



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

REPLY TO
ATTENTION OF

Regional Planning and Environment
Division South
Environmental Planning Branch

**FINDING OF NO SIGNIFICANT IMPACT
(FONSI)**

**SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT #555
TERREBONNE NON-FEDERAL LEVEE MITIGATION
TERREBONNE PARISH, LOUISIANA**

Description of the Proposed Action (Recommended Plan): The proposed action consists of purchasing brackish marsh credits from the Louisiana Department of Natural Resources (LDNR) In Lieu Fee (ILF) Program and/or mitigation banks to offset the outstanding 6.73 AAHUs brackish marsh mitigation requirement not satisfied through construction of the marsh creation project. Additionally, brackish marsh ILF program and/or mitigation bank credits would be purchased to mitigate the 2.48 AAHUs of damage to the marsh creation project incurred from ATV use of the site with the assumption that the non-Federal sponsor will not allow further damage to the project.

In addition, EA #450's FONSI has the following specific environmental design commitments that would be completed as part of the action proposed in that EA.

6. The local sponsors, Terrebonne Levees Conservation District (TLCD) and Terrebonne Parish Consolidated Government (TPCG) would monitor and maintain the marsh berm. A Conservation Easement would be purchased by TPCG over the marsh berm to prevent any development.

7. The Corps will work with US Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Environmental Protection Agency (EPA), and other interested agencies to develop a final mitigation plan that is fully consistent with the Clean Water Act Section 404(b)(1) Guidelines, particularly with respect to the April 10, 2008, mitigation rule. The Corps will issue a special public notice describing the details of this mitigation plan."

Environmental Design Commitment number 6 is also found in EA #450's USFWS Coordination Act Report (CAR) recommendations. TPCG has not acquired the conservation easement from this commitment. CEMVN's response to USFWS's recommendation is provided below the recommendation.

USFWS Recommendation 4:

4. Fee title or an equivalent easement should be acquired for any mitigation lands to preclude incompatible development and to ensure that the recommended mitigation values are maintained over the project life; costs for development, maintenance, and monitoring of mitigation lands should be allocated as a project first cost in future project funding estimates and requests.

CEMVN Response 4: The TPCG will be required to purchase a conservation easement on the marsh mitigation site. TPCG and TLCD, will be required to implement the Monitoring Plan agreed to by the IMP. The Final Mitigation Plan will indicate actions that must be taken if Success Criteria are not met. Construction of the project is authorized and fully funded by the Emergency Supplemental Appropriations Act for Defense and the Hurricane Recovery of 2006 (Public Law 109-234, Title II, Chapter 3, Flood Control and Coastal Emergencies).

To satisfy EA #450's Environmental Design Commitment number 6 and USFWS Recommendation number 4, in a letter dated 24 October 2017, the TPCG committed to fully undertaking the monitoring, operation, and maintenance responsibilities for the mitigation project (See Appendix B). Additionally, the letter states that they have the necessary right, title, and real estate interests required to perform such responsibilities.

In order to satisfy EA #450's Environmental Design Commitment number 7, SEA #555 presents the final monitoring requirements for the functional portions of the constructed brackish marsh creation project.

Factors Considered in Determination: This U.S. Army Corps of Engineers, New Orleans District ("CEMVN") has assessed the impacts of the "no action" alternative and the recommended plan on important resources including: wetlands; wildlife; threatened and endangered species; essential fish habitat; cultural resources; recreational resources; aesthetics (visual resources); socio-economics; air quality; and noise. On February XX, 2019, draft SEA #555 and the associated draft Finding of No Significant Impact were mailed out for a 30-day public review and comment period. Environmental compliance for the Federal action was achieved based upon the following actions.

Coastal Zone Management Act of 1972

The Coastal Zone Management Act ("CZMA") 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." In accordance with Section 307, a Consistency Determination was prepared for the proposed project and was coordinated with the LDNR in a letter dated 14 June 2018. LDNR concurred by letter dated 5 July 2018 with the determination that the proposed action is consistent, to the

maximum extent practicable, with the Louisiana Coastal Resources Program; Consistency (C20070273 Mod 01; See Appendix B of SEA 555).

Fish and Wildlife Coordination Act of 1934

The Fish and Wildlife Coordination Act (FWCA) provides authority for the USFWS involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. It requires that fish and wildlife resources receive equal consideration to other project features. It requires Federal agencies that construct, license or permit water resource development projects to first consult with the USFWS, and state resource agencies regarding the impacts on fish and wildlife resources and measures to mitigate these impacts. Section 2(b) requires the USFWS to produce a Coordination Act Report (CAR) that details existing fish and wildlife resources in a watershed, potential impacts due to a proposed project and recommendations for a project. The USFWS reviewed the proposed changes to the previously approved mitigation project and provided a draft CAR with project specific recommendations on 5 July 2018 and a Final CAR on XXX. The Draft CAR and Final CAR can be found in Appendix B of SEA 555.

Decision: CEMVN has assessed the environmental impacts of the no action alternative and the proposed action on relevant resources in SEA #555. The proposed action would have no direct impacts to resources evaluated in the SEA and only minimal indirect adverse impacts due to its effect on the amount of brackish marsh in the watershed. It would complete the mitigation required to fully offset the brackish marsh impacts from CEMVN's construction of the Terrebonne NFL project. Potential loss of brackish marsh habitat from the watershed would have minimal impacts on the wildlife populations within this watershed resulting in insignificant reductions in recreational opportunities in the watershed. The proposed action will replace the marsh damaged by construction of the NFL within the Deltaic Plain, which is environmentally preferable to allowing permanent loss of that habitat (under the no action alternative). All practicable means to avoid and minimize environmental harm have been adopted.

Implementing the proposed action would consist of the purchase of ILF and/or mitigation bank credits that would offset the loss of 9.21 AAHUs of brackish marsh impacts.

I have reviewed the SEA #555 and have considered public and agency comments and recommendations. Based on the assessment conducted in SEA #555 which is attached hereto and made a part hereof, 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

Michael Clancy
Colonel, U.S. Army
District Commander