



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
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NEW ORLEANS LA 70118-3651

Regional Planning and
Environment Division South
Environmental Planning Branch

**DRAFT FINDING OF NO SIGNIFICANT IMPACT
(DFONSI)**

**ENVIRONMENTAL ASSESSMENT #583
MISSISSIPPI RIVER AND TRIBUTARIES
MORGANZA TO THE GULF OF MEXICO, HUMBLE CANAL GATE SITE
PREPARATION AND INITIAL LEVEE PRELOAD
TERREBONNE PARISH, LOUISIANA**

Description of the Proposed Action:

The U.S. Army Corps of Engineers (USACE), Mississippi River Valley Regional Planning and Environmental Division South (RPEDS), has prepared this Environmental Assessment #583, entitled "Mississippi River and Tributaries, Morganza to the Gulf of Mexico, Louisiana (MRT-MTG), Humble Canal Gate Site Preparation and Initial Levee Preload, Terrebonne Parish, Louisiana," to evaluate the impacts of constructing an initial, or preload levee, to prepare the Humble Canal Floodgate site. This preload levee would tie-in to existing levees constructed by the Terrebonne Levee and Conservation District (TLCD) and other non-Federal entities in the vicinity of the MRT-MTG levee system, between MRT-MTG Reaches I-3 and J-2. Approximately 150,000 cubic yards (cyd) of fill and borrow material comprised of mostly of clay and some sand and rock will be used to construct the preload levee. The preload will be constructed over a wick drain foundation that will extend within and drain the upper 45 feet of clay foundation. The borrow material shall be of naturally occurring earth materials hauled in from Terrebonne Levee and Conservation District's J-1 borrow site which is approximately 100-acres. The Proposed Action to construct the preload levee will directly impact approximately 0.1 acres of open water in the canal and approximately 9.6 acres (2.5 AAHUs) of existing wetlands consisting of fresh and brackish marsh and bottomland hardwoods. EA #583 is attached hereto and incorporated herein by reference.

Authority for the Proposed Action.

The MRT-MTG project was originally authorized for Federal construction by Section 1001(24) of the Water Resources Development Act (WRDA) of 2007, Public Law 110-114, in accordance with the Reports of the Chief of Engineers dated August 23, 2002 and July 22, 2003.

In accordance with the Post Authorization Change Report of the Chief of Engineers dated July 8, 2013, MRT-MTG was then re-authorized by Section 7002(3)5 of the Water Resources Reform and Development Act (WRRDA) 2014, Public Law (P.L.) 113-121, as follows:

“SEC. 7002. AUTHORIZATION OF FINAL FEASIBILITY STUDIES. The following final feasibility studies for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions, described in the respective reports designated in this section:... (3) HURRICANE AND STORM DAMAGE RISK REDUCTION.— ...”

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
5. LA	<i>Morganza to the Gulf</i>	July 8, 2013	<i>Federal: \$6,695,400,000 Non- Federal: \$3,604,600,000 Total: \$10,300,000,000</i>

Updates to the MRT-MTG project are addressed in the MRT-MTG Engineering Documentation Report that is being concurrently prepared.

Factors Considered in Determination. In accordance with the National Environmental Policy Act (NEPA) and other applicable laws and regulations, CEMVN has assessed the impacts of the No Action and the Proposed Action alternatives on important resources, including but not limited to navigation, wetlands, wildlife, aquatic resources/fisheries, essential fish habitat, threatened and endangered species, water and sediment quality, noise and vibration, air quality, cultural, tribal, recreational, and visual resources, environmental justice and socioeconomics. All reasonable means of avoiding and minimizing adverse environmental effects have been adopted. Unavoidable impacts to the approximately 9.6 acres of wetlands will require compensatory mitigation as in-kind mitigation bank credits from a Corps-approved mitigation bank.

Farmland Protection Policy Act of 1981: The Farmland Protection Policy Act of 1981 (FPPA) was enacted to minimize the extent that Federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, would be compatible with the State, local government, and private programs and policies to protect farmland. In review with Natural Resource Conservation Service, no prime or unique farmlands, as defined and protected by the Farmland Protection Policy Act, would be affected by the proposed project.

Coastal Zone Management Act of 1972: The Coastal Zone Management Act requires that "each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs."

Coordination with the Louisiana Department of Natural Resources (LDNR) on a modified coastal zone consistency for C20130001 on the Morganza to the Gulf levee alignment began in an email dated May 7, 2021. LDNR concurred by letter dated June 21, 2021 with the determination that the proposed action is consistent, to the maximum extent practicable, with the Louisiana Coastal Resources Program.

Clean Water Act of 1972 – Section 401 and Section 404: The Clean Water Act (CWA) sets and maintains goals and standards for water quality and purity. Section 401 requires a Water Quality Certification from the Louisiana Department of Environmental Quality (LDEQ) that a proposed project does not violate established effluent limitations and water quality standards. A State Water Quality Certificate (dated June 8, 2021) was received from the Louisiana Department of Environmental Quality on June 15, 2021.

As required by Section 404(b)(1) of CWA, an evaluation to assess the short- and long-term impacts associated with the discharge of dredged and fill materials into waters of the United States resulting from this Project has been initiated. The Section 404(b)(1) public notice was mailed out for a 30-day public review comment period beginning August 12, 2021 and ending September 11, 2021.

National Historic Preservation Act of 1966 and Tribal Consultation: Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The procedures in 36 CFR Part 800 define how Federal agencies meet these statutory responsibilities. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, including the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) and any Tribe that attaches religious or cultural significance to historic properties that may be affected by an undertaking. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. NHPA consultation letters pursuant to Section 106 were mailed to SHPO on June 10, 2021 for 30-day review. In a letter dated July 7, 2021, SHPO concurred that the actions of this EA are determined as having no effect on historic properties.

Endangered Species Act of 1973: The Endangered Species Act (ESA) is designed to protect and recover threatened or endangered species of fish, wildlife and plants. On April 13, 2021, USFWS provided coordination on threatened or endangered species in the project area via the Information for Planning and Consultation online system. The United States Fish and Wildlife Service (USFWS) identified the West Indian manatee in the Project Area and best management practices for avoidance will be included and followed for construction contracts. No plants were identified as being threatened or endangered in the Project Area. In coordination with both USFWS and National Marine Fisheries (NMFS) the project, as proposed, is not likely to adversely affect these resources. This fulfills the requirements under Section 7(a)(2) of the ESA.

Migratory Bird Treaty Act: The bald eagle was removed from the List of Endangered and Threatened Species in August 2007 but continues to be protected under the BGEPA and the MBTA. During nesting season, construction must take place outside of USFWS/LDWF buffer zones. A Corps Biologist and USFWS Biologist survey for nesting birds. This will be done prior to the start of construction.

Magnuson-Stevens Fisheries Conservation and Management Act: The Magnuson-Stevens Fishery Conservation and Management Act (the Act), as amended, addresses the authorized responsibilities for the protection of Essential Fish Habitat (EFH) by NMFS in association with regional fishery management councils. The NMFS has findings with the CEMVN on the fulfillment of coordination requirements under provisions of the Act. In those findings, the CEMVN and NMFS have agreed to complete EFH coordination requirements for Federal civil works projects through the review and comment on NEPA documents prepared for those projects. The draft EA #583 was provided to the NMFS for review and comment on August 12, 2021. Any comments received from NMFS will be included and responded to in fulfillment for the requirements for the Act.

Fish and Wildlife Coordination Act of 1934: The USFWS reviewed the proposed action in accordance with the Fish and Wildlife Coordination Act (48 Stat, 401, as amended; 16 USC 661 et seq.) and provided a draft Fish and Wildlife Coordination Act Report (FWCAR) with project specific recommendations dated May 25, 2021. The service positions and CEMVN responses can be found in Section 5 of EA #583 and the final CAR when received will be included in Appendix D.

Environmental Design Commitments. The following commitments are an integral part of the Proposed Action:

- 1) Any design changes that may cause potential impacts to the human environment would be evaluated to determine whether additional NEPA analysis would be required.
- 2) If any unrecorded cultural resources are determined to exist within the project area boundaries, a CEMVN archeologist would be notified and consultation with the SHPO and THPO would occur.
- 3) Consideration will be given in the design of project features and timing of construction in an effort to avoid adverse impacts to wading bird colonies. Prior to construction, a qualified biologist will inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season.
- 4) For areas 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 nesting colony would be restricted to the non-nesting period. For nesting brown pelicans activity should be avoided within 2,000 feet of the colony. Activity would be restricted within 650 feet of black skimmers, gulls, and terns.

5) All on-site personnel are responsible for observing water-related activities for the presence of manatee(s). All work, equipment, and vessel operation should cease if a manatee is spotted within a 50-foot radius (buffer zone) of the active work area. Once the manatee has left the buffer zone of its own accord (manatees must not be herded or harassed into leaving), or after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).

6) If the project scope changes significantly, new information reveals potential impacts to fish and wildlife resources, modifications to the proposed action reveals potential impacts to fish and wildlife resources, or a new species is listed as threatened or endangered, coordination would be reestablished with USFWS. Coordination with NMFS would also be reestablished for any potential impacts to EFH

7) To the extent possible to achieve the desired project, CEMVN would minimize impacts to wetland habitat.

Public Involvement. The recommended plan was coordinated with appropriate federal, state, and local agencies and businesses, organizations, and individuals through public review of the draft EA #583 with a comment period from August 12, 2021 through September 11, 2021. Any comments on the draft EA #583 received will be included in the final Appendix D

Decision. CEMVN has assessed the environmental impacts of the proposed action on relevant resources in EA #583 and has determined that the proposed action would have no significant adverse impact on the human and natural environment. The recommended plan would have only temporary short-term impacts on navigation, air quality, aquatic resources/fisheries, wildlife, essential fish habitat, noise and vibration, environmental justice, socioeconomics, and water quality during construction. The recommended mitigation measure would consist of the purchase of mitigation bank credits to offset the loss of 0.18 AAHUs of BLH, 1.77 AAHUs of fresh marsh, and 0.58 AAHUs of brackish marsh impacted by construction.

I have reviewed the EA #583 and have considered public and agency comments and recommendations. Based on the assessment conducted in EA #583 which is attached hereto and made a part hereof, and the implementation of the environmental design commitments listed above, I have determined that the recommended plan would have no significant impact on the human environment. Therefore, an Environmental Impact Statement will not be prepared.

Date

STEPHEN F. MURPHY
COL, EN
Commanding