

SECTION 1.0 PROJECT PURPOSE AND NEED

1.1 PROJECT OVERVIEW

The U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN) has prepared this environmental impact statement (EIS) to evaluate the potential environmental, cultural, and socioeconomic impacts from construction of the proposed Louisiana Department of Transportation and Development (LADOTD) *Louisiana Highway (LA) 3241* from the LA 40/41 intersection in Bush, Louisiana, to Interstate 12 (I-12) in order to determine whether a Federal permit will be issued. Because the project proposes work in wetlands and structural crossings of various waterways in the project area, a Department of Army (DA) permit pursuant to section 404 of the Clean Water Act (CWA) is required before any construction activities. The DA permit application number assigned to this project is MVN-2005-00037. Because the proposed project requires federal involvement, it is subject to the National Environmental Policy Act (NEPA) of 1969.¹ This EIS has been undertaken in accordance with the NEPA Council on Environmental Quality (CEQ) regulations,² and USACE regulations for implementing NEPA.³ This EIS has been prepared to address NEPA, environmental and cultural resource laws, USACE Regulatory Program Regulations (Title 33 of the *Code of Federal Regulations* [CFR] Parts 320–332), including the USACE NEPA regulations at 33 CFR Part 325, Appendix B, and the requirements of the section 404(b)(1) guidelines (40 CFR Part 230), so that the EIS provides the information needed for the USACE permit decision-making process.

The project area is entirely within St. Tammany Parish, Louisiana, and roughly bounded by LA 21, U.S. Highway (US) 190, I-12, US 11, and LA 41 (Figure 1-1). It encompasses approximately 245 square miles in area and includes the incorporated areas of Abita Springs, Pearl River, and portions of the cities of Slidell and Covington. Unincorporated areas such as Bush, Hickory, Talisheek, and Waldheim are included in the project area.

LA 21 is a four-lane divided highway between the city of Bogalusa, in Washington Parish, and Bush, in St. Tammany Parish ending at its intersection with LA 41. The proposed I-12 to Bush highway would extend the four-lane section from that point to an existing interchange on I-12 by expanding an existing highway to four lanes or constructing a new alignment with a maximum right-of-way (ROW) width of 250 feet.

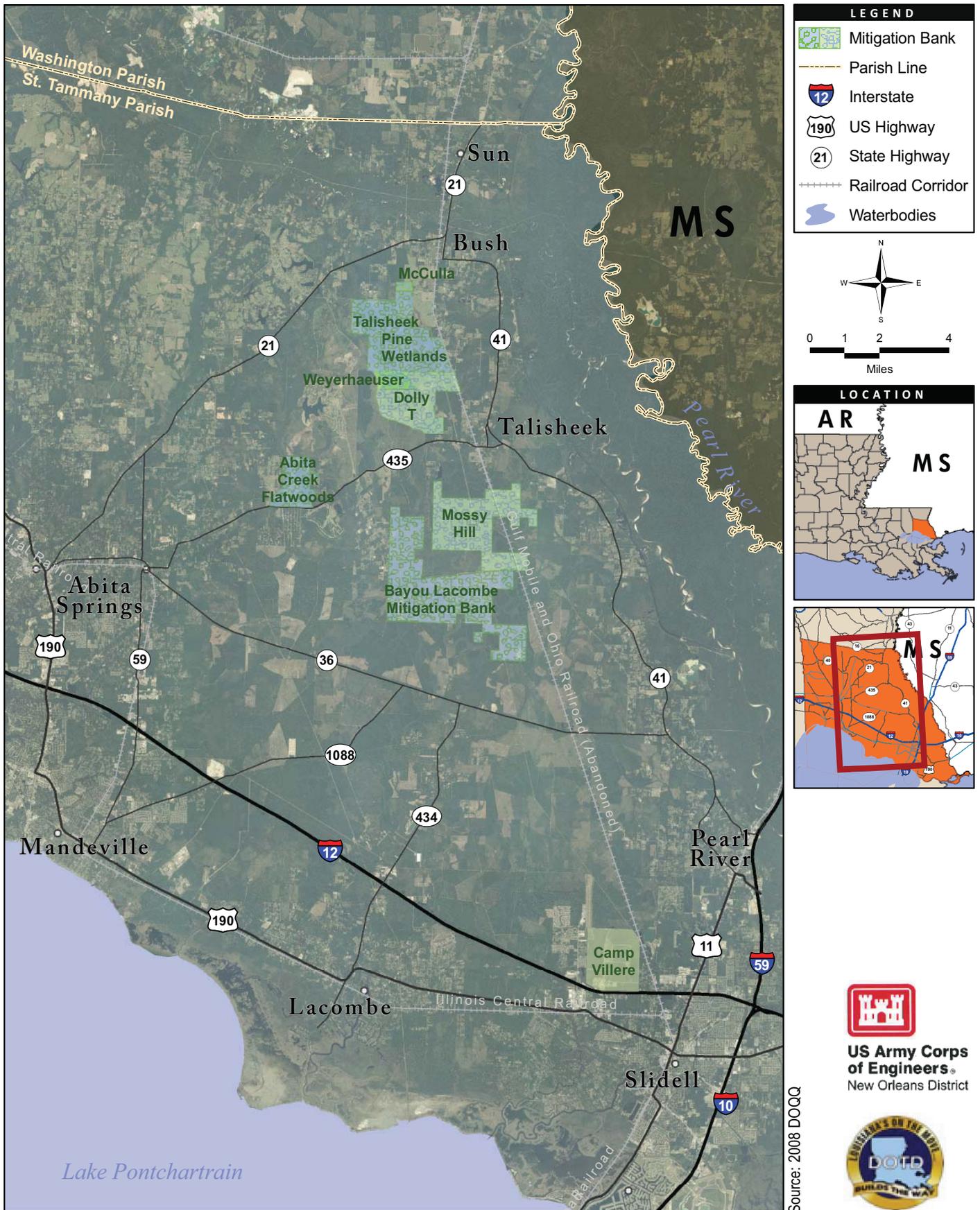
The proposed I-12 to Bush highway is an effort planned by LADOTD and funded by the Transportation Infrastructure Model for Economic Development (TIMED) program (Louisiana Revised Statute 48:820.2). The stated mission of the TIMED program is to, “foster economic development throughout the state of Louisiana and enhance the quality of life for its residents through an investment in transportation projects.” The TIMED program, approved by the 1989 General Session of the Louisiana State Legislature, identified a 15-year construction program funded by a 4-cent fuel tax, which includes the construction of the proposed *LA 3241* highway between Bush, LA and I-12 in St. Tammany Parish. Revised Statute 47:820.2.B(1)(e) provides for a project from I-12 to Bush to be constructed as a four-lane or more highway. The proposed

¹ National Environmental Policy Act of 1969, Pub. L. 91–190, 42 *United States Code* [U.S.C.] 4321–4347, January 1, 1970.

² Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (Title 40 of the *Code of Federal Regulations* [CFR] Parts 1500–1508).

³ *Procedures for Implementing NEPA*, 33 CFR Part 230; *Processing of Department of the Army Permits*, 33 CFR Part 325.

Figure 1-1 - General site location



highway would provide a four-lane highway connection for Washington and northern St. Tammany Parishes to I-12, with the purported goal of providing for regional transportation needs and stimulating undefined economic growth and activity in the region.

LA 3241 was originally intended to be funded under the TIMED program. However, the 4-cent fuel tax dedicated to fund the TIMED program will not produce sufficient revenues to support bonding of all the projects in the program, including LA 3241 in St. Tammany Parish and the Florida Avenue Bridge in St. Bernard and Orleans Parishes. Therefore, LADOTD will seek funding for both pre-construction and construction through the state bond program and through any available and applicable federal discretionary programs. Without such funding, LADOTD will move forward with the remaining TIMED projects under the regular Highway Program; however, that could result in an extended project completion schedule.

1.2 PROJECT BACKGROUND

1.2.1 Population Trends

Washington Parish had a greater population than St. Tammany Parish in the first half of the 20th century and was growing at a faster rate, until the 1960s when population began to stagnate and decline. With the construction of I-12 in 1957 and the expansion of the Causeway Bridge in 1969, southern St. Tammany Parish was made more accessible to the adjacent regions, including the New Orleans area. As a result, the population in southern St. Tammany Parish grew at an exponential rate with a more suburban style of development beginning in the 1950s. The parish has continued to grow at a rate approximately twice that of the nation since 2000.

Population in the communities between I-12 and the northshore of Lake Pontchartrain grew at rates greater than the national and state averages. Some of the individuals displaced from Hurricane Katrina in 2005 relocated to St. Tammany Parish, which experienced a rate of population increase nearly three times the national average in the 2006 – 2008 time period. Population growth in St. Tammany Parish from 2006 to 2008 is also the result of the in-migration of persons working in other parts of the New Orleans metro area (Orleans, Jefferson, Plaquemines, and St. Bernard Parishes) and those locating to St. Tammany Parish as a result of Chevron's headquarters relocating from New Orleans to Covington in 2008. Population in Washington Parish has remained nearly constant since 1990, with an average annual change in population of 0.3 percent from 1990 to 2008 (USBC 2009h, 2010i, Tetra Tech 2010).

1.2.2 Existing Traffic Demands

Continued growth in St. Tammany Parish is expected, because of demand for affordable housing, developable land, a good local education system, and its location as a bedroom community to the New Orleans area. Such growth has resulted in increased traffic volumes on the area's roads, including north-south routes LA 21 and LA 59, and local and secondary east-west roads. A frequently observed effect of high traffic volumes using LA 21 and LA 59, and the east-west local and secondary roads is congestion; however, equally problematic is that local and secondary roads are carrying *through* traffic en route to and from Washington Parish. Through traffic is defined as traffic that is unrelated to the towns and communities that the roads serve. The presence of through traffic increases congestion on local roads, impeding the local traffic circulation and roadway access needed by residents and businesses in local communities.

On the basis of an analysis of existing traffic demands, several roadways and intersections in the project area have heavy congestion during peak periods (Urban Systems 2011). The roadways and intersections in the project area, including some that provide access between Bush and the approaches to I-12, have one or more segments operating at, or over, capacity (levels of service [LOS] E and F) as summarized in Table 1-1.

**Table 1-1.
Existing peak hour LOS estimates**

Roadway segments	LOS
LA 59 between LA 36 and I-12 (AM & PM peak)	E
LA 36 between LA 21 and LA 59 (AM & PM peak)	E
Airport Road north of I-12 (AM & PM peak)	E
Unsignalized intersections	
LA 36 at LA 59 (southbound AM peak)	E
LA 21 at LA 59 (northbound AM peak)	F
Signalized intersections	
LA 21 at LA 36 (southbound AM peak)	E
US 190 at LA 21 (northbound AM peak)	F
LA 59 at Harrison Ave. (eastbound AM peak)	E
I-12 at LA 59 (westbound AM peak)	E
I-12 at LA 59 (southbound AM peak)	E
I-12 at Airport Road (westbound AM peak)	F
I-12 at LA 59 (eastbound PM peak)	E
I-12 at Airport Road (westbound PM peak)	F
I-12 at Airport Road (eastbound PM peak)	E

Source: Urban Systems 2011

Descriptions of the LOS E and F classifications as stated in the *Highway Capacity Manual* (Transportation Research Board 2000) are provided below.

- **LOS E** represents unstable vehicular flow at or near capacity. Operations at this level are volatile, there being virtually no usable gaps in the traffic stream. Any disruption to the traffic stream, such as vehicles entering from a ramp or a vehicle changing lanes, can establish a disruption wave that propagates throughout the upstream traffic flow. At capacity, the traffic stream has no ability to dissipate even the most minor disruption, and any incident can be expected to produce a serious breakdown with extensive queuing. Maneuverability in the traffic stream is extremely limited, and the level of physical and psychological comfort afforded the driver is poor.
- **LOS F** describes breakdown in vehicular flow. Such conditions generally exist in queues forming behind breakdown points. Those breakdowns can occur for a number of reasons. At capacity, the traffic stream has no ability to dissipate even the most minor disruption, and any incident can be expected to produce a serious breakdown with extensive queuing. Maneuverability in the traffic stream is limited, and the level of physical and psychological comfort afforded the driver is poor.

A new north-south highway would provide an alternate north-south connection between Washington and northern St. Tammany Parishes and I-12 that could reduce congestion and delays by reducing the volume of through traffic en route to and from Washington and northern St. Tammany Parishes. Reducing congestion could result in travel time savings for traffic traveling to and from Washington and northern St. Tammany Parishes, which could help support potential economic development in the area. Being linked to the Interstate Highway System is important

for commerce, and Bogalusa is the most populous city in Louisiana not on, or connected to, the interstate system via a four-lane highway.

1.2.3 Project History

The concept of the I-12 to Bush highway was first initiated by Senator B.B. Rayburn in the early 1970s and has long been a priority for local elected officials to address the lack of a four-lane highway to Bogalusa, Louisiana. The Washington and St. Tammany Parish roadway system was originally formed as a farm to market, rural system for the agrarian style of development which was typical of the area before the 1950s. State highways LA 21 and LA 41 were originally paved in the early 1930s, and improvements to those roads have been made periodically over time. Improvements consist of maintenance paving, asphaltic surface treatment, overlaying, and landscaping.

Discussions regarding a four-lane highway to connect Washington and northern St. Tammany Parishes to I-12 have led to resolutions of support by various local governments and resulted in several alignment studies in St. Tammany Parish. However, because construction funds were never allocated for a new highway and there was some public opposition, the project was shelved until the 1989 TIMED legislation was passed. The TIMED program provided a funding source for the proposed highway.

The I-12 to Bush project is identified as a need and included in at least three area transportation planning documents: *The St. Tammany Parish Road Plan*,⁴ which depicts the future transportation network of the parish, includes the I-12 to Bush project as part of the future system. The New Directions 2025 Transportation Committee, “generally supports the LA 3241 concept;”⁵ and the Regional Planning Commission (RPC), the Metropolitan Planning Organization covering St. Tammany Parish, lists LA 3241 in its *Metropolitan Transportation Plan* (Project Numbers 852-33-0001).⁶

In December 2004, LADOTD submitted an application and supporting information to CEMVN for DA section 10 and section 404 permits for the proposed highway. On the basis of a review of the permit application, CEMVN determined that it did not have sufficient information to make a permit decision. In October 2006, LADOTD submitted a second section 10 and section 404 permit application to CEMVN for the proposed highway. On the basis of a review of the second permit application, CEMVN determined that sufficient alternative impacts analysis had not been included and could not make a permit decision.

In support of the permit applications submitted to CEMVN in 2004 and 2006, LADOTD directed the I-12 to Bush Corridor Study to document the existing conditions of the project area, draft a project purpose and need statement, evaluate alternative alignments, and identify a Preferred Alternative (Burk-Kleinpeter 2002, 2004, and 2008).

In accordance with NEPA, in August 2008, CEMVN prepared a preliminary environmental assessment (EA) to evaluate the impacts to the human and natural environment that would occur as a result of the proposed highway (CEMVN 2008). The EA was prepared on the basis of the information for the project that LADOTD provided, including all the information prepared as part of the I-12 to Bush Corridor Study. CEMVN completed an analysis using available information on the project and determined that a decision on the permit application would be a major federal

⁴ St. Tammany Parish Road Plan, http://www2.stpgov.org/engineering/10yr_infrastructure_plan_files/frame.htm.

⁵ New Directions 2025 St. Tammany Parish Comprehensive Plan, St. Tammany Parish Transportation Plan.

⁶ *Metropolitan Transportation Plan*, East St. Tammany/Slidell/Mandeville/Covington Urbanized Areas – Fiscal Years 2006–2031, page 25. Regional Planning Commission, November 14, 2006.

action significantly affecting the quality of the human and natural environment. That determination triggered the NEPA requirement that CEMVN prepare an EIS.

As part of the EIS preparation, CEMVN held a public scoping meeting at the Abita Springs town hall on January 22, 2009. The purpose of the meeting was to solicit input into the scoping process from all interested governmental agencies, tribes, nongovernmental organizations, and individuals. On the basis of the comments received during the scoping process, CEMVN prepared a Scoping Report in March 2009 (CEMVN 2009). That report explains the purpose of the scoping process, summarizes the scoping meeting comments, and provides an outline and organization for the EIS. Details of the scoping process are provided in Section 1.6.3.

1.3 PROPOSED ACTION

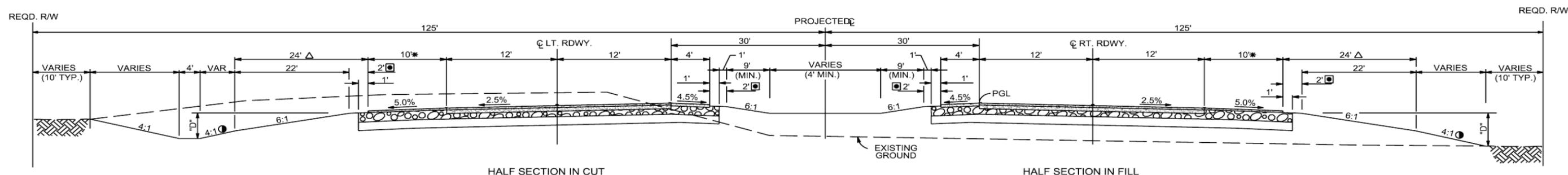
LADOTD proposes to construct a high-speed, four-lane arterial highway from the southern terminus of the current, modern four-lane arterial portion of LA 21 in Bush, Louisiana, to I-12, a distance between 17.4 and 21 miles. The majority of the proposed highway would be designed as a rural arterial road *RA-3* with a design speed of 70 miles per hour, which, according to LADOTD, generally equates to a posted speed limit of 65 miles per hour. As stated by LADOTD and Federal Highway Administration (FHWA), the rural minor arterial road system should, in conjunction with the principal arterial system, form a rural network having the following characteristics (FHWA 1989):

1. Link cities and larger towns (and other traffic generators, such as major resort areas, that are capable of attracting travel over similarly long distances) and form an integrated network providing interstate and intercounty service.
2. Be spaced at such intervals, consistent with population density, so that all developed areas of the state are within a reasonable distance of an arterial highway.
3. Provide (because of the two characteristics defined immediately above) service to corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials therefore constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to through movement.

The typical cross section would have two 12-foot travel lanes, an 8- to 10-foot outside shoulder, and a 4-foot inside shoulder in each direction (Figure 1-2). The median width would vary depending on highway design class used ranging between 40 and 60 feet, and a maximum ROW requirement of 250 feet. The exception to that design could be as the proposed project transitions into existing roadways (i.e. intersections), and where alternative alignments follow the existing LA 21.

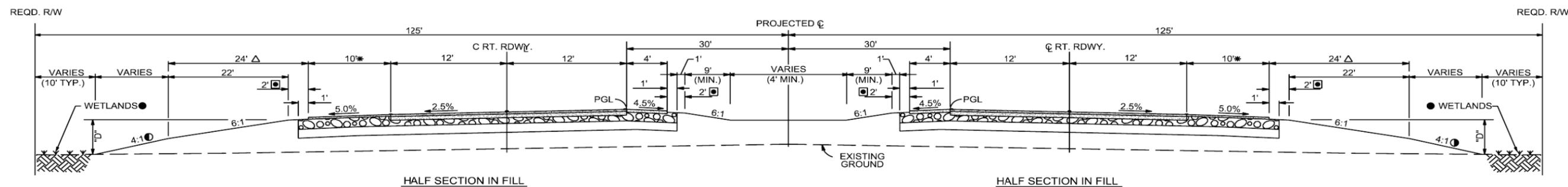
To ensure an adequate foundation, existing soils could be excavated and hauled-in earthen fill obtained from an undetermined source could be deposited to elevate the highway embankment over natural grades. Borrow and useable material for the project would be obtained from outside the project area (the area bounded by LA 21 to west, LA 41 to east, and I-12 to south) from LADOTD-approved sites in non-wet areas. Roadway embankments would be sloped with inside slopes of approximately 6:1 for 26 feet from edge of shoulder and then 4:1 thereafter. Roadside ditches would be constructed as required to reduce ponding along the roadway. A typical design of the ditch would be 4 feet below existing grade with a width of 4 feet. Ditches would be employed to divert surface water flow to structural highway crossings as required. Drainage

Figure 1-2 - Typical section



- 4:1 FORE SLOPES ALLOWED OUTSIDE OF CLEAR ZONE
- △ TO BE CONSTRUCTED FREE OF OBSTRUCTIONS
- MAINTAIN ROADWAY SHOULDER SLOPE
- * 2 - FOOT MINIMUM PAVED SHOULDER
FULL SHOULDER WIDTH TO BE PAVED FOR ADT OVER 5,000

TYPICAL SECTION (IN UPLANDS)
RURAL ARTERIAL (RA-3)
(DESIGN SPEED = 70 MPH)
(SEE PLATES FOR SECTION LIMITS)



- 4:1 FORE SLOPES ALLOWED OUTSIDE OF CLEAR ZONE
- △ TO BE CONSTRUCTED FREE OF OBSTRUCTIONS
- MAINTAIN ROADWAY SHOULDER SLOPE
- * 2 - FOOT MINIMUM PAVED SHOULDER
FULL SHOULDER WIDTH TO BE PAVED FOR ADT OVER 5,000
- ROADSIDE DITCHES SHALL NOT BE CONSTRUCTED IN WETLAND AREAS

TYPICAL SECTION (IN WETLANDS)
RURAL ARTERIAL (RA-3)
(DESIGN SPEED = 70 MPH)
(SEE PLATES FOR SECTION LIMITS)

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION, BIDDING,
RECORDATION, CONVEYANCE, SALES, OR AS
THE BASIS FOR THE ISSUANCE OF A PERMIT.

NOTE: PAVEMENT SECTION TO BE DETERMINED DURING DESIGN PHASE.

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structures would be identified so as to have no net impact on the drainage of the area when considering peak runoff flows during the 10-, 50-, and 100-year storms at each of the locations. Drainage structures could include bridges, reinforced boxes, or reinforced pipes depending on the flow to be passed through the structure.

1.4 PROJECT PURPOSE AND NEED

Defining the project purpose is critical to the evaluation of any project and in evaluating project compliance with the CWA section 404(b)(1) guidelines. CEMVN defines two types of purposes for each project: (1) basic purpose to determine water dependency of a project, and (2) overall purpose for identifying and evaluating practicable alternatives. CEMVN defines the basic purpose of the project as to provide for regional transportation needs. As such, the proposed project does not require siting within a special aquatic site to fulfill its basic purpose. In accordance with section 404(b)(1) *Guidelines for Specification of Disposal Sites for Dredged or Fill Material*, Subpart B, Compliance with the Guidelines, [40 CFR 230.10(a)(3)], practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge, which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.

CEMVN defines the overall project purpose as to construct a four-lane arterial highway from the southern terminus of LA 21 in Bush, Louisiana, to I-12. The need for the project is to meet a legislative mandate in Louisiana Revised Statute 47:820.2B(e), which requires, “[t]he Louisiana Highway 3241 project from Interstate 12 to Bush...shall be constructed as a [four]-lane or more highway.” This EIS has been prepared based on CEMVN’s defined purpose and need, but also considered the proposed transportation network improvement anticipated benefits compared to the expected detriments.

To meet the project need, LADOTD proposes to construct a modern, four-lane, arterial highway from the southern terminus of the existing modern, four-lane portion of LA 21 in Bush to I-12. The current four-lane section of LA 21 moves traffic onto a series of two-lane, rural arterials to traverse St. Tammany Parish from north to south. While vehicles travel through rural areas often unimpeded, their presence in urbanized areas places additional demand on existing congested roadways. That can lead to increased frequency of congestion, travel time delays, and accidents. The I-12 to Bush highway would provide an alternative to the older, two-lane, rural roadway system. A four-lane arterial that meets today’s design guidelines could remove a portion of the travelers that are contributing to congestion and delays and provide them with a presumably quicker and perceivably safer means to get to their destinations.

LADOTD has stated that the proposed highway is needed as an alternative north-south connection that could reduce congestion and delays for those traveling from northern St. Tammany Parish and Washington Parish to I-12. The proposed highway could increase safety by reducing the amount of traffic and congestion on existing routes (LA 41 and LA 21/LA 59/US 190), and thereby reducing the potential for accidents. In addition, travel time savings could help support and enhance potential economic development in northern St. Tammany and Washington Parishes. Also, LADOTD is obliged to construct a highway to comply with Louisiana Revised Statute 47:820.2B(e) as stated “[t]he Louisiana Highway 3241 project from Interstate 12 to Bush...shall be constructed as a [four]-lane or more highway.”

As stated by LADOTD, the needs of the proposed action are to:

1. Fulfill the legislative mandate, Louisiana Revised Statute 47:820.2B(e);

2. Provide a logical, direct, modern, high-speed, four-lane arterial to I-12 from the southern terminus of the current, modern, four-lane arterial portion of LA 21;
3. Divert traffic from Washington and northern St. Tammany Parishes onto a four-lane, modern, high-speed arterial to free capacity for local trips on segments of existing routes in southern suburban areas and reduce congestion during peak and some non-peak periods; and
4. Support and enhance the existing and developing economic activities in Washington and northern St. Tammany Parishes that rely on the highway network to reach their markets by providing a travel time savings.

1.5 SCOPE

This EIS was developed in accordance with NEPA, implementing regulations issued by the President's CEQ, and federal regulations for implementing NEPA for federal actions involving navigable waters under the jurisdiction of the USACE as presented at 33 CFR Parts 230 et seq. and in particular 33 CFR 325, Appendix B.

The EIS provides the CEMVN district engineer with information regarding socioeconomic and environmental effects to consider as part of the public interest review of the application in accordance with USACE regulations. This EIS also provides information to other regulatory and commenting agencies and the general public about the likely environmental consequences of the proposed action and alternatives. The NEPA process ensures that the public has an opportunity to raise issues and concerns to the district engineer before decisions are made on the permit applications.

An interdisciplinary team of environmental scientists, aquatic and terrestrial biologists, ecologists, geologists, transportation planners, economists, engineers, and cultural resource specialists have analyzed the proposed action and other alternatives in light of existing conditions. The team has identified relevant beneficial and adverse impacts associated with the action. This document analyzes both the direct impacts (those caused by the action and occurring at the same time and place) and the indirect impacts (those caused by the action and occurring later in time or farther removed in distance but still reasonably foreseeable) and the impacts from secondary actions (reasonably foreseeable actions taken by others). The potential for cumulative impacts are also addressed, and mitigation measures are identified where appropriate.

Section 2.0 describes the proposed action, alternatives, and the No Build Alternative in detail. Section 3.0 describes existing environmental conditions that could be affected by the proposed action, and Section 4.0 identifies potential socioeconomic and environmental impacts that could occur by implementing the proposed action.

Several federal and state agencies have joined CEMVN in preparing this EIS. CEMVN is the lead agency, and the other agencies are participating as commenting agencies. Those other agencies bring to the NEPA process information and experience in resource-specific areas and an interest in identifying and analyzing the relevant issues. The following have accepted commenting agency status for preparing the EIS: U.S. Environmental Protection Agency (EPA), U.S. Department of the Interior—Fish and Wildlife Service (USFWS), Louisiana Department of Wildlife and Fisheries (LDWF), LADOTD, and Louisiana State Historic Preservation Office (SHPO).

Pursuant to CWA section 404, CEMVN evaluates DA permit applications for all projects in the study area that could impact jurisdictional wetlands. The human and natural environments consist of a variety of components. Specifically, CEMVN has identified the following issues and components of the human and natural environments for analysis in the EIS: water resources, including hydrologic and hydraulic regimes and wetlands, land use, geology and soils, threatened

and endangered species, air quality, noise, cultural resources, safety, transportation systems, utilities, secondary and cumulative impacts, socioeconomic impacts, environmental justice (impact on minorities and low income groups) (Executive Order [EO] 12898), and protection of children (EO 13045).

1.6 PUBLIC INVOLVEMENT

1.6.1 NEPA Public Involvement Process

Under regulations issued by the CEQ,⁷ the evaluation of potential environmental impacts of federal actions is open to the public. Public participation in the NEPA process promotes open communication between the public and the USACE and better decision making. All persons and organizations that have a potential interest in the proposed action, including minority, low-income, disadvantaged, and Native American groups, are urged to participate in the NEPA environmental analysis process.

Public participation opportunities regarding the proposed action are guided by CEQ regulations and USACE regulation.⁸ Those regulations provide for five major aspects of public participation available in conjunction with preparing this EIS: (1) Notice of Intent (NOI), (2) scoping, (3) 45-day public review of the draft EIS, (4) public hearing on the draft EIS, and (5) 30-day public review of the final EIS. Each of those steps in the process provides for public involvement and is briefly discussed below. Throughout the process, the public can obtain information on the EIS through Dr. James Barlow, Regulatory Branch, New Orleans District, phone (504) 862-2250 or Ms. Brenda Archer, Regulatory Branch, New Orleans District, phone (504) 862-2046.

A Public Involvement Plan (PIP) was prepared as part of the EIS process (Appendix A). That plan describes the framework for broadly distributing and providing public access to information regarding the development of the EIS; promoting an understanding of the NEPA process, studies, and analyses; and providing a number of opportunities for the public to provide input. The specific goals of the plan were to increase public awareness of the NEPA process, to educate the public on the issues associated with the proposed action, and to encourage the public to become involved in the EIS process by attending a public hearing, where they can articulate their concerns.

The PIP also identifies and explains the objective of each of the tasks that will help to ensure that the public understands the EIS process. Implementing those tasks will help strengthen the EIS by providing methods to identify areas of public concern and gathering historical information.

CEMVN also established a project website, www.i12tobush.com, to make information about the EIS process available to a wide audience. The website includes a description of the EIS and NEPA processes, information on the Draft EIS and Final EIS, information on the public hearing, media information such as press releases, a project history, and a way to submit comments electronically. Contacts for media inquiries and more information about the EIS are available on the website.

1.6.2 Notice of Intent

The NOI, informing the public that an EIS will be prepared, is the first formal step in the NEPA public involvement process. The notice is published in the *Federal Register* before the start of the scoping process by the agency proposing the action. The NOI includes a description of the proposed action and gives the name and address of an agency contact person. The NOI declaring

⁷ Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500–1508.

⁸ NEPA Implementation Procedures for the Regulatory Program, 33 CFR Part 325, Appendix B.

CEMVN's intent to prepare an EIS was published in the *Federal Register* on November 19, 2008 (Appendix B).⁹ The NOI states:

The USACE, New Orleans District, Regulatory Branch received a request for Department of the Army authorization from the Louisiana Department of Transportation and Development to construct a modern, high-speed, [four]-lane arterial highway from the southern terminus of the current modern [four]-lane arterial portion of LA 21 in Bush, LA to I-12 in St. Tammany Parish, a distance of between 17.4 and 21 miles. The project proposes work in wetlands and structural crossings of various waterways in the project area. The EIS will be used to ensure compliance with the NEPA, to determine the least damaging, yet practicable alternative and as a basis for the permit decision. The USACE will use the EIS in making permitting decisions under section 404 of the CWA, section 10 of the Rivers and Harbors Act, and NEPA.

1.6.3 Scoping Process

The purpose of scoping is to solicit public comment on issues or concerns that should be addressed in the EIS. It is designed to involve the public early in the EIS process. Public comments were solicited through a public notice mailing, media advertisement, and a public scoping meeting held in January 2009. The purpose of the scoping meeting was to engage members of the public and other interested parties in the scoping process for developing the Draft EIS. While informal comments are welcome at any time throughout the process, the scoping period and the scoping meeting provided formal opportunities for public participation in, and comment on, the environmental impact analysis process.

CEMVN conducted the public scoping meeting on January 22, 2009, at the Abita Springs town hall at 22161 Level Street in Abita Springs, Louisiana. A public notice announcing the date, time, and location of the public scoping meeting was published on the CEMVN and LADOTD websites. Notices of scoping meetings were also mailed to LADOTD's solicitation of views mailing list for the area, which included agencies and state and local elected officials. The public notice was also posted on the project website (www.i12tobush.com) and e-mailed to citizens that requested to receive updates via e-mail. In addition, advertisements were published in the *St. Tammany News* and *St. Tammany Farmer* newspapers.

The meeting included a formal presentation and a breakout session for small groups. The presentation included an introduction and explanation of the EIS process and an overview of the project. After the presentation, attendees broke out into smaller groups. Each group was facilitated by a CEMVN representative, and attendees were asked to suggest factors to be considered during the EIS process. All comments were recorded in writing.

Approximately 100 participants signed in for the scoping meeting. Sixty-six individuals provided comments at the scoping meeting. Additionally, two e-mail comments and five written comments were received during the comment period after the scoping meeting. Comments concerning the EIS were requested to be submitted by February 23, 2009. Table 1-2 displays the categorization of specific comments received by subject matter during the scoping process. The most numerous comments were in regards to potential *Environmental Consequences* followed in descending order by *Alternatives*; *Affected Environment*; *Consultation, Coordination, and Compliance*; and *Purpose and Need*.

⁹ *Federal Register*, Vol. 73, No. 224, Wednesday, November 19, 2008, page 69616.

**Table 1-2.
Categorization of scoping comments by subject matter**

Source of comment	Purpose and need	Alternatives	Affected environment	Environmental consequences	Consultation, coordination, and compliance with regulations	TOTALS
Scoping meeting	3	31	16	61	3	114
Scoping comment letters	1	1	4	4	2	12
E-mail scoping letters	2	3	4	4	0	13
TOTALS	6	35	24	69	5	139

1.6.4 Relevant Public Comments Addressed in the EIS

As a result of the scoping process, issues relevant to the EIS were verified and defined. Relevant issues raised during scoping are addressed under the following resource areas in the EIS:

- *Land Use.* Land use refers to human use of the land for economic production (residential, commercial, industrial, recreational, or other purposes) and for natural resource protection. Land cover, an increasingly important attribute of land use, describes what is physically on the ground. The proposed highway will place demands on the region's resources. In the EIS, CEMVN analyzes the impacts that the proposed highway could have on existing and future land uses. The EIS reflects consideration of existing and proposed development, population growth, recreation resources, zoning regulations, and other issues related to how the land surrounding the proposed highway would be used.
- *Noise.* The EIS has an analysis of any noise-related effects resulting from the use of heavy equipment during construction of the proposed highway and any other noise-generating activities associated with the highway after construction was complete (i.e., increase in traffic).
- *Water Resources and Water Quality.* Water resources include various bodies of water residing or flowing in basins, channels, and other various natural and artificial landforms on the earth's surface. Potential pollutant loads to be analyzed include stormwater runoff into the surrounding watershed. Water quality issues analyzed include dissolved oxygen, nutrients, heavy metals, and other pollutants. In addition, altered surface drainage patterns, changes in the subsurface water table and impacts on wetlands and other waterbodies are analyzed.
- *Ecological Communities.* NEPA requires that analyses conducted for an EIS consider ecological information. Direct and indirect impacts that result in the loss of native vegetation, populations or species of fish and wildlife, sensitive species, wetland areas, and sensitive habitats must be considered for any action involving disturbance in naturally vegetated areas. The EIS evaluates any impacts on state or federally listed threatened or endangered species and nonnative plant and animal management.
- *Infrastructure Systems, Utilities, and Traffic and Transportation Systems.* Analysis of infrastructure, utilities, and transportation systems related to the proposed highway

includes sanitary sewer, stormwater collection and stormwater discharge, electricity, natural gas, telecommunication systems, regional road networks, traffic and congestion, and road improvement and maintenance.

- *Socioeconomic Resources.* Socioeconomics comprises the social, economic, and demographic characteristics of a region. The socioeconomic analysis includes an evaluation of labor force capacity, availability of housing, public services, educational facilities and educational fiscal revenues. The EIS provides historical data (including population, employment, personal income, and regional Gross Domestic Product) to describe the regional growth of the area in the vicinity of the proposed highway. The historical data provide a frame of reference for determining the significance of any impacts on the socioeconomic environment expected as a result of the proposed highway. An economic model was used to generate a forecast that simulates the expected long-term growth of the project area on the basis of past and current trends and conditions. Environmental justice and protection of children are addressed, in accordance with EOs 12898 and 13045.

1.6.5 Additional Resource Areas to be Addressed in the EIS

In addition to the resource areas on which the public commented during the scoping process, the following resource areas or issues are addressed:

- *Soils and Geology.* For this resource, the EIS contains analyses of the environmental aspects of stratigraphy, topography, soils, and sediments; engineering properties of the materials; seismic hazards; slope stability; earthworks; mineral resources; unique landforms; and geological conditions that could limit the construction of the proposed highway, influence contaminant distribution and migration, or influence groundwater resources.
- *Hazardous and Toxic Materials.* This resource area contains analyses of hazardous material management and hazardous waste management.
- *Cultural Resources.* The EIS identifies properties in the project boundary that are on, or eligible for, the National Register of Historic Places (NRHP) or that qualify as Native American traditional cultural properties. The analyses consider impacts on any identified properties that could result from the construction and operation of the proposed highway.
- *Air Quality.* The EIS contains an analysis of the potential impacts the proposed highway could have on air quality in the project area. The EIS has analyses of any impacts on air quality associated with road construction, operation and maintenance activities.

1.6.6 Public Review of the Draft EIS

CEMVN made the Draft EIS available for public review and comment on September 9, 2011, published a notice of availability of the Draft EIS in the *Federal Register*, and sent copies of the Draft EIS to individuals who requested copies and to state and federal cooperating agencies. In addition, CEMVN provided copies of the Draft EIS to local and statewide libraries (Table 1-3). Agencies, organizations, and individuals were invited to review and comment on the document. The Draft EIS was available for a period of 45 days for comments on the proposed action, the alternatives, and the adequacy of the analysis. During the 45-day comment period, CEMVN held a public hearing on September 28, 2011 to receive public comments on the Draft EIS.

**Table 1-3.
Public libraries with copies of the Draft EIS and Final EIS**

St. Tammany Parish Library – Slidell Branch 555 Robert Boulevard Slidell, LA 70458	St. Tammany Parish Library – Abita Springs Branch 71683 Leveson Street Abita Springs, LA 70420	St. Tammany Parish Library – Bush Branch 81597 Highway 41 Bush, LA 70431
St. Tammany Parish Library – Covington Branch 310 W. 21 st Avenue Covington, LA 70433	St. Tammany Parish Library – Mandeville Branch 844 Girod Street Mandeville, LA 70448	St. Tammany Parish Library – Pearl River Branch 64580 Highway 41 Pearl River, LA 70452
Franklinton Library 825 Free Street Franklinton, LA 70438	Bogalusa Library 304 Avenue F Bogalusa, LA 70427	St. Tammany Parish Library – Lee Road Branch 79213 Highway 40 Covington, LA 70435
Louisiana State Library 701 North 4 th Street Baton Rouge, LA 70802	University of New Orleans, Earl K. Long Library, Louisiana Collection 2000 Lakeshore Drive New Orleans, LA 70148	LSU - Shreveport, Noel Memorial Library One University Place Shreveport, LA 71115
McNeese State University Library 300 Beauregard Drive Lake Charles, LA 70605	University of Louisiana at Lafayette, Dupre Library, Louisiana Room Librarian 302 E. St. Mary Boulevard Lafayette, LA 70504	

1.6.7 Final EIS

As provided for in CEQ regulations, CEMVN considered all comments provided by the public and agencies on the Draft EIS (see Section 5.4). The Final EIS incorporates changes suggested by the comments on the Draft EIS, as appropriate, and contains responses to all comments received during the review period. The Final EIS was made available for a 30-day public review period on March 9, 2012. CEMVN has mailed copies of the Final EIS to various federal, state, and local agencies, and placed copies in local libraries (Table 1-3).

1.6.8 Record of Decision

No less than 30 days after the Final EIS is published, CEMVN will prepare a Record of Decision that will provide an overview of the range of alternatives considered for the proposed action, identify the decisions made, and include any required mitigation measures associated with the proposed action.

1.7 REGULATORY AUTHORITIES AND PROCESSES

CEMVN has determined that LADOTD's proposed project requires a DA permit pursuant to section 404 of the CWA because the project proposes work in wetlands and some alternatives propose structural crossings of navigable waterways. Section 404 of the CWA authorizes the USACE to regulate the discharge of dredged or fill materials in waters of the United States, including wetlands. The USACE and EPA jointly administer section 404 insofar as the USACE acts on permits in accordance with guidelines developed by EPA for assessing the environmental impacts of proposed projects.

Per 33 CFR 320.4, *General policies for evaluating permit applications*, the decision of whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed action and its intended use on the public interest. Evaluation of the probable impact that the proposed action could have on the public interest requires a careful

weighing of all those factors that become relevant in each case. The benefits that reasonably can be expected to accrue from the proposed action must be balanced against its reasonably foreseeable detriments. The decision of whether to authorize a proposed action, and if so, the conditions under which it will be allowed to occur, is determined by the outcome of such a general balancing process.

That decision should reflect the national concern for both protecting and using important resources. All factors that could be relevant to the proposal must be considered including the cumulative impacts thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. For activities involving section 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with EPA's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines and criteria (see sections 320.2 and 320.3), a permit will be granted unless the district engineer determines that it would be contrary to the public interest.

The issuance of a DA permit constitutes a federal action. For major federal actions, NEPA¹⁰ requires federal agencies to consider the environmental impacts of proposed actions before they are implemented. NEPA mandates using a defined systematic, interdisciplinary procedure to document the evaluation of the potential environmental impacts resulting from a federal action before making a determination on how to proceed with that action. The EIS provides a description of the environmental settings of the affected project area, describes potential adverse impacts of the proposed project and assesses alternatives to the proposed action, as necessary, to avoid or minimize adverse environmental effects. The environmental information in the EIS helps decision makers, public officials, and citizens to understand the potential environmental consequences of project implementation before decisions are made. This EIS has been undertaken in accordance with the NEPA CEQ regulations, and USACE regulations for implementing NEPA. This EIS has been prepared to address requirements of the USACE Regulatory Program Regulations (33 CFR Parts 320–332), including the USACE regulations at 33 CFR Part 325, Appendix B, and the requirements of the section 404(b)(1) guidelines (40 CFR Part 230).

The USACE is neither a proponent nor an opponent of a permit application. The decision whether to issue a permit is based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the overall public interest. That decision will reflect the national concern for both protection and use of important resources. The benefit that reasonably could be expected to accrue from the proposed action must be balanced against its reasonably foreseeable detriments. All factors that might be relevant to the proposal are considered including the cumulative impacts thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. For activities involving section 404 discharges, a permit will be denied if the discharge that would be authorized by that permit would not comply with guidelines issued by the EPA under section 404(b)(1) of the CWA.

The USACE considers three general criteria in evaluating a permit application: (1) the relative extent of the public and private need for the proposed structure or work; (2) where there are

¹⁰ National Environmental Policy Act of 1969, Pub. L. 91–190, 42 United States Code [U.S.C.] 4321–4347, January 1, 1970.

unresolved conflicts as to resource use, the practicality of using reasonable alternative locations and methods to accomplish the objectives of the proposed structure or work; and (3) the extent and permanence of the beneficial or detrimental impacts that the proposed structure or work would be likely to have on the public and private uses for which the area is suited. The weight of each of those factors can vary with each proposal.

The USACE adds special conditions to permits when such conditions are necessary to satisfy legal requirements or to otherwise satisfy the public interest requirement. Permit conditions are directly related to the impacts of the proposal, appropriate to the scope and degree of those impacts, and reasonably enforceable. If the USACE determines that special conditions are necessary to ensure the proposal will not be contrary to the public interest, but that those conditions would not be reasonably able to be implemented or enforced, the permit is denied.

The USACE evaluates applications for permits for activities that might adversely affect the quality of waters of the United States for compliance with applicable effluent limitations and water quality standards during the construction and subsequent operation of the proposed activity. The evaluation includes considering both point and nonpoint sources of pollution. The CWA assigns responsibility for control of nonpoint sources of pollution to the states. Certification of compliance with applicable effluent limitations and water quality standards required under provisions of CWA section 401 are considered conclusive with respect to water quality considerations unless EPA's Regional Administrator advises of other water quality aspects to be considered.

1.8 RELEVANT STATUTES AND EXECUTIVE ORDERS

A decision on whether to proceed with issuing a permit for construction of the proposed action will be made following an analysis of the environmental and cultural impacts of the proposed action and alternatives for the proposed action. In addressing environmental considerations, the USACE is guided by relevant statutes (and their implementing regulations) and EOs that establish standards and provide guidance on environmental and natural resources management and planning. Those include the Clean Air Act, CWA, Noise Control Act, Endangered Species Act (ESA), National Historic Preservation Act, Archaeological Resources Protection Act, Resource Conservation and Recovery Act, and Toxic Substances Control Act. EOs bearing on the proposed action include EO 11988 (*Floodplain Management*), EO 11990 (*Protection of Wetlands*), EO 12088 (*Federal Compliance with Pollution Control Standards*), EO 12580 (*Superfund Implementation*), EO 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*), EO 13045 (*Protection of Children from Environmental Health Risks and Safety Risks*), EO 13101 (*Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*), EO 13123 (*Greening the Government Through Efficient Energy Management*), EO 13148 (*Greening the Government Through Leadership in Environmental Management*), EO 13175 (*Consultation and Coordination with Indian Tribal Governments*), and EO 13186 (*Responsibilities of Federal Agencies to Protect Migratory Birds*). Those authorities are addressed in various sections throughout this EIS when relevant to environmental resources and conditions. The full text of the laws, regulations, and EOs is available on the Defense Environmental Network & Information Exchange Web site at <http://www.denix.osd.mil>.

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