



**US Army Corps
of Engineers®**

**FINAL INDIVIDUAL ENVIRONMENTAL SUPPLEMENTAL
REPORT**

GOVERNMENT FURNISHED BORROW MATERIAL # 3

ORLEANS PARISH, LOUISIANA

IERS # 25.a



JANUARY 2012

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1. INTRODUCTION

The U.S. Army Corps of Engineers (USACE) Regional Planning and Environmental Division South (RPEDS), Upper Delta Environmental Compliance Section (UDECS), has prepared this supplement to the final Individual Environmental Report # 25 (IER # 25) to evaluate the impacts associated with the vegetative clearing and placement of excess recycled embankment material (REM) in and adjacent to the Stumpf borrow site in Orleans Parish, Louisiana (Figure 1). The Stumpf Borrow Site was described in the Final IER # 25 dated 3 February 2009 for use in the Hurricane and Storm Damage Risk Reduction System (HSDRRS). However, the work addressed in this supplement, Individual Environmental Report Supplement #25.a (IERS # 25.a), was conducted outside of the boundaries and purposes identified in the Final IER # 25. The IERS # 25.a is an “after-the-fact” action as the work discussed has already taken place and impacts have been incurred and compensatory mitigation has been completed.

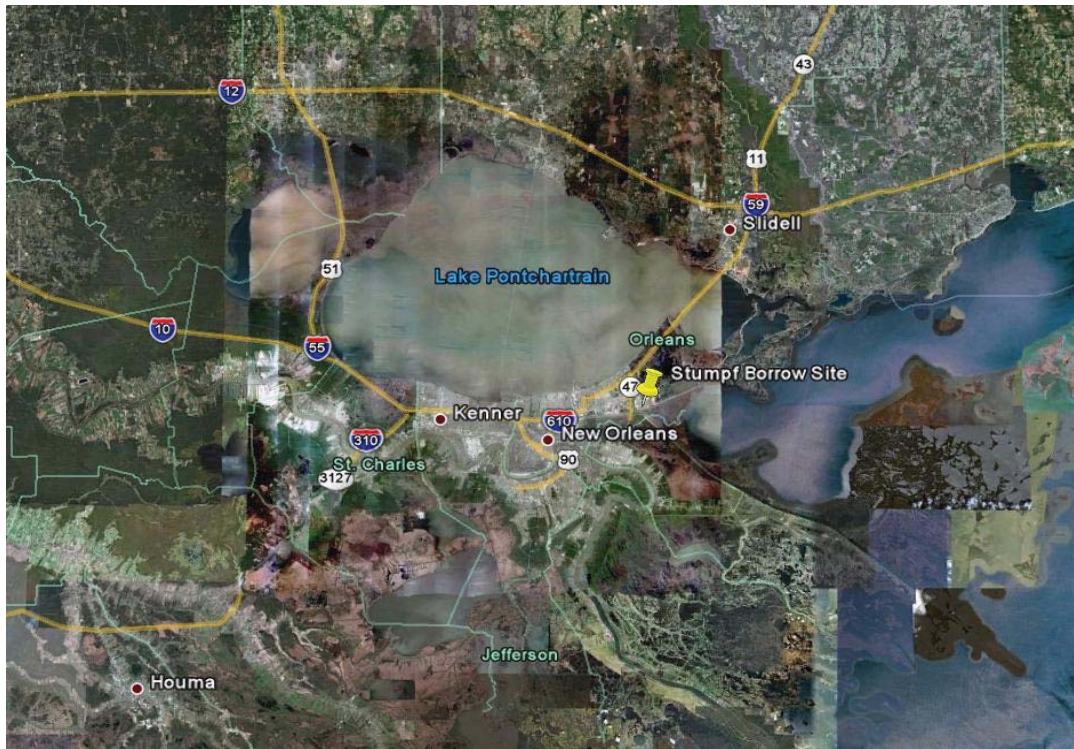


Figure 1. General vicinity map of the Stumpf site in Orleans Parish, Louisiana.

Four potential Government Furnished borrow areas were discussed by USACE in the Final IER # 25. The four borrow areas included the Stumpf site (Phase 1 and 2) in Orleans Parish, Louisiana, the Westbank D area in Jefferson Parish, Louisiana, the Westbank E site (Phase 1 and 2) in Jefferson Parish, Louisiana, and the Tac Carrere area in Plaquemines Parish, Louisiana. It was estimated that these borrow areas could provide approximately 9 million cubic yards of suitable material for levee and floodwall projects. It is estimated that approximately 75,000,000 cubic yards of suitable material are required to improve Federal and non-Federal levee and floodwall projects, as part of the HSDRRS Project.

This IERS # 25.a has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality's Regulations (40 CFR §1500-1508), as reflected in the USACE Engineering Regulation, ER 200-2-2. The execution of an IER, in lieu of a traditional Environmental Assessment (EA) or Environmental Impact Statement (EIS), is provided for in ER 200-2-2, Environmental Quality (33 CFR §230) Procedures for Implementing the NEPA and pursuant to the Council on Environmental Quality (CEQ) NEPA Implementation Regulations (40 CFR §1506.11). The Alternative Arrangements can be found at www.nolaenvironmental.gov, and are herein incorporated by reference.

The USACE implemented Alternative Arrangements on 13 March 2007, under the provisions of the Council on Environmental Quality Regulations for Implementing the NEPA (40 CFR §1506.11). This process was implemented in order to expeditiously complete environmental analysis for any changes to the authorized HSDRRS, formerly known as the Hurricane Protection System (HPS) authorized and funded by Congress and the Administration. The actions are located in southeastern Louisiana and are part of the Federal effort to rebuild and complete construction of the HSDRRS in the New Orleans Metropolitan Area as a result of Hurricanes Katrina and Rita in 2005.

1.1 PRIOR REPORTS

A number of studies and reports on water resources development in the proposed project area have been prepared by the USACE, other Federal, state, and local agencies, research institutes, and individuals, and are herein incorporated by reference. Pertinent studies, reports and projects not previously described in IER #25 are discussed below:

Lake Pontchartrain and Vicinity Hurricane Protection Project

- On 19 December 2011, the CEMVN Commander signed a Decision Record on IER #35 entitled, "Contractor-Furnished Borrow Material #8, Jefferson, Terrebonne, and St. John the Baptist Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with the actions taken by commercial contractors as a result of excavating borrow areas for use in construction of the HSDRRS.
- On 7 September 2011, the CEMVN Commander signed a Decision Record on IER #15.a entitled, "Lake Cataouatche Levee, Jefferson Parish, Louisiana." The document was prepared to evaluate the potential impacts associated with the relocating a 24-inch natural gas pipeline that currently crosses up and over a portion of the HSDRRS.
- On 6 July 2011, the CEMVN Commander signed a Decision Record on Individual Environmental Report Supplemental (IERS) #1b entitled "La Branch Wetlands Levee, LPV 04.2B Access Road and ditch Relocation, St. Charles Parish, Louisiana." The document evaluates the potential effects associated with constructing the actions approved in IER #11 Borgne, with the exception of the expanded size of the access channel due to erosion of the bankline.

- On 3 March 2011, the CEMVN Commander signed a Decision Record on Individual Environmental Report Supplemental (IERS) #11.c entitled “Improved Protection on the Inner Harbor Navigation Canal, Orleans and St. Bernard Parishes, Louisiana.” The document evaluates the potential effects associated with relocating portions of Fox Lane access road and the adjacent drainage ditch 10-15 feet to the west of its current location.
- On 29 November 2010, the CEMVN Commander signed a Decision Record on Individual Environmental Report Supplemental (IERS) #11.b entitled “Improved Protection on the Inner Harbor Navigation Canal, Orleans and St. Bernard Parishes, Louisiana.” The document evaluates the potential effects associated with restoring and reinforcing 4.6 miles of levees and floodwalls along the Inner Harbor Navigation Canal (IHNC) to meet current HSDRRS design guidelines for seepage and stability.
- On 10 October 2011, the CEMVN Commander signed a Decision Record on Individual Environmental Report Supplemental (IER) #27 entitled “Outfall Canal Remediation on the 17th Street, Orleans Avenue and London Avenue Canals, Jefferson and Orleans Parish, Louisiana.” The document evaluates the potential effects associated with remediation of floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana.
- On 3 May 2010, the CEMVN Commander signed a Decision Record on Individual Environmental Report Supplemental (IERS) #7 entitled “Lake Pontchartrain and Vicinity, New Orleans East Lakefront to Michoud Canal, Orleans Parish, Louisiana.” The document evaluates the potential effects associated with proposed project revisions to the original IER #7, including constructing a temporary bridge across Interstate 10 (I-10), expansion of construction easements for highway tie-ins on LPV 109 for I-10 and Highway 90, expansion of right of way (ROW) on LPV 111 and barge access locations, construction of a T-wall and raising/relocating USFWS pump stations.
- On 8 February 2010, the CEMVN Commander signed a Decision Record on IER #9 entitled “Lake Pontchartrain and Vicinity, Caernarvon Floodwall, St. Bernard Parish, Louisiana.” The document evaluates the potential effects associated with the replacement of two floodgates, approximately 1,500 feet (ft) of floodwall, and a levee tie-in at the southwestern terminus of the Chalmette Loop Levee.
- On 8 February 2010, the CEMVN Commander signed a Decision Record on IERS #6 entitled “Lake Pontchartrain and Vicinity, East Citrus Lakefront Levee, Orleans Parish, Louisiana.” The document evaluates the potential effects associated with the proposed project modifications to the original IER #6, including construction of new I-walls and a T-wall.
- On 18 December 2009, the CEMVN Commander signed a Decision Record on IERS #3.a entitled “Lake Pontchartrain and Vicinity, Jefferson East Bank, Jefferson Parish, Louisiana.” The document evaluates the potential effects associated with the proposed project revisions within the IER #3 project area such as the construction of wave attenuation berms and

foreshore along the Jefferson Parish lakefront and a T-wall, overpass bridge, and traffic detour lane bridge spans at the Lake Pontchartrain Causeway Bridge abutment.

- On 3 February 2009, the CEMVN Commander signed a Decision Record on IER #25 entitled “Government Furnished Borrow Material # 3, Orleans, Jefferson, and Plaquemines Parishes, Louisiana.” The document evaluates the potential effects associated with four potential borrow areas to be used under the Government Furnished borrow material program to supply levee building material to the CEMVN projects in the New Orleans Metropolitan Area.

1.2 PURPOSE AND NEED FOR THE ACTION TAKEN

The purpose of the unauthorized action was to place material that was produced in excess of what could be incorporated into the Lake Pontchartrain Vicinity (LPV) levee reach 111. The excess material, known as REM, was stockpiled on a 22.41-acre site which had not been considered for this purpose under the NEPA process. Impacts to the 22.41 acres associated with this action have occurred.

The completed HSDRRS would lower the risk of harm to citizens and damage to infrastructure during a storm event. The safety of people in the region is the highest priority of the CEMVN. The action taken resulted from the need to provide a total of over 31 million cubic yards of suitable clay for HSDRRS projects that include the completion and improvement of hurricane protection levees in southeastern Louisiana. Raising levee elevations and the completion of levees requires the excavation of material from borrow areas necessary for project construction to ensure authorized levels of flood protection for local communities.

2. DESCRIPTION OF ALTERNATIVES

Two alternatives are analyzed after the fact, the No Action alternative and the action-taken alternative.

No Action Alternative: Stumpf Borrow Site described in Final IER # 25

For the purposes of NEPA, the no-action alternative serves as the baseline against which impacts and benefits of the action alternatives are evaluated. However, the actions have already occurred and have incurred impacts. Therefore, the 7.93-acre area inside the Stumpf Site boundaries is being compared to the actions authorized in the Final IER # 25, although there is no guarantee that the authorized actions would have been completed. For the 14.48-acre area outside of the Stumpf Site boundaries indicated in the Final IER # 25, no action was authorized to take place; therefore, the vegetated area adjacent to Phase 1 would have remained a BLH area consisting mostly of the invasive Chinese Tallow. However, since the impacts have already occurred to this area the only potential solution to returning this site to previous conditions would be to conduct on-site restitution.

In Final IER # 25, boundaries for the Stumpf Site were set as seen in Figure 2 below. The Stumpf site is comprised of two areas (Phases 1 and 2) that are located on Industrial Parkway in

Orleans Parish. The size of the Phase 1 borrow area is 300 acres with two 3-acre access corridors. The Phase 2 borrow area is 515 acres with a 2-acre and .9-acre access corridor. The actions authorized in the Final IER # 25 consisted of the vegetative clearing and excavation of suitable borrow material from the approved areas for delivery to the LPV 109 and 111 sites to aid in the HSDRRS project.

Action Taken: Impacted Areas In and Adjacent to the Stumpf Site

The “after the fact” action is the placement of 105,000 cubic yards of recycled embankment material (REM) on a 7.93-acre portion of the Stumpf phase I area cleared in Final IER 25 and approximately 14.48 acres adjacent to the Stumpf Phase I site which had not been considered for this purpose under the NEPA process. Of the 22.41 acres utilized for the stockpiling of REM, 7.93 acres had been previously authorized under IER # 25 for the purposes of vegetative clearing and the excavation of suitable borrow material to be used in LPV levee reach 109 and LPV levee reach 111 sites (Figure 3).

Typically, the excess material would be hauled off-site to an authorized disposal area. However, due to budget and schedule constraints, the excess REM was stockpiled on this site and utilized for construction of access haul roads within the site. Construction of access haul roads was necessary due to the moist conditions in the stockpile area resulting from rainfall and the moisture content of the clay material being delivered. Once all of the excess REM was delivered



from the LPV levee reach 111, the stockpiled REM was used as fill material to return the impacted site to its previous grade of approximately +1 to +3 above natural ground.

Figure 2. The approved boundaries of the Stumpf borrow site are labeled and marked. The Stumpf Site is located in Orleans Parish, Louisiana.

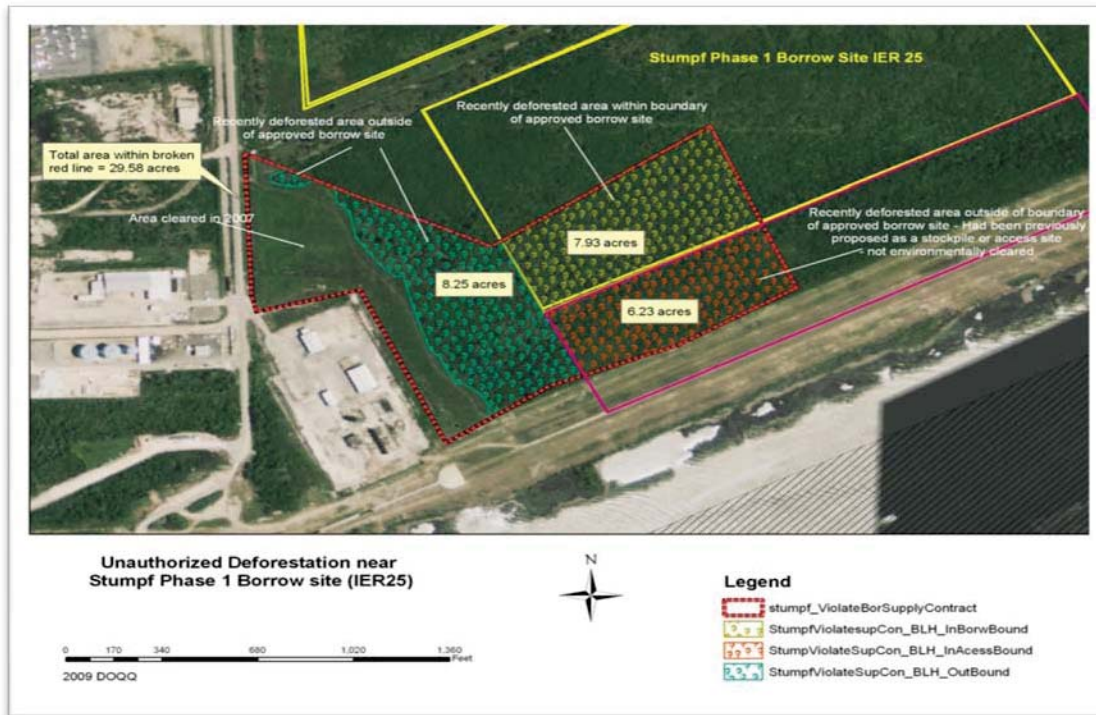


Figure 3. Unauthorized deforestation and stockpile of REM adjacent to and inside the Stumpf Borrow Site in Orleans Parish, Louisiana includes 14.48 acres shaded in red and green. The 7.93-acre area shaded in yellow was included in the Final IER # 25 for borrow excavation; however, it was not investigated for the purpose of the placement of REM.

REM is a term used for the return of excess soil cement to the ground surface during soil cement column installation. REM can be used for engineering applications such as road construction or levee fill. In the process of constructing soil cement columns through Deep Mixing Methods (DMM), Portland Type I/II cement and water are mixed into a slurry and injected into the soil using a multi-blade auger. The blades of the auger thoroughly mix the cement and soil to form a column having high strength and low permeability. Civil engineering applications include ground improvement for seepage cutoff walls, settlement reduction, axial load support, and embankment stability reinforcement, which was the application of DMM for LPV 111. Environmental engineering applications include stabilizing and fixing soil and groundwater contaminants to prevent leaching and cutoff walls to encapsulate landfills and superfund sites.

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 ENVIRONMENTAL SETTING

The Final IER # 25 contains a complete discussion of the Environmental Setting for the general project area (including the area adjacent to Phase 1) and is incorporated by reference into this document. As such, no discussion of environmental setting will be made in this document.

3.2 SIGNIFICANT RESOURCES

This section contains a list of the significant resources located in the vicinity of the unauthorized actions at Stumpf, and describes in detail those resources that would be impacted, directly or indirectly, by the alternatives. Direct impacts are those that are caused by the action taken and occur at the same time and place (40 CFR §1508.8(a)). Indirect impacts are those that are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable (40 CFR §1508.8(b)). Cumulative impacts are discussed in section 4.

The resources described in this section are those recognized as significant by laws, executive orders, regulations, and other standards of National, state, or regional agencies and organizations; technical or scientific agencies, groups, or individuals; and the general public. Further detail on the significance of each of these resources can be found by contacting the CEMVN, or on www.nolaenvironmental.gov, which offers information on the ecological and human value of these resources, as well as the laws and regulations governing each resource. Search for “Significant Resources Background Material” in the website’s digital library for additional information. Table 1 shows those significant resources found within the project area, and notes whether they would be impacted by the alternatives analyzed in this IERS.

Table 1: Significant Resources in Project Study Area

Significant Resource	Impacted	Not Impacted
Jurisdictional Wetlands		X*
Non-Jurisdictional Bottomland Hardwood Forest	X	
Prime and Unique Farmland		X*
Wildlife	X	
Threatened and Endangered Species		X*
Cultural Resources		X*
Recreational Resources		X*
Noise		X*
Air Quality		X*
Water Quality		X*
Aesthetics		X*
Socioeconomics		X*
Transportation		X*

* The action taken poses no additional impacts above those described in IER # 25 Government Furnished Borrow Material # 3; therefore these significant resources are not discussed in this document.

3.2.1 Non-Jurisdictional Bottomland Hardwood Forest

Existing Conditions

The project area is comprised of non-jurisdictional Bottomland Hardwood Forest (BLH) forests which are typically comprised of dominant species such as hackberry, pecan, American elm, live oak, water oak, green ash, bald cypress, black willow, box elder, and red maple. Some understory species include dewberry, elderberry, ragweed, Virginia creeper, and poison ivy. However, the BLH in the Stumpf site and the adjacent area has been invaded by Chinese Tallow trees. A variety of birds utilize these hardwoods for nesting, breeding, brooding, and as perches.

Hard mast (nuts) and soft mast (samaras, berries) provide a valuable nutritional food source for birds, mammals, and other wildlife species. Non-jurisdictional BLH forests lack one or more of the following criteria to be considered a Clean Water Act Section 404 jurisdictional wetland: hydrophytic vegetation, hydric soils, and/or wetland hydrology (USACE 1987). Manmade ditches, canals, and pumping stations are present at the Stumpf Phase 1 and 2 areas as they were historically wetlands. The area was later leveed, and a pumping station was added for drainage management. The sites converted to a scrub/shrub habitat over run with invasive Chinese tallow trees. The Stumpf Phase 1 area includes 300 acres of forested area, comprised mostly of 1-2 inch diameter at breast height (dbh) Chinese tallow trees. The Stumpf Phase 2 area includes 515 acres of forested area, comprised mostly of 1-2 inch dbh Chinese tallow trees. The impacted area adjacent to the west and south of the Stumpf Phase I area includes 14.48 acres of forested area comprised of 1-2 inch dbh Chinese tallow trees.

Discussion of Impacts

No Action

Direct, Indirect and Cumulative Impacts

Any impacts to the Stumpf site associated with the previously approved proposed action discussed in the Final IER # 25 are incorporated by reference into this document. These impacts included the possibility of vegetative clearing and excavation of suitable borrow material to be used in LPV levee reach 109 and LPV levee reach 111 sites (Figure 3). Impacts from the vegetative clearing and possible excavation include removal of the mostly 1-2 inch dbh Chinese tallow trees utilizing bulldozers and excavators. The area would be converted to ponds and small lakes if water is retained from the possible excavation, or by vegetation and woody plants if water is not retained. Invasion of Chinese tallow trees would be likely. All berms would be leveled to eliminate hydrologic impacts.

The No Action Alternative would have resulted in the 14.48-acre vegetated area adjacent to Phase 1 remaining a BLH area consisting mostly of the invasive Chinese tallow tree. However, since the impacts have already occurred to this area the only potential solution to returning this site to previous conditions would be to conduct on-site restitution.

Action Taken

Direct, Indirect and Cumulative Impacts

Impacts to Non-Jurisdictional Bottomland Hardwood Forest, totaling 22.41 acres, were incurred as a result of the unauthorized actions at the Stumpf Phase 1 area and the adjacent area to the west and south of the Phase 1 area (Figure 4). These impacts include the vegetative clearing and placement of REM on non-jurisdictional bottomland hardwood forest that had not been previously cleared under the NEPA process for this purpose. Of the 22.41 acres utilized for the stockpiling of REM, 7.93 acres had been authorized under IER # 25 for the purposes of the vegetative clearing and the excavation of suitable borrow material to be used in the LPV 109 and LPV 111 levee sections. Re-colonization of vegetation and woody plants would no longer occur within these areas due to the REM.



Figure 4. Aerial photograph showing vegetative clearing and placement of REM (outlined in red) on 22.41 acres of BLH in and around Stumpf Borrow Site as of 6 July 2011.

3.2.2 Wildlife

Existing Conditions

The project area contains a variety of mammals, birds, reptiles, and amphibians. Species inhabiting the area may include nutria, muskrat, raccoon, white-tailed deer, skunks, rabbits, squirrels, armadillos, and a variety of smaller mammals. Wood ducks and some migratory waterfowl may be present during winter.

Non-game wading birds, shore birds, and sea birds including egrets, ibis, herons, sandpipers, willets, black-necked stilts, gulls, terns, skimmers, grebes, loons, cormorants, and white and brown pelicans may also found in the project vicinity. Various raptors such as barred owls, red-shouldered hawks, northern harriers (marsh hawks), American kestrel, and red-tailed hawks may be present. Passerine birds in the areas include sparrows, vireos, warblers, mockingbirds, grackles, red-winged blackbirds, wrens, blue jays, cardinals, and crows. Many of these birds are present primarily during periods of spring and fall migrations. The areas may also provide habitat for salamanders, toads, frogs, turtles, and several species of poisonous and nonpoisonous snakes. The area currently provides suitable breeding habitat for various species of mosquitoes.

The bald eagle is a raptor that is found in various areas throughout the United States and Canada as well as throughout the study area. Bald eagles are Federally protected under the Bald Eagle Protection Act of 1940. The bald eagle feeds on fish, rabbits, waterfowl, seabirds, and carrion (Ehrlich et al. 1988). The main basis of the bald eagle diet is fish, but they will feed on other items such as birds and carrion depending upon availability of the various foods. Eagles require

roosting and nesting habitat, which in Louisiana consists of large trees in fairly open stands (Anthony et al. 1982). Bald eagles nest in Louisiana from October through mid-May. Eagles typically nest in bald cypress trees near fresh to intermediate marshes or open water in the southeastern parishes. No bald eagle nests have been observed in the project area.

Discussion of Impacts

No Action

Direct, Indirect and Cumulative Impacts

Any impacts to the Stumpf site associated with the approved proposed action discussed in the Final IER # 25 are incorporated by reference into this document. These impacts include the possibility of habitat reduction due to the vegetative clearing and possible excavation of suitable borrow material to be used in LPV levee reach 109 and LPV levee reach 111 sites (Figure 3). The area would be converted to ponds and small lakes if water is retained from the possible excavation, or by vegetation and woody plants if water is not retained. It is expected that either type of area would attract a variety of wildlife including birds, reptiles, amphibians, and small mammals. To date, vegetative clearing of the mostly 1-2 inch dbh Chinese tallow trees has been conducted, but no excavation within this area for borrow material has been conducted.

The No Action Alternative would result in the 14.48-acre vegetated area adjacent to Phase 1 remaining a BLH area consisting mostly of the invasive Chinese tallow tree. However, since the impacts have already occurred to this area the only potential solution to returning this site to previous conditions would be to conduct on-site restitution.

Action Taken

Direct, Indirect and Cumulative Impacts

Direct impacts from the permanent displacement of wildlife occurred when unauthorized clearing of a portion of the Stumpf Phase I site and the area adjacent to the Phase 1 site were used for the purpose of stockpiling and permanent placement of REM across the site to a maximum +3-foot base elevation. Re-colonization of vegetation and woody plants (likely Chinese tallow trees) would no longer occur within these areas due to the REM; thus, the associated wildlife would be permanently displaced.

Wildlife resources in the New Orleans Metropolitan Area are experiencing a cumulative loss due to a number of activities (e.g., residential and commercial development, wetland loss, borrow excavation, highway construction). Vegetative clearing and the stockpile of REM in the unauthorized borrow area contributed to this loss. Compensatory mitigation is discussed in Section 7 of this document.

3.3 SOCIOECONOMIC RESOURCES

The focus of this section is to evaluate the relative socioeconomic impacts of construction activities associated with the placement of REM from the previously described areas in the vicinity of the New Orleans Metropolitan Area.

The Final IER # 25 contains a discussion of the socioeconomic resources for the project area and is incorporated by reference into this document. Only those socioeconomic resources which were affected by the placement of REM will be discussed in this supplement.

3.3.1 Business and Industry, Property Values, Employment, Income, Local Tax Base, Population and Housing, and Public Facilities and Services

Existing Conditions

As discussed in final IER # 25, the specified median value of homes averaged approximately \$87,300 in Orleans Parish; no housing is present on or near the impacted area. Located in Orleans Parish within the New Orleans Metropolitan Area and within non-wetland areas, the proposed borrow areas have more property value than large tracts of adjacent wetlands. The areas indirectly, if not directly, contribute to the local tax base. There are some industrial structures on the Stumpf sites that were avoided during construction. These include a pumping station; an oil and gas pipeline, and are connected to an oil and gas facility. Additionally, there is a private industrial or commercial business on the site whose property includes a storage yard.

Discussion of Impacts

No Action

Under the No Action Alternative, the Government's approved action as discussed in IER # 25 would have been constructed. Consequently, direct, indirect, and cumulative impacts to population and housing would not differ from those previously described in IER #25.

Action Taken

Since the Stumpf Borrow area does have some existing industrial structures outside of any areas of impact, more industrial development may occur in the areas which have been cleared of all vegetation and covered with REM. The properties of REM, however, have not been investigated for the purposes of building any type of development. Therefore, the future use and conditions of the site are not clear. No impacts to population or housing are expected in the area as it is already partially developed for industrial purposes.

3.4 ENVIRONMENTAL JUSTICE

The Final IER # 25 contains a complete discussion of the impacts to environmental justice for the project area and is incorporated by reference into this document. As such, no discussion of environmental justice will be made in this document.

3.5 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

USACE is obligated under Engineer Regulation 1165-2-132 to assume responsibility for the reasonable identification and evaluation of all Hazardous, Toxic, and Radioactive Waste (HTRW) contamination within the vicinity of the unauthorized action. ER 1165-2-132 identifies the CEMVN HTRW policy to avoid the use of project funds for HTRW removal and remediation activities. Costs for necessary special handling or remediation of wastes (e.g.,

Resource Conservation and Recovery Act [RCRA] regulated), pollutants and other contaminants, which are not regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), will be treated as project costs if the requirement is the result of a validly promulgated Federal, State or local regulation.

An ASTM E 1527-05 Phase I ESA was completed for each proposed borrow area in IER # 25. The Phase I ESA documented the Recognized Environmental Conditions (REC) for the proposed project areas.

A copy of the Phase I ESA referenced below will be maintained on file at the CEMVN office, and is incorporated herein by reference. Copies of these reports are available by requesting them from the CEMVN, or accessing them at www.nolaenvironmental.gov.

HTRW Land Use Histories and Phase I HTRW ESAs have been completed for the proposed borrow areas:

- The Phase I ESA for Stumpf Phase 1 (incorporated herein by reference) was completed on 01 May 2008. The investigation revealed no Recognized Environmental Conditions (REC) and one historical REC.
- In May 2011, an update memorandum for the Stumpf site was produced by CEMVN in regards to HTRW. The site was visually inspected for the presence of pipes, containers, tanks or drums, ponds or lagoons, car bodies, tires, refrigerators, trash dumps, electrical equipment, oil drilling equipment, gas or oil wells, water sheens, discoloration of soils or vegetation, stressed soils with lack of vegetation, out-of-place dirt mounds or depressions in the landscape, evidence of fire, animal remains, unusual animal behavior, biota indicative of a disturbed environment, and odors indicative of poor water quality or chemical presence. None of these signs were observed. No Recognized Environmental Conditions (RECs) that would affect project personnel or the public were found. No further investigation of HTRW is recommended.

4. CUMULATIVE IMPACTS

NEPA requires a Federal agency to consider not only the direct and indirect impacts of a proposed action, but also the cumulative impacts of the action. A cumulative impact is defined as the “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 (40 CFR § 1508.7).”

Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. These actions include projects conducted by government agencies, businesses, or individuals that are within the spatial and temporal boundaries of the actions that are considered in this IERS.

In addition to this IERS, the CEMVN is preparing a draft Comprehensive Environmental Document (CED) that will describe all HSDRRS work completed and the work remaining to be constructed, including borrow sources for the system. The purpose of the draft CED will be to

document the work completed by the USACE on a system-wide scale. The draft CED will describe the integration of individual IERs into a systematic planning effort. Additionally, the draft CED will contain updated information for any IER that had incomplete or unavailable data at the time it was posted for public review. Overall cumulative impacts and future operations and maintenance requirements will also be included.

The discussion provided below describes an overview of Federal and non-Federal actions, projects, and occurrences that may contribute to the cumulative impacts previously discussed as it relates to matters of borrow source excavation. Projects that occur within the greater New Orleans area and southeastern Louisiana were considered collectively (as appropriate) for the evaluation of cumulative impacts. For a more in-depth discussion of cumulative impacts from structural HSDRRS projects (i.e., levee, floodwall, and pumping stations) please refer to IERs #1 through #17, and the CED.

Cumulative Impacts due to HSDRRS Projects

Borrow material has been obtained in the past by the CEMVN for HSDRRS and other projects in southeastern Louisiana and southwestern Mississippi. The CEMVN has been working at an accelerated schedule to rehabilitate and complete the HSDRRS system after Hurricanes Katrina and Rita, and has a goal of building the system to authorized levels. Over 31 million cubic yards of borrow material is estimated to be needed to complete authorized levels of protection for the HSDRRS and NOV projects. Borrow material will also be needed to perform levee lifts and maintenance for at least 50 years after construction is completed. The CEMVN is in the process of implementing construction projects to raise the hurricane protection levees associated with the LPV, WBV, and New Orleans to Venice (NOV) projects to authorized elevations. This includes modifications to risk reduction projects covered in IERs #1 through #17. Levee and floodwall improvements throughout the area would require substantial amounts of borrow material, and some of the borrow areas needed have been identified in this document to provide adequate material in proximity to proposed risk reduction projects. Other potential borrow areas were identified and approved for use in IER #18, IER #19, IER #22, IER #23, #25, IER #26, IER #28, IER #29, IER #30, IER #31 and IER #32. Depending on time, cost, and other factors, these and other potential borrow sources not yet identified may or may not be used for HSDRRS construction.

To date, there are over 60 borrow sites approved for construction of the HSDRRS in southeastern Louisiana and southwestern Mississippi (Figure 5). HSDRRS borrow activity would cumulatively impact the significant resources discussed in this IER in the project area. Currently unidentified borrow sources may also incrementally impact the significant resources discussed in this IERS in the project area.

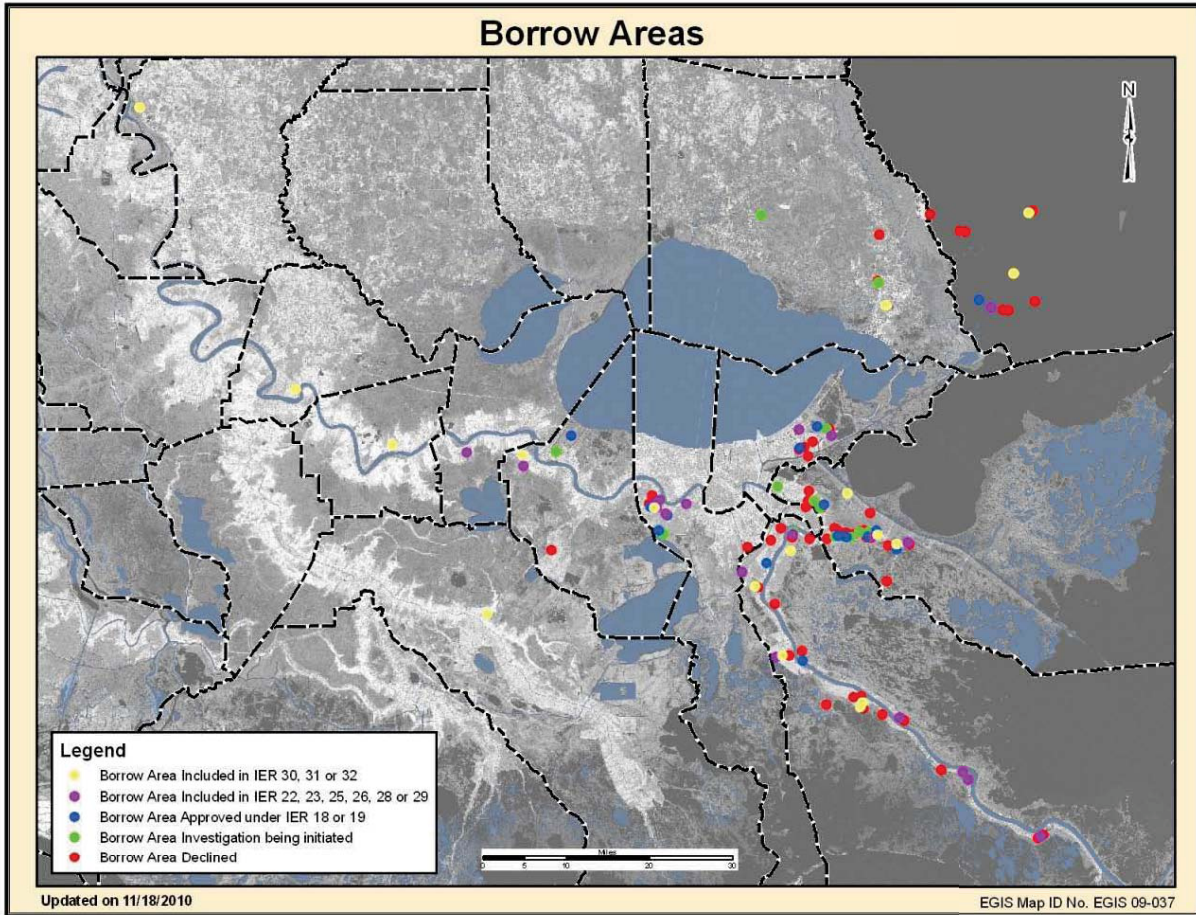


Figure 5. Potential HSDRRS Borrow Sources in the project area.

Summary of Cumulative Impacts

Various Federal, state, and local ongoing and proposed actions may increase the need for borrow excavation in the study area. The potential borrow areas approved for use in IER #18, IER #19, IER #22, IER #23, #25, IER #26, IER #28, IER #29, IER #30, IER #31 and IER #32, and proposed for use in this IER could cumulatively impact land use patterns and transportation resources in the project area. Use of these proposed borrow areas should not cumulatively impact jurisdictional wetlands, cultural resources, or T&E species and their critical habitat, as the CEMVN is currently avoiding impacts to these resources. The extent of potential cumulative impacts to other resources due to HSDRRS construction are not known at this time, and may be discussed in the CED.

The extent of land directly and indirectly affected by previous development activities, in combination with the excavation and use of the proposed borrow material for HSDRRS construction, would contribute cumulatively to land alteration and loss in the project area. Most of the proposed borrow areas described in IER #18, IER #19, IER #22, IER #23, #25, IER #26, IER #28, IER #29, IER #30, IER #31 and IER #32 are upland areas. Over 4,000 acres of non-jurisdictional BLH (including habitat described in IER #35), which provides habitat for a variety of wildlife, may be destroyed due to HSDRRS borrow activities.

After borrow area excavation, land may be converted to ponds and small lakes if not backfilled by the landowner. The landowner may be required to backfill per local ordinances in some areas. If the sites are not backfilled, the excavated sites would be unsuitable for farming, forestry, or urban development in the reasonably foreseeable future. Habitat would be changed to favor aquatic and semi-aquatic plant and animal species over the terrestrial ones that now occupy the areas. Borrow areas that do not retain water would be colonized by herbaceous vegetation and woody terrestrial plant species, which would favor terrestrial animal species. This would attract the same species that are currently found in the areas.

Based on historical human activities and land use trends in the project area, it is reasonable to anticipate that future activities would further contribute to cumulative degradation of land resources. It is anticipated that through the efforts taken to avoid and minimize effects on the project area and the mandatory implementation of a mitigation plan that functionally compensates unavoidable remaining impacts, the proposed contractor-furnished borrow areas would not result in substantial direct, secondary or cumulative adverse impact on the environment. The mitigation plan is discussed in Section 7.

Quantitative cumulative impacts to recreational resources, noise quality, air quality, water quality, and aesthetic resources are not fully known at this time, and will be discussed in the CED. Details on cumulative Environmental Justice (EJ) impacts will be analyzed at the conclusion of EJ small-group meetings and will be included in the CED.

5. SELECTION RATIONALE

The action consisted of placing REM on the Stumpf borrow area in the New Orleans Metropolitan Area; however, no impact to cultural resources or T&E species occurred. This report investigated the impacts of this action on the following resources: jurisdictional wetlands, BLH, wildlife, recreational resources, aesthetics, noise, air quality, prime and unique farmland, water quality, transportation, socioeconomics, and environmental justice.

6. COORDINATION AND CONSULTATION

6.1 PUBLIC INVOLVEMENT

The HSDRRS projects were publicly disclosed and described in the Federal Register on 13 March 2007 and on the website www.nolaenvironmental.gov. Scoping for HSDRRS projects was initiated on 12 March 2007, through placing advertisements and public notices in *USA Today* and *The New Orleans Times-Picayune*. Nine public scoping meetings were held throughout the New Orleans Metropolitan Area to explain the scope and process of the Alternative Arrangements for implementing NEPA between 27 March and 12 April 2007, after which a 30-day scoping period was open for public comment submission. Additionally, the CEMVN is hosting monthly public meetings to keep the stakeholders advised of project status. The draft IER was distributed for a 30-day public review and comment period on November 28, 2011 to December 28, 2011. Public input is provided in Appendix B. The CEMVN District Commander reviewed public and agency comments, and interagency correspondence. The

District Commander's decision on the proposed action is documented in the IER Decision Record.

Public meetings related to borrow started in July 2007, and will be continuing until the borrow quantities needed are fulfilled.

6.2 AGENCY COORDINATION

Preparation of this IERS has been coordinated with appropriate Congressional, Federal, state, and local interests, as well as environmental groups and other interested parties. Monthly meetings with resource agencies were also held concerning this and other proposed IER projects. The following agencies, as well as other interested parties, received copies of the draft IER:

- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of the Interior, National Park Service
- U.S. Environmental Protection Agency, Region VI
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Natural Resources Conservation Service
- Louisiana Advisory Council on Historic Preservation
- Governor's Executive Assistant for Coastal Activities
- Louisiana Department of Natural Resources, Coastal Management Division (LDNR)
- Louisiana Department of Natural Resources, Coastal Restoration Division
- Louisiana Department of Wildlife and Fisheries
- Louisiana Department of Environmental Quality
- Louisiana State Historic Preservation Officer

7. MITIGATION

The area described in this IERS was assessed by the USFWS and the CEMVN under NEPA, the Fish and Wildlife Coordination Act, and under Section 906 (b) WRDA 1986 requirements. It has been determined that the unauthorized action impacted 22.41 acres of non-jurisdictional BLH or 6.19 average annual habitat units (AAHU's). Compensatory mitigation for these impacts was completed by purchasing 12.2 acres of BLH from Paradis Mitigation Bank, located in St. Charles Parish, Louisiana, on 20 September 2011. These acreages were determined by USFWS with the information used to determine the amount of AAHU's that is necessary to compensate for unavoidable impacts within the original boundaries of the Stumpf Phase 1 Borrow site in IER #25.

8. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Environmental compliance for the proposed action was achieved through coordination of this IER with appropriate agencies, organizations, and individuals for their review and comments; USFWS and National Marine Fisheries Service confirmation that the proposed action would not adversely affect any T&E species or completion of Endangered Species Act Section 7 consultation; Louisiana Department of Natural Resources concurrence with the determination

that the proposed action is consistent, to the maximum extent practicable, with the LCRP; coordination with the Louisiana SHPO; and receipt and acceptance or resolution of all Fish and Wildlife Coordination Act recommendations.

Comments were received by Federal and state resource agencies during the public review period for draft IERS #25.a, and throughout the planning process.

Endangered Species Act. The Endangered Species Act (16 U.S.C. 1531-1543; P.L. 93-205, as amended) was enacted in 1973 to provide for the conservation of species that are in danger of extinction throughout all or a significant portion of their range. "Species" is defined by the Act to mean either a species, a subspecies, or, for vertebrates (*i.e.*, fish, reptiles, mammals, etc.) only, a distinct population. USFWS confirmed in April 2008 that the actions proposed in IER # 25 were not likely to adversely affect any federally listed T&E species or their critical habitat fulfilling obligations of Section 7 of the Endangered Species Act. Since that time, it has been determined by USACE that this confirmation continues to be valid for the unauthorized actions that occurred at the Stumpf borrow site. The USFWS accepted the USACE determination that no T&E species or their critical habitat would be adversely affected by the action in a letter dated 12 December 2011, and in the Final Coordination Act Report dated 2 January 2012.

Fish and Wildlife Coordination Act. The Fish and Wildlife Coordination Act (16 U.S.C. 661-666c; Act of March 10, 1934, as amended) requires that wildlife, including fish, receive equal consideration and be coordinated with other aspects of water resource development. This is accomplished by requiring consultation with the USFWS and NMFS whenever modifications are proposed to a body of water and a Federal permit or license is required. This consultation determines the possible harm to fish and wildlife resources, and the measures that are needed to both prevent the damage to and loss of these resources, and to develop and improve the resources, in connection with water resource development. NMFS submits comments and recommendations to Federal licensing and permitting agencies, and to Federal agencies conducting construction projects on the potential harm to living marine resources caused by proposed water development projects, and suggest recommendations to prevent harm. The USFWS provided the "Final Fish and Wildlife Coordination Act Report" for the Individual Environmental Reports (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 (USFWS, 2007). To fulfill the responsibilities of the Fish and Wildlife Coordination Act, the USFWS has provided a post-authorization final supplemental 2(b) report to the draft programmatic report. A draft project-specific Coordination Act Report was received from USFWS by letter dated 18 November 2011. A final report was received on 12 December 2011. The agency also recommended the purchase of 12.2 acres of bottomland hardwood forest mitigation as compensatory mitigation for the 22.41 acres of impacts to dry bottomland hardwood forest. USACE purchased the mitigation acreage from Paradis Mitigation Bank on September 20, 2011. All comments regarding USFWS trust resources have been resolved. The NMFS agreed with the CEMVN's determination that unauthorized did not affect essential fish habitat in a letter dated 6 December 2011.

National Environmental Policy Act. The National Environmental Policy Act (NEPA; 42 U.S.C. 4321-4347; Pub. L. 91-190, as amended) requires Federal agencies to analyze the

potential effects of a proposed Federal action that would significantly affect historical, cultural, or natural aspects of the environment. It specifically requires agencies to use a systematic, interdisciplinary approach in planning and decision-making, to insure that environmental values may be given appropriate consideration, and to provide detailed statements on the environmental impacts of proposed actions including: (1) any adverse impacts; (2) alternatives to the proposed action; and (3) the relationship between short-term uses and long-term productivity. The agencies use the results of this analysis in their decision-making. The preparation of this IER Supplemental is a part of compliance with NEPA.

National Historic Preservation Act. Congress established the most comprehensive national policy on historic preservation with the passage of the National Historic Preservation Act of 1966 (NHPA). In this Act, historic preservation was defined to include "the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, or culture." The Act led to the creation of the National Register of Historic Places, a file of cultural resources of national, regional, state, and local significance. The act also established the Advisory Council on Historic Preservation (the Council), an independent Federal agency responsible for administering the protective provisions of the act. The major provisions of the NHPA are Sections 106 and 110. Both sections aim to ensure that historic properties are appropriately considered in planning Federal initiatives and actions. Section 106 is a specific, issue-related mandate to which Federal agencies must adhere. It is a reactive mechanism that is driven by a Federal action. Section 110, in contrast, sets out broad Federal agency responsibilities with respect to historic properties. It is a proactive mechanism with emphasis on ongoing management of historic preservation sites and activities at Federal facilities. The original cultural survey for IER #25 included the entire impacted area described in this IERS. On 9 May 2008 a determination of no cultural resources was sent to Louisiana SHPO. Louisiana SHPO concurred with the USACE determination of no cultural resources within the impacted area in a letter dated 11 June 2008. No other Indian Tribes responded to our request for comments. Section 106 consultation for the proposed project is concluded.

Consistency with Coastal Zone Management (CZM) Program. The CEMVN has determined that modifications associated with the placement of REM on the site are consistent, to the maximum extent practicable, with the guidelines of the State of Louisiana's approved Coastal Zone Management Program. A CZM consistency determination modification was prepared and provided to the LDNR. Louisiana Department of Natural Resources modified the Louisiana Coastal Resource Program (LCRP) Permit # C20080076 on 26 August 2011 to include the unauthorized area with the determination that the action is consistent, to the maximum extent practicable, with the LCRP. The consistency letter of concurrence from the LDNR completes the consistency requirements.

9. CONCLUSIONS

9.1 FINAL DECISION

The unauthorized action consisted of the vegetative clearing and placement of REM in areas that were not environmentally cleared for those purposes in IER #25. The area is located in non-

jurisdictional BLH forest that would have no significant effect on cultural resources or threatened and endangered species or their critical habitat. This office has assessed the environmental impacts of the unauthorized action upon jurisdictional wetlands, non-jurisdictional bottomland hardwood forest, wildlife, recreational resources, aesthetics, noise, air quality, prime and unique farmland, water quality, and environmental and socioeconomic resources. Compensatory mitigation for this site has been completed as the 12.2 acres of bottomland hardwood forest recommended by USFWS were purchased from Paradis Mitigation Bank on 20 September 2011.

9.2 PREPARED BY

IERS # 25.a was prepared by Andrea Carpenter, Regional Planning and Environmental Division South, Upper Delta Environmental Compliance Section. The address of the preparers is: U.S. Army Corps of Engineers, Memphis District; Environmental Compliance Rm. B-202, 167 North Main St., Memphis, TN 38103.

Andrea Carpenter	Fish and Wildlife Biologist	NEPA compliance, document preparation
Mike Thron	Fish and Wildlife Biologist	NEPA compliance, document preparation
Thomas Keevin, Ph.D.	Chief, Environmental Compliance Branch, St. Louis District, USACE	Agency technical review
Paul Hughbanks, Ph.D.	Archaeologist	Cultural Resources
Sandra Stiles	Chief, Coastal Environmental Planning Section	Environmental Team Lead
Danielle Tommaso	Environmental Manager	NEPA compliance, document preparation
Laura Lee Wilkinson	Biologist	NEPA compliance, document preparation
Christopher Brown, Ph.D.	Botanist	HTRW
Robert Learned	Economist	Socioeconomic Resources, Environmental Justice

APPENDIX A: LIST OF ACRONYMS AND DEFINITIONS OF COMMON TERMS

APE: Areas of potential effect
ASTM: American Society of Testing and Materials
BLH: Bottomland Hardwood (Forest)
BMP: Best Management Practices
CAR: Coordination Act Report
CED: Comprehensive Environmental Document
CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act
CEQ: Council on Environmental Quality
Clay Classifications
 CH: Fat clay
 CL: lean clay
 ML: Silt
CO: Carbon monoxide
EA: Environmental Assessment
EIS: Environmental Impact Statement
ESA: Environmental Site Assessment
ESRI: Environmental Systems Research Institute
FONSI: Finding of No Significant Impact
HSDRRS: Hurricane and Storm Damage Reduction System (aka, Hurricane Protection System)
HPS: See HSDRRS
HTRW: Hazardous, Toxic, and Radioactive Waste
IER: Individual Environmental Report
IHNC: Inner Harbor Navigation Canal
IPET: Interagency Performance Evaluation Team
LCRP: Louisiana Coastal Resource Program
LDEQ: Louisiana Department of Environmental Quality
LDNR: Louisiana Department of Natural Resources
LDWF: Louisiana Department of Wildlife and Fisheries
LOS: Level of service
LPV: Lake Pontchartrain and Vicinity Hurricane Protection Project
MSA: Metropolitan Statistical Area
NAAQS: National Ambient Air Quality Standards
NEPA: National Environmental Policy Act
NO_x: Nitrogen oxides
NOV: New Orleans to Venice Hurricane Protection Project
NPDES: National Pollutant Discharge Elimination System
O₃: ozone
PDT: Project Delivery Team
PI: Plasticity index
PL: Public Law
PM: Particulate matter
P.L.: Public law
RCRA: Resource Conservation and Recovery Act
REC: Recognized environmental condition
ROD: Record of Decision
Section 404 (of the Clean Water Act): The Section 404 program for the evaluation of permits for the discharge of dredged or fill material was originally enacted as part of the Federal Water Pollution Amendments of 1972. The Secretary of Army acting through the Chief

of Engineers may issue permits, after notice and opportunity for public hearings for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

SHPO: State Historic Preservation Officer

SIR: Supplemental Information Report

SPH: Standard Project Hurricane

SO_x: Sulfur oxides

T&E: Threatened or Endangered Species

UNOP: Unified New Orleans Plan

USACE: U.S. Army Corps of Engineers

CEMVN: Mississippi Valley Division, New Orleans District

CEMVK: Mississippi Valley Division, Vicksburg District

USDA: U.S. Department of Agriculture

NRCS: Natural Resources Conservation Service

USFWS: U.S. Fish and Wildlife Service

VOC: Volatile organic compound

WBV: West Bank and Vicinity Hurricane Protection Project

WRDA: Water Resources Development Acts

APPENDIX B: PUBLIC COMMENTS AND RESPONSES

No public comments were received during the 30-day comment period (28 November 2011-28 December 2011).
The following citizens requested and were provided with a hard copy of IERS #25.a:

Alan Gibson
Lelia Eames
Stephen Terry
Benny Cashio
Glen Smith
Brent Morris

APPENDIX C: MEMBERS OF INTERAGENCY ENVIRONMENTAL TEAM

Kyle Balkum	Louisiana Dept. of Wildlife and Fisheries
Catherine Breaux	U.S. Fish and Wildlife Service
Mike Carloss	Louisiana Dept. of Wildlife and Fisheries
David Castellanos	U.S. Fish and Wildlife Service
Frank Cole	Louisiana Department of Natural Resources
Greg Ducote	Louisiana Department of Natural Resources
John Ettinger	U.S. Environmental Protection Agency
David Felder	U.S. Fish and Wildlife Service
Michelle Fischer	U.S. Geologic Survey
Deborah Fuller	U.S. Fish and Wildlife Service
Mandy Green	Louisiana Department of Natural Resources
Jeffrey Harris	Louisiana Department of Natural Resources
Richard Hartman	NOAA National Marine Fisheries Service
Brian Heimann	Louisiana Dept. of Wildlife and Fisheries
Jeffrey Hill	NOAA National Marine Fisheries Service
Christina Hunnicutt	U.S. Geologic Survey
Barbara Keeler	U.S. Environmental Protection Agency
Kirk Kilgen	Louisiana Department of Natural Resources
Tim Killeen	Louisiana Department of Natural Resources
Brian Lezina	Louisiana Dept. of Wildlife and Fisheries
Brian Marks	Louisiana Dept. of Wildlife and Fisheries
Ismail Merhi	Louisiana Department of Natural Resources
David Muth	U.S. National Park Service
Clint Padgett	U.S. Geologic Survey
Jamie Phillippe	Louisiana Dept. of Environmental Quality
Kevin Roy	U.S. Fish and Wildlife Service
Manuel Ruiz	Louisiana Dept. of Wildlife and Fisheries
Renee Sanders	Louisiana Dept. of Wildlife and Fisheries
Angela Trahan	U.S. Fish and Wildlife Service
Nancy Walters	U.S. Fish and Wildlife Service
David Walther	U.S. Fish and Wildlife Service
Patrick Williams	NOAA National Marine Fisheries Service

(*includes members of Interagency Environmental Team from IER # 25)

APPENDIX D: INTERAGENCY CORRESPONDENCE

Interagency correspondences are arranged in the following order in this appendix:

26 August 2011-Louisiana Department of Natural Resources, Office of Coastal Management;
Coastal Zone Consistency Modification #C20080076

6 December 2011-National Marine Fisheries Service; *Comment letter concurring that the site is not located in an area classified as essential fish habitat or supportive of marine fishery resources.*

18 November 2011-USFWS; *Draft Coordination Report (CAR)*

12 December 2011-USFWS; *Comment letter*

3 January 2012-USFWS; *Final CAR*

BOBBY JINDAL
GOVERNOR



SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

August 26, 2011

Andrea Carpenter
Fish and Wildlife Biologist
U. S. Army Corps of Engineers, Memphis District
167 N. Main St., Room B-202
Memphis, TN 38103

RE: **C20080076**, Coastal Zone Consistency modification
U. S. Army Corps of Engineers, Memphis District
Direct Federal Action
IER 25: After-the-fact authorization for clearing and stockpiling levee material at the
Stump Borrow Area Phase 1, **Orleans Parish, Louisiana**

Dear Ms Carpenter:

The above referenced project modification has been reviewed for consistency with the approved Louisiana Coastal Resource Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. The modification, as proposed in the application, is consistent with the LCRP. If you have any questions concerning this determination please contact Jeff Harris of the Consistency Section at (225) 342-7949.

Sincerely yours,

A handwritten signature in cursive script that reads "Keith Lovell".

Keith Lovell
Administrator
Interagency Affairs/Field Services Division

KOL/jdh

cc: Joan Exnicios, COE-NOD
Dave Butler, LDWF

Post Office Box 44487 • Baton Rouge, Louisiana 70804-4487
617 North Third Street • 10th Floor • Suite 1078 • Baton Rouge, Louisiana 70802

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

December 6, 2011 F/SER46/LA:jk
225/389-0508

Ms. Andrea Carpenter
U.S. Army Corps of Engineers
167 N. Main Street
Memphis, Tennessee 38103-1894

Dear Ms Carpenter:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the draft Individual Environmental Report (IER) #25.a titled "Government Furnished Borrow Material #3, Orleans Parish, Louisiana." The draft IER evaluates the potential impacts associated with the after-the-fact excavation of a government furnished borrow area used to provide fill material for construction of the Hurricane and Storm Damage Risk Reduction System in the vicinity of New Orleans, Louisiana.

NMFS has reviewed the draft IER and agrees that the borrow site is not located in an area classified as essential fish habitat or supportive of marine fishery resources. As such, we have no comments to provide on the draft IER.

We appreciate the opportunity to review and comment on the draft IER.

Sincerely,

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

c:
NOD, Exnicios
FWS, Lafayette, Walther
EPA, Dallas, Ettinger
LA DNR, Consistency, Ducote
F/SER46, Swafford
F/SER4, Rolfes
File





United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506



November 18, 2011

Colonel Edward R. Fleming
District Commander
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Fleming:

Please reference the Draft Individual Environmental Report Supplement, Government Furnished Borrow Material #3, Orleans Parish, Louisiana (IERS #25). That report addresses the impacts associated with the vegetative clearing and placement of excess recycled embankment material (REM) in and adjacent to the Stumpf borrow site in Orleans Parish, Louisiana, that was not addressed in IER #25. IERS #25 supplements IER #25, which addressed impacts that would result from the excavation of government-furnished borrow sites. Excavated material would be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. Work associated with that IER is being conducted in response to Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4). That law authorized the U.S. Army Corps of Engineers (Corps) to upgrade two existing hurricane protection projects (i.e., Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity) in the Greater New Orleans area to provide protection against a 100-year hurricane event. This draft supplemental report contains an analysis of the impacts on fish and wildlife resources that resulted from unauthorized clearing and material deposit and provides recommendations to mitigate project impacts on those resources.

The Supplemental 4 authorization of the proposed project directed the Corps to proceed with engineering, design, and modification (and construction where necessary) of the hurricane protection projects. Procedurally, project construction has been authorized in the absence of the report of the Secretary of the Interior that is required by Section 2(b) of the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). In this case, the authorization process has prevented our agencies from following the normal procedures for fully complying with the FWCA. The FWCA requires that our Section 2(b) report be made an integral part of any report supporting further project authorization or administrative approval. Therefore, to fulfill the coordination and reporting requirements of the FWCA, the U.S. Fish and Wildlife Service (Service) will be providing post-authorization 2(b) reports for individual IERs.

This report incorporates and supplements our FWCA reports that addressed impacts and mitigation features for the Westbank and Vicinity of New Orleans (dated November 10, 1986, August 22, 1994, November 15, 1996, and June 20, 2005) and the Lake Pontchartrain and Vicinity Hurricane (dated July 25, 1984, and January 17, 1992) Protection projects. This report does not constitute the report of the

Secretary of the Interior as required by Section 2(b) of the FWCA. This report was concurrently provided to the Louisiana Department of Wildlife and Fisheries and the National Marine Fisheries Service, and their comments, if any, will be incorporated the final report.

A complete description of the study area, fish and wildlife resources, project description and impacts, and the Service's recommendations can be found in our November 15, 2010, Final FWCA report. This supplemental report addresses only those impacts due to the unauthorized actions that occurred during work on the Hurricane and Storm Damage and Risk Reduction System (HSDRRS).

The "after the fact" and unauthorized proposed action is the placement of 105,000 cubic yards of REM in and around the Stumpf Phase I borrow site. Typically, the excess material would be hauled off-site to an authorized disposal area. However, due to the Corps' budget and schedule constraints, the excess REM was stockpiled on this site and used as fill material to return the impacted site to its previous grade. Of the 22.41 acres utilized for the stockpiling of REM, 7.93 acres had been previously authorized under IER # 25 only for the purposes of vegetative clearing and the excavation of borrow material to be used in LPV levee reach 109 and 111. Placement of REM there and on the remaining 14.48 acres adjacent to the Stumpf Phase I site, which had never been addressed under the National Environmental Policy Act (NEPA) process for either borrow excavation or placement of REM, was undertaken by the a Corps contractor and was not part of any previous government proposed action.

The Corps and the Service determined that 22.41 acres of non-wet bottomland hardwood (BLH) forest were impacted. Using the same habitat analysis that was used for the Stumpf Phase I borrow site, the Service determined that those impacts resulted in a loss of 6.19 Average Annual Habitat Units (AAHU). The Corps, in order to ensure and expedite mitigation for the unauthorized clearing and REM placement, decided to provide compensatory mitigation for these impacts by purchasing 12.2 acres in BLH mitigation credits from Paradis Mitigation Bank on September, 20, 2011. Therefore, mitigation from these impacts will not be included in the combined mitigation IER for the HSDRRS impacts.

If you or your staff has any questions concerning this report, please contact David Castellanos (337/291-3112).

Sincerely,



David Walther
Acting Field Supervisor
Louisiana Ecological Services Office

cc: USACE, Memphis District, TN (Attn: Ms. Andrea Carpenter)
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD/CRD), Baton Rouge, LA



United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506
December 12, 2011



Colonel Edward R. Fleming
District Commander
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Fleming:

The U.S. Fish and Wildlife Service (Service) has reviewed the November 28, 2011, Draft Individual Environmental Report Supplemental #25.a (IERS #25.a), titled, "Draft Individual Environmental Report, Government Furnished Borrow Material #3, Orleans Parish, Louisiana" transmitted to our office via a letter from Ms. Joan M. Exnicios. That report addresses the impacts associated with the vegetative clearing and placement of excess recycled embankment material (REM) in and adjacent to the Stumpf borrow site in Orleans Parish, Louisiana, that was not addressed in IER #25. IERS #25.a supplements IER #25, which addressed impacts that would result from the excavation of government-furnished borrow sites. Excavated material would be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. The Service submits the following comments in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321- 4347).

The IERS is well-written and provides a good description of fish and wildlife resources in the project area and project impacts on those resources. Bottomland hardwood (BLH) forest in the project area provides habitat for Federal trust species such as neotropical migrants.

The U.S. Army Corps of Engineers (Corps) and the Service determined that 22.41 acres of non-wet bottomland hardwood (BLH) forest were impacted, resulting in a loss of 6.19 Average Annual Habitat Units (AAHU). The Corps, in order to ensure and expedite mitigation for the unauthorized clearing and REM placement, decided to provide compensatory mitigation for these impacts by purchasing 12.2 acres in BLH mitigation credits from Paradis Mitigation Bank on September, 20, 2011. Therefore, mitigation from these impacts will not be included in the combined mitigation IER for the HSDRRS impacts. The Service is satisfied with the compensatory mitigation secured for the impacts incurred.

Thank you for the opportunity to provide comments on the draft IERS. If you or your staff has any questions regarding our comments, please contact David Castellanos (337/ 291-3112) of this office.

Sincerely,

David Walther
Acting Field Supervisor
Louisiana Ecological Services Office

cc: USACE, Memphis District, LA (Attn: Ms. Andrea Carpenter)
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD), Baton Rouge, LA
OCPR, Baton Rouge, LA



United States Department of the Interior



FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

January 3, 2012

Colonel Edward R. Fleming
District Commander
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Fleming:

Please reference the Draft Individual Environmental Report Supplement, Government Furnished Borrow Material #3, Orleans Parish, Louisiana (IERS #25). That report addresses the impacts associated with the vegetative clearing and placement of excess recycled embankment material (REM) in and adjacent to the Stumpf borrow site in Orleans Parish, Louisiana, that was not addressed in IER #25. IERS #25 supplements IER #25, which addressed impacts that would result from the excavation of government-furnished borrow sites. Excavated material would be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. Work associated with that IER is being conducted in response to Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4). That law authorized the U.S. Army Corps of Engineers (Corps) to upgrade two existing hurricane protection projects (i.e., Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity) in the Greater New Orleans area to provide protection against a 100-year hurricane event. This supplemental report contains an analysis of the impacts on fish and wildlife resources that resulted from unauthorized clearing and material deposit and provides recommendations to mitigate project impacts on those resources.

The Supplemental 4 authorization of the proposed project directed the Corps to proceed with engineering, design, and modification (and construction where necessary) of the hurricane protection projects. Procedurally, project construction has been authorized in the absence of the report of the Secretary of the Interior that is required by Section 2(b) of the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). In this case, the authorization process has prevented our agencies from following the normal procedures for fully complying with the FWCA. The FWCA requires that our Section 2(b) report be made an integral part of any report supporting further project authorization or administrative approval. Therefore, to fulfill the coordination and reporting requirements of the FWCA, the U.S. Fish and Wildlife Service (Service) will be providing post-authorization 2(b) reports for individual IERs.

This report incorporates and supplements our FWCA reports that addressed impacts and mitigation features for the Westbank and Vicinity of New Orleans (dated November 10, 1986, August 22, 1994, November 15, 1996, and June 20, 2005) and the Lake Pontchartrain and Vicinity Hurricane (dated July 25, 1984, and January 17, 1992) Protection projects. This report constitutes the report of the Secretary

of the Interior as required by Section 2(b) of the FWCA. A draft of this report was provided to the Louisiana Department of Wildlife and Fisheries and the National Marine Fisheries Service.

A complete description of the study area, fish and wildlife resources, project description and impacts, and the Service's recommendations can be found in our November 15, 2010, Final FWCA report for IER #25. This supplemental report addresses only those impacts due to the unauthorized actions that occurred during work on the Hurricane and Storm Damage and Risk Reduction System (HSDRRS).

The "after the fact" and unauthorized proposed action is the placement of 105,000 cubic yards of REM in and around the Stumpf Phase I borrow site. Typically, the excess material would be hauled off-site to an authorized disposal area. However, due to the Corps' budget and schedule constraints, the excess REM was stockpiled on this site and used as fill material to return the impacted site to its previous grade. Of the 22.41 acres utilized for the stockpiling of REM, 7.93 acres had been previously authorized under IER # 25 only for the purposes of vegetative clearing and the excavation of borrow material to be used in LPV levee reach 109 and 111. Placement of REM there and on the remaining 14.48 acres adjacent to the Stumpf Phase I site, which had never been addressed under the National Environmental Policy Act (NEPA) process for either borrow excavation or placement of REM, was undertaken by the a Corps contractor and was not part of any previous government proposed action.

The Corps and the Service determined that 22.41 acres of non-wet bottomland hardwood (BLH) forest were impacted. Using the same habitat analysis that was used for the Stumpf Phase I borrow site (IER #25), the Service determined that those impacts resulted in a loss of 6.19 Average Annual Habitat Units (AAHU). The Corps, in order to ensure and expedite mitigation for the unauthorized clearing and REM placement, decided to provide compensatory mitigation for these impacts by purchasing 12.2 acres in BLH mitigation credits from Paradis Mitigation Bank on September, 20, 2011. Therefore, mitigation from these impacts will not be included in the combined mitigation IER for the HSDRRS impacts.

If you or your staff has any questions concerning this report, please contact David Castellanos (337/291-3112).

Sincerely,



Brad Rieck
Acting Field Supervisor
Louisiana Ecological Services Office

cc: USACE, Memphis District, TN (Attn: Ms. Andrea Carpenter)
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD/CRD), Baton Rouge, LA

APPENDIX E: CEMVN BORROW AREA INDEX MAP

The most up to date version of borrow maps can be found at www.nolaenvironmental.gov.

