



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

REPLY TO
ATTENTION OF:

August 23, 2018

Regional Planning and
Environment Division South

Draft
FINDING OF NO SIGNIFICANT IMPACT
(FONSI)

Old River Complex – Borrow Area and Levee Repair
Concordia Parish, Louisiana

EA #563

Description of the Proposed Action

The U.S. Army Corps of Engineers, New Orleans District (CEMVN) CEMVN, proposes to repair a section of the Auxiliary Inflow Channel Levee from station B/L Station 101+35 to 105+85. Project activities would be conducted during low river stages to avoid flooding as the levee section is being repaired. The CEMVN proposes to excavate an 11 acre borrow area to provide material during this levee repair effort. Approximately 10,000 cubic yards of clay material would be removed initially, and future levee repairs would utilize the remaining 164,000 cubic yards of borrow material from the 11 acre borrow site as required. The location of those future repairs cannot be predicted at this time, but they will be located within the existing levee footprints that are currently part of the Old River Complex. The borrow area would be excavated to a pit depth of approximately 20 feet below the existing ground surface. An access road would be constructed to the proposed borrow area to facilitate removal of the material and maintained for public access to the freshwater ponds created by the excavation. All construction activities would take place within existing rights of way on Federal lands. The borrow material from this pit would also be utilized in construction of a levee ramp evaluated under a previous NEPA document (EA# 420).

Factors Considered in Determination

This office has assessed the impacts of the Federal action on important resources including: wetlands; aquatic resources/fisheries; wildlife; threatened and endangered species; cultural resources; air quality; recreation; and water quality. The no action alternative was also assessed. The USACE concluded that the proposed action would not result in any significant adverse impacts to the resources evaluated in the draft Environmental Assessment (EA) #563. The proposed action is the environmentally-preferred plan.

Environmental compliance for the Federal action would be achieved upon coordination of this draft EA and draft Finding of No Significant Impact with appropriate agencies, organizations, tribal representatives and individuals for their review and comments; comments received during the 30 day public review; coordination with the U.S. Fish and Wildlife Service that the Proposed Action would have no effect to listed species. The Finding of No Significant Impact will not be signed until the Federal action achieves environmental compliance with applicable laws and regulations.

Environmental Design Commitments

The following commitments are an integral part of the proposed action:

1. Review of an existing Cultural Resources Inventory and Reconnaissance Survey (Weinstein et al. 2009; State Report 22-3268) revealed that potential for prehistoric sites exist. However, review of soil borings from the proposed borrow site indicate that the soils within proposed borrow depth are of a composition not normally associated to habitation areas, and are waterlogged and not likely to have supported past human activities. USACE made conclusion that no historic properties would be affected by proposed borrow activities and this conclusion is being coordinated with the State Historic Preservation Officer and federally-recognized Tribes in a letter dated August 17, 2018.
2. If any unrecorded cultural resources are determined to exist within the proposed project boundaries, then no work will proceed in the area containing these cultural resources until a USACE staff archeologist has been notified and final coordination with the State Historic Preservation Officer and Tribal Historic Preservation Officer has been completed.
3. If the proposed action is changed significantly or is not implemented within one year, the USACE will reinitiate consultation with the U.S. Fish and Wildlife Service to ensure that the proposed action would not adversely affect any Federally-listed threatened or endangered species, critical habitat or trust resources.
4. The USACE has designed the project to avoid or minimize impacts to jurisdictional wetlands. Measures will be taken to identify the project boundaries and clearly recognize the areas to be avoided during construction. All construction personnel will be instructed to avoid placement of fill material into those wetland areas.
5. The access road will be designed to avoid adverse impacts to surface hydrology by installation of culverts and proper utilization of other measures as required.

6. A stormwater pollution prevention plan will be developed and implemented during construction.

Conclusion

This office has assessed the potential environmental impacts of the proposed action and the no action alternative. The proposed action includes all practicable means to avoid and to minimize environmental harm and will result in public benefits through maintenance of the Old River Complex and associated recreational features. Based on this Environmental Assessment (incorporated herein by reference), a review of the comments made on draft Environmental Assessment #563, and the implementation of the environmental design commitments listed above, a determination has been made that the proposed action would have no significant impact on the human environment. Therefore, an Environmental Impact Statement will not be prepared.

Draft

Date

Michael N. Clancy
Colonel, US Army
District Commander

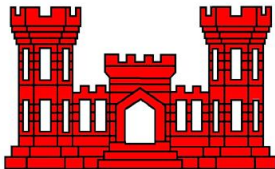
**** This draft document may require alteration following the 30-day Public, Tribal and Agency Review Period***

ENVIRONMENTAL ASSESSMENT

Old River Control Complex – Borrow Area and Levee Repair Concordia Parish, Louisiana

EA #563

August 2018



**U.S. Army Corps of Engineers
Mississippi Valley Division
Regional Planning and Environment Division South
New Orleans District**

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OLD RIVER CONTROL COMPLEX – BORROW AREA AND LEVEE REPAIR

EA #563 CONCORDIA PARISH, LOUISIANA

1. INTRODUCTION

1.1. The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, Regional Planning and Environmental Division South, has prepared this Environmental Assessment (EA) for the New Orleans District (CEMVN) to evaluate the potential impacts resulting from the proposed excavation of a borrow area and subsequent repair of existing levees which are components of the Old River Control Complex.

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

1.3. PROPOSED ACTION

CEMVN, proposes to repair a section of the Auxiliary Inflow Channel Levee from station B/L Station 101+35 to 105+85. Project activities would be conducted during low river stages to avoid flooding as the levee section is being repaired. The CEMVN proposes to excavate an 11 acre borrow area (Figure 1) to provide material during this levee repair effort. Approximately 10,000 cubic yards of clay material would be removed initially, and future levee repairs would utilize the remaining 164,000 cubic yards of borrow material from the 11 acre borrow site (Figure 2) as required. The location of those future repairs cannot be predicted at this time, but they will be located within the current levee footprint. The borrow area would be excavated to a pit depth of approximately 20 feet below the existing ground surface. An access road would be constructed to the proposed borrow area to facilitate removal of the material and maintained for public access to the freshwater ponds created by the excavation. All construction activities would take place within existing rights of way on Federal lands. The borrow material from this

area would also be utilized in construction of a levee ramp evaluated under a previous NEPA document (EA# 420).



Figure 1 – Location of the Proposed Borrow Area

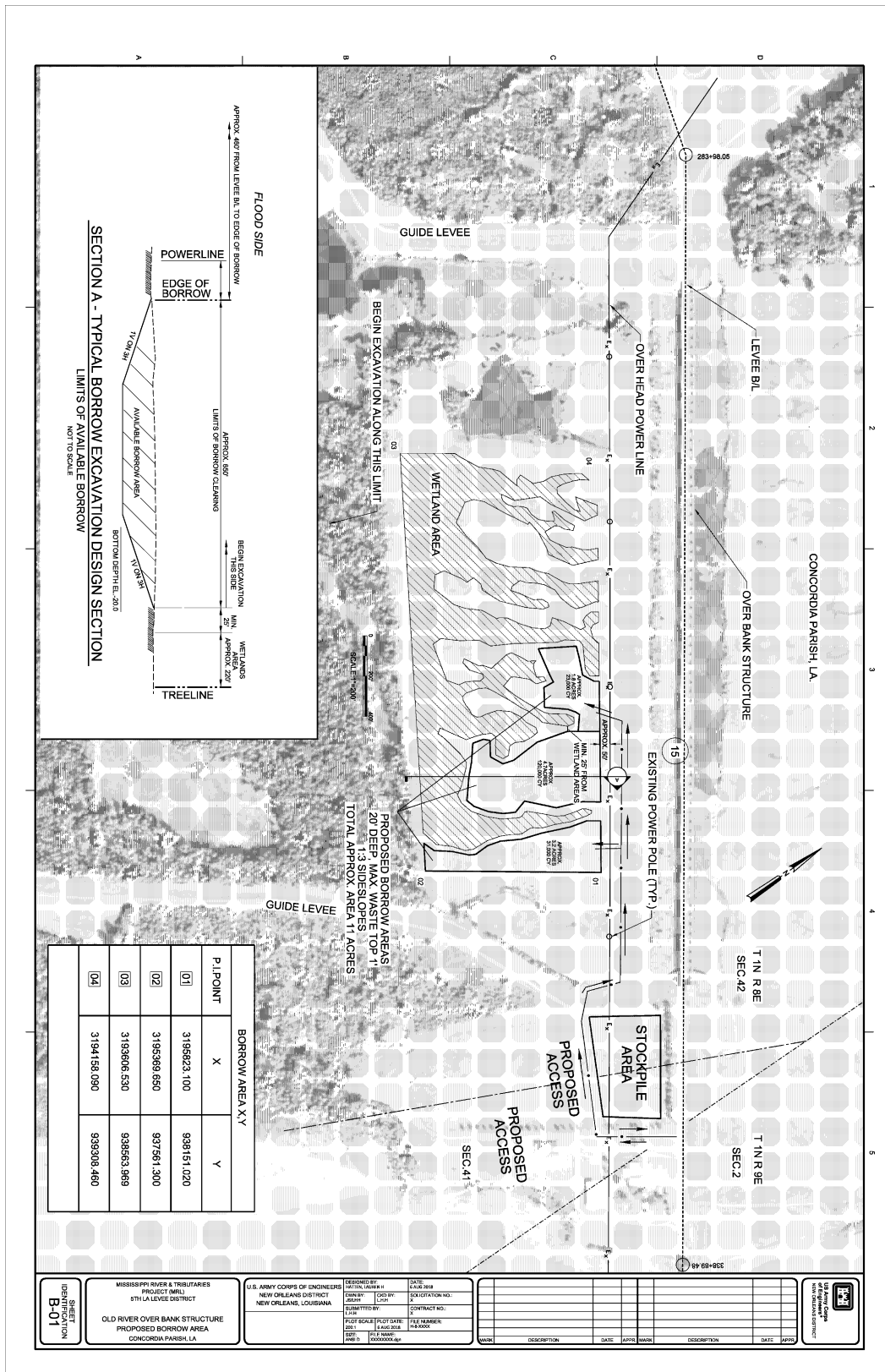


Figure 2 – Layout of Proposed Borrow Area

1.4. PURPOSE AND NEED FOR THE PROPOSED ACTION

The levees surrounding the Old River Complex are saturated with flood waters from the Mississippi, Atchafalaya, and Red Rivers and associated backwaters from the operation of the Old River Complex on a yearly basis. When the flood waters recede quickly, the saturated material sloughs down the slope of the levee resulting in a levee slide reducing the levee cross section protecting the structures and public. Failure to repair the existing levee slides could eventually lead to a levee failure and catastrophic flooding resulting in property damage and possible human injuries and/or loss of life; as well as, decrease the reliability and flexibility of the Old River Complex operations to effectively pass Project Flood flows and maintain the Congressionally mandated 70/30 distribution of flow between the Mississippi, Red, and Atchafalaya River systems. The purpose of the proposed action is to provide suitable borrow material for repair and maintenance of the existing levees that are currently part of the Old River Control Structure.

1.5. AUTHORITY

Construction and maintenance of the Old River Control Complex was authorized by Public Law No. 780, 83rd Congress, approved September 3, 1954, to provide for control of flows from the Mississippi River to the Atchafalaya River and Basin by mechanically operated control structures on the right descending bank of the Mississippi River (as a modification of the Flood Control Act of May 15, 1928).

1.6. PRIOR REPORTS

The below report history includes the area of the proposed borrow area and levee repairs. Several other Environmental Assessments and environmental reviews have been conducted at the Old River Control Complex, but outside the current area of evaluation.

a. Mississippi River and Tributaries, Mississippi River Levees and Channel Improvement Project, Environmental Impact Statement (USACE 1976): This document addressed the mainstem flood risk management and navigation features of the MR&T Project located in the Lower Mississippi River Valley, between Cairo, Illinois, and Venice, Louisiana. The project, as disclosed in the EIS, is designed to make the Mississippi River more navigable and manage risks associated with flooding by utilizing channel training devices, levees, and maintenance and construction of the mainstem levees and key harbors. Alternatives included no action, alternative maintenance measures, maintenance of existing project efficiency, storage of excess floodwaters in reservoirs, dredging to increase the hydraulic capacity of the Mississippi River, additional cutoffs to increase the hydraulic capacity of the river, diverting flood flows, widening existing floodways, and alternative construction and maintenance methods.

b. Atchafalaya Basin Floodway System, Louisiana, Feasibility Study and Environmental Impact Statement (USACE 1982): This document was the culmination of several years of intensive study and coordination with representatives of interested and concerned public agencies and organizations, and private groups and citizens. The main goal of the study was to develop an implementable multipurpose plan that provided for flood control and environmental protection in

the Atchafalaya Basin. The recommended plan provided for several features under the existing Mississippi River and Tributaries project authority. One of the features appurtenant to this project is the continued operation of the Old River Control Structure to maintain the congressionally authorized flow distribution between the Mississippi River and the Atchafalaya River of 70 percent to 30 percent, respectively. The recommended plan also included several features requiring additional authorization.

c. Old River Control Draft Master Plan (USACE 2007): This plan is intended to provide a comprehensive guide for the management, protection, and development of the natural and man-made resources of the Old River Control Area, the Morganza and West Atchafalaya Floodways, and other project lands lying north of U.S. Highway 190 and generally between the West and East Atchafalaya Basin Protection Levees. The overriding goal is to maximize public accessibility and use, while minimizing adverse impacts on the existing biological and physical environment within the limits and authority of the federally authorized project. NEPA document EA # 420 evaluated the effects associated with this master plan and is incorporated herein by reference.

2. ALTERNATIVES TO THE PROPOSED ACTION

2.1. ALTERNATIVE 1 – NO ACTION

The “no-action” alternative to the proposed action was considered. This consist of two parts. First, failure to repair the levees would likely result in failure of the entire system during flood events. In addition to being catastrophic to public safety, it fails to meet the authorized project purpose. Therefore, not repairing or maintain the levees will not be further evaluated. The second part of the “no-action” alternative is the source of the fill material used to maintain the existing levees. The proposed borrow area represents the most efficient (time and money), practical and safe source of material available for use. Using suitable material from government owned property represents a cost savings to the Government and an efficient use of public funds. It will also result in faster construction times which reduces the time that the existing levees are more vulnerable to failure. Using borrow from an off-site location would require large trucks to haul the material on public roadways to the Old River Control Complex. No alternative locations suitable for borrow material have been identified at the Old River Control Complex.

3. AFFECTED ENVIRONMENT

3.1. ENVIRONMENTAL SETTING

The climate of the upper Atchafalaya River Basin is humid subtropical. Annual average temperature in the upper basin is 68 degrees Fahrenheit, with monthly normal temperatures varying from 81 degrees Fahrenheit in July to 53 degrees Fahrenheit in January. Average annual precipitation in the upper Basin is 57 inches, varying from 29 to 83 inches. Annual average evapotranspiration varies from a maximum rate of 66.5 inches to a minimum rate of 41.6 inches. Common soils throughout the Atchafalaya Basin include Robinsonville-Commerce, Sharkey-Fausse, Sharkey-Commerce, Convent, Fausse, Convent-Fausse, and Fausse-Sharkey. Most of

these soils consist of recent alluvium, are hydric, and are characterized by little profile development. With continued sediment deposition by the Atchafalaya River, swamp and forest-floor elevations inside the protection levees will progressively rise. Prior to the historic diversion of the Mississippi and Red Rivers into the Atchafalaya Basin, sluggish streams and extensive swamps and lakes occupied the area. Freshwater input to the Atchafalaya Basin consisted almost entirely of local runoff, in addition to limited overbank flooding from the Mississippi River. Following Shreve's cutoff in 1831 and the removal of the raft blocking the Atchafalaya River's mouth by 1855, the amount of water and sediment flowing from the Mississippi into the Atchafalaya River steadily increased. To control the flow and sediment between the Mississippi and Atchafalaya Rivers, the Corps of Engineers completed construction of the Old River Control Structures in 1963.

3.2. DESCRIPTION OF THE WATERSHED

A watershed is an area of land drained by a particular set of streams and rivers. Of the twelve major watersheds within Louisiana, the project site is located within the Atchafalaya River Basin (Figure 3). The Atchafalaya River Basin is a 3,000-square-mile basin, located in south central Louisiana. The natural Basin lies between the Mississippi and Lafourche Ridges on the east and the Teche Ridge on the west. The northern and southern boundaries are Old River, at the junction of the Red and Mississippi Rivers, and the Gulf of Mexico. The Atchafalaya Basin Floodway System is situated within the Basin proper, and transports approximately 30 percent of the combined Mississippi River and Red River flow at Old River to the Gulf of Mexico. It is also designed to transport one-half of the project flood occurring at the latitude of Old River in conjunction with the West Atchafalaya Basin Floodway and the Morganza Floodway. The Lower Atchafalaya Basin Floodway has two outlets to the Gulf of Mexico, the Lower Atchafalaya River and the Wax Lake Outlet. The principal physiographic features of the Atchafalaya River Basin include natural levee ridges along former meander courses of the Mississippi River; the Atchafalaya River with its man-made levees extending from Simmesport to the vicinity of Interstate Highway 10 and the relatively low natural ridges south of the interstate highway; bottomland hardwoods in the northern portion of the Basin; baldcypress-tupelogum swamps in the southerly portion of the Basin; the east and west Atchafalaya Basin protection levees with their associated borrow canals; and a developing deltaic marsh south of the Wax Lake Outlet and Lower Atchafalaya River. Elevations in the Basin range from near sea level in the marshes to 50 feet National Geodetic Vertical Datum (NGVD) at Melville, in St. Landry Parish. The natural levee ridges are elevated 5 to 25 feet NGVD.

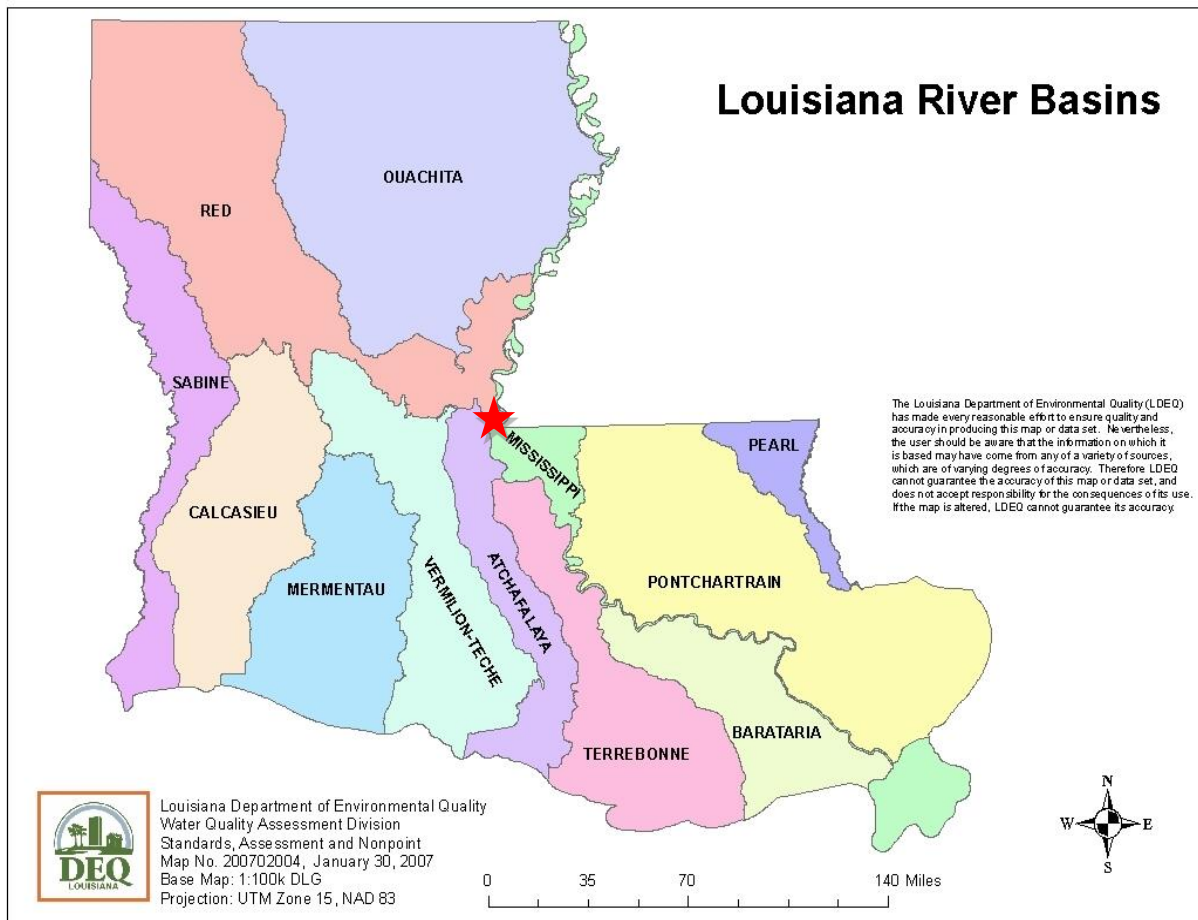


Figure 3. Louisiana River Basins (Map provided by Louisiana Department of Environmental Quality). The Atchafalaya River Basin is shown in light purple. The approximate location of the proposed actions is represented by a red star.

3.3. RELEVANT RESOURCES

This section contains a description of relevant resources that could be impacted by the proposed work. The important resources described in this section are those recognized 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. Table 1 provides summary information of these resources.

Table 1: Relevant Resources			
Resource	Institutionally Relevant	Technically Relevant	Publicly Relevant
Wetlands	Clean Water Act of 1977, as amended; Executive Order 11990 of 1977, Protection of Wetlands; Coastal Zone Management Act of 1972, as amended; and the Estuary Protection Act of 1968., EO 11988, and Fish and Wildlife Coordination Act.	They provide necessary habitat for various species of plants, fish, and wildlife; they serve as ground water recharge areas; they provide storage areas for storm and flood waters; they serve as natural water filtration areas; they provide protection from wave action, erosion, and storm damage; and they provide various consumptive and non-consumptive recreational opportunities.	The high value the public places on the functions and values that wetlands provide. Environmental organizations and the public support the preservation of marshes.
Aquatic Resources/ Fisheries	Fish and Wildlife Coordination Act of 1958, as amended.	They are a critical element of many valuable freshwater and marine habitats; they are an indicator of the health of the various freshwater and marine habitats; and many species are important commercial resources.	The high priority that the public places on their esthetic, recreational, and commercial value.
Wildlife/ Terrestrial resources	Fish and Wildlife Coordination Act of 1958, as amended and the Migratory Bird Treaty Act of 1918, the Farmland Protection Policy Act of 1981	They are a critical element of many valuable aquatic and terrestrial habitats; they are an indicator of the health of various aquatic and terrestrial habitats; and many species are important commercial resources. The habitat provides for open dwelling wildlife, and the provision or potential provision human and livestock food products.	The high priority that the public places on their esthetic, recreational, and commercial value.
Threatened and Endangered Species	The Endangered Species Act of 1973, as amended; the Marine Mammal Protection Act of 1972; and the Bald Eagle Protection Act of 1940.	USACE, USFWS, NMFS, NRCS, USEPA, LDWF, and LADNR cooperate to protect these species. The status of such species provides an indication of the overall health of an ecosystem.	The public supports the preservation of rare or declining species and their habitats.
Cultural Resources	National Historic Preservation Act of 1966, as amended; Native American Graves Protection and Repatriation Act of 1990; Archeological Resources Protection Act of 1979; EO 13175 – Consultation and Coordination with Indian Tribal Governments	Federal, Tribal and State, agencies document and protect sites. Their association or linkage to past events, to historically important persons, and to design and construction values; and for their ability to yield important information about prehistory and history.	Preservation groups and private individuals support protection and enhancement of historical resources.
Air Quality	Clean Air Act of 1963, Louisiana Environmental Quality Act of 1983.	State and Federal agencies recognize the status of ambient air quality in relation to the NAAQS.	Virtually all citizens express a desire for clean air.
Hydrology and Water Quality	Clean Water Act of 1977, Fish and Wildlife Coordination Act Coastal Zone Mgt Act of 1972, and La State & Local Coastal Resources Act of 1978.	USACE, USFWS, NMFS, USEPA, and State DEQ and wildlife/fishery offices recognize value of fisheries and good water quality. State standards established to assess water quality	Environmental organizations and the public support the preservation of water quality and fishery resources and the desire for clean drinking water.
Recreation	Federal Water Project Recreation Act of 1965 as amended and Land and Water Conservation Fund Act of 1965 as amended	Provide high economic value of to local, state, and national economies.	Public makes high demands on recreational areas. There is a high value that the public places on fishing, hunting, and boating, as

			measured by the large number of fishing and hunting licenses sold in Louisiana; and the large per-capita number of recreational boat registrations in Louisiana.
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The following resources have been considered and found to either be not present or not affected by the alternative under consideration: Gulf water bottoms; beaches; traffic; floodplains; socio-economic resources; aesthetics; essential fish habitat; and estuarine waters. A brief review environmental justice considerations did not identify any disproportionately high adverse human health or environmental effects of the proposed action to minority and/or low-income populations as none are present in the vicinity of the proposed action. The only development within the immediate project vicinity is part of the Old River Control Structure.

3.4. WETLANDS

Existing Conditions. Alteration of natural hydrological and flooding regimes has significantly disturbed forested wetlands in the Atchafalaya Basin. Since about 1930, sedimentation has substantially raised ground elevations, increasing the areal extent of bottomland hardwoods at the expense of surface water and swamp. Poor timber management has resulted in the decline of hard mast-producing species, and is expected to continue. In 1981, the United States Fish and Wildlife Service (USFWS) estimated forest cover acreage projected to occur by 2030, based on the full implementation of the Atchafalaya Basin project (including land-use controls and water management units). About 17,000 acres of baldcypress-tupelo swamp are expected to convert to early successional stages (primarily willow cover types) by 2030; about 43,000 acres of aquatic habitats were expected to convert to baldcypress swamp or early successional types; and about 23,000 acres of early successional bottomland forests were expected to develop into mid/late successional types. Over time, these trends of vegetation development will eventually convert most of the Basin’s forests to early and mid-to-late successional bottomland hardwood types, with some baldcypress-tupelo swamps remaining in former aquatic areas of the southeastern part of the Basin.

Wetlands within the project area have been heavily impacted from the construction of the adjacent levee. The area is currently mowed annually to maintain the area as a herbaceous habitat. The area has limited value as wildlife habitat and serves primarily as a buffer between the structure/roadway and the more natural adjacent wetlands.

3.5. AQUATIC RESOURCES/FISHERIES

Existing Conditions. Freshwater environments in the Atchafalaya Basin range from permanent water bodies to seasonally-flooded forested wetlands that provide valuable escape, feeding, spawning, and nursery habitat for a diversity of aquatic organisms. The high productivity of aquatic ecosystems in the Atchafalaya Basin is directly attributable to the annual cycle of flooding and dewatering that is controlled by Atchafalaya River discharges. Aquatic and

terrestrial resources of the Basin's waterways and forested wetlands are closely tied to the hydrologic regime. After the low-water period in September-October, waters begin to rise in December-January to flood vegetation and accumulated leaf litter in bottomland hardwood forests and baldcypress swamps. Detrital material, sediments, and associated nutrients are transported throughout the floodplain. Microorganisms convert the submerged organic material into forms useful to a diversity of aquatic plants and animals. During the high-water period that lasts until May-June, aquatic organisms reproduce in an expanding environment of abundant food and space where predation is greatly diminished. Under these conditions, rapid growth produces a high accumulation of biomass. After the spring floods, water levels begin to recede in June-July. Aquatic organisms become concentrated into smaller areas, providing concentrated sources for predatory fish, reptiles, amphibians, birds, and mammals. Thus, water bodies and adjacent forested wetlands throughout the Basin provide outstanding fish and wildlife habitats.

The fish and wildlife resources of the Atchafalaya Basin historically have been diverse and abundant due to the variety of available aquatic habitats. Permanent aquatic habitats comprise about 11 percent of the Basin's total area. These habitats include permanent water bodies and periodically-flooded wetlands of four major types: riverine and tributary channels, freshwater bayous and canals, headwater lakes, and backwater lakes. Some of these habitat types overlap during the annual flood cycle. At high water stages, for example, some bayous act as distributaries, but return to slow-flowing conditions during low-water stages. Certain lakes may have a headwater regime during high flows, but water may enter at other times via backwater. In addition, during much of the year, bald cypress swamps function as aquatic habitats.

The proposed project area does not contain any significant fisheries habitat. It does contain a few minor scour holes created from operation of the adjacent USACE project. These scour holes seasonally hold water, but generally lack suitable water conditions for the presence of fish populations. It is likely that some smaller species become entrained in these holes following operation of the adjacent structure. Those particular individual fish populations likely die during the warmer months as the scour holes dry out or become hypoxic.

3.6. WILDLIFE and TERRESTRIAL RESOURCES

Existing Conditions. The project area is primarily a mowed herbaceous habitat utilized primarily by raccoon, mink, nutria, bobcat, coyotes, deer, wild turkey, muskrat, beaver, turtles, snakes, frogs, toads, hawks, American alligator, vultures, Mississippi kite, kingfishers, various songbirds and woodcock. Various wading birds heavily utilize the proposed project area only when the area is flooded. When the area is not flooded, it is utilized more heavily by song birds and raptors. Important game animals, such as deer and turkey, are not likely to frequently use the proposed project area. However, the area is heavily utilized by woodcock for forage habitat during their migration through the area. The waterways adjacent to the project area are an important wintering area for waterfowl in the Mississippi Flyway. Development of structures or farming activities in the area would be precluded based on the frequency of flooding and the use of the area for high velocity flows during flood events requiring operation of the adjacent overbank control structure.

3.7. THREATENED AND ENDANGERED SPECIES

Existing Conditions. The Endangered Species Act (ESA), 16 U.S.C. §§ 1531-1544, is the federal statute designed to protect endangered and threatened species and the ecosystems upon which they depend. The ESA is administered by the USFWS. Each federal agency has an obligation pursuant to Section 7 of the ESA to consult with the USFWS whenever an action that it is authorizing (i.e., permitting), funding or carrying out “may affect” a listed species. 16 U.S.C. § 1536(a) (2). Only two federally listed species, interior least tern (*Sterna antillarum athalassos*), pallid sturgeon (*Scaphirhynchus albus*), may occur in the vicinity of the proposed project area. Neither of those species are likely to be found in the proposed project area.

Interior Least Terns

The federally endangered interior least tern is the smallest North America tern. In the vicinity of the project area, least terns typically nest on large isolated sandbars in the lower Mississippi River from late May to August, depending on specific yearly river stages. The proposed project area does not contain suitable habitat for the interior least tern.

Pallid sturgeon

The federally endangered pallid sturgeon are part of an ancient group of fishes that inhabit benthic habitats of large, turbid rivers of the central United States, such as the Mississippi and Missouri Rivers, and several of their major tributaries (and distributaries). Substantial populations are found in the Atchafalaya River. Although pallid sturgeon captures in the lower Mississippi and Atchafalaya Rivers continue to occur, detailed habitat and life cycle requirements are not known. The proposed action is occurring in uplands adjacent to an existing federal project. No direct impacts to waterways containing sturgeon or sturgeon habitat will occur.

Other Species of Interest (Not ESA Listed)

The recently delisted Louisiana black bear is usually found in large expanses of forested wetlands where it can forage on soft and hard mast. The proposed project area consists primarily of mowed grass next to an existing structure and roadway. The potential for black bear to utilize this area is extremely low. Bald Eagles have also been delisted, but are still protected by the Bald and Golden Eagle Protection Act (16 U.S.C. § 668), the Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-711). Bald Eagles likely exist in the vicinity of the proposed action. However, no suitable nesting habitat exists within the proposed project area (borrow area and levees). Therefore, the only potential effect to eagles (or other raptors) would be through displacement during construction. Given the availability of similar adjacent habitat that they can use for foraging, this effect is considered de minimis. The post construction habitat (freshwater ponds) is likely to provide a more productive forage habitat for eagles.

3.8. CULTURAL RESOURCES

Regulatory Setting. The National Historic Preservation Act of 1966 (Public Law 89 80 655), as amended; NEPA of 1969 (Public Law 91-90), as amended; and other applicable laws and regulations require Federal agencies to take into account the effects of their undertaking on the environment and any significant cultural resources within the project area of the proposed

undertaking, as well as its area of potential effects (APE). Typically, studies to inventory existing conditions require archival searches and field surveys to identify any cultural resources. When significant sites are recorded, efforts are made to minimize adverse effects and preserve the site(s) in place. If significant sites cannot be avoided and would be adversely impacted, an appropriate mitigation plan should be implemented to off-set the loss.

Additionally, NEPA, Section 106 of the National Historic Preservation Act, Executive Order (EO) 13175 (“Consultation and Coordination with Indian Tribal Governments”), and associated policies have a consultation component with Federally recognized Tribes. In accordance with CEMVN’s responsibilities under NEPA, Section 106, and EO 13175, CEMVN offered the following federally-recognized Indian Tribes the opportunity to review and comment on the potential of the proposed action to significantly affect protected tribal resources, tribal rights, or Indian lands: Alabama-Coushatta Tribe of Texas, the Caddo Nation of Oklahoma, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Muscogee (Creek) Nation, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, and the Tunica-Biloxi Tribe of Louisiana.

Existing Conditions. A review of an existing Cultural Resources Inventory and Reconnaissance Survey (Weinstein et al. 2009; State Report 22-3268) revealed that the potential for prehistoric sites exist. However, a review of soil borings from the proposed borrow site indicate that the soils within proposed borrow depth are of a composition not normally associated to habitation areas, and are waterlogged and not likely to have supported past human activities. USACE made the conclusion that no historic properties would be affected by proposed borrow activities and this conclusion is being coordinated with the State Historic Preservation Officer and federally-recognized Tribes in a letter dated August 17, 2018.

3.9. AIR QUALITY

Existing Conditions. The U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards has set National Ambient Air Quality Standards for six principal pollutants, called “criteria” pollutants. They are carbon monoxide, nitrogen dioxide, ozone, lead, particulates of 10 microns or less in size (PM-10 and PM-2.5), and sulfur dioxide. Ozone is the only parameter not directly emitted into the air but forms in the atmosphere when three atoms of oxygen (O₃) are combined by a chemical reaction between oxides of nitrogen and volatile organic compounds in the presence of sunlight. Motor vehicle exhaust and industrial emissions, gasoline vapors, and chemical solvents are some of the major sources of nitrogen and volatile organic compounds, also known as ozone precursors. Strong sunlight and hot weather can cause ground-level ozone to form in harmful concentrations in the air. The Clean Air Act General Conformity Rule (58 FR 63214, November 30, 1993, Final Rule, Determining Conformity of General Federal Actions to State or Federal Implementation Plans) dictates that a conformity review be performed when a Federal action generates air pollutants in a region that has been designated a non-attainment or maintenance area for one or more National Ambient Air Quality Standards. A conformity assessment would require quantifying the direct and indirect emissions of criteria pollutants caused by the Federal action to determine whether the proposed action conforms to Clean Air Act requirements and any State Implementation Plan. However, Concordia Parish is designated

as in attainment for all criteria pollutants; therefore, these activities do not require a review for conformity with the CAA.

3.10 WATER QUALITY

Existing Conditions. The proposed action is located in uplands. No waterways are located within the proposed project area. Water quality in the adjacent waterways is affected by both point source and non-point source discharges. Point sources include mainly industrial, municipal, and sewer discharges. Non-point sources include storm water runoff, industrial discharges, landscape maintenance activities, forestry, agriculture, and natural sources.

3.11 RECREATION

Existing Conditions

The recreational resources environment around the proposed project area offers an abundance of fishing and hunting opportunities. The main attraction is the Richard K. Yancey Wildlife Management Area (WMA)(also referred to as Three Rivers WMA) which lies between the Mississippi and Red rivers, beginning north of Lower Old River. The WMA provides eight boat launches, three primitive campgrounds, and numerous all-terrain vehicle (ATV) trails. Hunting and trapping take place within the WMA. Popular game species are deer, turkey, squirrel, rabbit, waterfowl, woodcock, dove, and snipe. There is a small game emphasis area, youth deer and lottery turkey hunts, and a youth deer season. Furbearers available to trappers are raccoon, mink, nutria, beaver, bobcat, fox, otter, and coyote. In addition, there is a physically challenged deer season. Fishing and boating are also popular activities at the WMA. Annual spring flooding from the Red and Mississippi rivers produces excellent recreational and some limited commercial fishing. Common recreational species include bass, bluegill, crappie, and catfish. Crawfishing and frogging are also very popular on this WMA. Common commercial species include buffalo, carp, drum, gar, bowfin, and catfish. Finally, LDWF maintains five primitive camping areas on the Richard K. Yancey WMA. There are all-weather access roads as well as a source of potable water at the Shell Road camping area.

Additionally, a number of recreational activities occur on the Old River Control Structure project lands and waters. These include fishing, hunting, primitive camping and other similar type activities. The proposed borrow area is located on U.S. Army Corps of Engineers fee-owned land; however, recreation at the site under study is limited due to its remote location and lack of access. Currently, the site is mowed frequently to keep the vegetation from impeding flood control operations. Recommendations for use of the site, as presented in the Old River Control Master Plan, are as a wildlife enhancement area which includes identifying locations on the site for planting summer and fall wildlife food plots.

4. ENVIRONMENTAL CONSEQUENCES

4.1. WETLANDS

4.1.1. Future Conditions with No Action Alternative. With no action, borrow material would have to be obtained from another location. That has the potential to result in wetland impacts if the other location has wetlands present.

4.1.2. Future Conditions with Proposed Action. No wetlands are located within the proposed project area. Therefore, no direct impact to wetlands would occur. There is a potential for adjacent wetlands to be impacted during construction. To avoid and minimize this potential, the Corps proposes to establish a twenty-five foot buffer between the proposed construction area and adjacent wetlands. A stormwater pollution prevention plan will be developed to avoid potential impacts from stormwater runoff. Any minor effects to wetlands that could result from the proposed action would be offset by the aquatic habitat created in the proposed borrow areas. The Corps anticipates the borrow areas would fill with water to form ponds shortly after completion of construction.

4.2. AQUATIC RESOURCES /FISHERIES

4.2.1. Future Conditions with No Action Alternative. With no action, no change to aquatic resources of fisheries is anticipated.

4.2.2. Future Conditions with Proposed Action. With the proposed action, no adverse impacts to aquatic resources or fisheries are anticipated. As previously stated, the Corps anticipates the borrow area would fill with water to form ponds shortly after completion of construction. These ponds would be stocked with local freshwater fish during the first high-water event. This will provide new freshwater aquatic habitat for a variety of freshwater fish, aquatic vegetation, reptiles, amphibians and mammals.

4.3. WILDLIFE and TERRESTRIAL RESOURCES

4.3.1. Future Conditions with No Action Alternative. With no action, wildlife that presently exists within the proposed project area will continue to inhabit the area. However, the need to obtain borrow from an offsite location would likely result in impacts to wildlife at another location.

4.3.2. Future Conditions with the Proposed Action. With the proposed action, direct impacts to wildlife would be minimal. The initial impacts would result from equipment noise and movements that would temporarily displace most wildlife species within and adjacent to the proposed project site. Approximately 11 acres of upland habitat would be converted to aquatic freshwater ponds. Those ponds would provide habitat for various aquatic animals including waterfowl and wading birds. The proposed action would remove 11 acres of the 75 acres of herbaceous habitat in the tailbay area. The forebay contains approximately 175 acres of similar herbaceous habitat. Removal of this herbaceous wet area (not wetlands) will result in less habitat

for several species of mammals and birds such as the woodcock. Given the amount of adjacent, similar habitat, the corps does not consider this to be a substantial adverse impact. The creation of additional waterfowl and aquatic habitat in the ponds created from the proposed borrow area would offset this effect.

Congress passed the Agriculture and Food Act of 1981 (Public Law 97-98) containing the Farmland Protection Policy Act (FPPA) subtitle I of Title XV, Section 1539-1549. On June 17, 1994, the final rules and regulations were published in the Federal Register. The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. Activities not subject to FPPA include: projects on land already in urban development or used for water storage; and construction within an existing right-of-way purchased on or before August 4, 1984. In this case, these two exclusions are applicable to the proposed action. Therefore, no further evaluation will be required under FPPA.

4.4. THREATENED AND ENDANGERED SPECIES

4.4.1. Future Conditions with No Action Alternative. With no action, threatened and endangered species and their habitats would not be affected. The proposed project would not be constructed, and impacts to threatened and endangered species in the area would not change from current conditions.

4.4.2. Future Conditions with the Proposed Action. The proposed project would have no effect to any federally listed threatened or endangered species managed by the USFWS, including the interior least tern and pallid sturgeon. No critical habitat for any threatened, endangered, or candidate species has been designated within the project area and none of the species are known to be located within proposed project area.

The proposed action is located in an area that is not suitable for use by least terns. The proposed project area is a vegetated upland area. Further, the proposed action would not occur during high water periods. Therefore there is no potential for the proposed action to directly affect pallid sturgeon. Potential for indirect impacts through increased turbidity in adjacent waterways will be alleviated through implementation of a stormwater pollution prevention plan. Additionally, the high background turbidity levels of the adjacent waterways would make any minor turbidity increase de minimis and likely undetectable. Therefore, “No Effect” to listed species would occur from the proposed action. The U.S. Fish and Wildlife Service will be notified of the USACE’s determination that the proposed project will have “No Effect” to any federally listed threatened or endangered species managed by USFWS.

4.5. CULTURAL RESOURCES

4.5.1. Future Conditions with No Action Alternative. With no action, cultural resources would not be affected and the status of any cultural resources would remain unchanged from current conditions.

4.5.2. Future Conditions with the Proposed Action. With the proposed action, any undiscovered cultural resources that may exist within the areas and depth proposed for borrow excavations would be damaged or destroyed. Review of soil conditions from existing soil probes removed from the proposed borrow area does not suggest that any undiscovered cultural resource exists. Therefore, USACE concluded that no historic properties would be affected by the removal of borrow material from this source.

4.6. AIR QUALITY

4.6.1. Future Conditions with No Action Alternative. With no action, the status of air quality would remain unchanged from current conditions.

4.6.2. Future Conditions with the Proposed Action. Under the proposed action, construction equipment would emit exhaust and fumes during operation, which would be expected to dissipate quickly and would be limited to the immediate vicinity of the equipment. The ambient air quality would not noticeably change from current conditions, and the status of attainment with air quality standards for the parish would not be altered, and all effects would be de minimis.

4.7. WATER QUALITY

4.7.1. Future Conditions with No Action Alternative. With no action, no new direct or indirect impacts to water quality would be expected.

4.7.2. Future Conditions with the Proposed Action. With implementation of the proposed action, it is expected that there would be an insignificant, indirect impact to water quality through a temporary increase in turbidity within the waterways directly surrounding any construction activity. Potential for indirect impacts through increased turbidity in adjacent waterways will be alleviated through implementation of a stormwater pollution prevention plan. Additionally, the high background turbidity levels of the adjacent waterways would make any minor turbidity increase de minimis and likely undetectable. No known potable water wells exist in the immediate vicinity of the proposed action.

4.8. RECREATION

4.8.1 Future Conditions with No Action Alternative. Without implementation of the action, the conditions within the recreational environment will continue as they have in the past and will be dictated by the natural land use patterns and processes that have previously dominated the area.

There are no direct or indirect impacts to recreational resources. The site will continue to be used for flood control purposes.

4.8.2 Future Conditions with the Proposed Action. Under the with-project condition, the proposed borrow site would be excavated for borrow material which would be used for levee repair and maintenance. The levee repairs will occur on existing maintained levees that have little value as fish or wildlife habitat. Therefore, they provide little value to the recreational use of the Old River Control Complex. The levee impacts will be temporary and return to their present use post construction. The proposed action would remove approximately 11 acres of the 75 acres of herbaceous habitat in the tailbay area. The forebay contains approximately 175 acres of similar herbaceous habitat. The lands in the vicinity would remain available for wildlife to use as a foraging area. Given the amount of adjacent, similar habitat, the Corps does not consider the removal of 11 acres to be a substantial adverse impact to recreational resources.

Approximately 11 acres of upland habitat would be converted to aquatic freshwater ponds. Seasonal flooding from the river would, over time, provide habitat for various aquatic animals including largemouth bass, bluegill sunfish, white and black crappie, white bass, buffalo, and blue and channel catfish. The water would also attract waterfowl. Opportunities for fishing and hunting in the vicinity of the borrow area could minimally improve. The majority of fish and wildlife would benefit from the management and enhancement of this area, improving opportunities for recreation. Road access to the proposed borrow site for removal of excavated material could be used by recreational enthusiasts upon completion of construction to access the newly created freshwater ponds.

4.9. HAZARDOUS TOXIC AND RADIOACTIVE WASTE

The USACE is obligated under Engineer Regulation (ER) 1165-2-132 to assume responsibility for the reasonable identification and evaluation of all Hazardous, Toxic, and Radioactive Waste (HTRW) contamination within the vicinity of proposed actions. ER 1165-2-132 identifies that HTRW policy is to avoid the use of project funds for HTRW removal and remediation activities. The Corps is not currently aware of any waste on the Corps owned property encompassing the proposed project area. With implementation of the proposed action, the probability of encountering HTRW for the proposed actions is low based on the initial site assessments. As previously stated, an ASTM E 1527-05 Phase 1 Environmental Site Assessment is currently being drafted for the project area. If a recognized environmental condition is identified in relation to the project site, the U.S. Army Corps of Engineers, New Orleans District would take the necessary measures to avoid the recognized environmental condition so that the probability of encountering or disturbing HTRW would continue to be low. A copy of the final Phase 1 Environmental Site Assessment will be maintained on file at CEMVN.

4.10. CUMULATIVE IMPACTS

The Council on Environmental Quality's (CEQ) regulations (40 CFR 1500-1508) implementing the procedural provisions of the NEPA of 1969, as amended (42 U.S.C. 4321 et seq.) define cumulative effects as "the impact on the environment which results from the incremental impact

of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR 1508.7)”. Cumulative Effects can result from individually minor but collectively significant actions taking place over a period of time.”

The proposed action would result in a small loss of upland herbaceous habitat that is mowed annually. The area is of limited value with its primary use as habitat for various birds and small mammals. The proposed project area was created by management practices associated with the operation of the adjacent Corps project. The same management practices are used in the adjacent forebay and the remainder of the tailbay. The proposed action would address the immediate need for fill material associated with levee repair and access ramps at the Old River Control Complex. However, there is a potential that additional fill material may be required for future levee repair and general maintenance activities at the Old River Control Complex. In that event, the proposed borrow area may have to be expanded. Expansion of the proposed borrow site would likely result in similar impacts to herbaceous uplands. The proposed action was designed to avoid and minimize impacts to wetlands. However, future expansion would likely result in unavoidable impacts to wetlands. All future actions would incorporate environmentally sensitive project designs and construction methods, as well as requirements to functionally compensate for unavoidable project-related impacts to wetlands so as to meet the Nation’s goal of no net loss of wetland resources. However, in having a greater awareness of the importance of environmental stewardship, impacts associated with this and future projects will be evaluated to assure a balance is maintained between construction and impacts on the environment. It is anticipated that through the efforts taken to avoid and minimize wetland impacts and the beneficial effects of the created freshwater ponds, the project will not result in substantial direct, secondary or cumulative adverse impact on the aquatic environment. With implementation of the proposed action, there may be some minor disturbances to water quality in the immediate vicinity of the project area; however, the increase in turbidity should primarily be confined to the immediately adjacent waterways. Given the high background turbidity levels in the area, disturbance to water quality would be temporary, confined, and short lived.

No additional indirect or cumulative impacts were identified.

5. COORDINATION

Preparation of this EA and associated FONSI will be coordinated with appropriate Congressional, Federal, state, local interests, and Indian Tribes, as well as environmental groups and other interested parties. It will also be made available for public review and comment for a 30-day period. The following Federal and state agencies, non-governmental organizations, as well as other interested parties received copies of the draft Environmental Assessment and the draft FONSI:

U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency, Region VI
U.S. Department of Commerce, National Marine Fisheries Service
U.S. Natural Resources Conservation Service, State Conservationist
U.S. Department of Homeland Security, Federal Emergency Management Agency

Advisory Council on Historic Preservation
Louisiana Department of Wildlife and Fisheries
Louisiana Department of Natural Resources (LADNR), Coastal Management Division
Louisiana Department of Environmental Quality
Louisiana State Historic Preservation Officer

6. MITIGATION

The proposed project would reduce ongoing erosion and provide bank stabilization in the vicinity of the existing levee slides. Only temporary and minimal environmental impacts are expected, and none are expected to have any significant adverse impacts on the important resources described in this EA.

The project, as proposed, will benefit both fisheries and wildlife resources by creating additional freshwater habitat, as previously noted. Therefore, no impacts have been identified that would require compensatory mitigation.

7. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Environmental compliance for the Federal action would be achieved upon signature of the FONSI associated with this EA.

Coordination with the resource agencies and a summary of compliance will be discussed in this section for the final document.

8. CONCLUSION

This office has assessed the environmental impacts of the proposed action and has determined that the proposed action would not affect historic properties and that it would have no effect to federally listed threatened or endangered species.

The proposed project has been found to have an overall beneficial effect on the human environment by insuring the integrity of the levees at the Old River Control Complex. Minor effects from the loss of mowed upland habitat will be offset by the creation of freshwater ponds which will be managed for recreational use by the general public.

9. PREPARED BY

Draft Environmental Assessment # 563 and the associated Draft Finding of No Significant Impact were prepared by Mr. Howard Ladner, Biologist, with relevant sections and contributions prepared by: Mr. Joe Musso (HTRW); Mr. Paul Hughbanks (Cultural Resources) and Andrew Perez (Recreation).

10. REFERENCES

“Farmland Protection Policy Act,” website of, Natural Resources Conservation Service

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