



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**NEW ORLEANS DISTRICT, CORPS OF ENGINEERS**  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

Regional Planning and  
Environment Division, South  
Environmental Compliance Branch

**FINDING OF NO SIGNIFICANT IMPACT  
(FONSI)**

**AMITE RIVER AND TRIBUTARIES, LOUISIANA  
COMITE RIVER BASIN**

**COMITE RIVER DIVERSION  
SUPPLEMENTAL MITIGATION OPTIONS**

**EAST BATON ROUGE PARISH, LOUISIANA**

**Environmental Assessment (EA) #426**

Description of Proposed Action. The U.S. Army Corps of Engineers, New Orleans District (CEMVN), proposes to supplement the mitigation plan for the Comite River Basin project (Comite project) to provide additional options to complete compensatory mitigation obligations. The no action alternative is to continue implementing the current mitigation plan for the Comite project, which is unlikely to provide sufficient mitigation credits to fully offset unavoidable project-induced impacts. The proposed action includes consideration of the following four alternatives to the no-action alternative.

1. Expansion, acquisition, and management of Current Mitigation Area, East Baton Rouge Parish, Louisiana
2. Acquisition and management of Profit Island, East Baton Rouge Parish, Louisiana
3. Acquisition and management of the McHugh Swamp, East Baton Rouge Parish, Louisiana
4. Acquisition of Credits in Mitigation Banks, Surrounding Parishes, Louisiana

As discussed in the final Environmental Impact Statement entitled, "Amite River and Tributaries, Louisiana, Comite River Basin" (September 1990), and subsequent environmental assessments, a total of 891 acres of land (704.6 AAHUs) was necessary to mitigate for unavoidable project impacts to bottomland hardwood forest (BLH) habitat. To date, 75 acres of land within the Comite floodplain has been acquired and partially reforested for mitigation.

Alternative 1 - Expansion of Current Mitigation Area. The mitigation area identified in the 1990 EIS and previous environmental assessments was expanded 2.5 miles south along the river, and outward from the 25-year floodplain to include the 50-year floodplain and adjacent wetlands.

The expanded plan along the river runs a total of 7.5 miles from Louisiana Highway 64 to Hooper Road (Louisiana Highway 408).

Alternative 2 – Acquisition and Management of Profit Island. Profit Island is a 2,318-acre island in the Mississippi River that was formed when a straight channel, now known as Profit Island Chute, cut across a bend of the river. The island contains mostly wooded land, with some smaller areas of fields and ponds. The ponds are the remains of old channel meanders. The island is subject to inundation during high river stages. Profit Island has potential for providing compensatory mitigation in the form of restoration, enhancement, and preservation activities.

Alternative 3 – Acquisition and Management of the McHugh Swamp. The McHugh Swamp is an area of mostly undeveloped land that straddles the Comite River diversion channel corridor. The area is largely forested and undeveloped because it is a depressional area and is prone to having standing water.

Alternative 4 – Acquisition of Credits in Mitigation Banks. Section 2036(c)(1) of the Water Resources Development Act (WRDA) of 2007, Public Law 110-114, specifically directs the USACE to consider the use of commercial mitigation banks to fulfill the mitigation responsibilities of Civil Works projects. Those mitigation banks within applicable service areas that currently have available bottomland hardwood credits have been evaluated for the project. In addition, any new banks that are approved and have applicable credits available, if and when a decision is made to acquire mitigation credits from a bank, would be considered.

Changes from Draft EA #426. Section 106 consultation for the project is concluded, except for two proposed mitigation areas where rights of entry for cultural resources investigations could not be obtained (figure 1). These two locations shown in figure 1 will require additional cultural resources investigation and consultation in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, prior to Federal action. Therefore, these two areas are eliminated from further consideration as potential mitigation areas for the Comite project until cultural resource investigations and Section 106 consultation is completed for the areas.

Factors Considered in Determination. This office has assessed the impacts of no action and the proposed action on important resources, including wetlands, aquatic resources, forested lands, prime and unique farmlands, threatened and endangered species, cultural resources, recreational resources, aesthetic resources, socioeconomic resources, and air quality. No significant adverse impacts were identified for any of the important resources. The risk of encountering hazardous, toxic, and radioactive waste is low. No impacts have been identified that would require compensatory mitigation and all practicable means of avoiding adverse environmental effects have been adopted.

By stamped facsimile dated May 7, 2012, the U.S. Fish and Wildlife Service (USFWS) confirmed that the proposed action is not likely to adversely affect any endangered or threatened species. In a letter dated July 3, 2012 the USFWS gave recommendations about the execution of

adaptive management and monitoring actions for the mitigation plans. A State Water Quality Certificate (WQC 120529-02/AI 182232/CER 20120001) dated June 15, 2012, was received from the Louisiana Department of Environmental Quality. In a letter dated July 10, 2012 the Louisiana Department of Wildlife and Fisheries provided positive comments about the proposed actions, especially work requested by the agency along the Comite River (a state-designated Natural and Scenic River). In a letter dated July 11, 2012, the Louisiana State Historic Preservation Officer (SHPO) concurred with a recommendation of no effect on historic properties. In a letter dated July 16, 2012 the Federal Aviation Administration provided a letter of no objection to some of the mitigation options within their jurisdiction located in proximity to the Baton Rouge Metropolitan Airport. Public review of the Section 404(b)(1) Public Notice was completed on July 16, 2012. The Section 404(b)(1) evaluation was signed on July 18, 2012.

Environmental Design Commitments. The following commitments are an integral part of the proposed action:

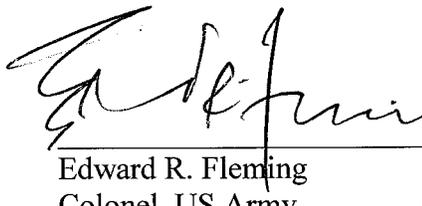
- 1) To minimize disturbance to colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, and roseate spoonbills), anhingas, and/or cormorants, all activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period (i.e., 1 September through 15 February, exact dates may vary within this window depending on species present).
- 2) If a bald eagle nest is discovered within or adjacent to the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted online at: <http://www.fws.gov/southeast/es/baldeagle>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary and those results should be forwarded to this office.
- 3) Forest clearing that is associated with certain proposed mitigation features shall be conducted during the fall or winter, when practicable, to minimize impacts to nesting migratory birds.
- 4) If a proposed project feature is changed significantly or is not implemented within one year of the date of the USFWS' response to the USACE's "not likely to affect federally listed species" determination letter the CEMVN will reinitiate Endangered Species Act coordination with the USFWS to ensure that the proposed project would not adversely affect any Federally listed threatened or endangered species or their habitat.
- 5) 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 CEMVN-PDN-NCR archeologist has been notified and final coordination with the SHPO and the Tribal Historic Preservation Officer (THPO) has been completed. [CEMVN-PDN-NCR/SHPO Standard Operating Procedure]

Public Involvement. The proposed action has been coordinated with appropriate Federal, state, and local agencies and businesses, organizations, and individuals through distribution of EA #426 and the associated 404(b)(1) public notice for their review and comment. EA #426 is attached hereto and made a part of this FONSI.

Conclusion. This office has assessed the potential environmental impacts of the proposed action, which includes all four of the action alternatives evaluated in EA #426. Based on this assessment, which is attached hereto and made a part hereof, a review of the comments made on EA #426, 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, a supplemental Environmental Impact Statement will not be prepared.

27 July 2012

Date



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Edward R. Fleming  
Colonel, US Army  
District Commander

# FIGURE 1 McHUGH SWAMP AREAS PENDING CULTURAL RESOURCE SURVEYS

July, 2012

