             |
| Current Acute and Sub-Acute Population (based on April 19, 2022 information) |                  |                 |                 |                 |
| Male   | 40               | 40              | 40              | 40              |
| Female*  | 8                | 8               | 8               | 8               |
| Acute and Sub-Acute Beds**   |                  |                 |                 |                 |
| Male   | 77               | 63              | 84              | 54              |
| Female   | 12               | 22              | 22              | 27              |
| Total Beds   | 89               | 85              | 106             | 81              |
| Additional Costs   |                  |                 |                 |                 |
| Capital  | \$61 mil.        | \$6.5 mil.      | \$10 mil.       | \$10 mil.       |

|  |            |            |            |            |
|--|------------|------------|------------|------------|
| Maintenance Costs                                  | \$0.5 mil. | \$0.2 mil  | \$0.4 mil  | \$0.0 mil. |
| Additional Annual Staffing Costs (described below) | \$8 mil.   | \$3 mil.   | \$6 mil.   | \$0 mil.   |
| Security Staff                                     | \$6.6 mil. | \$3 mil.   | \$6 mil.   | \$0 mil.   |
| Wellpath- Infirmary                                | \$1.4 mil. | \$0.0 mil. | \$0.0 mil. | \$0.0 mil. |

\*Assumes all females assigned to OJC 3D will need special care

\*\*The bed counts for the various options include single cells and double cells, although those options are not separated in the table.

Regarding Option 1 (Retention of the TDC as a Long-Term Facility) and Option 2 (Renovate TDC Buildings 3 & 4) where the current TDC facility remains open, there were two concerns raised by the City. First, the OPSO claimed that the TDC is in a floodplain. According to the OPSO, considerable flood damage could render the facility in-operable if flooded. However, it is noteworthy to consider that the TDC Building was built to specification regarding the City' Advisory Base Flood Elevation (ABFE) requirements, and additionally, the building was constructed with flood-damage mitigating measures as required for a federally-funded (FEMA) project. These measures are specifically in place to mitigate damage from flood conditions. Secondly, compared to Option 3 (OJC Second Floor Retro-Fit), both Options 1 and 2 would require increased security staffing in the current TDC Buildings that are either now closed (Building 1B) or sparsely occupied (Buildings B4 East and B4 West). The OPSO has been reporting shortages of 100 officers to operate the OJC Building. Expanding operations within the TDC would require more security officers.

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## 4. Affected Environment and Potential Impacts

FEMA-EHP has reviewed and assessed Alternative 1 (No Action Alternative), Alternative 2 (Alternate Construction and/or Resource Use Methods), and Alternative 3 (Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building - Phase III). This section discusses the environmental impacts of the various alternatives. In the impacts analysis for the alternatives, FEMA provides a description of the impacts of the action based on the following scale:

- No effect or no impact – no discernible effect is expected.
- Negligible effect – the effect is so small that it cannot be measured in a meaningful way.
- Minor effect – the effect is measurable but would be minor.
- Moderate effect – the effect is measurable and may require mitigation to be adequately addressed.
- Significant impact – the effects meet the criteria for significance as defined in the CEQ’s NEPA implementation regulations in 40 CFR 1508.27.

### 4.1 Geology, Soils, and Topography

The Farmland Protection Policy Act (P.L. 97-98, §§ 1539-1549; 7 U.S.C. 4201, et seq.) was enacted in 1981 and is intended to minimize the impact federal actions have on the unnecessary and irreversible conversion of farmland to non-agricultural uses. This law assures that, to the extent possible, federal programs and policies are administered in a way that is compatible with state and local farmland protection policies and programs. In order to implement the FPPA, federal agencies are required to develop and review their policies and procedures every two (2) years. The FPPA does not authorize the federal government to regulate the use of private or non-federal land or, in any way, affect the property rights of owners.

The Natural Resources Conservation Service (NRCS) is responsible for protecting significant agricultural lands from irreversible conversions that result in the loss of essential food or environmental resources. For purposes of the FPPA, farmland includes prime farmland, unique farmland, and farmland of statewide or local importance. Prime farmland is characterized as land with the best physical and chemical characteristics for production of food, feed, forage, fiber, and oilseed crops (USDA 2013). Farmland subject to FPPA requirements does not currently have to be used for cropland; it also can be forest land, pastureland, or other land, but not water or built-up land.

According to the NRCS Web Soil Survey (link provided in Section 8: References), the project area consists entirely of Schriever clay, 0 to 1 percent slopes, rarely flooded, which is considered to be a hydric soil. The soil is generally found in backswamps on floodplains

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and is considered to be a soil for prime farmland. Slope gradient ranges from 0 to 3 percent. Some slopes are short and occur as undulating parallel ridges and swales.

#### **4.1.1 Alternative 1 - No Action Alternative**

If no action were to occur at the site, there would be no disturbance to soils at the site and therefore, there would be no impacts to the prime farmlands and soils at the site.

#### **4.1.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision through renovation of buildings that currently exist would not involve breaking new ground, and thus would not impact site geology, soils, or topography.

#### **4.1.3 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

Based on the classification of the soil at the site and the NRCS classifying the area as “prime farmland” as shown on Figure 7 in the GIS Figures attachment, a solicitation of views (SOV) was sent to NRCS on March 3, 2022, requesting a review of the project in regard to potential impacts to natural resources in the area. The NRCS responded on March 9, 2022, stating, *“The project map and narrative submitted with your request indicates that the proposed construction area is in an urban area and therefore is exempt from the rules and regulations of the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549. Furthermore, we do not predict impacts to NRCS work in the vicinity.”* This response can be found in Appendix C.

Additionally, the City of New Orleans provided the project description and a questionnaire to the Department of Safety and Permits (DSP), in order to provide comments on the project activities. Jay Dufour, the Interim Chief Building Official, completed the questionnaire on March 14, 2022. The response, which can be found in Appendix D, indicated that local soils conditions are suitable for the project such that they will not negatively affect the geotechnical stability of any project foundations. It was noted, *“with the Geotech Report and structural engineering, based on its contents, the stability can be addressed.”* He also indicated that the project would have a minor effect on local topography by significantly increasing or decreasing the slope of the land surrounding the project site and commented that *“stormwater management plans can address these concerns”*. Lastly, he indicated that the project would have a minor effect on the existing erosion conditions and noted *“structural design can mitigate based on the Geotech Report.”* The recommendations from the Geotech report have been incorporated into the design in order to avoid any erosion impacts. Specifically, a response from GHC Architects noted, *“We anticipate no negative effects on the existing sites and the surrounding areas current erosion conditions. Our site is an undeveloped open greenspace and is surrounded by concrete and asphalt hardscapes. The disturbed greenspace areas within our site boundary will be regraded and sodded with new grass and other landscaping features. New drainage structures will be constructed*



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*throughout the interior of our site; however, the proposed drainage networks will connect to existing drainage infrastructure allowing the site to drain as it has historically. Our erosion control measures include silt fencing around the perimeter of the construction area, a stabilized construction entrance at construction entrances, and protection measures at existing drainage inlets and catch basins to prevent infiltration of construction debris/runoff. We specify in our project that these erosion control measures are to be installed at the beginning of construction and are to be maintained in proper working order throughout the construction process until final completion and acceptance.”*

Based on the responses from the NRCS, the proposed action is not anticipated to impact the geology, soils, and topography, as the project location is designated as an urban area. Although DSP indicated minor impacts to the slope and erosion conditions of the site, significant impacts are not anticipated to occur, as a Geotech Report has been developed to help provide the structural engineer with ways to address stability, and a Storm Water Pollution Prevention Plan (SWPPP), which can be found as Appendix H, will be put in place for use during development of the site.

## 4.2 Air Quality

The Clean Air Act (CAA) (42 U.S.C. § 7401 et seq.) is the federal law that regulates air emissions from stationary and mobile sources. This law tasks the USEPA, among its other responsibilities, with establishing primary and secondary air quality standards. Primary air quality standards protect the public’s health, including the health of “sensitive populations, such as people with asthma, children, and older adults.” Secondary air quality standards protect the public’s welfare by promoting ecosystem health, preventing decreased visibility, and reducing damage to crops and buildings. The USEPA also has set National Ambient Air Quality Standards (NAAQS) for the following six (6) criteria pollutants: carbon monoxide (CO), lead (Pb), nitrogen oxides (NOx), ozone (O3), particulate matter (less than 10 micrometers [PM10] and less than 2.5 micrometers [PM2.5]), and sulfur dioxide (SO2).

Under the 1990 amendments to the CAA, the USEPA may delegate its regulatory authority to any state which has developed an approved State Implementation Plan (SIP) for carrying out the mandates of the CAA. The State of Louisiana’s initial SIP was approved on 5 July 2011, and its CAA implementing regulations are codified in Title 33.III of the Louisiana Environmental Regulatory Code. The SIP has been revised several times since its original approval.

According to 40 C.F.R. § 93.150(a), “No department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan.” In addition, 40 C.F.R. § 93.150(b) states, “A Federal agency must make a determination that a Federal action conforms to the applicable implementation plan in accordance with the requirements of this subpart before the action is taken.” As a result, when FEMA provides financial assistance for a project, such as the one currently under

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review in this EA, the CAA requires a General Conformity determination whenever the project site is located in a “non-attainment area” for anyone (1) of the six (6) criteria pollutants (Revisions to the General Conformity Regulations 2010).

#### **4.2.1 Alternative 1 - No Action Alternative**

A no action alternative will produce no air emissions and therefore, will have no impacts to local air quality.

#### **4.2.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to generate additional air emission sources, and thus would not impact regional air quality.

#### **4.2.3 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

According to the EPA’s Green Book Online System, Orleans Parish is in an attainment area. Additionally, a response found in Appendix C, dated April 8, 2022, from the Louisiana Department of Environmental Quality (LDEQ), notes that “*Currently, Orleans Parish is classified as attainment with the National Ambient Air Quality Standards and has no general conformity determination obligations.*”

Based on LDEQ’s response, no impacts are anticipated regarding air quality, as Orleans Parish is in an attainment area with no general conformity determination obligations. Additionally, the City of New Orleans will follow all local regulations during and after the construction process.

### **4.3 Water Quality**

The U.S. Environmental Protection Agency (USEPA) regulates discharges to waters of the United States through permits issued under Section 402 of the CWA, entitled the National Pollutant Discharge Elimination System (NPDES), which authorizes and sets forth standards for state administered permitting programs regulating the discharge of pollutants into navigable waters within each state’s jurisdiction. On August 27, 1996, USEPA Region VI delegated the authority to administer the NPDES program for matters within the jurisdiction of the State of Louisiana. Having assumed NPDES responsibilities, Louisiana directly issues NPDES permits and has primary enforcement responsibility for facilities located within the State, with certain exceptions such as Indian Country Lands. Louisiana administers the NPDES Program and surface water discharge permitting system under the Louisiana Pollutant Discharge Elimination System (LPDES) program.

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The LPDES requires permits for the discharge of pollutants/wastewater from any point source into waters of the State. Per the CWA, the term “point source” is defined as “any discernible, confined, and discrete conveyance such as a pipe or a ditch.” Prior to assumption of the program, permittees were required to hold both a valid state and federal permit. Today, all point source discharges of pollutants to waters in the state of Louisiana are subject to a LPDES permit issued by the Louisiana Department of Environmental Quality (LDEQ). Additionally, the LDEQ requires a Stormwater Pollution Prevention Plan (SWPPP) for land disturbing activities greater than 1 acre. For land disturbing activities greater than 5 acres the LDEQ requires: 1) a SWPPP 2) a Notice of Intent and 3) a Notice of Completion.

#### **4.3.1 Alternative 1 - No Action Alternative**

Under the no action alternative, there would be no impacts to water quality in the vicinity of the project and in downstream waters.

#### **4.3.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to generate significant storm water runoff, and thus would not impact regional water quality.

#### **4.3.3 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

In the LDEQ response, found in Appendix C, from April 8, 2022, the agency notes that the Department has no objections to the proposed project, based on the information provided in the submittal. However, they did provide general comments, which included discussions about water quality. The response notes:

- If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary. If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting additional wastewater.
- If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit is required. An application or Notice of Intent will be required if the sludge management practice includes preparing biosolids for land application or preparing sewage sludge to be hauled to a landfill. Additional information may be obtained on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 9371.
- All precautions should be observed to protect the groundwater of the region.
- Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore, if your water system improvements include water softeners, you are advised to contact the LDEQ

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Water Permits to determine if special water quality-based limitations will be necessary.

Additionally, a SWPPP has been developed for the project, and Best Management Practices (BMPs) from the SWPPP are discussed in Section 8 of this Environmental Assessment. As LDEQ provided no objection to the project activities and with a SWPPP already being developed for the proposed development, no impacts to water quality based on the proposed projects activities are anticipated. GIS Figure 5, which can be found as an attachment to this document, also shows that there are no sole source aquifers near the site that could be impacted by project activities. All of LDEQ's comments will be considered during the construction and operations of the building, in order to avoid any potential impacts to water quality.

## 4.4 Wetlands and Waters of the United States

Wetlands have important ecological functions and are biologically diverse. They assimilate nutrients in surrounding surface waters, remove suspended solids and pollutants from stormwater, and protect shorelines from wind and wave action and storm-generated forces. Actions that would impact wetlands would require review under several regulatory programs.

The United States Army Corps Engineers (USACE) regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, pursuant to Sections 401 and 404 of the Clean Water Act (CWA). Wetlands are identified as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that under normal hydrologic conditions do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The USACE also regulates the building of structures in waters of the U.S. pursuant to Section 10 of the Rivers and Harbors Act (RHA). E.O. 11990, Protection of Wetlands, directs federal agencies to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the values of wetlands for federally funded projects. FEMA regulations for complying with E.O. 11990 are codified at 44 C.F.R. Part 9, Floodplain Management and Protection of Wetlands.

FEMA's implementation of E.O. 11990 is described in 44 C.F.R. Part 9. Under this regulation, FEMA is required to engage in the 8-step decision-making process to ensure that proposed activities are consistent with EO 11990 and to evaluate the potential effects of an action on wetlands. The 8-step process includes using minimization measures when a project affecting a wetland is the only practicable alternative. The eight-step process is incorporated in this analysis and is located in Appendix E. Minimization measures include avoidance techniques such as establishing wetland buffer zones to avoid converting or filling wetlands and obtaining and complying with NPDES permits. Recipients and Sub-Recipients are responsible for obtaining any applicable NPDES permits and meeting permit conditions. In addition to complying with 44 C.F.R. Part 9, the Recipient or Sub-Recipient must obtain the applicable CWA Section 404 permit prior to the initiation of the project if it

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will affect jurisdictional wetlands. The Recipient or Sub-Recipient must coordinate with USACE to determine whether any of the Nationwide Permits (NWP) or a Regional General Permit apply or whether an Individual Permit is required. Proposed projects that require an Individual Permit will require close coordination between the Recipient or Sub-Recipient, FEMA and USACE. The Recipient or Sub-Recipient is required to comply with all conditions of the 404 general or individual permit, which may include compensation measures, such as wetlands banking, for any loss of wetlands.

#### **4.4.1 Alternative 1 - No Action Alternative**

The no action alternative would have no impact on wetlands or Waters of the US as none are present at the site.

#### **4.4.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to impact wetlands, as the work would include renovations within existing structures and no ground disturbance would occur with the noted alternative construction options.

#### **4.4.3 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

For an area to be considered a wetland, the assessed site must have one or more wetland characteristics such as hydrophytic vegetation, hydric soils, and hydrologic indicators of wetland conditions as described in the *1987 USACE Wetland Delineation Manual and the Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region*. Based on Figure 1 found in the attached GIS Figure set to this document, the site is not located within an area designated as wetlands according to the National Wetland Inventory. To confirm, Ramboll, on behalf of the City of New Orleans, sent a request for a wetland determination on March 3, 2022, to the USACE. The USACE responded on May 10, 2022, noting, “*Based on review of recent maps, aerial photography, and soils data, we have determined that the property consists entirely of uplands that are not subject to Corps’ jurisdiction.*” The response can be found in Appendix C.

As there are no wetland areas present on the site, the implementation of the proposed project will have no impact on wetlands or Waters of the US and therefore, CNO will not need a wetland permit to proceed with development.

## **4.5 Floodplains**

Executive Order 11988, Floodplain Management, requires federal agencies to avoid direct or indirect support or development within or affecting the 1% annual-chance special flood

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hazard area (SFHA) (i.e., 100-year floodplain) whenever there is a practicable alternative (for “Critical Actions”, within the 0.2% annual chance SFHA, i.e., the 500-year floodplain). FEMA uses the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM) to determine the flood hazard zone for the proposed project location. FEMA’s regulations for complying with E.O. 11988 are codified in 44 C.F.R. Part 9, Floodplain Management and Protection of Wetlands.

Section 9.6, 44 C.F.R., details an eight-step process that decision-makers must use when considering projects either located within the floodplain or with the potential to affect the floodplain. The eight-step process: assesses the action with regard to human susceptibility to flood harm and impacts to wetlands; analyzes principal flood problems, risks from flooding, history of flood loss, and existing flood protection measures; and includes public notice and opportunity for the public to have early and meaningful participation in decision-making and alternative selection. If impacts cannot be avoided, the eight-step process includes requirements to incorporate measures to minimize and mitigate potential risks from flooding and impacts to wetlands as appropriate.

Under 44 C.F.R. Part 9, FEMA is required to avoid activities in a floodplain unless it is the only practicable alternative. If undertaking a proposed project in the floodplain is the only practicable alternative, then FEMA must minimize the impacts to the floodplain and the impacts from floods to the facility or structure. Minimization techniques apply to the location of structures, equipment and building contents in floodplain areas. This could include elevating facilities or structures above the base flood elevation. Minimization techniques may include flood-proofing structures or facilities. Some of these facilities may be considered “critical actions” under this analysis because the risk of flooding might be too great. In such cases, the base flood elevation or standard for flood-proofing is the 500-year flood event.

#### **4.5.1 Alternative 1 - No Action Alternative**

With no construction occurring at the site and no development within the floodplain, there are no anticipated impacts to the floodplain.

#### **4.5.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to impact the floodplain, as there would be no exterior work within the floodplain.

#### **4.5.3 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

The proposed action was reviewed for potential impacts associated to development within the floodplain. According to the Effective DFIRM mapping Panel 22071C0228F (shown in Figure 4 in the attached GIS Figure set), which became effective on September 30, 2016,

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the majority of the site is located within the 0.2 PCT flood zone/500-year floodplain, or the “X” zone. Approximately less than 5% of the site is found within the AE flood zone/100-year floodplain, meaning development of the site could cause potential impacts to the floodplain. For floodplain management purposes, if any portion of the site is located in an AE flood zone, the entire site is considered for potential impacts. Additionally, the City-Parish requires the lowest floor of the building to be a foot above BFE, or 3 feet above the Highest Existing Adjacent Grade (HEAG), whichever is higher. The first floor of the building will be at elevation 26.00 (Cairo Datum)/ 5.566 (NAVD88), which exceeds the required elevation. Additionally, the exterior walls will be substantially impermeable to the passage of water, structural components can resist hydrostatic and hydrodynamic loads and the effects of buoyancy, and the utilities will be protected from flood damage. These mitigation measures not only cover requirements from the City-Parish, but they address the avoidance of impacts that are also discussed within the eight-step process developed for this site.

Construction of this building will also require a permit and must be in compliance with the state’s building code. At present, the State Fire Marshal review has been released; indicating that the design is in compliance with the requirements of applicable laws, rules and codes and their associated fire protection and life safety as well as providing equal access to disabled individuals. The State Fire Marshall Report can be found as Appendix I.

As mitigation measures have been put in place to avoid impacts to the floodplain, permits and City-Parish requirements are being followed, and the eight-step process is being carried out for this project, impacts to the floodplain are considered to be minimal. However, in order for the City to comply with FEMA floodplain management requirements and to be eligible for project funding, after construction of the proposed project and prior to FEMA project close-out, additional verification will be needed to ensure that proper coordination occurred regarding work within the floodplain. The following documentation will be required:

- A copy of the Post-Construction Elevation Certificate (EC) signed/sealed by licensed surveyor, engineer, or architect as well as the local floodplain administrator (LFA); or
- If the post-construction EC is not signed by the local Floodplain Administrator, then a Certificate of Occupancy signed by the LFA or a letter from the LFA stating the structure was built in compliance with the local floodplain ordinance.

## 4.6 Coastal Resources

The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451 et seq.) is administered by the Department of Commerce’s Office of Ocean and Coastal Resource Management within the National Oceanic and Atmospheric Administration (NOAA). It applies to all coastal states and to all states that border the Great Lakes. The CZMA was established to help prevent any additional loss of living marine resources, wildlife, and

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nutrient-enriched areas; alterations in ecological systems; and decreases in undeveloped areas available for public use. The CZMA gives states the authority to determine whether activities of governmental agencies are consistent with federally-approved coastal zone management programs. Each state coastal zone management program must include provisions protecting coastal natural resources, fish, and wildlife; managing development along coastal shorelines; providing public access to the coast for recreational purposes; and incorporating public and local coordination for decision-making in coastal areas. This voluntary federal-state partnership addresses coastal development, water quality, shoreline erosion, public access, protection of natural resources, energy facility siting, and coastal hazards.

The Federal Consistency provision, contained in § 307 of the CZMA, allows affected states to review federal activities to ensure that they are consistent with the state's coastal zone management program. This provision also applies to non-federal programs and activities that use federal funding and that require federal authorization. Any activities that may have an effect on any land or water use or on any natural resources in the coastal zone must conform to the enforceable policies of the approved state coastal zone management program. NOAA's regulations in 15 C.F.R. Part 930 provide the procedures for arriving at or obtaining a consistency determination.

The CZMA requires that coastal states develop a State Coastal Zone Management Plan or program and that any federal agency conducting or supporting activities affecting the coastal zone conduct or support those activities in a manner consistent with the approved state plan or program. To comply with the CZMA, a federal agency must identify activities that would affect the coastal zone, including development projects, and review the state coastal zone management plan to determine whether a proposed activity would be consistent with the plan.

Louisiana State and Local Coastal Resources Management Act of 1978 Pursuant to the CZMA, the State and Local Coastal Resources Management Act of 1978 (R.S. 49:214.21 et seq. Act 1978, No. 361) is the State of Louisiana's legislation creating the Louisiana Coastal Resources Program (LCRP). The LCRP establishes policy for activities including construction in the coastal zone, defines and updates the coastal zone boundary, and creates regulatory processes. The LCRP is under the authority of the LDNR OCM. If a proposed action is within the Coastal Zone boundary, FEMA requires contacting the OCM for a permit. The mechanism employed to review these projects is the Coastal Use Permit (CUP). Per the CZMA, all proposed federal projects within the coastal zone must undergo a Consistency Determination by OCM for that project's consistency with the state's Coastal Resources Program (i.e., LCRP) (LDNR 2016).

The USFWS regulates federal funding in Coastal Barrier Resource System (CBRS) units under the Coastal Barrier Resource Act (CBRA). This Act protects undeveloped coastal barriers and related areas (i.e., OPAs) by prohibiting or limiting direct or indirect Federal funding of projects that support development in these areas. The proposed project is not located within the CBRS.



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#### **4.6.1 Alternative 1 - No Action Alternative**

If no development were to occur at the site, no impacts to the coastal zone would occur.

#### **4.6.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to impact the coastal zone, as all renovations would include interior work within existing structures, and no exterior work would occur with the alternative construction options.

#### **4.6.3 Alternative 3, Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

Based on Figure 2 of the attached GIS Figure set, the site falls within the State of Louisiana Coastal Zone. For this reason, an online Joint Permit Application for the Louisiana Department of Natural Resources (LDNR) was submitted for a “Request for Determination”. The LDNR processed the application and on March 15, 2022, provided a response stating, *“In accordance with the State and Local Coastal Resources Management Act of 1978, as amended (La. R.S. 49:214.34.a), the proposed activity is exempt and a Coastal Use Permit is not required.”* This determination was based on the information provided in our application, which indicated New Orleans falls in the area designated as fastlands under the Reg citation 43 LAC Section 723 B.2.a., *“Activities occurring wholly on lands 5 feet or more above sea level or within fastlands do not normally have direct and significant impacts on coastal waters. Consequently, a coastal use permit for such uses generally need not be applied for.”* As the project area is within fastlands and will not impact downstream waters outside of the fastlands system, LDNR concurred that a permit would not be required. Additionally, if the plans for the project change, the project will need to be reevaluated according to the LDNR response. The documentation of this correspondence can be found within Appendix C.

As the project is considered to be in a fastland and the LDNR responded noting the project is exempt from regulations and does not need a Coastal Use Permit, no impacts to the coastal zone are anticipated to occur from the proposed project.

## **4.7 Threatened and Endangered Species, Critical Habitat, and Other Biological Resources**

### Endangered Species Act

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The Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531-1543) prohibits the taking of listed, threatened, and endangered species unless specifically authorized by permit from the USFWS or the NMFS. “Take” is defined in 16 U.S.C. 1532 (19) as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” “Harm” is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering (50 C.F.R. § 17.3) (Endangered and Threatened Wildlife and Plants 1975).

Section 7(a)(2) of the ESA requires the lead federal agency to consult with either the USFWS or the NMFS, depending which agency has jurisdiction over the federally listed species in question, when a federally funded project either may have the potential to adversely affect a federally listed species, or a federal action occurs within or may have the potential to impact designated critical habitat. The lead agency must consult with the USFWS, the NMFS, or both (Agencies) as appropriate and will determine if a biological assessment is necessary to identify potentially adverse effects to federally listed species, their critical habitat, or both. If a biological assessment is required, it will be followed by a biological opinion from the USFWS, the NMFS, or both depending on the jurisdiction of the federally listed species identified in the biological assessment. If the impacts of a proposed federal project are considered negligible to federally listed species, the lead agency may instead prepare a letter to the Agencies with a “May Affect, but Not Likely to Adversely Affect” determination requesting the relevant agency’s concurrence. This EA serves to identify potential impacts and meet the ESA § 7 requirement by ascertaining the risks of the proposed action and alternatives to known federally listed species and their critical habitat, as well as providing a means for consultation with the Agencies.

#### Migratory Bird Treaty Act

Unless otherwise permitted by regulation, the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) prohibits pursuing; hunting; taking; capturing; killing; attempting to take, capture, or kill; possessing; offering for sale; selling; offering to purchase; purchasing; delivering for shipment; shipping; causing to be shipped; delivering for transportation; transporting; causing to be transported; carrying or causing to be carried by any means whatever; receiving for shipment, transportation, or carriage; or exporting; at any time or in any manner, any migratory bird or any part, nest, or egg of any such bird, that is included on the list of protected bird species (General Provisions; Revised List of Migratory Birds 2013). The USFWS is responsible for enforcing the provisions of this Act.

#### **4.7.1 Alternative 1 - No Action Alternative**

The no action alternative would mean that no development would occur. As there are no threatened and endangered, migratory birds, or sensitive features at the site, this no action alternative would have no impact to these resources.

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#### **4.7.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to impact listed species or their habitats, as no exterior work in non-developed areas where the species and habitats would be present will occur.

#### **4.7.3 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

According to the USFWS IPaC system, there are no threatened or endangered species found within the proposed project area (official species list can be found in Appendix C). However, the Monarch Butterfly (*Danaus plexippus*), a candidate species, could be found within the site boundary. Currently, there is no evaluation key for this species; however, as the site does not have vegetation that would attract a butterfly species, it is considered unlikely that the project will impact Monarch Butterflies. Additionally, no critical habitats were found within the site location. The vegetation make-up of the site would also limit the number of migratory birds that would be located in the area, as there are no trees, no nesting locations, and no food sources at the site.

A project review request dated March 3, 2022, was sent to the Louisiana Department of Wildlife (LDWF) and Fisheries, as state species can be different from the federal listed species. The department responded on March 3, 2022, and stated, “*Personnel of the Louisiana Wildlife Diversity Program (WDP) have reviewed the preliminary data for the captioned project. After careful review of our database, no impacts to rare, threatened, or endangered species or critical habitats are anticipated for the proposed project. No state wildlife refuges, wildlife management areas, or scenic streams are known to occur at the specified site within Louisiana’s boundaries.*” The correspondence with LDWF can be found in Appendix C.

Additionally, federal and state scenic waterways are regulated by LDWF and USFWS. Based on GIS Figures 6A and 6B attached to this document, the closest federally designated scenic river is the Black River approximately 152.7 miles from the project site; the closest state designated scenic river is Bayou St. John approximately 0.89 miles north of the project site. Based on the distance from the site, these scenic waterways are not anticipated to be impacted by the project activities.

FEMA has made a no effect determination, as no federal or state threatened or endangered species, critical habitats, migratory birds, or scenic waterways will be impacted by the proposed alternative.

## **4.8 Cultural Resources – Historic Properties and Tribal Consultation**

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The consideration of impacts to historic and cultural resources is mandated under § 101(b)(4) of NEPA as implemented by 40 C.F.R. Parts 1501-1508. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account their effects on historic properties (i.e., historic and cultural resources, including American Indian Cultural Sites) and allow the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. Additionally, it is the policy of the federal government to consult with Indian Tribal Governments on a Government-to-Government basis as required in E.O. 13175 (U.S. President 2000). FEMA has chosen to address potential impacts to historic properties through the “Section 106 consultation process” of NHPA as implemented through 36 C.F.R. Part 800.

In order to fulfill its Section 106 responsibilities, FEMA has initiated consultation on this project in accordance with the Statewide Programmatic Agreement (SPA) dated December 21, 2016, between the Louisiana State Historic Preservation Officer (SHPO), the Louisiana Governor’s Office of Homeland Security and Emergency Preparedness (LA GOHSEP), the Alabama-Coushatta Tribe of Texas, the Caddo Nation, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Advisory Council on Historic Preservation (<http://www.fema.gov/new-orleans-metropolitan-area-infrastructure-projects-2#2>). The 2016 Statewide Programmatic Agreement (SPA) was created to streamline the § 106 review process and may be reviewed at <https://www.fema.gov/media-library/assets/documents/128322>.

The “Section 106 process” outlined in the PA requires the identification of historic properties that may be affected by the proposed action within the project’s area of potential effects (APE). Historic properties, defined in § 101(a)(1)(A) of NHPA, include districts, sites (archaeological and religious/cultural), buildings, structures, and objects that are listed in or determined eligible for listing in the National Register of Historic Places (NRHP). Historic properties are identified by qualified agency representatives in consultation with SHPO and affected Tribes.

#### **4.8.1 Alternative 1 - No Action Alternative**

If the no action alternative were to be implemented, there would be no effects to historic properties or cultural resources.

#### **4.8.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to impact subsurface historic resources. If exterior renovations within line of sight of a historic district were identified under this approach, it is assumed that consultation with SHPO and Tribes, and potential minor detail changes to

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specific exterior renovation plans would resolve any concerns related to structural historic preservation and/or regional viewshed concerns.

#### **4.8.3 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

According to Figure 3 in the GIS Figure set attached to this document, the project site is not located within any National Register listed or eligible historic district; however, the APE includes portions of the Mid-City National Register Historic District based on viewshed considerations. FEMA determined the project would result in “*No Adverse Effect to Historic Properties*” and requested concurrence from SHPO in a letter dated July 25, 2019. SHPO provided a response on August 22, 2019, noting, “*The proposed undertaking will have no adverse effect on historic properties. Therefore, our office has no objection to the implementation of this project. This effect determination could change should new information come to our attention.*” The determination letter from FEMA and SHPO response can be found within Appendix C.

Tribal consultation was conducted, and no objections were received for project activities. Additionally, the City of New Orleans contacted the Historic District Land Commission (HDLC) regarding potential impacts on local historic districts from project activities. HDLC, responded on March 3, 2022, noting that the site location is outside of HDLC jurisdiction; therefore, it is considered that there will be no impacts to local historic districts from project activities. The response can be found within Appendix D.

As the project has received a response from SHPO noting no objection to the project activities and from HDLC noting the location is not within an HDLC historic district, the site is not anticipated to impact any historic properties. Additionally, as there were no objections to the project through the tribal consultation, cultural resources are not anticipated to be impacted. Therefore, this project alternative is deemed acceptable to implement.

## **4.9 Environmental Justice**

E.O. 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was signed on 11 February 1994 (U.S. President. 1994). The E.O. directs federal agencies to make achieving environmental justice part of their missions by identifying and addressing, as appropriate, disproportionately high adverse human health, environmental, economic, and social effects of their programs, policies, and activities on minority and/or low-income populations.

In the evaluation of this project associated with environmental justice issues, the history of the Orleans Parish Prison system is considered, which is summarized in the background section of this EA. To further evaluate potential environmental justice impacts, the

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neighborhood in which the site will be developed was evaluated to determine if there will be impacts to the nearby community.

### Area of Project Impact

The planned construction activities will take place within the existing boundaries of 2900 Perdido Street, which is located within the OJC facility. The improvements will not extend beyond the space of the currently undeveloped area that is generally located between S. Gayoso Street, S. Dupre Street, S. Perdido Street, and Interstate 10. This area falls within the boundaries of the Mid-City neighborhood.

Mid-City, so-called because its location at one time was in the middle of the city, has a character and spirit that most of its residents enjoy. Mid-City has a comfortable balance of various land uses, with a mixture of restaurants, shops, schools, churches, walking tours, and its most noted cemeteries.

Mid-City did not begin to develop significantly until the installation of a pumping station in the 1890s, along with this came extensive development of commercial and industrial buildings along the canals and railroad system. As commercial development grew over the years, mainly along Broad Street, Canal Street, and Tulane Avenue, and major improvements to Canal and Poydras Streets further foiled the neighborhoods, single- and two-family houses were replaced by multi-family structures. In the 1950s and 1960s, this trend accelerated. In the 1990s, however, a slowing of that pattern occurred as multi-family homes were converted to a lower density. At the same time, due to pressures of business development, some residential buildings were demolished to make way for office and commercial uses.

Tulane and Broad is a well-known location for courts and jails in New Orleans. The complex is composed of Orleans Parish Criminal District Courts, Traffic Court, and the Orleans Parish Prison. The House of Detention, built in 1901, was destroyed in 1929 to replace it with the new Criminal Courts Building and Jail. New development of the OJC began post Hurricane Katrina.

The Mid-City neighborhood experienced moderate to severe flooding from Hurricane Katrina, with the area receiving 4 to 7 feet of water. A strong neighborhood association has promoted active citizen involvement in planning and revitalization efforts throughout Mid-City, which has aided in businesses success, valuable greenspace being preserved for recreation, and the redevelopment of areas for residential use.

### Population of Project Impact

The primary beneficiaries of the project will be the population of people within the OJC system with acute and sub-acute mental health needs. The current population of incarcerated people is 91% male and 9% female, 89% Black, and the average age of the 33 years old. The most recent demographic data available is for Orleans Parish. This data has population

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estimates from July 1, 2021, which indicate that Orleans Parish has demographic make-up of 60.1% Black or African American alone, 34.9% White alone, 5.5% Hispanic or Latino, 2.9% Asian alone, 1.7% two or more races, 0.3% American Indian and Alaska Native alone, and 0.1% Native Hawaiian and other Pacific Islander one. Additionally, the percentage of persons in poverty is 21.1%.

The most recent demographic data available at the neighborhood level is from the American Community Survey (ACS) dating from 2015-2019. According to the ACS, the Mid-City neighborhood was 45.8% Black or African American, 39.7% White, 11.0% Hispanic (any race), 0.8% Asian, 2.5% two race categories, 0.0% American Indian, and 0.2% Other. The most recent income and poverty data available at the neighborhood level is from the 2015-2019 ACS, which indicated that 20.4% of people in Mid-City were living in poverty.

### Community Meetings and Local Leader Responses

Two virtual public meetings were held on May 20, 2021, and June 17, 2021. The summary of results notes that the invite sent on April 30, 2021, invited 461 persons/addresses to these community meetings. Of the 461 invites, 142 were returned, stamped “return to sender, no such number”. At this meeting, all responses were provided and can be found in Appendix F. However, two main areas of concern were summarized from the meetings:

1. Summary of concerns –
  - a. Majority of the questions and observations were associated with the concern that persons with mental health challenges should not be treated within the carceral system.
  - b. Concerns were expressed regarding the cost of building a new building, as opposed to retrofitting of the Phase II (existing) facility.
2. How concerns and observations were addressed –
  - a. Responders agreed with the attendees that there was no desire to see the criminalization of the mentally ill, and it was noted that many who are incarcerated have mental health needs. Therefore, these persons may need and deserve evaluation, care, and treatment.
  - b. Regarding the retrofit of Phase II (existing facility), while there are several aspects that make the retrofit problematic, the most significant obstacle was lack of approval from the Federal Monitors appointed to oversee the Court-mandated reform agreement. One concern for the Monitors were the mezzanines in the existing housing units that are considered hazardous for acute patients, which is discussed in Section 1.3 - Background.

Additionally, on April 21, 2022, an in-person public meeting was held by the Mayor’s Neighborhood Engagement Office for the City of New Orleans in the City Council Chambers at 1300 Perdido Street. The meeting was also available to view streaming online at nola.gov and broadcast on local television on Cox Cable channel 6. Approximately 20-25 citizens were in attendance. The meeting included a welcome from the Mayor’s Office, a project chronology provided by the City’s Capital Projects Administration, A Building

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Design and Schedule and Cost presentation from project architects and engineers, and finally a question-and-answer session with the public in attendance. A transcript of the Question-and-Answer portion of this meeting is appended to the assessment as Appendix G.

1. Summary of Concerns from the public meeting included:
  - a. Many public commenters indicated that their impression of the presentation was that the City Officials were trying to convince the public that the construction of Phase III is a City-supported position; reference was made to the recent Sherriff's election and the associated change in various policies regarding the approach to incarceration in Orleans Parish.
  - b. Comments were posited regarding the legal status of the Court order requiring the construction of Phase III, the associated cost, and why the City had not stopped work on the project.
  - c. Comments were offered by several individuals questioning the quality of physical health and mental care, housing conditions, food service, and other amenities planned to be provided to incarcerated people as part of Phase III.
2. The Capital Projects Administration responded to the majority of comments and included the following information.
  - a. Representatives made it clear that the City's position on the project is that alternate options would be preferable to the construction of Phase III. However, the Federal Court order directed the City to move forward with the construction of a new facility.
  - b. The City's attorney responded relative to the status of the Court order, stating that the federal Judge's order was initially challenged in 2020. Several oppositions were later filed, and a request for a stay on the order was also filed with the Fifth Circuit Court of Appeals. To date, no stay on the project has been issued and the project must then move forward.
  - c. With respect to quality of care, representatives the Orleans Parish Sherriff's office and their contractors noted that qualified professional health care providers would be staffed at the facility, and that food and housing conditions would meet applicable requirements for such a facility.

Two local agencies that had questions related to the Environmental Justice portion of this analysis included the Mayor's Office of Neighborhood Engagement and the Health Department. According to the March 30, 2022, response from the Deputy Director of the Office of Neighborhood Engagement, it was indicated by a "no significant effect determination" that the location of the project is suitable and will not significantly affect demographic characteristics in the area. Additionally, it was indicated that the project will not negatively impact the nearby community's access to services. The Director of the New Orleans Health Department responded on February 25, 2022 and provided comments in an email on April 13, 2022. The response and comments are provided in Appendix D. Her response indicated that there would be a major impact regarding additional demand on local healthcare services and facilities, and she comments that "*concentrating mental health services in jail will significantly impact the local workforce, and leave other providers short staffed.*" She also indicated that the project would be a major impact for local social services



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and commented that “*mental health services are desperately needed BEFORE individuals are incarcerated, not after. This does not fix the need and instead expends a great deal of resources for a short period of time on incarcerated persons, rather than devoting those resources pre-incarceration to reduce burden on criminal justice and help individuals before they are in crisis.*” In regard to demand on the local system of emergency medical response, she indicated there would be a minor effect, and commented, “*there will certainly be an impact as, inevitably, EMS will be called for transport to higher levels of care. The degree of this effect is unknown.*”

During a follow-up discussion with a Tulane Medical Center doctor, who is also the Director at Formerly Incarcerated Transitions (FIT) Clinic, on June 3, 2022, additional information regarding quantifying impacts on healthcare providers and the medical community was requested. The doctor noted that to date, there is no research or documented information that provides quantifying data stating that medical providers will be impacted by this facility being constructed. However, it was noted that the opposition from individuals in the medical community stems from the fact that although treatment is necessary for the incarcerated population with acute and sub-acute mental health needs, the treatment needed is long term, as opposed to the temporary treatment within the OJC facility. She noted that it is believed that a better use of the resources would be to build a mental health clinic for proper long-term care that is not associated within the OPP system as that limits the resources to a small percentage of the overall population of the City of New Orleans. She believes that if the community had a long-term facility, we could limit those with mental health needs going into the OPP system, and it would also benefit a larger number of people within the community, while also not limiting resources to multiple smaller facilities. She also provided scientific journal articles noting that continued work with formerly incarcerated in community based health service options that aided in mental health services, along with helping with substance abuse issues, saw results of less reentry into the prison system.

According to the CEO of the NORDC, in his March 7, 2022, response, the project will not have a significant effect on existing open space that is used by members of the community, on local recreational activities, or on local cultural facilities. Lastly, socioeconomic impacts are associated with Environmental Justice; therefore, the Office of Housing Policy and Community Development was asked to comment on the project. Based on the March 25, 2022, response from the Director of the Office of Housing and Community Development, and the March 30, 2022, response from the Director of Economic Development, it was indicated that the project would have no significant effect on demographic makeup of the local community, local employment and income patterns, or local commercial business facilities. Additionally, it is indicated that the project will not displace residents and/or local businesses. These responses can be found within Appendix D.

#### **4.9.1 Alternative 1 - No Action Alternative**

If no action were to be taken at the proposed project location, a medical and mental health services building would not be provided which potentially would cause environmental

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justice concerns. OJC currently provides mental health services for individuals with acute and sub-acute mental illness, which is documented in monthly audits by Wellpath. The audit indicates that patients assigned to the TDC (male and female acute patients) and OJC Pod 2A (sub-acute males) are being seen on at least a weekly basis for counseling services. They are also receiving daily medication for their mental illnesses as prescribed by Tulane psychiatrists. These are the same services that will be provided in the OJC Medical and Mental Health Services Building – Phase III. However, the individuals being treated within the TDC could be classified as at-risk and/or a marginalized demographic under environmental justice policy, and therefore, not providing them proper facilities while in OJC care could be an environmental justice issue. Additionally, based on the currently population at OJC, the impacts of not providing proper services to the incarcerated population would directly impact the minority population within the OJC system.

#### **4.9.2 Alternative 2 - Alternate Construction and/or Resource Use Methods**

This alternative would have similar concerns as the Proposed Project Alternative. Although the community meetings and questionnaires to local agency leaders were sent on behalf of the Proposed Project Alternative, the information and comments can be evaluated regarding the creation of a mental health unit at the OJC complex. The surrounding community would not have impacts based on the evaluation of the community and responses from local leaders, as it was noted the project will not disproportionately impact the greenspace and socioeconomics of the Mid-City neighborhood. However, any mental health facility on the OJC complex has the potential to put a strain on resources of healthcare services, social services, and emergency medical services. Additionally, although some community members preferred a less costly option for creating a mental services facility, a large portion of the community still believes mental health concerns should be addressed outside of the prison system. For the incarcerated population, this alternative will have positive impacts. Although treatment is already occurring at the OJC facilities, this option will provide a space strictly for acute and subacute patients in order to provide better care for this group.

#### **4.9.3 Alternative 3 - Proposed Project Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

The construction of the OJC Medical and Mental Health Services Building – Phase III has been evaluated regarding potential impacts to the environment and human health. The history associated with the OPP system and OJC facilities, as discussed at the beginning of this document, has been a cause for environmental justice concerns. Therefore, the City has engaged in public engagement activities in order to get the community’s opinion on the project. Additionally, as part of this evaluation, local agencies were provided with questionnaires and the project description in order to comment on project activities.

Based on community input, there are environmental justice concerns regarding the incarceration of people with mental health needs. Based on the discussion with the public, it is noted that the Orleans Parish Sheriff’s Office indicated that they felt this was the best option for treating the mental health needs at the facility and also indicated that a specific

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facility for treatment was beneficial, especially with the effects of Covid-19 within the entire OJC facility. But all parties are aware that incarcerating people with mental health needs is not the ideal solution. Additionally, many community members are concerned about the cost of the Phase III, as opposed to an alternative redevelopment option of Phase II. Section 3.4 discusses the comparison of the alternatives, and why the proposed developed option was determined to be the best alternative.

Based on the review of the surrounding data regarding community demographics and income and the input of local leadership regarding environmental justice and socioeconomic impacts, the project is not anticipated to disproportionately impact any populations.

## 4.10 Land Use

According to the CPC Staff Report (Appendix F), the proposed site is located within a small, L-shaped LI Light Industrial District – zoned area bounded by Interstate Highway 10, S. Jefferson Davis Parkway, Perdido Street, S. Dupre Street, Tulane Avenue, and S. Broad Street. It operates as the Orleans Justice Center, the replacement for the local jail known as Orleans Parish Prison which saw severe damage following Hurricane Katrina’s flooding. The uses in the surrounding area within the LI District are generally institutional in nature and include the Orleans Parish Sheriff’s Office, the former Orleans Parish Prison site, the New Orleans Police Department, Criminal District Court, the District Attorney’s Office, and other associated buildings. The LI District is surrounded by MU-1 Medium Intensity Mixed-Use and MU-2 High Intensity Mixed-Use Districts and a small OS-N Neighborhood Open Space District. These surrounding districts are heavily mixed-use, serving nearby residential uses as well as the courts and jail. Uses include low-density residential, large-scale multi-family residential, U-Haul, restaurants, retail, a salon, a school, bail bond establishments, and financial institutions. BIP Business-Industrial Park and C-3 Heavy Commercial Districts are located across the Interstate Highway 10 from the subject site and contain a print shop, a tool rental and sales facility for contractors, a staging area for airport shuttles, and Bridge House’s thrift shop.

Additionally, the zoning and land use history of this area is as follows:

|           |  |
|-----------|--|
| Zoning:   | 1929 – “J” Industrial District   |
|           | 1953 – “L” Light Industrial District   |
|           | 1970 – HI Heavy Industrial   |
|           | 2015 (prior to 8/12/2015) – HI Heavy Industrial                              |
| Land Use: | 1929 – Industries and Warehouses   |
|           | 1949 – Mix of Heavy Industry and Light Industry                              |
|           | 1999 – Industrial/Vacant Industrial and Institutional/Public and Semi-Public |

### 4.10.1 Alternative 1 - No Action Alternative

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If no action were taken in regard to land use of the area, a conditional use from the CPC and City Council would not need to be obtained for the project activities.

#### **4.10.2 Alternative 2 – Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to conflict with local zoning requirements as the facilities are already in operation. It is likely that the re-assignment of various uses of existing structures as proposed under Alternative 2 would require a minimal amount of review and consideration in relation to zoning.

#### **4.10.1 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

In accordance with Article 16, Section 16.2 (Table 16-1), a prison, and related uses, is a conditional use in the LI Light Industrial District. The subject site has an active entitlement authorized under Ordinance No. 28,300 Minor Conditional Use Permit (MCS) (which amended Ordinance No. 24,282 MCS). Further, proviso 5 requires an amendment to the conditional use, with City Council approval, for the Phase III (Templeman I and II) facility. Therefore, the City applied to CPC with a variance request. Pursuant to Article 4, Section 4.3.E, City Council is authorized to grant variances associated with conditional uses. The CPC is required to make a recommendation on all conditional use proposals prior to City Council action, in accordance with Article 4, Section 4.3.D.3.

The subject site has a long history of zoning entitlements. While the former Orleans Parish Prison was subject to a number of conditional uses and amendments over the years, these were rescinded in conjunction with Ordinance No. 24,282 in 2011. However, the project approved under Conditional Use Ordinance No. 24,282 MCS (Zoning Docket 030/10) involved the comprehensive rebuilding and redevelopment of the Orleans Parish Prison facilities damaged in the 2005 flooding. The redevelopment comprised the following:

- **Phase I** involved rebuilding of a kitchen warehouse and campus central plant facility on the square between South Salcedo and South Gayoso Streets. Overall, the building was to have a gross area of 163,885 sf. This phase has been completed.
- **Phase II**, on the block between South Dupre and South White Streets, replaced the Templeman III & IV incarcerated housing facility, which suffered extensive flood damage from Hurricane Katrina and had been demolished. The building integrates many critical prison functions into one building, including an intake processing facility, administrative offices, a public lobby and visitation center, and has 1,438 beds. This facility received its certificate of occupancy in 2015 and is fully operational.
- The proposed **Phase III** (the former Templeman I and II Buildings) is on the block between South Gayoso and South Dupre Streets. Phase III, as contemplated under the original conditional use, would include a permanent eighty-nine (89) bed facility to house incarcerated males and females with acute and sub-acute mental health

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conditions, as well as an infirmary, a family visitation facility, an incarcerated population-attorney visitation center, a laundry, and a pedestrian sky bridge.<sup>4</sup>

- **Temporary Detention Center.** The originally approved conditional use required that the “TDC,” modular units with 400 beds, be demolished in accordance with FEMA regulations when Phase II was complete. As noted, Phase II received its certificate of occupancy in 2015, and the TDC continues to operate. This was amended under the current ordinance.

As described previously in Section 1.4, the proposed Phase III facility structure would sit on a portion of both Lots 1 and 2. Therefore, the staff recommends the following proviso to eliminate any issues with the building code:

- Prior to the issuance of a Certificate of Occupancy by the Department of Safety and Permits, the applicant shall consolidate the lots associated with the site into a single lot of record through the CPC. The approved subdivision shall be recorded with the Office of Conveyances.

Additionally, the staff recommends **APPROVAL** of Zoning Docket 071/21, a request for an amendment to Ordinance No. 28,300 MCS (Zoning Docket 105/19) subject to one (1) waiver and thirty-one (31) provisos, which can be reviewed in the CPC Commission Staff Report (Appendix F).

The CPC also provided their reasons for recommendation:

1. Expansion of a previously approved prison use, within the existing site boundaries, to house a limited number of incarcerated people with acute and sub-acute mental health needs does not constitute a significant change to the conditional use already in place, which authorized the temporary use of Buildings 1 and 2 of the Temporary Detention Center (“TDC”) for the same purpose.
2. While there are legitimate concerns surrounding the criminalization and incarceration of individuals with mental health conditions, the financial burden of a new facility, and the consent decree, these are outside the scope of the CPC’s purview. The scope of this review is limited to the land use considerations and based on an evaluation of those considerations, the staff finds that the application meets the approval standards of Article 4, Section 4.3.F.

In the meeting, the final outcome from the commission staffers was a recommended approval of the building, stating that its wisdom as a policy matter is separate from the question of whether it would adversely impact the area around Perdido Street in Mid-City. However, some commissions proposed passing a non-binding vote rejecting the facility and believed the commission should include the broader view in their decision. The motion initially failed; however, one commission member in favor of the variance was able to secure 4 of 8 votes, but that was not enough to forward a positive recommendation to the City Council (Sledge).

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The City Planning Commission passed along Phase III plans to the City Council in October 2021 without a recommendation. The Council deferred the issue and decided not to vote on the zoning approval (Chrastil).

At the request of the council, the CPC in November also considered a zoning amendment that would approve a retrofit of the existing jail building. The executive director of the CPC told the council in July that he did not believe a study needed to be conducted as the retrofit option only impacted the interior of a building. But the proposal was considered by city planners and moved to the commission, which voted in November 2021 to recommend council approval (Chrastil). The newly elected City Council seated in January 2022 passed a resolution in February 2022 to support the development of alternate construction proposals to meet consent decree requirements, but the Council did not vote on the conditional use zoning amendment associated with the new Phase III building resulting in an expiration of the proposed amendment (Sledge).

## 4.11 Hazardous Materials

The management of hazardous materials is regulated under various federal and state environmental and transportation laws and regulations, including but not limited to the Resource Conservation and Recovery Act (RCRA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Toxic Substances Control Act (TSCA); the Emergency Planning and Community Right-to-Know provisions of the Superfund Amendments and Reauthorization Act (SARA); the Hazardous Materials Transportation Act; and the Louisiana Voluntary Investigation and Remedial Action statute. The purpose of the regulatory requirements set forth under these laws is to ensure the protection of human health and the environment through proper management (identification, use, storage, treatment, transport, and disposal) of these materials.

The TSCA (codified at 15 U.S.C., Ch. 53), authorizes the USEPA to protect the public from “unreasonable risk of injury to health or the environment” by regulating the introduction, manufacture, importation, sale, use, and disposal of specific new or already existing chemicals. “New Chemicals” are defined as “any chemical substance which is not included in the chemical substance list compiled and published under [TSCA] § 8(b).” Existing chemicals include any chemical currently listed under § 8(b), including polychlorinated biphenyls (PCBs), asbestos, radon, lead-based paint, chlorofluorocarbons, dioxin, and hexavalent chromium.

TSCA Subchapter I, “Control of Toxic Substances” (§§ 2601-2629), regulates the disposal of PCB-containing products, sets limits for PCB levels present within the environment, and authorizes the remediation of sites contaminated with PCBs. Subchapter II, “Asbestos Hazard Emergency Response” (§§ 2641-2656), authorizes the USEPA to impose requirements for asbestos abatement in schools and requires accreditation of those who inspect asbestos-containing materials (ACM). Subchapter IV, “Lead Exposure Reduction” (§§ 2681-2692), requires the USEPA to identify sources of lead contamination in the

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environment, to regulate the amounts of lead allowed in products, and to establish state programs that monitor and reduce lead exposure.

#### **4.11.1 Alternative 1 - No Action Alternative**

If no action were taken regarding project activities, there would be no impacts regarding hazardous materials that could impact workers, the site, and/or the people that will inhabit the future building. Additionally, there would be no concerns regarding potential flammable fuels and/or chemical containers causing hazards.

#### **4.11.2 Alternative 2 – Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to expose individuals to hazardous materials.

#### **4.11.1 Alternative 3 - Proposed Project Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

The Louisiana Department of Environmental Quality’s (LDEQ’s) initial response to DEQ SOV# 220307/0155, stated that “the Department has no objections [to the project] based on the information provided in [the] submittal.” However, in response to potential ambiguity in the “General Comments” section of the initial LDEQ response which reads, in part, “this project involves new construction in an urban area” and “may require extensive excavation” in areas where “historical land uses have not been identified,” the City of New Orleans (CNO) decided to conduct supplemental research into previous Site use by consulting a variety of publicly-available sources. A secondary request for clarification was also submitted to LDEQ on May 26, 2022, regarding any pending mandatory site investigation or environmental assessment work. LDEQ responded by email on June 3, 2022 and reiterated, although no investigations or environmental assessments were required, a more thorough characterization of previous Site usage was strongly recommended. This response can be found in Appendix C. In order to address these recommendations, additional findings regarding historical site usage are presented below.

According to the GIS mapping of hazards in the area (provided on GIS Figures 9 and 10), the site is located within the 3,000 foot buffer of leaking underground storage tank facilities and within the 1,000 foot buffer of a radioactive materials facility. Based on research in EDMS regarding the surrounding sites, there is no known environmental concern to the site or the proposed OJC Medical and Mental Health Services Building – Phase III itself.

Historical site usage research was performed using LDEQ’s Electronic Document Management System (EDMS), Google Earth’s historical image database, and supplemental documentation provided by various CNO representatives. These sources indicated that the Site had previously housed an older facility identified as the “Parish Prison.” The footprint of the “Parish Prison” appears to have covered most of the area in the block located between South Gayoso Street, Perdido Street, South Dupre Street, and the railroad right-of-way

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adjacent to Interstate 10. Based on an extensive review of historical photographs, this building appears to have been demolished sometime between August 2009 and March 2010; the resulting vacant lot appears to have been used as a temporary “lay down yard” or storage area for equipment and building materials used during the construction of the OPP Kitchen/Warehouse – Phase I and New Orleans Central Lock-Up – Phase II facilities between approximately November 2011 and October 2014. All available sources indicate that the proposed OJC Medical and Mental Health Services Building – Phase III site has been vacant and undeveloped since August 2015. Researchers did not find any historical records indicating the known or suspected presence of environmental contamination on the Site related to the previous “Parish Prison” facility, the daily operation, or the demolition/removal thereof. Historical records documenting the investigation, remediation, and closure of an environmental action on the adjacent Kitchen/Warehouse – Phase I site were reviewed and verified for the sake of due diligence. Records associated with the identification, registration, remediation, and closure of an underground storage tank (UST) identified during redevelopment on the New Orleans Central Lock-Up – Phase II site were also reviewed for any evidence of documented historical contamination with the potential to adversely affect adjacent site(s) remaining in situ; no evidence was found.

The proposed site of the OJC Medical and Mental Health Services Building – Phase III is limited exclusively to the area bordered by South Gayoso Street, Perdido Street, South Dupre Street, and the railroad right-of-way adjacent to Interstate 10. Historically, the area had been separated from the adjacent OJC Kitchen/Warehouse - Phase I and New Orleans Central Lock-Up - Phase II sites by extensions of South Gayoso Street and South Dupre Street, respectively. The proposed footprint for the OJC Medical and Mental Health Services Building – Phase III is also substantially congruent with the footprint of the former “Parish Prison” facility. Therefore, construction and operation of the proposed Phase III facility does not represent a significant change in terms of historical site usage, physical site layout, or the nature/character of the facility itself.

Additionally, the City of New Orleans provided the project description and a questionnaire to the DSP, in order to provide comments on the project activities. Jay Dufour, the Interim Chief Building Official, completed the questionnaire on March 14, 2022. He indicated in the response included in Appendix D that the project would produce a minor impact on additional hazards or nuisances which could present dangerous situations or otherwise negatively affect the community and noted, “*the general area contains similar facilities*”. He also indicated that as the area has concentrations of people in the general area, if the project involves the use of above-ground explosive or flammable fuels and/or chemical containers, it would be a major effect; however, he noted that he was unaware of the project being located near any of these potential hazards.

The proposed project does not involve the use the above-ground explosive or flammable fuels and/or chemical containers, and the hazards in the area are separated by major roadways and/or urban construction, these items are not considered to cause an impact during site development and operations.



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## 4.12 Noise

Noise is commonly defined as unwanted or unwelcome sound and most commonly measured in decibels (dBA) on the A-weighted scale (i.e., the scale most similar to the range of sounds that the human ear can hear). The Day-Night Average Sound Level (DNL) is an average measure of sound. The DNL descriptor is accepted by federal agencies as a standard for estimating sound impacts and establishing guidelines for compatible land uses. Sound is federally regulated by the Noise Control Act of 1972, which charges the USEPA with preparing guidelines for acceptable ambient noise levels. USEPA guidelines, and those of many other federal agencies, state that outdoor sound levels in excess of 55 dBA DNL are “normally unacceptable” for noise-sensitive land uses including residences, schools, or hospitals (USEPA 1974). The Noise Control Act, however, only charges implementation of noise standards to those federal agencies that operate noise-producing facilities or equipment.

The City of New Orleans Noise Ordinance (§ 66) places restrictions on any source of sound exceeding the maximum permissible sound level based on the time of day and the zoning district within which the sound is emitted. A number of exemptions exist for certain types of activities, however. In accordance with the City’s Noise Ordinance § 66-138, “[n]oises from construction and demolition activities for which a building permit has been issued by the department of safety and permits are exempt from” maximum permissible sound level restrictions “between the hours of 7:00 a.m. and 11:00 p.m., except in those areas zoned as RS, RD, or RM residential districts. Construction and/or demolition activities shall not begin before 7:00 a.m. or continue after 6:00 p.m. in areas zoned as RS, RD, or RM residential districts, or within 300 feet of such residential districts. Mufflers on construction equipment shall be maintained” (CNO 2014b).

### **4.12.1 Alternative 1 - No Action Alternative**

The no action alternative would mean no development and no construction noise; therefore, there would be no impacts to the surrounding area regarding noise during construction activities.

### **4.12.2 Alternative 2 – Alternate Construction and/or Resource Use Methods**

The use of existing structures and revision of use through renovation of buildings that currently exist would not be anticipated to expose individuals to noise sources not previously existing.

### **4.12.3 Alternative 3 -Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

The Department of Safety and Permits also provided comments regarding noise impacts in the area. The Department noted that as the interstate is located nearby, the local ambient

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noise levels would have a “minor” impact on the project. However, the Department indicated the project will not significantly contribute to existing community noise levels.

According to Figure 8 in the attached GIS figure set, the site is located within the 1,000-foot buffer of major roads and the 3,000-foot buffer of railroads; it is not located in the vicinity of an airport. However, as the project does not involve the construction or rehabilitation of a noise sensitive land-use, a noise assessment was not required. Noise conditions experienced by those working and housed in the OJC are not anticipated to differ from pre-development levels, as the new building is located within the OJC complex. Additionally, the entire property has an approximately 12-foot concrete wall along the boundaries of the property. This concrete wall is there for security purposes, but also aids in noise attenuation for the entire property. Noise may be generated by construction activities, but construction noise is not anticipated to impact the surrounding neighborhood, as local noise ordinances will be followed during the construction of the building.

## 4.13 Traffic

Roads play a major role in the management of traffic, particularly in densely populated urban areas such as New Orleans. The Louisiana Department of Transportation and Development (LaDOTD) is responsible for maintaining public transportation, state highways, interstate highways under state jurisdiction, and bridges located within the state of Louisiana. These duties include the planning, design, and building of new highways in addition to the maintenance and upgrading of current highways. Roads not part of any highway system usually fall under the jurisdiction of and are maintained by applicable local government entities; however, the LaDOTD is responsible for assuring that all local agency federal-aid projects comply with all applicable federal and state requirements (LaDOTD 2016).

At the local level, the City of New Orleans’ ordinance regarding Streets, Sidewalks, and Other Public Places, Article II, § 146-36, established the Complete Streets program, which was approved on December 22, 2011, and arose from a recommendation in the Master Plan (CNO 2010). With a mandate to commence no later than December 1, 2012, the Department of Public Works, in consultation with the CPC, is responsible for overseeing and implementing the program. This ordinance requires that “all transportation improvements are planned, designed and constructed to encourage walking, bicycling and transit use, while also promoting the full use of, and safe operations for all users of the City's transportation network.” The preamble to the ordinance acknowledges that “amenities, such as sidewalks, bike lanes, bike racks, crosswalks, traffic calming measures, street and sidewalk lighting; targeted pedestrian and bicycle safety improvements; access improvements in compliance with the Americans with Disabilities Act (ADA); public transit facilities accommodation including, but not limited, to pedestrian access improvement to transit stops and stations; street trees and landscaping; drainage and storm water management; and street furniture” make a positive contribution toward an effective Complete Streets program (CNO 2011). By providing and encouraging alternative

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pedestrian- and bicycle-friendly modes of transportation, as well as mass transit, traffic congestion potentially can be reduced.

In addition, Article IX, § 154-1561, requires that trucks exceeding five (5) tons, such as those transporting materials to and from project sites, utilize established truck routes or the shortest practical route between their point of origin or destination and the nearest designated truck route. Ordinance §§ 154-1522 and 154-1523 place further restrictions on truck sizes and weights.

Finally, with respect to the placement of traffic signals and markers, signs are subject to regulation pursuant to both City ordinance and the CZO. Ordinance Article IV, § 106-213, allows the placement of signals and signs under the authority of the federal, state, or city government. Article 24 of the CZO exempts municipal signs from permit requirements but requires their approval by the City Council.

#### **4.13.1 Alternative 1 -No Action Alternative**

No impacts to traffic in the area would occur if the no action alternative were adopted, since no project activities would be implemented.

#### **4.13.2 Alternative 2 – Alternate Construction and/or Resource Use Methods**

Utilizing existing infrastructure to service the proposed reuse of existing structures, and revision of use through renovation of buildings that currently exist, would not be anticipated to result in significant traffic concerns in post-development.

#### **4.13.1 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

As part of the conditional use application, CPC reviewed the project for impacts to traffic. The information discussed in the CPC’s final report provided information regarding impacts to the transportation systems. The information from this document is provided below.

The site is bounded on its downriver side by Perdido Street, which is a minor street with one lane of travel in each direction and on-street parking on both sides of the street. Its upriver side is bounded by the Poydras Street right-of-way, which is unpaved. A railroad track used by Amtrak is adjacent to the right-of-way, and Interstate 10 is located beyond the railroad track. The site extends from South Broad Street on its river side to Norman C. Francis Parkway on its lake side. South Broad Street is a major street with two lanes of travel in each direction. Adjacent to the site, the South Broad Street viaduct crosses the Amtrak railroad line and Interstate 10. A Curvilinear on-ramp merges with the elevated viaduct from the end of Poydras Street, parallel to which is a road traveling directly adjacent to the site and connecting Perdido Street to the downriver bound lanes of South Broad Street. Norman C. Francis Parkway is also a major street with two lanes of travel in each direction and ramps into an elevated viaduct adjacent to the site, similar to South Broad Street.

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The former street rights-of-way traversing the site have been revoked and are occupied by buildings and/or within the dedicated OJC complex surrounding by concrete walls. Additionally, a portion of Perdido Street between Jane Alley and South Dupre, and a portion of South White Street between Perdido and Gravier Streets have been enclosed by fencing by the City of New Orleans and are closed to public access. This was done to provide a secure perimeter between the temporary incarcerated population processing center across Perdido Street from the petitioned site and the incarcerated population housing facilities within the petitioned site.

Properties fronting on Perdido Street adjacent to the site are occupied by a mixture of residential, commercial, industrial and public uses, as are the minor streets connecting Perdido Street to Tulane Avenue, which is a major street located two blocks downriver from the site. Due to the large size of the proposed development, a traffic impact analysis was ordered by the applicant, prepared by a consultant and submitted to the City for its review. This is included in the CPC Staff Report in Appendix F. The conclusion reached by the consultant for the applicant is copied below for reference:

*“The results of this analysis indicate that the signalized intersections that provide access to the OPCSO facilities and other planned and proposed developments in the study area can accommodate future traffic demand. This conclusion is based upon sufficient excess capacity that is exhibited under current traffic demand and future traffic operations.”*

Additionally, ZD030/10’s approval hinged upon the Department of Public Works’ approval of a traffic impact analysis. However, the CPC concluded that, because the OJC was contemplated as a whole under the original zoning docket, that any further impacts to traffic would be minimal. Additionally, at the time of the original staff report in 2010, the Orleans Parish Sheriff’s Office had provided a long-term goal to house 4,500 incarcerated people in a facility with 5,000 beds; plans submitted to staff at that time indicated 5,832 beds. However, in the intervening years, the prison population has further reduced due to various reforms. The site is now restricted to no more than 1,250 incarcerated people under Ordinance No. 28,300 MCS. Due to this significant reduction in operational scale, staff does not foresee any notable traffic impact.

The Department of Public Works (DPW) was provided a questionnaire and the project description for review. On March 10, 2022, the Acting Director, indicated that the project would not generate a significant effect on local transportation systems such as roads, railways, and airports. He did comment that *“DPW will require ROW permits and will review/comment on ADA and pedestrian accessibility in the ROW adjacent to the development. No significant traffic impacts are anticipated.”* This response is included in Appendix D.

All permits regarding traffic will be obtained, as noted by DPW. Additionally, as no impacts are anticipated by the department, the proposed activity is considered to be deemed acceptable.

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## 4.14 Utilities and Infrastructure

Entergy New Orleans distributes electrical energy within the project area. No new public infrastructure would be required for ingress or egress at the proposed facility, as this subject site will be located within the OJC property. The existing water and sewerage infrastructure for the area would be used for the new facility. Power would be provided by the existing transmission lines.

Water service is provided by an 8” line tapped to a 30” water main on the east side. The sanitary sewer system utilizes the existing sanitary sewer system for the campus that discharges into a large capacity sewer lift station. The sewer system will gravity flow into the lift station then discharge into the public sewer system.

### **4.14.1 Alternative 1 - No Action Alternative**

There would be no impact or changes regarding utilities and infrastructure if the no action alternative were implemented.

### **4.14.2 Alternative 2 – Alternate Construction and/or Resource Use Methods**

As the structures are already serviced, a change in use renovation/rehabilitation would not be likely to put a strain on utilities or infrastructure in the area.

### **4.14.3 Alternative 3 - Proposed Action Alternative, Construction of OJC Medical and Mental Health Services Building – Phase III**

To confirm the usage of public infrastructure, questionnaires and the project description were sent to the Department of Sanitation and Sewerage and Water Board New Orleans (SWBNO). The Director of the Department of Sanitation, responded on March 3, 2022, indicating that the project would not create an additional demand on solid waste services of the community, nor would any increase in solid waste from the project negatively affect existing transport and disposal infrastructure. This response can be found in Appendix D. The SWBNO did not respond; however, as the existing infrastructure is in place to be connect to the local sewer system and as the building will be located within the existing OJC, it is not anticipated that the project will put a significant additional demand on the local sewer system.

## 5. Cumulative Impacts

CEQ regulations state that the cumulative impact of a project represents the “*impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time*” (40 CFR § 1508.7).

In accordance with NEPA, and to the extent reasonable and practical, this EA considered the combined effects of the proposed project to be undertaken by the City of New Orleans, as well as actions by other public and private entities, that affect the environmental resources the proposed action also would affect and occur within the considered geographic area and temporal frame(s). The table below lists and briefly describes known present, past, and reasonably foreseeable future actions undertaken by entities in and surrounding the City of New Orleans that may have the potential for cumulative impacts when combined with the effects of the present proposed action.

| Project Name/Status                               | Lead Agency or Firm                            | Location              | Description   | Cumulative Impact | Rationale  |
|---|--|-----------------------|---|-------------------|--|
| <b>City of New Orleans City-Wide Road Repairs</b> | City of New Orleans Department of Public Works | New Orleans City-Wide | Repairs, replacements, and improvements to road and components damaged as a result of Hurricane Katrina. Elements include upgrades to current codes and standards including mitigation measures to reduce the risk of future damages in the next flood. | Negligible        | Effects of this project when combined with those of the proposed action will not result in significant cumulative impacts. |
| <b>Hurricanes Laura, Zeta, and Ida RESTORE</b>    | HUD  | South Louisiana       | Evaluation of dwellings impacted by storms in recent years.   | No effect         | Restoration of the community member’s homes will be overall beneficial.  |

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| <b>IHNC-Lake Borgne Surge Barrier</b>   | USACE/<br>Flood Protection Authority – East | Lake Borgne                          | Construction of a 1.8-mile surge barrier.                       | Minor      | Construction is complete and proper permitting was completed to evaluate any impacts of the project. Although the project is located within Lake Borgne, the effects are considered minor, as the project should protect New Orleans and surrounding areas from flooding associated with hurricanes. |
| <b>Phase I – Orleans Justice Center</b> | FEMA  | 3100 Perdido Street, New Orleans, LA | Rebuilding of the Kitchen/Warehouse Building on the OJC Campus. | Negligible | As this project is complete and on the same OJC Campus as the proposed site, the effects combined with those of the proposed action will not result in significant cumulative impacts.   |

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|---|---|---|---|------------|--|
| <b>Phase II – Orleans Justice Center</b>  | FEMA  | 2800 Perdido Street, New Orleans, LA  | Rebuilding the main housing facility for the OJC Campus.  | Negligible | As this project is complete and on the same OJC Campus as the proposed site, the effects combined with those of the proposed action will not result in significant cumulative impacts. |
| <b>Hazardous Mitigation Grant Program</b> | FEMA and City of New Orleans obtained funding | New Orleans – Pontilly, Hagan Lafitte, Mirabeau , Broadmo or, and City Park | Help communities by implementing mitigation measures in accordance with the Presidential Major Disaster Declaration, to reduce the risk of loss of life and property from future disasters. | No effect  | Improvements of area-wide storm water management through the addition of rain gardens, bioswales, new drainage, etc. will provide benefits to all of New Orleans.                      |

As noted in the table, the cumulative effect of these present, past, and reasonably foreseeable future actions are not anticipated to result in significant impacts to any resource. Each of the projects either aims to restore or improve the function of pre-existing infrastructure or greatly improve a function with new infrastructure that had been properly permitted and evaluated to determine that there are minimal impacts to the natural and human environment.



## 6. Public Involvement

### 6.1 Public Meetings

Prior to the project being presented to the City Council and the CPC, the City of New Orleans representatives were required to engage the public in a community meeting. The invite to the meeting was sent out on April 30, 2021. Due to Covid-19 restrictions, two virtual presentations were held on May 20, 2021, and June 17, 2021, and the presentation was available online from April 30, 2021, through June 17, 2021. A Q&A was conducted during the public meeting, and the information from this meeting is incorporated into the report and the transcript can be found with the CPC Staff Report, Appendix F. Additionally, the CPC meeting on October 12, 2021, and the City Council various meetings including July 15, 2021; November 18, 2021; and February 3, 2022, were public meetings in which community members could attend and provide comments on the discussions.

In order to continue to keep the public informed of the project, a public meeting was held on April 21, 2022. The public meeting was held in-person at the City of New Orleans Council Chambers. The public was invited to learn more about the proposed project and offer questions and comments after the presentation. Additionally, for those unable to attend in-person, the meeting was available to watch on the City’s website at [council.nola.gov/home](http://council.nola.gov/home), or on local Cox cable, channel 6. The transcript for this meeting can be found under Appendix H.

### 6.2 Local Journalism Attention

| Date of Publication    | Article Title  | APA Citation  |
|------------------------|--|---|
| <b>October 7, 2019</b> | <b>New Orleans Advocates Oppose Jail Expansion Plan Ahead of Public Hearing</b>                    | Gill, L. (2019, October 7). New Orleans Advocates Oppose Jail Expansion Plan Ahead of Public Hearing. <i>The Appeal</i> . <a href="https://theappeal.org/new-orleans-jail-expansion-hearing/">https://theappeal.org/new-orleans-jail-expansion-hearing/</a>   |
| <b>June 29, 2020</b>   | <b>City of New Orleans Wants to Suspend Plans for Phase III of OPSO Jail Facility Indefinitely</b> | New Orleans Tribune Staff. (2020, June 29). City of New Orleans Wants to Suspend Plans for Phase III of OPSO Jail Facility Indefinitely. <i>The New Orleans Tribune</i> . <a href="https://theneworleanstribune.com/2020/06/29/city-of-new-orleans-wants-to-suspend-plans-for-phase-iii-of-opso-jail-facility-indefinitely/">https://theneworleanstribune.com/2020/06/29/city-of-new-orleans-wants-to-suspend-plans-for-phase-iii-of-opso-jail-facility-indefinitely/</a> |
|                        | <b>Council Adopts Resolution Requesting</b>  | Lampkin, K. D. (2020, September 2020). Council Adopts Resolution Requesting Alternative Option to   |

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|---------------------------|--|---|
| <b>September 17, 2020</b> | <b>Alternative Option to Phase III Construction of New Jail Facility</b>                                       | Phase III Construction of New Jail Facility. <i>City of New Orleans – City Council</i> .<br><a href="https://council.nola.gov/news/september-2020/council-adopts-resolution-requesting-alternative-o/">https://council.nola.gov/news/september-2020/council-adopts-resolution-requesting-alternative-o/</a>   |
| <b>October 19, 2020</b>   | <b>Closing Arguments made in Hearing over new jail Facility</b>  | Chrastil, N. (2020, October 19). Closing arguments made in hearing over new jail facility. <i>The Lens</i> .<br><a href="https://thelensnola.org/2020/10/19/closing-arguments-made-in-hearing-over-new-jail-facility/">https://thelensnola.org/2020/10/19/closing-arguments-made-in-hearing-over-new-jail-facility/</a>   |
| <b>October 23, 2020</b>   | <b>City of New Orleans says now is not the Time to Build the Next Phase of the Jail</b>                        | Robin, N. (2020, October 23). City of New Orleans says now is not the Time to Build the Next Phase of the Jail. <i>Metropolitan Crime Commission – WVUE</i> .<br><a href="https://metrocrime.org/2020/10/24/city-of-new-orleans-says-now-is-not-the-time-to-build-the-next-phase-of-the-jail/">https://metrocrime.org/2020/10/24/city-of-new-orleans-says-now-is-not-the-time-to-build-the-next-phase-of-the-jail/</a>  |
| <b>January 25, 2021</b>   | <b>Judge says City can't get out of Building new jail Facility</b>   | Chrastil, N. (2021, January 25, 2021). Judge says city can't get out of building new jail facility. <i>The Lens</i> .<br><a href="https://thelensnola.org/2021/01/25/judge-says-city-cant-get-out-of-building-new-jail-facility/">https://thelensnola.org/2021/01/25/judge-says-city-cant-get-out-of-building-new-jail-facility/</a>  |
| <b>February 3, 2021</b>   | <b>City will Appeal Order to move Forward with Phase III of New Orleans jail</b>                               | Chrastil, N. (2021, February 3). City will appeal order to move forward with Phase III of New Orleans jail. <i>The Lens</i> .<br><a href="https://thelensnola.org/2021/02/03/city-will-appeal-order-to-move-forward-with-phase-iii-of-new-orleans-jail/">https://thelensnola.org/2021/02/03/city-will-appeal-order-to-move-forward-with-phase-iii-of-new-orleans-jail/</a>  |
| <b>June 21, 2021</b>      | <b>Mental Health Facility For Inmates Met With Opposition At Public Forums</b>                                 | Schwalm, D. (2021, June 21). Mental Health Facility For Inmates Met With Opposition At Public Forums. <i>Mid-City Messenger</i> .<br><a href="https://midcitymessenger.com/2021/06/21/mental-health-facility-for-inmates-met-with-opposition-at-public-forums/">https://midcitymessenger.com/2021/06/21/mental-health-facility-for-inmates-met-with-opposition-at-public-forums/</a>  |
| <b>July 15, 2021</b>      | <b>As Federal Judges Weigh Controversial Jail Expansion, New Orleans City Council Again Cries Foul</b>         | Sledge, M. (2021, July 15). As Federal Judges Weigh Controversial Jail Expansion, New Orleans City Council Again Cries Foul. <i>NOLA.COM – The Advocate</i> .<br><a href="https://www.nola.com/news/politics/article_89b7d6ea-e5bb-11eb-aab8-1f7661065e17.html">https://www.nola.com/news/politics/article_89b7d6ea-e5bb-11eb-aab8-1f7661065e17.html</a>  |
| <b>July 27, 2021</b>      | <b>Council Considers Measures To Stop Phase III Jail Expansion, But It's Unclear Whether They Will Succeed</b> | Stein, M. I. (2021, July 27). Council considers measures to stop Phase III jail expansion, but it's unclear whether they will succeed. <i>The Lens</i> .<br><a href="https://thelensnola.org/2021/07/27/council-considers-measures-to-stop-phase-iii-jail-expansion-but-its-unclear-whether-they-will-succeed/">https://thelensnola.org/2021/07/27/council-considers-measures-to-stop-phase-iii-jail-expansion-but-its-unclear-whether-they-will-succeed/</a> |
| <b>October 9, 2021</b>    | <b>New Orleans Planning Commission Staff Recommends Approval</b>   | Chrastil, N. (2021, October 9). New Orleans Planning Commission Staff Recommends Approval of Controversial Phase III jail Facility. <i>The Lens</i> .   |

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|                         | <b>of Controversial Phase III jail Facility</b>   | Accessed through NOLA.COM on 4/14/2022.<br><a href="https://www.nola.com/news/politics/article_3570cb4a-2932-11ec-85e0-67cb5b2e0270.html">https://www.nola.com/news/politics/article_3570cb4a-2932-11ec-85e0-67cb5b2e0270.html</a>  |
| <b>October 11, 2021</b> | <b>New Orleans Jail Regresses on Consent Decree Compliance, feds say</b>                                      | WDSU Digital Team. (2021, October 11). New Orleans Jail Regresses on Consent Decree Compliance, feds say. <i>WDSU.COM</i> .<br><a href="https://www.wdsu.com/article/new-orleans-jail-regresses-on-consent-decree-compliance-feds-say/37928872">https://www.wdsu.com/article/new-orleans-jail-regresses-on-consent-decree-compliance-feds-say/37928872</a>  |
| <b>October 12, 2021</b> | <b>No Recommendation, or Denial, on new Jail Building from City Planning Commission</b>                       | Chrastil, N. (2021, October 2021). No Recommendation, or Denial, on new Jail Building from City Planning Commission. <i>The Lens</i> .<br><a href="https://thelensnola.org/2021/10/12/no-recommendation-or-denial-on-new-jail-building-from-city-planning-commission/">https://thelensnola.org/2021/10/12/no-recommendation-or-denial-on-new-jail-building-from-city-planning-commission/</a>   |
| <b>October 12, 2021</b> | <b>Controversial New Orleans Jail Expansion to be Discussed in Public Hearing</b>                             | Misick, B. (2021, October 12). Controversial New Orleans Jail Expansion to be Discussed in Public Hearing. <i>WWNO – New Orleans Public Radio</i> .<br><a href="https://www.wwno.org/news/2021-10-12/controversial-new-orleans-jail-expansion-to-be-discussed-in-public-hearing">https://www.wwno.org/news/2021-10-12/controversial-new-orleans-jail-expansion-to-be-discussed-in-public-hearing</a>  |
| <b>October 12, 2021</b> | <b>New Orleans Jail Expansion sees more Opposition during Public Planning Commission Meeting</b>              | Misick, B. (2021, October 12). New Orleans jail expansion sees more opposition during public planning commission meeting. <i>WWNO – New Orleans Public Radio</i> .<br><a href="https://www.wwno.org/news/2021-10-12/new-orleans-jail-expansion-sees-more-opposition-during-public-planning-commission-meeting">https://www.wwno.org/news/2021-10-12/new-orleans-jail-expansion-sees-more-opposition-during-public-planning-commission-meeting</a> |
| <b>February 3, 2022</b> | <b>New Orleans City Council Blasts new Jail for a 3<sup>rd</sup> Time in Resolution Opposing Construction</b> | Sledge, M. (2022, February 3). New Orleans City Council Blasts new Jail for a 3 <sup>rd</sup> Time in Resolution Opposing Construction. <i>NOLA.COM</i> .<br><a href="https://www.nola.com/news/courts/article_73f0f282-853f-11ec-aecc-7b582d05954c.html">https://www.nola.com/news/courts/article_73f0f282-853f-11ec-aecc-7b582d05954c.html</a>  |
| <b>March 7, 2022</b>    | <b>In Federal Appeals Court, City Asks to be let out of Construction of new Jail Building</b>                 | Maldonado, C. (2022, March 7). In Federal Appeals Court, City Asks to be let out of Construction of new Jail Building. <i>The Lens</i> .<br><a href="https://thelensnola.org/2022/03/07/in-federal-appeals-court-city-asks-to-be-let-out-of-construction-of-new-jail">https://thelensnola.org/2022/03/07/in-federal-appeals-court-city-asks-to-be-let-out-of-construction-of-new-jail</a>   |
| <b>March 15, 2022</b>   | <b>Huge, Controversial Contract for New Orleans jail Health care Undecided</b>                                | Sledge, M. (2022, March 15). Huge, controversial contract for New Orleans jail health care undecided. <i>NOLA.COM – The Advocate</i> .<br><a href="https://www.nola.com/news/politics/article_8768e672-a4b5-11ec-b35e-c797069ca608.html">https://www.nola.com/news/politics/article_8768e672-a4b5-11ec-b35e-c797069ca608.html</a>   |
|                         | <b>Judge, DOJ, Civil Rights Attorneys not</b>   | Chrastil, N. (April 4, 2022). Judge, DOJ, Civil Rights Attorneys not Buying City’s Claim that FEMA is   |

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|----------------------|--|--|
| <b>April 4, 2022</b> | <b>Buying City’s Claim that FEMA is Delaying Phase III</b> | Delaying Phase III. <i>The Lens</i> .<br><a href="https://thelensnola.org/2022/04/04/judge-doj-civil-rights-attorney-not-buying-citys-claim-that-fema-is-delaying-phase-iii">https://thelensnola.org/2022/04/04/judge-doj-civil-rights-attorney-not-buying-citys-claim-that-fema-is-delaying-phase-iii</a> |
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## 6.3 Public Notice

FEMA invited the public to comment on the draft Environmental Assessment and draft FONSI during a thirty (30) day comment period, which concluded on September 26, 2022. The public notice was published on August 22, 2022 through August 26, 2022 in The Times Picayune and the Baton Rouge Advocate, the journals of record for the state and Orleans Parish. The draft EA and draft FONSI were available for review at the following locations:

- Capital Projects Administration – City Hall, 1300 Perdido St, Office 6E15, New Orleans, LA 70112
- New Orleans Public Library - Main Library, 219 Loyola Ave, New Orleans, LA 70112
- Algiers Regional Library, 3014 Holiday Dr, New Orleans, LA 70131
- East New Orleans Regional Library, 5641 Read Blvd, New Orleans, LA 70127
- Norman Mayer Library, 3001 Gentilly Blvd, New Orleans, LA 70122
- Nora Navra Library, 1902 St Bernard Ave, New Orleans, LA 70116
- Rosa F. Keller Library & Community Center, 4300 S Broad St, New Orleans, LA 70125
- Robert E. Smith Library, 6301 Canal Blvd, New Orleans, LA 70124

The documents were also posted on FEMA’s website <http://www.fema.gov/resource-document-library>. A copy of the Public Notice is attached in Appendix L.

### Agency Coordination

City of New Orleans Department of Economic Development  
City of New Orleans Department of Public Works  
City of New Orleans Department of Safety and Permits  
City of New Orleans Department of Sanitation  
City of New Orleans Health Department  
City of New Orleans Office of Business and External Services - Historic Districts  
Louisiana Department of Environmental Quality  
Louisiana Department of Natural Resources  
Louisiana Department of Wildlife and Fisheries  
Mayor’s Neighborhood Engagement Office  
New Orleans Recreation Development Commission  
Sewerage and Water Board New Orleans  
State Historic Preservation Office

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U.S. Army Corps of Engineers  
U.S. Department of Agriculture – Natural Resource Conservation Service  
U.S. Fish and Wildlife Service

FEMA is the lead federal agency for the NEPA compliance process for this PA Project. It is the responsibility of the lead agency to conduct the preparation and review of NEPA documents in a way that is responsive to the needs of the Orleans Parish community while meeting the spirit and intent of NEPA and complying with all NEPA provisions. As part of the development of early interagency coordination related to the proposed action, state and federal resource agencies were consulted, and CNO distributed an informal scoping notification through a SOV.

These resource agencies include, among others, the Louisiana SHPO, USFWS, NOAA, GOHSEP, LDWF, LDNR, USACE, and the relevant THPOs.  
[Comments and conditions received from the agencies have been incorporated into this Draft EA (Appendix C)]

In accordance with applicable local, state, and federal regulations, CNO and OPSO would be responsible for acquiring any necessary permits prior to commencing construction at the proposed project site.

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## 7. Conditions and Mitigation Measures

Based upon the research, review of documents, and consultations undertaken in this EA, several conditions must be met, and mitigation measures taken by the City of New Orleans prior to and during project implementation:

- The City of New Orleans will follow all applicable local, state, and federal laws, regulations, and requirements regarding material, methods of work, and disposal of excess and waste materials. Additionally, they will obtain and comply with all required permits and approvals prior to initiating work.
- 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 contractor/City of New Orleans shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The contractor/City of New Orleans shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the onsite team shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The contractor/City of New Orleans shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The contractor and onsite team should not proceed with work until FEMA HP completes consultation with the SHPO, and others as appropriate.
- Project construction would involve the use of potentially hazardous materials (e.g., petroleum products, including but not limited to gasoline, diesel, brake and hydraulic fluid, cement, caustics, acids, solvents, paint, electronic components, pesticides, herbicides, fertilizers, and/or treated timber) and may result in the generation of small volumes of hazardous wastes. Appropriate measures to prevent, minimize, and control spills of hazardous materials must be taken and generated hazardous or non-hazardous wastes are required to be disposed in accordance with applicable federal, state, and local regulations.
- Per 44 C.F.R. § 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 NFIP. Per 44 C.F.R. § 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. The City of New Orleans 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 City of New Orleans compliance with any conditions must be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files.

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- After construction of the proposed project and prior to FEMA project close-out, additional verification will be needed to ensure that proper coordination occurred regarding work within the floodplain. The following documentation will be required:
    - A copy of the Post-Construction Elevation Certificate signed/sealed by licensed surveyor, engineer, or architect as well as the local FP administrator; or
    - If the post-construction EC is not signed by the local Floodplain Administrator, then a Certificate of Occupancy signed by the LFA or a letter from the local Floodplain Administrator stating the structure was built in compliance with the local floodplain ordinance.
  - The City of New Orleans must follow all LDEQ conditions listed in their response dated April 8, 2022. The conditions include:
    - If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
    - If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.
    - All precautions should be observed to control nonpoint source pollution from construction activities. LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permits Division at (225) 219-9371 to determine if your proposed project requires a permit.
    - If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit is required. An application or Notice of Intent will be required if the sludge management practice includes preparing biosolids for land application or preparing sewage sludge to be hauled to a landfill. Additional information may be obtained on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 9371.
    - If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly regarding permitting issues. If a Corps permit is required, part of the application process may involve a water quality certification from LDEQ.
    - All precautions should be observed to protect the groundwater of the region.
    - Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore, if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.
    - Any renovation or remodeling must comply with LAC 33:III.Chapter 28, Lead-Based Paint Activities; LAC 33:III.Chapter 27, Asbestos-Containing Materials in Schools and State Buildings (includes all training and

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- accreditation); and LAC 33:III.5151, Emission Standard for Asbestos for any renovations or demolitions.
- If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.
  - It seems that this project involves: new construction in an urban area; is located near a rail line; that extensive excavation may be needed to complete the project; and historic land uses have not been identified in the submittal. It is therefore advised that a thorough and site-specific environmental assessment be performed on the entire project area to address specific environmental concerns and provide for the safety of the patients and workers. If this site-specific environmental assessment discovers contamination that exceeds the Screening Option Standards established by the LDEQ Risk Evaluation/Corrective Action Program (RECAP) Regulation, the CNO is required to make these findings and associated RECAP evaluation available to the public through a public notice, web posting, and use of social media sites.
  - If the project will involve the removal or disturbance of any soils which may have contaminant concentrations that exceed the Screening Option Standards established by the LDEQ Risk Evaluation/Corrective Action Program (RECAP) Regulation, these materials may be considered a waste and disposed of at a permitted facility or might be managed as part of a Solid Waste Beneficial Use or Soil Reuse Plan in accordance with LAC 33:VII.Chapter 11. Alternately, a site-specific RECAP Evaluation might be conducted and submitted to the LDEQ.
- All waste is to be transported by an entity maintaining a current "waste hauler permit" specifically for the waste being transported, as required by LaDOTD and other regulations.
  - Unusable equipment, debris, and material shall be disposed of in an approved manner and location. The contractor 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.
  - Contractor and/or Subcontractors must properly handle, package, transport and dispose of hazardous materials and/or waste in accordance with all local, state, and federal regulations, laws, and ordinances, including all OSHA worker exposure regulations covered within 29 C.F.R. § 1910 and 1926.
  - BMPs have been included in the SWPPP for the project, and the contractor is required to follow the listed BMPs during site work activities.
    - Prior to demolition work, underground utilities will be located and identified for protection of services to remain. Any utility and services designated for removal or disconnection will be sealed in accordance with the applicable



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utility company or agency involved. The applicable utility company will be notified of any uncharted or incorrectly charted underground piping or other utilities and services encountered during sitework operations. Existing utilities, paving, streetlights, utility poles and services, on and adjacent to the site, will be protected during construction or repaired and restored if damaged.

- During the demolition and excavation phase, debris, waste materials and existing site soil will be removed. Operations for removal will be performed with minimum interference with streets, walks, and other adjacent facilities. Written permission of governing authorities will be obtained if required to close or obstruct streets, walks or adjacent facilities.
- Reasonable measures will be employed to avoid unnecessary dust with surfaces kept moist. Dusty materials in piles or in transit shall be covered to prevent blowing. Earth moving operations will not commence until temporary erosion and sedimentation control measures are in place.
- The contractor shall be required to provide all required bracing during construction to maintain the stability of and safety of all structural elements during the construction process until the structure is tied together and completed.
- The selected contractor shall supervise and direct the work and shall be responsible for all construction means, methods, procedures, techniques, and sequence.
- The site will incorporate a stormwater management system which includes underground stormwater retainer tanks, at the southwest and northeast, with the site graded to facilitate drainage.
- Maintain all erosion control measures until project completion
- Hay bales to be butted end to end to block sediment transport
- Temporary penetrations through silt fencing during construction will be allowed. Contractor to trench to prevent unauthorized discharges from entering adjacent streets. Also, contractor may temporarily move wattles and replace when construction is suspended or completed.
- Heavy-duty wattles sausages can be substituted for hay bales where necessary around storm drains, catch basins, and exits.
- The plan is only a suggestion of the minimal erosion control measures necessary to protect the site. The contractor may alter this plan as necessary to ensure protections.
- The contractor is responsible for ensuring all erosion control measures are adequate and functioning at all times.
- The Geotextile fabric shall be place in the excavated trench, backfilled, and compacted to the existing ground surface.
- Wooden support posts shall be a minimum dimension of 2" x 2" (Nominal) soft wood or 1-1/8" x 1-1/8" air or kiln dried posts of hickory or oak. Steel posts shall be studded "TEE" or "U" type with a minimum weight of 1.3 pounds per linear foot. Post spacing shall be a maximum of 8 feet
- The geotextile fabric shall be attached directly to the upslope side of the

- wooden posts with wire staples in at least 3 places, or with wooden lath and nails. Attachment to steel posts will be by wire fasteners or plastic tie straps.
- A wire support fence may be installed to which the geotextile fabric is attached. The wire shall be a minimum of 14-1/2 gage woven wire with a maximum mesh spacing of 6 inches. Post spacing shall be a maximum of 10 feet. The geotextile fabric shall be folded 3 inches over the wire fence and secured with staples or wire rings spaces at 12 inches.
  - The geotextile fabric shall consist of either woven or non-woven polyester, polypropylene, stabilized nylon, polyethylene, or polyvinylidene chloride. Non-woven fabric may be needle punched, heat bonded, resin, bonded, or combinations thereof. All fabric shall meet the following requirements:

| Test Requirement  | Method      | Value*                 |
|---|-------------|------------------------|
| Minimum grab tensile strength in the machine direction                                    | ASTM D 4632 | 120 LBS.               |
| Minimum grab tensile strength in the cross machine direction                              | ASTM D 4632 | 100 LBS.               |
| Maximum apparent opening size equivalent standard sieve                                   | ASTM D 4751 | No. 30                 |
| Minimum permittivity  | ASTM 4491   | 0.05 SEC <sup>-1</sup> |
| Minimum ultraviolet stability percentage of strength retained after 500 hours of exposure | ASTM 4355   | 70%                    |

\* All numerical values represent minimum/maximum average roll values. (For example, the average minimum test results on any roll in a lot should meet or exceed the minimum specified values.)

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## 9. List of Preparers

Alie Nicotera – Senior Consultant 2 – Ramboll US Consulting, Inc.

Adam Goodine – Senior Managing Consultant – Ramboll US Consulting, Inc.

Braelin Carter - Operations Manager & Senior Environmental Health Scientist  
MMG, Inc.

Olivia Whitcomb – Environmental Health Scientist - MMG, Inc.

Paul Lo – Owner – MMG, Inc.

Tiffany Spann-Winfield, FEMA, Deputy EHP Program Lead

Jerame Cramer, FEMA, EHP Program Lead

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**GIS FIGURES**

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**APPENDIX A**  
**CONSENT DECREE AND SUPPLEMENTAL COMPLIANCE ACTION PLAN**

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**APPENDIX B**  
**ALTERNATIVE OPTION REPORTS AND OPSO OPERATIONAL PLAN**

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**APPENDIX C**  
**STATE AND FEDERAL CORRESPONDENCE**

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**APPENDIX D**  
**LOCAL CORRESPONDENCE**

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**APPENDIX E**  
**EIGHT STEP PROCESS**

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**APPENDIX F**  
**CITY PLANNING COMMISSION STAFF REPORT**

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**APPENDIX G**  
**APRIL 2022 PUBLIC MEETING TRANSCRIPT**

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**APPENDIX H**  
**STORM WATER POLLUTION PREVENTION PLAN**

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**APPENDIX I**  
**STATE FIRE MARSHALL REPORT**

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**APPENDIX J**  
**NARRATIVE HISTORY OF HOUSE OF DETENTION REPORT**

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**APPENDIX K**  
**DEPARTMENT OF JUSTICE CRIMINAL RIGHTS DIVISION REPORTS**

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**APPENDIX L  
PUBLIC NOTICES**

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