

RECORD OF DECISION

Inner Harbor Navigation Canal Lock Replacement Project Orleans Parish, Louisiana

I have reviewed the final Supplemental Environmental Impact Statement (SEIS) for the Inner Harbor Navigation Canal (IHNC) Lock Replacement in Orleans Parish, Louisiana, project filed with the U. S. Environmental Protection Agency on April 3, 2009, as well as correspondence received in response to coordination of this document. I find the plan recommended by the District Engineer, New Orleans District, to be in accordance with environmental statutes and in the public interest. Thus, I approve the plan for continued construction.

The project was authorized by an Act of March 29, 1956 [Public Law (PL) 84-455]. This was amended by Section 186 of the Water Resources Development Act (WRDA) of 1976 (PL 94-587) making the construction of bridges associated with the construction of the Mississippi River – Gulf Outlet (MRGO) channel a Federal responsibility. A Site Selection Report prepared by the U. S. Army Corps of Engineers, New Orleans District, and the Port of New Orleans, and approved by the Office of Chief of Engineers in 1976, recommended the Lower Site downstream of Violet, Louisiana, as the best location for a new lock. WRDA of 1986 (PL 99-662) modified the project to locate the new lock at either the existing lock site or at the Violet site. Furthermore, WRDA of 1986 modified the project's cost-sharing agreement. In 1991, the U. S. House of Representatives, Committee on Appropriations enacted the Energy and Water Development Appropriations Bill (Report Number 101-536) which directed the U. S. Army Corps of Engineers, in conjunction with the local sponsor, to develop a community impact mitigation plan to ensure that the communities adjacent to the project remain as complete, livable neighborhoods during and after project construction. WRDA of 1996 (PL 104-303) amended WRDA of 1986 by requiring the implementation of a comprehensive community impact mitigation plan as described in the evaluation report of the New Orleans District Engineer dated August 1995.

The cost sharing for this project was set forth in the WRDA of 1986 and described in the 1997 EIS. However, the project cost-share description in the 1997 EIS was determined to be in error, and the cost-share description was revised in Evaluation Report Supplement Number 1, dated September 20, 2000, as approved by the Deputy Commander for Civil Works. When Congress re-authorized the project in Section 844 of WRDA of 1986, it authorized a new deep-draft lock to replace the existing deep-draft lock and specified that the cost sharing for both the shallow and deep-draft increments shall be consistent with Sections 101 and 102 of WRDA of 1986. Therefore, the cost sharing was modified to be consistent with WRDA of 1986, and the non-Federal interests must provide 25 percent of the incremental construction costs for the deep-draft portion of the project during construction and an additional 10 percent share in cash over a period not to exceed 30 years after completion of construction, at an interest rate determined pursuant to Section 106 of WRDA of 1986, and amendments thereto.

The 1997 EIS entitled "Mississippi River – Gulf Outlet, New Lock and Connecting Channels, Louisiana" evaluated various alternatives to replace the obsolete IHNC Lock to improve

navigation between the Mississippi River in the vicinity of New Orleans, Louisiana, the Gulf Intracoastal Waterway (GIWW), and the MRGO. Initial construction of components of the lock replacement began following completion of the 1997 EIS. In 2007, the Federal District Court, Eastern District of Louisiana, enjoined the project and required the preparation of an SEIS to describe changes in existing conditions after Hurricane Katrina and analyze impacts from the recommended plan and alternatives on these revised existing conditions. In response to the Court Order, the New Orleans District prepared an SEIS. In addition to the no action alternative, three alternatives were evaluated in the SEIS: the 1997 Recommended Plan, the Cast-in-Place Plan, and the Float-in-Place Plan (the recommended plan). These alternatives are fully discussed in the IHNC Lock Replacement Project SEIS, which is hereby incorporated by reference. The recommended plan in the SEIS consists of the following features:

- Construction of a new 110-foot wide, 1,200-foot long and 36-foot deep lock in the IHNC north of Claiborne Avenue Bridge.
- Replacement of the existing St. Claude Avenue Bridge with a low-level, double-bascule bridge and modifications to the Claiborne Avenue Bridge to make it compatible with a new lock.
- Utilization of two separate construction locations, the off-site construction area and a new lock site. The off-site construction area located on the south bank of the GIWW at the Paris Road Bridge would allow for lock module construction in a dry environment and lock modules would be floated to the lock construction site.
- Extension of Mississippi River floodwalls and levees from the existing lock to the new lock location.
- Disposal of large volumes of material hydraulically dredged during lock construction.
- Construction of a confined disposal facility for placement of both stockpiled sediments and contaminated sediments.
- Implementation a community impact mitigation plan.
- Implementation a wetland mitigation plan.

The Float-in-Place Plan has less construction-related impacts on the community than the Cast-in-Place Plan. Because the lock module fabrication would take place at an off-site construction area located along the GIWW, noise, traffic and aesthetic impacts from pile driving and lock module construction would be reduced compared to the Cast-in-Place Plan where lock module construction would occur at the lock replacement site. Based upon an analysis of impacts and costs of the alternative plans, the Float-in-place Plan was reaffirmed to be the recommended plan. Although this plan is, for the most part, the same as the plan recommended in the 1997 EIS, additional evaluation has further refined the location and design of the dredged material disposal sites and the location and size of the off-site construction area. Also, an expanded water quality and sediment evaluation program was conducted, and the impacts of dredging on aquatic resources were analyzed based on extensive data collection. These design refinements and analysis of impacts on the post-Hurricane Katrina natural and human environment reflect the concerns expressed during a public scoping meeting which was held on April 4, 2007. Further, a detailed human health and risk assessment was conducted to address public comments on the draft SEIS concerning the placement of dredged material into an upland confined disposal facility. The results of the assessment indicate that there is a low risk of human health and environmental impacts from the recommended plan for disposal of dredged material.

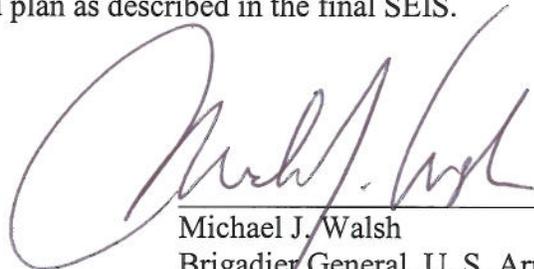
The recommended plan would have adverse impacts on wetlands, bottomland hardwood forest habitat, and wildlife habitat. The construction of an off-site construction area and disposal of some dredged material would impact these habitats. The recommended plan fully mitigates these impacts by restoring approximately 85 acres of wetlands in a triangular-shaped area of open water between Florida Avenue and Bayou Bienvenue. Thus, the environmental functions and environmental values of the habitats impacted by the recommended plan will be replaced by the 85 acres of restored wetlands, resulting in no net loss to the environment. The New Orleans District has developed a wetland mitigation plan and will be responsible for maintenance and monitoring of the wetland restoration project to ensure mitigation success.

The draft SEIS was circulated for public review from October 10, 2008, through January 26, 2009. During the review period, 32 comment letters were received which contained 415 individual comments. Public comments primarily focused on the scope of analysis, dredging operations and dredged material disposal, navigation safety, project design and planning, increased flood risk, vehicular traffic, cost to benefit analysis, and wetland mitigation. The New Orleans District prepared responses to all of the public and agency comments and only made minor changes to the SEIS. Changes made to the SEIS, as a result of public review and comment, included an assessment of a landfill disposal option for the dredged material not suitable for open water disposal and a revised evaluation of human health risk from the confined disposal facility. The final SEIS was circulated for agency and public review from April 3, 2009, through May 4, 2009.

The plan is in compliance with the Endangered Species Act, Sections 401 and 404 of the Clean Water Act, the Coastal Zone Management Act, Executive Order (E.O.) 11988, E.O. 11990, and the National Environmental Policy Act, as well as, other applicable environmental statutes. I have reviewed and evaluated all documents concerning the New Orleans District Engineer's recommendation, the views of interested parties and the general public, prevailing administrative policies and environmental policies, and the various practicable means to avoid or minimize environmental harm from the construction and operation of the project.

All practicable means to avoid or minimize adverse environmental effects have been incorporated into the recommended plan. The public interest will be best served by implementing the recommended plan as described in the final SEIS.

20 May 2009
Date



Michael J. Walsh
Brigadier General, U. S. Army
Division Commander