



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
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Regional Planning and
Environmental Division, South
Environmental Planning Branch

Decision Record

Individual Environmental Supplemental Report #25.a
Government Furnished Borrow Material #3
Orleans Parish, Louisiana

IERS #25.a

Description of Proposed Action. The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN) evaluated impacts to areas in and adjacent to the Stumpf borrow site in Orleans Parish, Louisiana. 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 National Environmental Policy Act (NEPA) process. Of the total 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 for Hurricane Storm Damage Risk Reduction (HSDRRS) in Lake Pontchartrain and Vicinity (LPV) levee reach 109 and LPV levee reach 111.

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 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.

On 28 November 2011, the Draft Individual Environmental Supplemental Report #25.a (IERS #25.a) and public notice were distributed for agency and public review and comment. CEMVN received written comments from four governmental agencies (see Appendix D of the Final IER). A series of public meetings discussing proposed HSDRRS projects, including proposed borrow areas, have been held since March 2007.

Factors Considered in Determination. The CEMVN has assessed the impacts of the action on significant resources in the project areas including: jurisdictional wetlands (no impacts), non-jurisdictional bottomland hardwood forest (BLH) (22.41 acres of impacts), upland resources (no impacts), farmland (no impacts), fisheries (no impacts), wildlife (impacts related to habitat reduction and vegetative clearing of 22.41 acres of non-jurisdictional bottomland hardwood forest), threatened and endangered species (no impacts), cultural resources (no impacts), recreational resources (no impacts), noise quality (no permanent impacts), air quality (no permanent impacts), water quality (no impacts), transportation (no permanent impacts), aesthetics (no impacts), environmental justice (no impacts), and socioeconomic resources.

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 utilizing the Wetland Value Assessment Model to determine the amount of AAHU's necessary to compensate for unavoidable impacts within the original boundaries of the Stumpf Phase 1 Borrow site in IER #25.

Environmental Design Commitments. No environmental design commitments were recommended by USFWS, NMFS, LDNR, other agencies, or the public.

Agency & Public Involvement. Governmental agencies, non-governmental organizations, and citizens were engaged throughout the preparation of IERS #25.a. Agency staff from the USFWS, National Marine Fisheries Service (NMFS), U.S. Environmental Protection Agency, U.S. Geologic Survey, National Park Service, Louisiana Department of Environmental Quality (LDEQ), Louisiana Department of Natural Resources (LDNR), and Louisiana Department of Wildlife and Fisheries (LDWF) are part of an interagency team that has and will continue to provide input throughout the HSDRRS planning process (Appendix C).

The USFWS Final Coordination Act Report (CAR) accepted USACE determinations and completed compensatory mitigation in the letters dated 18 November 2011, 12 December 2011, and 3 January 2012. The State of Louisiana Department of Natural Resources Office of Coastal Management determined that the action was consistent with LCRP and modified Permit #C20080076 to reflect this action in a letter dated 26 August 2011. Also, the NMFS agreed that no impacts to essential fish habitat or marine fisheries were incurred during the action.

There have been over 150 public meetings since March 2007 about proposed HSDRRS work. Borrow issues have been discussed at most meetings, and a "borrow handout" has been available at all meetings since July 2007. The CEMVN sends out public notices in local newspapers, news releases, and mail notifications to stakeholders for each public meeting. In addition, the website www.nolaenvironmental.gov provides information to the public regarding proposed HSDRRS work, including borrow sites. The CEMVN also maintains a list of interested stakeholders who are notified by e-mail of the meetings. Public meetings will continue throughout the planning process.

Written comments from governmental agencies were received during the public review period for draft IERS #25.a. There were no comments received from the general public, however 6 individuals requested and were provided hard copies of the document for their review (Appendix B).

Comments Received:

1. Agency Comments

1. USFWS draft CAR dated 18 November 2011
2. NMFS comment letter dated 6 December 2011
3. USFWS comment letter dated 12 December 2011
4. USFWS Final Coordination Act Report dated 3 January 2012

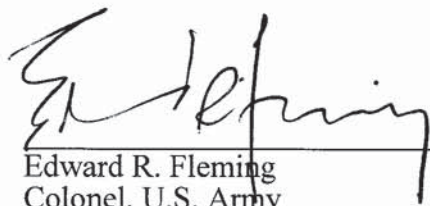
Decision. The CEMVN Environmental Planning Branch has assessed the potential impacts to the human and natural environment due to the after-the-fact action and has reviewed the comments received during the public review period for the draft IERS. The areas of impact do not contain any jurisdictional wetlands. The compensatory mitigation for impacts to non-jurisdictional BLH was completed by USACE on 20 September 2011.

The CEMVN will prepare a Cumulative Environmental Document (CED) that may contain additional information after the execution of final IERS #25.a. The CED will provide a mitigation plan, a comprehensive cumulative impacts analysis, and any additional information that addresses outstanding data gaps in the IERS. The CED will be released at a later date.

I have reviewed IER #25.a, 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 as 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 approve the after-the-fact as described in this document.

13 January 2012
Date



Edward R. Fleming
Colonel, U.S. Army
District Commander