



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

Regional Planning and
Environment Division, South
New Orleans Environmental Branch

Decision Record

Individual Environmental Report #33
WEST BANK AND VICINITY AND MISSISSIPPI RIVER LEVEES
CO-LOCATED LEVEES
PLAQUEMINES AND ORLEANS PARISHES, LOUISIANA

IER #33

Description of the Proposed Action. The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), has prepared this Individual Environmental Report # 33 (IER # 33) to evaluate the potential impacts associated with the proposed construction and maintenance of the 100-year level of hurricane damage risk reduction along the West Bank and Vicinity – Mississippi River Levee (WBV-MRL) Co-Located Project. The MRL on the west bank of the Mississippi River, from the Eastern Tie-in of the West Bank and Vicinity (WBV) project with the MRL at Oakville in Plaquemines Parish to a point approximately 15.5 miles upriver southeast of the Algiers Lock in Orleans Parish is not of sufficient height to provide 100-year level of risk reduction. The term “100-year level of risk reduction,” as it is used throughout this document, refers to a level of risk reduction that reduces the risk of hurricane surge and wave-driven flooding that the New Orleans metropolitan area experiences to a 1 percent chance each year. The WBV-MRL Co-Located Project is designed to reduce risk to residents along the west bank of the Mississippi River from hurricane-driven storm surges traveling either up or across the Mississippi River.

The proposed action is located in Plaquemines and Orleans Parishes on the west bank of the Mississippi River and is part of the West Bank and Vicinity (WBV), Belle Chasse Polder. The project area extends from river mile 85.5 to river mile 70 Above Head of Passes. The northern end (river mile 85.5) is situated near the intersection of Patterson Road and Delacroix Road in English Turn and the southern end (river mile 70) is approximately 525 feet south of the intersection of East St. Peter Street and the Mississippi River Levee at Oakville. The proposed action has been divided into five contract reaches of varying lengths.

Work to raise portions of the MRL, above the Mississippi River and Tributaries (MR&T) authorized design elevations, to the 100-year level of risk reduction elevations is anticipated to be accomplished using Engineered Alternative Measures (EAMs). As discussed in the IER (attached hereto and incorporated by reference herein), the EAMs would consist mainly of an all earthen clay cap in the northern two contract reaches and a stabilized soil clay cap in the southern three reaches, both of which fit within the existing levee footprint, thereby reducing potential environmental and

cultural resources impacts and minimizing the requirement to obtain additional rights-of-way. EAMs would be constructed to provide the 100-year level of risk reduction elevation for the entire Co-Located Project and are the focus of this IER.

Draft IER #33, which detailed the anticipated impacts to the human environment from the proposed action, was released for 30 day public review and comment on November 26, 2010. Comments were received from Federal and state government agencies and the public. A public meeting was held on December 6, 2010.

Factors Considered in Determination. CEMVN has assessed the impacts of the action on significant resources in the project area including air quality, water quality, terrestrial habitat, aquatic habitat, fish and wildlife, wetlands, threatened and endangered species, recreational resources, aesthetic resources, cultural resources, farmland, socioeconomics, environmental justice, hazardous, toxic and radioactive waste, and noise. CEMVN has also considered and assessed the impacts of the “no action” alternative. IER #33 is attached hereto and incorporated by reference herein.

The CEMVN has assessed the environmental impacts of the proposed action and has determined that the proposed action would have the following impacts:

- Short-term impact to air quality from heavy equipment and trucks used during the construction and maintenance thereafter of the EAM providing 100-year level of risk reduction,
- Temporary, construction-related decrease in the water quality from runoff of sediment during earth moving activities,
- Temporary indirect effects to fish and wildlife species due to construction activities (e.g., noise, vibration) within adjacent wetlands or aquatic habitat,
- Temporary displacement of fish in aquatic shallows of the Mississippi River and temporary displacement of wading birds, waterfowl, or other wildlife within and adjacent to the footprint of construction,
- Temporary effects from construction-related activities to 27 acres of wetlands within the 15-foot corridor paralleling the river-side of the MRL. These effects would not require compensatory wetland mitigation (USFWS, 2010),
- Permanent direct effects to the aesthetic (visual) resource of the MRL corridor for the adjacent residences and businesses. Existing views of the MRL corridor encompass a grassy vista that blends with the natural vegetation and different hues of greens, blues and other soft, natural colors. In the contract reaches that would utilize stabilized soil, the view would be split by a clay-soil colored line, starkly contrasting within the existing MRL viewshed,
- There are historic properties which may be affected by the proposed action; however, conditions would be imposed to avoid adverse effects to historic properties. To avoid adverse effects to historic properties within and adjacent to the right-of-way, “no staging areas” would be designated in the immediate vicinity of historic properties. Geotextile and appropriate material would be placed over the three buried sites within the existing right-of-way to ensure that project activities do not adversely affect the archaeological deposits. In addition, an archaeological monitor would be present during work in the vicinity of historic properties. The Louisiana State Historic Preservation Officer concurred with our finding of “no adverse effect” pursuant to 36 CFR 800 of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) in a letter dated December

22, 2010. The following Federally recognized Indian tribes also concurred with our effect determination: Caddo Nation of Oklahoma (email dated December 16, 2010), Chitimacha Tribe of Louisiana (telephone conversation of December 16, 2010), Coushatta Tribe of Louisiana (email dated December 16, 2010), Quapaw Tribe of Oklahoma (email dated December 16, 2010), Seminole Tribe of Florida (letter dated December 16, 2010), Alabama-Coushatta Tribe of Texas (email dated December 20, 2010) and Choctaw Nation of Oklahoma (letter dated December 14, 2010). The Jena Band of Choctaw Indians was not consulted in accordance with their instructions provided in an email dated November 4, 2009. No other Federally recognized Indian tribes provided comment. Section 106 consultation is concluded for this project. If any unrecorded cultural resources are determined to exist within the proposed project site, then work will not proceed in the area containing these cultural resources until a CEMVN staff archeologist has been notified and final coordination with the Louisiana State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer has been completed, and

- Significant hurricane risk reduction for the residences and businesses in proximity to the Co-Located Project.

Environmental Design Commitments. The following commitments are an integral part of the proposed action:

- If the proposed action is changed significantly or is not implemented within one year, the New Orleans District will reinstate coordination with the US Fish and Wildlife Service to ensure that the proposed action would not adversely affect any Federally-listed threatened or endangered species, or their habitat. [USFWS letter dated October 29, 2010]
- If any unrecorded cultural resources are determined to exist within the proposed project site, then work will not proceed in the area containing these cultural resources until a CEMVN staff archeologist has been notified and final coordination with the Louisiana State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer has been completed.

Agency & Public Involvement. Various governmental agencies, non-governmental organizations and citizens were engaged throughout the preparation of IER #33. Agency staff from US Fish and Wildlife Service, National Marine Fisheries Service, US Environmental Protection Agency, US Geologic Survey, National Park Service, Louisiana Department of Natural Resources and Louisiana Department of Wildlife and Fisheries were part of an interagency team that has and will continue to have input throughout the Greater New Orleans Hurricane Storm Damage Risk Reduction (HSDRRS) planning process (Appendix D of Final IER #33).

There have been over 100 public meetings since March 2007 about proposed HSDRRS work. Issues relating to draft IER #33 were specifically discussed at a public meeting for draft IER #33 on December 6, 2010. CEMVN sends out public notices in local and national newspapers, news releases (routinely picked up by television and newspapers in stories and scrolls), and mail notifications to stakeholders for each public meeting. In addition, www.nolaenvironmental.gov was set up to provide information to the public regarding proposed HSDRRS work. CEMVN sends out e-mail notifications of the meetings to stakeholders who requested to be notified by this method. Public meetings will continue throughout the planning process.

Compliance with Environmental Laws and Regulations

1. Compliance with Environmental Laws and Regulations
 - a. Coastal Zone Management Program. By letter dated December 7, 2010, the Louisiana Department of Natural Resources responded that the project, as proposed in the application, is consistent with the Louisiana Coastal Resources Program (C20100339).
 - b. Clean Water Act. A Section 404(b)(1) public notice was released for 30 day public review and comment on November, 26 2010. The Final 404(b)(1) evaluation was signed on December 30, 2010. Additionally, a Louisiana Department of Environmental Quality Water Quality Certification letter, WQC 101109-03/AI 101235/CER 20100007, dated December 17, 2010, stated that the requirements for Water Quality Certification have been met and that the placement of fill material will not violate water quality standards of Louisiana as provided for in LAC 33:IX Chapter 11.
 - c. Clean Air Act. The project is located in Plaquemines and Orleans Parishes, which are both classified as attainment areas. The Louisiana Department of Environmental Quality indicated in their December 16, 2010 that the submittal of additional information for general air conformity air quality purposes is not required.
 - d. Endangered Species Act. The US Fish and Wildlife Service concurred with CEMVN's determination that no threatened or endangered species or their critical habitat would be impacted by the proposed project in their letter dated October 29, 2010 and in the final Coordination Act Report dated December 30, 2010. The National Oceanic and Atmospheric Administration's National Marine Fisheries Service Protected Resources Division has previously provided a list of threatened and endangered species under their jurisdiction in Louisiana. Based on that information, the CEMVN made a determination of no effect for species under NMFS jurisdiction in IER #33.
 - e. Fish and Wildlife Coordination Act. A draft project-specific Coordination Act Report was received from US Fish and Wildlife Service by letter dated November 2, 2010. A final Coordination Act Report was received from the US Fish and Wildlife Service in a letter dated December 30, 2010. All comments regarding US Fish and Wildlife Service trust resources have been resolved.
 - f. Migratory Bird Treaty Act. The US Fish and Wildlife Service addressed compliance with this Act in the "Draft Fish and Wildlife Coordination Act Report for the IER, Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4)" in November 2007. To fulfill the responsibilities of the Fish and Wildlife Coordination Act, the US Fish and Wildlife Service will provide a post-authorization final supplemental 2(b) report to the draft programmatic report.
 - g. Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act. The National Marine Fisheries Service concurred with CEMVN's determination that the proposed action would have no effect on essential fish habitat by their letter dated December 1, 2010.
 - h. Section 106 of the National Historic Preservation Act. The Louisiana State Historic Preservation Officer concurred with our finding of "no adverse effect" pursuant to 36 CFR 800 of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) in a letter dated December 22, 2010. The following Federally recognized Indian tribes also concurred with our effect determination: Caddo Nation of Oklahoma (email dated December 16, 2010), Chitimacha Tribe of Louisiana (telephone conversation of December 16, 2010),

Coushatta Tribe of Louisiana (email dated December 16, 2010), Quapaw Tribe of Oklahoma (email dated December 16, 2010), Seminole Tribe of Florida (letter dated December 16, 2010), Alabama-Coushatta Tribe of Texas (email dated December 20, 2010) and Choctaw Nation of Oklahoma (letter dated December 14, 2010). The Jena Band of Choctaw Indians was not consulted in accordance with their instructions provided in an email dated November 4, 2009. No other Federally recognized Indian tribes provided comment. Section 106 consultation is concluded for this project.

Draft IER #33 Public Review Period

1. Agency Comments (found in Appendix E of Final IER #33)
 - a. US Fish and Wildlife Service
 - i. Comment letter dated October 29, 2010
 - ii. Comment letter dated November 2, 2010
 - iii. Comment letter dated December 15, 2010
 - iv. Final Coordination Act Report dated December 30, 2010
 - b. Natural Resources Conservation Service
 - i. Comment letter dated October 25, 2010
 - c. Louisiana Department of Natural Resources
 - i. Comment letter dated December 7, 2010
 - d. National Marine Fisheries Service
 - i. Comment letter dated December 1, 2010
 - e. Louisiana Department of Environmental Quality
 - i. E-mail comment dated December 16, 2010
 - ii. Comment letter dated December 17, 2010
 - f. Louisiana Department of Wildlife and Fisheries
 - i. Comment letter dated December 21, 2010
 - g. Office of Coastal Protection and Restoration
 - i. E-mail comment dated December 22, 2010
 - h. Southeast Louisiana Flood Protection Authority – West
 - i. Comment letter dated December 16, 2010
 - i. Louisiana State Historic Preservation Office
 - i. Comment letter dated December 22, 2010
2. Public Comments (found in Appendix B of Final IER #33)
 - a. Ms. Lena Pantanelle
 - i. Comment letter dated November 29, 2010

Decision. The CEMVN New Orleans Environmental Branch has assessed the potential environmental impacts of the proposed action described in IER #33, and performed a review of comments received during the public review period for Draft IER #33, as well as at a public meeting held on December 6, 2010. The no action alternative was considered as discussed in the IER. Furthermore, all practicable means to avoid or minimize adverse environmental affects have been incorporated into the recommended plan. The public interest will be best served by implementing the selected plan as described in IER #33 in accordance with the environmental considerations discussed above.

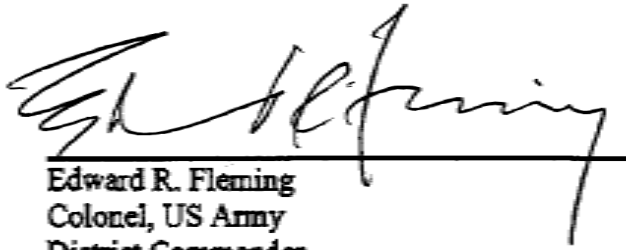
CEMVN will prepare a Comprehensive Environmental Document (CED), and may prepare a supplemental IER or subsequent NEPA documentation containing additional information related to IER #33 that becomes available after the execution of the final IER. The CED will provide a final

mitigation plan, comprehensive cumulative impacts analysis, and any additional information that addresses any outstanding data gaps in any of the IERs.

I have reviewed IER #33, and have considered agency recommendations and comments received from the public during the scoping phase and comment periods. I find the recommended plan fully addresses the objectives set forth by the Administration and Congress in the 3rd, 4th, and 5th Supplemental Appropriations. The plan is justified, in accordance with environmental statutes, and it is in the public interest to construct the actions as described in this document.

DEC 31 2010

Date



Edward R. Fleming
Colonel, US Army
District Commander