



REPLY TO  
ATTENTION OF

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

October 23, 2017

Regional Planning and  
Environmental Division South  
Environmental Compliance Branch

**SECTION 408  
ENVIRONMENTAL ASSESSMENT  
BAYOU BRIDGE PIPELINE PROJECT  
CALCASIEU, JEFFERSON DAVIS, ACADIA, VERMILION, LAFAYETTE,  
ST. MARTIN, IBERVILLE, AND ASSUMPTION PARISHES, LOUISIANA**

**FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed the Section 408 Bayou Bridge Pipeline Project Environmental Assessment (EA) for the requested alteration to install a 24-inch diameter crude oil pipeline across eight federal projects and 14 federal easements in Calcasieu, Jefferson Davis, Acadia, Vermilion, Lafayette, St. Martin, Iberville, and Assumption Parishes, Louisiana. This finding incorporates by reference all discussions and conclusions contained in the EA enclosed hereto.

The proposed action was submitted under 33 USC 408 at the request of Perennial Environmental Services, LLC, as agent for and on behalf of Bayou Bridge Pipeline, LLC, collectively referred to herein as the "requester." The proposed action (requester's preferred alternative) consists of constructing approximately 163 miles of 24-inch diameter crude oil pipeline from Lake Charles to St. James, Louisiana. The requester's preferred alternative would cross the following eight federal project boundaries: Calcasieu River, Mermentau River, Vermilion River, Bayou Teche, West Atchafalaya Basin Levee, Atchafalaya River, Gulf Intracoastal Waterway (GIWW), and East Atchafalaya Basin Levee. The requester's preferred alternative would also cross 14 federal easements located in Assumption, Iberville, and St. Martin Parishes. This evaluation considers effects associated with the crossings which occur in areas over which USACE exercises jurisdiction under 33 USC 408 (the "federal projects" and "federal easements"). Regulatory Functions Branch is developing an environmental document to evaluate the project in areas over which USACE exercises regulatory authority Section 10 of the Rivers and Harbors Act (33 CFR Part 322) and Section 404 of the Clean Water Act (33 CFR Part 320-332).

The federal projects crossed by the requester's preferred alternative and associated crossing lengths are identified in the table below. The pipeline would be installed below all federal projects via the Horizontal Directional Drill Method (HDD), which allows for construction across a feature without a trench or any direct impacts to the land surface or to waters or waterbottoms. The HDD equipment and entrance and exit points would

be located well outside of the federal project boundaries. By utilizing the trenchless technology, impacts to the federal projects would be minimized.

Federal Project Crossings				
Federal Project	Parish	Crossing Length (feet)	Depth Below Federal Project (feet)	Length of HDD across Federal Project
Calcasieu River	Calcasieu	3,745	53	4,600
Mermentau River	Jefferson Davis/ Acadia	345	35	2,250
Vermilion River	Vermilion / Lafayette	350	71	2,720
Bayou Teche	St. Martin	200	46	1,800
West Atchafalaya Basin Levee	St. Martin	155	170	2,525
Atchafalaya River	St. Martin	1,340	50	3,400
Gulf Intracoastal Waterway	Iberville	535	112	3,650
East Atchafalaya Basin Levee	Iberville	290	140	3,650

The requester proposes to primarily utilize the existing navigation channels to transport equipment and materials via barges to the construction right-of-way (ROW). The requester would also utilize an existing access road located on the West Atchafalaya Basin Levee to gain access to the construction ROW within the Atchafalaya Basin. No significant effects were identified in association with these access routes.

The pipeline would be installed at a minimum depth of five feet below natural grade across the federal easements utilizing HDD and/or open trench methods. With the exception of Easements A-182E-4, 301E-3, 700-E-1, and 7, the requester's preferred alternative would also require additional temporary workspace on the federal easements to allow for the offloading of equipment and materials from barges. Federal easements crossed by the requester's preferred alternative and associated crossing lengths are identified the table below.

Federal Easement Crossings					
Federal Easement Number	Parish	Federal Easement Project Name	Easement Type	Crossing Length (feet)	Total Acres within Requester's Preferred Alternative Area
145-E-1	St. Martin	West Access Channel	Perpetual Channel Easement	202	0.80
144 E-1	St. Martin		Perpetual Channel Easement	N/A <sup>a</sup>	0.03
145-E-2	St. Martin		Perpetual Dredged Material Disposal Easement	181	0.35
144 E-3	St. Martin		Perpetual Dredged Material Disposal Easement	1,117	2.73

Federal Easement Crossings					
Federal Easement Number	Parish	Federal Easement Project Name	Easement Type	Crossing Length (feet)	Total Acres within Requester's Preferred Alternative Area
A-182E-4	St. Martin	Bayou Chene Tarleton Bayou Cutoff	Comprehensive Easement (Perpetual Channel, Disposal, Levee, Road, and Flowage Easement)	816	1.40
A-163E-1	St. Martin		Perpetual Dredged Material Disposal Easement	2,236	6.57
A-182E-2	St. Martin		Perpetual Dredged Material Disposal Easement	604	0.92
A-111E-4	St. Martin		Perpetual Dredged Material Disposal Easement	639	1.75
A-163E-4	St. Martin		Perpetual Dredged Material Disposal Easement	197	1.02
A-111E-5	St. Martin		Perpetual Dredged Material Disposal Easement	1,768	5.06
301E-3	St. Martin	Atchafalaya River Chicot Pass Channel Improvement	Dredged Material Disposal Easement	100	0.13
700-E-2	Iberville	GIWW Plaquemines Morgan City	Perpetual Channel Easement	2,185	6.08
700-E-1	Iberville		Perpetual Channel Easement	711	0.61
7	Assumption	Bayou Lafourche Spoil Disposal Area	Perpetual Dredged Material Disposal Easement	358	0.41

<sup>a</sup> N/A – Not applicable. Easement is not crossed by the pipeline but would be impacted by temporary workspace.

Based on information evaluated in the EA, reflecting pertinent information obtained from agencies having jurisdiction by law/or special expertise, I conclude that the proposed action will not significantly impact the quality of the human environment and does not require the preparation of an Environmental Impact Statement. The proposed action was designed to avoid, minimize, and mitigate potential impacts of the proposed action so that it would not impair the usefulness of the federal projects or federal easements, nor be injurious to the public interest. The majority of potential impacts on federal projects and federal easements would be mitigated by HDD technology, by which the requester would install the pipeline beneath sensitive resources without surface disturbance, and allow pipeline construction to proceed with the fewest possible impacts. Additional mitigation measures are set out in the Environmental Construction Plans which are summarized in the attached EA.

To further mitigate potential effects of the proposed action and to ensure environmental compliance, the following special conditions would be placed within the Section 408 Permission:



1. Requester shall conduct all work related to the federal project and easement crossings in accordance with the engineer-stamped drawings on file with CEMVN. Any changes to the crossing plans shall be submitted in writing to CEMVN for review and approval prior to construction. This evaluation was based on the project description and other information provided by Bayou Bridge. Any substantive modification thereof shall require evaluation by CEMVN.
2. Following the completion of construction, Requester shall restore all disturbed areas to pre-construction grades and contours on the federal project and easement crossings. All areas cleared of vegetation outside the maintained corridors shall be allowed to revegetate. Bayou Bridge shall reseed all non-inundated areas with a native seed mix to establish vegetation cover quickly while natural succession contributes to overall restoration. Invasive species shall be managed as specified in the EA.
3. Requester shall use temporary sediment control measures at the federal project and easement crossings, such as silt fences, to minimize the introduction of sediment into waterbodies during construction and minimize the movement of spoil and sediment from surface runoff during and after construction. Requester shall implement the best management practices outlined in the project-specific Stormwater Pollution Prevention Plan (SWPPP) included within Appendix B of the EA.
4. Requester shall minimize impacts to soils, wetlands, waterways, and groundwater at the federal project and easement crossings by implementing the protective measures set forth in the project-specific Spill Prevention and Response Plan included within Appendix B of the EA.
5. In the event of an inadvertent release of drilling mud, the requester shall implement the measures outlined in the Plan for Containment of Inadvertent Release of Drilling Mud During Horizontal Directional Drilled Wetland and Waterbody Crossings (HDD Inadvertent Release Response Plan) included within Appendix B of the EA.
6. The requester shall obtain a permit from the USACE-MVN Regulatory Functions Branch for compliance with Section 10 of the Rivers and Harbors Act (33 CFR Part 322) and Section 404 of the Clean Water Act (33 CFR Part 320-332) prior to any respective construction activities at the federal project and easement crossings.
7. Requester shall mitigate for impacts on waters of the U.S. at the federal project and easement crossings, including permanent and temporary conversion of forested wetlands. Required mitigation for wetland impacts shall be coordinated through the Regulatory Functions Branch as part of the evaluation of the Section 10/404 permit evaluation. The requester shall complete the mitigation as required by the USACE-MVN Regulatory Functions Branch.

8. The requester shall obtain a Section 401 Water Quality Certification from the Louisiana Department of Environmental Quality prior to any construction activities at the federal project and easement crossings.
9. Requester shall allow for tribal monitoring for the presence of previously unidentified or unknown cultural, archaeological, or human remains during construction at the federal project and easement crossings in accordance with the Tribal Monitoring Plan coordinated with the Coushatta Tribe of Louisiana found in Appendix F of the EA.
10. Requester shall adhere to the Unanticipated Discoveries Plan Cultural Resources, Human Remains, and Contaminated Media (UDP) included within Appendix F of the EA for work at the federal project and easement crossings. This UDP stipulates a process to be followed by the applicant in the event of unanticipated discovery of human remains within the permit area including procedures for the notification of federally-recognized Indian Tribes and proper treatment of unanticipated human remains. If human remains are encountered, the requestor shall immediately cease work in the vicinity of the discovery and contact CEMVN. CEMVN shall then contact federally-recognized Indian Tribes, State Historic Preservation Officer (SHPO), and conduct other federal coordination requirements under 36 CFR 800. The USACE, with federally-recognized Indian Tribes and the SHPO, shall consult on the treatment and final disposition of the remains.
11. The requester shall notify the CEMVN Operational Project Manager when an updated Facility Response Plan has been filed with Pipeline and Hazardous Materials Safety Administration (PHMSA) so that operations staff involved in spill planning and response can access the secure website to facilitate spill planning activities. To facilitate CEMVN staff involvement in emergency response planning, the Requester shall notify the relevant CEMVN Project Offices at least thirty (30) days prior to initiation of any field training exercises within 10 miles of any federal project and easement crossings.
12. The requester's crossing of Easement 7 in Assumption Parish shall be constructed in accordance with the Coastal Use Permit that was issued by the Louisiana Department of Natural Resources – Office of Coastal Management on April 3, 2017.
13. The requester shall take steps to prevent entrainment or impingement of pallid sturgeon larvae if water is to be withdrawn from the Atchafalaya River and/or the Gulf Intracoastal Waterway for use during HDD operations and/or hydrostatic testing of the pipeline. Intake hoses shall not be placed within eddies and shall be placed at depths greater than 15 feet below the surface, but no closer than 2 feet from the bottom. A small diameter hose (typically 6-inch diameter) fitted with a 0.25-inch mesh screen or smaller shall be utilized. The intake velocity cannot exceed 0.5 feet per second.
14. If construction activities associated with the federal project and easement crossings occur during the nesting season for colonial nesting birds (February 15 through August 1), the requester shall conduct surveys where suitable


habitat is present no more than two weeks prior to the start of construction activities. If colonial nesting bird rookeries are identified, the requester shall restrict clearing and trenching construction activities to the extent practicable in areas within 300 meters of active rookeries until the nesting period is over. A compliance summary of this condition shall be submitted to CEMVN within thirty (30) days of the field survey.

15. If bald eagles and/or nests are documented within the federal project or easement crossings during or immediately prior to construction, the requester shall adhere to the buffer requirements established in the USFWS National Bald Eagle Management Guidelines (2007) to avoid and/or minimize potential impacts on the bald eagles or their nests.

Full environmental compliance for the requester's preferred alternative would be achieved upon: approval of the CEMVN Regulatory Permit and receipt of all associated state and federal permits.

In consideration of the EA and supporting information, I find the proposed action will not significantly affect the human environment and does not require preparation of an Environmental Impact Statement.

14 Dec 17  
\_\_\_\_\_  
Date

  
  
\_\_\_\_\_  
Michael N. Clancy  
Colonel, US Army  
District Commander