APPENDICIES

APPENDIX A

From: Parr, Landon CIV USARMY CEMVN (USA)
To: Mouton, Mitchell - FPAC-NRCS, LA
Subject: RE: Proposed Indian Bayou Borrow Area; info request
Date: Thursday, November 7, 2024 5:41:00 PM

Mitchell,
This is fine. I should have provided you more details, please see the borrow area description below. The polygon I provided you represents the larger 6.4-acre work area. Your report covers this area.

"The CEMVN proposes to excavate a 4.5-acre government furnished borrow area. The borrow area will be nested within a larger 6.4 acre work area as shown in Figure 3. This 6.4 acre area will be cleared to accommodate the borrow area, access, and staging areas."

Many Thanks,

Landon Parr, Biologist
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
504-862-1908

From: Mouton, Mitchell - FPAC-NRCS, LA <mitchell.mouton@usda.gov>
Sent: Thursday, November 7, 2024 5:20 PM
To: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Subject: [Non-DoD Source] RE: Proposed Indian Bayou Borrow Area; info request

Hello Landon,

Here is the soils report for the reduce area. My report is coming up with 6.4 acres. This seems to conflict with your calculation of 6.1acres.

Let me know what you think.

Mitch

From: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Sent: Thursday, November 7, 2024 2:02 PM
To: Mouton, Mitchell - FPAC-NRCS, LA <mitchell.mouton@usda.gov>
Subject: RE: Proposed Indian Bayou Borrow Area; info request

Mitchell,
Good afternoon. The subject borrow area that you previously ran a soils report for has been reduced in size from 9.4 acres to 4.5 acres. I've attached the new kmz. Could you please run a new soils report (see previous report in Appendix A attachment) so I can replace the old soils report in Appendix A with the new one? And the only adjustment I need to make in the EA would be updating

the highlighted 6.1 acre value below, this will be less.

Existing Conditions
The USDA NRCS reviewed soils information for the proposed borrow area as it pertains to prime farmland and responded by email on June 11, 2024. Prime farmland soils within the proposed borrow area in Saint Landry Parish are Convent-Commerce complex, gently undulating, occasionally flooded (Ck) and soils not classified as prime farmland soils are Sharkey Clay, 0 to 1 percent slopes, frequency flooded, deltaic plain. Approximately 6.1 acres of prime farmland (i.e., Ck soils) would be impacted by the construction of the borrow area.

Future Conditions with the Proposed Action
BORROW AREA: The proposed action would have adverse direct and permanent impacts on prime farmland soils. Approximately 6.1 acres of prime farmland (i.e., Ck soils) would be impacted by the construction of the borrow area (Appendix A). The proposed borrow area would convert 4.5 acres of degraded wetland to a shallow water aquatic habitat to increase the aquatic ecosystem habitat within the Indian Bayou area. However, removing soils from the proposed borrow area would result in a direct permanent loss of approximately 6.1 acres of prime farmlands, and the area would no longer provide grasses for herbivores such as deer, rabbits, or cattle during winter months. Expected indirect effects from construction would be from the proposed borrow area filling with water and converting to a 4.5-acre pond. The excavation of 4.5 acres of prime and unique farmland resources would contribute to the cumulative loss of these prime farmland resources within the Saint Landry Parish, but because of the extensive availability of similar farmland in the area, the overall impact would be negligible.

Any help would be greatly appreciated!

Landon Parr, Biologist
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
504-862-1908

-----Original Message-----
From: Parr, Landon CIV USARMY CEMVN (USA)
Sent: Tuesday, June 11, 2024 3:54 PM
To: 'Mouton, Mitchell - FPAC-NRCS, LA' <mitchell.mouton@usda.gov>
Subject: RE: Proposed Indian Bayou Borrow Area; info request

Mitchell,
This is perfect, thanks for the quick response.

Best Regards,

Landon Parr, Biologist
U.S. Army Corps of Engineers

New Orleans District
Coastal Compliance Section
504-862-1908

-----Original Message-----
From: Mouton, Mitchell - FPAC-NRCS, LA <mitchell.mouton@usda.gov>
Sent: Tuesday, June 11, 2024 2:44 PM
To: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Subject: [Non-DoD Source] RE: Proposed Indian Bayou Borrow Area; info request

Hello Landon,

Thank you for your email. According to the attached report about 6.1 acres of prime farmland (Ck) will be impacted. The writeup looks good to me. Will you need a formal response, or will this suffice?

Best Regards,

Mitchell Mouton
Louisiana State Soil Scientist
USDA-NRCS Soils Section
3737 Government Street
Alexandria, LA 71302
Work (318) 473-7789
Cell (318) 955-6118
Email: mitchell.mouton@la.usda.gov

-----Original Message-----
From: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Sent: Tuesday, June 11, 2024 12:44 PM
To: Mouton, Mitchell - FPAC-NRCS, LA <mitchell.mouton@usda.gov>
Subject: Proposed Indian Bayou Borrow Area; info request

Hi Mitchell,
We corresponded back in 2019 regarding Prime and Unique Farmlands in the Indian Bayou Area, which is within the USACE Atchafalaya Basin Floodway System. The project I was working on at the time has changed somewhat, we are now proposing a borrow area that would be used to supply material to our nearby levee system. I've attached the kmz of the 9.4-acre borrow area. In my environmental assessment, I have a brief section describing Prime and Unique Farmlands that the borrow area would impact. Could you please check my existing conditions writeup below for accuracy and provide the number of Ck soils impacted?

The USDA NRCS reviewed soils information for the proposed borrow area as it pertains to prime farmland and responded by email on XXXX XX, XXXX. Prime farmland soils within the proposed

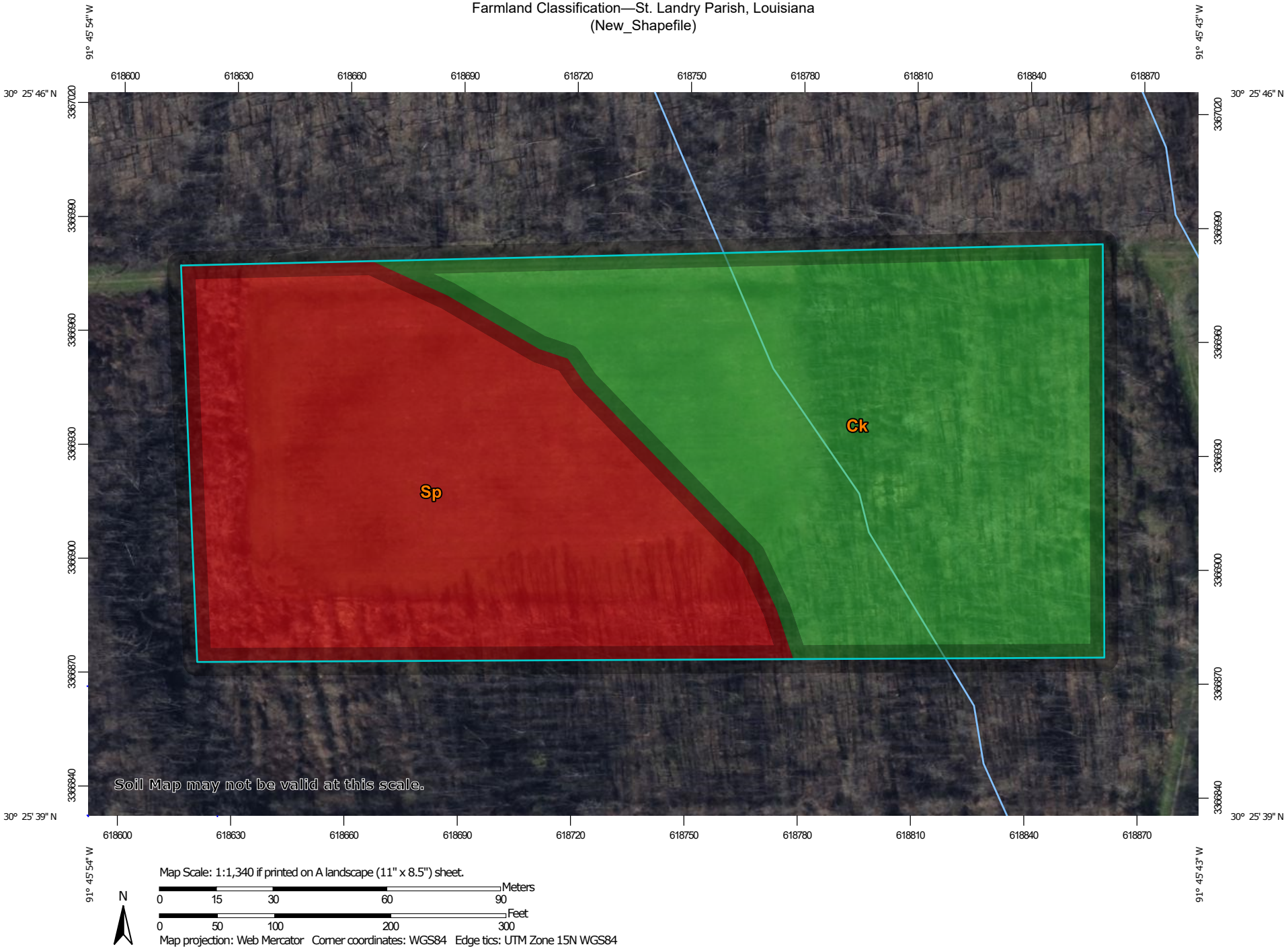
borrow area in Saint Landry Parish are Convent-Commerce complex, gently undulating, occasionally flooded (Ck) and soils not classified as prime farmland soils are Sharkey Clay, 0 to 1 percent slopes, frequency flooded. Approximately XX acres of prime farmland (i.e., Ck soils) would be impacted by the construction of the borrow area.

I've attached what Mike Lindsey provide back in 2019, I believe you have now taken his position. Any help would be greatly appreciated.

Best Regards,

Landon Parr, Biologist
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
504-862-1908

Farmland Classification—St. Landry Parish, Louisiana
(New_Shapefile)



Map Scale: 1:1,340 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 15 30 60 90

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

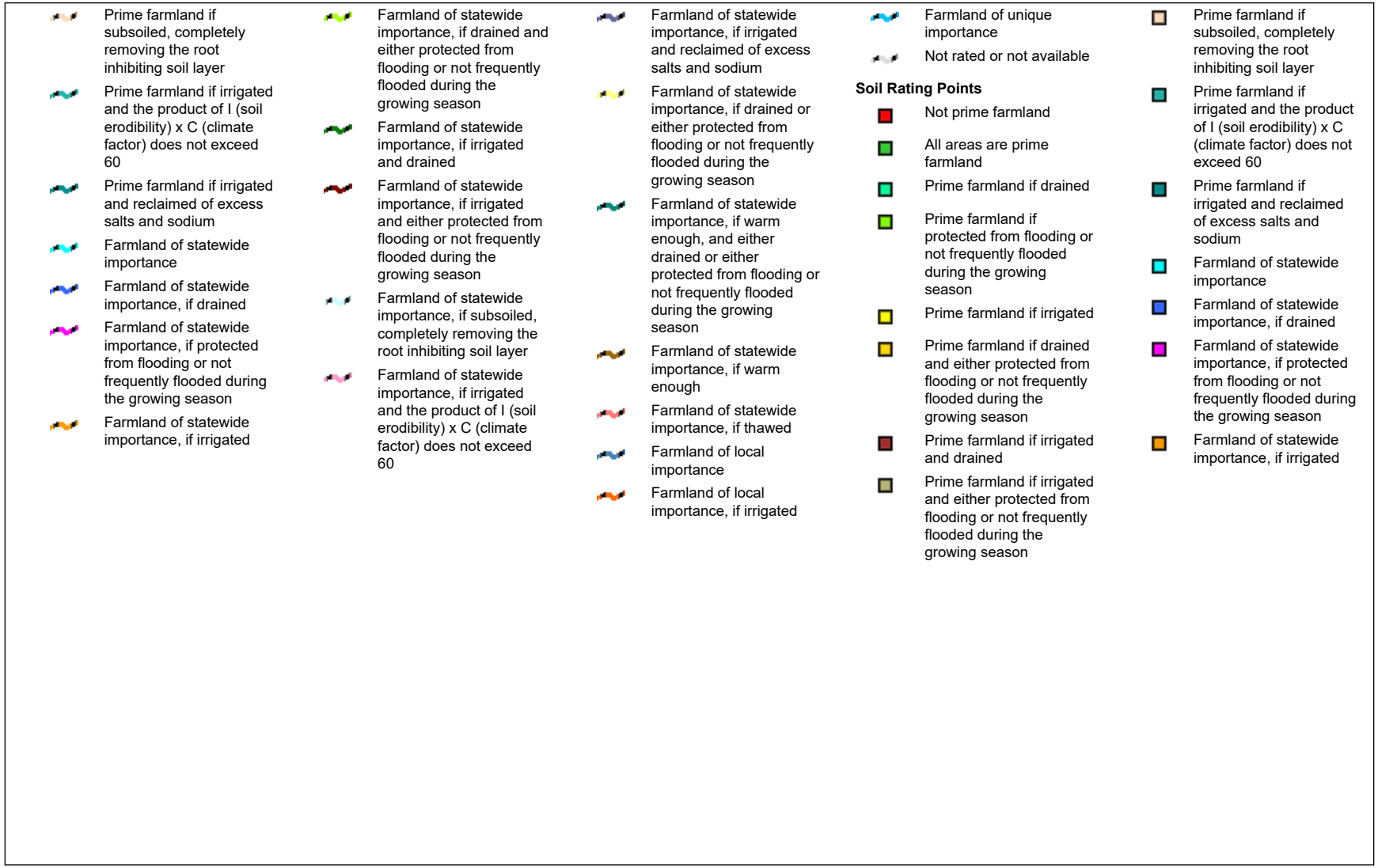
Soils

Soil Rating Polygons

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if subsoiled, completely removing the root inhibiting soil layer
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance
- Farmland of statewide importance, if drained
- Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if irrigated and drained
- Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
- Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough
- Farmland of statewide importance, if thawed
- Farmland of local importance
- Farmland of local importance, if irrigated
- Farmland of unique importance
- Not rated or not available

Soil Rating Lines

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season


Prime farmland if subsoiled, completely removing the root inhibiting soil layer
Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Prime farmland if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance
Farmland of statewide importance, if drained
Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated
Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated and drained
Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if warm enough
Farmland of statewide importance, if thawed
Farmland of local importance
Farmland of local importance, if irrigated
Farmland of unique importance
Not rated or not available
Soil Rating Points
Not prime farmland
All areas are prime farmland
Prime farmland if drained
Prime farmland if protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated
Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated and drained
Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
Prime farmland if subsoiled, completely removing the root inhibiting soil layer
Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Prime farmland if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance
Farmland of statewide importance, if drained
Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated

- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if irrigated and drained
- Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
- Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough
- Farmland of statewide importance, if thawed
- Farmland of local importance
- Farmland of local importance, if irrigated
- Farmland of unique importance
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: St. Landry Parish, Louisiana
Survey Area Data: Version 18, Sep 5, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 12, 2023—Mar 15, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ck	Convent-Commerce complex, gently undulating, occasionally flooded	All areas are prime farmland	3.3	51.3%
Sp	Sharkey clay, 0 to 1 percent slopes, frequently flooded, deltaic plain	Not prime farmland	3.1	48.7%
Totals for Area of Interest			**6.4**	**100.0%**

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

APPENDIX B

From: Lafayette ES, FW4
To: Parr, Landon CIV USARMY CEMVN (USA)
Subject: [Non-DoD Source] Re: [EXTERNAL] Indian Bayou Borrow Area EA; USFWS IPaC question
Date: Monday, June 17, 2024 3:22:11 PM

Landon,

No need to move forward to the "Analyze Project" option as this will take you to the Dkeys, which do not cover proposed (tricolored bat and alligator snapping turtle) and candidate species (monarch butterfly). Based on the species list provided, your project will have no impacts on federally listed species.

As far as the write-up goes, I don't think it is accurate to say the project will have no effect on tricolored bats because they are a tree-roosting species, so removal of trees in suitable habitat could effect them, but it's not likely to adversely affect. Additionally, the write-up below states the alligator snapping turtle is proposed endangered, which is incorrect, it is "Proposed Threatened." With these edits, I think the write-up will be sufficient. If you have any questions, feel free to reach out.

Thanks,

From: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Sent: Monday, June 17, 2024 3:05 PM
To: Lafayette ES, FW4 <lafayette@fws.gov>
Subject: RE: [EXTERNAL] Indian Bayou Borrow Area EA; USFWS IPaC question

Hi, yes a portion of the proposed borrow area is wooded (see attached kmz), and it would be cleared prior to excavation. Please advise regarding the next step, i.e., is it necessary to move forward and utilize the “Analyze Project” option? Or is the writeup below sufficient?

Many Thanks,

Landon Parr, Biologist
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
504-862-1908

From: Lafayette ES, FW4 <lafayette@fws.gov>
Sent: Monday, June 17, 2024 2:41 PM
To: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Subject: [Non-DoD Source] Re: [EXTERNAL] Indian Bayou Borrow Area EA; USFWS IPaC question

Hi Landon,

Determination keys only cover listed species and would not address proposed or candidate species such as TCB, AST, and the monarch. Is the proposed borrow area wooded? As Are there trees to clear before excavating?

Thanks,

From: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Sent: Monday, June 17, 2024 9:14 AM
To: Lafayette ES, FW4 <lafayette@fws.gov>
Subject: [EXTERNAL] Indian Bayou Borrow Area EA; USFWS IPaC question

Hi, it has been a while since I have used IPaC, and I used it on June 10th to generate the attached species list for a proposed borrow area. I am in the process of drafting an Environmental Assessment (EA) for this proposed action. Based on the info within the attached IPaC report, I drafted the language below, which is in the Environmental Consequences T&E section of the EA. This is a relatively simple project, and based on the attached screenshot I am wondering if the attached species list is sufficient, in addition to the draft text below? IPaC did not generate any "Determination Keys", and my notes/guidance from previous IPaC training indicate I may not need to select the "Analyze Project" option as this is usually reserved for large, complex projects. Please advise if what I have presented here is sufficient, or if I need to take additional steps.

BORROW AREA: With the proposed action, approximately 9.4 acres of degraded wetland area would be converted to open water aquatic habitat. Through consultation with the USFWS Information for Planning and Consultation (IPaC), the CEMVN determined there are no critical habitats impacted by the proposed project area. Additionally, the June 10, 2024 IPaC report listed the Tricolored Bat (*Perimyotis subflavus*) and the Alligator Snapping Turtle (*Macrochelys temminckii*) under the "Proposed Endangered" status; and the Monarch Butterfly (*Danaus plexippus*) as a "Candidate" species. Given the preferred habitat of each species, it is highly unlikely they would occupy the proposed work area. Therefore, the CEMVN has determined that the proposed work would have "no effect" on threatened, endangered, or candidate species, or their critical habitat. The USFWS IPaC letter was generated on June 10, 2024 (Appendix B).

Many Thanks,

Landon Parr, Biologist
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
504-862-1908

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To: 06/10/2024 13:59:53 UTC
Project Code: 2024-0101590
Project Name: Indian Bayou Borrow Area

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and candidate species, as well as designated and proposed critical habitat that may occur within the boundary of your proposed project and may be affected by your proposed project. The Fish and Wildlife Service (Service) is providing this list under section 7 (c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Changes in this species list may occur due to new information from updated surveys, changes in species habitat, new listed species and other factors. Because of these possible changes, feel free to contact our office (337-291-3109) for more information or assistance regarding impacts to federally listed species. The Service recommends visiting the IPaC site or the Louisiana Ecological Services Field Office website (https://www.fws.gov/southeast/lafayette) at regular intervals during project planning and implementation for updated species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the habitats upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of Federal trust resources and to determine whether projects may affect Federally listed species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)).

Bald eagles have recovered and were removed from the List of Endangered and Threatened Species as of August 8, 2007. Although no longer listed, please be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668 et seq.).

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance", which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at: https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf

Those guidelines recommend: (1) maintaining a specified distance between the activity and the nest (buffer area); (2) maintaining natural areas (preferably forested) between the activity and nest trees (landscape buffers); and (3) avoiding certain activities during the breeding season. Onsite personnel should be informed of the possible presence of nesting bald eagles within the project boundary, and should identify, avoid, and immediately report any such nests to this office. If a bald eagle nest occurs or is discovered within or adjacent to the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: https://www.fws.gov/southeast/our-services/eagle-technical-assistance/. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary. The Division of Migratory Birds for the Southeast Region of the Service (phone: 404/679-7051, e-mail: SEmigratorybirds@fws.gov) has the lead role in conducting any necessary consultation.

Activities that involve State-designated scenic streams and/or wetlands are regulated by the Louisiana Department of Wildlife and Fisheries and the U.S. Army Corps of Engineers, respectively. We, therefore, recommend that you contact those agencies to determine their interest in proposed projects in these areas.

Activities that would be located within a National Wildlife Refuge are regulated by the refuge staff. We, therefore, recommend that you contact them to determine their interest in proposed projects in these areas.

Additional information on Federal trust species in Louisiana can be obtained from the Louisiana Ecological Services website at: https://www.fws.gov/southeast/lafayette

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

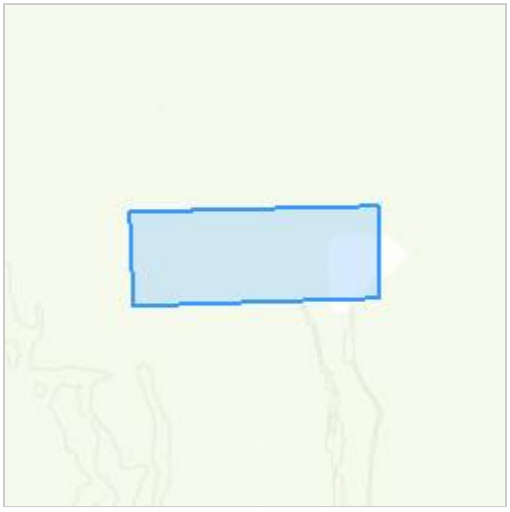
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
(337) 291-3100

PROJECT SUMMARY

Project Code: 2024-0101590
Project Name: Indian Bayou Borrow Area
Project Type: Government / Municipal (Non-Military) Construction
Project Description: The purpose of the proposed action is to provide a borrow source of earthen material to repair a nearby levee slide as part of routine operation and maintenance activities, and to provide a source of borrow material for future operation and maintenance activities (e.g., slides and lifts) associated with the EABPL and WABPL. The proposed action would ensure the ability of the levees to protect life and property from future flooding of the Atchafalaya River.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@30.4286773,-91.7631988362509,14z



Counties: St. Landry County, Louisiana

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

REPTILES

NAME	STATUS
Alligator Snapping Turtle *Macrochelys temminckii* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act[1] and the Migratory Bird Treaty Act[2].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats[3], should follow appropriate regulations and consider

implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

---

1. The Bald and Golden Eagle Protection Act of 1940.
2. The Migratory Birds Treaty Act of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to Bald Eagle Nesting and Sensitivity to Human Activity

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

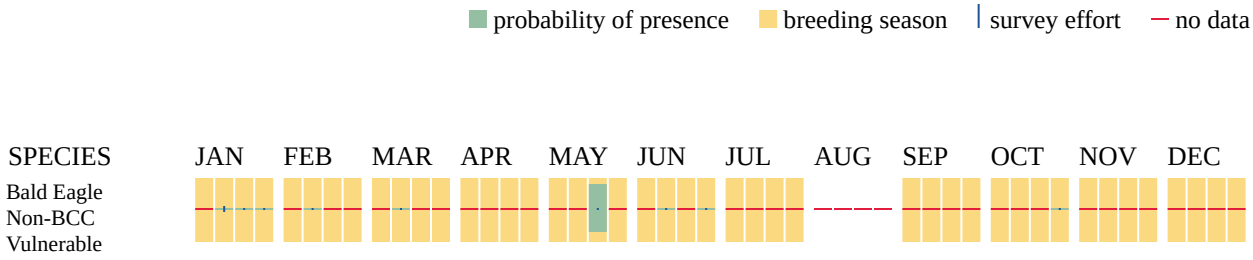
Probability of Presence (▪)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (▪)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats[3] should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Kentucky Warbler *Geothlypis formosa* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9443	Breeds Apr 20 to Aug 20
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Little Blue Heron *Egretta caerulea* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9477	Breeds Mar 10 to Oct 15
Prothonotary Warbler *Protonotaria citrea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Rusty Blackbird *Euphagus carolinus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Swallow-tailed Kite *Elanoides forficatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30
Wood Thrush *Hylocichla mustelina* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental

Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

BCC Rangewide (CON)

Wood Thrush
BCC Rangewide (CON)

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: Landon Parr
Address: 7400 Leake Ave.
City: New Orleans
State: LA
Zip: 70118
Email landon.parr@usace.army.mil
Phone: 5048621908

APPENDIX C

From: Fulmer, Noah J CIV USARMY CEMVN (US)
To: DCRT Section 106
Subject: Section 106 Review: Indian Bayou Habitat Improvement Program
Date: Monday, October 7, 2019 12:02:23 PM
Attachments: SHPO_signed.pdf

Attached, please find a signed consultation letter.

Section 106 Review Consultation
Indian Bayou Habitat Improvement Program St. Landry and St. Martin parishes, Louisiana. (Latitude 30.4291°, Longitude -91.7632°)
Determination: No Historic Properties Affected

Referenced reports will be provided via a download link in a separate email.

Should you have any questions or need additional information regarding this undertaking, please contact Jason Emery, Archaeologist and District Tribal Liaison, U.S. Army Corps of Engineers, New Orleans District at; jason.a.emery@usace.army.mil, (504) 862-2364 or Noah Fulmer, Noah.j.fulmer@usace.army.mil. Archaeologist, U.S. Army Corps of Engineers, New Orleans District.

Noah J. Fulmer
Archaeologist
U.S. Army Corps of Engineers, New Orleans District
504-862-1983

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651

Regional Planning and
Environment Division, South
Environmental Planning Branch
Attn: CEMVN-PDS-N

Kristin Sanders, SHPO
LA State Historic Preservation Officer
P.O. Box 44247
Baton Rouge, LA 70804-4241

RE: Section 106 Review Consultation
Undertaking: Indian Bayou Habitat Improvement Program, St. Landry and St. Martin parishes, Louisiana. (Latitude 30.4291°, Longitude -91.7632°)
Determination: **No Historic Properties Affected**

Dear Ms. Sanders:

The U.S. Army Corps of Engineers, New Orleans District (CEMVN) proposes to improve the forest conditions within the Indian Bayou area of the Atchafalaya Basin Floodway System (ABFS) through the removal of selective low value vegetation and the construction of an impoundment feature. The Indian Bayou Habitat improvement project is located with the federally owned portion of the Atchafalaya Basin Floodway, St. Landry and St. Martin parishes, Louisiana. As part of CEMVN's evaluation and in partial fulfillment of responsibilities under the National Environmental Policy Act (NEPA) and Sections 106 and 110 of the National Historic Preservation Act (NHPA), CEMVN offers you the opportunity to review and comment on the potential of the proposed action described in this letter to affect historic properties.

Description of the Undertaking
The proposed project is within the Indian Bayou area, a part of the ABFS, a leveed floodway located in south-central Louisiana(Figure 1). Indian Bayou area is a typical southern Louisiana bottomland areas, dominated by bald cypress swamps and bayous, it also contains dryland areas. CEMVN proposes to improve CEMVN fee-owned property within the Indian Bayou area. The habitat improvement would involve the development of micro-forest openings within existing high -graded forest canopies to restore and diversify native bottomland hardwood forests types and to maintain an uneven-aged forest structure to increase mast production, create herbaceous browse and cover for wildlife, and to improve overall forest health. Implementation of this action measure would release native saplings, which are currently deprived of sunlight, to

reestablish native ground cover to improve declining wildlife habitat. Poor quality trees, suppressed trees, over mature trees, and species not suitable for wildlife habitat management would be selectively marked and removed by heavy machinery and/or herbicide treatment. Nonfavored tree species would be removed if they are encroaching upon favored species or to provide light for the regeneration of favored species.

Three forested compartments within the Indian Bayou Area have been selected to receive the aforementioned vegetation/timber management measures. The majority of the vegetation/timber management actions would occur in the Riverine Compartment, followed by the Reforestation Compartment, and finally the Bottomland Compartment would require the least amount of management based upon field 2019 field assessments conducted by CEMVN managers and biologists. Some of the cleared tree trunks may be removed off-site by the contractor; other cleared tree trunks may be left on-site to enhance the existing habitat (dead trees can not only provide nutrients to the forest as they decompose, but they can also provide nesting places for wildlife). Remaining braches and leaves would be piled up in nearby non-wetland areas or non-wetland areas adjacent to existing roads to serve as denning areas for wildlife. Access to the three compartments would be through existing roads; additionally, existing staging areas are located along the existing roads in non-wetland areas to allow for the temporary placement of personnel and machinery that would be utilized during clearing activities. The thining would be accomplished by rubber-tired vehicles and other mechanical equipment utilized for timbering operations.

In addition to the vegetation clearing measures, CEMVN also proposes to construct an impoundment feature to enhance the existing fishery resources of the Indian Bayou area and to provide an easily accessible sport fishing pond to the public. The impoundment measure would impact 5.8 acres of degraded non-forested, wetland area. The excavated material taken from the impoundment area would be spread over a 13.8 acre overburden area (i.e.,an area comprised of existing limestone roads and degraded wetlands adjacent to the impoundment). An approximately 4.4 acre work enhancement area would border the impoundment and nearby overburden areas. No heavy machinery would be used to clear this area, only hand-tools would be used to clear and thin this area to enhance the viewscape from the impoundment area (Figure 2 and 3).

Area of Potential Effects (APE)

The APE for direct and indirect effects is represented in Figure x and Enclosure x. The APE for direct effects is limited to the Vegetation/timber management areas across three compartments within the Indian Bayou Area: Reforestation Compartment (2,578 acres), Riverine Compartment (2,649 acres), and Bottomland Compartment (2,888 acres) and to the construction of the impoundment area (24 acres). The total APE for direct and indirect effects measures 8,139 thousand acres in size. (Figure 4).

Identification and Evaluation
Background research and literature review was conducted by CEMVN staff in August and September of 2019. Historic Properties within the APE were identified based on a review of the National Register of Historic Places (NRHP) database, the Louisiana Cultural Resources Map, historic map research, and a review of cultural resources survey reports and cultural resources discussions found in previous Environmental Assessment documents. The information regarding historic properties identified within the APE was evaluated by CEMVN staff using the National Register (NR) Criteria for evaluation as defined at 36 CFR § 60.4. The literature review revealed that there have been two cultural resource surveys within the project APE that resulted in the identification of one site 16SM102, which was determined to be not eligible for listing on the NRHP. The first report was prepared by Earth Search, Inc. dated October 2004 and titled, *Cultural Resources Investigations of Public Access Lands in the Atchafalaya Basin Floodway, Indian Bayou South Project Area, St. Landry and St. Martin Parishes, Louisiana* (LDOA #22-4126). The second report was prepared by Coastal Environments, Inc. dated September 2004 and titled, *Cultural Resources Investigation of Public Access Lands in the Atchafalaya Basin Floodway, Indian Bayou North Project Area, St. Landry Parish, Louisiana*.

The study boundaries of the reports cover the entirety of the impoundment feature and the majority of the vegetation/timber management APE. The general conclusion of the two studies was that there is a very low potential for prehistoric cultural resources within the study areas. The one identified site, site 16SM102, is a historic artifact scatter that was determined to be not eligible for the national register. CEI's 2004 was not originally disturbed to LA SHPO and Tribes for review and comment. USACE has reviewed the document, and based on the information it contains, has determined that there are not historic properties contained in the survey area. It is included as an enclosure to this letter for review.

On September 11, 2019, CEMVN archaeologists conducted a site visit to the proposed impoundment feature area and select locations within the vegetation/timber management compartments. Field investigations were conducted for the entirety of the APE of the impoundment feature, including a walk over visual inspection at 10 meter intervals and a shovel test pit in a central area. No artifacts were encountered. The shovel test pit revealed a soil profile of a clay surface atop layers of alternating red and grey clays with increasing siltyness. Representative photographs of the vegetation/timber management compartment and the impoundment feature area are included.

Assessment of Effects
Based on the information presented in this letter, CEMVN has determined that no historic properties as defined in 36 CFR 800.16(l) are within the APE. Therefore,

CEMVN has determined a finding of **No Effect to Historic Properties** for this undertaking and is submitting it to you for your review and comment. CEMVN requests your comments within 30 days

We look forward to your concurrence with this determination. Should you have any questions or need additional information regarding this undertaking, please contact Noah Fulmer at (504) 862-1983, or by email at noah.j.fulmer@usace.army.mil, or Jason Emery, Archaeologist and Tribal Liaison at (504) 862-2364 or by email at jason.a.emery@usace.army.mil.

Sincerely,

MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC: An electronic copy of this letter with enclosures will be provided to the Section 106 Inbox, section106@crt.la.gov.

Enclosures

No known historic properties will be affected by this undertaking. Therefore, our office has no objection to the implementation of this project. This effect determination could change should new information come to our attention.

Kristin P. Sanders

Kristin P. Sanders
State Historic Preservation Officer
Date 11/4/2019

From: Lindsey Bilyeu
To: Fulmer, Noah J CIV USARMY CEMVN (US)
Subject: [Non-DoD Source] RE: Section 106 Review: Indian Bayou Habitat Improvement Program
Date: Wednesday, November 13, 2019 10:56:27 AM

Mr. Fulmer,

The Choctaw Nation of Oklahoma thanks the USACE, New Orleans District, for the correspondence regarding the above referenced project. St. Landry Parish lies in our area of historic interest. The Choctaw Nation Historic Preservation Department concurs with the finding of "no historic properties affected". However, we ask that work be stopped and our office contacted immediately in the event that Native American artifacts or human remains are encountered.

If you have any questions, please contact me.

Thank you,

Lindsey D. Bilyeu, MS
Senior Compliance Review Officer
Historic Preservation Department
Choctaw Nation of Oklahoma
P.O. Box 1210
Durant, OK 74702
580-924-8280 ext. 2631

-----Original Message-----
From: Fulmer, Noah J CIV USARMY CEMVN (US) <Noah.J.Fulmer@usace.army.mil>
Sent: Monday, October 07, 2019 11:35 AM
To: Ian Thompson <ithompson@choctawnation.com>
Cc: Lindsey Bilyeu <lbilyeu@choctawnation.com>
Subject: Section 106 Review: Indian Bayou Habitat Improvement Program

Attached, please find a signed consultation letter.

Section 106 Review Consultation
Indian Bayou Habitat Improvement Program St. Landry and St. Martin parishes, Louisiana. (Latitude 30.4291°, Longitude -91.7632°)
Determination: No Historic Properties Affected

Referenced reports will be provided via a download link in a separate email.

Should you have any questions or need additional information regarding this undertaking, please contact Jason Emery, Archaeologist and District Tribal Liaison, U.S. Army Corps of Engineers, New Orleans District at; jason.a.emery@usace.army.mil, (504) 862-2364 or Noah Fulmer, Noah.j.fulmer@usace.army.mil. Archaeologist, U.S. Army Corps of Engineers, New Orleans District.

Noah J. Fulmer
Archaeologist
U.S. Army Corps of Engineers, New Orleans District

504-862-1983

APPENDIX D

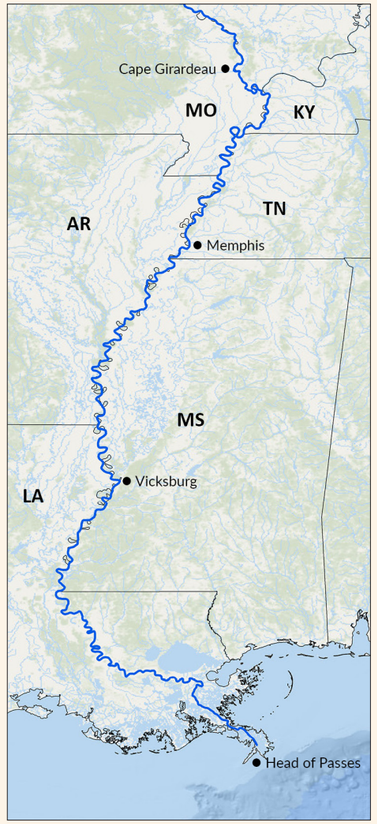
LEVEES ANCHOR FLOOD CONTROL

More than 100 levee construction projects are planned.

Foremost among the flood-control works along the Lower Mississippi River is the 3,500-mile-long Mississippi River and Tributaries (MR&T) levee system. MR&T levees, which are constructed of compacted soil and clay, protect more than 4 million residents, 1.5 million homes, 33,000 farms, and vital transportation routes from destructive floods. The levees are designed to protect the Mississippi River valley against the maximum probable flood by confining flow to the channel and the river's 2-million-acre, leveed floodplain, except where it enters the natural backwater areas or is diverted purposely into floodway areas. The main stem levee system — levees, floodwalls and various control structures — is 2,203 miles long. Some 1,607 miles lie along the Mississippi River and 596 miles lie along the south banks of the Arkansas and Red rivers and in the Atchafalaya Basin. The levees are built by the federal government and are maintained by local interests, except when federal assistance is provided during major floods. Periodic inspections of levees and other flood-control works are made by personnel from the Corps and local levee and drainage districts.

PROJECT AREA

- **Extends from Cape Girardeau, Missouri to the Gulf of Mexico.**
- **More than 100 levee construction and seepage-control projects planned.**



This document was produced by the U.S. Army Corps of Engineers Memphis, Vicksburg and New Orleans districts; the Engineer Research and Development Center; and the Lower Mississippi River Conservation Committee.

US Army Corps of Engineers

ERDC
ENGINEER RESEARCH & DEVELOPMENT CENTER

LOWER MISSISSIPPI RIVER CONSERVATION COMMITTEE
LMRCC

ENVIRONMENTAL DESIGN OF MISSISSIPPI RIVER LEVEE BORROW AREAS

RECOMMENDATIONS FOR PRIVATE LANDOWNERS

LEVEE WORK IMPACT STUDY

Raising a levee with new fill.

The U.S. Army Corps of Engineers has prepared a supplemental environmental impact statement to address the impacts associated with the construction of remaining authorized work on the Mississippi River mainline levees between Cape Girardeau, Missouri, and Head of Passes in Louisiana, where the river meets the Gulf of Mexico. Remaining work includes raising and widening portions of the levee using material from borrow areas and managing seepage to protect levee foundations. More than 100 new borrow areas are planned. The Corps is studying ways to minimize the environmental impacts of borrow area construction, as well as ways of designing new borrow areas so they harbor more fish and wildlife.

FROM PIT TO AQUATIC HABITAT

Sport fish such as White Crappie are common in borrow areas.

The Corps has conducted extensive biological studies of borrow areas along the Lower Mississippi River. Biologists have studied use of borrow areas by fish, migratory waterfowl, wading birds, forest birds, turtles, frogs and, other wildlife. Biologists also have studied the shape, depth, water quality, degree of river flooding, and other characteristics of borrow areas that influence what species of fish and other wildlife will inhabit them. River side borrow areas, or those on the unprotected side of the levee, may be occupied by up to 75 species of fish all or part of the year. The research has also shown that incorporating environmental design features in newly constructed borrow areas can greatly enhance the diversity of fish and other wildlife that inhabit them. Those features include making them mostly bowl-shaped, with deeper areas of up to 10 feet and shallower areas of less than 5 feet; creating sinuous, or curved, shorelines; planting native trees along shorelines; and creating islands. Private landowners can request that the Corps and local levee boards incorporate environment designs features when constructing borrow areas on their property.

BUILDING A BORROW AREA

The U.S. Army Corps of Engineers receives funding for a levee construction project, and project-specific planning and design work begins.

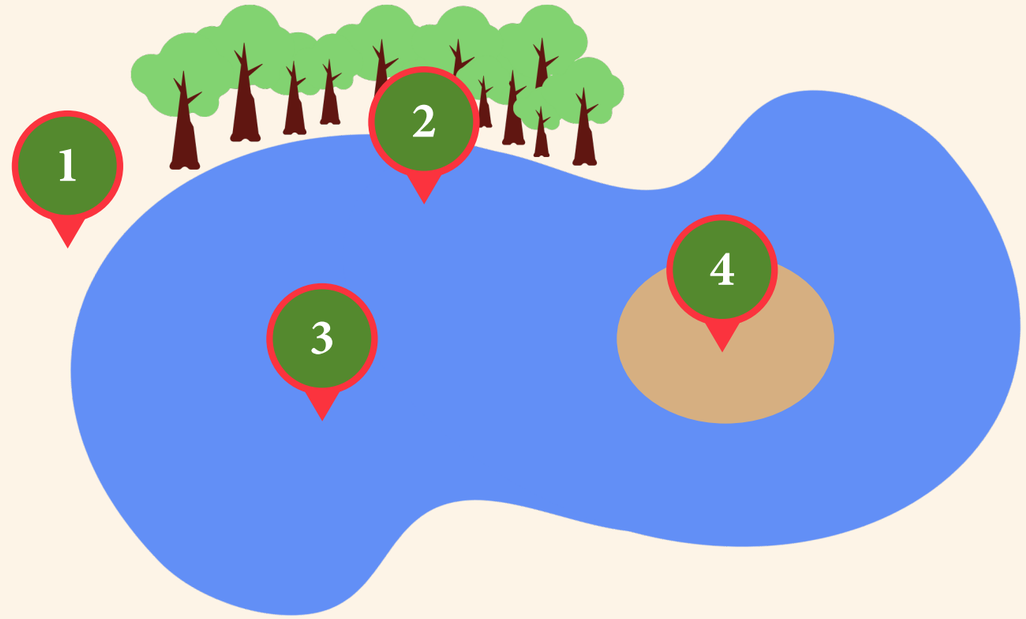
The Corps requests right-of-entry from a private landowner — through a non-federal sponsor such as a local levee district — where a borrow area and associated features are planned. Soil surveys and other preliminary work begins to determine soil suitability and embankment quantities required. During project design efforts, the Corps and non-federal sponsors will work with landowners to facilitate property goals and incorporate environmental features, where appropriate.

Upon design completion, the Corps requests that the non-federal sponsor acquire the necessary right-of-way for the project. The Corps will incorporate environmental features into the construction contract. Levee construction projects, including borrow area excavation, usually take two to three years to complete, but final acceptance of the project is not granted by the Corps until all project features are constructed and turf has been established on newly constructed levee features.

ENVIRONMENTAL DESIGN OF BORROW AREAS

1 Borrow areas can be constructed on the river side or land side of the levee. They can cover up to 20 acres or more.

2 Riparian buffers of native trees should border 50-75% of the periphery.



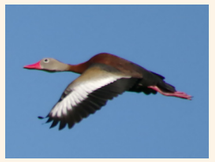
3 Should be bowl-shaped. Deep water (up to 10 feet, 1:3 slope) should cover up to 75%; shallow water (less than 5 feet, 1:10 slope) should cover 25%.

4 Islands and sinuous shorelines create varying depths and promote higher fish diversity.

FISH AND WILDIFE INHABITING BORROW AREAS

Up to 75 species of fish occur in borrow areas. Riverside borrow areas typically harbor more species.

Wading birds such as Roseate Spoonbills, Wood Storks, and Great Egrets regularly feed in borrow areas.



Waterfowl such as Black-bellied Whistling Ducks, Wood Ducks, and Mallards feed and rest in borrow areas.

Forest and wetland birds such as Prothonotary Wablers frequent borrows areas with wooded shorelines.

Reptiles and amphibians such as the Red-eared Slider prefer still waters and woody debris for sunning.

APPENDIX E

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LA 70118-3651

June 11, 2024

Mr. Scott Guilliams
Louisiana Dept. of Env. Quality
Administrator of Water Permits Div.
P.O. Box 4313
Baton Rouge, Louisiana 70821-4313

Dear Mr. Guilliams:

An application for Water Quality Certification (WQC), prepared by the U.S. Army Corps of Engineers, New Orleans District (CEMVN), is enclosed. An Environmental Assessment (EA) "*Mississippi River and Tributaries Project, Atchafalaya Basin Floodway System, Louisiana Project, Indian Bayou Borrow Area, Saint Landry Parish, Louisiana, EA #575"* is in the process of being completed. A copy of draft EA #575 and the associated draft Finding of No Significant Impact will be mailed to your office upon completion. The purpose of the proposed action is to provide a borrow source of earthen material to repair a nearby levee slide as part of routine operation and maintenance activities, and to provide a source of borrow material for future operation and maintenance activities (e.g., slides and lifts) associated with the East Atchafalaya Basin Protection Levee and West Atchafalaya Basin Protection Levee. The proposed action would ensure the ability of the levees to protect life and property from future flooding of the Atchafalaya River. District staff request that a WQC be completed, pursuant to Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C., Section 1341) for the proposed borrow area.

Please provide the Public Notice for publication in the Advocate of Baton Rouge. The person of contact is Mr. Landon Parr at: U.S. Army Corps of Engineers, CEMVN-PDC-C, Attn: Mr. Landon Parr, 7400 Leake Avenue, New Orleans, Louisiana, 70118-3651. Mr. Parr may also be contacted at (504) 862-1908, if questions arise.

In addition to sending us the hard copy of your documents, we request that an e-mail with your transmittal letter and the Public Notice attached be sent to landon.parr@usace.army.mil.

Sincerely,

Mark R. Smith
Chief, Environmental Compliance Branch

Enclosure

U.S. ARMY CORPS OF ENGINEERS

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved – OMB No. 0710-0003 Expires: 02-28-2022

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME

First - **Middle -** **Last -**

Company – U.S. Army Corps of Engineers, New Orleans District

E-mail Address – landon.parr@usace.army.mil

8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)

First - **Middle -** **Last -**

Company -

E-mail Address -

6. APPLICANT'S ADDRESS:

Address -

Regional Planning and Environment Division, South
Coastal Environmental Compliance Section
CEMVN-PDC-C
7400 Leake Avenue
New Orleans, Louisiana 70118
ATTN: Landon Parr

City – New Orleans **State –** Louisiana **Zip –** 70118 **Country -** USA

9. AGENT'S ADDRESS:

Address-

City - **State -** **Zip -** **Country -**

7. APPLICANT'S PHONE NOs. w/AREA CODE

a. Residence **b. Business:** (504) 862-1908 **c. Fax:**

10. AGENTS PHONE NOs. w/AREA CODE

a. Residence **b. Business** **c. Fax**

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

_____ _____

SIGNATURE OF APPLICANT **DATE**

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

Mississippi River and Tributaries Project, Atchafalaya Basin Floodway System, Louisiana Project, Indian Bayou Borrow Area, Saint Landry Parish, Louisiana EA #575

13. NAME OF WATERBODY, IF KNOWN (if applicable)

N/A, the proposed impoundment does not directly connect to a known waterbody.

14. PROJECT STREET ADDRESS (if applicable)

Address

City - **State-** **Zip-**

15. LOCATION OF PROJECT

Saint Landry	*Louisiana*
PARISH	*STATE*

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID	Municipality
N/A	

17. Directions to the site

Borrow area and levee slide access will be from Krotz Springs via South Levee Road, West Atchafalaya Levee Road, and Parish Road 3-95. Parish Road 3-95 leads to an existing gravel road, then to the proposed borrow area (See Figure 2 in the supplementary section below). Parish Road 3-95 leads directly to the levee slide on the Bayou Big Graw West Atchafalaya Basin Protection Levee guide levee near Levee Station 2425+00.

18. Nature of Activity (Description of project, include all features)

The U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN), proposes to excavate a 9.4-acre government furnished borrow area (see Figures 1-3 in supplementary info section below). Approximately 127,000 cubic yards of earthen material would be excavated from the proposed borrow area. Bulldozers would be utilized to clear and grub the proposed borrow area prior to excavation. The borrow area would then be excavated to a depth of approximately –20.0 feet NAVD88, with side slopes of 1-foot vertical on 4-feet horizontal (1V:4H) on all sides. The most prominent soil types in the proposed borrow area are Indian Bayou fat clay loam and lean clay loam. Any vegetation and unsuitable earthen material would be replaced inside the borrow area. A silt fence or similar materials would be placed along the perimeter of the borrow area to contain runoff material during construction activities. Excavated material may be temporarily stockpiled adjacent to the borrow area, and within existing construction easements, to be used as a future source of borrow material for any levee alignment that is part of the East Atchafalaya Basin Protection Levee and West Atchafalaya Basin Protection Levee. All construction activities would be within existing levee rights-of-way or within the borrow area construction easements. Excavation activities would be conducted during dry or low water conditions in as much as practicable. The proposed action would ensure the ability of the East Atchafalaya Basin Protection Levee and West Atchafalaya Basin Protection Levee to protect life and property from future flooding of the Atchafalaya River.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the proposed action is to provide a borrow source of approximately 127,000 cubic yards of earthen material to repair and provide future maintenance of the East Atchafalaya Basin Protection Levee and West Atchafalaya Basin Protection Levee. The proposed action would ensure the ability of the levees to protect life and property from future flooding of the Atchafalaya River.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

N/A

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

N/A

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

N/A

23. Description of Avoidance, Minimization, and Compensation (see instructions)

A silt fence or similar materials would be placed along the perimeter of the borrow area to contain runoff material during construction activities. All construction activities would be within existing levee rights-of-way or within the borrow area construction easements. Excavation activities would be conducted during dry or low water conditions in as much as practicable. See attached supplementary information regarding mitigation.

24. Is Any Portion of the Work Already Complete?

No

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody **(if more than can be entered here, please attach a supplemental list).**

Property immediately adjacent to the proposed borrow area is USACE fee-owned property.

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

N/A

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
SUPPLEMENTARY INFORMATION

MISSISSIPPI RIVER AND TRIBUTARIES PROJECT

ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA PROJECT
INDIAN BAYOU BORROW AREA
SAINT LANDRY PARISH, LOUISIANA EA #575

BLOCK 18. NATURE OF ACTIVITY

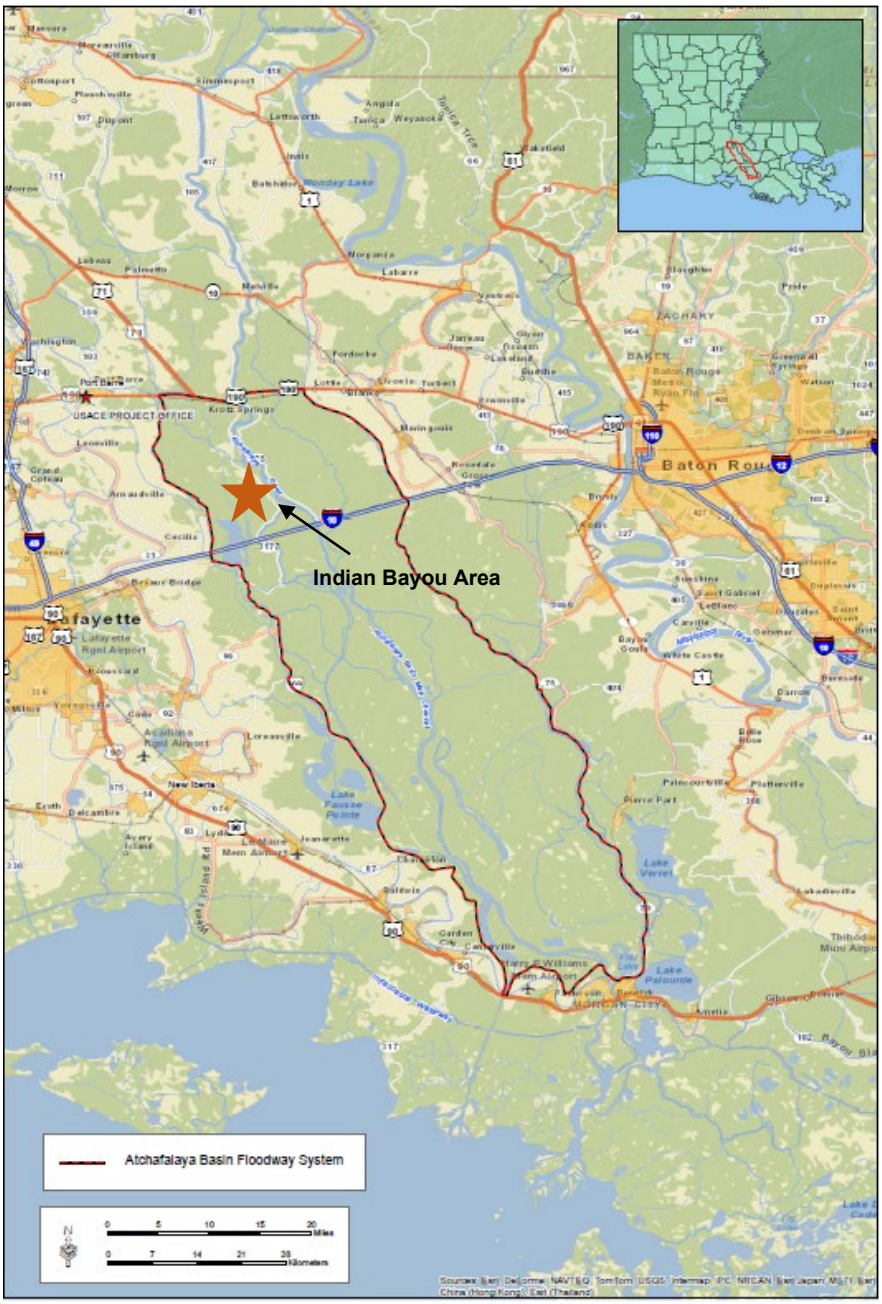


Figure 1: Atchafalaya Basin Floodway System and Indian Bayou Area.

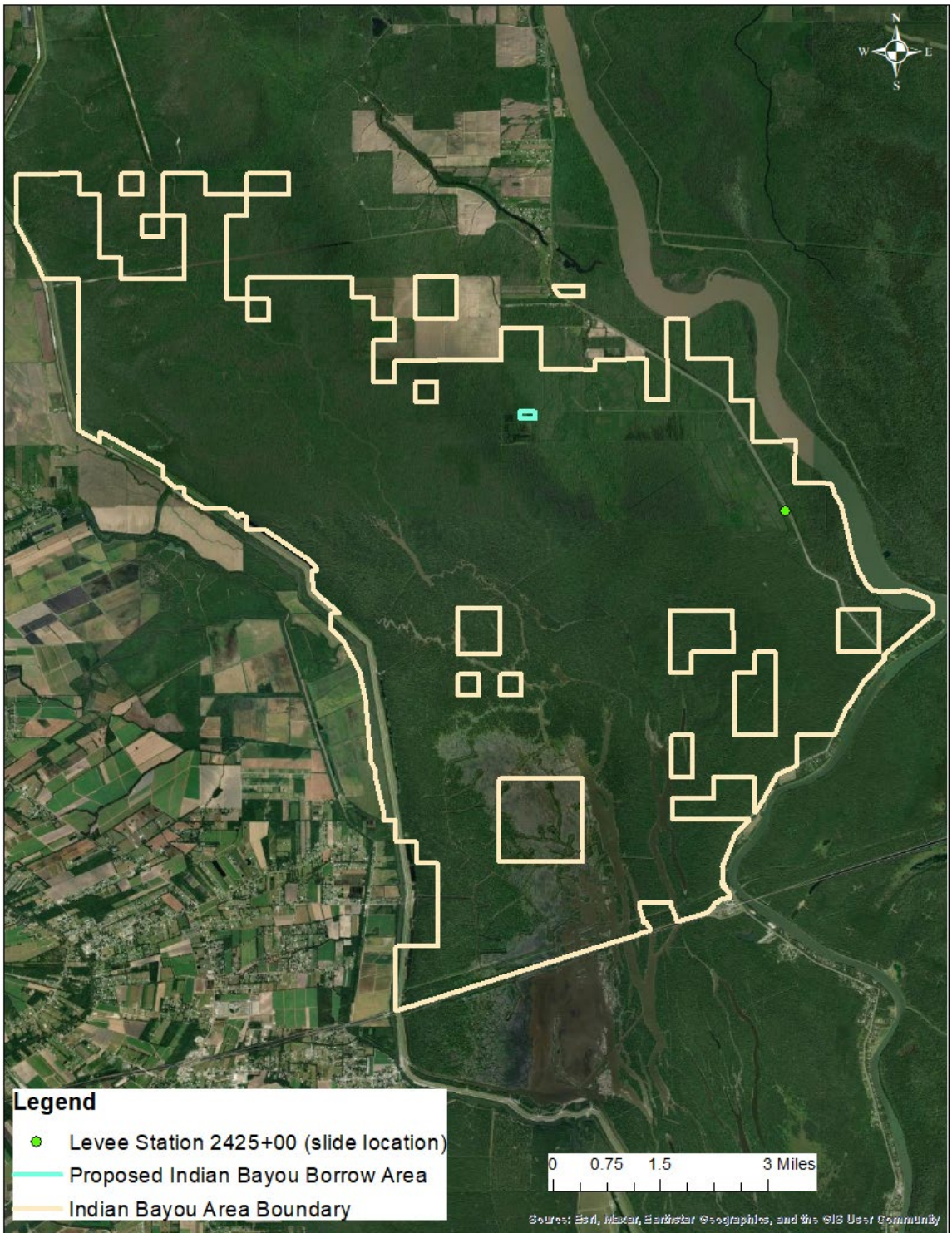


Figure 2: Indian Bayou Area, Proposed Borrow Area, and Levee Slide Location.

Figure 3: Proposed Borrow Area.

BLOCK 23. DESCRIPTION OF AVOIDANCE, MINIMIZATION, AND COMPENSATION

The implementation of the Congressionally authorized Atchafalaya Basin Floodway System (ABFS) Recommended Plan described in the 1982 Final Environmental Impact Statement (FEIS) would result in over 40,000 annualized habitat units (AHU) of forested wetland habitat (bottomland hardwoods and cypress-tupelo), and nearly 3,000 AHU of swamp habitat for the ABFS. These cumulative benefits are specifically provided as a result of the authorized acquisition of interests in real estate in approximately 388,000 acres; 70,000 acres of USACE owned "fee" property to be managed for public access and 318,000 acres of environmental protection easement lands addresses conversion of the land to uses that exceed the existing use and impose limitations on silvicultural operations by the private landowners. Water Resources Development Act (WRDA) 1986 authorized the acquisition of approximately 48,000 acres of fee owned lands from willing sellers (now referred to as 50,000 acres). WRDA 2007 authorized the acquisition of an additional 20,000 acres of fee-interest land from willing sellers. Of the authorized 70,000 fee acres, the USACE has purchased about 47,323 acres on both sides of the Atchafalaya River between U.S. Hwy 190 and I-10. Concurrently, the USACE has acquired approximately 94,000 acres of the 318,000 acres of environmental protection easements over private lands in the basin, which will control the harvesting of timber over certain species and sizes of trees and the conversion of the use of those lands to a more intensive use from that which existed at the time of acquisition. Additionally, under the Mississippi River and Tributaries Project, Atchafalaya Basin Flood Control Project, USACE has acquired developmental control easements over the same 94,000 acres that imposes various limitations over construction of new structures and modification of existing structures.

The proposed action would result in a loss of approximately 4.6 AHU of "Early Successional Bottomland Hardwood and Composition Unknown Forest" habitat, based upon the habitat quality index for the local area as set in the 1982 FEIS. Upon project completion, the implementation of the recommended plan described in the FEIS will result in over 40,000 AHU of forested wetland habitat (bottomland hardwoods and cypress-tupelo), and nearly 3,000 AHU of swamp habitat for the ABFS. These gains more than offset the cumulative loss of habitat associated with the projects that qualify for implementation under the ABFS.

The 9.4-acre borrow area will additionally offer some degree of self-mitigation in that it will over time provide aquatic habitat opportunities for fish and wildlife species. Cleared vegetation and unsuitable earthen material would be placed into the excavated area and will provide various habitat for fish and wildlife species upon project completion. Over time, the shoreline fringe is expected to evolve into a functioning herbaceous wetland and provide long-term benefits to the local environment.

The proposed action is in the overall public interest as it will provide construction material for improvement of the East Atchafalaya Basin Protection Levee and West Atchafalaya Basin Protection Levee systems and will protect life and property from future flooding of the Atchafalaya River. Moreover, the environmental and real estate features of the Atchafalaya Basin Flood Control Project have provided for offsetting unavoidable impacts associated with construction or modification of authorized features. Therefore, no further mitigation is needed in

conjunction with the designation and use of the proposed Indian Bayou borrow area.

JEFF LANDRY
GOVERNOR

AURELIA S. GIACOMETTO
SECRETARY

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES

JUL 23 2024

Mr. Landon Parr
Corps of Engineers, New Orleans District
Regional Planning & Environment Division, South
Coastal Environmental Compliance Section
CEMVN-PDC-C
7400 Leake Avenue
New Orleans, LA 70118-3651

AI No.: 101886
Activity No.: CER20240001

RE: Mississippi River and Tributaries Project, Atchafalaya Basin Floodway System, Louisiana Project
Indian Bayou Borrow Area EA #575
Water Quality Certification WQC 240717-02
St. Landry Parish

Dear Mr. Parr:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the application requesting authorization to excavate and place fill to provide a borrow source of earthen material to repair a nearby levee system located in the Atchafalaya floodway approximately 10 miles east of Cecilia, St. Landry Parish.

The information provided in the application has been reviewed to assess compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ has complied with its public notice procedures established pursuant to Clean Water Act Section 401(a)(1). LDEQ determined that the requirements for a Water Quality Certification have been met. LDEQ concludes that the placement of fill will not violate water quality standards as provided for in LAC 33:IX.Chapter 11. Therefore, LDEQ hereby issues Corps of Engineers, New Orleans District, Regional Planning & Environment Division, South, Coastal Environmental Compliance Section – Mississippi River and Tributaries Project, Atchafalaya Basin Floodway System, Louisiana Project, Indian Bayou Borrow Area EA #575 Water Quality Certification, WQC 240717-02.

Should you have any questions concerning any part of this certification, please contact Elizabeth Hill at (225) 219-3225 or by email at elizabeth.hill@la.gov. Please reference Agency Interest (AI) number 101886 and Water Quality Certification 240717-02 on all future correspondence to this Department to ensure all correspondence regarding this project is properly filed into the Department's Electronic Document Management System.

Sincerely,

Amanda Vincent, PhD, PMP
Assistant Secretary
Office of Environmental Services

c: IO-W

ec: landon.parr@usace.army.mil

PUBLIC NOTICE TO RUN IN

THE ADVOCATE
10715 Rieger Rd.
Baton Rouge, LA 70809
Phone: (225) 388-0200
Email: legal.ads@theadvocate.com

Notice is hereby given that The Corps of Engineers, New Orleans District, Regional Planning & Environment Division, South, Coastal Environmental Compliance Section (Corps) has applied for a 401 Water Quality Certification for the proposed Mississippi River and Tributaries Project, Atchafalaya Basin Floodway System, Louisiana Project Indian Bayou Borrow Area EA #575 to excavate and place fill to provide a borrow source of earthen material to repair a nearby levee system located in the Atchafalaya floodway approximately 10 miles east of Cecilia, St. Landry Parish. The Corps is applying to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the LAC 33:IX.1507.A-E and provisions of Section 401 of the Clean Water Act.

Comments concerning this application can be filed with the Water Permits Division within ten days of this notice by referencing WQC 240717-02, AI 101886 to the following address:

Louisiana Department of Environmental Quality
Water Permits Division
P.O. Box 4313
Baton Rouge, LA 70821-4313
Attn: Elizabeth Hill

Comments may be submitted by email to DEQ-WaterQualityCertifications@la.gov.

A copy of the application is available for inspection and review at the LDEQ Public Records Center, on the first floor of the Galvez Building, Room 127 at 602 North Fifth Street, Baton Rouge, LA 70802, from 8:00 a.m. to 4:30 p.m. The available information can also be accessed electronically on the Electronic Document Management System (EDMS) on the LDEQ public website at www.deq.louisiana.gov.

APPENDIX F

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

REPLY TO
ATTENTION OF

March 21, 2025

Regional Planning and
Environmental Division, South
Environmental Compliance Branch

PUBLIC NOTICE

Atchafalaya Basin Floodway System, Louisiana Project, Indian Bayou Borrow Area, Saint Landy Parish, Louisiana

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.

Project Authority: The proposed action is part of the Mississippi River and Tributaries Project (MR&T) Project, which was authorized by the Flood Control Act of May 15, 1928 (PL 70-391, 70th Congress), as amended and supplemented. The Atchafalaya Basin Flood Control Project, a prominent feature of the MR&T Project, extends from the Old River Control Structure near the confluence of the Mississippi, Red, and Atchafalaya rivers, southward to the Gulf of Mexico. The Atchafalaya Basin Flood Control Project is designed to protect southern Louisiana from MR&T floods by diverting up to one-half of the combined flows of the Red and Mississippi Rivers to the Gulf of Mexico. In 1982, the U.S. Army Corps of Engineers (USACE) issued the Final Environmental Impact Statement (FEIS) entitled "Atchafalaya Basin Floodway System Feasibility Study". A Record of Decision (ROD) for the FEIS was signed on December 3, 1986. The East Atchafalaya Basin Protection Levee (EABPL) and West Atchafalaya Basin Protection Levee (WABPL) are both part of the Atchafalaya Basin Flood Control Project.

Project Description: The purpose of the proposed action is to provide a borrow source of earthen material to repair a nearby levee slide as part of routine operation and maintenance activities, and to provide a source of borrow material for future operation and maintenance activities (e.g., slides and lifts) associated with the EABPL and WABPL. The proposed action would ensure the ability of the levees to protect life and property from future flooding of the Atchafalaya River.

Location: The proposed borrow area is located within the USACE Atchafalaya Basin Flood Control Project's Atchafalaya Basin Floodway System (ABFS) (Figure 1). The ABFS addresses lands within the Lower Atchafalaya Basin Floodway, Louisiana, which extend from a northern boundary that commences in the vicinity of Krotz Springs, Louisiana, to a southern boundary in the vicinity of Morgan City, Louisiana, bounded on the east and west, respectively, by the EABPL and WABPL.

The proposed borrow area is adjacent to the Bayou Big Graw levee, which is a segment of the WABPL. The earthen material would be used to repair a levee slide on the Bayou Big Graw

WABPL guide levee near Levee Station 2425+00 (Figure 2). The levee project was previously covered in the aforementioned 1982 FEIS.

Access Roads: Borrow area and levee slide access will be from Krotz Springs via Louisiana Highway 105 (aka North Levee Road and South Levee Road), West Atchafalaya Levee Road, and Parish Road 3-95. Parish Road 3-95 leads to an existing gravel road, then to the proposed borrow area (Figure 2). Parish Road 3-95 leads directly to the levee slide on the Bayou Big Graw WABPL guide levee near Levee Station 2425+00 (Figure 2).

Borrow Area: The CEMVN proposes to excavate a 4.5 acre government furnished borrow area. The borrow area will be nested within a larger 6.4 acre work area as shown in Figure 3. This 6.4 acre area will be cleared to accommodate the borrow area, access areas, and staging areas. Approximately 87,000 cubic yards of earthen material would be excavated from the proposed borrow area. Bulldozers would be utilized to clear and grub the proposed borrow area prior to excavation. The borrow area would then be excavated to a depth of approximately –20.0 feet NAVD88, with side slopes of 1-foot vertical on 4-feet horizontal (1V:4H) on all sides. The most prominent soil types in the proposed borrow area are Indian Bayou fat clay loam and lean clay loam. Any vegetation and unsuitable earthen material would be replaced inside the borrow area. A silt fence or similar materials would be placed along the perimeter of the borrow area to contain runoff material during construction activities. Excavated material may be temporarily stockpiled adjacent to the borrow area, and within existing construction easements, to be used as a future source of borrow material for any levee alignment that is part of the EABPL and WABPL. All construction activities would be within existing levee rights-of-way or within the borrow area construction easements. Excavation activities would be conducted during dry or low water conditions if practicable. The proposed action would ensure the ability of the EABPL and WABPL to protect life and property from future flooding of the Atchafalaya River.

Levee: The levee slide repair is located at levee station 2425+00, and the work is classified as routine operations and maintenance (Figure 2). The work will be completed during dry or low water conditions. A silt fence or similar materials will be placed along the levee toes to contain runoff material during construction activities. The work would also consist of clearing and grubbing approximately 200 linear feet of flood side and protected side embankment. Approximately 10,000 cubic yards of earthen material from the proposed borrow area will be placed onto the levee slide area and compacted. Once the levee slide is repaired, all levee embankments and areas disturbed by the construction activities would be returned to pre-slide conditions (i.e., seeded with grass, fertilized, and mulched).

Figure 1: Atchafalaya Basin Floodway System and Indian Bayou Area.

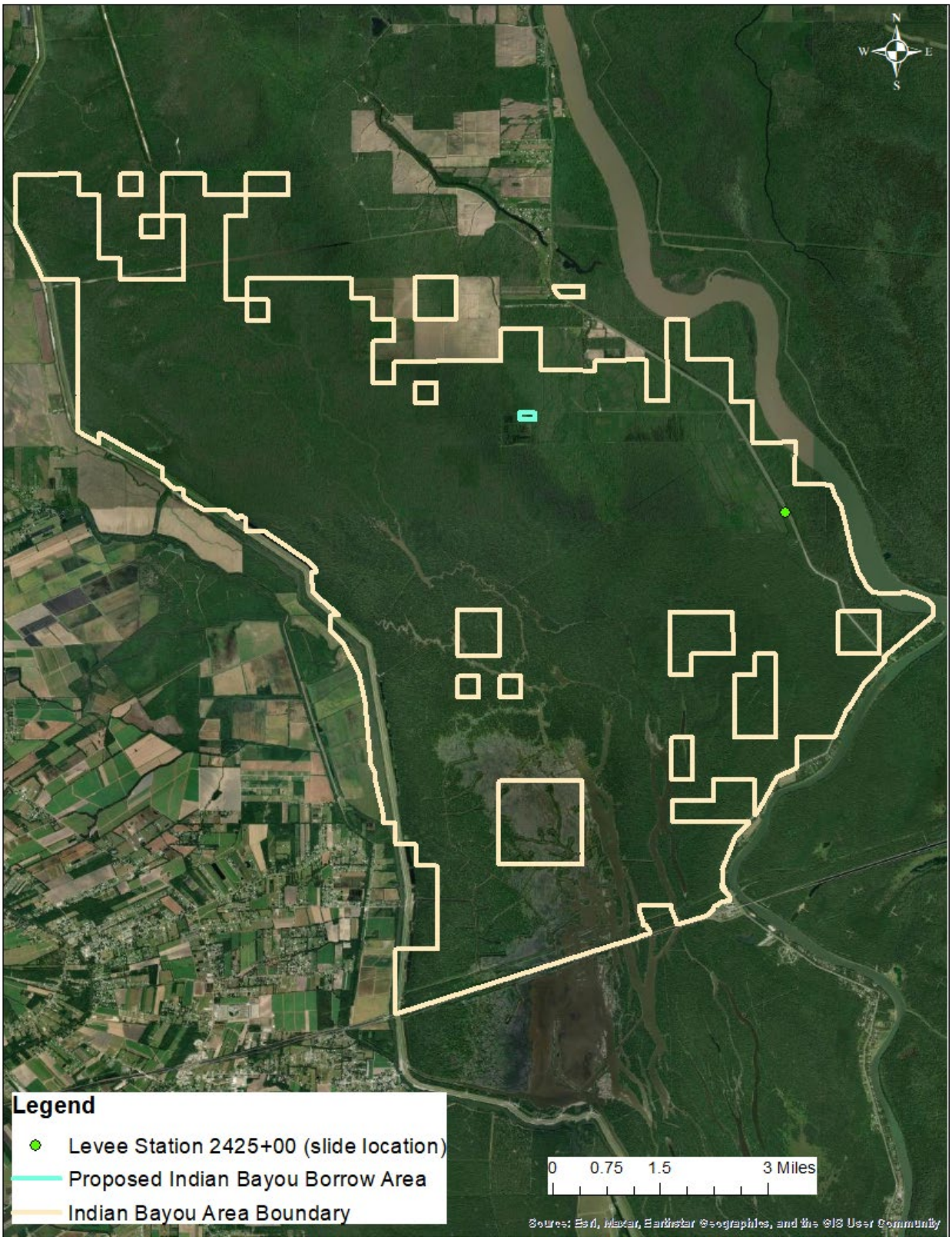


Figure 2: Indian Bayou Area, Proposed Borrow Area, and Levee Slide Location.

Figure 3: Proposed Borrow Area.

Status of Environmental Assessment (EA) and Other Environmental Documents: Environmental compliance for the proposed action would be achieved upon: coordination of this EA #575 and draft Finding of No Significant Impact (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; 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 agencies to which a copy of this notice is being sent: U.S. Environmental Protection Agency (USEPA), Region VI
U.S. Fish and Wildlife Service
National Marine Fisheries Service
U.S. Coast Guard, Eighth District
Louisiana Department of Environmental Quality
Louisiana Department of Natural Resources
Louisiana Department of Wildlife and Fisheries
Louisiana Department of Transportation and Development
Louisiana State Historic Preservation Officer

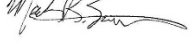
This notice is being distributed to these and other appropriate Congressional, Federal, Tribal, state, and local interests, environmental organizations, and other interested parties.

Evaluation Factors: Evaluation includes application of the Section 404(b)(1) guidelines promulgated by the Administrator of the USEPA, 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 Landon Parr at (504) 862-1908. Mr. Parr's email address is Landon.Parr@usace.army.mil.



Mark Smith
Chief, Environmental Compliance Branch

COMMENT PERIOD FOR THIS PUBLIC NOTICE EXPIRES: April 21, 2025

404(b)(1)

The following short form 404(b)(1) evaluation follows the format designed by the Office of the Chief of Engineers. As a measure to avoid unnecessary paperwork and to streamline regulation procedures while fulfilling the spirit and intent of environmental statutes, New Orleans District is using this format for all proposed project elements requiring 404 evaluation, but involving no adverse significant impacts.

PROJECT TITLE. Atchafalaya Basin Floodway System, Louisiana Project, Indian Bayou Borrow Area, Saint Landy Parish, Louisiana.

PROJECT DESCRIPTION.

The purpose of the proposed action is to provide a borrow source of earthen material to repair a nearby levee slide as part of routine operation and maintenance activities, and to provide a source of borrow material for future operation and maintenance activities (e.g., slides and lifts) associated with the East Atchafalaya Basin Protection Levee (EABPL) and West Atchafalaya Basin Protection Levee (WABPL). The proposed action would ensure the ability of the levees to protect life and property from future flooding of the Atchafalaya River.

The proposed borrow area is located within the USACE Atchafalaya Basin Flood Control Project's Atchafalaya Basin Floodway System (ABFS) (Figure 1). The ABFS addresses lands within the Lower Atchafalaya Basin Floodway, Louisiana, which extend from a northern boundary that commences in the vicinity of Krotz Springs, Louisiana, to a southern boundary in the vicinity of Morgan City, Louisiana, bounded on the east and west, respectively, by the EABPL and WABPL.

The proposed borrow area is adjacent to the Bayou Big Graw levee, which is a segment of the WABPL. The earthen material would be used to repair a levee slide on the Bayou Big Graw WABPL guide levee near Levee Station 2425+00 (Figure 2). The levee project was previously covered in the final Environmental Impact Statement (FEIS) entitled "Atchafalaya Basin Floodway System Feasibility Study" and dated January 1982. A Record of Decision (ROD) for the FEIS was signed on December 3, 1986.

ACCESS ROADS: Borrow area and levee slide access will be from Krotz Springs via Louisiana Highway 105 (aka North Levee Road and South Levee Road), West Atchafalaya Levee Road, and Parish Road 3-95. Parish Road 3-95 leads to an existing gravel road, then to the proposed borrow area (Figure 2). Parish Road 3-95 leads directly to the levee slide on the Bayou Big Graw WABPL guide levee near Levee Station 2425+00 (Figure 2).

BORROW AREA: The U.S. Army Corps of Engineers, New Orleans District proposes to excavate a 4.5 acre government furnished borrow area. The borrow area will be nested within a larger 6.4 acre work area as shown in Figure 3. This 6.4 acre area will be cleared to accommodate the borrow area, access areas, and staging areas. Approximately 87,000 cubic yards of earthen material would be excavated from the proposed borrow area. Bulldozers would be utilized to clear and grub the proposed borrow area prior to excavation. The borrow area would then be excavated to a depth of approximately –20.0 feet NAVD88, with side slopes of 1-foot vertical on 4-feet horizontal (1V:4H) on all sides. The most prominent soil types in the proposed borrow area are Indian Bayou fat clay loam and lean clay loam. Any vegetation and unsuitable earthen material would be replaced inside the borrow area. A silt fence or similar materials would be placed along the perimeter of the borrow area to contain runoff material during construction activities. Excavated material may be temporarily stockpiled adjacent to the borrow area, and within existing construction easements, to be used as a future source of borrow material for any levee alignment that is part of the EABPL and WABPL. All construction activities would be within existing levee rights-of-way or within the borrow area construction easements. Excavation activities would be conducted during dry or low water conditions if practicable. The proposed action would ensure the ability of the EABPL and WABPL to protect life and property from future flooding of the Atchafalaya River.

LEVEE: The levee slide repair is located at levee station 2425+00, and the work is classified as routine operations and maintenance (Figure 2). The work will be completed during dry or low water conditions. A silt fence or similar materials will be placed along the levee toes to contain runoff material during construction activities. The work would also consist of clearing and grubbing approximately 200 linear feet of flood side and protected side embankment. Approximately 10,000 cubic yards of earthen material from the proposed borrow area will be placed onto the levee

slide area and compacted. Once the levee slide is repaired, all levee embankments and areas disturbed by the construction activities would be returned to pre-slide conditions (i.e., seeded with grass, fertilized, and mulched).

Figure 1: Atchafalaya Basin Floodway System and Indian Bayou Area.

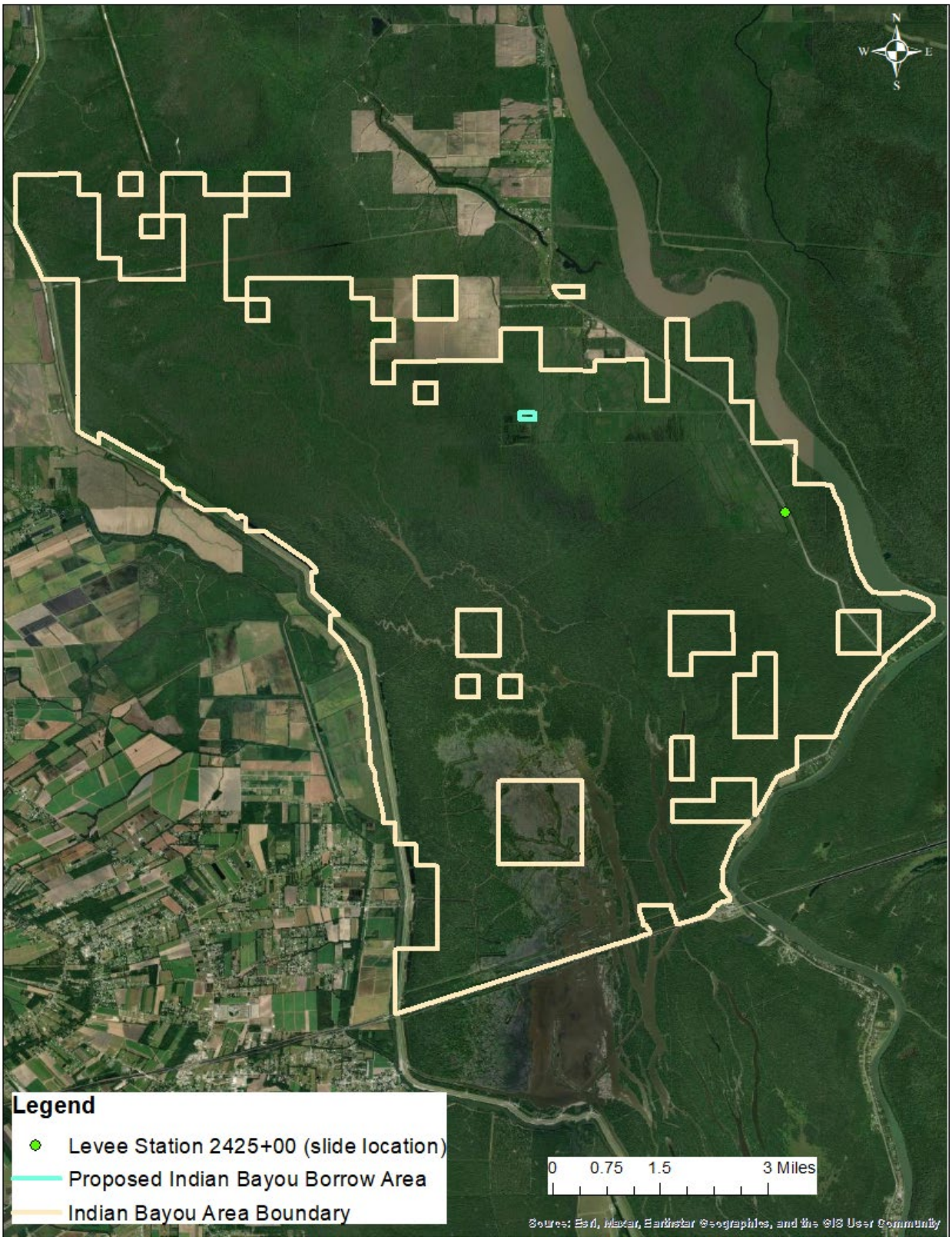


Figure 2: Indian Bayou Area, Proposed Borrow Area, and Levee Slide Location.

Figure 3: Proposed Borrow Area.

1. Review of Compliance (□230.10 (a)-(d)).

A review of this project indicates that:

	Preliminary1		Final2	
a. The discharge represents the least environmentally damaging practicable alternative and if in a special aquatic site, the activity associated with the discharge must have direct access or proximity to, or be located in the aquatic ecosystem to fulfill its basic purpose (if no, see section 2 and information gathered for environmental assessment alternative);	YES	NO *	YES	NO
b. The activity does not appear to: (1) violate applicable state water quality standards or effluent standards prohibited under Section 307 of the Clean Water Act; (2) jeopardize the existence of Federally listed endangered or threatened species or their habitat; and (3) violate requirements of any Federally designated marine sanctuary (if no, see section 2b and check responses from resource and water quality certifying agencies);	YES	NO *	YES	NO
c. The activity will not cause or contribute to significant degradation of waters of the United States including adverse effects on human health, life stages of organisms dependent on the aquatic ecosystem, ecosystem diversity, productivity and stability, and recreational, esthetic, and economic values (if no, see section 2);	YES	NO *	YES	NO
d. Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem (if no, see section 5).	YES	NO *	YES	NO

2. Technical Evaluation Factors (Subparts C-F).

	N/A	Not Significant	Significant *
a. Physical and Chemical Characteristics of the Aquatic Ecosystem (Subpart C).			
(1) Substrate impacts.		X	
(2) Suspended particulates/turbidity impacts.		X	
(3) Water column impacts.		X	
(4) Alteration of current patterns and water circulation.		X	
(5) Alteration of normal water fluctuations/ hydroperiod.		X	
(6) Alteration of salinity gradients.	X		
b. Biological Characteristics of the Aquatic Ecosystem (Subpart D).			
(1) Effect on threatened/endangered species and their habitat.		X	
(2) Effect on the aquatic food web.		X	

	N/A	Not Significant	Significant *
(3) Effect on other wildlife (mammals, birds, reptiles, and amphibians).		X	
c. Special Aquatic Sites (Subpart E).			
(1) Sanctuaries and refuges.	X		
(2) Wetlands.		X	
(3) Mud flats.	X		
(4) Vegetated shallows.	X		
(5) Coral reefs.	X		
(6) Riffle and pool complexes.	X		
d. Human Use Characteristics (Subpart F).			
(1) Effects on municipal and private water supplies.	X		
(2) Recreational and commercial fisheries impacts.	X		
(3) Effects on water-related recreation.	X		
(4) Esthetic impacts.		X	
(5) Effects on parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar preserves.	X		

Remarks. If a check is placed under the significant category, the preparer will attach an explanation.

3. Evaluation of Dredged or Fill Material (Subpart G).[3]

a. The following information has been considered in evaluating the biological availability of possible contaminants in dredged or fill material.

(1) Physical characteristics	X
(2) Hydrography in relation to known or anticipated sources of contaminants	X
(3) Results from previous testing of the material or similar material in the vicinity of the project	
(4) Known, significant sources of persistent pesticides from land runoff or percolation	
(5) Spill records for petroleum products or designated (Section 311 of CWA) hazardous substances	X
(6) Other public records of significant introduction of contaminants from industries, municipalities, or other sources	X
(7) Known existence of substantial material deposits of substances which could be released in harmful quantities to the aquatic environment by man-induced discharge activities	
(8) Other sources (specify)	

Appropriate references: ref. soil boring results (1) and HTRW Phase I environmental site assessment (5, 6)

b. An evaluation of the appropriate information in 3a above indicates that there is reason to believe the proposed dredge or fill material is not a carrier of contaminants, or the material meets the testing exclusion criteria.

YES NO*

4. Disposal Site Delineation (§230.11(f)).

a. The following factors, as appropriate, have been considered in evaluating the disposal site.

	N/A	Not Significant	Significant*
(1) Depth of water at disposal site	X		
(2) Current velocity, direction, and variability at disposal site	X		
(3) Degree of turbulence	X		
(4) Water column stratification	X		
(5) Discharge vessel speed and direction	X		
(6) Rate of discharge	X		
(7) Dredged material characteristics (constituents, amount, and type of material, settling velocities)		X	
(8) Number of discharges per unit of time	X		
(9) Other factors affecting rates and patterns of mixing (specify)		X	

Disposal would occur on existing levees and no direct discharge would occur at the disposal site.

Appropriate references: Same as 3(a).

b. An evaluation of the appropriate factors in 4a above indicates that the disposal site and/or size of mixing zone are acceptable.

YES NO*

5. Actions to Minimize Adverse Effects (Subpart H).
All appropriate and practicable steps have been taken, through application of the recommendations of §230.70-230.77 to ensure minimal adverse effects of the proposed discharge.

YES NO*

6. Factual Determination (§230.11).

A review of appropriate information as identified in items 2-5 above indicates that there is minimal potential for short- or long-term environmental effects of the proposed discharge as related to:

a. Physical substrate at the disposal site (review sections 2a, 3, 4, and 5 above). YES NO*

b. Water circulation, fluctuation and salinity (review sections 2a, 3, 4, and 5). YES NO*

c. Suspended particulates/turbidity (review sections 2a, 3, 4, and 5) YES NO*

d. Contaminant availability (review sections 2a, 3, and 4). YES NO*

e. Aquatic ecosystem structure and function (review sections 2b and c, 3, and 5). YES NO*

f. Disposal site (review sections 2, 4, and 5). YES NO*

g. Cumulative impact on the aquatic ecosystem. YES NO*

h. Secondary impacts on the aquatic ecosystem. YES NO*

*A negative, significant, or unknown response indicates that the project may not be in compliance with the Section 404(b)(1) Guidelines.

[1]Negative responses to three or more of the compliance criteria at this stage indicates that the proposed projects may not be evaluated using this "short form procedure". Care should be used in assessing pertinent portions of the technical information of items 2a-d, before completing the final review of compliance.
[2]Negative responses to one of the compliance criteria at this stage indicates that the proposed project does not comply with the guidelines. If the economics of navigation and anchorage of Section 404(b)(2) are to be evaluated in the decision-making process, the "short form" evaluation process is inappropriate.
[3]If the dredged or fill material cannot be excluded from individual testing, the "short form" evaluation process is inappropriate.

7. Evaluation Responsibility.

a. This evaluation was prepared by:

Name: Landon Parr
Position: Biologist
Organization: U.S. Army Corps of Engineers, New Orleans District
Date: June 18, 2024

b. This evaluation was reviewed by:

Name: Mike Brown
Position: Biologist
Organization: U.S. Army Corps of Engineers, New Orleans District
Date: June 24, 2024

c. Water Quality evaluation was prepared by:

Name: Landon Parr
Position: Biologist
Organization: U.S. Army Corps of Engineers, New Orleans District
Date: June 18, 2024

d. Water Quality evaluation was reviewed by:

Name: Mike Brown
Position: Biologist
Organization: U.S. Army Corps of Engineers, New Orleans District
Date: June 24, 2024

8. Findings.

a. The proposed disposal site for discharge of dredged or fill material complies with the Section 404(b)(1) guidelines ..... __X__

b. The proposed disposal site for discharge of dredged or fill material complies with the Section 404(b)(1) guidelines with the inclusion of the following conditions ..... _____

c. The proposed disposal site for discharge of dredged or fill material does not comply with the Section 404(b)(1) guidelines for the following reason(s):

(1) There is a less damaging practicable alternative ..... _____
(2) The proposed discharge will result in significant degradation of the aquatic ecosystem ..... _____
(3) The proposed discharge does not include all practicable and appropriate measures to minimize potential harm to the aquatic ecosystem ..... _____

Date: _____

_____
Chief, Environmental Planning and Compliance Branch

APPENDIX G

United States Department of the Interior

FISH AND WILDLIFE SERVICE
200 Dulles Drive
Lafayette, Louisiana 70506

January 31, 2025

Colonel Cullen Jones
District Commander
U.S. Army Corps of Engineers
New Orleans District
7400 Leake Avenue
New Orleans, LA 70118-3651

Dear Colonel Jones:

Please reference the U.S. Army Corps of Engineers (USACE), Mississippi River Valley Division, Indian Bayou Borrow Area (EA #575) proposal to provide a borrow source of earthen material to repair a levee slide on the Bayou Big Graw West Atchafalaya Basin Protection Levee (WABPL) near Levee Station 2425+00. The proposed project is part of routine operation and maintenance activities and would provide a source of borrow material for future operation and maintenance activities (e.g., slides and lifts) associated with the East Atchafalaya Basin Protection Levee (EABPL) and WAPBL. The proposed 6.4-acre borrow site is located within the USACE Atchafalaya Basin Flood Control Project's Atchafalaya Basin Floodway System in the vicinity of Krotz Springs, St. Landry Parish, Louisiana. The proposed site contains 3.1 acres of a bottomland hardwood forest and a 3.3-acre old non-wetland agricultural field that is currently maintained as a herbaceous area.

The proposed action is part of the Mississippi River and Tributaries Project (MR&T) Project, which was authorized by the Flood Control Act of May 15, 1928 (PL 70-391, 70th Congress), as amended and supplemented. The Atchafalaya Basin Flood Control Project, a prominent feature of the MR&T Project, extends from the Old River Control Structure near the confluence of the Mississippi, Red, and Atchafalaya Rivers, southward to the Gulf of Mexico. The Atchafalaya Basin Flood Control Project is designed to protect southern Louisiana from MR&T floods by diverting up to one-half of the combined flows of the Red and Mississippi Rivers to the Gulf of Mexico. In 1982, the USACE issued the FEIS entitled "Atchafalaya Basin Floodway System Feasibility Study." A Record of Decision for the FEIS was signed on December 3, 1986. The EABPL and the WABPL are both part of the Atchafalaya Basin Flood Control Project.

The Fish and Wildlife Service (Service) submits this draft Letter Report in accordance with provisions of the Fish and Wildlife Coordination Act (FWCA; 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). This draft FWCA report does not constitute the final report of the Secretary of the Interior on this project. A copy of the draft FWCA report was provided to the Louisiana Department of Wildlife and Fisheries (LDWF) and their comments will be incorporated into the final report.

FISH AND WILDLIFE RESOURCES

Bottomland Hardwoods

Project area bottomland hardwoods (BLH) are comprised of black willow (*Salix nigra*), Eastern cottonwood (*Populus deltoides*), sugarberry (*Celtis laevigata*), Shumard oak (*Quercus shumardii*), green ash (*Fraxinus pennsylvanica*) and Chinese tallow (*Triadica sebifera*). The wooded midstory and understory is composed of sugarberry, box elder (*Acer negundo*), pecan (*Carya illinoinensis*), roughleaf dogwood (*Cornus drummondii*) and Chinese tallow (*Triadica sebifera*). Herbaceous plants and vines present include being *Rubus* spp., *Smilax* spp., giant ragweed (*Ambrosia trifida*), trumpet vine (*Campsis radicans*), poison ivy (*Toxicodendron radicans*), false nettle (*Boehmeria cylindrica*) and various grasses.

Fish and Wildlife

Mammals likely to occur in the study-area bottomland hardwoods include swamp rabbit (*Sylvilagus aquaticus*), Eastern cottontail (*Sylvilagus floridanus*), gray squirrel (*Sciurus carolinensis*), fox squirrel (*Sciurus niger*), raccoon (*Procyon lotor*), opossum (*Didelphis virginiana*), Louisiana black bear (*Ursis americanus luteolis*) and white-tailed deer (*Odocoileus virginianus*). BLH habitats also support a variety of birds including herons (*Ardeidae*), egrets (*Ardea alba*), red-shouldered hawk *(Buteo lineatus*), barn owl (*Tyto furcate*), common screech owl (*Megascops asio*), great homed owl (*Bubo virginianus*), and barred owl (*Strix varia* B), warblers (*Setophaga*), orioles (*Icterus*), thrushes (*Catharus*), vireos (*Vireo)*, tanagers (*Piranga*), blue grosbeak (*Passerina caerulea*), rose breasted grosbeack (*Pheucticus ludovicianus*) buntings (*Passerina*), flycatchers (*Empidonax*), and cuckoos (*Coccyzus*). Amphibians such as the Gulf coast toad (*Incilius valliceps*) are expected to occur in the project area.

Endangered Species

The proposed project is not expected to impact any federally listed threatened or endangered species.

At Risk Species

The Service's Southeast Region has defined "at-risk species" as those that are: 1) proposed for listing under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et. seq.*); 2) candidates for listing under the ESA, which means the species has a "warranted but precluded 12-month finding"; or 3) petitioned for listing under the ESA, which means a citizen or group has requested that the Service add them to the list of protected species. Petitioned species include those for which the Service has made a substantial 90-day finding as well as those that are under review for a 90-day finding. As the Service develops proactive conservation strategies with partners for at-risk species, the states' Species of Greatest Conservation Need (defined as species with low or declining populations) will also be considered.

The Service's goal is to work with private and public entities on proactive conservation to conserve these species, thereby precluding the need to federally list as many at-risk species as possible. While not all species identified as at-risk will become ESA listed species, their potentially reduced populations warrant their identification and attention in mitigation planning. Under the ESA, a federal agency is responsible for consulting with the Service to ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a proposed

species or destroy or adversely modify its proposed critical habitat. Listed below are species currently designated as "at-risk" that may occur within the proposed study area.

Proposed Species

Tri-colored Bat

The tricolored bat (*Perimyotis subflavus*), also known as the eastern pipistrelle, is proposed for listing as threatened. The tricolored bat is small, weighing 4-8 grams with a head to tail length ranging from 77-89 millimeters (mm) and wingspan of 220-225 mm. The bat gets its name from their individual hairs being 'tri-colored': brown at tip, yellow in the middle, dark at the base. Overall, the fur appears yellow brown, with reddish forearm skin. This small bat flies slowly with an erratic pattern while foraging, causing it to sometimes be mistaken for a moth.

Tricolored bats appear to inhabit landscapes that are partly open, with large trees and plentiful woodland edges. They are found in a variety of terrestrial habitats, including grasslands, old fields, suburban areas, orchards, urban areas, and woodlands, especially hardwood woodlands. Little is known about daytime summer or maternity roosts. These bats are among the first bats to emerge at dusk each night, and their appearance at tree-top level indicates that they may roost in foliage or in high tree cavities and crevices. They are not often found in buildings or in deep woods, seeming to prefer edge habitats near areas of mixed agricultural use. Hibernation sites are found deep within caves or mines in areas of relatively warm, stable temperatures. However, research is ongoing to determine small bat hibernation habitats other than caves and mines.

The main threat to this species is White Nose Syndrome (*Pseudogymnoascus destructans*), with affected hibernation sites resulting in more than 75 percent decline of bats, with some sites declining by 90 percent. Other threats include habitat modification and destruction including forest and grassland conversion to urban/suburban land use, and mortality during migration from winter hibernaculum to summer roosting habitat due to wind energy development. On September 13, 2022, the Service announced a proposal to list the tricolored bat as endangered under the ESA.

Monarch Butterfly

The monarch butterfly (*Danaus plexippus*) is proposed for listing as threatened. The North American monarch population has severely declined. Habitat loss, pesticides, disease, climate change, predators, extreme weather, and other anthropogenic factors all threaten monarchs. Since the late 1990s both the eastern and western overwintering populations have declined by over 70 percent, as documented by WWF Mexico in collaboration with SEMARNAT, CONANP and the MBBR (Semmens et. al 2016). Monarchs make an excellent flagship species for pollinator conservation. Creating habitat for monarchs by planting diverse, native nectar plants and milkweed also creates habitat for other pollinators which we rely on for pollination services in agricultural and natural settings. Conserving pollinators and their habitat have positive cascading effects leading to conservation of other animals like songbirds and mammals. This pays dividends towards the health of our natural and managed habitats, paving a future for our own species.

Adult monarch butterflies are large and conspicuous, with bright orange wings surrounded by a black border and covered with black veins. The black border has a double row of white spots, present on the upper side of the wings. In many regions where monarchs are present, monarchs

breed year-round. Individual monarchs in temperate climates, such as eastern and western North America, undergo long-distance migration, and live for an extended period of time. In the fall, in both eastern and western North America, monarchs begin migrating to their respective overwintering sites. This migration can take monarchs distances of over 3,000 km and last for over two months.

Bald Eagles and Migratory Birds

During project construction, on-site personnel should be informed of the possible presence of nesting bald eagles near the project boundary, and should identify, avoid, and immediately report any such nests to this office. If an active or inactive eagle nest is discovered within 2 miles of the project footprint, then follow the bald and golden eagle guidelines to determine whether disturbance will occur and/or an incidental take permit is needed.

The Migratory Bird Treaty Act (MBTA) prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Service. The following migratory birds may be present at your project location at certain times of the year.

Species	**Breeding Season**
Kentucky Warbler	April 15 to Aug 21
Wood Thrush	May 10 to Aug 31
Prothonotary Warbler	Apr 1 to Jul 31
Swallow-tailed Kite	March 8 to June 30
Chimney Swift	Mar 15 to Aug 25

IMPACTS

The completion of this borrow pit would result in the loss of approximately 3.1 acres of bottomland hardwoods and -1.58 Average Annual Habitat Units (AAHU).

NET CHANGE IN AAHUs DUE TO PROJECT	
A. Future Without Project AAHUs =	1.59
B. Future With Project AAHUs =	0.01
Net Change (FWP - FWOP) =	**-1.58**

SERVICE RECOMMENDATIONS

Forested wetlands are considered by the Service to be aquatic resources of national importance due to their increasing scarcity and high habitat value for fish and wildlife within Federal trusteeship (i.e., migratory waterfowl, wading birds, other migratory birds, threatened and endangered species, and interjurisdictional fisheries).

The Service's Mitigation Policy (Federal Register, Volume 46, No. 15, January 23, 1981) identifies four resource categories that are used to ensure that the level of mitigation recommended by Service biologists will be consistent with the fish and wildlife resource values involved.

> The forested wetlands of the project fall under Resource Category 2 which are considered to be habitats of high value for evaluation species and are relatively scarce or becoming scarce on a national basis or in the ecoregion section. The mitigation goal for habitat in this category is that there should be no net loss of in-kind habitat value.

Project impacts to bottomland hardwoods should be minimized to the greatest degree possible, and unavoidable impacts should be mitigated in a manner approved by the Service and other natural resource agencies. Additionally, proper care should be taken to ensure that the bald eagles and migratory birds listed above will not be adversely affected. After reviewing the proposed action, its impacts to fish and wildlife resources, and the need for protection from future storm events, the Service does not object to the proposed borrow site provided the following recommendations are included in the proposed action.

1. The Corps shall fully compensate for any unavoidable losses to forested habitat caused by project implementation. That compensatory mitigation shall be "in-kind" and within, or as close as possible to, the same watershed as the project impacts.

2. Excavation of earthen material from the currently proposed borrow site should be implemented as follows:

    a. minimize clearing within work right-of-way.
    b. woody vegetation removed during clearing and grubbing operations should be stockpiled for use as fish and wildlife habitat:
        i. For fishery habitat: 1 to 3 trees (depending on size) should be laid within the borrow pit, perpendicular to the bank, at approximately 50-foor intervals.
        ii. For wildlife habitat: any remaining trees should be used to create brush piles within the work area surrounding the borrow pit. Configurations can be round (10- to 15-foot diameter) or rectangular (25- to 50-foot length by 10- to 15-foot width) and should be 3 to 4 feet in height. Brush piles should be evenly distributed throughout the cleared/impacted area.
        iii. mechanically cleared areas, adjacent to the borrow pits, should be replanted with appropriate native vegetation immediately after all borrow has been taken from the pit. At least 50 percent of the borrow pit perimeter should be no steeper than 1-foot vertical on 4-foot horizontal (1V:4H), to a depth of 3 feet below the surrounding grade.
        iv. any remaining overburden or other unused earthen material should be used to create shallow water shelves (or mud flats) along portions of the perimeter of the borrow pit.
        v. the bank line should be non-linear to the maximum extent practicable, incorporating scalloped and irregularly shaped bank features.

3. Further detailed planning of project features (e.g., Design Documentation Report, Engineering Documentation Report, Plans and Specifications, or other similar documents) shall be coordinated with the Service and other State and Federal natural resource agencies,

and all such agencies shall be provided an opportunity to review and submit recommendations on the work addressed in those reports.

4. Forest clearing associated with project features should be conducted during the fall or winter, when practicable, to minimize impacts to nesting migratory birds.

5. The Service recommends that the USACE contact the Service and the LDWF for additional ESA section 7 consultation if: 1) the scope or location of the proposed project is changed significantly, 2) new information reveals that the action may affect listed species or designated critical habitat, 3) the action is modified in a manner that causes effects to listed species or designated critical habitat, or 4) a new species is listed or critical habitat designated.

We appreciate the cooperation of your staff during the project planning process. Should your staff have any questions or require additional information, please contact Karen Soileau (337/291-3132) of this office.

Sincerely,

Brigette D. Firmin
Field Supervisor
Louisiana Ecological Services Office

cc: Environmental Protection Agency, Dallas, TX
LA Dept of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD), Baton Rouge, LA

APPENDIX H

APPENDIX I