



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

FINDING OF NO SIGNIFICANT IMPACT

MISSISSIPPI RIVER AND TRIBUTARIES, FIFTH LOUISIANA LEVEE DISTRICT UPPER FIFTH LOUISIANA LEVEE ENLARGEMENT CONCORDIA PARISH, LOUISIANA ENVIRONMENTAL ASSESSMENT #584

The U.S. Army Corps of Engineers (USACE), New Orleans District (USACE), has prepared an Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended. The EA addresses the proposed construction of a levee enlargement along the west bank Mississippi River levee (MRL) in the Fifth Louisiana Levee District, in Concordia Parish, Louisiana. The project is located approximately five miles north of the Old River Control Structure located in Vidalia, Louisiana, and would begin approximately at river mile 320 and end at river mile 317 (levee reach).

The Proposed Action includes construction a levee straddle or slight flood side shift for approximately 19,000 linear feet (3.5-miles) on the west bank MRL (intermittent) in Concordia, Parish, Louisiana. The existing west bank MRL in Concordia Parish has an average grade deficiency ranging up to 4.0-feet throughout the length of the project area. The proposed levee reach has settled over the years and requires approximately 95,000 cubic yards of earthen borrow material to raise the proposed levee reach to the authorized design grade. The earthen material needed to complete the levee enlargement would be obtained from a proposed 12.71-acre borrow site located on the west bank of the Mississippi River on the riverside of the MRL, and approximately 0.25-miles from the work area. Additionally, a proposed 0.64-acre access road (870-feet long and 32-feet wide) would be constructed along the riverside levee toe to access the borrow site. The proposed borrow site and access road are located within riverside forested wetlands (not in federal conservation program) land use type comprised entirely of bottomland hardwood (BLH) forested wetlands

A 0.39-acre proposed staging area will be located within the existing MRL right-of-way on a mowed grass area and is approximately 0.6 miles south and outside of the work area. The staging area can be used by the contractor for field trailers and stockpiling of construction material. Any site work performed by the contractor to establish and use the staging area would be removed upon completion of the levee enlargement construction, and the staging area location would be restored by the contractor to the condition in which the site existed prior to use by the contractor.

In addition to the Proposed Action, a “No Action” alternative was also evaluated.

For the Proposed Action, the potential effects were evaluated. A summary of the potential effects are listed in Table 1:

Table 1: Summary of Potential Effects of the Proposed Action

	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Aquatic resources/Fisheries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered Species – Critical Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terrestrial Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, Toxic & Radioactive Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Proposed Action.

The Proposed Action will result in unavoidable adverse impacts to approximately 13.35 acres of forested wetland resources classified as BLH wetlands. The associated net loss of Average Annual Habitat Units (AAHUs) that would result from the proposed action condition would be -6.5 AAHUs. On July 9, 2021, personnel from the U.S. Fish and Wildlife Service (USFWS) provided a preliminary estimate for work induced impacts to BLH wetland habitats using the Wetland Value Assessment (WVA) model for BLH, which calculated the project’s induced impacts to BLH wetland habitats. As this area is currently experiencing high water, a physical visit wasn’t conducted, but an adequate field inspection would be completed once the area is safe to visit. The USFWS and CEMVN determined that the borrow site habitat’s composition evaluated in EA #516 *“Flood Control, Mississippi River and Tributaries Mississippi River Levees, Old River Seepage, Pointe Coupee and Concordia Parishes, Louisiana”* is similar to the proposed action borrow site, and therefore agreed to use the WVA data from EA #516 as a preliminary estimate. The amount of mitigation credits that would be required to fully compensate for unavoidable impacts to bottomland hardwood wetlands will be determined upon selection of an appropriate compensatory mitigation bank either prior to or concurrent with construction.

Pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended, USACE has determined the proposed action “may affect” the Northern long-eared bat, is “not likely to adversely affect” the pallid sturgeon, and will have “no effect” on the interior least tern and the fat pocketbook mussel. Regarding the Northern long-eared bat, any take that may occur as a result of the proposed action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). The USFWS concurred with this determination and returned a copy of USACE’s letter with their office stamp of concurrence dated July 07, 2021.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, USACE determined that no historic properties would be affected by this undertaking. Concurrence for this determination was received in writing by the Louisiana State Historic Preservation Officer (SHPO) on May 25, 2021, and from the Seminole Nation of Oklahoma on May 4, 2021. No other consulting parties responded within the regulatory consultation timeframe as specified per 36 CFR 800.4(d)(1)(i) and 36 CFR 800.5(c)1. No impact to known or unknown cultural resources is expected to occur by the proposed action. This project would be subject to the standard change in scope of work, unexpected discovery, and unmarked human burial sites act provisions.

Pursuant to the Clean Water Act (CWA) of 1972, as amended, A CWA Section 404(b)(1) public notice was distributed to the public and comments were solicited on June 25, 2021. No adverse comments were received in response to the 30-day public review. A Section 404(b)(1) short form evaluation was signed on August 09, 2021. Additionally, a CWA Section 401 State Water Quality Certificate was received by the Louisiana Department of Environmental Quality for the proposed action in EA #584 on July 13, 2021 (WQC 210708-01).

The following environmental design commitments are an integral part of the proposed action:

1. The Proposed Action would result in unavoidable adverse impacts to approximately 13.35 acres of forested wetland resources classified as bottomland hardwood wetlands. The associated net loss that would result from the proposed action condition would be -6.5 AAHUs. The amount of mitigation credits that would be required to fully compensate for unavoidable impacts to bottomland hardwood wetlands will be determined upon selection of an appropriate compensatory mitigation bank either prior to or concurrent with construction.
2. If the Proposed Action is changed significantly or is not implemented within one year, USACE would reinitiate consultation with the USFWS.
3. **Inadvertent Discovery and Unexpected Effects:** If during the course of work, archaeological artifacts (prehistoric or historic) are discovered or unexpected effects to historic properties, including architecture, architectural elements, and/or archaeology, are identified, the contractor shall stop work in

the general vicinity of the discovery or unexpected effect and take all reasonable measures to avoid or minimize harm to the finds or affected property. The contractor would ensure that the discovery or unexpected effects are secured and stabilized, as necessary, and access to the area is restricted. The contractor shall inform their Operations Division contacts at USACE, who would in turn contact Planning Division (PD) staff. The contractor would not proceed with work until USACE PD completes consultation with the Louisiana SHPO, and others, as appropriate.

4. **Louisiana Unmarked Human Burial Sites Preservation Act:** If human remains or unmarked grave(s) are present within the work area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The contractor shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The contractor shall also notify USACE and the Louisiana Division of Archaeology within seventy-two hours of the discovery. Discoveries of unmarked graves, burials, human remains, or items of cultural patrimony on Federal or Tribal lands shall be subject to the Native American Graves Protection and Repatriation Act (25 U.S.C. §3001-3013, 18 U.S.C. § 1170) and the Archaeological Resources Protection Act of 1979 (16 U.S.C. §470aa – 470mm).

USACE has evaluated the potential environmental impacts of the proposed action in EA #584 (incorporated herein by reference). The proposed action has been found to have an overall beneficial effect on the human environment by insuring adequate flood protection along the flood prone lower Mississippi River. While there would be impacts to BLH wetland resources, these impacts would be fully mitigated in a manner that would provide comparable wildlife habitat value to the areas impacted. Therefore, the overall result of the proposed work would result in no net loss of wetland resources. Additionally, viable aquatic habitat for fish and waterfowl would be created by the excavation of the borrow sites. Based on this assessment, a review of the comments made on draft EA #584, 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, an Environmental Impact Statement will not be prepared.

DRAFT

Date

STEPHEN F. MURPHY
COL, EN
Commanding