



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651

Regional Planning and Environment
Division South
Environmental Planning Branch

XXXX, 2024

DRAFT
FINDING OF NO SIGNIFICANT IMPACT
(FONSI)

**SUPPLEMENTAL SECOND DRAFT INTEGRATED FEASIBILITY REPORT WITH
ENVIRONMENTAL ASSESSMENT #600**

AMITE RIVER AND TRIBUTARIES EAST OF THE MISSISSIPPI RIVER, LOUISIANA

Description of the Proposed Action

The United States Army Corps of Engineers (USACE), Mississippi Valley Division (MVD), New Orleans District (CEMVN), Regional Planning and Environment Division South (RPEDS), prepared the final Integrated Feasibility Report and Environmental Assessment #600 (*FIFR/EA*) in accordance with the National Environmental Policy Act of 1969, as amended. The FIFR/EA addresses flood risk reduction solutions to reduce flood damages caused by rainfall in the Amite River Basin. The final recommendation is contained in the report of the Chief of Engineers, dated TBD.

A Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR/EIS) associated with this study was released on November 26, 2019 for concurrent public, technical, legal, and policy review. Significant technical and policy concerns associated with the DIFR/EIS's tentatively selected plan were identified during this review. Due to these concerns the CEMVN re-evaluated alternatives to inform the decision on the recommended plan, as documented in the FIFR/EA.

The FIFR/EA, incorporated herein by reference, evaluated a full range of reasonable alternatives for flood risk management. The recommended plan is Plan 4: Nonstructural National Economic Development (NED) Plan with additive for Other Social Effects (OSE) Increment 2 and includes voluntary elevation of approximately 2,918 residential structures and voluntary floodproofing of approximately 380 nonresidential structures in East Feliciana, St. Helena, East Baton Rouge, Livingston, Iberville, and Ascension Parishes in Louisiana.

Factors Considered in Determination

In addition to the no action alternative (Plan 1), three alternatives were assessed for potential impacts: the nonstructural-only NED plan (Plan 2) and two incremental total benefits plans that include all structures eligible within Plan 2 and expand eligibility to include additional structures in areas experiencing social vulnerability (Plans 3 & 4). Impacts to important relevant resources were assessed, including impacts to wildlife, threatened and endangered species, geology, soil



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and water bottoms, prime and unique farmland, water quality, cultural and historic resources, aesthetics, recreation, environmental justice, and socioeconomics.

The proposed action would have no direct, indirect, or cumulative significant impacts to the relevant resources.

All reasonable means of avoiding and minimizing adverse environmental effects have been adopted.

EXECUTIVE ORDER (E.O.) 11988 FLOODPLAIN MANAGEMENT

Executive Order 11988 directs Federal agencies to reduce flood loss risk; minimize flood impacts on human safety, health, and welfare; and restore and preserve the natural and beneficial values served by flood plains. Agencies must consider alternatives to avoid adverse and incompatible development in the flood plain. If the only practical alternative requires action in the flood plain, agencies must design or modify their action to minimize adverse impacts. The proposed action is in compliance with E.O. 11988 because it would only include non-structural measures and not result in development of the floodplain.

EXECUTIVE ORDER 11990 PROTECTION OF WETLANDS

The purpose of Executive Order (E.O.) 11990 is to "minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands". The proposed action would not impact wetlands and therefore is in compliance with E.O. 11990.

COASTAL ZONE MANAGEMENT ACT

The Coastal Zone Management Act (CZMA) requires that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs." Coordination with Louisiana Department of Natural Resources regarding consistency with the CZMA is in progress and would be completed before finalization of the FONSI.

ENDANGERED SPECIES ACT

The Endangered Species Act (ESA) is designed to protect and recover threatened and endangered (T&E) species of fish, wildlife and plants. No plants were identified as being threatened or endangered in the project area. If a manatee(s) is sighted within 100 yards of the project area, moving equipment must be kept at least 50 feet away from the manatee or shut down. There would be restrictions on vessel operation, restrictions on the use of siltation barriers, and mandatory signage designed to avoid any harm to manatees in the project area as stated in the draft FWCAR. Based on review of existing data and in coordination with the FWS guidelines, the CEMVN finds that there would be no effect on threatened and endangered species with implementation of this project.



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MIGRATORY BIRD TREATY ACT

The project area is known to support colonial nesting wading/water birds (e.g., herons, egrets, ibis, night-herons and roseate spoonbills) and shorebirds (terns and gulls). Based on review of existing data, and with the use of FWS guidelines, the CEMVN finds that implementation of the proposed actions would have no effect on colonial nesting water/wading birds or shorebirds. FWS and USACE biologists would survey the proposed project area before project implementation to confirm no nesting activity as suitable habitat and the potential for nesting exist within the project area. If active nesting exists within 1,000 feet (water birds) or 1,300 feet (shorebirds) of construction activities then USACE, in coordination with FWS, would develop specific measures to avoid potential adverse impacts to those species. A detailed nesting prevention plan may be necessary in order to deter birds from nesting within the aforementioned buffer zones in order to avoid potential adverse impacts. If a nesting prevention plan is necessary, it would be prepared in coordination with FWS.

The bald eagle was removed from the List of Endangered and Threatened Species in August 2007, but continues to be protected under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act of 1918, as amended (MBTA). During nesting season, construction must take place outside of FWS/LDWF buffer zones. A USACE Biologist and a FWS Biologist would survey for nesting birds. This would be done prior to the start of project implementation.

FISH AND WILDLIFE COORDINATION ACT OF 1934

The Fish and Wildlife Coordination Act (FWCA) provides authority for the FWS involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. The FWS reviewed the proposed action described in the FIFR/EA. The draft Fish and Wildlife Coordination Act Report (FWCAR) can be found in FIFR/EA Appendix D-1. Responses to draft FWCAR comments are included in the FIFR/EA. The following commitments, as recommended by the USFWS are an integral part of the proposed action:

During project implementation, a qualified biologist will inspect proposed implementation sites for the presence of documented and undocumented wading bird nesting colonies and bald eagles. All implementation activity during the wading bird nesting season (February through October 31 for wading bird nesting colonies, exact dates may vary) should be restricted within 1,000 feet of a wading bird colony. If restricting implementation activity within 1,000 feet of a wading bird colony is not feasible, the CPRA should coordinate with the Service to identify and implement alternative best management practices to protect wading bird nesting colonies. During implementation activities, if a bald eagle nest is within or adjacent to the proposed project area, coordination with USFWS will occur to ensure compliance with their bald and golden eagle guidelines to the maximum extent practicable.

HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

A phase I environmental site assessment is required for all USACE civil works projects to facilitate early identification and appropriate consideration of potential hazardous, toxic, and



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radioactive waste (HTRW) problems. A preliminary HTRW phase 1 environmental site assessment was conducted for the current draft SSDIFR/EA, and no HTRW concerns were identified. The proposed action would include an individual HTRW assessment for each structure as a part of implementing nonstructural measures should this plan become authorized. If during the individual HTRW assessment, a recognized environmental condition (REC) is identified, it would be incumbent upon the property owner to address the REC in order to be considered a part of the program.

E.O. 12898 ENVIRONMENTAL JUSTICE

E.O. 12898 of 1994 and the Department of Defense's Strategy on Environmental Justice of 1995 directs 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. There are no significant or disproportionate adverse impacts to minority or low-income populations.

NATIONAL HISTORIC PRESERVATION ACT OF 1966

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the USACE determined that historic properties may be adversely affected by the recommended plan. The USACE, Advisory Council on Historic Preservation, Louisiana State Historic Preservation Office, Mississippi State Historic Preservation Office, Non-Federal Sponsor, Federally-Recognized tribes, and other identified consulting parties entered into a project-specific Programmatic Agreement (PA), dated TBD. The PA would then govern USACE's subsequent NHPA compliance efforts.

TRIBAL CONSULTATION

It is the policy of the Federal Government to consult with Federally-Recognized Tribal Governments on a Government-to-Government basis as required in E.O. 13175 ("Consultation and Coordination with Indian Tribal Governments;" U.S. President 2000). The CEMVN is consulting in accordance with NHPA, E.O. 13175, and its 2012 Tribal Policy. The USACE intends to keep the lines of communication open throughout the study, relying on the Section 106 Process to capture significant Tribal concerns regarding historic properties, but remains open to the need to undertake Government-to-Government consultation, as necessary.

Public Involvement

Public review of the Second Supplemental Draft Integrated Feasibility Report and Environmental Assessment #600 and draft FONSI would be completed on January 29, 2024. All comments submitted during the public review period would be responded to in the FIFR/EA.

Decision

The CEMVN has assessed the environmental impacts of the proposed action on relevant resources in the FIFR/EA and has determined that the proposed action would have no significant impact on the natural and human environment.



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Implementing the proposed project would consist of elevating approximately 2,918 residential structures and floodproofing approximately 380 nonresidential structures East Feliciana, St. Helena, East Baton Rouge, Livingston, Iberville, and Ascension Parishes in Louisiana.

I have reviewed the FIFR/EA and have considered public and agency comments and recommendations. I have determined that the recommended plan would have no significant impact on the natural and human environment. Therefore, an Environmental Impact Statement will not be prepared.

Date

CULLEN A. JONES, P.E., PMP
COL, EN
Commanding

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