Department of the Army
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
P.O. BOX 60267 NEW ORLEANS LA 70160-0267

REPLY TO
ATTENTION OF

Regional Planning and
Environment Division, South
Environmental Planning Branch

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

LAKE PONTCHARTRAIN & VICINITY HURRICANE PROTECTION PROJECT - MITIGATION: MANCHAC WILDLIFE MANAGEMENT AREA SHORELINE PROTECTION MODIFICATION – ADDITIONAL BORROW

Supplemental Environmental Assessment (SEA) #500a

Supplement to the Lake Ponchartrain, Louisiana, and Vicinity Hurricane Protection Project – SEA-500

Description of Proposed Action: The U.S. Army Corps of Engineers, New Orleans District (USACE), proposes to use additional borrow areas to complete the rehabilitation and modification of the Manchac Wildlife Management Area (MWMA). The original Manchac Wildlife Management Area (MWMA) mitigation project was constructed to mitigate impacts associated with the construction of the Lake Pontchartrain, Louisiana, and Vicinity Hurricane Protection Project (LPV) previous to 1994. The original MWMA mitigation project, constructed in 1995, did not perform as anticipated and the enviromnental benefits required to compensate for pre-1994 LPV project impacts were not achieved. Repairs and modifications to the mitigation project were evaluated in Supplemental Environmental Assessment #500 (SEA-500), and were implemented following a Finding of No Significant Impact (FONSI) signed 22 March 2011(hereafter, the Modified MWMA Mitigation Project). A full and complete history pertaining to the potential impacts associated with the Modified MWMA Mitigation Project, including the location and means of marsh building, is discussed in SEA-500 and is not repeated here. The dredging of authorized material was completed in September 2013, but still failed to fully create the amount of desired marsh to compensate for LPV project impacts. Three new sources of borrow material from open water areas of lake bottom are proposed to complete the building of marsh as outlined by the Modified MWMA Mitigation Project. The maximum depth of excavation for borrow material would be -20 ft NAVD 88 (-19 ft NAVD 88 Borrow Site #3). Proposed Borrow Site #1 is approximately 80.34 acres and is approximately 500 x 7000 ft in size. Proposed Borrow Site #2 is approximately 46 acres and is approximately 500 x 4000 ft in

size. Proposed Borrow Site #3 is 103.3 acres and is approximately 500 x 9000 ft in size. No flotation channel is needed in the construction of the proposed action.

Public Involvement: The proposed action was coordinated with appropriate Federal, state, and local agencies and businesses, organizations, and individuals through distribution of SEA-500a for their review and comment, during a 30-day review period from October 10, 2014 to midnight November 9, 2014. SEA-500a is attached hereto and made a part of this FONSI.

Resource Agencies and Public Comments: Three comment letters were received during the 30 day review period. The U.S. Fish and Wildlife Service commented that there will be no significant fish and wildlife resources impacted as a result of the proposed project, and repeated recommendations originally made for SEA-500 including a request for water quality monitoring. The letter also stated "*The Service provided recommendations on that previously proposed project to the Corps in an April 7, 2011, Fish and Wildlife Coordination Act Report (FWCAR). This letter supplements that report, and is submitted in accordance with provisions of the FWCA. This letter constitutes the report of the secretary of the Interior as required by Section 2(b) of that Act*". NOAA also requested water quality monitoring. USACE does not concur with the recommendation to perform water quality monitoring of the borrow pits. The pits are designed to prevent water quality impacts and are approved by Louisiana Department of Environmental Quality. The Federal Emergency Management Agency (FEMA) requested that USACE coordinate with the Community's Floodplain Administrator. USACE has concluded that this project does not affect a floodplain and thus coordination with the Community's Floodplain Administrator is not required. No other substantive comments were received during the 30 day review of SEA-500a, and USACE resolved all comments provided.

Factors Considered in Determination: This office has assessed the impacts of the proposed action on important resources, including aquatic/fisheries, essential fish habitat, wildlife, threatened and endangered species, estuarine water bodies, air quality, water quality, noise and vibrations, cultural, recreation, and aesthetics in Supplemental Environmental Assessment # 500a (SEA-500a). The SEA-500a evaluates the potential impacts associated with the excavation of material from three newly proposed borrow sources as well as considering the impacts of taking no action (no action alternative).

A remote sensing survey identified two issues for which protective measures will be taken. Due to the known proximity of a WWII-era firing range in Lake Pontchartrain the unidentified magnetic anomalies identified during survey could not be excluded, with certainty, from being unexploded ordnance (UXO). Based on historic records review and coordination with the U.S. Army Corps of Engineers (USACE) Ordnance and Explosive Directorate, the probability of encountering munitions and explosives of concern is considered low, and a protective screen will be placed on the intake side of the dredge pipe to protect against this scenario.

Additionally, ancient landforms that could potentially contain cultural resources were identified in locations below the current lake bottom. The depth of these landforms was identified and a protective buffer is specified to ensure that no excavation of material below these depths would occur. With implementation of these safeguards, no significant adverse impacts were identified.

A Phase I Supplemental Environmental Site Assessment concluded that the risk of encountering HTRW is very low. No impacts were identified that require additional compensatory mitigation.

USACE coordinated on critical habitats and the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) (email dated 10 June 2014) and the National Oceanic and Atmospheric Administration (NOAA) (letter dated 5 June 2014) with the determination that the proposed action would not be likely to adversely affect any endangered or threatened species or their critical habitat. Both agencies concurred with the determinations (USFWS letter dated 3 July 2014, and NOAA letter dated 15 December 2014).

USACE determined that the use of the new borrow areas would be consistent, to the maximum extent practicable, with the State of Louisiana's Coastal Resources Program, and as response received a modification (mod 01) of C20090556 (27 Oct 2014) Coastal Zone Consistency from Louisiana Department of Natural Resources.

USACE received a revision (8 Oct 2014) to the existing water quality permit WQC 091102-01/AI 167642/CER 20090001 (20 Nov 2009) for the dredging of the proposed borrow areas from the Louisiana Department of Environmental Quality. Public review of the Section 404(b)(1) Public Notice previously occurred for SEA-500, and the relevant Section 404(b)(1) Evaluation was signed on 10 Feb 2011.

USACE concluded coordination with the Louisiana SHPO (letter dated 22 September 2014). NEPA, Section 106 of the National Historic Preservation Act, EO 13175 ("Consultation and Coordination with Indian Tribal Governments"), the American Indian Religious Freedom Act, and related statutes and policies have a consultation component. In accordance with USACE's responsibilities under NEPA, Section 106, and EO 13175, the USACE offered the following federally-recognized Indian Tribes the opportunity to review and comment on the potential of the proposed action to significantly affect protected tribal resources, tribal rights, or Indian lands (letter dated October 8, 2014): 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, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Tunica-Biloxi Tribe of Louisiana. The October 8, 2014 letter also documented the "no historic properties affected" finding. The Caddo Nation of Oklahoma and the Choctaw Nation of Oklahoma concurred with the effect determination on October 9, 2014, and November 10, 2014, respectively.

USACE resolved all the USFWS Fish and Wildlife Coordination Act Report recommendations (7 April 2011). USACE addressed all Louisiana Department of Environmental Quality comments on the air quality impact analysis (November 9, 2014). USACE resolved all of NOAA recommendations (November 3, 2014). All issues have been resolved before the signing of this FONSI.

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

1) The borrow sources would not be excavated below -20ft NAVD 88, with further provision as stated in Commitment #2.

2) Avoidance buffers have been defined within Borrow Source #3 and would not be excavated below -19 ft NAVD 88, to prevent impact to a paleolevee that could potentially contain cultural resources.

3) Protective screens shall be placed over the inflow dredge pipe.

4) During the construction and any maintenance events, a no work zone would be in place during duck hunting season. The dates for duck hunting season can be found at the LDWF website and will be coordinated with the MWMA staff.

5) Effluent from the marsh creation areas may be discharged into adjacent marsh, but would be directed to avoid "the Prairie" within the management area, as requested by LDWF Wildlife Management Area staff.

6) If the marsh creation sites did not naturally vegetate within 3 years of creation then suitable species would be planted.

7) Project related activities would be conducted in accordance with manatee protection measures that have been coordinated with USFWS.

8) Environmental Commitments related to Sea Turtle and Smalltooth Sawfish will be honored. Full discussion of conditions within this commitment can be viewed in the Biological Assessment connected to SEA-500a.

9) If the proposed action is changed significantly or is not implemented within one year of USFWS T&E letter, the New Orleans District would reinitiate coordination with the U.S. Fish and Wildlife Service to ensure that the proposed action would not adversely affect any Federally listed threatened or endangered species, or their habitat.

10) If any unrecorded cultural resources were determined to exist within the proposed project boundaries, then no work would proceed in the area containing these cultural resources until a New Orleans District staff archeologist has been notified and final coordination with the State Historic Preservation Officer and Tribal Historic Preservation Officer has been completed. St. John the Baptist Parish, LA, is located in an area of historic interest to the Choctaw Nation of Oklahoma, and although the "Choctaw Nation is unaware of any cultural or sacred sites located in the immediate project area," the Tribe specifically requests "that work be stopped and our office contacted immediately in the event that Native American cultural objects or human remains are encountered."

11) Monitoring for project performance standards would occur in accordance with the performance standards and monitoring requirements identified in SEA-500, section 6.0 Mitigation.

Conclusion: This office has assessed the potential environmental impacts of the proposed action. Based on this assessment, which is attached hereto and made a part hereof, a review of the comments that were made on SEA-500a, and the implementation of the environmental design commitments listed above, a determination is made that this proposed action would best serve the public interest and would have no significant impact on the human environment. Therefore, a Supplemental Environmental Impact Statement is not required.

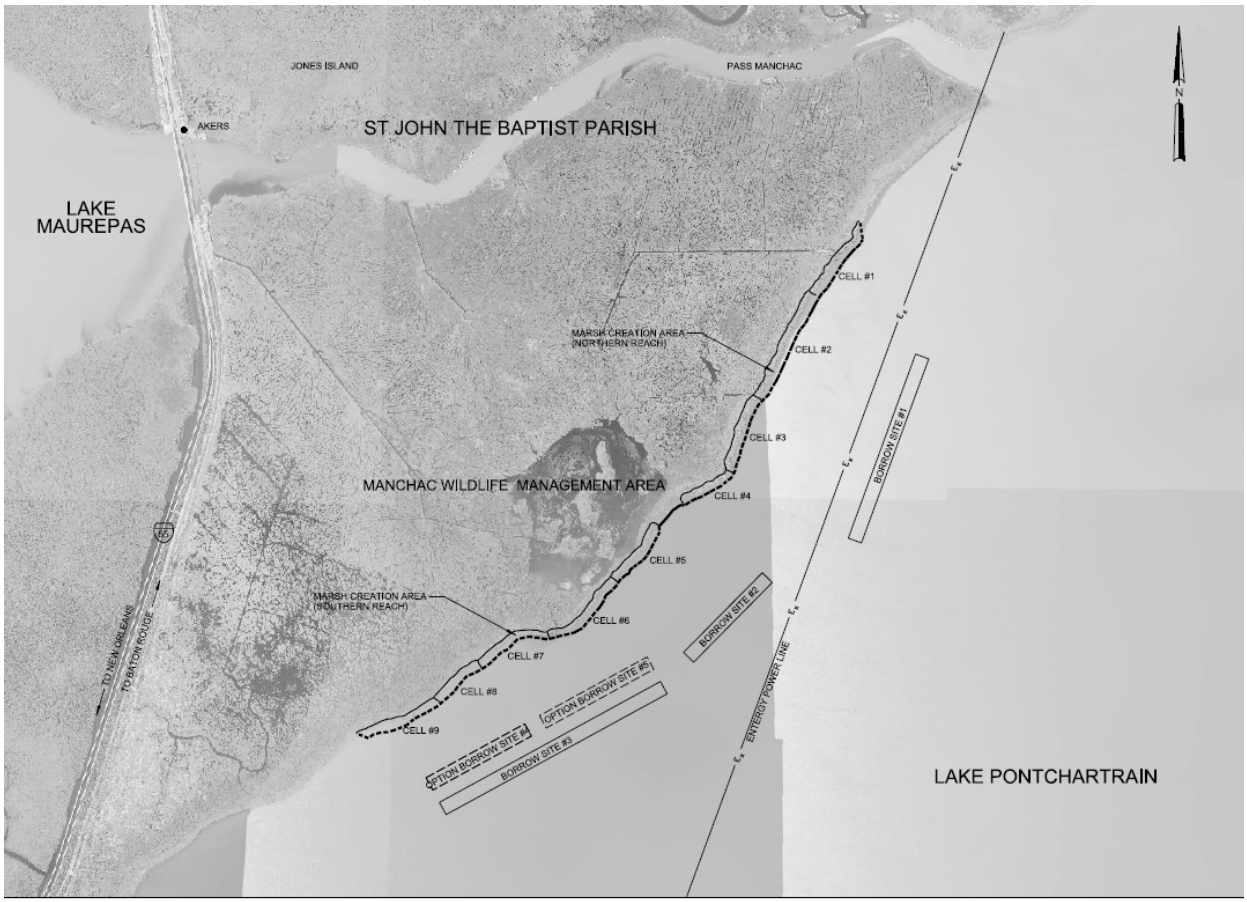
9 January 2015
Date

Richard L. Hansen
Colonel, U.S. Army
District Commander

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

LAKE PONTCHARTRAIN & VICINITY HURRICANE PROTECTION PROJECT – MITIGATION: MANCHAC WILDLIFE MANAGEMENT AREA SHORELINE PROTECTION MODIFICATION – ADDITIONAL BORROW SEA-500a

ST. JOHN THE BAPTIST PARISH, LOUISIANA



LOCATION MAP

SCALE: 1" = 2000'

2000' 0 2000' 4000' 6000' 8000'

U.S. Army Corps of Engineers
Mississippi Valley Division
Regional Planning and Environment Division South

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SEA-500a

ST. JOHN THE BAPTIST PARISH, LOUISIANA

1.0 INTRODUCTION

The U.S. Army Corps of Engineers (USACE), Mississippi River Valley Regional Planning and Environment Division (CEMVN-PD), South has prepared this Supplemental Environmental Assessment (SEA-500a) for the Mississippi Valley Division, New Orleans District (CEMVN), to evaluate the potential impacts associated with utilizing additional borrow areas to complete the rehabilitation and modification of the Manchac Wildlife Management Area (MWMA) mitigation project. SEA-500a is a supplement to SEA-500 (entitled "Lake Pontchartrain & Vicinity Hurricane Protection Project – Mitigation: Manchac Wildlife Management Area Shoreline Protection Modification") which detailed modifications to the original MWMA mitigation project as it was detailed in Supplement II to the Environmental Impact Statement (EIS) for Lake Pontchartrain and Vicinity Hurricane Protection Project Mitigation (LPV Mitigation Study). The Finding of No Significant Impact (FONSI) for SEA-500 was signed on 22 March 2011 and the Record of Decision (ROD) for the Supplement II to the EIS for the LPV Mitigation Study was signed on 3 November 1994. These NEPA documents as well as their Decision Records are hereby incorporated by reference into this document.

As background, the original MWMA mitigation project was constructed in 1995, with intention to utilize both structural and non-structural measures to protect and improve fish and wildlife habitat along the western edge of Lake Pontchartrain bordering the MWMA through marsh creation behind rock breakwaters. The 1995 effort failed to improve the habitat as desired, and additional harm to the marsh creation project resulted from Hurricanes Katrina and Rita in 2005.

Following damage caused by Hurricanes Katrina and Rita, a re-evaluation of the project was performed and new techniques were developed for achieving the required mitigation at the site. The MWMA mitigation project was modified in a number of ways including the elimination of gaps between the existing breakwaters and the placement of dredged material within the enclosed area between the breakwaters and shoreline to create a marsh platform as fully described in SEA-500 (hereafter, the Modified MWMA Mitigation Project). The dredging of authorized material was completed in September 2013, but still failed to fully create the desired amount of new marsh.

This SEA-500a is a supplement to the SEA-500 and involves the identification of the additional borrow material necessary to complete the Modified MWMA Mitigation Project. A full and complete history pertaining to the potential impacts associated with the Modified MWMA

Mitigation Project, including the location and means of marsh building, is discussed within the SEA-500 and therefore will not be discussed in this SEA.

This SEA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality's (CEQ) Regulations (40 CFR 1500-1508), as reflected in the USACE Engineering Regulation ER 200-2-2. This SEA-500a provides sufficient information on the potential adverse and beneficial environmental effects to allow the CEMVN Commander to make an informed decision on the appropriateness of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

1.1 Proposed Action

The proposed action consists of utilizing three new and, if necessary, two previously utilized borrow areas to obtain the required borrow to achieve the design elevation (+1.37 ft NAVD 88) within the marsh creation area which is enclosed by a continuous dike structure and an earthen dike located on the Lake Pontchartrain shoreline (Figure 1) as further detailed in the SEA-500. No flotation channels would be needed for the transport of fill material from the borrow source to the placement area, during construction of the proposed action.

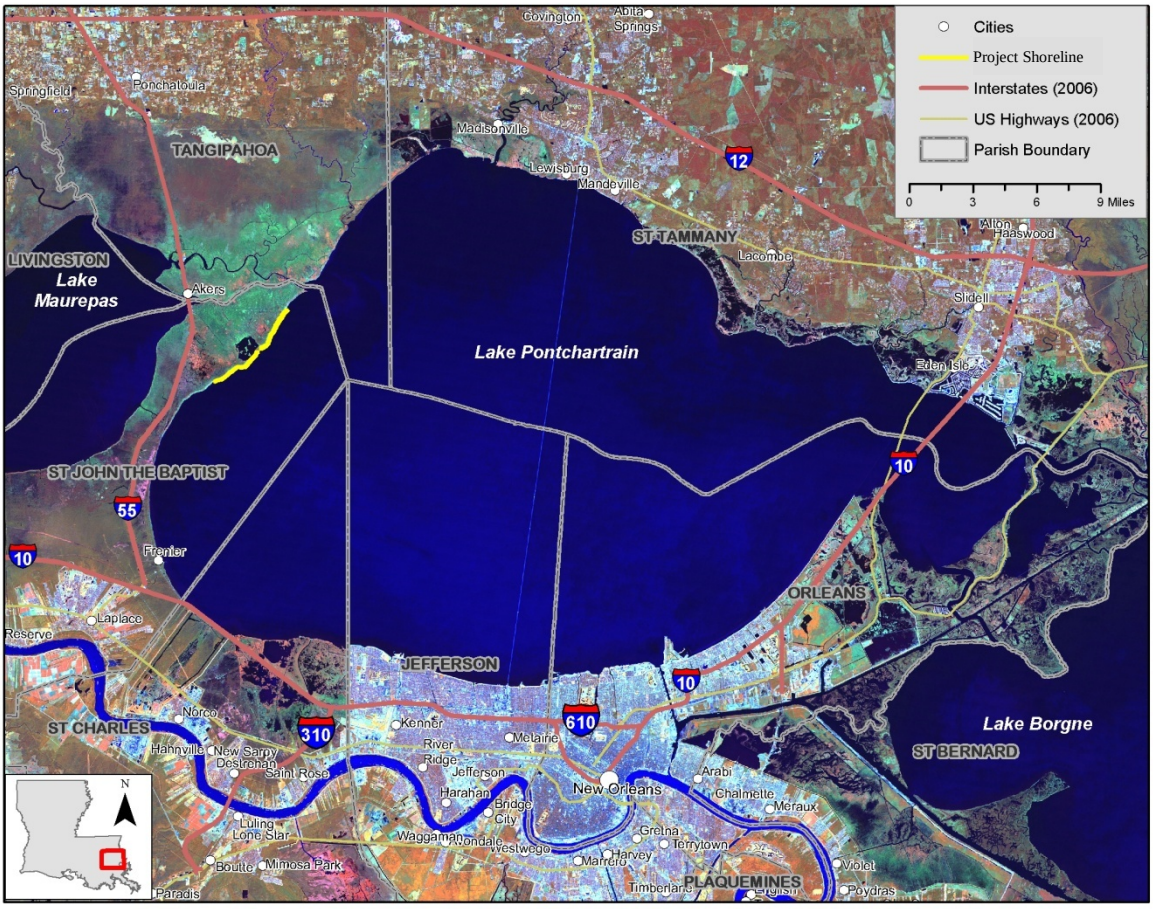


Figure 1: Location of Manchac WMA Shoreline Protection Modification

1.1.1 Fill Material and Borrow Sources

The filling of the marsh creation cells would take place by pumping a slurry of water and sediment excavated from Lake Pontchartrain water bottoms in the borrow areas identified on figure 2a. The maximum depth of excavation in the borrow sites would be -20 ft NAVD 88 (maximum depth only -19 ft NAVD 88 in portions of Borrow Site #3 for reasons detailed in Section 4.8 below). Effluent from borrow placement in the marsh creation areas would be discharged into adjacent marsh, but directed to avoid "the Prairie" (figure 2a) within the management area, as requested by MWMA staff. The Prairie is a shallow freshwater pond, near the Lake Pontchartrain shoreline comprising approximately 500 acres.

No OMRR&R activities are planned for the borrow pits. The linear pits could potentially provide wave dampening in this reach of shoreline. Some degree of natural backfilling would be anticipated over the project life as a result of daily tidal flows and weather events.

The proposed action involves use of three new borrow sites within Lake Pontchartrain. These borrow sites are approximately 1 mile or less from the previously utilized borrow areas discussed in SEA-500. The proposed borrow areas are named Borrow Site #1 (figure 2b), Borrow Site #2 (figure 2c), and Borrow Site #3 (figure 2d). Proposed Borrow Site #1 is approximately 80.34 acres and is approximately 500 x 7000 ft in size. Proposed Borrow Site #2 is approximately 46 acres and is approximately 500 x 4000 ft in size. Proposed Borrow Site #3 is 103.3 acres and is approximately 500 x 9000 ft in size.

In addition to Borrow Sites 1-3, borrow sites originally covered in SEA-500 and identified in the below figures as Optional Borrow sites #4 and #5, still contain some material and could be utilized again if sufficient borrow quantities do not exist in the proposed Borrow Sites 1-3 due to borrow quality or the existence of structures that would require avoidance (unrecorded pipelines, cultural sites, etc.). These borrow sites would not be excavated below the depth of -20 NAVD88 as stipulated in SEA-500.

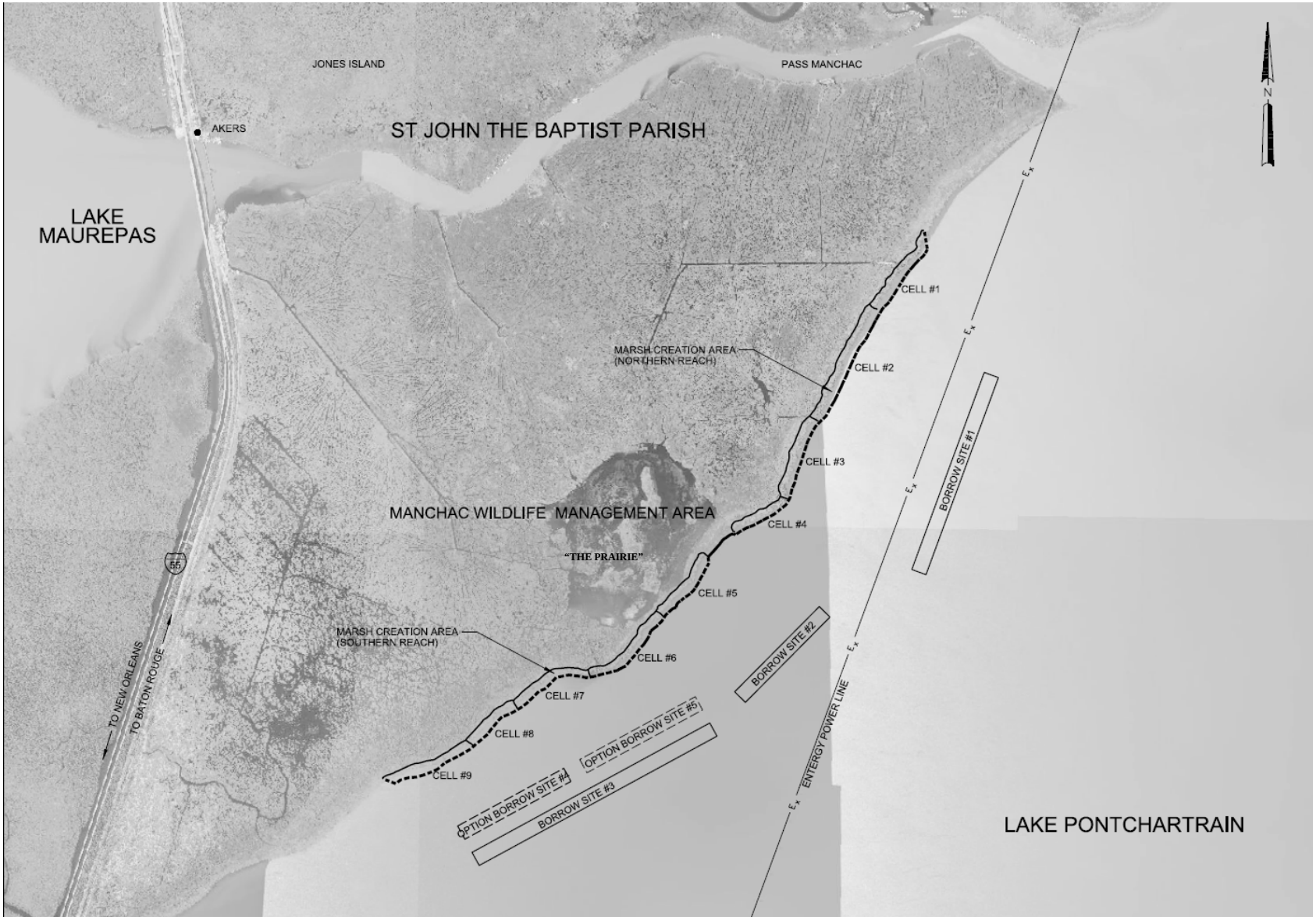
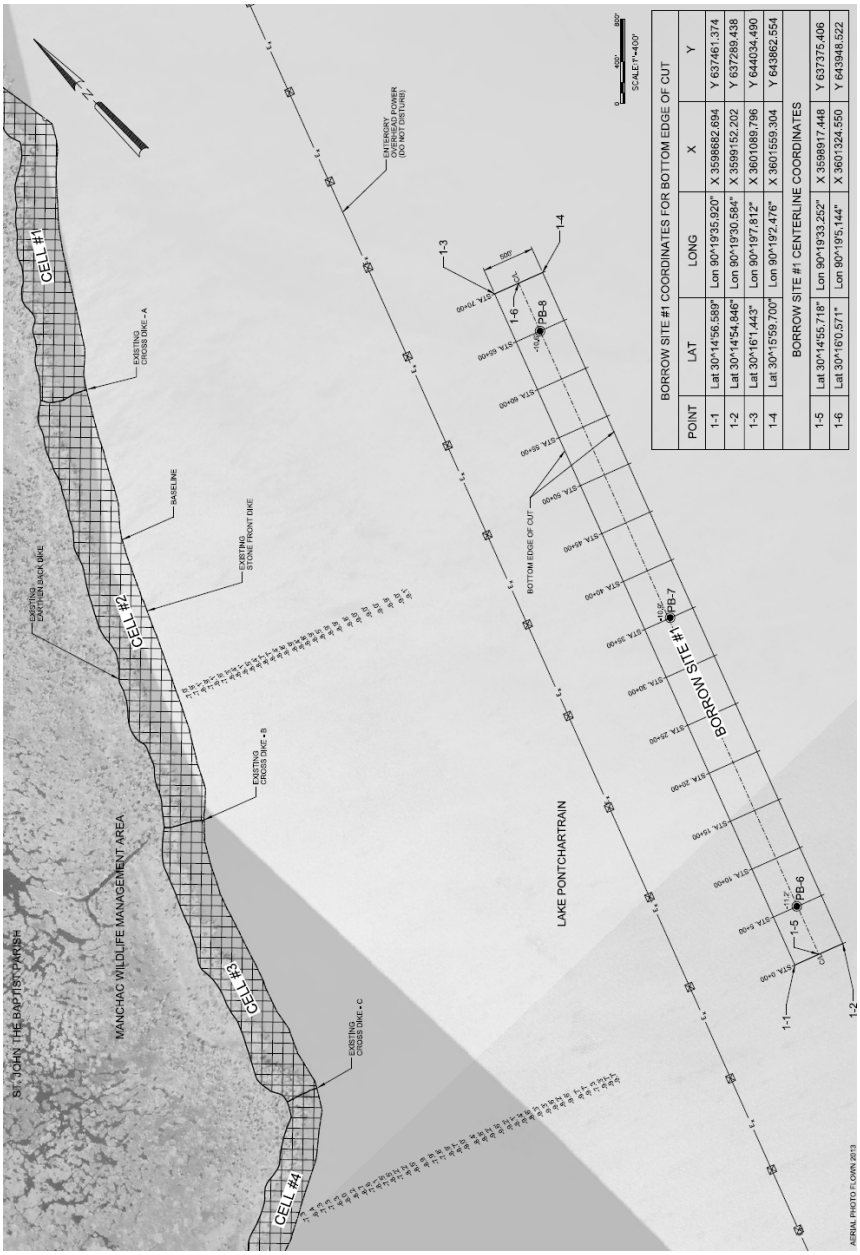
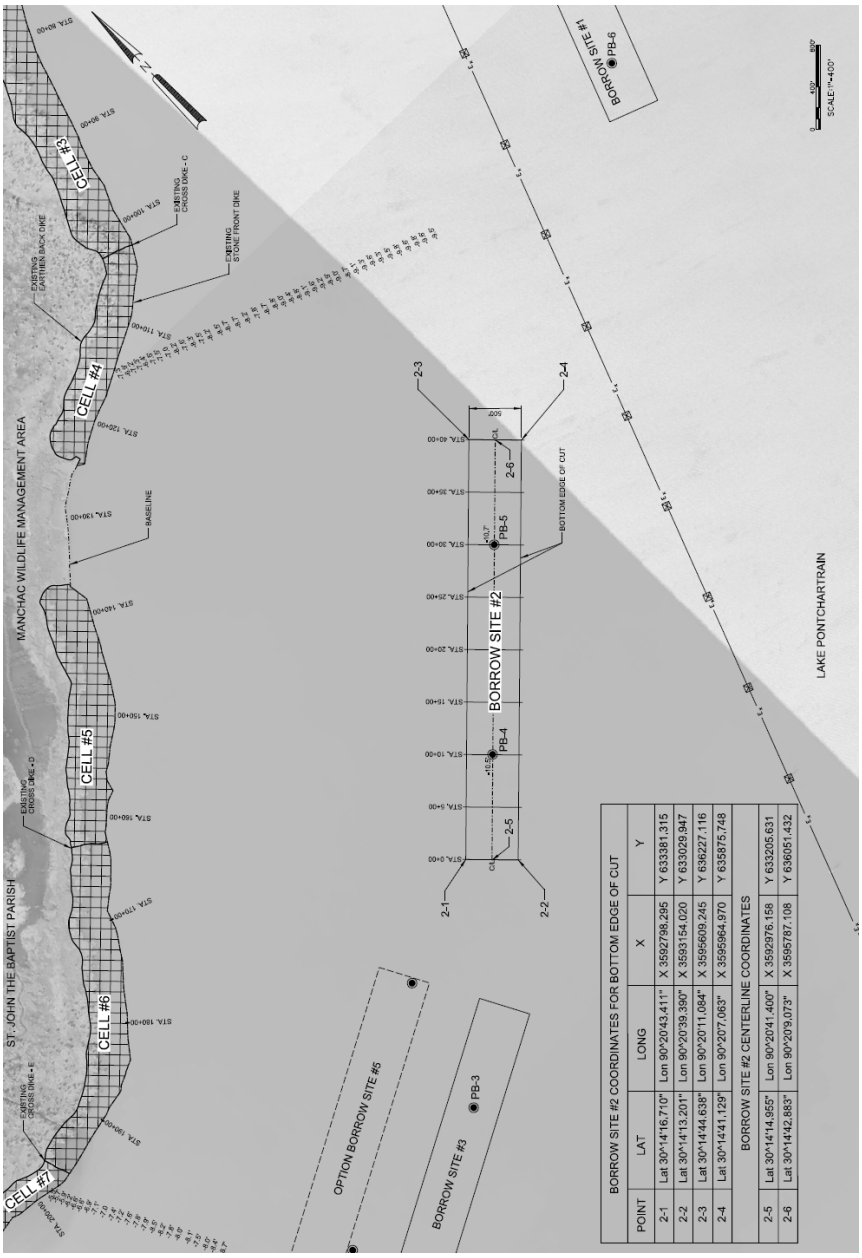

JONES ISLAND
PASS MANCHAC
AKERS
ST JOHN THE BAPTIST PARISH
LAKE MAUREPAS
CELL #1
MARSH CREATION AREA (NORTHERN REACH)
CELL #2
CELL #3
MANCHAC WILDLIFE MANAGEMENT AREA
CELL #4
"THE PRAIRIE"
CELL #5
MARSH CREATION AREA (SOUTHERN REACH)
CELL #6
CELL #7
CELL #8
CELL #9
TO NEW ORLEANS
TO BATON ROUGE
55
BORROW SITE #1
BORROW SITE #2
OPTION BORROW SITE #5
OPTION BORROW SITE #4
BORROW SITE #3
ENTERGY POWER LINE
LAKE PONTCHARTRAIN
N

Figure 2a: Borrow Pit Locations



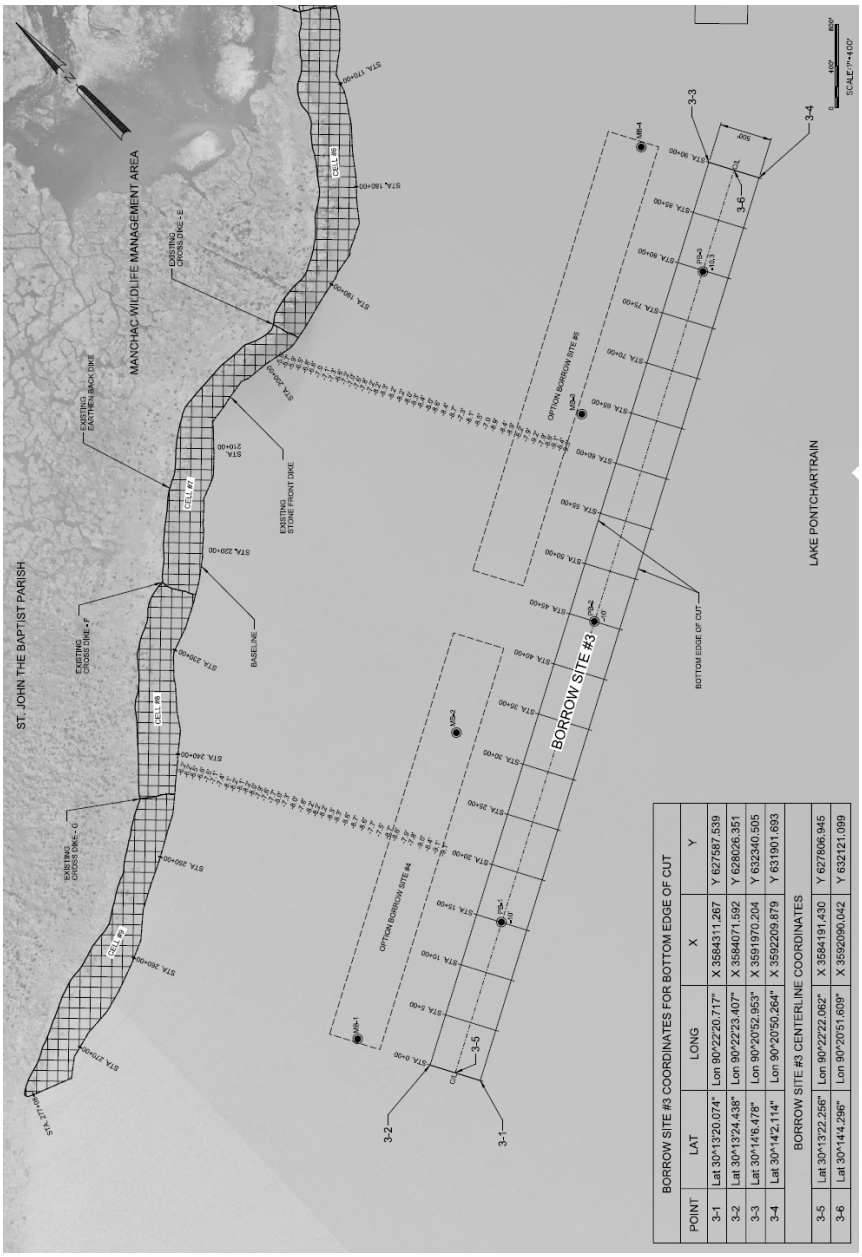
BORROW SITE #1 COORDINATES FOR BOTTOM EDGE OF CUT				
POINT	LAT	LONG	X	Y
1-1	Lat 30°14'56.589"	Lon 90°19'35.920"	X 3598682.694	Y 637461.374
1-2	Lat 30°14'54.846"	Lon 90°19'30.584"	X 3599152.202	Y 637289.438
1-3	Lat 30°16'1.443"	Lon 90°19'7.812"	X 3601089.796	Y 644034.490
1-4	Lat 30°15'59.700"	Lon 90°19'2.476"	X 3601559.304	Y 643862.554
BORROW SITE #1 CENTERLINE COORDINATES				
1-5	Lat 30°14'55.718"	Lon 90°19'33.252"	X 3598917.448	Y 637375.406
1-6	Lat 30°16'0.571"	Lon 90°19'5.144"	X 3601324.550	Y 643948.522

Figure 2b: Borrow Site #1



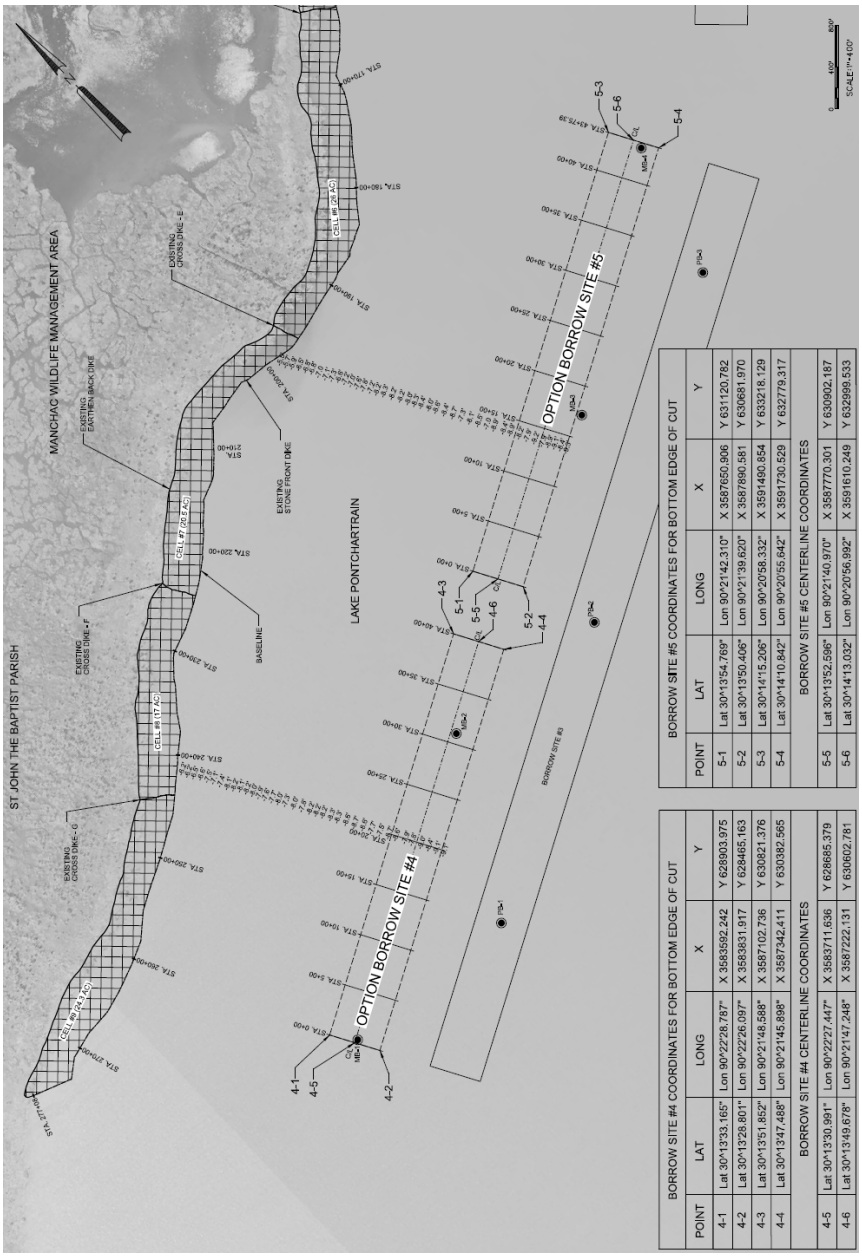
BORROW SITE #2 COORDINATES FOR BOTTOM EDGE OF CUT				
POINT	LAT	LONG	X	Y
2-1	Lat 30°14'16.710"	Lon 90°20'43.411"	X 3592798.285	Y 633381.315
2-2	Lat 30°14'13.201"	Lon 90°20'39.390"	X 3593154.020	Y 633029.947
2-3	Lat 30°14'44.638"	Lon 90°20'11.084"	X 3595609.245	Y 636227.116
2-4	Lat 30°14'41.129"	Lon 90°20'7.063"	X 3595964.970	Y 635875.748
BORROW SITE #2 CENTERLINE COORDINATES				
2-5	Lat 30°14'14.955"	Lon 90°20'41.400"	X 3592976.158	Y 633205.631
2-6	Lat 30°14'42.883"	Lon 90°20'9.073"	X 3595787.108	Y 636051.432

Figure 2c: Borrow Site #2



BORROW SITE #3 COORDINATES FOR BOTTOM EDGE OF CUT				
POINT	LAT	LONG	X	Y
3-1	Lat 30°13'20.074"	Lon 90°22'20.717"	X 3584311.267	Y 627587.539
3-2	Lat 30°13'24.438"	Lon 90°22'23.407"	X 3584071.592	Y 628026.351
3-3	Lat 30°14'6.478"	Lon 90°20'52.953"	X 3591970.204	Y 632340.505
3-4	Lat 30°14'2.114"	Lon 90°20'50.264"	X 3592209.879	Y 631901.693
BORROW SITE #3 CENTERLINE COORDINATES				
3-5	Lat 30°13'22.256"	Lon 90°22'22.062"	X 3584191.430	Y 627806.945
3-6	Lat 30°14'4.296"	Lon 90°20'51.609"	X 3592090.042	Y 632121.099

Figure 2d: Borrow Site #3



BORROW SITE #4 COORDINATES FOR BOTTOM EDGE OF CUT				
POINT	LAT	LONG	X	Y
4-1	Lat 30°13'33.165"	Lon 90°22'28.787"	X 3583592.242	Y 628903.975
4-2	Lat 30°13'28.801"	Lon 90°22'26.097"	X 3583831.917	Y 628485.163
4-3	Lat 30°13'51.852"	Lon 90°21'48.588"	X 3587102.736	Y 630821.376
4-4	Lat 30°13'47.488"	Lon 90°21'45.898"	X 3587342.411	Y 630382.565
BORROW SITE #4 CENTERLINE COORDINATES				
4-5	Lat 30°13'30.991"	Lon 90°22'27.447"	X 3583711.636	Y 628685.379
4-6	Lat 30°13'49.678"	Lon 90°21'47.248"	X 3587222.131	Y 630602.781

BORROW SITE #5 COORDINATES FOR BOTTOM EDGE OF CUT				
POINT	LAT	LONG	X	Y
5-1	Lat 30°13'54.769"	Lon 90°21'42.310"	X 3587650.906	Y 631120.782
5-2	Lat 30°13'50.406"	Lon 90°21'39.620"	X 3587890.581	Y 630681.970
5-3	Lat 30°14'15.206"	Lon 90°20'58.332"	X 3591490.854	Y 633218.129
5-4	Lat 30°14'10.842"	Lon 90°20'55.642"	X 3591730.529	Y 632779.317
BORROW SITE #5 CENTERLINE COORDINATES				
5-5	Lat 30°13'52.596"	Lon 90°21'40.970"	X 3587770.301	Y 630902.187
5-6	Lat 30°14'13.032"	Lon 90°20'56.992"	X 3591610.249	Y 632999.533

Figure 2e: Original Borrow Sites cleared in SEA-500

1.1.2 Data Gaps and Uncertainties

As detailed further in Section 4.8, Borrow Site #3 may not be dredged as deep as Borrow Sites 1 and 2 due to the existence of the paleolevees and paleochannels which could contain cultural resources. In addition, as detailed in Section 4.11, Borrow Site #1 will be approached with extra safety precautions due to the presence of unidentified objects that have been detected by the magnetometer. There are no other known data gaps.

1.2 Purpose and Need for the Proposed Action

The purpose and need for the Proposed Action is to supply the additional borrow material necessary to complete the Modified MWMA Mitigation Project. The purpose of the mitigation project as described in the LPV Mitigation Study was to compensate for damages caused by the construction of the LPV project. As previously discussed, the original mitigation project was constructed in 1995 and did not perform as anticipated, the environmental benefits required to compensate for project impacts were not achieved. Following a re-evaluation of the project beginning in 2007, new techniques were developed for achieving the required mitigation at the site. During construction of the Modified MWMA Mitigation Project, acquisition of adequate borrow became problematic due to large quantities of unsuitable material (cypress stumps) present in the borrow site. As such, the identification of additional borrow sites became necessary to complete the originally proposed mitigation project.

1.3 Authority for the Proposed Action

The authority for the proposed action was provided as part of a number of hurricane and storm damage risk reduction projects spanning southeastern Louisiana, including the LPV Hurricane Protection Project. The proposed action was initially authorized as part of the LPV project. Congress and the Administration granted a series of supplemental appropriations acts following Hurricanes Katrina and Rita to repair and upgrade the project systems damaged by the storms. The LPV project was authorized by the Flood Control Act of 1965 (P.L.[Public Law] 89-298, Title II, Sec. 204) which authorized a "project for hurricane protection on Lake Pontchartrain, Louisiana ... substantially in accordance with the recommendations of the Chief of Engineers in House Document 231, Eighty-ninth Congress." The original statutory authorization for the LPV project was amended by the Water Resource Development Acts (WRDA) of 1974 (P.L. 93-251, Title I, Sec. 92), 1986 (P.L. 99-662, Title VIII, Sec. 805), 1990 (P.L. 101-640, Sec. 116), 1992 (P.L. 102-580, Sec. 102), 1996 (P.L. 104-303, Sec. 325), 1999 (P.L. 106-53, Sec. 324), and 2000 (P.L. 106-541, Sec. 432); and the Energy and Water Development Appropriations Acts of 1992 (P.L. 102-104, Title I, Construction, General), 1993 (P.L. 102-377, Title I, Construction, General), and 1994 (P.L. 103-126, Title I, Construction, General),1993 (PL 102-377, Title I, Construction, General), and 1994 (PL 103-126, Title I, Construction, General).

1.4 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. Pertinent studies, reports, and projects completed since finalization of SEA-500 include:

Lake Pontchartrain and Vicinity Hurricane Protection Project

- On March 22, 2011, the CEMVN Commander signed a FONSI on Supplemental EA-500 entitled "Lake Pontchartrain & Vicinity Hurricane Protection Project – Mitigation: Manchac Wildlife Management Area Shoreline Protection Modification." The report evaluates the impacts of heightening existing breakwaters and eliminating gaps between them, and placement of dredged material within the enclosed area between the breakwaters and shoreline to create a marsh platform. It was determined that the action would not significantly impact resources in the immediate area.
- On November 23, 2013, the CEMVN Commander signed a Decision Record for Programmatic Individual Environmental Report (PIER) #36 entitled "Lake Pontchartrain and Vicinity (LPV) Hurricane and Storm Damage Risk Reduction System (HSDRRS) Mitigation." This PIER evaluates the proposed mitigation plan to compensate for unavoidable habitat losses caused by the construction of the LPV HSDRRS. It was determined that the proposed mitigation plan is justified and in accordance with environmental statutes, and in the public interest.
- On September 13, 2014, the CEMVN Commander signed a Decision Record for Programmatic Individual Environmental Report #36, Tiered Individual Environmental Report 1 (PIER 36, TIER 1) entitled "Milton Island Marsh Restoration Project; Saint Tammany Parish, Louisiana." PIER 36, TIER 1 evaluates the potential impacts associated with the proposed restoration of intermediate marsh at Milton Island as compensatory mitigation for impacts to non-refuge intermediate marsh caused by construction of flood risk reduction features on the east bank of the Mississippi River in the New Orleans Metropolitan Area as described in the PIER 36. It was determined that the proposed mitigation plan is justified and in accordance with environmental statutes, and in the public interest.

West Shore Lake Pontchartrain, LA Hurricane and Storm Damage Risk Reduction Study

- On August 23, 2013, a Notice of Availability for the Integrated Draft Feasibility Report and Environmental Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study was published in the Federal Register, initiating the 45 day public review period. This review period was extended to October 22, 2013 due to Federal Government shutdown. This report discusses the plan to provide storm surge risk reduction for St. John the Baptist, St. Charles, and St. James Parishes.

Additional prior reports can be found in section 1.4 of SEA-500.

1.5 Public Concerns

The public is concerned about wetland loss, shoreline erosion, anthropogenic development (i.e., sprawl), and impacts to Lake Pontchartrain and other areas in the vicinity of the project. All of these concerns have been discussed in detail by researchers, local outreach groups, and the press.

The public realizes the importance of the area's wetlands, and there are several non-governmental organizations (NGO) that are concerned about their ongoing deterioration and loss (e.g., Lake Pontchartrain Basin Foundation, America's Wetland, and National Audubon Society). Louisiana has approximately 40 percent of the nation's coastal wetlands, and 80 percent of the nation's annual wetland loss (Turner 1997). The state is currently losing approximately 25 square miles (mi^2) of wetlands per year (Boesch *et al.* 1994). Wetland restoration and conservation, and public awareness of these issues are the goals of interested NGOs. The public is also concerned with the fate of the wetlands within the MWMA because of their recreational value.

The public cares about the ecological integrity of the Lake Pontchartrain area. The lake is important because of its recreational value, and its economic impact on the fisheries and tourism sectors. Water quality in the lake is probably the greatest public concern. Pollution, nutrient loading, and saltwater intrusion (i.e., salinity changes) are of particular concern because they all affect water quality. Eutrophication is caused by excess nutrient input into the lake, which may lead to algal blooms, and can cause a loss of seagrasses.

2.0 ALTERNATIVES TO THE PROPOSED ACTION

2.1 Alternative Development and Screening

The purpose of the proposed project is to complete construction of the Modified MWMA Mitigation Plan. NEPA requires that in analyzing alternatives to the proposed action, a Federal agency consider an alternative of "No Action". Because of the unavailability of suitable borrow material, the "No Action" alternative is to cease any further completion of the Modified MWMA Mitigation Plan. This alternative could result in a reduced shoreline erosion rate due to completion of some of the planned mitigation, but because this mitigation would not be completed for the entire design area, it would leave the USACE in non-compliance with its obligation to mitigate as discussed in SEA-500.

In identifying potential borrow source alternatives, consideration was given to the known soil characteristics in the proximity of the mitigation site as documented by SEA 500. Soil located nearer to the mitigation area is known to have heavy organic content, and would therefore be inappropriate for building marsh as required for mitigation. Potential borrow sources located farther from the mitigation area were screened due to the encroachment on an area designated as a gunnery practice range utilized during WWII (see Section 4.11), or due to high cost associated with transportation to the mitigation area. In addition to the proposed action, the alternative of deepening the previously used borrow areas to provide all the material necessary to complete the project, was considered. This alternative was eliminated from further consideration since sufficient material was not available without increasing depth of the borrow site below -20 NAVD 88, a depth at which oxygen levels are diminished below that necessary for aquatic life

and creating hypoxic (the low oxygen level) conditions. Although, previously identified borrow sources in the Modified MWMA Mitigation Project still remain a viable source of supplemental material if a depth of -20 NAVD 88 is not exceeded, these sources in and of themselves cannot produce adequate quantities and must be augmented.

3.0 AFFECTED ENVIRONMENT

Section 3.0 of SEA-500 contains a complete discussion of the Affected Environment and Existing Conditions for the proposed action. There have been no actions (storms, manmade, etc) since the completion of SEA-500 that have caused any significant changes to the Affected Environment and Existing Conditions for the area where the borrow pits are located. The only notable change in affected environment since finalizing SEA-500, is the partial completion of the mitigation project that this current action is targeted to complete.

In connection with the proposed action, a remote sensing survey of three proposed borrow sites was completed. This survey found previously-unidentified paleolevees and a paleochannel in Borrow Site #3. Also, several previously-unknown and unidentified objects were identified by magnetometer, within Borrow Site #1. These features and objects are new additions to the Affected Environment, and are further discussed within the Environmental Consequences related to Cultural Resources, and to HTRW.

4.0 ENVIRONMENTAL CONSEQUENCES

The proposed action takes place within Lake Pontchartrain. Wetlands, wildlife, environmental justice, and socioeconomic resources would not be impacted from implementation of the proposed action. Impacts to wetlands and wildlife resources that are present on or within land created by this proposed project were covered in SEA-500. There are no human inhabitants or livelihoods within the area to be impacted by the proposed action. Similarly, the areas impacted by the proposed action do not contain unique socioeconomic resources.

4.1 AQUATIC RESOURCES/FISHERIES

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

Under the no action alternative, the previously approved and partially constructed Modified MWMA Mitigation Project would not be completed. Impacts to the borrow areas would be the same as discussed in SEA-500.

Future Conditions with the Proposed Action

Direct, Indirect, Cumulative Impacts

With implementation of the proposed action, there would be some direct and indirect impacts to aquatic resources/fisheries in the form of physically altered open water bottom habitat, and temporary increases in turbidity during construction activities. Approximately 230 acres of open water bottom habitat would be made deeper. If the Optional Borrow Sites become utilized, as much as 95 additional acres of open water bottom could be excavated deeper than their current depth, approximately -10 NAVD 88, but not below -20 NAVD 88 in order to avoid hypoxic conditions. Substrates in the borrow area are clay and would not change at excavated depth. It is anticipated that benthic resources would soon re-colonize in the disturbed area if hypoxic conditions are avoided and sediment type remains consistent. Sediment particles that become suspended due to dredging activities may impact filter feeding benthic invertebrates by fouling feeding apparatus if the concentration of such particles is excessively high, possibly leading to mortality. If this were to occur, impacts would be temporary, during the period of construction.

These impacts, when added to the impacts described in SEA-500 and other actions in the Lake Pontchartrain Basin specifically borrow site impacts identified in PIER 36, TIER1 for the Milton Island Mitigation project, would not result in a significant increase in cumulative effects experienced by this resource in the vicinity of the project area.

4.2 ESSENTIAL FISH HABITAT (EFH)

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

Under the no action alternative, the previously approved and partially constructed MWMA Mitigation Project would not be completed. Impacts would be the same as discussed in SEA-500.

Future Conditions with the Proposed Action

Direct, Indirect, Cumulative Impacts

Impacts to EFH would be similar to those described in SEA-500 for the borrow areas. Construction of the proposed action would involve the deepening of 230 acres of lake bottom from approximately -6 ft NAVD 88 to -20 ft NAVD 88 for the acquisition of borrow material. Impacts from re-using the borrow pits cleared in SEA-500 would not incur any additional impacts to EFH. It is anticipated that over time some infilling of the borrow areas would occur due to storm actions or other natural increases to water energy and sediment transport.

These impacts, when added to the impacts described in SEA-500 and other actions in the Lake Pontchartrain Basin specifically borrow site impacts identified in PIER 36, TIER1 for the Milton Island Mitigation project, would not result in a significant increase in cumulative effects experienced by this resource in the vicinity of the project area. Because impacts would be temporary, and because these temporary impacts are only to 230 of the 403,200 acre lake, when these temporary impacts are examined in the context of all reasonably foreseeable past, present,

and future actions, this project is not expected to result in a significant cumulative change to Essential Fish Habitat.

4.3 THREATENED AND ENDANGERED SPECIES

The proposed project area has potential to contain five threatened or endangered species. These are: West Indian Manatee; Gulf Sturgeon; and Green, Kemp's Ridley, and Loggerhead Sea Turtles. The proposed project area does not include critical habitat of these species.

Future Conditions with No Action Alternative

West Indian Manatee; Gulf Sturgeon; Green, Kemp's Ridley, and Loggerhead Sea Turtles

Direct, Indirect, Cumulative Impacts

Under the no action alternative, the previously approved and partially constructed MWMA Mitigation Project would not be completed. Impacts would be the same as discussed in SEA-500.

Future Conditions with the Proposed Action

4.3.1 West Indian Manatee

Direct Impacts

Up to 325 acres of water bottoms would be excavated for borrow (230 new, 95 cleared in SEA-500), thus temporarily eliminating that area for use by the manatee during construction activities.

The project area would not be considered a high value habitat for the manatee since food sources including floating and submerged vegetation have not been found. The potential exists for manatee presence and collisions with tow boats and skiffs that would be used as support vessels during construction activities. The implementation of the standard manatee protection measures found in SEA-500 would significantly reduce the potential for collisions.

In their letters dated December 18, 2009 and July 3, 2014, the U.S. Fish and Wildlife Service (USFWS) concurred with the USACE's determination that the proposed action 'is not likely to adversely affect' Federally-listed species as manatee protection measures, detailed in section 4.5 of SEA-500, would be implemented during project construction activities.

Indirect Impacts

The operation of construction equipment would cause noise and vibration impacts. Localized turbidity increases would occur during construction, but would be reduced by the movement of

the tides. It is anticipated that any manatee in the vicinity of the project area would avoid the project area because of these disturbances.

Cumulative Impacts

Cumulative impacts would be the same as discussed in SEA-500, only increased to include those impacts incurred by the proposed action. Total temporary impacts to open water, as described in SEA-500, including impacts from the proposed action, would take place over approximately 1,082 acres or approximately 2.5% of the 403,200-acre lake. These temporary impacts in this small portion of the lake and would cease once construction is complete, approximately 190 days. When these temporary impacts are examined in the context of all reasonably foreseeable past, present, and future actions, this project is not expected to result in a significant cumulative change.

4.3.2 Gulf Sturgeon

Direct impacts

Up to 325 acres of water bottoms would be excavated for borrow (230 new, 95 cleared in SEA-500), thus temporarily eliminating that area for use by the Gulf sturgeon during construction activities. Construction of the proposed action would occur via hydraulic cutterhead dredge. Cutterhead dredges are a slower moving type of dredging equipment and are not known to take Gulf sturgeon. A Biological Assessment for the proposed action was prepared and submitted to NMFS on June 5, 2014. NMFS, in their June 23, 2010 and December 15, 2014 letters, concurred with the USACE's determination that the proposed action was 'Not Likely to Adversely Affect' Gulf sturgeon or their critical habitat.

Indirect impacts

The operation of construction equipment would cause noise and vibration impacts. Localized turbidity increases would occur during construction, but would be reduced by the movement of the tides. It is anticipated that any Gulf sturgeon in the vicinity of the project area would avoid the project area because of these disturbances. Benthic invertebrates would be eliminated in borrow areas during dredging operations. Substrates in the borrow area are clay and would not change at excavated depth. Following the completion of dredging operations it is anticipated that benthic organisms would re-colonize the borrow areas (Ray, 2007). Gulf sturgeon prey items, including benthic invertebrates, are available throughout the Lake Pontchartrain estuary.

Cumulative Impacts

Cumulative impacts would be the same as discussed for the manatee.

4.3.3 Green, Kemp's Ridley, and Loggerhead Sea Turtles

Direct Impacts

Up to 325 acres of water bottoms would be excavated for borrow (230 new, 95 cleared in SEA-500), which would temporarily eliminate the area for use by the sea turtles during construction activities. Construction of the proposed action would occur via hydraulic cutterhead dredge. The cutterhead dredge is slower moving type of dredging equipment and has not been identified as equipment that would impact sea turtles. A Biological Assessment for the proposed action was prepared and submitted to NMFS on June 5, 2014. NMFS, in their June 23, 2010 and December 15, 2014 letters, concurred with the USACE's determination that the proposed action was 'Not Likely to Adversely Affect' sea turtles.

Indirect Impacts

The operation of construction equipment would cause noise and vibration impacts. Localized turbidity increases would result but may be reduced by the movement of the tides. During construction activities all sea turtle species would be expected to avoid the work area because of these disturbances. Benthic invertebrates would be eliminated in borrow areas during dredging operations. Following the completion of dredging operations, it is anticipated that benthic organisms would re-colonize the borrow areas (Ray, 2007). Sea turtle prey items, including benthic invertebrates and crustaceans, are available throughout the Lake Pontchartrain estuary.

Cumulative Impacts

Cumulative impacts would be the same as discussed for the manatee.

4.4 AQUATIC HABITAT (ESTUARINE WATER BODIES)

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

Under the no action alternative, the previously approved and partially constructed MWMA Mitigation Project would not be completed. Impacts would be the same as discussed in SEA-500.

Future Conditions with the Proposed Action

Direct Impacts

Impacts to Estuarine Water Bodies would be similar to those described in tSEA-500 for the borrow areas. Construction of the proposed action would involve the deepening of 230 acres of lake bottom from approximately -6 ft NAVD 88 to -20 ft NAVD 88 for the acquisition of borrow material, and would not expose new substrate. Impacts from re-using the borrow pits cleared in SEA-500 would not incur any additional impacts to Estuarine Water Bodies. All areas

excavated for borrow would remain aquatic habitat and it is anticipated that over time some infilling of the borrow areas would occur due to storm actions or other water actions moving sediment within the area.

Indirect Impacts

The dredging will cause temporary increases in turbidity, thus decreasing water transparency. This impact would be localized and temporary during the anticipated 190 day period of construction.

Cumulative Impacts

Impacts to Estuarine Water Bodies would include converting from a shallower aquatic habitat to a deeper aquatic habitat. In total, 325 acres of aquatic habitat may be impacted by the proposed project construction. The project area makes up a small portion of the 403,200-acre lake. When these temporary impacts are examined in the context of all reasonably foreseeable past, present, and future actions, this project is not expected to result in a significant cumulative impact to Aquatic Habitat.

4.5 AIR QUALITY

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

Under the no action alternative, potential direct and indirect air quality impacts associated with the construction and operation of the mitigation project would not occur. Air quality would not be predicted to change from existing conditions and therefore would have no change cumulatively on air quality.

Future Conditions with the Proposed Action

Direct and Indirect Impacts

The proposed action is located in St. John the Baptist Parish, which is currently in attainment of National Ambient Air Quality Standards (NAAQS) for pollutants. Direct impacts to air quality would include emissions from the operation of the dredge and various water craft utilized to move construction materials and personnel at the work site. Emissions from construction equipment and water craft would occur throughout the construction period. These impacts are anticipated to be localized and temporary and not of such magnitude to change the attainment status of the parish. During and after construction air quality would continue to be in attainment of pollutant standards set by NAAQS.

Cumulative Impacts

The cumulative effects to air quality would be the combined emissions from constructing the proposed action, when added to other regional emission sources. Those sources would include vehicles utilizing the I-55 and I-10 Interstates and Louisiana Highway 51, water craft utilizing Lake Borgne and Lake Pontchartrain, and emissions from the nearby communities of Manchac and Ruddock. The parish is currently in attainment of NAAQS for pollutants. The air emissions produced by the proposed action would not cause an increase in cumulative impacts such that the parish would no longer be in attainment of these standards.

4.6 WATER QUALITY

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

Without implementation of the proposed action, water quality would not be predicted to change from existing conditions. Point source and nonpoint source pollution inputs would continue to impact and degrade lake water quality. Sewage outfalls would be expected to continue to contribute to eutrophication of lake waters and high fecal coliform counts would be expected to continue to be found at outfalls of canals and tributaries. Additionally, periodic operation of the Bonnet Carre Spillway would continue to cause periodic nutrient loading in the lake. The direct and indirect water quality impacts, including temporary increases in turbidity associated with the construction of the mitigation project would not occur. There would be no cumulative impacts to water quality from implementation of this alternative.

Future Conditions with the Proposed Action

Direct Impacts

Construction activities would impact water quality by temporarily increasing turbidity caused by the hydraulic cutterhead dredging. The movement of equipment and vessels at the construction site would also cause temporary increases in turbidity. Additionally, gasoline and oils released into the water column during vessel and equipment operation would degrade local water quality. These direct impacts would be expected to be localized and temporary.

Indirect Impacts

There is a potential to have indirect seasonal impacts on water quality due to hypoxia in the bottom of the borrow pit. This hypoxia is caused during times of the year when there are light winds that do not stir the waters to depth. To mitigate for the potential hypoxia effect, avoidance of greater depths will occur by limiting dredging to only -20 ft NAVD 88 as specified in the SEA-500 FONSI in accordance with the Fish and Wildlife Coordination Act.

Cumulative Impacts

No negative cumulative effects to water quality would be anticipated from the proposed project.

4.7 NOISE AND VIBRATION

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

Under the no action alternative, the previously approved and partially constructed MWMA Mitigation Project would not be completed. Impacts would be the same as discussed in SEA-500.

Future Conditions with the Proposed Action

Direct, Indirect, Cumulative Impacts

With construction of the proposed action, there would be a temporary increase in noise levels during dredging activities. The site is remote and few people (fishermen, recreational boaters) would be impacted. Wildlife and fish would be directly and indirectly impacted and would vacate the vicinity during construction. However, the borrow sites make up a small portion of the 403,200 acre lake and there is ample adjacent habitat that these species and recreational users can utilize. There should be no long term cumulative impacts from the noise and vibration.

4.8 CULTURAL RESOURCES

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

The no action alternative would not cause direct, indirect, or cumulative impacts to any National Register of Historic Places (NRHP) eligible cultural resources.

Future Conditions with the Proposed Action

Direct, Indirect, Cumulative Impacts

The paleolevees within proposed Borrow Site #3 located by remote sensing survey have potential to contain undiscovered prehistoric cultural resources, including those eligible for listing to the NRHP. Interpretation of remote sensing data indicate that these paleolevees are no higher than -19.68 ft NAVD 88 (Lydecker and James 2014). Any direct, indirect, or cumulative impacts to these potential cultural resources would be avoided to the maximum extent practicable by creation of avoidance polygons that would not be excavated for borrow material below -19 ft NAVD 88. The Louisiana State Historic Preservation Officer (SHPO), in a letter dated 22 September 2014, has agreed with the USACE conclusion that limiting dredging to -19 ft NAVD 88 above the paleolevees will result in no impact on historic properties.

USACE coordinated a “no historic properties affected” finding with federally-recognized Indian Tribes on October 8, 2014. The Caddo Nation of Oklahoma and the Choctaw Nation of Oklahoma concurred with the effect determination on October 9, 2014, and November 10, 2014, respectively. St. John the Baptist Parish, LA, is located in an area of historic interest to the Choctaw Nation of Oklahoma, and although the "Choctaw Nation is unaware of any cultural or sacred sites located in the immediate project area," the Tribe requests "that work be stopped and our office contacted immediately in the event that Native American cultural objects or human remains are encountered." No objections to the effect determination were received.

4.9 RECREATION RESOURCES

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

Under the no action alternative, the previously approved and partially constructed MWMA Mitigation Project would not be completed. Impacts would be the same as discussed in SEA-500.

Future Conditions with the Proposed Action

Direct Impacts

In the short-term, dredging activities would increase turbidity in the project area where work is being performed. This turbidity would disrupt most recreational activity occurring within the area of work; however, these adverse impacts would be temporary. Recreational fishing could be temporarily restricted in the project area during dredging.

During the construction and any maintenance events, a no work zone would be in place during duck hunting season (figure 3). The dates for duck hunting season can be found at the LDWF website (http://www.wlf.louisiana.gov/hunting/seasons/migratoryandwaterfowl/). This no work zone would avoid impacts to the duck season on the MWMA.

Indirect Impacts

Potential indirect impacts from the proposed action would primarily consist of effects from increased turbidity that could impact recreational fishing opportunities in the work area, and areas immediately adjacent that may receive agitated soil particles via lake currents. Impacts on fisheries would be temporary due to the expected rate at which agitated particles will settle back to lake bottom. Indirect impacts would be caused by the displacement of organisms from localized areas due to elevated turbidity levels and noise associated with construction excavation/dredging activities. However, those impacts would be short-term, with effects lasting up to several months after construction completion.

Cumulative Impacts

The actions impacting Lake Pontchartrain would be primarily short-term and would result from sediment disruption from dredging activities and project construction. The effects of these impacts normally last for a relatively short-term and occur during and several months following construction.

Projects can also affect navigation of recreational fishing boats by limiting access during construction. However, the proposed action would be unlikely to have adverse impacts to fishery resources past the construction period.

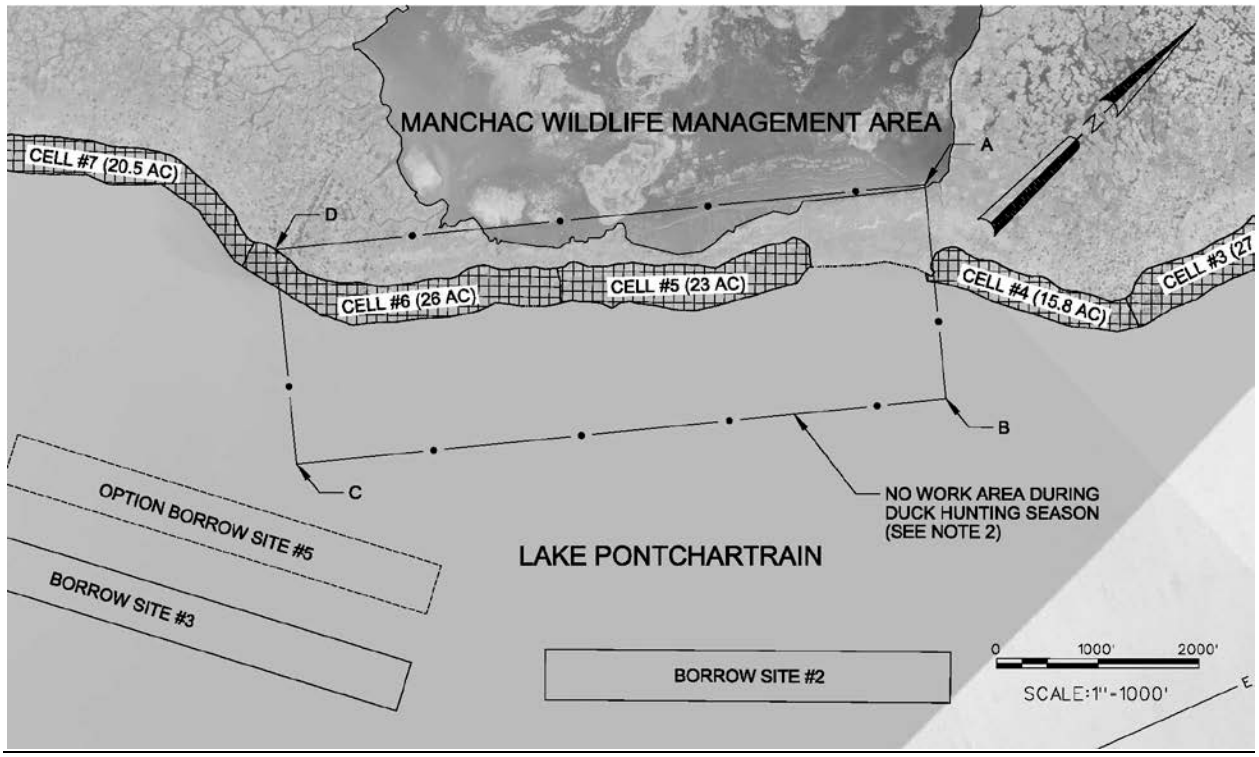


Figure 3. No Work Area during Duck Hunting Season.

4.10 AESTHETIC (VISUAL) RESOURCES

Future Conditions with No Action Alternative

Direct, Indirect, Cumulative Impacts

Under the no action alternative, the previously approved and partially constructed MWMA Mitigation Project would not be completed. Impacts would be the same as discussed in SEA-500.

Future Conditions with the Proposed Action

Direct Impacts

The visual resources of the project corridor would be temporarily impacted by dredging activities related to implementing the proposed action. However, this temporary impact would affect visual resources from boating and other water traffic only. Also, as a consideration, view sheds to the project site are minimal at best.

Indirect Impacts

With the implementation of the proposed action, there are no foreseeable negative indirect impacts to aesthetic (visual) resources. Positive indirect impacts to aesthetic resources are anticipated as the LPV mitigation requirement is met.

Cumulative Impacts

There are no long-term negative impacts to the aesthetic resources. Cumulative positive impacts result from meeting the LPV mitigation requirements.

4.11 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

In accordance with Engineer Regulation (ER) 1165-2-132, there has been a reasonable identification and evaluation of all Hazardous, Toxic, and Radioactive Waste (HTRW) contamination within the vicinity of proposed actions. An ASTM E 1527-05 Phase 1 Environmental Site Assessment (ESA) (HTRW #08-35 dated December 17, 2008) has been completed for the project area. The ESA was last updated on July 15, 2014. The three newly proposed borrow areas were included in the scope of the updated ESA. No Recognized Environmental Conditions (RECs) were found within any of the three proposed borrow areas. A copy of the Phase 1 ESA and the updated ESA will be maintained on file at the CEMVN office of USACE.

During World War II (WWII) there was a gunnery practice range over the western part of Lake Pontchartrain. Due to the history of the gunnery range and its proximity outside of the potential borrow sources a magnetometer survey was conducted in November 2008 as part of the original ESA. The survey was conducted because of the possibility of unexploded ordnance (UXO) that may exist in the area. One magnetic anomaly was identified within one of the original proposed borrow areas. The portion of the borrow area that included the magnetic anomaly was eliminated from use as a borrow area.

The currently proposed borrow areas are located about a quarter of a mile outside the danger zone designated on maps of the gunnery range. A second magnetometer survey was conducted in July 2014 in the area of the three proposed borrow sites. The survey located a total of 581 magnetic anomalies. Of that number, 27 could not be excluded from being ordnance. Twenty five of these twenty seven anomalies were identified in borrow area No. 1, two of the twenty seven magnetic anomalies were identified in borrow area No. 3, and none of these twenty seven magnetic anomalies were identified in borrow area No. 2. The remaining 554 anomalies are indicative of cable locations, a ship wreck, modern debris, crab pots, or other non-historic objects.

Due to the absence of magnetic anomalies in borrow area No. 2 and only two magnetic anomalies being present in borrow area No. 3, the probability of encountering UXO as well as other HTRW in those areas is low.

Due to the presence of multiple magnetic anomalies in borrow area No. 1, however, additional information was gathered about the gunnery range. Historical information regarding the range indicates that the area was used during WWII as an air-to-air practice range for fighter pilot training. The training consisted of firing 30-caliber rounds at a towed target. The gathered information also indicated that a Request for Authority to Bomb memo dated July 26, 1944 was submitted requesting approval to drop sand-filled bombs over Lake Pontchartrain for training purposes. No information was found that indicates approval of the sand-filled bomb request was granted.

In a memorandum dated September 8, 2014, the USACE Ordnance and Explosives Directorate concluded that based on a review of historical records, the probability of encountering Munitions and Explosives of Concern is low.

Although no information was found to indicate that sand-filled bombs were used, the proposed borrow areas are very near the U.S. Army's designated danger zone. As a safety precaution, a screen will be placed in the dredge intake to capture or prevent UXO from entering the dredge, thereby reducing the possibility of personnel being exposed to any UXO and preventing small caliber shell casings and cultural debris from being deposited into the MWMA.

4.12 CUMULATIVE EFFECTS

The Council on Environmental Quality's (CEQ) regulations (40 CFR 1500-1508) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.) define cumulative effects as "the impact on the environment which results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions" (40 CFR 1508.7). Cumulative Effects can result from individually minor but collectively significant actions taking place over a period of time.

There would be no positive cumulative impacts if the no action alternative were implemented. The no action alternative leads to a net loss of estuarine habitat due to the new marshland that

will not be built by this project. With implementation of the proposed action, impacts to aquatic resources, fisheries, and estuarine water bodies will occur as a result of temporary construction activities and are not anticipated to have any long term cumulative negative effect. Aesthetic resources will see a positive cumulative effect due to the greater ability of marshland to display species of life.

5.0 COORDINATION

Preparation of this SEA and Finding of No Significant Impact (FONSI) was coordinated with appropriate Congressional, Federal, state, and local interests, federally-recognized Indian Tribes, as well as environmental groups and other interested parties. The following agencies, as well as other interested parties, have received copies of this draft EA:

U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency, Region VI
U.S. Department of Commerce, National Marine Fisheries Service
U.S. Natural Resources Conservation Service, State Conservationist
Governor's Executive Assistant for Coastal Activities
Louisiana Department of Wildlife and Fisheries
Louisiana Department of Natural Resources, Coastal Management Division
Louisiana Department of Natural Resources, Coastal Restoration Division
Louisiana Department of Environmental Quality, PER-REGC
Louisiana Department of Environmental Quality, EP-SIP
Louisiana State Historic Preservation Officer
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
Seminole Nation of Oklahoma
Seminole Tribe of Florida
Tunica-Biloxi Tribe of Louisiana.

This SEA-500a evaluates the potential impacts associated with utilization of additional borrow source to complete the proposed rehabilitation and modification of the Manchac Wildlife Management Area (MWMA) mitigation project. The components of this mitigation project have been included in this SEA-500a by reference to the Modified MWMA Mitigation Project (SEA-500) and earlier documents.

6.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Environmental compliance for the proposed action has been achieved. This SEA and the Finding of No Significant Impact (FONSI) were coordinated with appropriate agencies. The U.S.

Fish and Wildlife Service commented that there will be no significant fish and wildlife resources impacted as a result of the proposed project, and repeated recommendations originally made for SEA-500 including a request for water quality monitoring. The letter also stated "*The Service provided recommendations on that previously proposed project to the Corps in an April 7, 2011, Fish and Wildlife Coordination Act Report (FWCAR). This letter supplements that report, and is submitted in accordance with provisions of the FWCA. This letter constitutes the report of the secretary of the Interior as required by Section 2(b) of that Act*".

National Oceanic and Atmospheric Administration (NOAA) also requested water quality monitoring. USACE does not concur with the recommendation to perform water quality monitoring of the borrow pits. The pits are designed to prevent water quality impacts and are approved by Louisiana Department of Environmental Quality.

The Federal Emergency Management Agency (FEMA) requested USACE coordinate with the Community's Floodplain Administrator. USACE has concluded that this project does not affect a floodplain and coordination with the Community's Floodplain Administrator is not required. federally-recognized Indian Tribes were consulted.

USACE coordinated on critical habitats and the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) (email dated 10 June 2014) and the NOAA (letter dated 5 June 2014) with the determination that the proposed action would not be likely to adversely affect any endangered or threatened species or their critical habitat. Both agencies concurred with the determinations (USFWS letter dated 3 July 2014, and NOAA letter dated 15 December 2014).

USACE determined that the use of the new borrow areas would be consistent, to the maximum extent practicable, with the State of Louisiana's Coastal Resources Program, and as response received a modification (mod 01) of C20090556 (27 Oct 2014) Coastal Zone Consistency from Louisiana Department of Natural Resources.

USACE received a revision (8 Oct 2014) to the existing water quality permit WQC 091102-01/AI 167642/CER 20090001 (20 Nov 2009) for the dredging of the proposed borrow areas from the Louisiana Department of Environmental Quality.

Public review of the Section 404(b)(1) Public Notice previously occurred for SEA-500. The Section 404(b)(1) Evaluation was signed on 10 Feb 2011.

USACE has completed coordination with the Louisiana SHPO (letter dated 22 September 2014). NEPA, Section 106 of the National Historic Preservation Act, EO 13175 ("Consultation and Coordination with Indian Tribal Governments"), the American Indian Religious Freedom Act, and related statutes and policies have a consultation component. In accordance with USACE's responsibilities under NEPA, Section 106, and EO 13175, the USACE offered the following federally-recognized Indian Tribes the opportunity to review and comment on the potential of the proposed action to significantly affect protected tribal resources, tribal rights, or Indian lands (letter dated October 8, 2014): 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, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Tunica-Biloxi Tribe of Louisiana. The October 8, 2014 letter also documented the "no historic properties affected" finding. The Caddo Nation of Oklahoma and the Choctaw Nation of Oklahoma concurred with the effect determination on October 9, 2014, and November 10, 2014, respectively.

USACE resolved all the USFWS Fish and Wildlife Coordination Act Report recommendations (7 April 2011). USACE addressed all Louisiana Department of Environmental Quality comments on the air quality impact analysis (November 9, 2014). USACE resolved all of NOAA recommendations (November 3, 2014). All issues have been resolved before the signing of this FONSI.

7.0 CONCLUSION

The proposed action consists of dredging material from three new sources in Lake Pontchartrain and possibly reusing the borrow pits previously cleared in SEA-500. Dredged material would be used to complete the Modified MWMA Mitigation Project and will be placed within identified locations described in SEA-500. The USACE has assessed the environmental impacts of the proposed action and has determined that the proposed action would have the following impacts.

Minor short term impacts to air quality, water quality, noise and vibration, fisheries, T&E species, recreation resources, and aesthetics. By excavating only to -19 NAVD 88 in some portions of Borrow Site #3, there would be no direct negative impact to any potential cultural resources that may exist at depths in that location as a result of implementation of the proposed action. Based on the assessment performed by the Center of Expertise and in light of precautionary measures that would be taken to avoid contact with any HTRW that may exist in the area of Borrow Site # 1, no direct, indirect, or cumulative effects from HTRW would be expected from implementing the proposed action. Two hundred and thirty new acres, and up to 95 acres originally cleared in SEA-500, of water bottoms would be made deeper than their current depth. With the proposed alternative the Modified MWMA Mitigation Project would be completed in an effort to satisfy the LPV compensatory mitigation requirements.

The proposed alternative was the only alternative that made it through the preliminary screening based on the following criteria: engineering effectiveness, economic efficiency, and environmental and social acceptability. The no action alternative would not enable completion of the Modified MWMA Mitigation Project.

8.0 PREPARERS

SEA-500a and the associated draft FONSI were prepared by:

Environmental Team Leader	Sandra Stiles, CEMVN
Environmental Manager	Paul Hughbanks, CEMVN
Environmental Manager	Nathan Dayan, CEMVN
Senior Project Manager	Brad Drouant, CEMVN

Project Manager	Justin Smith, CEMVN
HTRW	Joe Musso, CEMVN
Cultural Resources	Paul Hughbanks, CEMVN
Tribal Liaison	Rebecca Hill, CEMVN

The address of the preparers is: U.S. Army Corps of Engineers, Mississippi River Valley Regional Planning and Environmental Division, South; CEMVN-PDR-RS; P.O. Box 60267; New Orleans, Louisiana 70160-0267.

9.0 REFERENCES

Boesch, D.F., M.N. Josselyn, A.J. Megta, J.T. Morris, W.K. Nuttle, C.A. Simenstad, D.J.P. Swift. 1994. Scientific assessment of coastal wetland loss, restoration and management in Louisiana. Journal of Coastal Research. Special Issue No. 20.

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Pearson, Charles. E., Douglas C. Wells, and Michael Faught. 2009. Manchac Wildlife Management Area Shoreline Protection Modification (IER 20) Remote Sensing and Reconnaissance Survey, Lake Pontchartrain and Vicinity Hurricane Protection Project, St. John the Baptist Parish, Louisiana. Coastal Environments, Inc. Submitted to the U.S. Army Corps of Engineers, New Orleans District.

Ray, G. L. (2007) Characterization of Benthic Habitats Associated with Potential Borrow Sites and Access Channels in Lake Borgne, Louisiana. A report to the U.S. Army Engineer District, New Orleans. August 2007. U.S. Army Engineer Research and Development Center, Vicksburg, MS.

Turner, R. E. 1997. Wetland loss in the northern Gulf of Mexico: multiple working hypotheses. Estuaries (20) 1-13.

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United States Army Corps of Engineers. 2009. Lake Pontchartrain and Vicinity, Hurricane Protection Levee Mitigation Project, Manchac Wildlife Area Shoreline Protection Modification, Soils Report. ED 07-074 pp 00.

APPENDICES

Appendix A: LIST OF ACRONYMS

AAHU - average annual habitat units
APE - areas of potential effect
Basin - Pontchartrain Basin
CAA - Clean Air Act
CED - Comprehensive Environmental Document
CEMVN - New Orleans District
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act
CEQ - Council of Environmental Quality
CFR -
CZM - Consistency with Coastal Zone Management
dBA - decibels
EA - Environmental Assessment
EFH - Essential Fish Habitat
EIS - Environmental Impact Statement
EJ - Environmental Justice
EO - Executive Order
ER - USACE Engineering Regulation
ESA - Environmental Site Assessment
ESRI - Environmental Systems Research Institute
FMC - Fishery Management Councils
FMP - Fishery Management Plan
FONSI - Finding of No Significant Impact
HSDRRS - Hurricane and Storm Damage Reduction System
HPS - Hurricane Protection System
HTRW - Hazardous, Toxic, and Radioactive Waste
IER - Individual Environmental Report
LDWF - Louisiana Department of Wildlife and Fisheries LDWF
LPV - Louisiana and Vicinity Hurricane Protection Project
mi^2 - square miles
MLBA - Manchac Land Bridge Area MLBA
MSA - Magnuson-Stevens Fishery Conservation and Management Act
MWMA - Manchac Wildlife Management Area
NAAQS - National Ambient Air Quality Standards
NEPA - National Environmental Policy Act
NGO - non-governmental organizations
NMFS - National Marine Fisheries Service
NOAA - National Oceanic and Atmospheric Administration
NRCS - Natural Resource Conservation Service
NRHP -National Register of Historic Places
OMRR&R - Operations Maintenance, Repair, Replacement, and Rehabilitation
PDT - Project Delivery Team

P.L. - Public Law
ppt - parts per thousand ppt
REC - Recognized Environmental Conditions
RCRA - Resource Conservation and Recovery Act
ROD - Record of Decision
SAV - Submerged aquatic vegetation
SHPO - State Historic Preservation Officer
SIR - Supplemental Information Report
USACE - U.S. Army Corps of Engineers
USC - U.S. Code
USEPA - U.S. Environmental Protection Agency
USFWS - U.S. Fish and Wildlife Service
USGS - U.S. Geological Service
UXO - unexploded ordnance
WBV - West Bank and Vicinity
WRDA - Water Resource Development Acts

Appendix B: BIOLOGICAL ASSESSMENT

Biological Assessment
Supplemental Environmental Assessment
Lake Pontchartrain & Vicinity, Hurricane Protection Project – Mitigation:
Manchac Wildlife Management Area, Additional Borrow
SEA-500a

1. Project Description

The Pass Manchac WMA mitigation project was constructed in 1995 to provide mitigation for impacts caused by the construction of the Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection Project. The project consisted of 100 parallel breakwaters along the western Lake Pontchartrain shoreline. These structures were designed to protect the shoreline and allow for natural accretion of material behind these structures for marsh creation. Since the anticipated benefits of the original project have not been achieved, repair and modification to the original project design were approved through a supplemental environmental assessment titled Lake Pontchartrain & Vicinity Hurricane Protection Project- Mitigation: Manchac Wildlife Management Area Shoreline Protection Modification Supplemental Environmental Assessment (SEA #500) Supplement to the Lake Pontchartrain, Louisiana, and Vicinity Hurricane Protection Project-Mitigation Study, Integrated Main Report, and supplement II to the Environmental Impact Statement dated August 1994 and Finding of No Significant Impact dated 22 March 2011. SEA #500 is hereby incorporated by reference.

The approved action in SEA #500 involved heightening existing breakwaters, eliminating gaps between them to make a continuous dike structure and backfilling behind these breakwaters with dredged material to an elevation supportive of marsh vegetation (+2.5 feet NAVD 88). Coordination with NOAA on this action was completed on June 23, 2010 and is hereby incorporated by reference.

During construction of the marsh creation project (October 2013), it became apparent that additional borrow material was required to complete the project as designed. The actions and impacts associated with the additional borrow are being discussed in SEA #500a which will be provided for your review.

2. Description of Proposed Action Requiring Consultation

An additional 3,530,000 cubic yards of lake bottom is proposed to be excavated from 3 locations in Lake Pontchartrain to fill the previously constructed marsh creation cells to an elevation of approximately +2.5 ft NAVD88 (attachment 1). The borrow sites are located within open water outside the marsh creation area. A hydraulic cutterhead dredge would be used to excavate the borrow material to no greater than -20 ft NAVD88. The material would be hydraulically pumped into the existing marsh creation cell via a floating pipeline (no flotation channel or anchors would be needed). The dredge pipeline would extend from the dredge to the marsh creation site and placed over the existing rock breakwater for discharge.

3. Action Area

The project area is located off of the western shoreline of Lake Pontchartrain south of Pass Manchac within the Lake Pontchartrain basin (attachment 2). The Lake Pontchartrain Basin is a large urban estuary bounded by terrestrial forests to the north and coastal wetlands to the south. The basin has historically been impacted by human activities including; shell mining, oil and gas production, and storm water discharges including wastewater and agricultural runoff. The action area is comprised of Lake Pontchartrain water bottoms.

4. Species Considered

In a letter dated 11 October 2007, the USFWS identified two federally listed species that may occur in the project area, the endangered West Indian manatee (*Trichechus manatus*) and the threatened Gulf sturgeon (*Acipenser oxyrhynchus desotoi*). In addition, three sea turtle species may occur in the project area: the endangered green (*Chelonia mydas*); the endangered Kemp's Ridley (*Lepidochelys kempii*); and the threatened Loggerhead (*Caretta caretta*). CEMVN has assessed the environmental impacts of the proposed action on T&E species in the project vicinity as detailed in the next section.

5. Effects Analysis under ESA

Approximately 229.64 acres of Lake Pontchartrain water bottoms would be excavated for borrow which would temporarily eliminate the area for use by the Manatee, Gulf sturgeon and sea turtles during construction activities. The operation of construction equipment would cause noise and vibration impacts. Localized turbidity increases would result but may be reduced by the movement of the tides. It is anticipated that any listed species in the vicinity of the project area would avoid the area because of these disturbances.

a. West Indian manatee (*Trichechus manatus*)

The project area would not be considered a high value habitat for the manatee since food sources including floating and submerged vegetation have not been found.

The potential exists for manatee presence and collisions with tow boats and skiffs that would be used as support vessels during construction activities. The implementation of standard operations procedures described under Procedures to Avoid Impacts section would significantly reduce the potential for collisions.

Procedures to Avoid Impacts

In order to avoid the potential of adverse impacts to the manatee during the construction period, the following standard manatee protection measures would be implemented:

- All contract personnel associated with the project would be informed of the potential presence of manatees and the need to avoid collisions with manatees.
- All construction personnel would be responsible for observing water-related activities for the presence of manatees.
- Temporary signs would be posted prior to and during all construction/dredging activities to remind personnel to be observant for manatees during active construction /dredging

operations or within vessel movement zones (i.e., the work area), and at lease one sign would be placed where it is visible to the vessel operator.

- If manatee is sighted within 100 yards of the active work zone, special operating conditions would be implemented, including; shutting down of moving equipment closer than 50-feet of a manatee: if a manatee is sighted in the project area all vessels associated with the project shall operate at "no wake/idle" within 100 yards of a work area. Once the manatee has left the 100-yard buffer zone around the work area of its own accord special operating conditions are no longer necessary, but careful observations would be resumed.
- Any manatee sighting would be immediately reported to U.S. Fish and Wildlife Service (337)291-3100) and to the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225)765-2821).

Based on the above and implementation of the above procedures to avoid impacts, CEMVN has determined that the proposed action is Not Likely to Adversely Affect the manatee.

b. Gulf sturgeon (*Acipenser oxyrhynchus desotoi*)

Substrates in the borrow area are clay and would not change at the excavated depth. As such, any benthic species essential to the Gulf sturgeon's diet lost during construction, would re-colonize the borrow area once construction is complete.

Procedures to Avoid Impacts
The hydraulic cutterhead dredge to be used for construction is a slower moving type of dredging equipment which has not been identified as equipment that would impact Gulf sturgeon.

Based on the above information, the CEMVN has determined that the proposed action is Not Likely to Adversely Affect Gulf sturgeon.

c. Kemp's Ridley (*Lepidochelys kempii*), Loggerhead (*Caretta caretta*) and Green (*Chelonia mydas*) sea turtles

Sea turtle prey items including benthic invertebrates, and crustaceans are distributed throughout the Lake Pontchartrain estuary. The lake water bottoms in the project area do not support sea grass beds or other submerged aquatic vegetation. However the existing breakwaters provide substrate for algae. The project area would provide foraging habitat for the carnivorous Kemp's ridley or the omnivorous loggerhead sea turtle, as well as the herbivorous green turtle. Higher quality foraging area for all three sea turtle species can found on the north shore and eastern areas of the south shore of Lake Pontchartrain where sea grass beds would provide more plant material for the green turtle and support a higher concentration of benthic invertebrates.

Benthic invertebrates would be eliminated in the borrow area or relocate during dredging operations. Following the completion of dredging operations benthic organisms would recolonize the borrow areas.

During construction activities all sea turtle species would be expected to avoid the work area because of noise and vibration from the construction equipment. The hydraulic cutterhead dredge is a slower moving type of dredging equipment and has not been identified as equipment that would impact sea turtles. Throughout the 403,200-acre lake higher quality foraging habitat exists and could be utilized by the sea turtles.

Because the three sea turtles species would avoid the project area, avoid the equipment utilized for project construction, and would be able to relocate and utilize other higher quality foraging areas nearby, and no sea turtle nesting sites are located in the project area, the CEMVN has determined that the proposed action is Not Likely to Adversely Affect the Green, Loggerhead or Kemp's ridley sea turtles or their critical habitat.

6. Effects on Protected Species

CEMVN has assessed the environmental impacts of the proposed action on species protected under the Marine Mammal Protection Act of 1972 that could be found in the project area.

a. Bottlenose Dolphin *(Tursiops truncates)*

The speed and agility of this species and the slow moving nature of dredging equipment and tow boats used during construction would prevent direct impacts in the form of collisions with this species. Any bottlenose dolphins or their prey in the borrow/access areas would be free to relocate during construction. Since the borrow/access area encompasses only a small section of a 403,200 acre estuarine/brackish lake, no indirect impacts are anticipated.

7. Conclusion and Determination of Effects

Based on the above information, the CEMVN has determined that the proposed action may effect, but is not likely to adversely affect any endangered or threatened species, would have no effect on critical habitat, and would not impact protected species that could potentially be found in the project area. In accordance with 50 CFR 402.12, please provide your opinion on our effects determination within 30 days from the date of this assessment.

Literature Cited

USACE. 2010. Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project-Mitigation: Manchac Wildlife Management Area Shoreline Protection Modification.

Preparers

This BA was prepared by Tammy Gilmore, U.S. Army Corps of Engineers; Planning Division; Environmental Planning Branch; Coastal Section: CEMVN-PDN-CEP.

Appendix C: INTERAGENCY CORRESPONDENCE

1. SHPO – Section 106 – 22 September 2014
2. USFWS – Endangered Species Act – 3 July 2014
3. Louisiana Department of Natural Resources - Coastal Zone Management – 27 October 2014
4. Louisiana Department of Environmental Quality - Water Quality Certification – 8 October 2014
5. Coastal Protection and Restoration Authority of Louisiana – 14 November 2014
6. Caddo Nation of Oklahoma – Section 106 – 09 October 2014
7. Choctaw Nation of Oklahoma – Section 106 – 10 November 2014
8. National Oceanic and Atmospheric Administration, (NMFS) – Endangered Fish Habitat – 3 November 2014
9. National Oceanic and Atmospheric Administration (NMFS) – Endangered Species Act – 15 December 2014

JAY DARDENNE
LIEUTENANT GOVERNOR

State of Louisiana
OFFICE OF THE LIEUTENANT GOVERNOR
DEPARTMENT OF CULTURE, RECREATION & TOURISM
OFFICE OF CULTURAL DEVELOPMENT

CHARLES R. DAVIS
DEPUTY SECRETARY

PAM BREAUX
ASSISTANT SECRETARY

22 September 2014

Joan Exnicios
Chief, Environmental Planning Branch
New Orleans District, Corps of Engineers
PO Box 60627
New Orleans, LA 70160-0267

Re: Draft Report
La Division of Archaeology Report No. 22-4751
Remote Sensing Survey of Three Borrow Areas in Lake Pontchartrain Approximately 250 acres LPV-EVM02A, Mitigation of Manchac Wildlife Management Area

Dear Ms. Exnicios:

We acknowledge receipt of your letter dated 26 August 2014 and two copies of the above-referenced report. We have completed our review of this report and have no comments to offer.

We concur that none of the 581 magnetic anomalies and 1,156 sidescan sonar contacts represent historic properties and are of no further concern to our office. We also concur that the submerged paleochannel natural levees represent high probability areas for prehistoric archaeological sites and recommend their avoidance during the borrowing effort. Following a conversation with Dr. Paul Hughbanks of your office concerning this project, we understand that the maximum elevation of the buried paleolevee within the project area is -19.68 NAVD. With this data, we agree that limiting dredging within the areas of the paleolevees to -19.00 NAVD or less will avoid impacts to the paleolevees. With this stipulation, we agree that this project will have no impact on historic properties.

We look forward to receiving two bound copies of the final report along with a pdf of the report. If you have any questions, please contact Chip McGimsey in the Division of Archaeology by email at cmcgimsey@crt.la.gov or by phone at 225-219-4598.

Sincerely,

Pam Breaux

Pam Breaux
State Historic Preservation Officer

PB:crm

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506
July 3, 2014

Colonel Richard L. Hansen
District Commander
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Hansen,

Please reference a June 10, 2014, electronic mail message from Ms. Tammy Gilmore, requesting review of a U.S. Army Corps of Engineers' (Corps) Biological Assessment (BA) and determination that impacts associated with a modification of "Supplemental Environmental Assessment (SEA) #500, Supplement to the Lake Pontchartrain, Louisiana, and Vicinity Hurricane Protection Project (LPV) – Mitigation Study, Integrated Main Report, and Supplement II to the Environmental Impact Statement dated August 1994", are not likely to adversely affect any federally-listed threatened or endangered species or their critical habitat. The U.S. Fish and Wildlife Service (Service) has reviewed the information provided, and offers the following comments in accordance with the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), and the National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321- 4347).

According to the BA, the Corps proposes to utilize an additional 230 acres of Lake Pontchartrain bottom for excavation of fill material. That dredged material will be used beneficially to create emergent marsh between the shoreline and the five miles of rock dike along the west shoreline of Lake Pontchartrain within the Manchac Wildlife Management Area to achieve the originally intended mitigation for impacts from the LPV project.

Federally listed as endangered, West Indian manatees (*Trichechus manatus*) occasionally enter Lakes Pontchartrain and Maurepas, and associated coastal waters and streams during the summer months (i.e., June through September). Manatees have been regularly reported in the Amite, Blind, Tchefuncte, and Tickfaw Rivers, and in canals within the adjacent coastal marshes of Louisiana.

The Corps has included, in their project specifications, all the measures recommended by the Service to avoid impacts to manatees. They include, but are not limited to: inform all contract personnel associated with the project of the potential presence of manatees and the need to avoid collisions, post temporary signs prior to and during all construction/dredging activities to remind personnel to be observant for manatees, implement special operating conditions if a manatee is sighted within 100 yards of the active work zone, do not operate moving equipment within 50 feet of a manatee, only operate at no wake/idle speeds within 100 yards of the work area, siltation barriers, if used, should be re-secured and monitored, immediately reporting any manatee sighting to the Service (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821).

The Gulf sturgeon (*Acipenser oxyrhynchus desotoi*), federally listed as threatened, is an anadromous fish that has been reported in the rivers and lakes of the Lake Pontchartrain and Borgne basins, and

adjacent estuarine areas. For the estuarine waters in the project area, the National Marine Fisheries Service (NMFS) is responsible for consultations regarding impacts to the sturgeon and its critical habitat.

There are five species of federally listed threatened or endangered sea turtles that forage in the near shore waters, bays, and estuaries of Louisiana. The NMFS is responsible for aquatic marine threatened or endangered species that occur in the marine environment. Please contact Eric Hawk (727/824-5312) at the NMFS Regional Office in St. Petersburg, Florida, for information concerning those species in the marine environment.

No critical habitat for any species occurs within the project area. Therefore, the Service concurs with the Corps determination that the proposed action is not likely to adversely affect any federally-listed species within the jurisdiction of the Service or their critical habitats.

If the scope or design of the project changes, or the project is not implemented within one year from the date of this letter, consultation with this office should be reinitiated. Prior to initiating construction, and until construction is complete, the Corps and their contractor(s) should coordinate with the Louisiana Department of Wildlife and Fisheries regarding any conditions necessary to perform work on the Manchac Wildlife Management Area.

If you need further assistance or have questions regarding this letter, please contact David Castellanos (337/291-3112) of this office.

Sincerely,

Jeffrey D. Weller
Field Supervisor
Louisiana Ecological Services Field Office

cc: Ms. Tammy Gilmore, USACE, NOD
NOAA, St. Petersburg, FL
NMFS, Baton Rouge, LA
EPA, Dallas, TX
LDWF, Natural Heritage, Baton Rouge, LA
LDNR, CRD, Baton Rouge, LA
CPRA, Baton Rouge, LA

BOBBY JINDAL
GOVERNOR

STEPHEN CHUSTZ
SECRETARY

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF COASTAL MANAGEMENT

October 27, 2014

Nathan Dayan
U.S. Army Corps of Engineers- New Orleans District
P. O. Box 60267
New Orleans, LA 70160-0267

RE: **C20090556 mod 01,** Coastal Zone Consistency modification
U. S. Army Corps of Engineers, New Orleans District
Direct Federal Action
IER 20 Hurricane Protection Project Mitigation, Manchac Wildlife Management Area Shoreline Protection: Modification to add additional borrow sites, **St. John & St. Charles Parishes, Louisiana**

Dear Mr. Dayan:

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,

Don Haydel
Acting Administrator
Interagency Affairs/Field Services Division

cc: Dave Butler, LDWF
Craig Leblanc, IA/FSD
Eric Wolverton, St. John the Baptist Parish

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PEGGY M. HATCH
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State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL SERVICES

October 8, 2014

Mr. Nathan Dayan
U.S. Army Corps of Engineers - New Orleans District
CEMVN-PM-RS
P.O. Box 60267
New Orleans, LA 70160-0267

AI No.: 167642
Activity No.: CER20140001

RE: Hurricane Protection Project Mitigation, Manchac Wildlife Management Area
Water Quality Certification WQC 091102-01
St. John the Baptist Parish

Dear Mr. Dayan:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the request to revise the existing water quality certification WQC 091102-01 to include the utilization of three new and two previously utilized borrow areas to obtain the necessary borrow to achieve the required design elevation at the project site in St. John the Baptist Parish.

The information provided in the request has been reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ has no objection to the proposed revisions and hereby reissues Water Quality Certification, WQC 091102-01.

Should you have any questions concerning any part of this certification, please contact Elizabeth Johnson at (225) 219-3225, or by email at elizabeth.johnson@la.gov. To ensure all correspondence regarding this certification is properly filed into the Department's Electronic Document Management System, please reference Agency Interest (AI) number 167642 on all future correspondence to this Department.

Sincerely,

Scott Guilliams
Administrator
Water Permits Division

c: IO-W

Post Office Box 4313 • Baton Rouge, Louisiana 70821-4313 • Phone 225-219-3181 • Fax 225-219-3309

Mr. Hughbanks,

As I discussed with Brad yesterday, since CPRA's comments are minor and are editorial in nature, please accept the comments via e-mail versus a formal hard copy letter.

On behalf of CPRA, please accept the following comments on the Draft Finding of No Significant Impact (FONSI) and Supplemental Environmental Assessment for the Lake Pontchartrain & Vicinity Hurricane Protection Project - Mitigation: Manchac Wildlife Management Area Shoreline Protection Modification - Additional Borrow SEA-500a project.

Editorial Comments on Draft FONSI

1. P. 2, 1st full paragraph. 3rd sentence: both ends of dredge pipe. Add "the" before dredge.
2. P. 2, 1st full paragraph, 5th sentence: landforms resources. Delete "resources." no excavation of material below theses depths. Change "theses" to "these."
3. P. 2, 2nd full paragraph, 2nd sentence: in letter dated 3 July 2014. Add "their" before "letter."
4. P. 2, 2nd full paragraph, 4th sentence: State of Louisiana Department of Environmental Quality. Delete "State of." coordination with receipt of the Louisiana SHPO (concurrence letter dated 22 September 2014). Remove "concurrence" from the parentheses.

Editorial Comments on Supplemental EA

1. P. 12, 1st bullet: existing breakwaters and eliminating breaks gaps between them. Delete either "breaks" or "gaps."
2. P. 14, Section 2.1, 2nd paragraph, 3rd sentence: transportation to mitigation area. Add "the" before "mitigation."
3. P. 14, Section 2.1, 2nd paragraph, 4th sentence: In addition to proposed action. Add "the" before "proposed."
4. P. 15, Section 3.0, 2nd sentence: that has caused any significant changes. Change "has" to "have."
5. P. 21, Section 4.6, Future Conditions with No Action Alternative, 4th sentence: Change "Bonne Carre" to "Bonnet Carre."
6. P. 26, Section 4.11, 2nd full paragraph, 2nd sentence: entering the dredge thereby, reducing the possibility. Move the comma so it's after "dredge."
7. P. 27, Section 6.0, 4th sentence: State of Louisiana Department of Environmental Quality. Delete "State of." coordination with the receipt of the Louisiana SHPO (concurrence letter dated 22 September 2014). Remove "concurrence" from the parentheses.

CPRA appreciates the opportunity to comment on the above referenced documents for the Lake Pontchartrain & Vicinity Hurricane Protection Project - Mitigation: Manchac Wildlife Management Area Shoreline Protection Modification - Additional Borrow SEA-500a project. If you have any questions, please contact me at (225) 342-4592.

Thanks,

Renée Bennett (Sanders), Project Manager
Coastal Protection and Restoration Authority of Louisiana
Project Management Division
P.O. Box 44027
Baton Rouge, LA 70804-4027
(225) 342-4592
renee.s.bennett@la.gov

From: Robert Cast
To: Hill, Rebecca MVN
Subject: [EXTERNAL] Re: CEMVN – SEA #500a – Lake Pontchartrain & Vicinity Hurricane Protection Project – Mitigation: Manchac Wildlife Management Area Shoreline Protection Project Modification – Additional Borrow, St. John the Baptist Parish, Louisiana
Date: Thursday, October 09, 2014 9:41:19 AM

Rebecca, we concur with the SHPO on the findings. Robert

On 10/08/14, "Hill, Rebecca MVN" <Rebecca.Hill@usace.army.mil> wrote:

Dear Mr. Cast,

The United States Army Corps of Engineers, New Orleans District (CEMVN), proposes to complete mitigation of the Manchac Wildlife Management Area (MWMA) on the west edge of Lake Pontchartrain in St. Charles Parish, Louisiana.

The potential environmental impacts associated with the proposed undertaking have been evaluated in a Supplemental Environmental Assessment (SEA-500a) titled "Lake Pontchartrain & Vicinity Hurricane Protection Project – Mitigation: Manchac Wildlife Management Area Shoreline Protection Project Modification – Additional Borrow, St. John the Baptist Parish, Louisiana." Draft SEA-500a and FONSI prepared by the CEMVN are available for review and comment; an electronic copy is provided, and hard copies are available upon request.

In partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act, and Section 106 of the National Historic Preservation Act, the CEMVN offers you the opportunity to review and comment on the potential of the proposed action described in the draft EA to significantly affect protected tribal resources, tribal rights, or Indian lands. This letter with enclosures also documents the "no historic properties affected" finding, as set forth in §800.4(d)(1) and §800.11(d).

Please review draft SEA #500a and the Section 106 "no historic properties affected" finding and provide comments on the draft NEPA documentation and the Section 106 effect determination within 30 days. As always, please do not hesitate to contact me should you have any questions or concerns about the proposed action.

Respectfully,
Rebecca

Rebecca E. Hill
Archeologist/Tribal Liaison
US Army Corps of Engineers, New Orleans District

--
Robert Cast
Tribal Historic Preservation Officer
Caddo Nation of Oklahoma
P. O. Box 487
Binger, Oklahoma 73009

From: Lindsey Bilyeu
To: Hill, Rebecca MVN
Subject: [EXTERNAL] RE: CEMVN – SEA #500a – Lake Pontchartrain & Vicinity Hurricane Protection Project – Mitigation: Manchac Wildlife Management Area Shoreline Protection Project Modification – Additional Borrow, St. John the Baptist Parish, Louisiana
Date: Monday, November 10, 2014 9:02:50 AM

Ms. Hill,

The Choctaw Nation of Oklahoma thanks the USACE New Orleans District for the correspondence regarding the above referenced project. St. John the Baptist Parish, LA lies in the Choctaw Nation of Oklahoma's area of historic interest. The Choctaw Nation is unaware of any cultural or sacred sites located in the immediate project area. The Choctaw Nation Historic Preservation Department concurs with the finding of "no historic properties affected". However, as the project lies in an area of historic interest to the Tribe, we ask that work be stopped and our office contacted immediately in the event that Native American cultural objects or human remains are encountered. If you have any questions, please contact our office at 580-924-8280 ext. 2631.

Thank You,

Lindsey D. Bilyeu
NHPA Senior Section 106 Reviewer
Historic Preservation Department
Choctaw Nation of Oklahoma
P.O. Box 1210
Durant, OK 74701
580-924-8280 ext. 2631

-----Original Message-----
From: Hill, Rebecca MVN [mailto:Rebecca.Hill@usace.army.mil]
Sent: Wednesday, October 08, 2014 4:49 PM
To: Ian Thompson; Lindsey Bilyeu
Subject: CEMVN – SEA #500a – Lake Pontchartrain & Vicinity Hurricane Protection Project – Mitigation: Manchac Wildlife Management Area Shoreline Protection Project Modification – Additional Borrow, St. John the Baptist Parish, Louisiana

Dear Dr. Thompson and Ms. Bilyeu,

The United States Army Corps of Engineers, New Orleans District (CEMVN), proposes to complete mitigation of the Manchac Wildlife Management Area (MWMA) on the west edge of Lake Pontchartrain in St. Charles Parish, Louisiana.

The potential environmental impacts associated with the proposed undertaking have been evaluated in a Supplemental Environmental Assessment (SEA-500a) titled "Lake Pontchartrain & Vicinity Hurricane Protection Project – Mitigation: Manchac Wildlife Management Area Shoreline Protection Project Modification – Additional Borrow, St. John the Baptist Parish, Louisiana." Draft SEA-500a and FONSI prepared by the CEMVN are available for review and comment; an electronic copy is provided, and hard copies are available upon request.

In partial fulfillment of responsibilities under Executive Order 13175, the National Environmental Policy Act, and Section 106 of the National Historic Preservation Act, the CEMVN offers you the opportunity to review and comment on the potential of the proposed action described in the draft EA to significantly affect protected tribal resources, tribal rights, or Indian lands. This letter with enclosures also documents the "no historic properties affected" finding, as set forth in §800.4(d)(1) and §800.11(d).

Please review draft SEA #500a and the Section 106 "no historic properties affected" finding and provide comments on the draft NEPA documentation and the Section 106 effect determination within 30 days. As always, please do not hesitate to contact me should you have any questions or concerns about the proposed action.

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

November 3, 2014 F/SER46/RH:jk
225/389-0508

Ms. Joan M Exnicios, Chief
Regional Planning and Environmental Division South
New Orleans District Environmental Branch
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Ms. Exnicios:

NOAA's National Marine Fisheries Service (NMFS) has received your letter dated October 10, 2014, transmitting the unsigned Finding of No Significant Impact (FONSI) and draft Supplemental Environmental Assessment (SEA) titled "Lake Pontchartrain & Vicinity Hurricane Protection Project – Mitigation: Manchac Wildlife Management Area Shoreline Protection Modification – Additional Borrow (SEA #500A). The draft SEA evaluates the anticipated impacts of dredging 230 acres of water bottoms to generate fill necessary to complete the creation of marsh along the Lake Pontchartrain shoreline as described in SEA 500. This marsh creation effort was determined to be necessary as compensatory mitigation to offset wetland impacts associated with the construction of levees under the Lake Pontchartrain & Vicinity program.

The NMFS has reviewed the draft SEA and believes impacts to resources of concern generally have been adequately addressed. The NMFS also is supportive of the additional dredging necessary to generate fill to complete the mitigation project. However, as discussed in our letter dated November 30, 2010, on SEA 500, we believe additional efforts should be incorporated into the project to determine the extent to which water quality in the borrow areas is degraded by the creation of deep borrow areas in Lake Pontchartrain. As stated in our previous letter, NMFS recommends the section on water quality be revised to discuss and include monitoring which would help determine the degree and duration of impact. Specifically, NMFS suggested monitoring be at least during March through November for a minimum of three years post dredging to verify the relative success of the borrow pit design in avoiding impacts to water quality. Specific conductance, temperature, dissolved oxygen, and pH should be sampled from the bottom to the surface in five feet profiles. Samples should be collected at least once during March, April, September, October, and November and twice, about two weeks apart, during May, June, July, and August. The NMFS suggests funds from construction of the mitigation area be used to support the monitoring effort.

We appreciate the opportunity to review and comment on the draft SEA and unsigned FONSI.

Sincerely,

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette, Walther
EPA, Dallas, Keeler
LA DNR, Consistency, Haydel
F/SER46, Swafford
Files

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
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http://sero.nmfs.noaa.gov

F/SER31: NMB
DEC 15 2014 SER-2014-14227

Ms. Joan M. Exnicios
Chief, Environmental Planning Branch
New Orleans District Corps of Engineers
Department of the Army
P.O. Box 60267
New Orleans, Louisiana 70160-0267

Ref.: U.S. Army Corps of Engineers, New Orleans District, Supplemental Environmental Assessment, Lake Pontchartrain and Vicinity, Hurricane Protection Project - Mitigation: Manchac Wildlife Management Area, Additional Borrow SEA 500a, St. John the Baptist Parish, Louisiana

Dear Ms. Exnicios:

This letter responds to your June 5, 2014, letter requesting National Marine Fisheries Service (NMFS) concurrence with the U.S. Army Corps of Engineers' (USACE) project-effect determinations submitted pursuant to Section 7 of the Endangered Species Act (ESA) for dredging in Lake Pontchartrain. We requested additional information on September 5, 2014, which we received immediately. We subsequently initiated consultation on the same day. You determined that the proposed activities may affect, but are not likely to adversely affect, loggerhead, green, and Kemp's ridley sea turtles, and Gulf sturgeon. NMFS's findings on the project's potential effects are based on the project descriptions in this response. Any changes to the proposed actions may negate the findings of this consultation and may require reinitiation of consultation with NMFS.

The Pass Manchac Wildlife Management Area mitigation project was constructed in 1995 to provide mitigation for impacts caused by the construction of the Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection Project. The project consisted of 100 parallel breakwaters along the western Lake Pontchartrain shoreline. These structures were designed to protect the shoreline and allow for natural accretion of material behind these structures for marsh creation. Since the anticipated benefits of the original project were not achieved, repairs and modifications to the original project design were approved through a supplemental USACE environmental assessment titled *Lake Pontchartrain & Vicinity Hurricane Protection Project - Mitigation: Manchac Wildlife Management Area Shoreline Protection Modification Supplemental Environmental Assessment*, dated March 2011. The new design involved marsh creation between 30.27065°N, 90.324669°W and 30.229819°N, 90.381153°W (WGS84) along the western shore of Lake Pontchartrain south of Pass Manchac. NMFS consulted on this draft project in 2010 (NMFS tracking number SER-2010-00107). During construction of the marsh-creation project (October 2013), it became apparent that additional borrow material was required to complete the project as designed. This proposed project is for the additional dredging required to complete the marsh restoration. The new proposed borrow sites for dredging are shown below

in Figure 1 and the coordinates are provided in Table 1. An additional 3,530,000 cubic yards of lake bottom is proposed to be excavated from 3 locations in Lake Pontchartrain to fill the previously constructed marsh-creation cells to an elevation of approximately +2.5 feet (ft) NAVD88. The borrow sites are located within open water outside the marsh-creation area. A hydraulic cutterhead dredge would be used to excavate the borrow material to no greater than -20 ft NAVD88. The material would be hydraulically pumped into the existing marsh-creation cell via a floating pipeline (no flotation channel or anchors would be needed). The dredge pipeline would extend from the dredge to the marsh-creation site and placed over the existing rock breakwater for discharge. The applicant has agreed to adhere to the *NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006, which will provide protection by requiring work to stop if a listed species is observed within 50 ft of operating or moving construction equipment. Benthic conditions are described as clay sediments in waters ranging from 12-14 ft.

Table 1. GPS Coordinates (North American Datum 1983) for the Proposed Borrow Sites Corresponding to Figure 1, below

Point	Latitude °N	Longitude °W
1	30.222242	90.372421
2	30.223455	90.373169
3	30.235133	90.348043
4	30.233921	90.347296
5	30.237975	90.345392
6	30.237000	90.344275
7	30.245733	90.336412
8	30.244758	90.335295
9	30.249053	90.326644
10	30.248569	90.325162
11	30.267068	90.318837
12	30.266583	90.317354

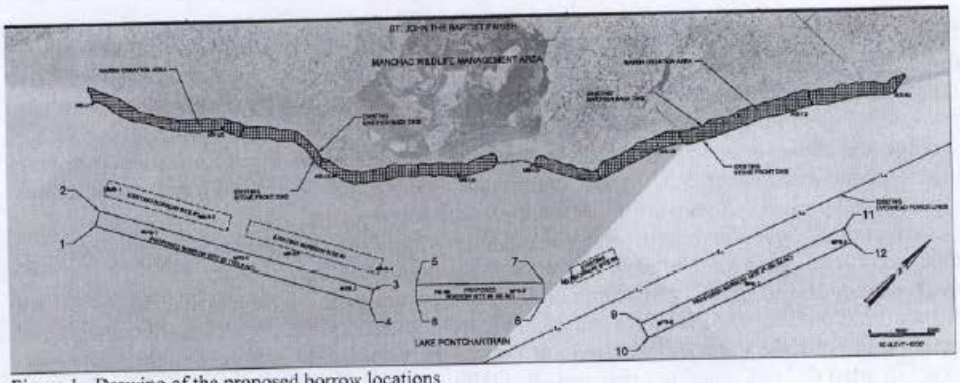

Figure 1. Drawing of the proposed borrow locations

Project Effects

Three ESA-listed species of sea turtles (the endangered Kemp's ridley, *Lepidochelys kempii*; the threatened loggerhead,[1] *Caretta caretta*; and the threatened/endangered green,[2] *Chelonia mydas*) and the threatened Gulf sturgeon (*Oxyrhinchus desotoi*) can be found in or near the action area and may be affected by dredging at the proposed borrow area in Lake Pontchartrain. The project is not located within designated critical habitat; therefore, it will not impact critical habitat.

We have identified the following potential adverse effects to sea turtles and Gulf sturgeon and concluded the species are not likely to be adversely affected by the proposed action for the reasons described below:

1. Physical Impacts: Effects include the risk of injury from hydraulic dredging, which will be discountable. NMFS has previously determined in dredging Biological Opinions[3] that, while oceangoing hopper-type dredges may lethally entrain protected species, non-hopper type dredging methods (e.g., mechanical, clamshell, and bucket dredging; and hydraulic [suction] cutterhead, pipeline, and sidecast dredging) are slower and extremely unlikely to overtake or adversely affect them. The implementation of NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions* will provide additional protection by requiring work to stop if a listed species is observed within 50 ft of operating machinery.

2. Foraging: The species may be temporarily unable to use the site for forage habitat during construction, but these effects will be insignificant for the following reasons. The proposed dredging will not impact sea grasses potentially used by green sea turtles for foraging. Gulf sturgeon are opportunistic feeders that are able to forage over large distances, and will be able to locate prey beyond the immediate dredging area and return when construction is complete. The proposed projects may also result in increased turbidity and the temporary losses of the proposed borrow areas as foraging habitat. Turbidity curtains are not planned to be used for this project: the substrates are predominately clay, turbidity is naturally high in this area, and maintaining a turbidity curtain in place would be extremely difficult due to storm activity in the lake and the resulting wave action. Although the rise in turbidity could immediately reduce water quality in the project area, the effect would be temporary and would be reduced by movement of the tides. Therefore, NMFS believes that these effects would be insignificant given routine background conditions of elevated turbidity, the small size of the borrow areas compared to the overall area of Lake Pontchartrain, and the natural effects of the tides.

Finally, we concur with your analysis that the proposed action may affect, but is not likely to adversely affect green, loggerhead, and Kemp's ridley sea turtles and Gulf sturgeon.

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[1] Northwest Atlantic Ocean distinct population segment (DPS)

[2] Green turtles are listed as threatened except for the Florida and Pacific coast of Mexico breeding populations, which are listed as endangered.

[3] NMFS. 2007. Revision 2 to the November 19, 2003, Gulf of Mexico Regional Biological Opinion to the U.S. Army Corps of Engineers on Hopper Dredging of Navigation Channels and Borrow Areas in the U.S. Gulf of Mexico. National Marine Fisheries Service, Southeast Regional Office, Protected Resources Division, St. Petersburg, Florida. January 9, 2007. 15 pp.

This concludes your consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action.

We have enclosed additional relevant information for your review. If you have any questions, please contact Nicole Bailey, Consultation Biologist, at (727) 824-5336, or by email at Nicole.Bailey@noaa.gov. Thank you for your continued cooperation in the conservation of ESA-listed species.

Sincerely,

Miles M. Croom

for Roy E. Crabtree, Ph.D.
Regional Administrator

Enc.: 1. *Sea Turtle and Smalltooth Sawfish Construction Conditions* (Revised March 23, 2006)
2. *PCTS Access and Additional Considerations for ESA Section 7 Consultations* (Revised June 11, 2013)

File: 1514-22.F.7

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.

c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.

d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.

e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

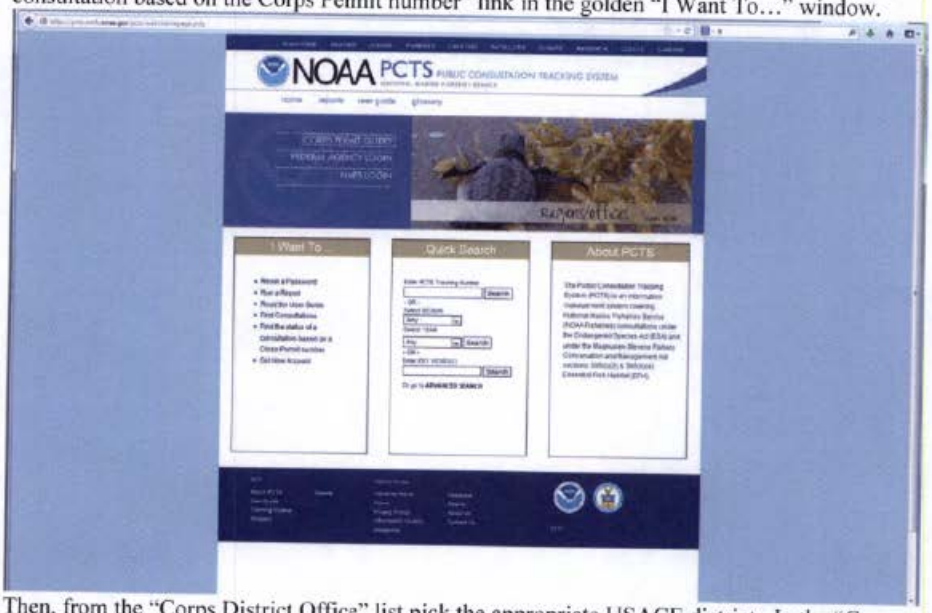
g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

PCTS Access and Additional Considerations for ESA Section 7 Consultations
(Revised 6-11-2013)

Public Consultation Tracking System (PCTS) Guidance: PCTS is a Web-based query system at **https://pcts.nmfs.noaa.gov/** that allows all federal agencies (e.g., U.S. Army Corps of Engineers - USACE), project managers, permit applicants, consultants, and the general public to find the current status of NMFS's Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations which are being conducted (or have been completed) pursuant to ESA Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act's (MSA) Sections 305(b)2 and 305(b)(4). Basic information including access to documents is available to all.

The PCTS Home Page is shown below. For USACE-permitted projects, the easiest and quickest way to look up a project's status, or review completed ESA/EFH consultations, is to click on either the "Corps Permit Query" link (top left); or, below it, click the "Find the status of a consultation based on the Corps Permit number" link in the golden "I Want To…" window.



Then, from the "Corps District Office" list pick the appropriate USACE district. In the "Corps Permit #" box, type in the 9-digit USACE permit number identifier, with no hyphens or letters. Simply enter the year and the permit number, joined together, using preceding zeros if necessary after the year to obtain the necessary 9-digit (no more, no less) number. For example, the USACE Jacksonville District's issued permit number SAJ-2013-0235 (LP-CMW) must be typed in as 201300235 for PCTS to run a proper search and provide complete and accurate results. For querying permit applications submitted for ESA/EFH consultation by other USACE districts, the procedure is the same. For example, an inquiry on Mobile District's permit MVN201301412 is entered as 201301412 after selecting the Mobile District from the "Corps District Office" list. PCTS questions should be directed to Eric Hawk at Eric.Hawk@noaa.gov or (727) 551-5773.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to Section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA Section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA Section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.