



REPLY TO  
ATTENTION OF

Regional Planning and  
Environmental Division, South  
Environmental Planning  
and Compliance Branch

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

JUN 15 2012

## PUBLIC NOTICE

### Comite River Diversion Supplemental Mitigation Options East Baton Rouge Parish, Louisiana EA #426

Introduction: This Public Notice is issued in accordance with provisions of Title 33 CFR Parts 336.1(b)(1) and 337.1, which establish policy, practices, and procedures to be followed on federal actions involving the disposal of dredged or fill material into waters of the United States which is regulated under Section 404 of the Clean Water Act.

Project Authority: The proposed action is authorized by Section 101(11) of the Water Resources Development Act of 1992 (Public Law 102-580), as amended and reauthorized by Section 301(b)(5) of the Water Resources Development Act of 1996 (Public Law 104-303), and as amended by Section 371 of the Water Resources Development Act of 1999, Public Law 106-53, with technical corrections to Section 371 contained in Section 6 of Public Law 106-109.

Location: Three separate mitigation areas were assessed in the vicinity of North Baton Rouge and Zachary, LA, in East Baton Rouge Parish; The Expanded Comite River Plan, Profit Island, and McHugh Swamp. The Expanded Comite River Plan is between Highway 64 to Hooper Road (Highway 408) and contains 2,895 acres. Profit Island is a 2,318-acre island in the Mississippi River approximately 7 miles west of Baker, Louisiana. McHugh Swamp contains 3,343 acres and is situated south of Lower Zachary Road between Hwy 67 and Hwy 19 (Figure 1).

### Activities Regulated by the CWA within Expanded Comite River Plan

Two large tracts totaling 835 acres were identified by "willing sellers" within the 2,895-acre Expanded Comite River Plan between Highway 64 to Hooper Road (Figures 2A – 2B). Based on analysis of LIDAR (Light Detection and Ranging data), soils, prevalent vegetation and hydrology it was determined that 435 acres of the 835 acres evaluated for mitigation potential are jurisdictional wetlands. The U.S. Army Corps of Engineers (USACE), New Orleans District (MVN) proposes to mechanically clear and grub approximately 60 acres of wet tallow tree stands along the Comite River. Tallow removal activities will not involve the placement of fill material in wetlands, however, clearing and grubbing does constitute a redistribution of fill material and is regulated under the CWA. After the clearing of tallow and the application of herbicide with

“high boy” tractors, 1-2 year old bare root seedlings will be hand planted in these areas with a dibble tool. These areas will not be converted to uplands.

### **Activities Regulated by the CWA within Profit Island**

Based analysis of LIDAR, soils, prevalent vegetation and Mississippi River gauge data it was determined that approximately 2,086 acres of the 2,318 acres on Profit Island are jurisdictional wetlands (Figure 3). The MVN proposes to install four 48" flap gated culverts along an existing 2-mile crushed limestone road running parallel to the southern shore of Profit Island. This activity is expected to temporarily impact 0.5 acres of low quality bottomland hardwood wetlands. The intent of the flap gated culverts is to mimic the natural hydrology of the island and speed the recession of floodwaters off the island, decrease hydroperiod, and promote the overall establishment of bottomland hardwood species on the island. Culvert installation will not result in wetland conversions to upland on the island.

Approximately 1,000 cubic yards of crushed limestone will be placed in a linear fashion to repair/maintain an existing 2-mile long access road that runs the southern perimeter of Profit Island. Approximately 0.5 acres of low quality bottomland hardwood wetland will be impacted by fill material. Activities such as the proposed bushhogging, herbicide application, and hand planting of bottomland hardwood seedlings on Profit Island are not regulated under the CWA.

### **Activities Regulated by the CWA within McHugh Swamp**

Based analysis of LIDAR, soils, prevalent vegetation and hydrology it was determined the land outside of the diversion Right of Way in McHugh swamp contained approximately 2,760 acres are jurisdictional wetlands (Figure 4). The MVN proposes to mechanically clear and grub approximately 262 acres of low-quality tallow tree stands throughout McHugh Swamp which are classified as wetlands. Tallow removal activities will not involve the placement of fill material in wetlands, however, the operation of heavy machinery (bulldozers, tractors, etc.) constitutes a redistribution of fill material and is regulated under the Clean Water Act. After the clearing of tallow and the application of herbicide with “high boy” tractors, 1-2 year old bare root seedlings will be hand planted with a dibble tool. These areas will not be converted to uplands.

**Other Information:** A draft copy of the Environmental Assessment (EA) #426 entitled “Amite River and Tributaries, Comite River Basin, Comite River Diversion, Supplemental Mitigation Options, East Baton Rouge Parish, Louisiana” will be mailed concurrently with this public notice for a 30-day review period. EA #426 will address the impacts associated Comite River Diversion Project and proposed mitigation activities. A Section 404(b)(1) Evaluation is being prepared for the proposed project. The proposed project is not expected to adversely affect threatened or endangered species, or their critical habitat. The U.S. Fish and Wildlife Service concurred with this determination by fax stamped dated May 7, 2012. A water quality certification from the Louisiana Department of Environmental Quality was applied for on May 25, 2012 and is currently pending. The proposed action is not located within the Louisiana Coastal Zone (CZM), and there are no direct or indirect impacts to resources within the coastal zone. The MVN is currently awaiting concurrence from the Louisiana State Historic Preservation Office with MVN’s determination of no effect on historic properties.

Status of EA and Other Environmental Documents: Environmental compliance for the proposed action would be achieved upon: coordination of this EA #426 and draft FONSI with appropriate agencies, organizations, and individuals for their review and comments; public review of the Section 404(b)(1) Public Notice; signing of the Section 404(b)(1) Evaluation; receipt and acceptance or resolution of all U.S. Fish and Wildlife Service Fish and Wildlife Coordination Act recommendations; Louisiana Department of Natural Resources concurrence with the determination that the proposed action is not located within the coastal zone, and that there are no direct or indirect impacts to resources within the coastal zone; and receipt and acceptance or resolution of all Louisiana Department of Environmental Quality comments on the air and water quality impact analysis documented in the EA. The draft FONSI will not be signed until the proposed action achieves environmental compliance with applicable laws and regulations, as described above.

Coordination: The following is a partial list of the Federal and state agencies to which a copy of this notice is being sent:

U.S. Department of the Interior, Fish and Wildlife Service  
U.S. Environmental Protection Agency, Region VI  
U.S. Department of Commerce, National Marine Fisheries Service  
U.S. Natural Resources Conservation Service, State Conservationist  
Advisory Council on Historic Preservation  
Governor's Executive Assistant for Coastal Activities  
Louisiana Department of Wildlife and Fisheries  
Louisiana Department of Natural Resources  
Louisiana Department of Environmental Quality  
Louisiana State Historic Preservation Officer


This notice is being distributed to these and other appropriate Congressional, Federal, state, and local interests, environmental organizations, and other interested parties.

Evaluation Factors: Evaluation includes application of the Section 404(b)(1) guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency (EPA), through 40 CFR 230.

Public Involvement: Interested parties may express their views on the disposal of material associated with the proposed action or suggest modifications. All comments postmarked on or before the expiration of the comment period for this notice will be considered.

Any person who has an interest that may be affected by deposition of excavated or dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by the proposed action. You are requested to communicate the information contained in this notice to any parties who may have an interest in the proposed action.

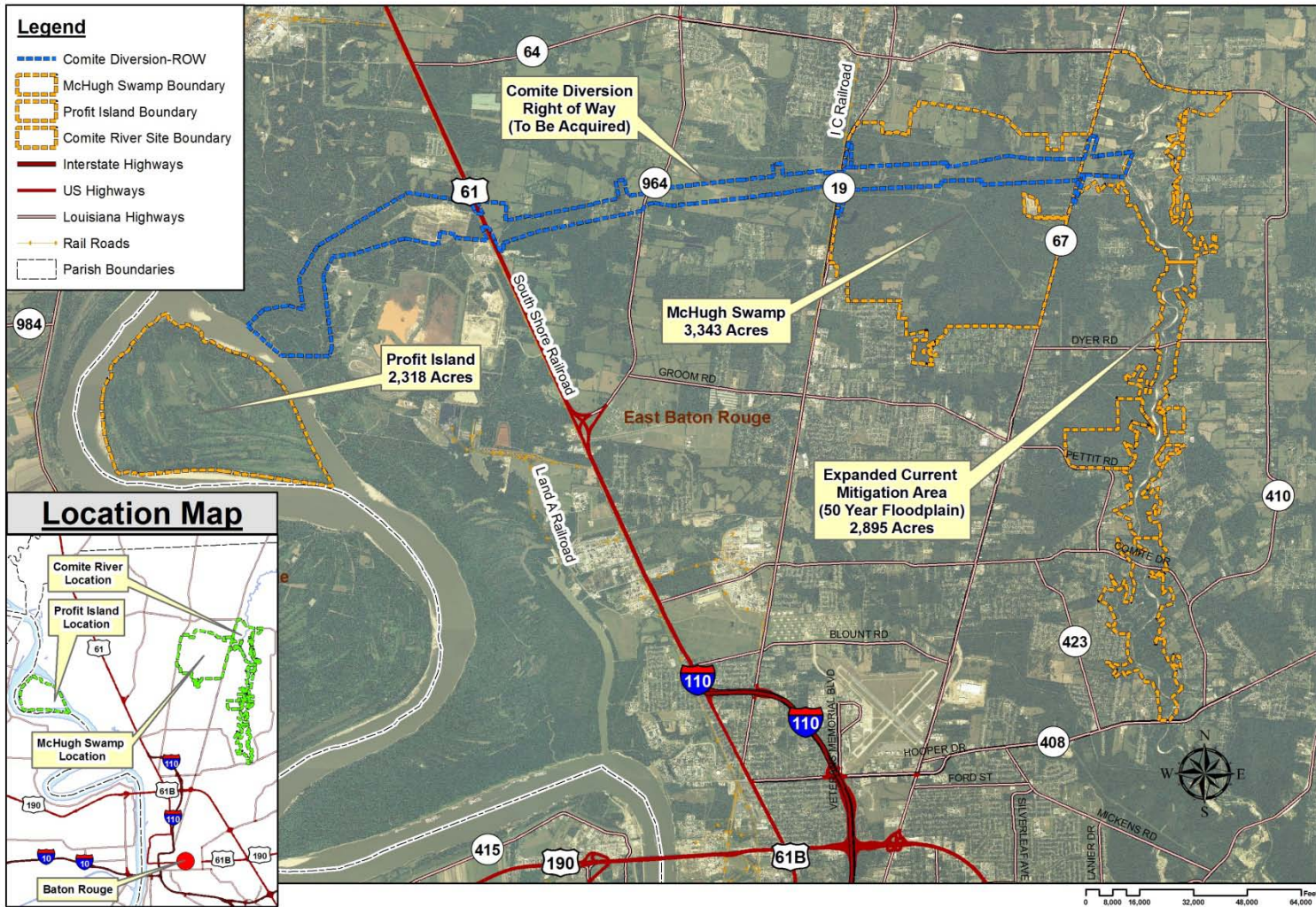
For further information regarding the proposed action, please contact Mr. Steve W. Roberts at (504) 862-2517. Mr. Robert's E-mail address is [steve.w.roberts@usace.army.mil](mailto:steve.w.roberts@usace.army.mil) and his FAX number is (504) 862-2088.

  
for Joan M. Exnicios  
Chief, Environmental Planning Branch

COMMENT PERIOD FOR THIS PUBLIC NOTICE EXPIRES: JUL 16 2012

**FIGURE 1 - 404 PUBLIC NOTICE**  
**COMITE RIVER DIVERSION PROJECT**  
**REGIONAL VICINITY MAP**

May, 2012

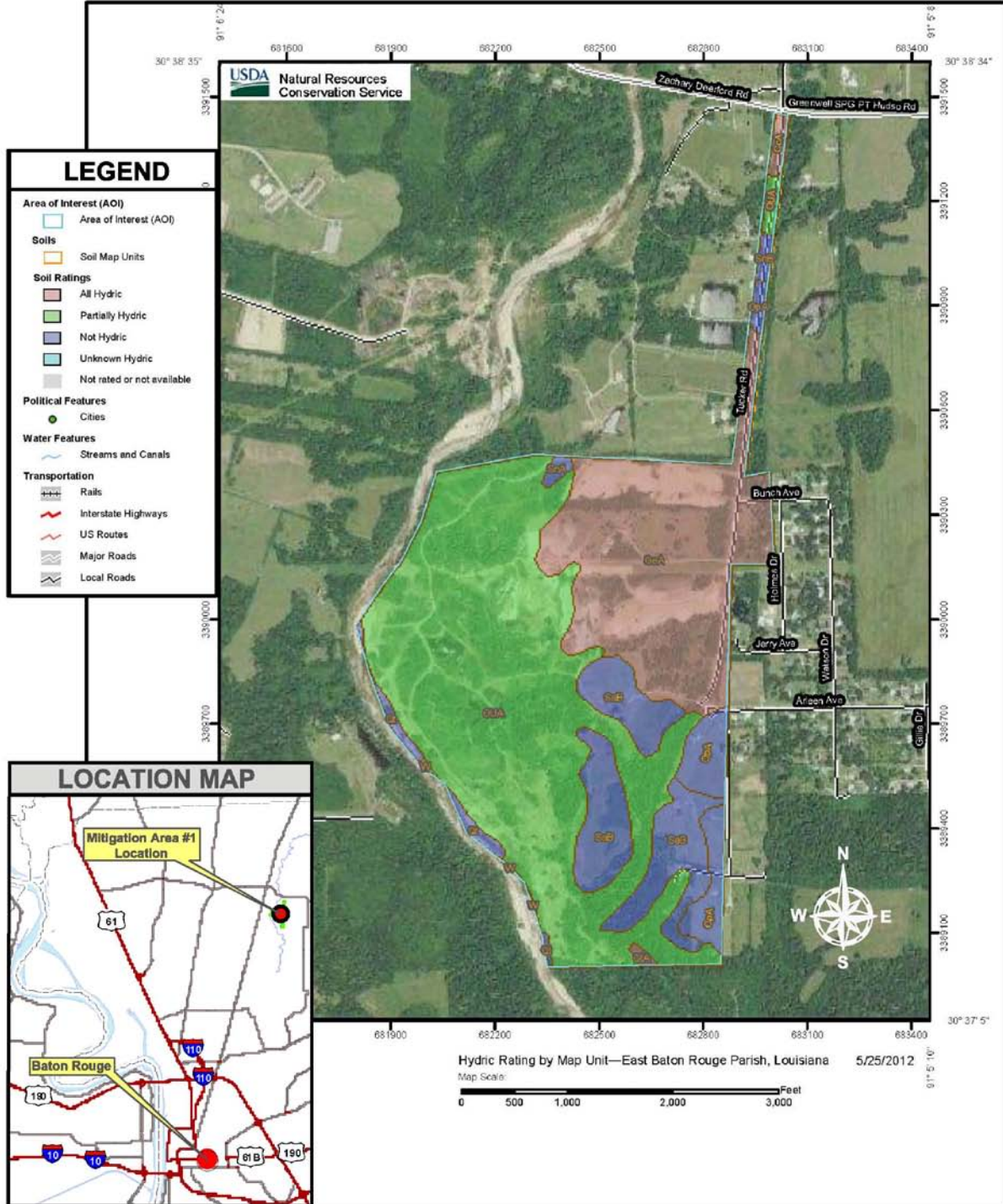




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## FIGURE 2A - 404 PUBLIC NOTICE COMITE RIVER DIVERSION PROJECT COMITE RIVER MITIGATION AREA #1 - HYDRIC SOILS MAP

May, 2012

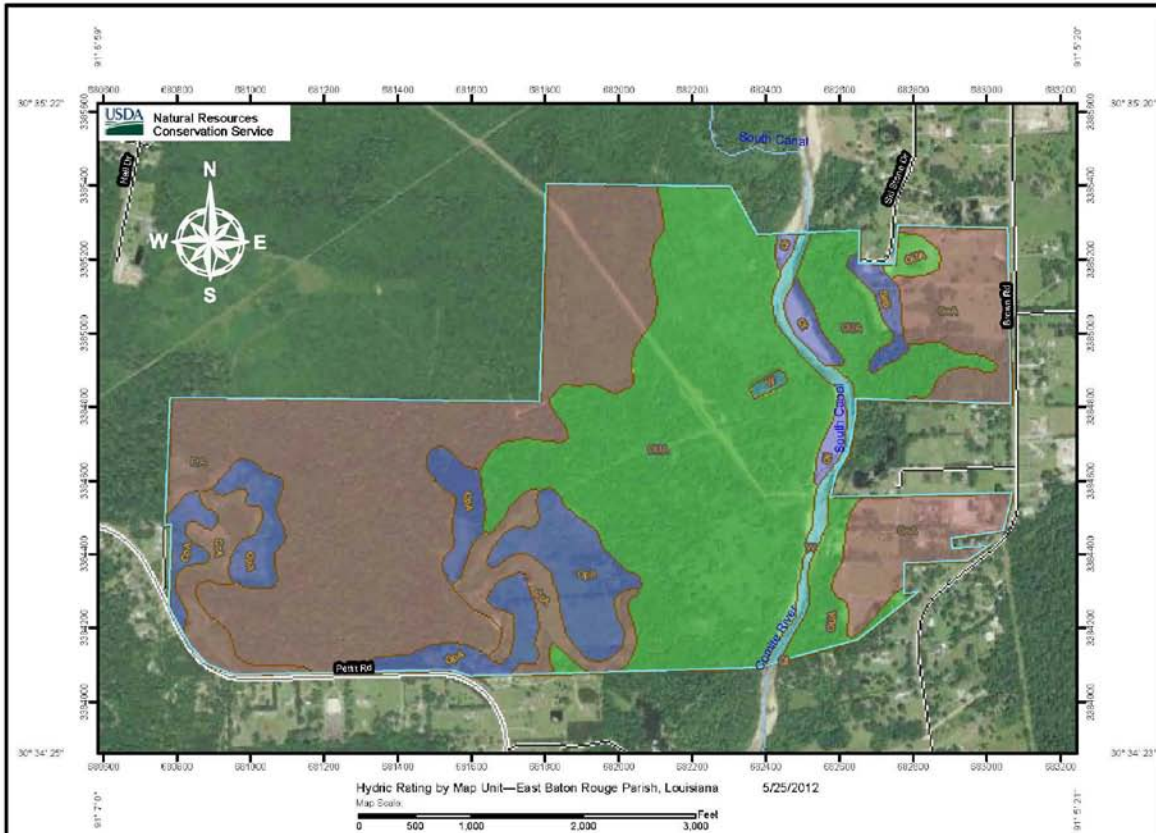




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**FIGURE 2B - 404 PUBLIC NOTICE  
COMITE RIVER DIVERSION PROJECT  
COMITE RIVER MITIGATION AREA #2 - HYDRIC SOILS MAP**

May, 2012



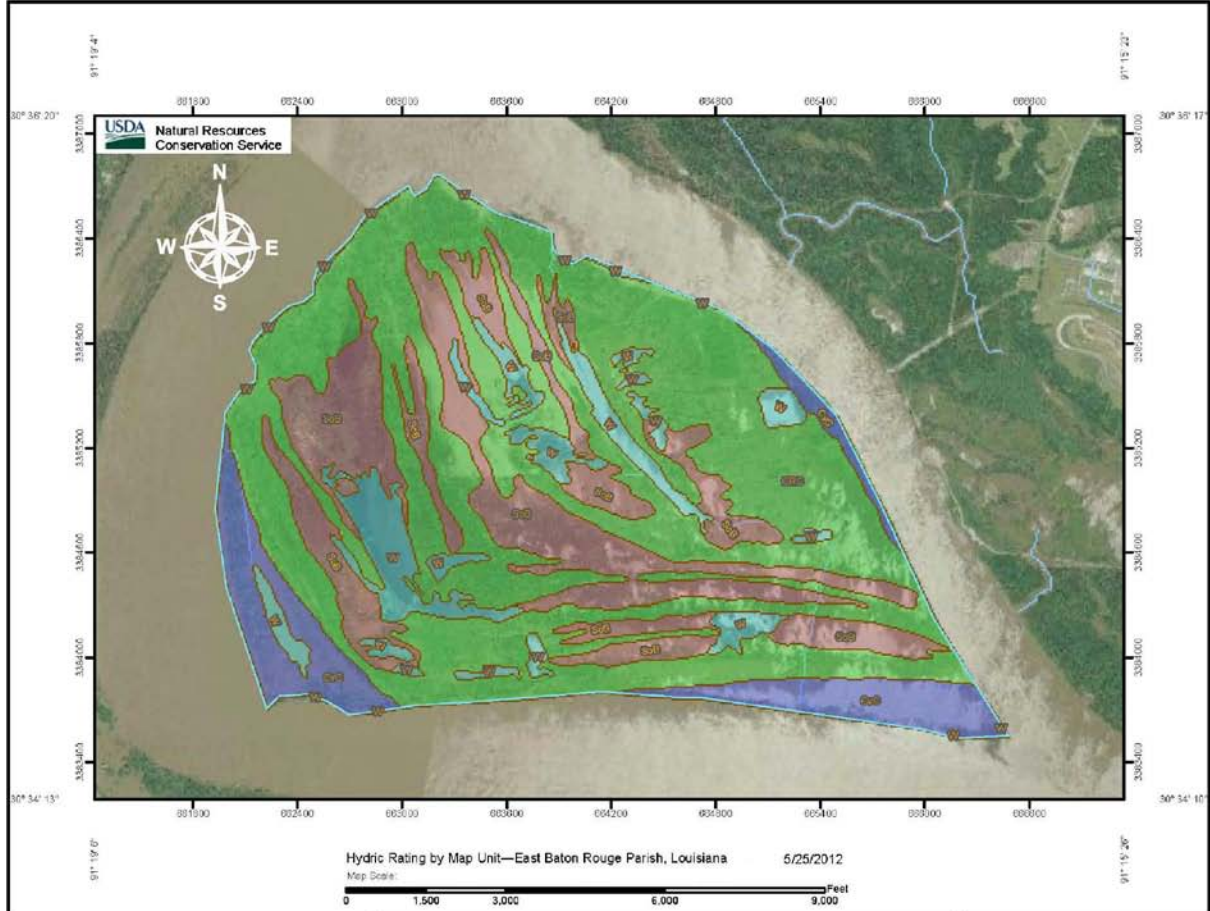
LEGEND	
<b>Area of Interest (AOI)</b>	
	Area of Interest (AOI)
<b>Soils</b>	
	Soil Map Units
<b>Soil Ratings</b>	
	All Hydric
	Partially Hydric
	Not Hydric
	Unknown Hydric
	Not rated or not available
<b>Political Features</b>	
	Cities
<b>Water Features</b>	
	Streams and Canals
<b>Transportation</b>	
	Rails
	Interstate Highways
	US Routes
	Major Roads
	Local Roads



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# FIGURE 3 - 404 PUBLIC NOTICE COMITE RIVER DIVERSION PROJECT PROFIT ISLAND - HYDRIC SOILS MAP

May, 2012



## LOCATION MAP



## LEGEND

- Area of Interest (AOI)**
  - Area of Interest (AOI)
- Soils**
  - Soil Map Units
- Soil Ratings**
  - All Hydric
  - Partially Hydric
  - Not Hydric
  - Unknown Hydric
  - Not rated or not available
- Political Features**
  - Cities
- Water Features**
  - Streams and Canals
- Transportation**
  - Rails
  - Interstate Highways
  - US Routes
  - Major Roads
  - Local Roads

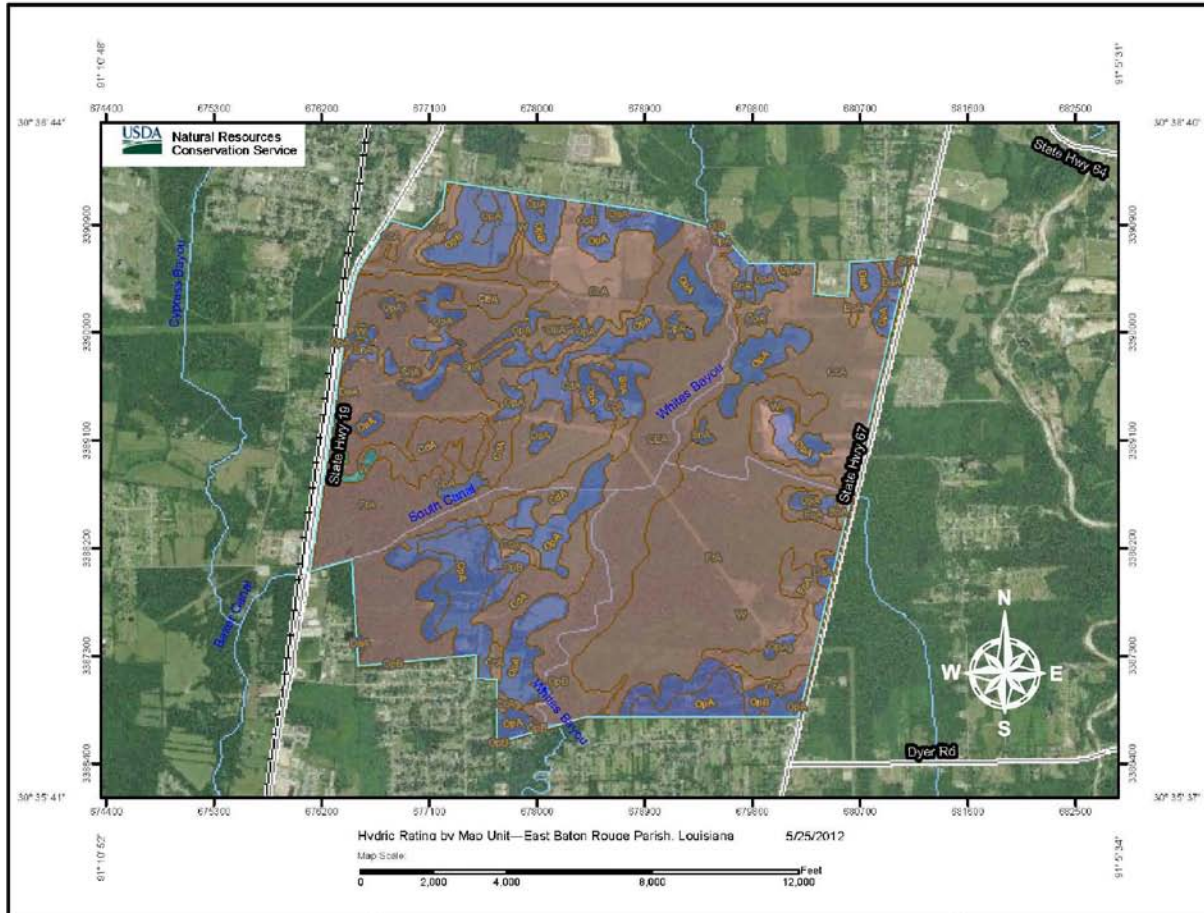




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# FIGURE 4 - 404 PUBLIC NOTICE COMITE RIVER DIVERSION PROJECT McHUGH SWAMP - HYDRIC SOILS MAP

May, 2012



## LOCATION MAP



## LEGEND

- Area of Interest (AOI)**
  - Area of Interest (AOI)
- Soils**
  - Soil Map Units
- Soil Ratings**
  - All Hydric
  - Partially Hydric
  - Not Hydric
  - Unknown Hydric
  - Not rated or not available
- Political Features**
  - Cities
- Water Features**
  - Streams and Canals
- Transportation**
  - Rails
  - Interstate Highways
  - US Routes
  - Major Roads
  - Local Roads