

## IERS 1b Section 404(b)(1) Evaluation

The following short form 404(b)(1) evaluation follows the format designed by the Office of the Chief of Engineers, (OCE). As a measure to avoid unnecessary paperwork and to streamline regulation procedures while fulfilling the spirit and intent of environmental statutes, New Orleans District is using this format for all proposed project elements requiring 404 evaluation, but involving no adverse significant impacts.

### PROJECT TITLE: IERS 1b ACCESS ROAD AND DITCH RELOCATION

PROJECT DESCRIPTION. A portion of the existing Fox Lane access road, built in 1999, was inadvertently constructed outside of the road easement acquired by Pontchartrain Levee District. The first 445 feet from Airline Highway is believed to be located within the road easement as delineated in Figure 2. The proposed action would relocate the portions of the 1,400 ft Fox Lane access road outside of this easement approximately 15 – 50 ft to the west of its current location. Relocating the 30 ft wide road will also require shifting an adjacent drainage ditch 10 – 20 ft west. The existing crossing and culverts in the canal parallel to the levee at the northern end of the road would be removed and a new crossing would be constructed 40 ft to the west with new culverts of a similar size. Relocation of the drainage ditch parallel to the road would require excavation of approximately 1500 cy of earth which would then be used to fill the existing ditch. An additional 3500 cy of sand fill would then be placed on top of the existing canal to provide a firm surface for the relocated road which would be topped with 3,000 cy of rock fill some of which would be salvaged from the existing road. Approximately 0.40 acres of existing road outside of ROW would be removed and returned to the same elevation as the adjacent land. A total of 1.5 acres of wetland impacts are expected from the relocation of the ditch and road.



Figure 1 – General Project area.



Figure 2 Aerial of existing Fox Lane Access Rd and location of new proposed access road.

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

Preliminary<sup>1</sup>

Final<sup>2</sup>

A review of this project indicates that:

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

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

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

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

YES	NO*	YES	NO
-----	-----	-----	----

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

N/A    Not Significant    Significant\*

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

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

	x	
	x	
	x	
	x	
x		
	x	

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

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

x		
	x	
	x	

c. Special Aquatic Sites (Subpart E).

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

x		
	x	
x		
x		
x		
x		

d. Human Use Characteristics (Subpart F).

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

x		
x		
x		
x		
x		

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

3. Evaluation of Dredged or Fill Material (Subpart G).<sup>3</sup>

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

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

Appropriate references:

- a. United States Army Corps of Engineers (USACE) 2008. *Individual Environmental Report, LPV, LaBranche Wetlands Levee, St. Charles Parish, Louisiana, IER #1.*  
[http://www.nolaenvironmental.gov/projects/usace\\_levee/IER.aspx?IERID=1](http://www.nolaenvironmental.gov/projects/usace_levee/IER.aspx?IERID=1).
- b. USACE 2009 *Supplemental Individual Environmental Report, LPV, LaBranche Wetlands Levee, St. Charles Parish, Louisiana, SIER #1.*
- c. US EPA, CERCLIS Database of Hazardous Waste Sites:  
[www.epa.gov/superfund/sites/cursites/index.htm](http://www.epa.gov/superfund/sites/cursites/index.htm)
- d. US EPA, EnviroMapper StoreFront: <http://www.epa.gov/enviro/html/em/index.html>
- e. US EPA, National Recommended Water Quality Criteria, 2006:  
<http://epa.gov/waterscience/criteria/wqcriteria.html>
- f. US EPA, Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material, July 2004: <http://www.epa.gov/owow/wetlands/pdf/40cfrPart230.pdf>
- g. Louisiana Department of Environmental Quality (LDEQ) 2008a. Ambient Surface Water Quality Monitoring Data website.  
<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2421>.
- h. LDEQ 2008b. Chapter 11 Surface Water Quality Standards.  
<http://www.deq.louisiana.gov/portal/LinkClick.aspx?link=planning%2fregs%2fitle33%2f33v09.pdf&tabid=1674>
- i. National Oceanic and Atmospheric Administration (NOAA) 2006. *Screening Quick Reference Tables.*  
[http://response.restoration.noaa.gov/type\\_topic\\_entry.php?RECORD\\_KEY%28entry\\_topic\\_type%29=entry\\_id,topic\\_id,type\\_id&entry\\_id\(entry\\_topic\\_type\)=90&topic\\_id\(entry\\_to\\_pic\\_type\)=2&type\\_id\(entry\\_topic\\_type\)=2](http://response.restoration.noaa.gov/type_topic_entry.php?RECORD_KEY%28entry_topic_type%29=entry_id,topic_id,type_id&entry_id(entry_topic_type)=90&topic_id(entry_to_pic_type)=2&type_id(entry_topic_type)=2).

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

YES                      NO\*

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

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

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

Appropriate references:

Same as 3(a)

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

YES                      NO\*

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

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

YES                      NO\*

6. Factual Determination (§230.11).

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

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

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

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

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

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

7. Evaluation Responsibility.

a. Water Quality input provided by: Stephen T. Servay

Position: Chemist

Date : 5/03/2011

b. This evaluation was reviewed by: Rodney Mach

Position: Supervisory Hydraulic Engineer, ED-HN

Date: 5/10/2011

c. Biological input provided by: Tammy Gilmore

Position: Biologist

Date: 5/11/2011

d. biological evaluation was reviewed by : Sandra Stiles

Position: Supervisor PDR-RS

Date: 5/11/2011

8. Findings.

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

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

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

(1) There is a less damaging practicable alternative ..... \_\_\_\_\_

(2) The proposed discharge will result in significant degradation of the aquatic ecosystem ..... \_\_\_\_\_

(3) The proposed discharge does not include all practicable and appropriate measures to minimize potential harm to the aquatic ecosystem ..... \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Joan M. Exnicios  
Chief, New Orleans Environmental Branch