

17 February 2009

CEMVN-PM-R (1165-2-26a)

17 February 2009

MEMORANDUM FOR Commander, New Orleans District

SUBJECT: Decision Record for Individual Environmental Report #12, "Gulf Intracoastal Waterway, Harvey, and Algiers Levees and Floodwalls in Jefferson, Orleans, and Plaquemines Parishes, Louisiana"

1. A Decision Record (DR) for the subject proposed action is enclosed for your review and approval.
2. On 5 January 2009, draft Individual Environmental Report #12 (IER #12) and a 404(b)(1) public notice for the subject project were distributed to the public, and comments were solicited. Additionally, a joint USACE/EPA public hearing was held on 11 February 2009, in which verbal and written comments were accepted. The public comment period for IER #12 ended at midnight 11 February 09. Appendix B of the final IER #12 contains the agency and public comments received during the public review period for the 404(b)(1) public notice and IER #12 (Appendix B). As per the SOP, CEMVN will prepare written responses to the comments received and will send them out as soon as possible.
3. Five members of the public requested an extension to the IER 12 comment period on 11 February 09 during the public hearing. Attached is a copy of PM-R memo, documenting our recommendation that the comment period not be extended.
4. USFWS sent a draft programmatic Coordination Act Report (CAR) on 26 November 2008 (IER #12, Appendix D). The CAR addresses impacts and mitigation in the proposed project area. In a letter dated 24 December 2008, USFWS stated the mitigation needs for the proposed action (Appendix D). In memos listed in section 6.2, USFWS concurs with CEMVN's determination that the proposed project is not likely to adversely affect threatened or endangered species or their habitat. USFWS provided a final CAR on 18 February 2009 with no new recommendations (IER #12, Appendix D)

In a letter dated 29 January 2009, National Marine Fisheries Service, Habitat Conservation Division stated that the subject project is not located within an area classified as Essential Fish Habitat, and thus did not object to the proposed project (IER #12 Appendix B)

In a letter dated 26 January 2009, the Louisiana Department of Wildlife and Fisheries stated that during planning and construction efforts should be made to reduce wetland impacts, impounding wetlands should be avoided, and that the CEMVN should provide mitigation for wetland impacts. LDWF also requested ongoing consultation regarding the Bayou aux Carpes augmentations and features (IER #12 Appendix B)

In a memo, dated 1 August 2008 listed in section 6.2, the Louisiana State Historic Preservation Officer concurs with CEMVN's determination that the proposed project is not likely to adversely affect cultural resources in the proposed project areas (IER #12 Appendix H)

In a memo, dated 17 December 2008 listed in section 6.2, the Louisiana Department of Natural Resources found that the proposed actions are consistent with the approved Louisiana Coastal Resource Program (IER #12 Appendix E)

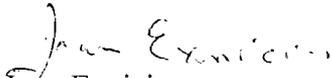
CEMVN PM-R

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5. Mitigation for unavoidable impacts will be investigated and implemented as quickly as possible. Unavoidable impacts to the Bayou aux Carpes 404c area will be mitigated for in the Bayou aux Carpes area or the adjoining John Laffite National and Historical Park as per the environmental commitments made in the final IER #12 document.

6. Attached is a Clean Water Act 404(b)(1) evaluation that was published starting 5 January 2009 for a 30-day public review. After reviewing the evaluation and supporting information, I have granted approval of this 404(b)(1) under the delegation given me by the District Engineer with a condition that no work be implemented that would impact the Bayou aux Carpes 404(c) site. Upon notification that the Environmental Protection Agency has issued a modification to the Bayou aux Carpes 404(c) final determination I am prepared to sign an unconditional approval of the 404(b)(1) evaluation.

5. I recommend that the enclosed IER #12 Decision Record be signed.


Joan Exnicios
Acting Chief, Environmental Planning
and Compliance Branch

The following short form 404(b)(1) evaluation follows the format designed by the Office of the Chief of Engineers, (OCE). As a measure to avoid unnecessary paperwork and to streamline regulation procedures while fulfilling the spirit and intent of environmental statutes, New Orleans District is using this format for all proposed project elements requiring 404 evaluation.

PROJECT TITLE. IER #12, GIWW, Harvey, and Algiers Levees and Floodwalls, Jefferson, Orleans, and Plaquemines Parishes, Louisiana

PROJECT DESCRIPTION. The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), has prepared Individual Environmental Report # 12 (IER # 12) to evaluate the potential impacts associated with the proposed construction and upgrades of levees, floodwalls, floodgates, and pumping station(s) to achieve the authorized 100-year level of risk reduction for the this segment of the West Bank and Vicinity of the Mississippi River (WBV) Hurricane and Storm Damage Risk Reduction System (HSDRRS). The proposed action is located in Jefferson, Orleans, and Plaquemines Parishes in the state of Louisiana (figure 1).

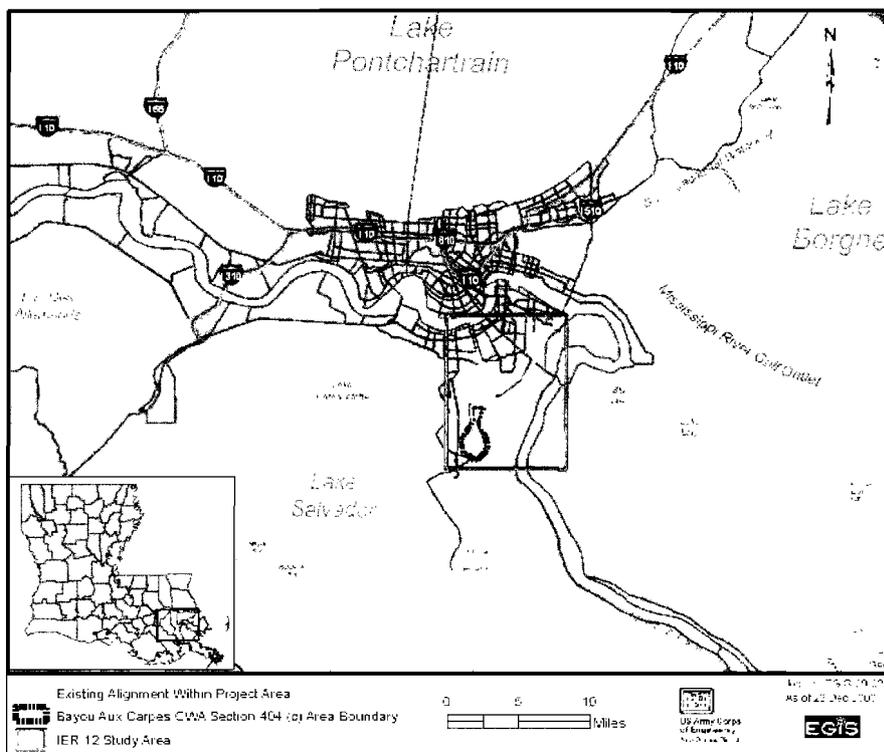


Figure 1 - IER #12 Study Area

The Proposed Action would result in the alteration of the original system alignment and the construction of a streamlined surge barrier. The alternative would consist of constructing approximately 3 miles of levee and floodwall that would reduce the primary line of defense by 38 percent. By removing 25 miles of existing parallel protection from the primary line of defense, this more streamlined surge barrier reduces the number of potential failure points in the system, increases quality control and the certainty of subsurface conditions during construction, and minimizes human impacts since the footprint of the existing levees system would not be widened to 100-year level of risk reduction.

Construction of this proposed action would not only provide the most system reliability and risk reduction for this segment of WBV, but would bring into protection those industrial areas along the Harvey Canal that are currently outside of the risk reduction system. In addition, the existing protection would become a secondary line of protection during a storm event.

The proposed action for IER # 12 would raise and/or construct levees, floodwalls, and other structures to meet the 100-year level of risk reduction for the Harvey -Westwego, Gretna – Algiers, and Belle Chasse areas (figure 2). Typical earthen materials used for levee construction consist of low organic clays, fertilizer, seed, mulch, and water, reinforced high strength geotextile fabric if required, low strength geotextile filter fabric for silt fences, plastic or steel hog wire for safety fences, steel or wood posts for silt and safety fences, crushed stone for surfacing and riprap for wave erosion prevention. The new levee and floodwall designs in IER #12 would require approximately 3,125,000 cubic yards of earthen material and 310,000 tons of stone to construct (these quantities may change based on a revised alignment and hydraulic physical modeling which may require more stone). The proposed action also includes providing a 100-year level of risk reduction fronting protection for pump stations and backflow prevention.

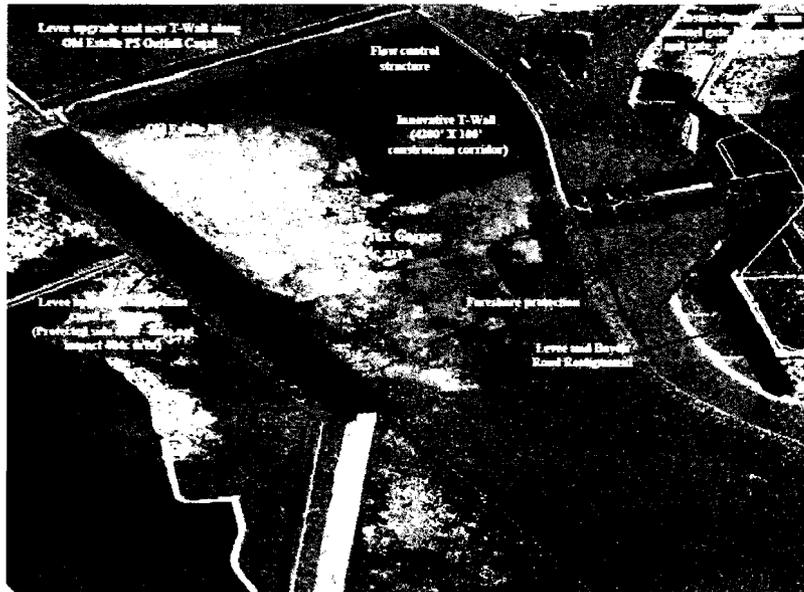


Figure 2 - Proposed Action Conceptual Model

For clarity, the proposed action is described from west to east and the entire alignment has been divided into “western”, “northern”, and “eastern” sections (figure 3). The western section of this alignment extends north from approximately 6,000 ft northeast of the V-line levee intersection with Highway 45 in Jefferson Parish to Old Estelle Pump Station (PS). This section includes a 200 ft wide by 15 ft deep interior drainage canal on the protected side and the Bayou aux Carpes CWA Section 404(c) area on the flood side. The proposed action for this section consists of an earthen levee enlargement with a protected side shift, partially outside of existing rights-of-way (ROW). The centerline of the new levee would be shifted 58 ft to the protected side of the centerline of the existing levee. This 5,900 ft earthen levee stretch would be raised to 100-year level of risk reduction, with a design elevation of approximately El. 14 ft. An additional 125 ft of permanent ROW into a Bottomland Hardwood (BLH) area would be required along the V-line levee to the Old Estelle PS. The proposed action would require the relocation of the existing drainage canal 200 ft to the protected side. The additional ROW required to upgrade the levee and relocate the drainage canal would be 17 acres. The levee would tie into the fronting protection at Old Estelle PS. All of the construction work would occur on the protected side of the levee and would not impact the Bayou aux Carpes CWA Section 404(c) area.

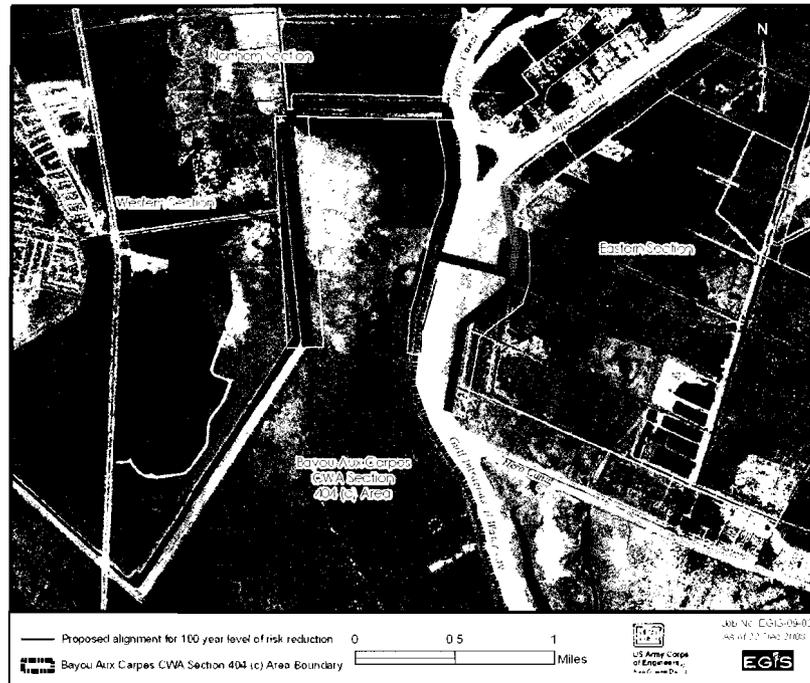


Figure 3 - Proposed Action Alignment Divided into Sections

The levee work may require geotextile fabric and/or deep soil mixing to strengthen the levee foundation. The deep soil mixing method involves the blending of a binder such as lime, cement, and slag into the soil through a hollow stem auger and mixing tool arrangement to produce round “columns” of treated soil. Applications for this method include stability and support, seepage cutoff, and seismic retrofit. This method has proven to be a viable method to effectively improve the competency of soils in Southeast Louisiana. Strengthening of the foundation can also be achieved by installing geotextile fabric in the foundation of the levee.

The northern section of this alignment extends east from Old Estelle PS to the Harvey Canal. This section includes BLH habitat on the protected side and the Old Estelle Pump Station Outfall Canal on the flood side. Fronting protection would be built to the 100-year level of risk reduction at the Old Estelle PS and would tie into the levee on each side of the pump station. A T-wall would be constructed within existing ROW on the protected side of the existing earthen levee that runs along the northern bank of Old Estelle Outfall Canal. The T-wall would have a design elevation of El. 14 to El. 16 ft and would be 3,700 ft in length. This T-wall would tie into a new flow control structure at the intersection of the Old Estelle Outfall Canal and the Harvey Canal. The flow control structure would be constructed at El. 16ft, and would cross the Old Estelle Outfall Canal and tie into the eastern section of this alignment (the Bayou aux Carpes CWA Section 404(c) T-wall). This flow control structure would be required to control the discharge from the Old Estelle pumping station into the GIWW. A benefit of this flow control structure would be the potential to augment the Bayou aux Carpes CWA Section 404(c) wetland area by actively managing the freshwater discharge from the Old Estelle PS. The USACE in cooperation with the EPA, the National Park Service (NPS), the U.S. Fish and Wildlife Service (USFWS), and other Federal and state resource agencies is conducting studies that are investigating the engineered gapping of the south bank of the Old Estelle Outfall Canal. These gaps in the outfall canal would allow freshwater from the pumping station to be directed into the Bayou aux Carpes CWA Section 404(c) area if determined to be beneficial to the wetland. The freshwater would be directed to the GIWW if it was determined not to be beneficial. Studies are ongoing to optimize the use of this feature to provide maximum benefit to the Bayou aux Carpes CWA Section 404(c) wetlands. All of the construction work would occur on the protected side of the levee and would not impact the Bayou aux Carpes CWA Section 404(c) area. Construction of the northern section would be expected to take 2 years.

The eastern section of this alignment extends south from the flow control structure within the Old Estelle Outfall Canal, along the western bank of the GIWW within the Bayou aux Carpes CWA Section 404(c) area, crosses the GIWW and ends just north of Hero Canal. This section includes the GIWW channel and a BLH habitat on the

GIWW east bank on the protected side of the existing HSDRRS, and a portion of the Bayou aux Carpes CWA Section 404(c) area on the flood side. A T-wall constructed north to south along the western bank of the GIWW within the Bayou aux Carpes CWA Section 404(c) area would tie into the flow control structure at the end of the Old Estelle Outfall Canal and at the southern end of the wall would tie into the closure complex and pump station complex that crosses the GIWW. This T-wall would be constructed so that an approximately 100 ft by 4,200 ft, 9.6 acre, corridor of the Bayou aux Carpes CWA Section 404(c) area would be impacted by the construction of the floodwall. Upon the granting of a modification to the final Bayou aux Carpes determination by the EPA, the USACE would obtain the new ROW (up to 9.6 acres) required to construct the innovative T-wall within the Bayou aux Carpes CWA Section 404(c) area.

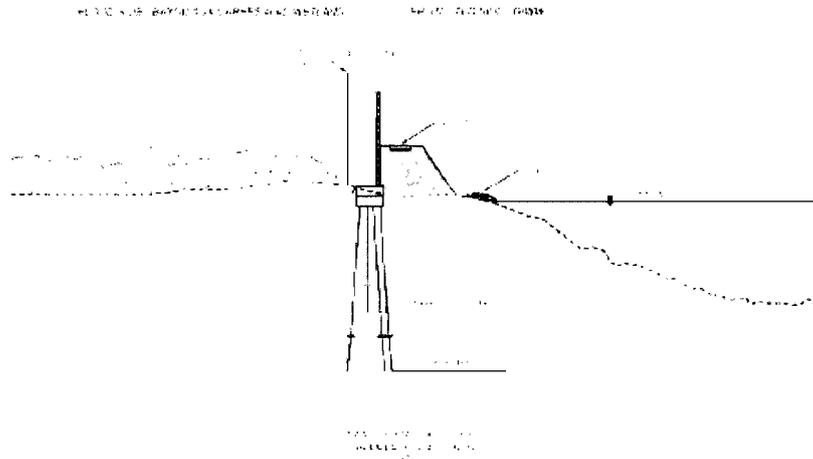


Figure 4 - Innovative T-Wall

In order to minimize impacts to these unique wetlands and confine construction impacts within that corridor, an innovative T-wall design would be used (figure 4). This innovative T-wall design was needed to minimize the footprint of the structure in the Bayou aux Carpes CWA Section 404(c) area. In addition, because the GIWW is a Federally maintained navigation channel, a protective berm would be constructed on the protected side of the floodwall, the GIWW channel side. This berm would protect the wall from barge impacts, provide concrete scour protection, and serve as a maintenance access road. Because of necessary channel dredging and pile driving activities, the Enterprise Pipeline would be relocated. In order to avoid impacts to the Bayou aux Carpes CWA Section 404(c) area the existing pipeline would be relocated utilizing modern directional drilling technologies that would pass under the 404c area. The pipeline relocation would not only avoid direct impacts to the 404c area (1 acre of wetlands), but would also minimize future impacts since the new, more modern design would require less intrusive operations and maintenance than the existing pipeline.

In the GIWW adjacent to the Bayou aux Carpes CWA Section 404(c) area, 2,000 linear feet (LF) of foreshore dike protection using 650 lb stone would be constructed to prevent impacts (i.e., scouring, bank erosion, etc.) from occurring within the 404c area due to the discharge from the 20,000 cfs pump station. This foreshore dike protection would be constructed within the GIWW adjacent to but not within the Bayou aux Carpes CWA Section 404(c) area. Foreshore protection would not alter existing hydrologic conditions within the Bayou aux Carpes CWA Section 404(c) area.

The gate(s) and pump station described in the eastern section are referred to throughout this report as the “closure complex”, which is a component of the proposed action referred to as the “GIWW West Closure Complex” or WCC. Features of the closure complex that would cross the GIWW would include a primary 150-ft to 300-ft navigation gate and a secondary 75-ft to 150-ft gate built to a design elevation of 16 ft. The closure complex would tie into a

floodwall to the west and flood protection levee to the east. The design of the closure complex is being done in collaboration with representatives from the navigation industry and the US Coast Guard to ensure that the safest and most reliable system would be constructed. One of the primary design criteria of these gates is that the structure is large enough to meet the current flow rates in the channel. It would also be necessary to construct a permanent bypass channel. A 20,000 cfs pump station would be constructed, and would provide positive backflow prevention. A new levee would be constructed further eastward on what is currently the protected side. The levee work may require geotextile fabric and/or deep soil mixing to strengthen the levee foundation. Bayou Road would be realigned to provide access around the new levee on the protected side. Four million cubic yards of material would be removed during construction of the eastern floodwall, closure complex, levee, and road realignment. After being evaluated for suitability this material would be used as borrow for the HSDRRS project. The material not used for borrow would be disposed of in the Walker Road borrow sites. The overburden material (i.e. roots, stumps, tress, etc.) would be mulched and used on site or hauled away to a landfill. Any road material (i.e. rock and earthen material) would be used to construct the new road. The construction of this closure complex, levee, and road realignment would require a total of 240 acres of additional ROW to implement the construction work.

Detention Basin Improvements

The WCC would cause water to be impounded in the Harvey and Algiers Canals, when closed during a storm event, creating a detention basin. The proposed action would provide 100-year level of risk reduction south of the confluence of the Algiers and Harvey Canals in lieu of parallel protection along the Harvey and Algiers Canals. Currently, there are over 25 miles of levees, floodwalls, gate structures, and 9 pump stations along the Harvey and Algiers Canals. The proposed action includes the use of Harvey and Algiers Canal as a detention basin. This would involve a combination of improvements and dredging activities along the Harvey Canal and Algiers Canal. Improvements would consist of building fronting protection and providing positive backflow prevention at pump stations, capping or replacing floodwalls, and upgrading levees along the detention basin.

Based on the results of hydraulic models for the GIWW WCC, a detention basin still water level of maximum elevation of 4 ft in Harvey Canal and 5.8 ft in Algiers Canal would provide protection along these canals. Dredging of the Algiers Canal would be required from the Belle Chasse Tunnel South to the Hero Cutoff to facilitate efficient drainage flows in the canal. A top of protection design elevation of 8.5 ft in compliance with HSDDRS standards in the retention basin would still require work along the Harvey and Algiers Canals. However, the work would be considerably less than what would be required if the retention basin stage were increased to the 100-year level of risk reduction. All work would be performed within existing ROW unless otherwise noted.

Approximately 700,000 cubic yards would be excavated from the Algiers Canal. The frequency of maintenance dredging would exceed 25 years. Two disposal alternatives have been discussed with the Interagency Team (figure 5). The preferred alternative is the disposal of the material into the Jean Lafitte National Historic Park and Preserve (JLNHPP) Lake Salvador "Geocrib," and the alternative use of the material is placement of the material in the Walker Road borrow sites. The alternative of placement of dredged material in the Walker Road borrow sites would be done only as a convenience to the government if the preferred option is not practicable. The placement of dredged material in the Walker Road borrow sites would not be considered backfilling of those sites. If dredged material is placed in the Walker Road borrow sites, the quantity of the material would be insufficient to refill those sites. Disposal of the material in either location would be considered a project feature. The first option of placing the dredged material into the JLNHPP Lake Salvador Geocrib is preferred because it is a beneficial use site and any wetlands created with this material could be counted as mitigation for the HSDRRS projects.

Provided the material is determined to not be contaminated, the material could be excavated via either:

- a) hydraulic cutter head dredge and transported as a slurry to a disposal site(s) via pipeline, or
- b) via mechanical dredge (i.e. barge mounted dragline or backhoe) and placed in barges and transported to site, and either removed from the barges via a hydraulic pump and transported to the site via pipeline, or offloaded from barges, placed within trucks, and hauled to disposal site where it would then be mechanically offloaded into the disposal site.

Algiers Canal Dredging Extent and Beneficial Use Areas



Figure 5 - Algiers Canal Dredging Extent and Beneficial Use Areas

Other Actions

Armoring

Armoring may be required at a number of locations throughout the HSDRRS. These locations may include: transition points (where levees transition into any hardened features such as other levees, floodwalls, and pump stations), floodwall protected side slopes, pipeline crossings, and earthen levees that are exposed to excessive wave overtopping during a 500-year hurricane event. For the proposed action, nearly all of these armoring areas would occur along the GIWW. However, the specific locations have not yet been determined. Armoring types vary, but the following are the most common, from the most resistant, downward:

- ACB – Articulated concrete blocks.
- ACB/TRM – Articulated concrete blocks/Turf reinforced mattress: the hydraulic parameters and physical conditions are such that small modifications could allow a reduction to TRM.
- TRM – Turf reinforced mattress.
- TRM/Grass - The hydraulic parameters and physical conditions are such that small modifications could allow a reduction to grass.
- Well maintained grass cover.

Utility Relocations

As needed, utilities would be relocated to cross the project area in accordance with existing standards. Disruptions of service would be kept to a minimum. Relocations would be conducted in order to avoid impacts to the wetland areas, and the Enterprise Pipeline would be directionally drilled underneath the 404c area to avoid impacts to that significant resource. There could be minor impacts to wetlands in the areas where the directional drilling are staged from and to.

1. Review of Compliance (§230.10 (a)-(d)).

Preliminary¹

Final²

A review of this project indicates that:

a. The discharge represents the least environmentally damaging practicable alternative and if in a special aquatic site, the activity associated with the discharge must have direct access or proximity to, or be located in the aquatic ecosystem to fulfill its basic purpose (if no, see section 2 and information gathered for environmental assessment alternative);

YES NO* YES NO

b. The activity does not appear to: (1) violate applicable state water quality standards or effluent standards prohibited under Section 307 of the Clean Water Act; (2) jeopardize the existence of Federally listed endangered or threatened species or their habitat; and (3) violate requirements of any Federally designated marine sanctuary (if no, see section 2b and check responses from resource and water quality certifying agencies);

FOR (1) ONLY

YES NO* YES NO

c. The activity will not cause or contribute to significant degradation of waters of the United States including adverse effects on human health, life stages of organisms dependent on the aquatic ecosystem, ecosystem diversity, productivity and stability, and recreational, esthetic, and economic values (if no, see section 2);

YES NO* YES NO

d. Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem (if no, see section 5).

YES NO* YES NO

2. Technical Evaluation Factors (Subparts C-F).

N/A Not Significant Significant*

a. Physical and Chemical Characteristics of the Aquatic Ecosystem (Subpart C).

- (1) Substrate impacts.
- (2) Suspended particulates/turbidity impacts.
- (3) Water column impacts.
- (4) Alteration of current patterns and water circulation.
- (5) Alteration of normal water fluctuations/hydroperiod.
- (6) Alteration of salinity gradients.

		X
	X	
	X	
	X	
	X	
	X	

b. Biological Characteristics of the Aquatic Ecosystem (Subpart D).

- (1) Effect on threatened/endangered species and their habitat.
- (2) Effect on the aquatic food web.
- (3) Effect on other wildlife (mammals, birds, reptiles, and amphibians).

X		
	X	
	X	

c. Special Aquatic Sites (Subpart E).

- (1) Sanctuaries and refuges.
- (2) Wetlands.
- (3) Mud flats.
- (4) Vegetated shallows.
- (5) Coral reefs.
- (6) Riffle and pool complexes.

		X
		X
X		
X		
X		
X		

d. Human Use Characteristics (Subpart F).

- (1) Effects on municipal and private water supplies.
- (2) Recreational and commercial fisheries impacts.
- (3) Effects on water-related recreation.
- (4) Esthetic impacts.
- (5) Effects on parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar preserves.

X		
X		
X		
	X	
		X

Remarks. Where a check is placed under the significant category, the preparer has attached explanation.

3. Evaluation of Dredged or Fill Material (Subpart G).³

a. The following information has been considered in evaluating the biological availability of possible contaminants in dredged or fill material.

- | | |
|---|----------|
| (1) Physical characteristics | <u>X</u> |
| (2) Hydrography in relation to known or anticipated sources of contaminants | <u>X</u> |
| (3) Results from previous testing of the material or similar material in the vicinity of the project | <u>X</u> |
| (4) Known, significant sources of persistent pesticides from land runoff or percolation | _____ |
| (5) Spill records for petroleum products or designated (Section 311 of CWA) hazardous substances | <u>X</u> |
| (6) Other public records of significant introduction of contaminants from industries, municipalities, or other sources | <u>X</u> |
| (7) Known existence of substantial material deposits of substances which could be released in harmful quantities to the aquatic environment by man-induced discharge activities | <u>X</u> |
| (8) Other sources (specify) | _____ |

Appropriate references: See attached memo

b. An evaluation of the appropriate information in 3a above indicates that there is reason to believe the proposed dredge or fill material is not a carrier of contaminants, or the material meets the testing exclusion criteria.

YES

 NO*

4. Disposal Site Delineation (§230.11(f)).

a. The following factors, as appropriate, have been considered in evaluating the disposal site.

- | | |
|--|----------|
| (1) Depth of water at disposal site | <u>X</u> |
| (2) Current velocity, direction, and variability at disposal site | <u>X</u> |
| (3) Degree of turbulence | <u>X</u> |
| (4) Water column stratification | <u>X</u> |
| (5) Discharge vessel speed and direction | _____ |
| (6) Rate of discharge | <u>X</u> |
| (7) Dredged material characteristics (constituents, amount, and type of material, settling velocities) | <u>X</u> |
| (8) Number of discharges per unit of time | _____ |
| (9) Other factors affecting rates and patterns of mixing (specify) | _____ |

Appropriate references: See attached memo

b. An evaluation of the appropriate factors in 4a above indicates that the disposal site and/or size of mixing zone are acceptable.

YES

 NO*

5. Actions to Minimize Adverse Effects (Subpart H).

All appropriate and practicable steps have been taken, through application of the recommendations of §230.70-230.77 to ensure minimal adverse effects of the proposed discharge.

YES NO*

Actions taken: See attached memo

6. Factual Determination (§230.11).

A review of appropriate information as identified in items 2-5 above indicates that there is minimal potential for short- or long-term environmental effects of the proposed discharge as related to:

- | | | |
|---|------------------------------|------------------------------|
| a. Physical substrate at the disposal site (review sections 2a, 3, 4, and 5 above). | YES | <input type="checkbox"/> NO* |
| b. Water circulation, fluctuation and salinity (review sections 2a, 3, 4, and 5). | <input type="checkbox"/> YES | NO* |
| c. Suspended particulates/turbidity (review sections 2a, 3, 4, and 5) | <input type="checkbox"/> YES | NO* |
| d. Contaminant availability (review sections 2a, 3, and 4). | <input type="checkbox"/> YES | NO* |
| e. Aquatic ecosystem structure and function (review sections 2b and c, 3, and 5). | YES | NO* |
| f. Disposal site (review sections 2, 4, and 5). | YES | NO* |
| g. Cumulative impact on the aquatic ecosystem. | YES | NO* |
| h. Secondary impacts on the aquatic ecosystem. | YES | NO* |

*A negative, significant, or unknown response indicates that the project may not be in compliance with the Section 404(b)(1) Guidelines.

¹Negative responses to three or more of the compliance criteria at this stage indicates that the proposed projects may not be evaluated using this "short form procedure". Care should be used in assessing pertinent portions of the technical information of items 2a-d, before completing the final review of compliance.

²Negative responses to one of the compliance criteria at this stage indicates that the proposed project does not comply with the guidelines. If the economics of navigation and anchorage of Section 404(b)(2) are to be evaluated in the decision-making process, the "short form" evaluation process is inappropriate.

³If the dredged or fill material cannot be excluded from individual testing, the "short form" evaluation process is inappropriate.

7. Evaluation Responsibility.

a. This evaluation was prepared by:

Name: Eric Glisch
Position: Environmental Engineer
Organization: U.S. Army Corps of Engineers, New Orleans District
Date: 1/05/09

Name: Getrisc Coulson
Position: Environmental Resource Specialist
Organization: CEMVN PM-RS
Date: 12/28/08

b. This evaluation was reviewed by:

Name: Rodney Mach
Position: Environmental Engineer
Organization: CEMVN ED-H
Date: 1/05/09

Name: Gib Owen
Position: Chief, Ecological Planning and Restoration Section
Organization: CEMVN PM-RS
Date: 2/16/09

8. Findings.

a. The proposed disposal site for discharge of dredged or fill material complies with the Section 404(b)(1) guidelines **YES**__

b. The proposed disposal site for discharge of dredged or fill material complies with the Section 404(b)(1) guidelines with the inclusion of the following conditions **YES**__

c. The proposed disposal site for discharge of dredged or fill material does not comply with the Section 404(b)(1) guidelines for the following reason(s):

(1) There is a less damaging practicable alternative **NO**__

(2) The proposed discharge will result in significant degradation of the aquatic ecosystem **NO**__

(3) The proposed discharge does not include all practicable and appropriate measures to minimize potential harm to the aquatic ecosystem **NO**__

Conditional approval of this 404(b)(1) evaluation is hereby granted for any and all work that would impact areas subject to the Clean Water Act Section 404(b)(1) as discussed in this document and in the final IER 12 document with the exception of any work that would pose a direct impact to any lands located within the Bayou aux Carpes 404(c) area as defined in the EPA's 1985 Bayou aux Carpes Final Determination.

Date: Feb 18 2009

Jean Exnicis
Chief, Environmental Planning and Compliance
Branch