



ST. BERNARD PARISH SCHOOL BOARD



RESOLUTION

RESOLUTION TO OPPOSE PERMIT APPLICATION #MVN-2021-00270-ESG

MEMBERS OF THE BOARD:

KATHERINE K. LEMOINE
DISTRICT 1

HENRY J. RODRIGUEZ III
DISTRICT 2

KELLY LE-BOWMAN
DISTRICT 3

SEAN K. WARNER
DISTRICT 4

JOSEPH V. LONG, SR.
DISTRICT 5

CARLY J. CREASON
DISTRICT 6

DIANA B. DYSART
DISTRICT 7

MILLIE M. HARRIS
DISTRICT 8

KEISA M. RODNEY
DISTRICT 9

ROSILAND R. WHITE
DISTRICT 10

DONALD D. CAMPBELL
DISTRICT 11

WHEREAS, the St. Bernard Parish School Board is the titled owner and statutory trustee of the W. Smith Junior Elementary School located directly within in the footprint of the Louisiana International Terminal as currently proposed;

WHEREAS, the W. Smith Junior Elementary School is in active operation;

WHEREAS, the W. Smith Junior Elementary School is staffed by approximately 22 full-time teachers to serve approximately 324 students of that particular school district;

WHEREAS, the St. Bernard Parish School Board has no plans to take the W. Smith Junior Elementary School out of service;

WHEREAS, the St. Bernard Parish School Board has no plans to relocate the W. Smith Junior Elementary School;

WHEREAS, the W. Smith Junior Elementary School does not constitute surplus property;

WHEREAS, Louisiana state law prohibits the St. Bernard Parish School Board from selling or otherwise conveying any property not deemed to be surplus property;

WHEREAS, Louisiana state law prohibits one political subdivision from expropriating property from another political subdivision;

WHEREAS, the Board of Commissioners of the Port of New Orleans has not attempted to expropriate the W. Smith Junior Elementary School site;

WHEREAS, on July 8, 2024 the St. Bernard Parish School Board filed a lawsuit against the Board of Commissioners of the Port of New Orleans seeking a preliminary injunction to prohibit the construction of the Louisiana International Terminal as currently proposed;

WHEREAS, on December 16, 2024, the U.S. Army Corps of Engineers issued a "Public Notice" regarding an application submitted by the "Board of Commissioners of the Port of New Orleans" to building a "Wharf and Commercial Shipping Container Terminal on the Mississippi River in St. Bernard Parish," attached hereto as Exhibit 1.



GIVEN UNDER OUR HAND
AND THE SEAL OF THE
ST. BERNARD PARISH SCHOOL BOARD

ON THIS THE 8th DAY OF January, 2025

Diana B. Dysart

PRESIDENT



ST. BERNARD PARISH SCHOOL BOARD



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WHEREAS, the Public Notice established a deadline of January 14, 2025 for the submission of any public comments regarding any modifications or objections to the proposed work;

WHEREAS, the St. Bernard Parish School Board has commissioned a report from Vickerman and Associates, L.L.C. regarding the adverse impacts of the Louisiana International Terminal on the W. Smith Junior Elementary School;

WHEREAS, the St. Bernard Parish School Board desires to express its opposition to all of the relevant permitting authorities, including, but not limited to, the U.S. Army Corps of Engineers, the State of Louisiana, and its various agencies;

WHEREAS, the St. Bernard Parish School Board desires to request an extension of the public comment period due to the timing of the issuance of the Public Notice that resulted in a comment period covering multiple holiday periods that have limited the opportunity for a full response from the community;

WHEREAS, the St. Bernard Parish School Board desires to request that the U.S. Army Corps of Engineers hold a public hearing regarding the consideration of application #MVN-2021-00270-ESG for the reasons noted herein;

WHEREAS, the extension and public hearing requested herein would allow the faculty, families of students, and those in the community immediately surrounding the W. Smith Junior Elementary School to express their concerns regarding the application;

WHEREAS, the consideration of the various viewpoints would assist the U.S. Army Corps of Engineers in fully understanding the magnitude of the adverse impact of the proposed Louisiana International Terminal facility;

IT IS HEREBY RESOLVED that the St. Bernard Parish School Board does hereby express its firm opposition to the Louisiana International Terminal for the following, non-exclusive, reasons:

1. The footprint of the proposed completed Louisiana International Terminal will overlay the W. Smith Junior Elementary School. The applicant has no legal right to construct a facility on the property owned and in active use by the St. Bernard Parish School Board.



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Missa A. Dysart

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2. The School Board is prohibited by Louisiana state law from selling or otherwise conveying a school in active use. The School Board has no plans and no intentions of selling or otherwise conveying the W. Smith Junior Elementary School to the applicant. There are no active discussions with the applicant to purchase the W. Smith Junior Elementary School site. As such, the applicant has no plan to accommodate the continued existence of the W. Smith Junior Elementary School.

3. Phases 1-A, 1-B, and 2 of the proposed Louisiana International Terminal would be situated so close to the W. Smith Junior Elementary School that it would significantly impair the ability to continue to operate the school. The operation of a commercial wharf and container facility would constitute a threat to the health, safety, and welfare of the students and faculty of the school.

4. The relocation of St. Bernard Highway would effectively prohibit all public ingress and egress to the W. Smith Junior Elementary School.

5. All of the reasons set forth in the accompanying report issued by Vickerman & Associates, L.L.C. attached hereto as Exhibit 2.

IT IS FURTHER HEREBY RESOLVED that the St. Bernard Parish School Board does hereby formally request an extension of the public comment period established by the December 16, 2024 Public Notice.

IT IS FURTHER HEREBY RESOLVED that the St. Bernard Parish School Board, in accordance with the December 16, 2024 Public Notice and based upon the reasons noted herein, respectfully requests that the U.S. Army Corps of Engineers hold a public hearing to consider application MVN-2021-00270-ESG.



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AND THE SEAL OF THE
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ON THIS THE 8th DAY OF January, 2025

PRESIDENT