

**DRAFT INDIVIDUAL ENVIRONMENTAL REPORT
SUPPLEMENTAL**

**GIWW, HARVEY, AND ALGIERS LEVEES AND FLOODWALLS
JEFFERSON, ORLEANS, AND PLAQUEMINES PARISHES, LOUISIANA**

IER # 12



**US Army Corps
of Engineers®**

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1. INTRODUCTION

The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), has prepared this Draft Individual Environmental Report #12 Supplemental (IERS #12) to evaluate the potential impacts associated with the proposed project revisions to the original IER #12 GIWW, Harvey and Algiers Levees and Floodwalls project area. This supplemental addresses a proposal to utilize the Westbank Site N Borrow pit as an alternative disposal site for levee material that has been removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee which are part of the Hurricane and Storm Damage Risk Reduction System (HSDRRS). After IER #12 was completed, the USACE identified Westbank Site N as an additional location within the project area that would provide a less costly means of disposal of unsuitable borrow material due to its shorter haul distance to the deposition site. Utilizing the Westbank Site N as a means of disposal would accommodate unsuitable material originally designated for the three previously excavated borrow pits at the corner of Walker and Barrier Roads (left unfilled at the request of Plaquemines Parish Government). The proposed action is located within the IER #12 project area in Plaquemines Parish, LA. The flocking of the birds combined with the air traffic from the nearby Naval Air Station makes the filling of Westbank Site N a desirable solution. The proposed action is located within the IER #12 project area in Plaquemines Parish, LA. (figure 1)

Orleans, Jefferson and Plaquemines parishes contain the Harvey-Westwego, Gretna-Algiers, and Belle Chasse Interagency Performance Evaluation Task Force (IPET) polders. The total estimated population for these three parishes in 2006 was 687,261.

It is also important to note the presence of the U.S. Environmental Protection Agency (EPA) designated Bayou aux Carpes Clean Water Act (CWA) Section 404(c) area within this WBV project area. (figure 2) These nationally significant wetlands are protected under the Clean Water Act (CWA, 33 U.S.C. 1251 et seq) Section 404c, which authorizes the administrator of the EPA to deny or restrict the use of any defined area for specification as a disposal site, whenever the administrator determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. All potential impacts to this unique environment associated with the proposed action are thoroughly explained in IER #12, sections 3.1.7, 3.2.2, 6, 7, and appendix K. There are no impacts to the Bayou aux Carpes area as a result of the proposed action in this supplemental.

IERS #12 has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality's Regulations (CEQ) (40 CFR §1500-1508), as reflected in the USACE Engineering Regulation, ER 200-2-2. The execution of an IER, in lieu of a traditional Environmental Assessment (EA) or Environmental Impact Statement (EIS), is provided for in ER 200-2-2, Environmental Quality (33 CFR §230) Procedures for Implementing the NEPA and pursuant to the

CEQ's NEPA Implementation Regulations (40 CFR §1506.11). The Alternative Arrangements can be found at www.nolaenvironmental.gov, and are herein incorporated by reference.

IER 12 Study Area

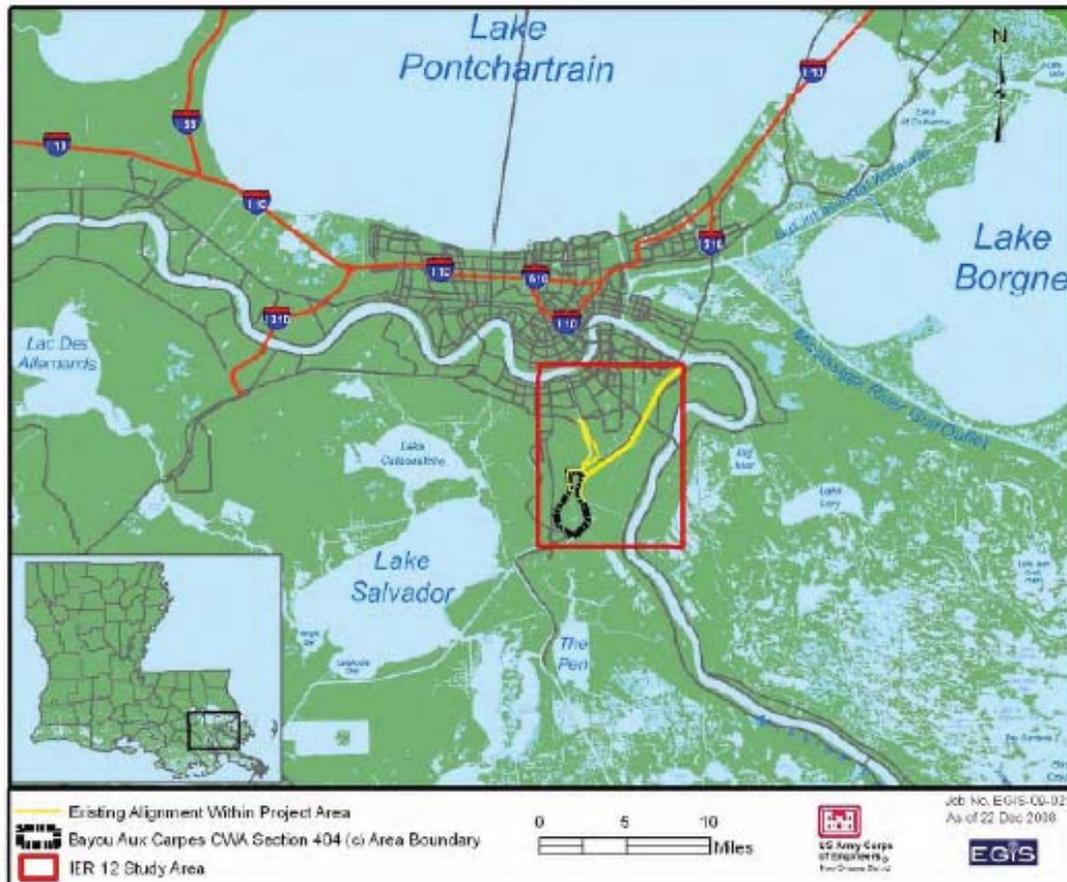


Figure 1: IER 12 Project Area

The CEMVN implemented Alternative Arrangements on March 13, 2007 under the provisions of the Council on Environmental Quality Regulations for Implementing the NEPA (40 CFR §1506.11). This process was implemented in order to expeditiously complete environmental analysis for any changes to the authorized system and the 100-year level of the Hurricane and Storm Damage Risk Reduction System (HSDRRS), formerly known as the Hurricane Protection System (HPS) authorized and funded by Congress and the Administration. The term “100-year level of risk reduction,” as it is used throughout this document, refers to a level risk reduction which reduces the risk of hurricane surge and wave driven flooding that the New Orleans Metropolitan area has a 1 percent chance of experiencing each year. The proposed actions are located in southeastern Louisiana and are part of the Federal effort to rebuild and complete construction of the HSDRRS in the New Orleans Metropolitan area as a result of Hurricanes Katrina and Rita.

On February 18, 2009, the CEMVN Commander signed the Decision Record for IER #12. IER #12 is incorporated by reference into this supplemental document. Copies of IER #12 and other supporting information are available upon request or at noloaenvironmental.gov. This supplemental document has been prepared to address proposed changes in the Government's approved plan.

This Draft IER Supplemental (IERS) will be distributed for a 30-day public review and comment period. A public meeting specific to the proposed action will be held during the review period for the purpose of answering questions and concerns regarding the proposed action. Any comments received during this public meeting will be considered part of official record. After the 30-day comment period, and public meeting, the CEMVN Commander will review all comments received during the review period and make a determination if they rise to the level of being substantive in nature. If comments are not considered substantive, the Commander will make a decision on the proposed action. This decision will be documented in an IERS Decision Record. If a comment(s) is determined to be substantive in nature, an Addendum to the IERS will be prepared and published for an additional 30-day public review and comment period. After the expiration of the public comment period the Commander will make a decision on the proposed action. The decision will be documented in an IERS Decision Record.

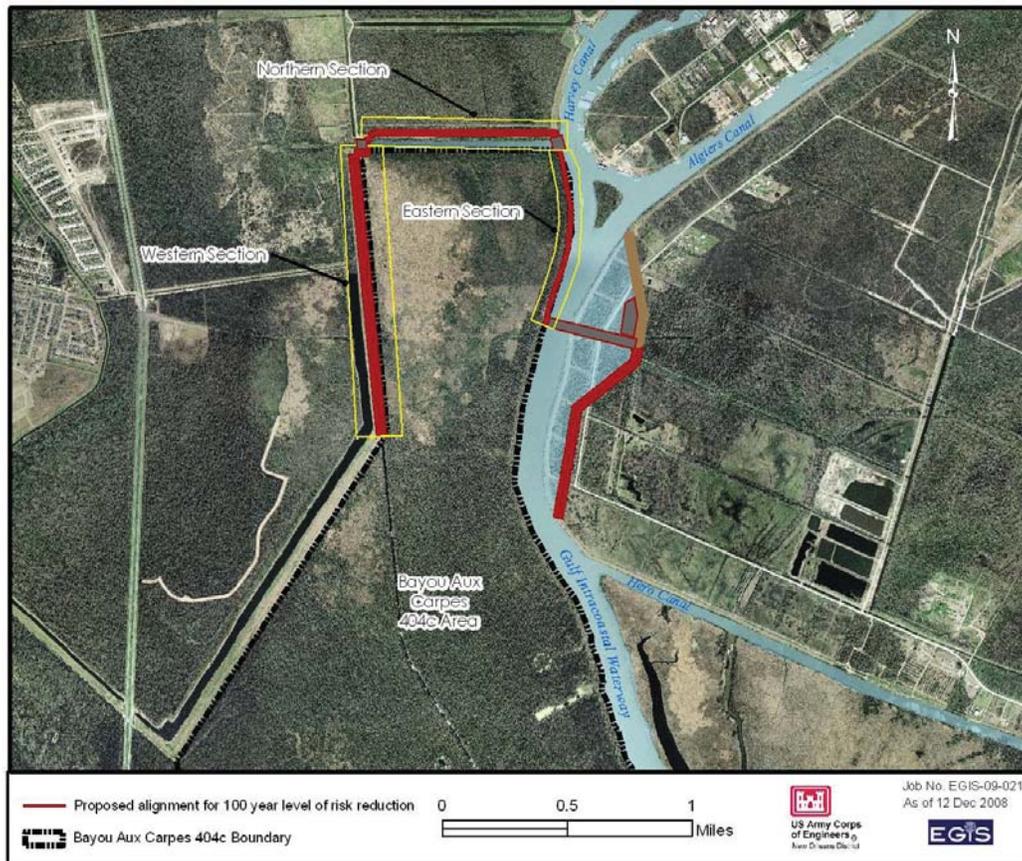


Figure 2: Bayou aux Carpes 404(c) Area

1.1 PRIOR REPORTS

A number of studies and reports on water resources development in the proposed project area have been prepared by the USACE, other Federal, state, and local agencies, research institutes, and individuals. Pertinent studies, reports and projects are discussed below:

- On 3 February 2009, the CEMVN Commander signed a Decision Record on IER #25 entitled “Government Furnished Borrow Material, Orleans, Plaquemines and Jefferson Parishes, Louisiana.” The document was prepared to evaluate the potential impacts associated with the actions taken by the USACE as a result of excavating borrow areas for use in construction of the HSDRRS.
- On 21 January 2009, the CEMVN Commander signed a Decision Record on IER #17, entitled “Company Canal Floodwall, Jefferson Parish, Louisiana.” The proposed action includes providing 100-year level of risk reduction in the project area.
- On 4 December 2009, the CEMVN Commander signed a Decision Record on IER #13, entitled “Hero Canal Levee and Eastern Tie-In, Plaquemines Parish, Louisiana.” The proposed action includes providing 100-year level of risk reduction in the project area.
- On 20 October 2008, the CEMVN Commander signed a Decision Record on IER #26 entitled “Pre-Approved Contractor Furnished Borrow Material #3, Jefferson, Plaquemines, and St. John the Baptist Parishes, Louisiana, and Hancock County, Mississippi.” The document was prepared to evaluate the potential impacts associated with the actions taken by commercial contractors as a result of excavating borrow areas for use in construction of the HSDRRS.
- On 26 August 2008, the CEMVN Commander signed a Decision Record on IER #14, entitled “Westwego to Harvey, Levee Jefferson Parish, Louisiana.” The document was prepared to examine the potential environmental impacts associated with the proposed construction and maintenance of 100-year level of risk reduction along the WBV, Westwego to Harvey Levee project area.
- On 12 June 2008, the CEMVN Commander signed a Decision Record on IER #15, entitled “Lake Cataouatche Levee, Jefferson Parish, Louisiana.” The proposed action includes providing 100-year level of risk reduction in the project area.
- On 30 May 2008, the CEMVN Commander signed a Decision Record on IER #22 entitled “Government Furnished Borrow Material, Plaquemines and Jefferson Parishes, Louisiana.” The document was prepared to evaluate the potential impacts associated with the actions taken by the USACE as a result of excavating borrow areas for use in construction of the HSDRRS.
- On 6 May 2008, the CEMVN signed a Decision Record on IER #23 entitled “Pre-Approved Contractor Furnished Borrow Material #2, St. Bernard, St. Charles, Plaquemines Parishes, Louisiana, and Hancock County, Mississippi.” The

document was prepared to evaluate the potential impacts associated with the actions taken by commercial contractors as a result of excavating borrow areas for use in construction of the HSDRRS.

- On 21 February 2008, the CEMVN Commander signed a Decision Record on IER #18 entitled “Government Furnished Borrow Material, Jefferson, Orleans, Plaquemines, St. Charles, and St. Bernard Parishes, Louisiana.” The document was prepared to evaluate the potential impacts associated with the actions taken by the USACE as a result of excavating borrow areas for use in construction of the HSDRRS.
- On 14 February 2008, the CEMVN Commander signed a Decision Record on IER #19 entitled “Pre-Approved Contractor Furnished Borrow Material, Jefferson, Orleans, St. Bernard, Iberville, and Plaquemines Parishes, Louisiana, and Hancock County, Mississippi.” The document was prepared to evaluate the potential impacts associated with the actions taken by commercial contractors as a result of excavating borrow areas for use in construction of the HSDRRS.
- In July 2006, the CEMVN Commander signed a Finding of No Significant Impact (FONSI) on EA #433 entitled, “USACE Response to Hurricanes Katrina & Rita in Louisiana.” The document was prepared to evaluate the potential impacts associated with the actions taken by the USACE as a result of Hurricanes Katrina and Rita.
- On 23 August 2005, the CEMVN Commander signed a FONSI on EA #422 entitled “Mississippi River Levees – West Bank Gaps, Concrete Slope Pavement Borrow Area Designation, St. Charles and Jefferson Parishes, Louisiana.” The report investigates the impacts of obtaining borrow material from various areas in Louisiana.
- On 22 February 2005, the CEMVN Commander signed a FONSI on EA #306A entitled “West Bank Hurricane Protection Project – East of the Harvey Canal, Floodwall Realignment and Change in Method of Sector Gate.” The report discusses the impacts related to the relocation of a proposed floodwall moved because of the aforementioned sector gate, as authorized by the LPV Project.
- On 5 May 2003, the CEMVN Commander signed a FONSI on EA #337 entitled “Algiers Canal Alternative Borrow Site.”
- On 19 June 2003, the CEMVN Commander signed a FONSI on EA #373 entitled “Lake Cataouatche Levee Enlargement.” The report discusses the impacts related to improvements to a levee from Bayou Segnette State Park to Lake Cataouatche.
- On 16 May 2002, the CEMVN Commander signed a FONSI on EA #306 entitled “West Bank Hurricane Protection Project - Harvey Canal Sector Gate Site Relocation and Construction Method Change.” The report discusses the impacts related to the relocation of a proposed sector gate within the Harvey Canal, as authorized by the LPV Project.

- On 30 August 2000, the CEMVN Commander signed a FONSI on EA #320 entitled “West Bank Hurricane Protection Features.” The report evaluates the impacts associated with borrow sources and construction options to complete the Westwego to Harvey Canal Hurricane Protection Project.
- On 18 August 1998, the CEMVN Commander signed a FONSI on EA #258 entitled “Mississippi River Levee Maintenance - Plaquemines West Bank Second Lift, Fort Jackson Borrow Site.”
- The final EIS for the WBV, East of Harvey Canal, Hurricane Protection Project was completed in August 1994. A Record of Decision (ROD) was signed by the CEMVN Commander in September 1998.
- The final EIS for the WBV, Lake Cataouatche, Hurricane Protection Project was completed. A ROD was signed by the CEMVN Commander in September 1998.
- In December 1996, the USACE completed a post-authorization change study entitled, “Westwego to Harvey Canal, Louisiana Hurricane Protection Project Lake Cataouatche Area, EIS.” The study investigated the feasibility of providing hurricane surge protection to that portion of the west bank of the Mississippi River in Jefferson Parish between Bayou Segnette and the St. Charles Parish line. A Standard Project Hurricane (SPH) level of risk reduction was recommended along the alignment followed by the existing non-Federal levee. The project was authorized by Section 101 (b) of the WRDA of 1996 (P.L. 104-303) subject to the completion of a final report of the Chief of Engineers, which was signed on 23 December 1996.
- On 12 January 1994, the CEMVN Commander signed a FONSI on EA #198 entitled, “West Bank of the Mississippi River in the Vicinity of New Orleans, LA, Hurricane Protection Project, Westwego to Harvey Canal, Jefferson Parish, Louisiana, Proposed Alternate Borrow Sources and Construction Options.” The report evaluates the impacts associated with borrow sources and construction options to complete the Westwego to Harvey Canal Hurricane Protection Levee.
- In August 1994, the CEMVN completed a feasibility report entitled “WBV (East of the Harvey Canal).” The study investigated the feasibility of providing hurricane surge protection to that portion of the west bank of metropolitan New Orleans from the Harvey Canal eastwards to the Mississippi River. The final report recommends that the existing West Bank Hurricane Project, Jefferson Parish, Louisiana, authorized by the WRDA of 1986 (P.L. 99-662), approved 17 November 1986, be modified to provide additional hurricane protection east of the Harvey Canal. The report also recommends that the level of risk reduction for the area east of the Algiers Canal deviate from the National Economic Development Plan’s level of risk reduction and provide protection for the SPH. The Division Engineer’s Notice was issued on 1 September 1994. The Chief of Engineer’s report was issued on 1 May 1995. Preconstruction, engineering, and

design was initiated in late 1994 and is continuing. The WRDA of 1996 authorized the project.

- On 20 March 1992, the CEMVN Commander signed a FONSI on EA #165 entitled “Westwego to Harvey Canal Disposal Site.”
- In February 1992, the USACE completed a reconnaissance study entitled “West Bank Hurricane Protection, Lake Cataouatche, Louisiana.” The study investigated the feasibility of providing hurricane and storm damage risk reduction to that portion of the west bank of the Mississippi River in Jefferson Parish, between Bayou Segnette and the St. Charles Parish line. The study found a 100-year level of risk reduction to be economically justified based on constructing a combination levee/ sheetpile wall along the alignment followed by the existing non-Federal levee. Due to potential impacts to the Westwego to Harvey Canal project, the study is proceeding as a post-authorization change.
- On 3 June 1991, the CEMVN Commander signed a FONSI on EA #136 entitled “West Bank Additional Borrow Site between Hwy 45 and Estelle PS.”
- On 15 March 1990, the CEMVN Commander signed a FONSI on EA #121 entitled “West Bank Westwego to Harvey Changes to EIS.” The report addresses the impacts associated with the use of borrow material from Fort Jackson for LPV construction. The material was used for constructing the second life for the Plaquemines West Bank levee upgrade, as part of LPV construction.
- SIR #29 entitled “LPV Hurricane Protection – South Point to GIWW Levee Enlargement” was signed by the CEMVN Commander on 12 June 1987. The report discusses the impacts associated with the enlargement of the GIWW.
- In December 1986, the USACE completed a Feasibility Report and EIS entitled, “West Bank of the Mississippi River in the Vicinity of New Orleans, LA.” The report investigates the feasibility of providing hurricane surge protection to that portion of the west bank of the Mississippi River in Jefferson Parish between the Harvey Canal and Westwego, and down to the vicinity of Crown Point, Louisiana. The report recommends implementing a plan that would provide SPH level of risk reduction to an area on the west bank between Westwego and the Harvey Canal north of Crown Point. The project was authorized by the WRDA of 1986 (P.L. 99-662). Construction of the project was initiated in early 1991.
- On 16 October 1985, the Environmental Protection Agency (EPA) signed a Final Determination concerning the Bayou aux Carpes Site in Jefferson Parish pursuant to Section 404(c) of the Clean Water Act (CWA). The authority for this determination was given to the Administrator of the EPA under the CWA (33 USC, 1251 et seq).

2. ALTERNATIVES

NEPA requires that in analyzing alternatives to a proposed action a Federal agency considers an alternative of “No Action.” Likewise, Section 73 of the WRDA of 1974 (PL 93-251) requires Federal agencies to give consideration to non-structural measures to reduce or prevent flood damage. The CEMVN Project Delivery Team (PDT) considered a no action alternative and nonstructural measures, which are discussed in IER #12, sections 2.4.1 and 2.5.2, respectively.

2.1 DESCRIPTION OF THE ALTERNATIVES

At the time of the completion of the original IER #12 report, the USACE had identified two locations within the project area that would be suitable for the disposal of clean, cleared and grubbed material removed from the IER #12 project area. Disposal options are consistent, to the maximum extent practicable, with the Louisiana Coastal Resources Program, which requires that dredged material be used beneficially when practicable. Two sites were discussed with the Interagency Team and addressed in IER #12. These sites are approved for use under the “No Action” alternative.

Site 1 – The Jean Lafitte National Historical Park and Preserve

The approved action is for material dredged from the Algiers Canals to be utilized in a marsh restoration project in the Jean Lafitte National Historical Park and Preserve Lake Salvador “Geocrib” (JLNHPP). (figure 3) Approximately 700,000 cubic yards would be excavated from the Algiers Canal and barged to the site. A dredge and disposal plan can be found in its entirety in appendix L of IER #12. The plan has been coordinated with resource agencies and those resource agencies will continue to be involved as cost estimates and the results of any sediment tests become available. This disposal site is currently in use as the material is being successfully placed within the “Geocrib” area. In cooperation with the National Park Service (NPS), the newly created bankline will be armored with rock funded by the NPS upon completion of the bankline restoration and wetland creation project.

Site 2 – Walker Road Borrow Pits

The alternative of placement of dredged material in the Walker Road borrow sites would be done only as a convenience to the government if the preferred option, marsh creation in JLNHPP, is not practicable. (figure 4) The placement of dredged material in the Walker Road borrow sites would not be considered backfilling of those sites. If dredged material is placed in the Walker Road borrow sites, the quantity of the material would be insufficient to refill those sites. Disposal of the material in either location would be considered a project feature. The first option of placing the dredged material into the JLNHPP Lake Salvador “Geocrib” is preferred because it is a beneficial use site and the wetlands created with this material would be counted as mitigation for the HSDRRS projects.

Under the approved plan and as discussed in IER #12, approximately four million cubic yards of material would be removed during construction of the West Closure Complex eastern floodwall and road realignment, (figure 5) as well as the Hero Canal Levee. (figure 6) After being evaluated for suitability, this material would either be used as borrow for the HSDRRS project or deposited into the Walker Road borrow pits, which were identified as suitable sites for the disposal of material not used for borrow. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill. Any road material (i.e., rock and earthen material) would be used within the project for construction.

2.1.1 No Action

Under the No Action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented. Material dredged from the Algiers Canals will go to the JLNHPP “Geocrib” as beneficial dredge and material removed during the construction of the West Closure Complex eastern floodwall and road realignment, as well as the Hero Canal Levee construction sites, would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

2.1.2 Proposed Action

The proposed action would be instrumental in providing additional locations for the deposition of material cleared and grubbed from existing levees. Under the proposed action, all borrow material suitable for use in the construction of the HSDRRS would be removed from the Westbank Site N area. The site would then be utilized for the deposition of clean, cleared and grubbed material removed during the construction of the West Closure Complex eastern floodwall and road realignment, as well as the Hero Canal Levee. Material dredged from the Algiers Canals will still go to the JLNHPP “Geocrib” as beneficial dredge as described in IER #12.



Figure 3: Jean Lafitte National Historical Park and Preserve



Figure 4: Walker Road Borrow Pits

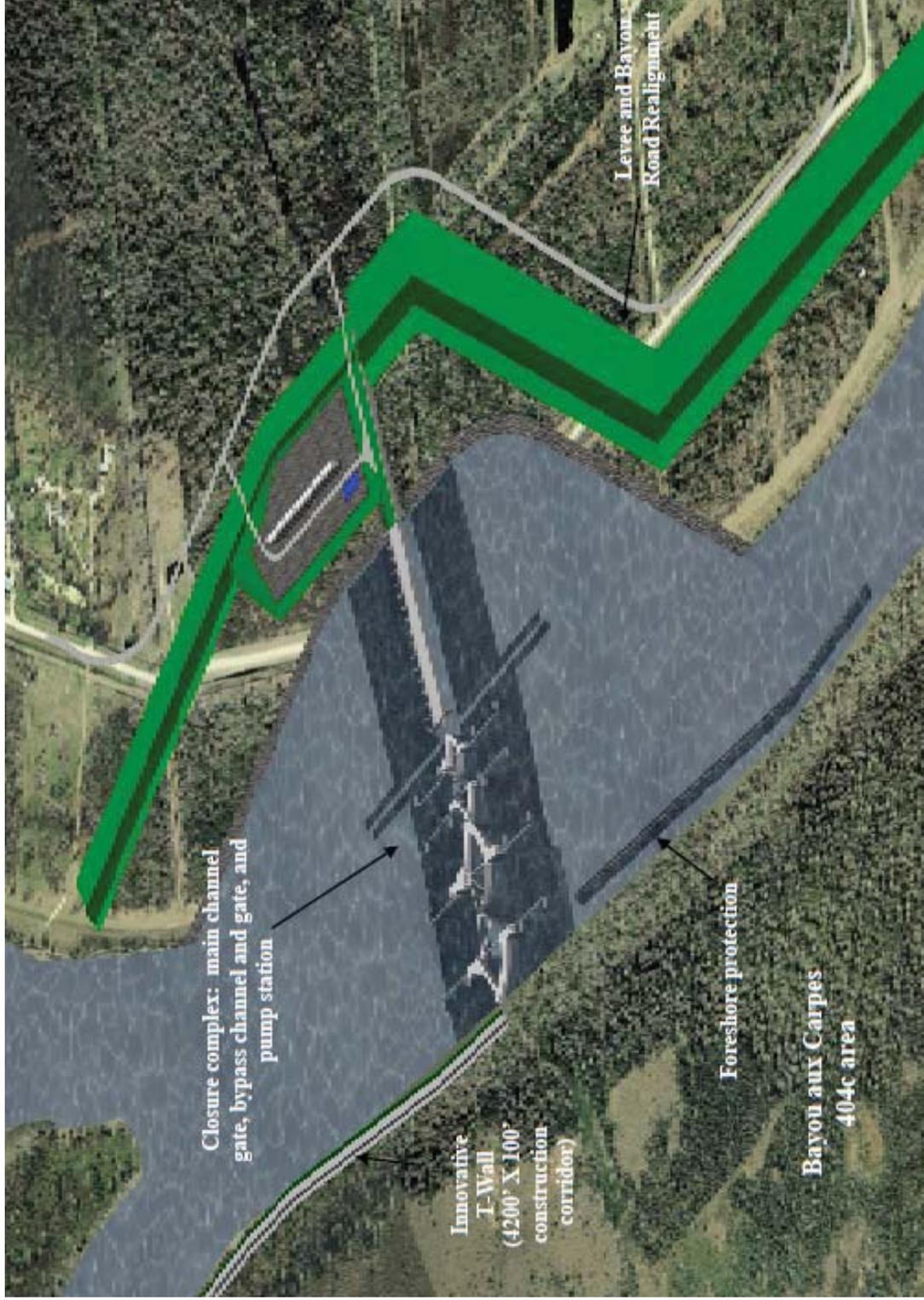


Figure 5: IER #12 West Closure Complex

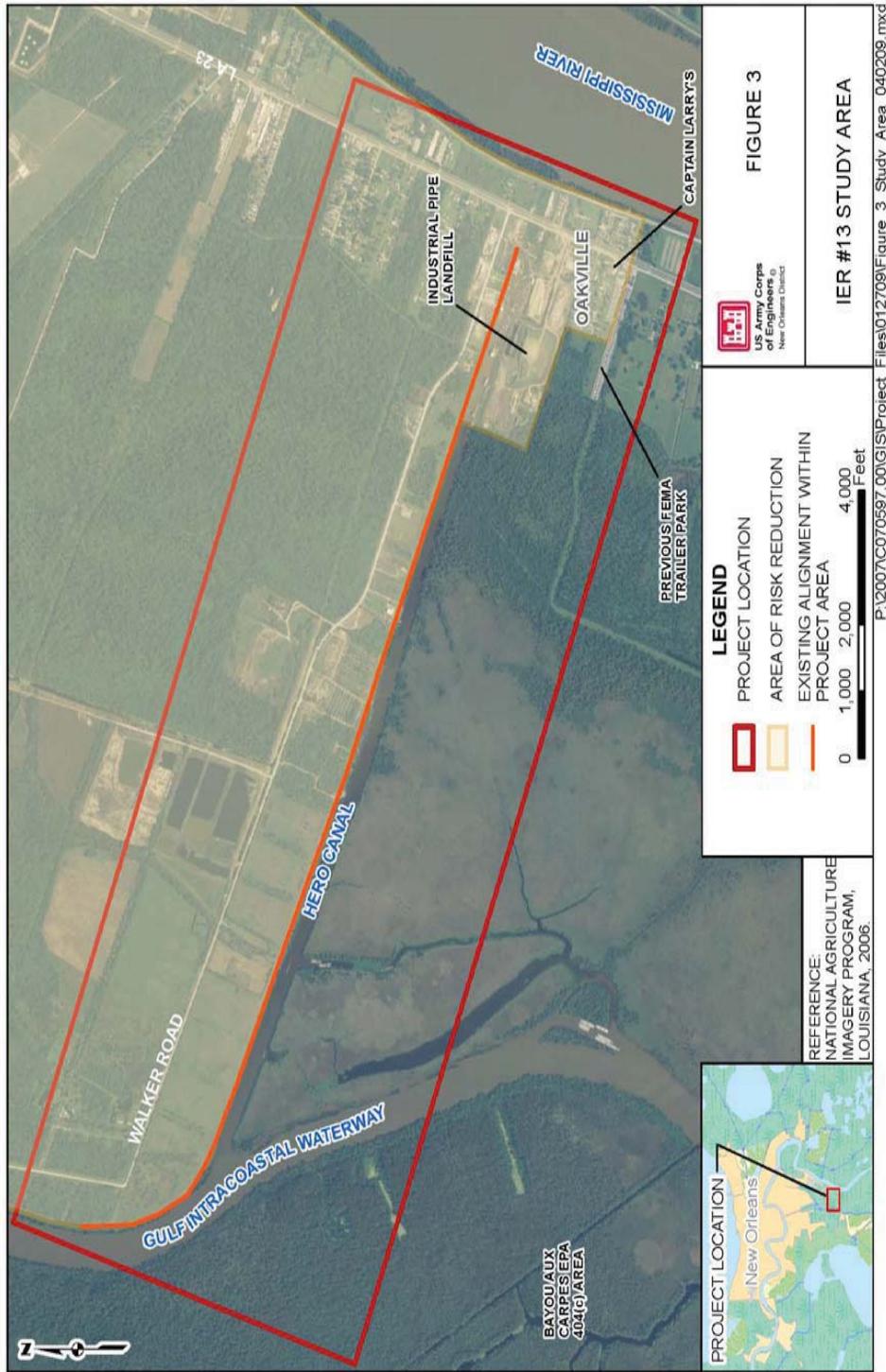


Figure 6: Hero Canal Levee Alignment

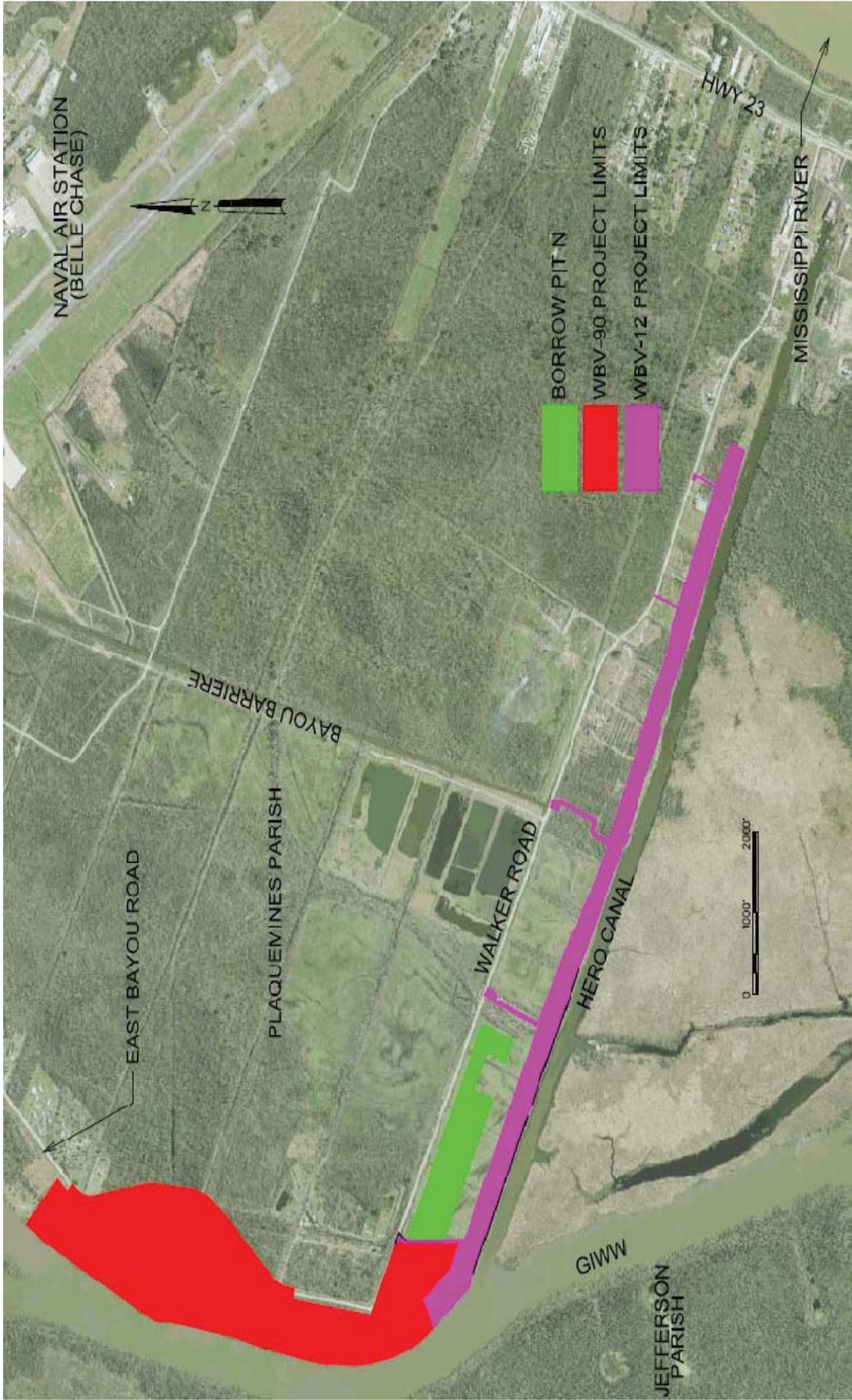


Figure 7: Limits of WBV 90 and WBV 12 Project Areas

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 ENVIRONMENTAL SETTING

The Westbank Site N area described in this report is located in an industrial area of Plaquemines Parish. The study area is bounded to the north by Lake Pontchartrain, to the west by the town of Waggaman, and to the south into Lake Cataouatche and eventually marsh. The area is bordered on three sides by an extensive marsh system that provides a barrier between residences and infrastructure within these parishes and the Gulf of Mexico. Hero Canal is located to the south of Westbank Site N and the Gulf Intracoastal Waterway is located to the west. Westbank Site N is adjacent and to the south of Walker Road and is accessible from it.

IER #12, Gulf Intracoastal Waterway (GIWW) Harvey and Algiers Levees and Floodwalls, IER #13, Hero Canal and Eastern Tie In, and IER #22, Government Furnished Borrow Material #2, contain a complete discussion of the environmental setting for the project area and are incorporated by reference into this document. As such, no discussion of environmental setting is contained in this document.

3.2 SIGNIFICANT RESOURCES

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

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

Table 1: Significant Resources in the Project Area

SIGNIFICANT RESOURCES	Impacted	Not Impacted
Wetlands		X
Bayou aux Carpes CWA		X

Section 404(c) Area		
Upland Resources		X
Prime Farmland		X
T&E Species		X
Fisheries		X
Wildlife		X
Air Quality		X
Water Quality		X
Noise	X	
Aesthetics		X
Recreational Resources		X
Cultural Resources		X
Socioeconomics		X

3.2.1 Jurisdictional Wetlands

Existing Conditions

Jurisdictional wetlands are those that are regulated by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. To qualify as jurisdictional wetlands, habitat must exhibit all three wetland characteristics: hydrology, hydrophytes, and hydric soils (US ACOE 1987). It is important to understand that some areas that function as wetlands ecologically, but exhibit only one or two of the three characteristics, do not currently qualify as Corps jurisdictional wetlands and thus activities in these wetlands are not regulated under the Section 404 program. Such wetlands, however, may perform valuable functions.

The jurisdictional wetland habitat types in the Westbank Site N area may include pasture wetlands and cypress swamps. The jurisdictional wetlands contain hydrophytic vegetation, hydric soils, and hydrology indicators. Pasture wetlands are comprised of soft rushes, flat sedges, smartweed, alligator weed, and other wetland grasses. Cypress swamp areas are dominated by bald cypress and tupelo gum. The jurisdictional bottomland hardwood tree species include hackberry, Chinese tallow tree, pecan, American elm, live oak, water oak, green ash, bald cypress, black willow, box elder, and red maple.

There are jurisdictional wetlands in the vicinity of Westbank Site N.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to jurisdictional wetlands through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

Under the proposed action, there would be no direct or indirect impact to jurisdictional wetlands at the proposed Westbank Site N area. All borrow material suitable for use in the construction of the HSDRRS would be removed from the Westbank Site N area. The site would then be utilized for the deposition of clean, cleared and grubbed material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee. During the excavation and the disposal processes, the jurisdictional wetlands would be avoided as described in IER #22.

3.2.2 Non-Jurisdictional Bottomland Hardwood Forest

Existing Conditions

Non-jurisdictional Bottom Land Hardwood (BLH) forests are comprised of dominant species such as hackberry, Chinese tallow tree, pecan, American elm, live oak, water oak, green ash, bald cypress, black willow, box elder, and red maple. Some understory species include dewberry, lizard's tail, and poison ivy. A variety of birds utilize these hardwoods for nesting, breeding, brooding, and as perches. Hard mast (nuts) and soft mast (samaras, berries) provide a valuable nutritional food source for birds, mammals, and other wildlife species.

Non-jurisdictional BLH forests lack one or more of the following criteria to be considered a Clean Water Act Section 404 wetland: hydrophytic vegetation, hydric soils, and/or wetland hydrology (USACE 1987). Manmade ditches, canals, and/or pumping stations are present in the vicinity of the Westbank Site N area, but no BLH exists within the project area.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to non-jurisdictional BLH through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the

Hero Canal Levee would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

Under the proposed action, there would be no direct or indirect impact to non-jurisdictional BLH at the proposed Westbank Site N area as there are no BLH located within the Westbank Site N area. All borrow material suitable for use in the construction of the HSDRRS would be removed from the Westbank Site N area. The site would then be utilized for the deposition of clean, cleared and grubbed material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee.

3.2.3 Non-Wetland Resources/Upland Resources

Existing Conditions

Species identified in the non-wet pasture areas include Johnson grass, yellow bristle grass, annual sumpweed, arrow-leaf sida, vasey grass, Brazilian vervain, and eastern false-willow. The scrub/shrub areas are comprised of Chinese tallow tree, eastern false-willow, wax myrtle, giant ragweed, dew berry, elderberry, red mulberry, pepper vine, and dog-fennel.

The Westbank Site N area is approximately 76 acres of pasture land located next to the Hero Canal. (figure 7) The herbaceous layer is comprised of golden rod, dog fennel, arrow-leaf sida, and Johnson grass. This area is described in detail in IER #12.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to Non-Wetland Resources/Upland Resources through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

With implementation of the proposed action, non-wetland resources/upland resources would be cleared and borrow excavated from Westbank Site N as outlined in IER #22. The thick scrub/shrub areas that provided cover for wildlife would be removed. All borrow material suitable for use in the construction of the HSDRRS would be removed from the Westbank Site N area. The site would then be utilized for the deposition of clean, cleared and grubbed material from the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee. The pasture areas would be allowed to revegetate naturally. Some scrub/shrub areas may redevelop around the borrow area perimeters in time.

3.2.4 Wildlife

Existing Conditions

The study area contains a great variety of mammals, birds, reptiles, and amphibians. Species inhabiting the area include nutria, muskrat, mink, otter, raccoon, white-tailed deer, skunks, rabbits, squirrels, armadillos, and a variety of smaller mammals. Wood ducks and some migratory waterfowl may be present during winter, especially in the proposed Westbank Site N due to the close proximity of the area to the Mississippi River, which is a major flyway.

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

The bald eagle is a raptor that is found in various areas throughout the United States and Canada as well as throughout the study area. Bald eagles are Federally protected under the Bald Eagle Protection Act of 1940. The bald eagle feeds on fish, rabbits, waterfowl, seabirds, and carrion (Ehrlich et al. 1988). The main basis of the bald eagle diet is fish, but they will feed on other items such as birds and carrion depending upon availability of the various foods. Eagles require roosting and nesting habitat, which in Louisiana consists of large trees in fairly open stands (Anthony et al. 1982). Bald eagles nest in Louisiana from October through mid-May. Eagles typically nest in bald cypress trees near fresh to intermediate marshes or open water in the southeastern parishes.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to wildlife through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

With implementation of the proposed action, wildlife would be displaced when the areas are cleared and excavated as outlined in IER #22. This displacement and loss of habitat should be temporary and would last the duration of project construction in the area. Once material from the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee is placed within Westbank Site N, the area would be allowed to revegetate naturally, which would allow the wildlife to return to the area. Once the area is filled in, there may be some differences in elevation resulting from placement of material and settlement, however this would match the natural surrounding landscape.

3.2.6 Threatened and Endangered Species

Existing Conditions

There may be a presence of brown pelicans in the vicinity of the proposed disposal area. The brown pelican is a year-round resident that typically forages for and feeds on fish throughout the study area. In winter, spring, and summer, nests are built in mangrove trees or other shrubby vegetation, although occasional ground nesting may occur. Small coastal islands and sand bars are typically used as loafing areas and nocturnal roosting areas.

There have been no sightings of any T&E species in the Westbank Site N area.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to T&E species or their critical habitats through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment

as well as the Hero Canal Levee would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

With implementation of the proposed action, there would be not likely be any adverse affect on any T&E species or their critical habitats. There were no sightings of the brown pelican in the project area, however they may be present in the project vicinity. The USFWS concurred with the CEMVN on June 28, 2010, (appendix D) that the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee and disposal of clean, cleared and grubbed material from these activities into Westbank Site N would not be likely to adversely affect the brown pelican or any other T&E species, or their critical habitat.

3.2.7 Cultural Resources

Existing Conditions

The Westbank Site N area is located partly within drained backswamps. While backswamps were utilized for resource extraction during both prehistoric and historic periods, there is little evidence of occupation in this habitat. Thus the likelihood for the presence of undiscovered cultural sites within these project areas remains low. Portions of the Westbank N Site lies within natural levees, a landform that served as a focus of prehistoric and historic occupation. Intensive subsurface testing of these project areas failed to identify cultural resources in the APEs (Nolan et al. 2007; Harlan and Nolan 2007).

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to Cultural Resources through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

For cultural resources, coordination for the use of the Westbank Site N borrow area was found to have no impacts to cultural resources. This coordination includes use of the land not only for excavation of borrow as originally described, but also as an area for disposal of excess materials as currently described. The letter of agreement to CEMVN's conclusion of no impacts to cultural resources, was signed by parties on the following dates:

SHPO: 12/26/07

Chitimacha 12/27/07

Mississippi Band of Choctaw: 1/15/08

Choctaw of Oklahoma: 12/5/07

All other consulted parties did not offer comment, and as per the National Historic Preservation Act, no comment after a period of 30 days is taken as agreement with the CEMVN conclusion.

3.2.8 Recreational Resources

Existing Conditions

There are no recreation facilities or activities occurring within the project area. The GIWW and Hero Canal are located adjacent to the project area.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the impacts to recreation would not differ significantly from those described in IER #12 and IER #22.

Proposed Action

No direct or indirect impacts to recreation would be expected. Fishing and boating are possible in the GIWW and Hero Canal, but the use is minimal given the industrial nature of the area. Cumulative Impacts would not differ significantly from those described in IER #12 and IER #22.

3.2.9 Noise Quality

Existing Conditions

Noise can be identified as unwanted sound. Westbank Site N is located in a rural area near LA Highway 23. The closest residence is located approximately 2 miles from Westbank Site N. Noise in the study area is sourced from various forms of traffic on LA 23, General De Gaulle Drive, Lapalco Boulevard, Engineers Road, Peters Road, and other local roads. Heavy equipment and manufacturing operations at the many industrial sites in the study area contribute to noise levels.

Periodic high noise levels are generated and impact a large zone around the study area by aircraft as they approach and depart the U.S. Naval Air Station at Belle Chasse. Boat traffic on the GIWW, Algiers Canal, Harvey Canal and Hero Canal is another source of noise. Detailed discussions of noise in the project area can be found in IER #12, section 3.2.9; IER #13, section 3.2.11; and IER #22, section 3.2.10, which are incorporated by reference. Currently, sound levels would be expected to be moderate and the primary producers of sound would be from traffic, people, and, wildlife. Local traffic may have short-term sound levels that are high.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to noise levels through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment, as discussed in IER #12, as well as the Hero Canal Levee, as discussed in IER #13, would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

With implementation of the proposed action, there would be an elevation of noise in the vicinity of the Westbank Site N area. The noise would be associated with construction equipment such as bulldozers, excavators, haul trucks, and/or chainsaws working on the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee and disposal of clean, cleared and grubbed material from these activities into Westbank Site N. The closest resident is located approximately 2 miles from the construction area and may experience temporary impacts from elevated noise levels. However, these impacts are expected to be minimal and constrained to construction hours.

3.2.10 Air Quality

Existing Conditions

As of 15 June 2005, the 1-hour ozone standard for the Greater New Orleans area (Orleans, Jefferson, St. Bernard, Plaquemines, and St. Charles Parishes) was revoked and replaced by an 8-hour standard. The New Orleans area is currently not subject to any conformity requirements of the Clean Air Act. In other words, these parishes are now in attainment of the 8-hour ozone standard and all other criteria pollutant National Ambient Air Quality Standards (NAAQS). The

parishes listed previously are currently in attainment of all NAAQS. This classification is the result of area-wide air quality modeling studies.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to air quality through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

With implementation of the proposed action, there would be short duration of impacts to air quality that would result from the disposal of material into the Westbank Site N Pit in Plaquemines Parish. These impacts would be controlled by implementing proper best management practices (BMP). Air quality impacts would be limited to those produced by heavy equipment, and suspended dust particles could be generated by bulldozing, dumping, and grading operations. Operation of construction equipment and support vehicles would generate volatile organic compounds (VOCs), particulate matter (PM) 10, PM 2.5, nitrogen oxides (NO_x), carbon monoxide (CO), ozone (O₃) and sulfur oxides (SO_x) emissions from diesel engine combustion. The construction equipment and haul trucks should have catalytic converters and mufflers to reduce exhaust emissions.

Dust suppression methods would be implemented to minimize dust emissions. Air emissions from the proposed action would be temporary and should not significantly impair air quality in the region. Due to the short duration of the disposal process, any increases or impacts on ambient air quality would be expected to be short-term and minor and would not be expected to cause or contribute to a violation of Federal or state ambient air quality standards.

3.2.11 Water Quality

Existing Conditions

Louisiana Department of Environmental Quality (LDEQ) regulates both point and nonpoint source pollution. The study area includes water quality resources such as wet bottomland hardwoods, cypress-tupelo swamps, an existing canal on the protected side of the existing levee, and borrow sites, including Westbank Site N,

on the protected side of the existing Hero Canal levee. A detailed discussion of water quality in the project area can be found in IER #12, section 3.2.10, IER #13, section 3.2.10 and IER #22, section 3.2.12, which are incorporated by reference. Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Government-approved actions, as described in IER #12 and IER #13, would be implemented and there would be no direct or indirect impacts to water quality through CEMVN actions at the proposed Westbank Site N area. The material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee would be evaluated for borrow suitability. Suitable material would be utilized in the construction of the HSDRRS and that material found unsuitable to be used as borrow would be disposed of in the Walker Road borrow pit. The overburden material (i.e., roots, stumps, trees, etc.) would be mulched and used on site or hauled away to a landfill.

Proposed Action

The WBV-90 (IER #12) and WBV-12 (IER #13) projects plan to dispose of up to 600,000 cubic yards of material that is not suitable for levee construction, into the Westbank Site N borrow pit. Additionally, material excavated from the Westbank Site N that is unsuitable for use as levee material and the debris cleared and grubbed from the surface of Westbank Site N will be disposed of into Westbank Site N.

The CEMVN requires that construction BMPs be implemented and followed during the construction phase. Silt fencing and hay bales would be installed around the perimeter of the proposed borrow areas to control runoff. Despite the use of best management practices, (BMPs), with implementation of the proposed action, there could be some disturbances to water quality in the immediate vicinity of the proposed project area. The contractor would be required to secure all proper Federal, state, and local permits required for potentially impacting water quality.

To make optimal use of available material, excavation would begin at one end of the borrow area and be continuous across the width of the areas to the required borrow depths, to provide surface drainage to the low side of the borrow area as excavation proceeds. Excavation for semi-compacted fill would not be permitted in water nor shall excavated material be scraped, dragged, or otherwise moved through water. In some cases, the borrow areas may need to be drained with the use of a sump pump.

Approximately 400,000 to 700,000 cubic yards will be excavated from Site N. Quantities vary due to variations in the material and its suitability for use as levee embankment material. Approximately 400,000 to 700,000 cubic yards is expected to be disposed of into Site N. This material will not be highly compacted or dried. The initial height of the material placed into the pit N is

expected to be between 4' and 8' above existing ground. The final height of the material after settlement is expected to be between 2' and 5' above existing ground elevations. Site restoration would include grading the slopes.

3.2.12 Aesthetic (Visual) Resources

Existing Conditions

The principal distinguishing visual characteristics of the project area are its flat topography accentuated by the drainage canals that parcel land cleared for various uses. Land use includes the maritime related industry surrounding the Hero Canal and the borrow pits along Walker Road. Water resources consist of the GIWW, various fragmented bayous and ponds that appear to be water filled borrow areas.

Discussion of Direct, Indirect and Cumulative Impacts

No Action

Under the No action alternative, the Westbank Site N borrow pit would not be used for the disposal of material associated with 100-year level of flood risk reduction construction. The direct, indirect and cumulative impacts to visual resources would not differ from those described in IER #12 and IER #22.

Proposed Action

Under the proposed action, no foreseen direct, indirect or cumulative impacts to visual resources would occur at the proposed Westbank Site N borrow pit disposal area. The Westbank Site N borrow pit area is visually remote and lacks significant distinctive visual qualities. This material placed into Westbank Site N will not be highly compacted or dried. The initial height of the material is expected to be between 4' and 8' above existing ground. The final height of the material after settlement is expected to be between 2' and 5' above existing ground elevations. Site restoration would include grading the slopes and the entire area would be expected to revegetate.

3.3 SOCIOECONOMIC RESOURCES

The focus of this section is to evaluate the relative socioeconomic impacts, if any, of construction activities associated with disposing of clean, cleared and grubbed material from the existing HSDRRS levees at the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee construction sites into the Westbank Site N borrow area. The material is being disposed of in the same parish in which it is being acquired.

Existing Conditions

The West Bank Vicinity supplemental proposed project is located in the town of Belle Chase, Plaquemines Parish, Louisiana. The project area is located in census tract 503,

block group 3, blocks 3002, 3003, 3031, 3032, 3033, and 3034. The nearest residential development is located in block 3003, which is approximately two miles away from the project site. According to the US Census, in 2000 the census tract area had a population of 2,878 and 1,040 housing units. Additionally, the Census block 3003 has a population estimate of 344 and has approximately 120 housing units. Currently, this is the best available data for the geographic region; preliminary 2010 Census data will be available in 2011 at the earliest.

Specifically, the Westbank Site N area is located in a rural area adjacent to Walker Road which intersects Highway 23, a road segment that is used daily by large trucks hauling freight to and from Venice, Louisiana. Within the vicinity, the only commercial business is a shooting range. This commercial property lies on Walker Road and extends to East Bayou Road. There is public infrastructure supplying water and electricity within the area, both to the commercial property as well as to the residential area notated prior, but there are no other forms of public facilities or services within the affected area of the project site.

3.3.1 Displacement of Population and Housing

Discussion of Direct, Indirect, and Cumulative Impacts

No Action

Under the no action alternative, there would not be any disposal activities in the proposed area, Westbank Site N. The disposal of materials would continue as described within IER 12 and IER 13. Consequently, socioeconomic impacts to the displacement of population and housing would be as described previously in IER 12 and IER 13.

Proposed Action

As the closest residential population is a distance of 2 miles from the project site it would not be necessary to displace any of the surrounding population or housing as a result of the proposed action. Additionally, given the relatively small change in project size and scope of the construction activities that Westbank Site N represents, it is expected that there would be no incremental impacts to the displacement of population and housing resulting from the proposed action beyond what has been described within IER 12 and IER 13.

3.3.2 Impacts to Employment, Business, and Industry

Discussion of Direct, Indirect, and Cumulative Impacts

No Action

Under the no action alternative, there would not be any disposal activities in the proposed area, Westbank Site N. The disposal of materials would continue as described within IER 12 and IER 13. Consequently, socioeconomic impacts to employment, business and industry would be as described previously in IER 12 and IER 13.

Proposed Action

Under the proposed action alternative, there is only one business, the shooting range, within the project area that could potentially be affected. Westbank Site N is adjacent to two active borrow excavation sites. Given the limited business activity in combination with borrow activities already on-going and the proximity of Westbank Site N to the construction areas and the current borrow sites, this additional activity would have negligible socioeconomic impacts to employment, business and industry beyond what is described in IER 12 and IER 13.

3.3.3 Availability of Public Facilities and Services

Discussion of Direct, Indirect, and Cumulative Impacts

No Action

Under the no action alternative, there would not be any disposal activities in the proposed area, Westbank Site N. The disposal of materials would continue as described within IER 12 and IER 13. Consequently, socioeconomic impacts to public facilities and services would be as described previously in IER 12 and IER 13.

Proposed Action

Given the construction description, it is not expected that there would be any disruption in the use of public facilities or services. Additionally, given the relatively small change in project size and scope of the construction activities that Westbank Site N represents, it is expected that there would be no incremental impacts to public facilities and services resulting from the proposed action beyond what has been described within IER 12 and IER 13.

3.3.4 Effects on Transportation

Discussion of Direct, Indirect, and Cumulative Impacts

No Action

Under the no action alternative, there would not be any disposal activities in the proposed area, Westbank Site N. The disposal of materials would continue as described within IER 12 and IER 13. Consequently, socioeconomic impacts to transportation would be as described previously in IER 12 and IER 13.

Proposed Action

Under the proposed action alternative, the project plan is to dispose of up to 600,000 cubic yards of materials, not suitable for levee construction, into the Westbank Site N borrow pit. Westbank Site N is adjacent to two existing borrow excavation sites. Impacts to transportation would be limited to roads in the vicinity of the construction activity discussed in IER 12 and Westbank Site N (e.g., Bayou Road and possibly Walker Road). Given the location of Westbank Site N relative to the construction sites, these impacts would be expected to be minimal. Therefore, the additional activity would have negligible socioeconomic impacts to transportation beyond what is described in IER 12 and IER 13.

3.3.5 Disruption of Community and Regional Growth

Discussion of Direct, Indirect, and Cumulative Impacts

No Action

Under the no action alternative, there would not be any disposal activities in the proposed area, Westbank Site N. The disposal of materials would continue as described within IER 12 and IER 13. Consequently, socioeconomic impacts to community and regional growth would be as described previously in IER 12 and IER 13.

Proposed Action

As the closest residential population is a distance of 2 miles from the project site and because there would be no change in regional planning or zoning of land use within the community as a result of the use of Westbank Site N, it is expected that there would be no impacts to the community and regional growth resulting from the proposed action. Additionally, given the relatively small change in project size and scope of the construction activities that Westbank Site N represents, it is expected that there would be no incremental impacts to the community and regional growth resulting from the proposed action beyond what has been described within IER 12 and IER 13.

3.3.6 Impacts to Tax Revenues and Property Values

Discussion of Direct, Indirect, and Cumulative Impacts

No Action

Under the no action alternative, there would not be any disposal activities in the proposed area, Westbank Site N. The disposal of materials would continue as described within IER 12 and IER 13. Consequently, socioeconomic impacts to tax revenues and property values would be as described previously in IER 12 and IER 13.

Proposed Action

Under the proposed action, any effects resulting from construction activities would be temporary and as such would not have a significant impact in the long-term. Additionally, given the relatively small change in project size and scope of the construction activities that Westbank Site N represents, it is expected that there would be no incremental impacts to tax revenues or property values as result of the proposed action beyond what has been described within IER 12 and IER 13.

3.3.7 Changes in Community Cohesion

Discussion of Direct, Indirect, and Cumulative Impacts

No Action

Under the no action alternative, there would not be any disposal activities in the proposed area, Westbank Site N. The disposal of materials would continue as described within IER 12 and IER 13. Consequently, socioeconomic impacts to community cohesion would be as described previously in IER 12 and IER 13.

Proposed Action

As the closest residential population is a distance of 2 miles from the project site, no impacts would be expected to community cohesion as a result of the proposed action. Additionally, given the relatively small change in project size and scope that Westbank Site N represents, it is expected that there would be no incremental impacts to community cohesion resulting from the proposed action beyond what has been described within IER 12 and IER 13.

3.4 ENVIRONMENTAL JUSTICE

Environmental Justice (EJ) is institutionally significant because of Executive Order 12898 of 1994 (E.O. 12898) and the Department of Defense's Strategy on Environmental Justice of 1995, which direct Federal agencies to identify and address any disproportionately high adverse human health or environmental effects of Federal actions to minority and/or low-income populations. Minority populations are those persons who identify themselves as Black, Hispanic, Asian American, American Indian/Alaskan Native, and Pacific Islander. A minority population exists where the percentage of minorities in an affected area either exceeds 50 percent or is meaningfully greater than in the general population. Low-income populations as of 2000 are those whose income is \$22,050.00 for a family of four and are identified using the Census Bureau's statistical poverty threshold. The Census Bureau defines a "poverty area" as a Census tract with 20 percent or more of its residents below the poverty threshold and an "extreme poverty area" as one with 40 percent or more below the poverty level. This is updated annually at <http://aspe.hhs.gov/poverty/09poverty.shtml>.

This resource is technically significant because the social and economic welfare of minority and low-income populations may be positively or disproportionately impacted by the proposed actions. This resource is publicly significant because of public concerns about the fair and equitable treatment (fair treatment and meaningful involvement) of all people with respect to environmental and human health consequences of federal laws, regulations, policies, and actions.

A potential disproportionate impact may occur when the percent minority (50 percent) and/or percent low-income (20 percent) population in an EJ study area are greater than those in the reference community. For purposes of this analysis, all Census Block Groups within a one mile radius of the project footprint are defined as the EJ study area. The HSDRRS project, of which this IER study area is a subset, is considered the reference community of comparison, whose population is therefore considered the EJ reference population for comparison purposes. Parish figures were used for unincorporated areas located within one mile of the proposed project footprint.

The methodology, consistent with E.O. 12898, to accomplish this Environmental Justice analysis includes, identifying low-income and minority populations within the proposed borrow project area using up-to-date economic statistics, aerial photographs, 2000 U.S. Census records, Environmental Systems Research Institute, Inc. (ESRI) estimates, as well as conducting community outreach activities such as public meetings. Despite the 2000

U.S. Census being nine years old, it serves as a logical baseline of information and is the primary deciding variable per data accuracy and reliability for the following reasons:

- Census 2000 data is the most accurate source of data available due to the sample size of the Census decennial surveys. With one of every six households surveyed, the margin of error is negligible.
- The Census reports data at a much smaller geographic level than other survey sources, providing a more defined and versatile option for data reporting.
- Census information sheds light upon the demographic and economic framework of the area pre-Hurricane Katrina. By accounting for the absent population, the analysis does not exclude potentially low income and minority families that wish to return home.

Due to the considerable impact of Hurricane Katrina upon the New Orleans metropolitan area, and the likely shift in demographics and income, the 2000 Census data are supplemented with more current data, including 2007 and 2008 estimates provided by ESRI. The 2007 and 2008 estimates are utilized for reference purposes only to show changing trends in population since 2000.

Historic Conditions

The concept of “environmental justice” is rooted in Title VI of the Civil Rights Act of 1964, which prohibited discrimination based on race, color and national origin, and other nondiscrimination statutes as well as other statutes including the National Environmental Policy Act of 1969, the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970, and 23 U.S.C Section 109 (h). In 1971, the Council on Environmental Quality’s (CEQ) annual report acknowledged racial discrimination adversely affects the environment of the urban poor. During the next ten years, activists maintained that toxic waste sites were disproportionately located in low-income and areas populated by “people of color.” By the early 1980s, the environmental justice movement had increased its visibility and broadened its support base (Commission for Environmental Equality 2009).

This led to the United Church of Christ (UCC) undertaking a nationwide study and publishing *Toxic Waste and Race in the United States* (UCC 1987). This eventually gained the attention of the federal government and in 1992 the U.S. Environmental Protection Agency’s (EPA’s) Office of Environmental Equity was established. In 1994, EJ was institutionalized within the federal government through Executive Order 12898 (EPA 1995a), which focused federal attention on human-health and environmental conditions in minority and low-income communities (EPA 1995a, 1995b, 1995c, 1995d). Executive Order 12898 requires greater public participation and access to environmental information in affected communities. The results of early efforts and research (UCC 1987) into EJ suggested that environmental amenities and toxic waste sites were not uniformly distributed among income groups, classes, or ethnic communities. Disparities of this nature may have been and continue to be the result of historical circumstances,

lack of community participation, or simply inadequate or inappropriate oversight. Consequently, dialogue with some community groups were not conducted and their concerns not considered in the decision making process on local or federal actions.

Existing Conditions

According to the 2000 U.S. Census, and per requirements of Executive Order 12898 (E.O. 12898), it has been determined that the IER #12 Westbank Site N disposal area is not a minority community at 32.1 percent minority population and not a low-income area with 15.1 percent of its population below the poverty level. It is unlikely that the IER #12 Westbank Site N disposal area is an EJ area of concern.

Discussion of Direct, Indirect and Cumulative Impacts

No-Action

Under the no action alternative, there would be no impacts to any minority and/or low-income communities as no minority and/or low-income communities have been identified in the study area. Therefore, no disproportionately high or adverse human health or environmental effects on minority or low-income populations would occur.

Proposed Action

Under the proposed action, there would be no impacts to any minority and/or low-income communities as no minority and/or low-income communities have been identified in the study area. Therefore, no disproportionately high or adverse human health or environmental effects on minority or low-income populations would occur.

3.5 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

Under ER 1165-2-132 the reasonable identification and evaluation of Hazardous, Toxic, and Radioactive Waste (HTRW) contamination within a proposed area of construction is required. ER 1165-2-132 identifies the CEMVN HTRW policy to avoid the use of project funds for HTRW removal and remediation activities. Costs for necessary special handling or remediation of wastes (e.g., Resource Conservation and Recovery Act [RCRA] regulated), pollutants and other contaminants, which are not regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), will be treated as project costs if the requirement is the result of a validly promulgated Federal, state or local regulation.

An ASTM E 1527-05 Phase I ESA entitled “Westbank N Borrow Area, Walker Road, Belle Chasse, Plaquemines Parish, Louisiana” submitted by Aerostar Environmental Services, Inc. on January 29, 2009 was completed for the proposed project area. A copy of the Phase I ESA referenced below will be maintained on file at the CEMVN office in New Orleans, and are incorporated herein by reference. Copies of the report are available by requesting them from the CEMVN, or accessing them at www.nolaenvironmental.gov.

Seven on-site concerns and two off-site concerns were found. Most of these would be unlikely to affect the proposed work site. However, an oil well was identified in the central portion of the site. This well should be avoided and marked on the plans as a “No Work Area”.

CEMVN personnel made a field inspection of the site on 2 July 2010. No additional RECs or concerns were found, and no additional HTRW investigation is needed, unless the project area changes.

4. CUMULATIVE IMPACTS

NEPA requires a Federal agency to consider not only the direct and indirect impacts of a proposed action, but also the cumulative impacts of the action. A cumulative impact is defined as the “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR §1508.7).” Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. These actions include on- or off-site projects conducted by government agencies, businesses, or individuals that are within spatial or temporal boundaries of the actions considered in this IER Supplemental.

In addition to this IER, the CEMVN is preparing a draft Comprehensive Environmental Documents (CED) that will describe the work completed and the work remaining to be constructed. The purpose of the draft CED will be to document the work completed by the USACE on a system-wide scale. The draft CED will describe the integration of individual IERs into a systematic planning effort. Additionally, the draft CED will contain updated information for any IER that had incomplete or unavailable data at the time it was posted for public review. Overall cumulative impacts and future operations and maintenance requirements will also be included. The discussion provided below describes an overview of other actions, projects, and occurrences that may contribute to the cumulative impacts previously discussed.

At the time of the completion of IER #12, the USACE had identified two locations within the project area that would be suitable for the disposal of clean, cleared and grubbed material removed from the IER #12 project area. These two disposal options are consistent, to the maximum extent practicable, with the Louisiana Coastal Resources Program, which requires that dredged material be used beneficially when practicable. Two sites were discussed with the Interagency Team and are addressed in detail in IER #12. As construction on the IER #12 proposed actions progressed, a third site, Westbank Site N, was identified as a potential disposal site for clean material cleared and grubbed from the IER #12 project site.

There would be no adverse cumulative impacts on minority and/or low-income communities, as no such communities have been identified within the study area per 2000

U.S. Census information and requirements of E.O. 12898. Rather, the IER #12 Westbank Site N would contribute toward achieving and sustaining a coastal ecosystem that would support and protect the environment, local economy and culture of the region. The proposed action would have cumulative beneficial impacts to the socioeconomics of the area in the form of reduced truck traffic, noise and vibration, vehicle and equipment emissions as well as a reduction in the wear of the transportation infrastructure including roads, bridges, and culverts. Additional positive cumulative effects of implementing the proposed action would be the temporary expansion of the local economy by construction-related activities. Additionally, the filled pit would make available more land for economic use that would not be available if the pit were left filled with water.

Table 2 shows the cumulative compensatory mitigation that would be completed by the CEMVN. This table will be updated as potential impacts are assessed in forthcoming IERs.

Cumulative impacts for the actions considered in all of the IERs will be incorporated into the CED.

Table 2: HSDRRS Impacts and Compensatory Mitigation to be Completed

IER	Parish		Non-wet BLH		BLH	BLH	BLH	Swamp	Swamp	Marsh	Marsh	Marsh	EFH
			acres	AAHUs									
1 LPV, La Branch Wetlands Levee	St. Charles	Protected Side	-	-	-	-	73.23	39.53	-	-	-	-	
		Flood Side	-	-	-	-	38.48	29.73	-	-	-	-	
1 Supplemental LPV, La Branch Wetlands Levee	St. Charles	Protected Side	-	-	-	-	-	-	-	-	-	-	
		Flood Side	-	-	-	-	-	-	-	-	-	-	
2 LPV, West Return Floodwall	St. Charles, Jefferson	Protected Side	-	-	-	-	-	-	-	17.00	9.00	-	
		Flood Side	-	-	-	-	-	-	-	17.00	9.00	-	
3 LPV, Jefferson Lakefront Levee	Jefferson	Protected Side	-	-	-	-	-	-	-	-	-	26.40	
		Flood Side	-	-	-	-	-	-	-	-	-	-	
4 LPV, Orleans Lakefront Levee	Orleans	Protected Side	-	-	-	-	-	-	-	-	-	-	
		Flood Side	-	-	-	-	-	-	-	-	-	-	
5 LPV, Lakefront Pump Stations	Jefferson, Orleans	Protected Side	-	-	-	-	-	-	-	-	-	3.29	
		Flood Side	-	-	-	-	-	-	-	-	-	-	
6 LPV, Citrus Lands Levee	Orleans	Protected Side	-	-	-	-	-	-	-	-	-	6.90	
		Flood Side	-	-	-	-	-	-	-	4.00	-	-	
7 LPV, Lakefront Levee	Orleans	Protected Side	-	151.70	79.30	-	-	-	-	100.40	36.80	106.00	
		Flood Side	-	30.00	11.90	-	-	-	-	70.00	37.20	-	
8 LPV, Bayou Dupre Control Structure	St. Bernard	Protected Side	-	-	-	-	-	-	-	-	-	0.30	
		Flood Side	-	-	-	-	-	-	-	-	-	-	
10 LPV, Chalmette Levee	St. Bernard	Protected Side	-	38.32	16.44	-	-	-	-	106.55	57.31	95.00	
		Flood Side	-	35.31	15.22	-	-	-	-	323.04	209.94	-	
11 Tier 2 Borgne LINC	Orleans, St. Bernard	Protected Side	-	-	-	-	-	-	-	-	-	-	
		Flood Side	-	15.00	2.59	-	-	-	-	122.00	24.33	-	
12 GIWW, Harvey, Algiers	Jefferson, Orleans, Plaquemines	Protected Side	-	251.70	177.3	-	-	-	-	-	-	-	
		Flood Side	-	2.30	1.90	74.90	38.50	-	-	-	-	-	
14 WBV, Westwego to 15	Jefferson	Protected Side	-	45.00	30.00	-	-	-	-	-	-	-	
		Flood Side	-	45.50	18.58	29.75	17.02	-	-	-	-	-	
15 WBV, Lake Cataouatche Levee	Jefferson	Protected Side	-	23.50	6.13	-	-	-	-	-	-	-	
		Flood Side	-	3.60	1.35	-	-	-	-	-	-	-	
16 WBV, Western Tie-in	Jefferson, St. Charles	Protected Side	-	-	-	-	-	-	-	-	-	-	
		Flood Side	-	-	-	-	-	-	-	137.80	66.30	-	
17 Company Canal Floodwall	Jefferson	Protected Side	-	5.50	2.69	-	-	-	-	-	-	-	
		Flood Side	-	-	-	19.00	17.09	-	-	-	-	-	

IER	Parish		Non-wet BLH		Non-wet BLH AAHUs	BLH		Swamp acres	Marsh		EFH acres
			acres	AAHUs		acres	AAHUs		acres	AAHUs	
18 GFBM	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles	Protected Side	379.30	152.32	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
19 CFBM	Hancock County, MS; Iberville, Jefferson, Orleans, Plaquemines, St. Bernard	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
22 GFBM	Jefferson, Plaquemines	Protected Side	244.69	118.54	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
23 CFBM	Hancock County, MS; Plaquemines, St. Bernard, St. Charles	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
25 GFBM	Jefferson, Orleans, Plaquemines	Protected Side	933.00	284.00	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
26 CFBM	Jefferson, Plaquemines, St. John the Baptist; Hancock County, MS	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
28 GFBM	Jefferson, Plaquemines, St. Bernard	Protected Side	19.94	8.45	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
29 CFBM	Orleans, St. Tammany, St. John the Baptist	Protected Side	107.30	48.60	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
30 CFBM	St. Bernard and St. James; Hancock, MS	Protected Side	225.00	189.40	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
32 CFBM	Ascension, Orleans, Plaquemines, St. Charles	Protected Side	202.1	97.43	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
Totals		Protected Side	2111.33	898.74	515.72	311.89	73.23	39.53	223.95	103.11	00.00
		Flood Side	-	-	131.71	51.54	162.13	102.34	673.84	346.77	230.99
		Both	2111.33	898.74	647.43	363.43	235.36	141.87	897.79	449.88	230.99

- Not applicable to the IER or number impacted is 0
GFBM: Government Furnished Borrow Material
CFBM: Contractor Furnished Borrow Material

5. SELECTION RATIONALE

The modifications proposed in this IER Supplemental were developed in order to provide an alternative location for the disposal of clean cleared and grubbed material that did not meet the specifications for the construction of the HSDRRS. After IER #12 was completed, the Westbank Site N borrow pit was proposed as an alternative disposal site due to its close proximity to the Gulf Intracoastal Waterway West Closure Complex surge barrier and the Hero Canal Levee alignment. Utilization of the Westbank Site N borrow pit as a disposal site could have beneficial impacts in the form of reduced truck traffic, noise and vibration, and vehicle and equipment emissions as well as a reduction in the wear of the transportation infrastructure including roads, bridges, and culverts. As such, it is environmentally preferable to the “no action” alternative.

The CEQ regulations for implementing NEPA require that the Record of Decision (ROD) for an EIS specify "the alternative or alternatives which were considered to be environmentally preferable" (40 CFR §1505.2(b)). This alternative has generally been interpreted to be the alternative that would promote the national environmental policy as expressed in NEPA's Section 101 (CEQ's "Forty Most-Asked Questions," 46 Federal Register, 18026, March 23, 1981). Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

6. COORDINATION AND CONSULTATION

6.1 PUBLIC INVOLVEMENT

Extensive public involvement has been sought in preparing this IER Supplemental. The projects analyzed in this IER were publicly disclosed and described in the Federal Register on 13 March 2007 and on the website www.nolaenvironmental.gov. Scoping for this project was initiated on 12 March 2007 through placing advertisements and public notices in USA Today and The New Orleans Times-Picayune. Nine public scoping meetings were held throughout the New Orleans Metropolitan area to explain the scope and process of the Alternative Arrangements for implementing NEPA between March 27 and April 12, 2007, after which a 30 day scoping period was open for public comment submission. Additionally, the CEMVN is hosting monthly public meetings to keep the stakeholders advised of project status. The public is able to provide verbal comments during the meetings and written comments after each meeting in person, by mail, and via www.nolaenvironmental.gov.

This draft IER Supplemental will be distributed for a 30-day public review and comment period. A public meeting specific to the proposed action will be held during the review period for the purpose of answering questions and concerns regarding the proposed action. Any comments received during this public meeting will be considered part of

official record. After the 30-day comment period, and public meeting if requested, the CEMVN District Commander will review all comments received during the review period and make a determination if they rise to the level of being substantive in nature. If comments are not considered to be substantive, the District Commander will make a decision on the proposed action. This decision will be documented in an IER Decision Record. If a comment(s) is determined to be substantive in nature, an Addendum to the IER will be prepared and published for an additional 30-day public review and comment period. After the expiration of the public comment period the District Commander will make a decision on the proposed action. The decision will be documented in an IER Decision Record.

6.2 AGENCY COORDINATION

Preparation of this IER Supplemental has been coordinated with appropriate Congressional, Federal, state, and local interests, as well as environmental groups and other interested parties. An interagency environmental team was established for this project in which Federal and state agency staff played an integral part in the project planning and alternative analysis phases of the project (members of this team are listed in appendix C). This interagency environmental team was integrated with the CEMVN PDT to assist in the planning of this project and to complete a mitigation determination of the potential direct and indirect impacts of the proposed action. Monthly meetings with resource agencies were also held concerning this and other IER projects. The following agencies, as well as other interested parties, are receiving copies of this draft IER Supplemental:

- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of the Interior, National Park Service
- U.S. Environmental Protection Agency, Region VI
- U.S. Department of Commerce, NOAA National Marine Fisheries Service
- U.S. Natural Resources Conservation Service
- 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
- Louisiana State Historic Preservation Officer

The CEMVN received a draft programmatic Coordination Act Report from the USFWS dated July 24, 2010.

The U.S. Fish and Wildlife Service (USFWS) reviewed the proposed action to see if it would affect any threatened and endangered (T&E) species under its jurisdiction, or their critical habitat. The USFWS concurred with the CEMVN in a letter dated June 28, 2010 that the proposed action would not have adverse impacts on T&E species under its jurisdiction. (appendix D)

The USFWS had no recommendations on the proposed action

The Louisiana Department of Natural Resources (LDNR) reviewed the proposed action for consistency with the Louisiana Coastal Resource Program (LCRP). The proposed action was found to be consistent with the LCRP, as per a letter dated August 6, 2010 (appendix D).

Section 106 of the National Historic Preservation Act, as amended, requires consultation with the Louisiana State Historic Preservation Officer (LASHPO) and Native American tribes. LASHPO reviewed the proposed action in IER #12, including the area containing Westbank Site N, and determined that it would not adversely affect any cultural resources. (appendix D). Eleven Federally recognized tribes that have an interest in the region were given the opportunity to review the proposed action. Three tribes, the Choctaw of Oklahoma, the Mississippi Band of Choctaw, and the Chitimacha tribe replied that they have no objection to the proposed action. (appendix D).

7. MITIGATION

Mitigation for unavoidable impacts to the human and natural environment described in this and other IERs will be addressed in separate mitigation IERs. The CEMVN has partnered with Federal and state resource agencies to form an interagency mitigation team that is working to assess and verify these impacts, and to look for potential mitigation sites in the appropriate hydrologic basin. This effort is occurring concurrently with the IER planning process in an effort to complete mitigation work and construct mitigation projects expeditiously. As with the planning process of all other IERs, the public will have the opportunity to give input about the proposed work. These mitigation IERs will, as described in section 1 of this IER, be available for a 30-day public review and comment period.

No impacts have been identified that would require compensatory mitigation.

A complementary comprehensive mitigation IER or IERs will be prepared documenting and compiling these unavoidable impacts and those for all other proposed actions within the HSDRRS that are being analyzed through other IERs. Mitigation planning is being carried out for groups of IERs, rather than within each IER, so that large mitigation efforts could be taken rather than several smaller efforts, increasing the relative economic and ecological benefits of the mitigation effort.

This forthcoming mitigation IER will implement compensatory mitigation as early as possible. All mitigation activities will be consistent with standards and policies established in appropriate Federal and state laws, and USACE policies and regulations.

8. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Construction of the proposed action would not commence until the proposed action achieves environmental compliance with all applicable laws and regulations, as described below.

Environmental compliance for the proposed action will be achieved upon coordination of this IER with appropriate agencies, organizations, and individuals for their review and comments; USFWS and NMFS confirmation that the proposed action would not be likely to adversely affect any T&E species, or completion of Endangered Species Act Section 7 consultation (appendix D); LDNR concurrence with the determination that the proposed action is consistent, to the maximum extent practicable, with the LCRP (appendix D); coordination with the LASHPO (appendix D); receipt and acceptance or resolution of all Fish and Wildlife Coordination Act recommendations (appendix D); and receipt and acceptance or resolution of all LDEQ comments on the water quality and air quality impact analysis documented in the IER.

Consistency with Coastal Zone Management (CZM) Program. The CEMVN has determined that construction and maintenance of the proposed modifications to the 100-year level of risk reduction along the WBV, Westwego to Harvey Levee Project is consistent, to the maximum extent practicable, with the guidelines of the State of Louisiana's approved Coastal Zone Management Program. A modification to CZM consistency determination C20070509, was sent to LADNR dated June 21, 2010. The consistency determination concurrence was received from the LADNR on August 6, 2010.

Clean Water Act. The Clean Water Act (CWA; 33 U.S.C. 1251-1387; Act of June 30, 1972, as amended) is a very broad statute with the goal of maintaining and restoring waters of the United States. The CWA authorizes water quality and pollution research, provides grants for sewage treatment facilities, sets pollution discharge and water quality standards, addresses oil and hazardous substances liability, and establishes permit programs for water quality, point source pollutant discharges, ocean pollution discharges, and dredging or filling of wetlands. The intent of the CWA's §404 program and its §404(b)(1) "Guidelines" is to prevent destruction of aquatic ecosystems including wetlands, unless the action would not individually or cumulatively adversely affect the ecosystem.

Endangered Species Act. The Endangered Species Act (ESA; 16 U.S.C. 1531-1543; Pub. L. 93-205, as amended) was enacted in 1973 for the purpose of providing for the conservation of species which are in danger of extinction throughout all or a significant portion of their range. "Species" is defined by the ESA to mean either a species, a subspecies, or, for vertebrates (i.e., fish, reptiles, mammals, etc.) only, a distinct population. No threatened or endangered species or their critical habitat would be impacted by the proposed action. The USFWS concurred with our determination in their letter dated June 28, 2010.

Fish and Wildlife Coordination Act. The Fish and Wildlife Coordination Act (16 U.S.C. 661-666c; Act of March 10, 1934, as amended) requires that wildlife, including fish, receive equal consideration and be coordinated with other aspects of water resource development. This is accomplished by requiring consultation with the USFWS and NMFS whenever modifications are proposed to a body of water and a Federal permit or license is required. This consultation determines the possible harm to fish and wildlife resources, as well as the measures that are needed to prevent the damage to and loss of these resources and to develop and improve the resources, in connection with water resource development. NMFS submits comments and recommendations to Federal licensing and permitting agencies conducting construction projects on the potential harm to living marine resources caused by the proposed water development projects, and submits recommendations to prevent harm. The USFWS provided the “Draft Fish and Wildlife Coordination Act Report for the Individual Environmental Reports (IER), Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4)” in November 2007. To fulfill the responsibilities of the Fish and Wildlife Coordination Act, the USFWS will provide a post-authorization final supplemental 2(b) report to the draft programmatic report. A draft project-specific Coordination Act Report for the IER Supplemental was received from the USFWS by letter dated July 24, 2010.

Migratory Bird Treaty Act. The Migratory Bird Treaty Act of 1918 (MBTA) is the domestic law that affirms, or implements, the United States' commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possessing, transporting, and importing of migratory birds, their eggs, parts, and nests. The take of all migratory birds is governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent over-utilization. Section 704 of the MBTA states that the Secretary of the Interior is authorized and directed to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take. The MBTA prohibits the take, possession, import, export, transport, sale, purchase, barter, or offer for sale, purchase or barter, of any migratory bird, their eggs, parts, and nests, except as authorized under a valid permit (50 CFR §21.11). The USFWS addressed compliance with this Act in the “Draft Fish and Wildlife Coordination Act Report for the Individual Environmental Reports (IER), Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4)” in November 2007. To fulfill the responsibilities of the Fish and Wildlife Coordination Act, the USFWS will provide a post-authorization final supplemental 2(b) report to the draft programmatic report.

National Environmental Policy Act. The National Environmental Policy Act (NEPA; 42 U.S.C. 4321-4347; Pub. L. 91-190, as amended) requires Federal agencies to analyze the potential effects of a proposed Federal action that would significantly affect historical, cultural, or natural aspects of the environment. It specifically requires agencies to use a systematic, interdisciplinary approach in planning and decision-making, to insure that environmental values may be given appropriate consideration, and to provide detailed

statements on the environmental impacts of proposed actions including: (1) any adverse impacts; (2) alternatives to the proposed action; and (3) the relationship between short term uses and long-term productivity. The agencies use the results of this analysis in their decision-making process. The preparation of this IER Supplemental is a part of complying with NEPA.

National Historic Preservation Act. Congress established the most comprehensive national policy on historic preservation with the passage of the National Historic Preservation Act of 1966 (NHPA). In this Act, historic preservation was defined to include "the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, or culture." The Act led to the creation of the National Register of Historic Places, a file of cultural resources of national, regional, state, and local significance. The act also established the Advisory Council on Historic Preservation (the Council), an independent Federal agency responsible for administering the protective provisions of the act. The major provisions of the NHPA are Sections 106 and 110. Both sections aim to ensure that historic properties are appropriately considered in planning Federal initiatives and actions. Section 106 is a specific, issue-related mandate to which Federal agencies must adhere. It is a reactive mechanism that is driven by a Federal action. Section 110, in contrast, sets out broad Federal agency responsibilities with respect to historic properties. It is a proactive mechanism with emphasis on ongoing management of historic preservation sites and activities at Federal facilities. Coordination of this project with SHPO fulfills the requirements to comply with the NHPA, and the SHPO letter dated November 28, 2007 concludes this process.

9. CONCLUSIONS

9.1 INTERIM DECISION

The proposed action consists of removing all borrow material suitable for use in the construction of the HSDRRS from the Westbank Site N area. The site would then be utilized for the deposition of clean, cleared and grubbed material removed during the construction of the West Closure Complex eastern floodwall and road realignment as well as the Hero Canal Levee. The CEMVN has assessed the environmental impacts of the proposed action and has determined that the proposed action would have the following impacts:

- There would be no significant environmental impacts as a result of the proposed action.

9.2 PREPARED BY

The point of contact and responsible manager for the preparation of this IER Supplemental is Patricia S. Leroux, CEMVN. The address of the preparer is: U.S. Army Corps of Engineers, New Orleans District; Planning, Programs, and Project Management Division, CEMVN-PM; P.O. Box 60267; New Orleans, Louisiana 70160-0267. Table 3 lists the preparers of the various sections and topics in this IERS.

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APPENDIX A: LIST OF ACRONYMS AND DEFINITIONS OF COMMON TERMS

AG	- Algiers Gate
CED	- Comprehensive Environmental Document
CEMVN	- United States Army Corps of Engineers, Mississippi Valley Division, CEMVN
CEQ	- Council on Environmental Quality
CERCLA	- Comprehensive Environmental Response, Compensation, and Liability Act
DNL	- Day-Night Sound Level
dBA	- Decibels
EA	- Environmental Assessment
EIS	- Environmental Impact Statement
EPA	- Environmental Protection Agency
ER	- Engineer Regulation
ESA	- Environmental Site Assessment
FONSI	Finding of No Significant Impact
FPPA	- Farmland Protection Policy Act
FWCA	- Fish and Wildlife Coordination Act
GIWW	- Gulf Intracoastal Waterway
HSDRRS	- Hurricane and Storm Damage Risk Reduction System
HTRW	- Hazardous, Toxic, and Radioactive Waste
IER	- Individual Environmental Report
LA	- Louisiana

LASHPO	- Louisiana State Historic Preservation Officer
LCRP	- Louisiana Coastal Resource Program
LDEQ	- Louisiana Department of Environmental Quality
LDNR	- Louisiana Department of Natural Resources
LNHP	- Louisiana Natural Heritage Program
LORR	- Level of risk reduction
LPV	- Lake Pontchartrain Vicinity
NAAQS	- National Ambient Air Quality Standards
NEPA	- National Environmental Policy Act
NAVD 88	- North American Vertical Datum of 1988
NMFS	- National Marine Fisheries Service
PDT	- Project Delivery Team
PM	- Particulate Matter
PPA	- Project Partnering Agreement
RCRA	- Resource Conservation and Recovery Act
REC	- Recognized Environmental Conditions
ROD	- Record of Decision
ROW	- Right-of-Way
SPH	- Standard Project Hurricane
GIWW A	- Gulf Intracoastal Waterway South Gate A
WCC	- Gulf Intracoastal Waterway West Closure Complex
T&E	- Threatened and Endangered
U.S.	- Unites States of America

USACE - United States Army Corps of Engineers
USDA - United States Department of Agriculture
USFWS - United States Fish and Wildlife Service
USHUD - United States Department of Housing and Urban Development
WBV - West Bank and Vicinity of New Orleans
WRDA - Water Resources Development Act

APPENDIX B: PUBLIC COMMENT AND RESPONSES SUMMARY

This section will be completed once the 30 day public comment period has ended

APPENDIX C: MEMBERS OF INTERAGENCY ENVIRONMENTAL TEAM

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



United States Department of the Interior

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

July 24, 2010

Colonel Alvin B. Lee
District Engineer
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Lee:

Please reference the June 21, 2010, letter providing supplemental information regarding changes to the previous planned construction as presented in the Individual Environmental Report (IER) 12 for the Gulf Intracoastal Waterway, Harvey, and Algiers Levees and Floodwalls, Jefferson, Orleans, and Plaquemines parishes, Louisiana. That letter was provided by Ms. Joan Exnicios, Chief of your Environmental Compliance and Planning Branch. That IER is being prepared under the approval of the Council on Environmental Quality (CEQ) to obtain compliance with the National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321-4347) and is authorized Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4), and Public Law 110-28, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (5th Supplemental). Those laws authorized the Corps of Engineers (Corps) to upgrade two existing hurricane protection projects (i.e., Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity) in the Greater New Orleans area in southeast Louisiana to provide 100-year hurricane protection. This draft report provides planning objectives and recommendations to minimize project impacts to fish and wildlife resources resources.

The U.S. Fish and Wildlife Service (Service) provided a November 26, 2007, Draft Programmatic Fish and Wildlife Coordination Act (FWCA; 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) report that addresses the hurricane protection improvements authorized in Supplemental 4 and a February 18, 2009, FWCA Report that provided recommendations specific to IER 12. Since those reports the Corps has identified an alternate disposal site for material not suited for levee construction. This letter supplements our previous reports and addresses the change in the selected plan. However, this report does not constitute the report of the Secretary of the Interior as required by Section 2(b) of the FWCA. This report has been provided to the Louisiana Department of Wildlife and Fisheries and the National Marine Fisheries Service; their comments will be incorporated into our final report.

The study area is located in the eastern portion of Jefferson Parish within the Mississippi River Deltaic Plain of the Lower Mississippi River Ecosystem. Higher elevations occur on the natural levees of the Mississippi River and its distributaries. Developed lands are primarily associated

with natural levees, but extensive wetlands have been leveed and drained to accommodate residential, commercial, and agricultural development. Federal, State, and local levees have been installed for flood protection purposes, often with negative effects on adjacent wetlands. The Mississippi River and the Gulf Intracoastal Waterway (GIWW) are prominent landscape features, as are extensive oil and gas industry access channels and pipeline canals. Extensive wetlands and associated shallow open waters dominate the landscape outside the flood control levees.

Habitat types in the project area include forested wetlands (i.e., bottomland hardwoods in varying successional stages and/or swamps), non-wet bottomland hardwoods, marsh, open water, and developed areas. Due to development and a forced-drainage system, the hydrology of most of the forested habitat within the levee system has been altered. The forced-drainage system has been in operation for many years, and subsidence is evident throughout the areas enclosed by levees.

As previously mentioned, the Service has provided FWCA Reports for the authorized hurricane protection project. Those reports contain a thorough discussion of the significant fish and wildlife resources (including habitats) that occur within the study area. For brevity, that discussion is incorporated by reference herein but the following information is provided to supplement the previously mentioned reports and provide specific recommendations regarding the proposed change in plans.

The proposed plan involves upgrading flood protection to those areas adjacent to the GIWW. Approximately 600,000 cubic yards of earthen material excavated from the Western Closure Complex is not suitable for levee construction. The Corp of Engineers (Corps) proposes to dispose of this material in Borrow Site N. The use of Borrow Site N as a source of borrow was addressed in IER 22, however, disposal of earthen material into the site was not addressed. The recently excavated borrow site currently provides minimal habitat for fish and wildlife resources.

SERVICE POSITION AND RECOMMENDATIONS

Because the proposed changes do not require mitigation and will not impact high quality fish and wildlife habitat, the Service still does not object to the construction of the proposed project but believes that the recommendations provided in our February 2009 FWCA Report continue to remain valid and should be incorporated into future project planning and implementation.

Should you or your staff have any questions regarding this letter and our attached report, please contact David Walther (337/291-3122) of this office.

Sincerely,



James F. Boggs
Supervisor
Louisiana Field Office

cc: National Marine Fisheries Service, Baton Rouge, LA
EPA, Dallas, TX
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources, CMD, Baton Rouge, LA
LA Dept. of Natural Resources, CRD, Baton Rouge, LA



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 80267
NEW ORLEANS, LOUISIANA 70160-0267

June 21, 2010

Regional Planning and
Environmental Division South
Environmental Planning and
Environmental Branch

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed,
(X) Will have no effect on those resources
() is not likely to adversely affect those resources.
This finding fulfills the requirements under Section 7(a)(2) of the Act.

Mr. James F. Boggs
U.S. Fish and Wildlife Service
Lafayette Field Office
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506

David Walter June 28, 2010
Acting Supervisor Date
Louisiana Field Office
U.S. Fish and Wildlife Service

Dear Mr. Boggs:

The U.S. Army Corps of Engineers (USACE), Regional Planning and Environmental Division South, New Orleans District (CEMVN) is preparing Individual Environmental Report Supplemental #12 (IERS #12) to evaluate the potential impacts of the proposed modification to IER 12. The Decision Record for IER 12 titled Gulf Intracoastal Waterway, Harvey, and Algiers Levees and Floodwalls, Jefferson, Orleans, and Plaquemines Parishes, Louisiana was signed by Colonel Alvin Lec on February 18, 2009. Copies of the document and other supporting documents are available by request or by visiting www.nolaenvironmental.com.

This supplemental document is being prepared to address proposed modifications to the Government's approved plan as discussed in IER #12. As work has progressed, it has become necessary to identify additional sites for the placement of unsuitable material resulting from the construction of the Hurricane and Storm Damage Risk Reduction System (HSDRRS) projects. The project area and proposed disposal site are identified on the attached map and the proposed project is fully described in the attached project description.

- A summary of the change to the authorized action includes the following:
- IER 12 identified Walker Road Pit as the location for disposal of unsuitable levee material from the construction of the Western Closure Complex Project
 - IER 22 approved site N as a borrow site to be used under the Government Furnished borrow material program to supply levee building material to the CEMVN projects in the New Orleans Metropolitan Area.

CEMVN has determined that the proposed action would have no adverse effect on Threatened and Endangered species or their critical habitat. Please review the attached project description and provide your determination within 14 days of receipt of this letter.

OPTIONAL FORM 10 (7-99)
FAX TRANSMITTAL # of pages 1
To Patricia Leroux From David Walter
Dept./Agency Phone #
Fax # Fax #
NEN 7560-01-217-7380 5010-101 GENERAL SERVICES ADMINISTRATION

BOBBY JINDAL
GOVERNOR



ROBERT D. HARPER
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

August 6, 2010

Joan Exnicios
Chief, Environmental Branch
U. S. Army Corps of Engineers, New Orleans District
P. O. Box 60267
New Orleans, Louisiana 70166-0267

RE: **C20070509**, Coastal Zone Consistency modification I
U. S. Army Corps of Engineers, New Orleans District
Direct Federal Action
Unauthorized clearing at Borrow Area N, IER #22,
Plaquemines Parish, Louisiana

Dear Ms. Exnicios:

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,

A handwritten signature in blue ink that reads "Karl L. Moy Jr.".

Gregory J. DuCote
Administrator
Interagency Affairs/Field Services Division

GJD/jdh

cc: David Butler, LDWF
Albertine Kimble, Plaquemines Parish
Tammy Gilmore, COE-NOD

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