



## RECORD OF DECISION

### **Lake Pontchartrain and Vicinity Final General Reevaluation Report with Environmental Impact Statement**

#### **Louisiana**

The Final Integrated General Reevaluation Report and Environmental Impact Statement (GRR/EIS) dated 1 July 2021, for the Lake Pontchartrain and Vicinity (LPV) Coastal Storm Risk Management Project addresses evaluating the performance of the LPV system given the combined effects of consolidation, settlement, subsidence, and sea level rise over time and new datum to determine if additional actions are recommended to address the economic and life safety risks associated with flooding due to hurricanes and coastal storms in the greater New Orleans area, Louisiana. The final recommendation is contained in the report of the Director of Civil Works, dated 16 December 2021. Based on these reports, the reviews by other Federal, State, and local agencies, Tribes, input of the public, and the review by my staff, I find the plan recommended by the Director of Civil Works to be technically feasible, economically justified, in accordance with environmental statutes, and in the public interest.

The Final GRR/EIS, incorporated herein by reference, evaluated various alternatives that would reduce the risks of life loss and economic damages due to hurricane and storm damage in the study area. The Recommended Plan is the National Economic Development (NED) Plan and includes:

- System-wide levee lifts and raising floodwalls to address the 1% annual exceedance probability (AEP) event. The plan consists of 50 miles of levee lifts and 3 miles of floodwall modifications and replacements.
- Implementation of the environmental compensatory mitigation plan to compensate for unavoidable impacts to wetland bottomland hardwood forests (BLH-Wet). Compensatory mitigation would be accomplished through the purchase of BLH-Wet mitigation bank credits if purchase of credits is feasible and cost-effective. If credit purchase is not feasible and cost effective, mitigation would be accomplished through creation, restoration, or enhancement of BLH-Wet habitat with monitoring to ensure habitat success and adaptive management as appropriate. Monitoring will continue until the mitigation is determined to be successful based on the identified criteria within the LPV Mitigation Plan included in Appendix K. Monitoring is expected to last no more than 10 years.

In addition to a “no action” plan, two alternatives were evaluated. The final array of action alternatives included Alternative 2: System Levee Lifts to the Projected 1% AEP Event in 2078 and Alternative 3: System Levee Lifts in 2078 that Maximizes Benefits. Chapter 6 of the Final GRR/EIS discusses the alternative formulation, and Chapter 8 discusses the alternative evaluation, comparison, and selection. Alternative 2 was identified as the environmentally preferable alternative. Alternative 2 is the Recommended Plan.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the Recommended Plan are listed in Table 1.

**Table 1: Summary of Potential Effects of Recommended Plan**

	Significant adverse effect	Less than significant effects due to mitigation	Less than significant effects	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Forest & wetland resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fisheries & Essential fish habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Human Environment (Socio-economics)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreational	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Uplands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wildlife	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significant adverse effects are anticipated for Soils, Wildlife, and Transportation resources. Section 7.2 of the Final GRR/EIS describes the effects on soils. The Recommended Plan requires approximately 4.6 million cubic yards of fill material for construction activities. No significant impacts to prime farmland soils in the levee footprint are anticipated, but the borrow areas would require 177 acres of soil which will likely be classified as prime farmland. No mitigation measures can be implemented that would reduce the level of impact. Section 7.8 of the Final GRR/EIS describes the effects on wildlife. The Recommended Plan would have significant adverse effects to wildlife resources due to the loss of bottomland hardwood wet (BLH-Wet) habitat adjacent to Mississippi River Levees. Mitigation measures for BLH-Wet are part of the Recommended Plan to avoid significant impacts to wetlands, but compensatory mitigation would not be accomplished near the impact area and the wildlife that use this habitat along the Mississippi River Levees would be impacted locally. Section 7.16 of the Final GRR/EIS describes the effects on transportation. The Recommended Plan would require approximately 329,000 truck trips to haul 4.6 million cubic yards of borrow to the project sites. This increase in truck traffic during construction would be significant.

All practicable means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Recommended Plan. Best management practices (BMPs) and environmental commitments will be implemented to minimize impacts for each resource in Table 1. These environmental commitments are listed for each resource in Chapter 7 of the Final GRR/EIS. A Phase 1 Environmental Site Assessment will be completed prior to construction.

The Recommended Plan will result in unavoidable adverse impacts to BLH-Wet Habitat. To mitigate for these unavoidable adverse impacts, the U.S. Army Corps of Engineers will purchase mitigation bank credits to mitigate adverse impacts (12.1 AAHUs) to BLH-Wet habitat. Appendix K details the mitigation plan.

Public review of the Draft GRR/EIS was completed on 7 February 2020. All comments submitted during the public comment period were responded to in the Final GRR/EIS.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the Recommended Plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: West Indian manatee, Gulf Sturgeon, Pallid Sturgeon, and five species of sea turtles. The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service concurred with this determination on 10 December 2019 and April 23, 2020, respectively.

Pursuant to the Fish and Wildlife Coordination Act of 1934, as amended, the FWS provided a Final Fish and Wildlife Coordination Act Report dated 14 January 2021. The FWS did not oppose implementation of Alternative 2 provided that fourteen conservation recommendations are incorporated. USACE agreed to incorporate all conservation recommendations to the extent practicable. The Final GRR/EIS complies with the Fish and Wildlife Coordination Act.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that, with respect to features that will be constructed within the existing LPV footprint, the Recommended Plan has no adverse effect on historic properties. By letter dated 22 March 2021, the Louisiana State Historic Preservation Officer concurred in that determination. With respect to features that will be constructed in the co-located LPV-Mississippi River Levee footprint, potential effects to historic properties will be addressed through the Mississippi River Levee Supplemental EIS Programmatic Agreement.

Pursuant to the Clean Water Act of 1972, as amended, all discharges of dredged or fill material associated with the Recommended Plan have been found to be compliant with the Section 404(b)(1) Guidelines (40 CFR 230). The evaluation of the Clean Water Act Section 404(b)(1) Guidelines is found in Appendix G of the Final GRR/EIS.

Pursuant to section 401 of the Clean Water Act of 1972, as amended, a water quality certification was obtained from the Louisiana Department of Environmental Quality on 15 December 2020. All conditions of the water quality certification shall be implemented to minimize adverse impacts to water quality.

Pursuant to the Coastal Zone Management Act of 1972, a determination of consistency with the Louisiana Coastal Zone Management program will be obtained from the Louisiana Department of Natural Resources Office of Coastal Management prior to construction. In a letter dated 15 December 2020, the Louisiana Department of Natural Resources Office of Coastal Management stated that the Recommended Plan appears to be consistent with state Coastal Zone Management plans, pending confirmation based on information to be developed during

the pre-construction engineering and design phase. All conditions of the consistency determination shall be implemented to minimize adverse impacts to the coastal zone.

Pursuant to 50 CFR 600.92, an Essential Fish Habitat assessment was completed. In a letter dated 7 February 2020, the National Marine Fisheries Service stated that with the inclusion of pre-construction surveys for submerged aquatic vegetation (SAV) and avoidance measures during construction, impacts to SAV would be minimal. The Service did not provide any Conservation Recommendations.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on the review of these evaluations, I find that benefits of the Recommended Plan outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.

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Date

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Michael L. Connor  
Assistant Secretary of the Army  
(Civil Works)