



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

REPLY TO  
ATTENTION OF:

Regional Planning and  
Environment Division, South  
Environmental Compliance Branch

**Decision Record**

Individual Environmental Report Supplement #33.a  
WEST BANK AND VICINITY AND MISSISSIPPI RIVER LEVEES  
CO-LOCATED LEVEES  
PLAQUEMINES PARISH AND ORLEANS PARISH, LOUISIANA

IERS #33.a

**Description of the Proposed Action** The US Army Corps of Engineers, Mississippi Valley Division, New Orleans District (CEMVN), has prepared this Individual Environmental Report Supplemental #33.a (IERS #33.a) to evaluate the potential impacts associated with the proposed construction and maintenance of Resilient Features in order to improve the resiliency and longevity of previously implemented Engineered Alternative Measures (EAM), previously addressed under IER #33, along the West Bank and Vicinity – Mississippi River Levee (WBV-MRL) Co-Located Project. The MRL on the west bank of the Mississippi River, from the Eastern Tie-in of the WBV project with the MRL at Oakville in Plaquemines Parish to a point approximately 9.5 miles upriver southeast of the Plaquemines Parish and Orleans Parish line, currently provides 1-percent hurricane and storm damage risk reduction. However, construction of Resilient Features is required to improve the resiliency and longevity of previously implemented EAMs previously addressed under IER #33.

The proposed action is located in Plaquemines and Orleans Parishes on the west bank of the Mississippi River and is part of the WBV Belle Chasse Polder, New Orleans, Louisiana. The levee construction project area extends from river mile 79.5 to 70 Above Head of Passes. The northern end (river mile 79.5) is situated near the U.S. Coast Guard Station and Tulane University Research Laboratories and the southern end (river mile 70) is approximately 525 feet south of the intersection of East St. Peter Street and the Mississippi River Levee at Oakville. The WBV-MRL levee alignment has been divided into six contract reaches (1.2a, 1.2b, 2.2, 3.2, 4.2 and 5.2) of varying lengths; figure 1 illustrates the locations of the six contract reaches and table 1 identifies their respective lengths. Additional armoring work, described later in this IER Supplement, will be required for the entire Co-Located levee project area from river mile 85.5 to 70, and will be the only construction activity located within Orleans Parish.

While the EAMs currently provide adequate risk reduction, several EAM contract reaches (1.1, 3.1, 4.1 and a portion of 6.1) were constructed with steep side slopes, 1 vertical on 2 horizontal, in order to remain within the existing levee footprint. These steeper side slopes presented a long term performance and operation and maintenance concern for both the non-Federal sponsor and MVN. Therefore, construction of Resilient Features is required to improve the resiliency and longevity of the EAM features implemented. As discussed in the IER Supplement (attached hereto and incorporated herein by reference), construction of Resilient Features will include earthen levees with a mix of floodside and protected side shifts and levee straddles that return to the standard levee design side slopes of 1 vertical on 3 to 5 horizontal, as well as floodwalls (T-walls) that would follow the existing MRL alignment.

Draft IERS #33.a, which detailed the anticipated impacts to the human environment from the proposed action, was released for 30 day public review and comment on November 28, 2011. Comments were received from Federal and state government agencies and the public. A public meeting was held on December 12, 2011.

**Factors Considered in Determination** CEMVN has assessed the impacts of the action on significant resources in the project area including air quality, water quality, terrestrial habitat, aquatic habitat, fish and wildlife, wetlands, threatened and endangered species, recreational resources, aesthetic resources, cultural resources, farmland, socioeconomics, environmental justice, hazardous, toxic and radioactive waste, and noise. CEMVN has also considered and assessed the impacts of the “no action” alternative. While the implementation of the No Action alternative would likely result in fewer impacts to the human and natural environment, construction of the proposed action would ultimately improve the resiliency and longevity of the previously implemented Engineered Alternative Measures.

All bottomland hardwood forest and jurisdictional wetland impacts were assessed by the US Fish and Wildlife Service and CEMVN under the National Environmental Policy Act, Fish and Wildlife Coordination Act and Section 906 (b) Water Resources Development Act 1986 requirements. As discussed in IERS #33.a, the environmental impacts of the proposed action are as follows:

1. Air Quality: Minor and temporary air quality impacts would occur during construction.
2. Water Quality: Except for temporary sediment impacts during construction, it is expected that there would no long-term impacts to water quality.
3. Terrestrial Habitat: Construction of the project would require approximately 37 acres of new right-of-way, approximately 82 acres of forested wetlands and 80 acres of non-wet forested habitat would be cleared, grubbed, and filled or converted to open water and approximately 74 acres of mowed marsh habitat would be temporarily disturbed during construction.

4. Aquatic Habitat: Direct and permanent effects from implementation of the proposed action would result from the placement of earthen material into approximately 2 acres of open water habitat. Temporary effects to adjacent aquatic habitat from sediment runoff could occur during the course of construction.
5. Fish and Wildlife: Direct and permanent effects to wildlife habitat would result from the clearing, grubbing and placement of earthen material activities. Approximately 82 acres of forested wetlands and 80 acres of non-wet forested habitat would be cleared, grubbed, and filled or converted to open water and approximately 74 acres of mowed marsh habitat would be temporarily disturbed during construction.
6. Wetlands: Direct effects to wetland resources located primarily on the floodside of the existing MRL, as a result of construction of the proposed action, would be permanent and temporary within the construction right-of-way. Permanent impacts would be from mechanically clearing, grubbing, and filling the area to construct the project features and would impact approximately 82 acres of forested wetlands. Temporary impacts would result from the movement of construction equipment and materials within the existing 40-foot vegetation free (maintenance) corridor located on the floodside of the existing MRL and would impact approximately 74 acres of mowed marsh vegetation. The proposed action would result in a net loss of 99.06 Average Annual Habitat Units for those areas of bottomland hardwood habitat directly impacted by the proposed project construction.
7. Threatened and Endangered Species: The proposed action is not likely to adversely affect any threatened or endangered species or critical habitat according to the USFWS.
8. Recreational Resources: No recreational land would be lost, but, floodwalls built on top of the levee may deter users for visual, accessibility, and safety reasons
9. Aesthetic Resources: Permanent impacts to aesthetics and viewsheds would occur to the project area as a result of the new concrete floodwall (T-wall).
10. Cultural Resources: The proposed action has the potential to directly impact significant historic properties that may be eligible for listing to the NRHP. The CEMVN has elected to fulfill its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended through the execution and implementation of a Programmatic Agreement (PA). The PA was developed in consultation with the Advisory Council on Historic Preservation, the Louisiana State Historic Preservation Officer (LA SHPO), and federally recognized Indian Tribes. The PA was executed on December 15, 2011, and Section 106 consultation for the WBV-MRL Co-Located Resilient Features project has been concluded for this project.
11. Farmland: As required by the Farmland Protection Policy Act (FPPA), CEMVN completed the site assessment criteria portion of the Farmland Conversion Impact Rating form and determined that the proposed conversion of prime and unique farmland soils to

nonagricultural uses is consistent with the FPPA and that no additional evaluation is required.

12. Socio-economics: Under the proposed action, there may be temporary, construction-related impacts to residents in the immediate vicinity of the proposed actions. Residents would be at a reduced risk of permanent displacement due to the lowered risk of flooding as compared to the No Action alternative.
13. Environmental Justice: No disproportionate impacts to low income or minority populations were identified.
14. Hazardous, Toxic and Radioactive Waste: No direct impacts would be expected based on a Phase I ESA for the proposed project area.
15. Noise: Minor and temporary localized impacts to ambient noise would occur during the construction phase due to heavy equipment use and transport of materials.
16. Cumulative Impacts: The construction-related negative effects as well as the positive consequences (e.g., spending in the local economy) resulting from providing the 100-year level of hurricane damage risk reduction for the entire West Bank and Vicinity project may potentially represent the largest cumulative environmental consequences in the New Orleans region for the next 4 years to 7 years.
17. Mitigation: Mitigation IERs are currently being prepared to document and compile the unavoidable impacts discussed in each of the IERs prepared under the Hurricane and Storm Damage Risk Reduction NEPA Emergency Alternative Arrangements. Final compensatory mitigation will be implemented as early as possible.

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

1. If the proposed action is changed significantly or is not implemented within one year, the New Orleans District will reinitiate coordination with the US Fish and Wildlife Service to ensure that the proposed action would not adversely affect any Federally-listed threatened or endangered species, or their habitat. [USFWS letter dated November 8, 2011].
2. The CEMVN has elected to fulfill its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended through the execution and implementation of a Programmatic Agreement (PA). The PA was developed in consultation with the Advisory Council on Historic Preservation, the Louisiana State Historic Preservation Officer (LA SHPO), federally recognized Indian Tribes that have indicated an interest in participating in the development of the PA, and other identified interested parties. The Phase I cultural resources surveys and Phase II investigations are on-going for the WBV-MRL Co-Located Resilient Features project, and will be completed prior to the start of

construction activities for the proposed action. A management summary detailing the findings of the surveys and investigations is due by January 31, 2012. Once completed, the results of the Phase I surveys and Phase II investigations will be provided to the LA SHPO and federally recognized Indian Tribes for review in accordance with the stipulations of the PA.

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

CEMVN has hosted more than 130 public meetings since February 2007 to discuss proposed and planned HSDRRS work throughout the area. Issues relating to draft IERS #33.a were specifically discussed at a public meeting for draft IERS #33.a on December 12, 2011. CEMVN sends out public notices in local and national newspapers, news releases (routinely picked up by television and newspapers in stories and scrolls), and mail notifications to stakeholders for each public meeting. In addition, [www.nolaenvironmental.gov](http://www.nolaenvironmental.gov) was set up to provide information to the public regarding proposed HSDRRS work. CEMVN sends out e-mail notifications of the meetings to stakeholders who requested to be notified by this method. Public meetings will continue throughout the planning process.

#### *Compliance with Environmental Laws and Regulations*

1. **Coastal Zone Management Program.** By letter dated December 16, 2011, the Louisiana Department of Natural Resources responded that the project modification, as proposed in the application, is consistent with the Louisiana Coastal Resources Program (C20100339 Mod 2).
2. **Clean Water Act.** A Section 404(b)(1) public notice was released for 30 day public review and comment on November, 29 2011. The Final 404(b)(1) evaluation was signed on January 6, 2012. Additionally, A Louisiana Department of Environmental Quality Water Quality Certification letter, WQC 101109-03/AI 101235/CER 20110001, dated November 7, 2011, stated that the requirements for Water Quality Certification have been met and that the placement of fill material will not violate water quality standards of Louisiana as provided for in LAC 33:IX Chapter 11.
3. **Clean Air Act.** The project is located in Plaquemines and Orleans Parishes, which are both classified as attainment areas. The Louisiana Department of Environmental Quality indicated in their December 16, 2010 that the submittal of additional information for general air conformity air quality purposes is not required.
4. **Endangered Species Act.** The US Fish and Wildlife Service concurred with CEMVN's determination that no threatened or endangered species or their critical habitat would be

impacted by the proposed project in their letter dated November 8, 2011 and in the final Coordination Act Report dated January 9, 2012. The National Oceanic and Atmospheric Administration's National Marine Fisheries Service Protected Resources Division has previously provided a list of threatened and endangered species under their jurisdiction in Louisiana. Based on that information, the CEMVN made a determination of no effect for species under NMFS jurisdiction in IERS #33.a.

5. Fish and Wildlife Coordination Act. A draft project-specific Coordination Act Report was received from US Fish and Wildlife Service by letter dated November 22, 2011. A final Coordination Act Report was received from the US Fish and Wildlife Service in a letter dated January 9, 2012. All comments regarding US Fish and Wildlife Service trust resources have been resolved.
6. Migratory Bird Treaty Act. The US Fish and Wildlife Service addressed compliance with this Act in the "Draft Fish and Wildlife Coordination Act Report for the IER, Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4)" in November 2007. To fulfill the responsibilities of the Fish and Wildlife Coordination Act, the US Fish and Wildlife Service will provide a post-authorization final supplemental 2(b) report to the draft programmatic report.
7. Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act. The National Marine Fisheries Service concurred with CEMVN's determination that the proposed action would have no effect on essential fish habitat by their letter dated December 8, 2011.
8. Section 106 of the National Historic Preservation Act. The CEMVN has elected to fulfill its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended through the execution and implementation of a Programmatic Agreement (PA). The PA was developed in consultation with the Advisory Council on Historic Preservation, the Louisiana State Historic Preservation Officer (LA SHPO), federally recognized Indian Tribes that have indicated an interest in participating in the development of the PA, and other identified interested parties. The following Federally recognized Indian tribes were invited to participate in the development of the PA: Alabama-Coushatta Tribe of Texas, Caddo Nation of Oklahoma, Chitimacha Tribe of Louisiana, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and the Tunica-Biloxi Tribe of Louisiana to consult in the development of the PA. The Caddo Nation of Oklahoma (email dated 8/11/2011) and the Choctaw Nation of Oklahoma (email dated 10/3/2011) indicated an interest in and participated in the development of the PA. The CEMVN notified interested parties and the public of the development of the PA through mailings and the National Environmental Policy Act process. The PA was executed on December 15, 2011, and Section 106 consultation for the WBV-MRL Co-Located Resilient Features project has been concluded for this project.

*Draft IERS #33.a Public Review Period*

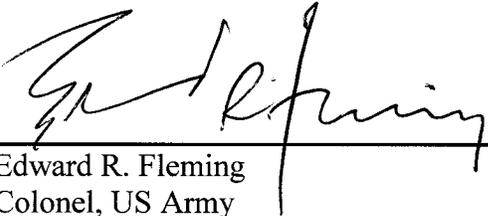
1. Agency Comments (found in Appendix D of Final IERS #33.a)
  - a. US Fish and Wildlife Service
    - i. Comment letter dated November 8, 2011
    - ii. Draft Coordination Act Report dated November 22, 2011
    - iii. Comment letter dated December 16, 2011
    - iv. Final Coordination Act Report dated January 9, 2012
  - b. Natural Resources Conservation Service
    - i. Comment letter dated December 20, 2011
  - c. Louisiana Department of Natural Resources
    - i. Comment letter dated December 16, 2011
  - d. National Marine Fisheries Service
    - i. Comment letter dated December 8, 2011
  - e. Louisiana Department of Environmental Quality
    - i. Comment letter dated November 7, 2011
    - ii. E-mail comment dated December 13, 2011
  - f. Louisiana Department of Wildlife and Fisheries
    - i. Comment letter dated December 22, 2011
  - g. Jena Band of Choctaw Indians
    - i. Comment letter dated December 13, 2011
  - h. Programmatic Agreement among US Army Corps of Engineers (CEMVN), Louisiana State Historic Preservation Officer (SHPO), and Advisory Council on Historic Preservation (ACHP)
    - i. SHPO signature dated December 2, 2011
    - ii. CEMVN signature dated December 12, 2011
    - iii. ACHP signature dated December 15, 2011
2. Public Comments and Response Summary (found in Appendix E of Final IERS #33.a)
  - a. Public Meeting Summary document

**Decision** The CEMVN Environmental Compliance Branch has assessed the potential environmental impacts of the proposed action described in IERS #33.a, and performed a review of comments received during the public review period for Draft IERS #33.a, as well as at a public meeting held on December 12, 2011. The no action alternative was considered as discussed in the IER Supplement. Furthermore, all practicable means to avoid or minimize adverse environmental affects have been incorporated into the recommended plan. The public interest will be best served by implementing the selected plan as described in IERS #33.a in accordance with the environmental considerations discussed above.

CEMVN will prepare a Comprehensive Environmental Document (CED). The CED will provide a final mitigation plan, comprehensive cumulative impacts analysis, and any additional information that addresses any outstanding data gaps in any of the IERs.

I have reviewed IERS #33.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 set forth by the Administration and Congress in the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Supplemental Appropriations. The plan is justified, in accordance with environmental statutes, and it is in the public interest to construct the actions as described in this document.

11 January 2012  
Date

  
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Edward R. Fleming  
Colonel, US Army  
District Commander