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U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
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March 21, 2025

Regional Planning and Environment
Division South
Environmental Planning Branch

DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)

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

The U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Environmental Assessment (EA) dated 21 March 2025, for the Mississippi River and Tributaries Project, Atchafalaya Basin Floodway System, Louisiana Project, Indian Bayou Borrow Area evaluates potential impacts of excavating the Indian Bayou borrow area in Saint Landry parish.

The Final EA, incorporated herein by reference, evaluated various alternatives that would evaluate potential impacts of excavating the Indian Bayou borrow area.

DESCRIPTION OF THE PROPOSED ACTION: 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. 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 East Atchafalaya Basin Protection Levee (EABPL) and West Atchafalaya Basin Protection Levee (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.

MITIGATION: The implementation of the Congressionally authorized 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 Atchafalaya Basin Floodway System (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 -1.58 AHU of "Early Successional Bottomland Hardwood and Composition Unknown Forest" habitat, based upon the net change reported in the USFWS CAR (see appendix G). 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 4.5 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 EABPL and WABPL 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.

One alternative to the proposed action was considered. This alternative was: no-action. In the no-action alternative (a.k.a. future without project condition), the proposed action would not be constructed. With the no-action alternative, there would be no excavation in the borrow area, the repair of the levee slide near Levee Station 2425+00 would likely be delayed, and there would be a risk of breaching during flood periods. Additionally, a viable source of borrow material for future operation and maintenance activities (e.g., slides and lifts) associated with the EABPL and WABPL would not be available.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment

of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fish and wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Prime and/or Unique Farmlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public review of the draft EA and FONSI will be completed on 21 April 2025. All comments submitted during the public review period will be responded to in the Final EA and FONSI.

ENVIRONMENTAL AND CULTURAL COMPLIANCE REQUIREMENTS:

Endangered Species Act

With the proposed action, approximately 4.5 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 and the proposed project would have no impact on Federally listed species.

National Historic Preservation Act

No impacts to historic properties, cultural resources, or tribal resources would occur as a result of implementing the proposed action. On September 11, 2019, CEMVN archaeologists conducted a site visit to the proposed borrow area. USACE consulted with the Louisiana State Historic Preservation Office (SHPO) and Federally recognized Tribes (the Alabama-Coushatta Tribe of Texas [ACTT], the Caddo Nation [CN], the Choctaw Nation of Oklahoma [CNO], the Coushatta Tribe of Louisiana [CT], the Chitimacha Tribe of Louisiana [CTL], the Jena Band of Choctaw

Indians [JBCI], the Mississippi Band of Choctaw Indians [MBCI], the Muscogee (Creek) Nation [MCN], the Seminole Nation of Oklahoma [SNO], the Seminole Tribe of Florida [STF], and the Tunica-Biloxi Tribe of Louisiana [TBTL]), via letter on September 24, 2019 regarding the agency's determination that there would be "No Historic Properties Affected" should this action be taken. SHPO provided concurrence on October 7, 2019, and CNO provided concurrence on November 13, 2019. There was one response received from the Choctaw Nation of Oklahoma on November 13, 2019; the Choctaw Nation of Oklahoma concurred that the proposed actions of this EA are determined as having no additional potential to cause effect to any potential cultural resources. The remaining Tribes did not respond in the regulatory timeframe; therefore, in accordance with 36 CFR 800.4(d) 1(i) and 800.5(c)1, USACE may proceed with approving the undertaking.

Clean Water Act Section 404(B)(1) Compliance

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation can be found in Appendix F of the EA.

Clean Water Act Section 401 Compliance:

A water quality certification pursuant to section 401 of the Clean Water Act was obtained from the State of Louisiana on July 23, 2024, it can be found in Appendix E of the EA. All conditions of the water quality certification shall be implemented in order to minimize adverse impacts to water quality.

Fish And Wildlife Coordination Act Of 1934

The Fish and Wildlife Coordination Act provides authority for the USFWS involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. USACE coordinated with USFWS, and the draft coordination act report can be found in Appendix G of the EA.

DECISION:

Regional Planning and Environmental Division South has assessed the environmental impacts of the proposed action, and has determined that the proposed action would have no significant impacts upon the resources discussed within the EA.

The proposed action would result in a loss of approximately -1.58 AHU of "Early Successional Bottomland Hardwood and Composition Unknown Forest" habitat. However, the aforementioned gains of 40,000 AHU of forested wetland habitat (bottomland hardwoods and cypress-tupelo) for the ABFS will more than offset -1.58 AHU of habitat loss associated with the proposed borrow area.

The proposed action would ensure the ability of the EABPL and WABPL to protect life and property from future flooding of the Atchafalaya River. Additionally, the borrow area is expected to evolve into an aquatic ecosystem with a wetland fringe habitat, and exposed soils around the borrow area would be colonized by seedlings of adjacent forested wetlands and other nearby wetlands plant species. Long-term benefits of the proposed action would include habitat opportunities for fisheries and wildlife species, and critical flood protection for the citizens of Saint Landry Parish.

All applicable laws, executive orders, regulations, and local government plans were considered

in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

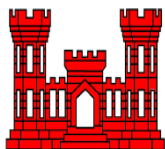
Cullen Jones
Colonel, US Army
District Commander

DRAFT ENVIRONMENTAL ASSESSMENT MISSISSIPPI RIVER AND TRIBUTARIES PROJECT

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



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**U.S. Army Corps of Engineers
Mississippi Valley Division
Regional Planning and Environmental Division South
New Orleans District**

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1 INTRODUCTION

The U.S. Army Corps of Engineers (USACE), Mississippi River Valley Division, Regional Planning and Environmental Division South (RPEDS), has prepared this Draft Environmental Assessment (EA) for the New Orleans District (CEMVN) to evaluate potential impacts of excavating the Indian Bayou borrow area, which is in the vicinity of Krotz Springs in St. Landry Parish, Louisiana (Figure 1). This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality's Regulations (40 CFR 1500-1508), as reflected in the USACE Engineering Regulation ER 200-2-2. This EA provides sufficient information on the potential adverse and beneficial environmental effects to allow the District Commander, USACE, and CEMVN to make an informed decision on the appropriateness of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

1.1 Proposed Action

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 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).

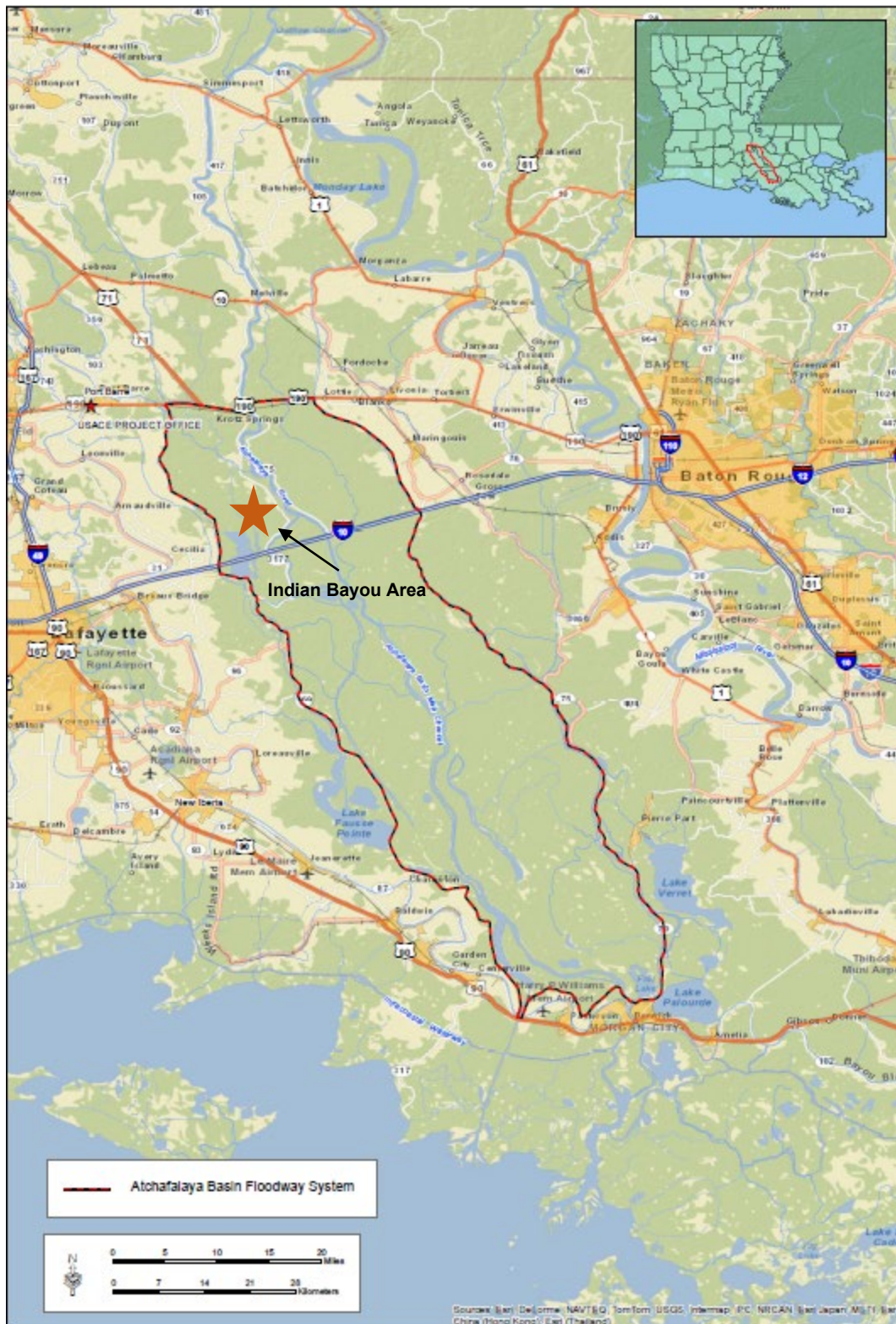


Figure 1: Atchafalaya Basin Floodway System and Indian Bayou Area

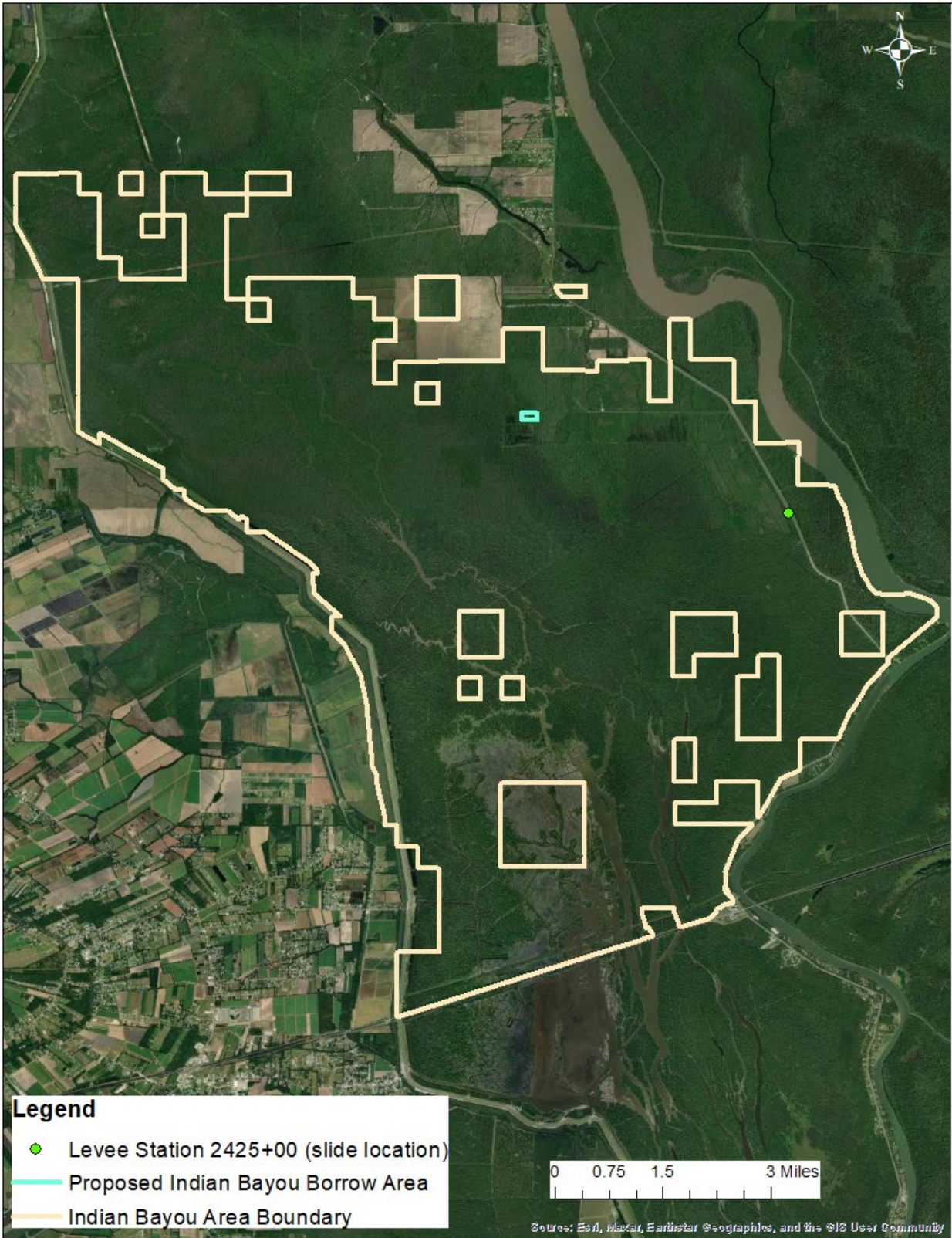


Figure 2: Indian Bayou Area, Proposed Borrow Area, and Levee Slide Location



Figure 3: Proposed Borrow Area

1.2 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 USACE issued the FEIS entitled “Atchafalaya Basin Floodway System Feasibility Study”. A ROD for the FEIS was signed on December 3, 1986. The EABPL and the WABPL are both part of the Atchafalaya Basin Flood Control Project.

1.3 Purpose and Need for the Proposed Action

The purpose of the proposed action is to provide a borrow source of approximately 87,000 cubic yards of earthen material to repair and provide future maintenance of 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.

1.4 Data Gaps and Uncertainties

Because natural systems are complex and consist of an intricate web of variables that influence the existence and condition of other variables within the system, all projects (e.g., flood risk management, restoration, etc.) contain inherent uncertainties. The effects of tropical storms, increased sea level rise, and changing conditions on each project’s performance are uncertain and are addressed through future projections based on existing information.

1.5 Prior National Environmental Policy Act (NEPA) Documents

The environmental impacts of raising and repairing the EABPL and WABPL and utilizing designated borrow areas were assessed in the 1982 FEIS “Atchafalaya Basin Floodway System Feasibility Study.”

1.6 Public Concerns

Residents in the vicinity of the lower Atchafalaya Basin are concerned about the floodway's ability to pass project floodwaters and to prevent damage to property within and adjacent to the floodway system.

2 ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 Proposed Action

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. For more details, refer to section 1.1.

2.2 No Action Alternative (Future without Project [FWOP])

If no action is taken, there would be no excavation in the borrow area, the repair of the levee slide near Levee Station 2425+00 would likely be delayed, and there would be a risk of breaching during flood periods. Additionally, a viable source of borrow material for future operation and maintenance activities (e.g., slides and lifts) associated with the EABPL and WABPL would not be available.

3 AFFECTED ENVIRONMENT

3.1 Description of the Work Area

Indian Bayou area is part of the Lower Atchafalaya Basin Floodway, a leveed floodway located in south-central Louisiana. Indian Bayou area is a typical southern Louisiana bottomland area, dominated by bald cypress swamps and bayous, it also contains upland areas. The Indian Bayou area covers approximately 28,500 acres in Saint Landry and Saint Martin Parishes. The Indian Bayou area is owned and managed by the USACE.

3.1.1 Description of the Watershed

The borrow area is in the ABFS, and the ABFS is a part of the watershed for the Atchafalaya River system. The Atchafalaya River flows approximately 140 miles through southeast Louisiana from Simmesport to Atchafalaya Bay and the Gulf of Mexico, with an average headwater discharge of 218,400 cubic feet per second (cfs). In the early 1500s, the Mississippi River captured the lower Red River and established the Atchafalaya River as a distributary. Until the 1950s, the Mississippi River was diverting an increasing amount of its discharge into the Atchafalaya, an indication the Mississippi was about to shift its course. In the 1960s, the Old River Control Structure was completed, in accordance with the Flood Control Act of 1954, to prevent the capture by the Atchafalaya River of a large measure of the flow and sediment of the Mississippi River. By determinations in the current decision documents, allocation of flowage and bedload sediment from the Mississippi River through the Old River Control Complex into the Atchafalaya River are controlled in certain percentages. At present, 30 percent of the combined flows of the Red River and the Mississippi River are joined to become the Atchafalaya River system. Under the current design of the Federally-authorized MR&T Project, the floodways for the MR&T Atchafalaya Basin Flood Control Project are designed to pass one half of the project flood for the Mississippi River, or 1.5 million cfs, to the Gulf of Mexico. Today the Atchafalaya River is the main distributary of the Mississippi.

The Atchafalaya River is the primary source of water to one of the largest wetland complexes in the world. The Atchafalaya River Basin is extremely rich in biodiversity and productivity and is bounded on the east and west by artificial levees that were constructed in the 1930s as a direct result of the flood of 1927 and the authorization of the MR&T Project by the Flood Control Act of 1928, as amended.

The United States Geological Survey has delineated all the discrete watersheds in the United States, and it describes each discrete watershed unit with a hydrologic unit code (HUC). The proposed work is located in the Atchafalaya HUC 08080101; further discussion of the watershed occurs in Water Quality Sections 3.2.10 and 4.11.

3.1.2 Climate

The Indian Bayou area is impacted by a humid, subtropical climate with a strong maritime character. Warm, moist southeasterly winds from the Gulf of Mexico prevail throughout most of the year, with occasional cool, dry fronts dominated by northeast high pressure systems. The influx of cold air occurs less frequently in autumn and only rarely in summer. Tropical storms and hurricanes are likely to affect the area 3 out of every 10 years, with severe storm damage approximately once every 2 or 3 decades. The majority of these occur between early June and November. The largest recent hurricanes were Katrina and Rita in 2005 which caused damage in the proposed work area. Hurricanes Gustav and Ike in 2008, and more recently, Isaac in 2012, caused additional damage in the proposed work area. Summer thunderstorms are common, and tornadoes strike occasionally. Average annual temperature in the area is 67° F, with mean monthly temperatures ranging from 82° F in August to 52° F in January. Average annual precipitation is 57.0 inches, varying from a monthly average of 7.5 inches in July, to an average of 3.5 inches in October (<http://www.srcc.lsu.edu/>).

3.1.3 Geology

The proposed work area is located within the ABFS. The major hydrologic influence in the proposed work area is the Atchafalaya River. As part of the Mississippi River alluvial plain, soils generally consist of a substratum of sand and gravelly sand, overlain by deposits of clay, silt, and organic materials (USDA-NRCS 2024a). The Soil Conservation Service performed two comprehensive soil surveys in 1977 and 1986 in Saint Martin and Saint Landry parishes, which classified various soil types existing within the proposed work area. Note, in 1994, Congress changed the United States Department of Agriculture's (USDA) Soil Conservation Service name to the Natural Resources Conservation Service (NRCS) to better reflect the broadened scope of the agency's concerns. According to the Soil Conservation Service's surveys, the primary soil types within the proposed work area are:

- Dowling clay, 0 to 1 percent slopes, frequently flooded (DX);
- Convent-Commerce complex, gently undulating, occasionally flooded (Ck);
- Commerce and Convent soils, gently undulating, frequently flooded (CE);
- Convent very fine sandy loam, gently undulating (Ch);
- Convent association, occasionally flooded (CB);
- Sharkey clay, 0 to 1 percent slopes, frequently flooded (Sp); and
- Fausse and Sharkey soils (FE).

Convent-Commerce complex soils are intricately intermingled, and subject to scouring and deposition. The surface layer is a neutral silt loam approximately five inches in depth, with an underlying layer that is a moderately alkaline, very fine sandy loam, approximately 60 inches in depth. This soil type is highly fertile, and is suitable for cultivated crops, pasture grasses, and southern hardwoods (USDA-SCS 1977 and 1986).

Commerce and Convent soils have a surface layer of silty, clay loam 4-5 inches in depth. The subsoil ranges from a mildly alkaline, silty, clay loam, to a moderately alkaline silt loam, and approximately 60 inches in depth. These soils are not suited for cultivated crops or pasture grasses, but are well suited for southern hardwoods (USDA-SCS 1977 and 1986).

Convent soils are composed of a very fine, sandy loam. The surface layer is mildly alkaline, and approximately seven inches in depth. The underlying layer is moderately alkaline, and

approximately 60 inches in depth. Convent soils are highly fertile, and are suited for cultivated crops, pasture grasses, and southern hardwoods (USDA-SCS 1977 and 1986).

Sharkey clay soils consist of poorly drained, very slowly permeable soils that formed in clayey Mississippi River alluvium. These soils are on the lower parts of natural levees and in back swamp areas in the Mississippi River alluvial plain. Slopes are generally less than 1 percent (USDA-SCS 1977 and 1986).

Fausse soils consist of poorly drained, very slowly permeable soils that formed in clayey Mississippi River alluvium. These soils occur mostly in swamp areas at low elevations throughout the alluvial plain. Slopes are generally less than 0.1 percent. The Fausse soils are commonly near the Sharkey soils (USDA-SCS 1977 and 1986).

Upland areas in the vicinity of the proposed borrow area are largely made up of sand deposits from the adjacent Atchafalaya River. Sharkey clay soils (fat clay) are the preferred soil type for levee construction projects. The proposed borrow area is mostly free of sand with some layers of silt loam that can be mixed during soil excavations to produce suitable levee construction material.

3.2 Relevant Resources

This section contains a description of relevant resources that could be impacted by the proposed work. The important resources described are those recognized by laws, executive orders, regulations, and other standards of National, state, or regional agencies and organizations; technical or scientific agencies, groups, or individuals; and the general public. Table 1 provides summary information of the institutional, technical, and public importance of these resources.

The following resources have been considered and found not to be affected by the proposed action: navigation; soils and water bottoms; essential fish habitat; and socioeconomic resources including land use, population, transportation, oil and gas, environmental health and safety, community cohesion, desirable community growth, tax revenues, property values, public facilities and services, business activity and employment, and displacement of people (Table 2). The objectives of Executive Order 11988 (Floodplain Management) were considered; however, RPEDS has determined that floodplain impacts, if any, from the proposed work would be mainly beneficial. Additionally, there is no practicable alternative for the proposed work outside the 100-year floodplain. The proposed borrow area is located in a previously cleared, fallow area that does not support relevant resources. The proposed borrow area is situated in a previously disturbed area from farming operations by previous landowner many years ago. The completed borrow area will create aquatic habitat as a result of meeting the primary purpose of furnishing clay borrow. No portion of the proposed work area has been designated a Louisiana Natural and Scenic River; therefore, a Scenic Rivers permit is not warranted.

The following relevant resources are discussed in this EA: wetlands, prime and/or unique farmlands, aquatic resources/fisheries, wildlife, threatened and endangered species, cultural resources, recreational resources, visual resources (aesthetics), air quality, and water quality (Table 2).

Table 1: Relevant Resources and Their Institutional, Technical, and Public Importance

Resource	Institutionally Important	Technically Important	Publicly Important
Wetlands	Clean Water Act of 1977, as amended; Executive Order 11990 of 1977, Protection of Wetlands; Coastal Zone Management Act of 1972, as amended; and the Estuary Protection Act of 1968., EO 11988, and Fish and Wildlife Coordination Act.	They provide necessary habitat for various species of plants, fish, and wildlife; they serve as ground water recharge areas; they provide storage areas for storm and flood waters; they serve as natural water filtration areas; they provide protection from wave action, erosion, and storm damage; and they provide various consumptive and non-consumptive recreational opportunities.	The high value the public places on the functions and values that wetlands provide. Environmental organizations and the public support the preservation of marshes.
Prime and/or Unique Farmlands	Farmland Protection Policy Act of 1981.	USDA's NRCS recognizes the importance of prime and unique farmlands. Prime farmland is available land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops, such as citrus, tree nuts, olives, and vegetables.	Prime and unique farmland provides food, feed, forage, fiber, and oilseed crops for public consumption.
Aquatic Resources/Fisheries	Fish and Wildlife Coordination Act of 1958, as amended; Clean Water Act of 1977, as amended; Coastal Zone Management Act of 1972, as amended; and the Estuary Protection Act of 1968.	They are a critical element of many valuable freshwater and marine habitats; they are an indicator of the health of the various freshwater and marine habitats; and many species are important commercial resources.	The high priority that the public places on their esthetic, recreational, and commercial value.
Wildlife	Fish and Wildlife Coordination Act of 1958, as amended and the Migratory Bird Treaty Act of 1918.	They are a critical element of many valuable aquatic and terrestrial habitats; they are an indicator of the health of various aquatic and terrestrial habitats; and many species are important commercial resources.	The high priority that the public places on their esthetic, recreational, and commercial value.
Threatened and Endangered Species	The Endangered Species Act of 1973, as amended; the Marine Mammal Protection Act of 1972; and the Bald Eagle Protection Act of 1940.	USACE, USFWS, NMFS, NRCS, EPA, LDWF, and LDNR cooperate to protect these species. The status of such species provides an indication of the overall health of an ecosystem.	The public supports the preservation of rare or declining species and their habitats.
Cultural Resources	National Historic Preservation Act of 1966, as amended; the Native American Graves Protection and Repatriation Act of 1990; and the Archeological Resources Protection Act of 1979.	State and Federal agencies document and protect sites. Their association or linkage to past events, to historically important persons, and to design and construction values; and for their ability to yield important information about prehistory and history.	Preservation groups and private individuals support protection and enhancement of historical resources.
Recreation Resources	Federal Water Project Recreation Act of 1965 as amended and Land and Water Conservation Fund Act of 1965 as amended.	Provide high economic value of the local, state, and national economies.	Public makes high demands on recreational areas. There is a high value that the public places on fishing, hunting, and boating, as measured by the large number of fishing and hunting licenses sold in Louisiana; and the large per-capita number of recreational boat registrations in Louisiana.
Visual Resources (Aesthetics)	USACE ER 1105-2-100, and National Environmental Policy Act of 1969, the Coastal Barrier Resources Act of 1990, Louisiana's National and Scenic Rivers Act of 1988, and the National and Local Scenic Byway Program.	Visual accessibility to unique combinations of geological, botanical, and cultural features that may be an asset to a study area. State and Federal agencies recognize the value of beaches and shore dunes.	Environmental organizations and the public support the preservation of natural pleasing vistas.
Air Quality	Clean Air Act of 1963, as amended, Louisiana Environmental Quality Act of 1983.	State and Federal agencies recognize the status of ambient air quality in relation to the NAAQS.	Virtually all citizens express a desire for clean air.
Water Quality	Clean Water Act of 1977, Fish and Wildlife Coordination Act, Coastal Zone Mgt Act of 1972, and Louisiana State & Local Coastal Resources Act of 1978.	USACE, USFWS, NMFS, NRCS, EPA, and State DNR and wildlife/fishery offices recognize value of fisheries and good water quality and the national and state standards established to assess water quality.	Environmental organizations and the public support the preservation of water quality and fishery resources and the desire for clean drinking water.

Table 2: Relevant Resources In and Near the Work Area

Relevant Resource	Impacted	Not Impacted
Navigation		X
Wetlands	X	
Scrub-Shrub		X
Soils and Water Bottoms		X
Aquatic		X
Wildlife	X	
Essential Fish Habitat		X
Threatened and Endangered Species		X
Water Quality		X
Air Quality		X
Cultural ¹		X
Recreational		X
Visual		X
HTRW ²		X
Noise	X	

¹Although not expected to be impacted, cultural resources are addressed to comply with the National Historic Preservation Act.

²Hazardous, Toxic, and Radioactive Waste. Although the area has been determined to have a low probability of containing HTRW, it is assessed in this document to comply with USACE policy.

3.2.1 Wetlands

Existing Conditions

The wetlands in the proposed work area are nontidal freshwater forested/shrub wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens. These wetlands are typically characterized by woody vegetation that is 6 meters or taller and with trees and shrubs that have relatively wide, flat leaves that are shed during the cold or dry season. Surface water in these wetlands is usually present for extended periods of time early in the growing season, but is generally absent by the end of the growing season (USFWS 2024). Vegetation in these areas includes willows (*Salix* spp.) and water elm (*Planera aquatica*), woody shrubs such as mayhaw (*Crataegus opaca*), swamp privet (*Forestiera acuminata*), wax myrtle (*Myrica cerifera*), buttonbush (*Cephalanthus occidentalis*), and some herbaceous vegetation (USFWS 2024 and USDA-NRCS 2024b).

3.2.2 Prime and/or Unique Farmlands

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 6.4 acres of prime farmland (i.e., Ck soils) would be impacted by the construction of the borrow area, access areas, and staging areas.

3.2.3 [Aquatic Resources/Fisheries](#)

Existing Conditions

Interconnecting bayous and flooded bald cypress swamps provide a freshwater avenue for fisheries to move through the flooded regions of Indian Bayou area. These water bodies provide foraging and nursery habitats for a variety of fisheries including gamefish such as catfish, bass, bluegill, and crappie. The detritus-rich substrates of swamps and bayous are productive habitats for various bottom-dwelling species including catfish, crawfish, and freshwater invertebrates. The shoreline and near-shore areas provide potential habitats for various species of minnows and amphibians, which are prey for gamefish and wading birds.

The aquatic habitat within the Indian Bayou area also supports populations of phytoplankton and zooplankton (e.g., copepods, rotifers, fish larvae, and crustacean larvae). Benthic invertebrate populations are comprised of both epifaunal and infaunal species (e.g., polychaete and oligochaete worms, and crustaceans). These organisms constitute vital components of the aquatic food chain and may comprise the diets of numerous finfish and shellfish species.

3.2.4 [Wildlife](#)

Existing Conditions

Wildlife species within the proposed work area provide both non-consumptive usage such as birding and wildlife photography, and consumptive usage such as hunting. Wildlife species within Indian Bayou area include big-game (deer, turkey), small-game (rabbits, squirrel), furbearers (raccoon, opossum, coyote, beaver, otter), non-game (armadillos, rats, mice, song birds, raptors, neo-tropical migrants), reptiles, and amphibians. The wood duck nest boxes installed as part of the Indian Bayou area's management program directly benefits wood ducks and other non-target cavity nesting species. The on-going reforestation program has planted a total of 2,000 acres of assorted bottomland hardwood species planted in successive years, providing diversity of vegetation types and age classes. The diversity benefits the various wildlife species within the area by providing low, medium, and upper story environments for food, cover, breeding, and brooding habitats.

The Louisiana black bear (*Ursus americanus luteolus*) and bald eagle (*Haliaeetus leucocephalus*) have been documented within the bottomland hardwood forests of the Atchafalaya Basin. The U.S. Fish and Wildlife Service (USFWS) news release on March 10, 2016 announced the removal of the Louisiana black bear from the list of threatened and endangered species under the 1973 Endangered Species Act (ESA); additionally on June 28, 2007, USFWS announced the removal of the bald eagle from the same list; both species were delisted due to their recovery. However, eagles remain protected under the Bald and Golden Eagle Protection Act of 1940 and the Migratory Bird Treaty Act of 1972. "Public Access Land Improvements Atchafalaya Basin Floodway System Saint Landry, Saint Martin, and Iberville Parishes, Louisiana EA # 345" documents correspondence between the CEMVN and the USFWS on April 18, 2002, that states that neither the Louisiana black bear or the bald eagle inhabited the Indian Bayou area at that time. Furthermore, no evidence of eagle nests or bear den trees were found during the June 26, 2024, site visit conducted by the CEMVN biologist.

3.2.5 Threatened and Endangered Species

Existing Conditions

No threatened and endangered species are expected to utilize the habitat within the proposed work area, and the habitat within the proposed work area is not considered as occupied habitat for any threatened and endangered species.

3.2.6 Cultural Resources

Existing Conditions

The proposed work area is protected by artificial levees and is typically backed by a thin belt of alluvium and by late Pleistocene deposits. The geologic history of the proposed work area has been strongly influenced by sea level fluctuations in the Gulf of Mexico and the shifting of the Mississippi River and its distributaries. Both prehistoric and historic populations left cultural remains of their activities in variable proximity to the proposed work area, but the meandering river and the natural flooding and artificial efforts to control that flooding have destroyed many of these remains.

An extensive study of the Atchafalaya Basin was published by Jon Gibson in 1982. The prehistory of the Atchafalaya Basin is indistinct at its earliest phases, with no evidence of Paleoindian Period occupations in the Basin proper. However, characteristic Paleoindian artifacts have been discovered at locations on the western edge of the Basin, suggesting that traces of human occupation within the Basin proper have been obliterated by river activity in the intervening millennia. This is also true of Archaic Period occupations, which again appear on the older and higher landforms at the margins of the Atchafalaya Basin around 6000 to 4000 B.P., and on the elevated lands of the Teche Ridge in the northern portion of the Basin. Also during the Late Archaic, Poverty Point-affiliated communities are known from the Basin. In the Tchula Period, Tchefuncte sites become more numerous, again placed prominently on stable, elevated, older landforms. Note that this patterning of sites in early prehistory is reasonable both from the standpoint of long-term site preservation from geologic / hydrologic disturbances, but also from the point of view of the ancient inhabitants, who would have preferred elevated, dry lands with good visibility of the overall landscape, as would be found at Basin and river margins.

The Chitimacha Tribe of Louisiana has a long history within the Atchafalaya Basin and surroundings that continues to the present day. Jon Gibson cites an account from 1784, at which time numerous Chitimacha settlements were in existence in the lower Bayou Teche region and adjoining areas. The Chitimacha Tribe of Louisiana today still claims and maintains portions of these lands as their aboriginal homelands. In addition to the many ancient Chitimacha village locations recorded on State Records, the Chitimacha Indians remember, respect, and maintain numerous traditional cultural properties within Iberia, St. Mary, and St. Martin Parishes and in close proximity to the current project area. Early European reports also indicate that the Bayougoula Indians may have been present in or nearby the areas surrounding the current project areas.

Two cultural resource surveys have been previously conducted within the project area of potential effects 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. The Henderson Lake Site (16SM95) is a previously identified shell midden site with known human burials located within the Atchafalaya Basin Floodway. Site 16SM95 is outside of the area of potential effects for the proposed action.

3.2.7 Recreational Resources

Existing Conditions

This resource is institutionally important because of the Federal Water Project Recreation Act of 1965, as amended and the Land and Water Conservation Fund Act of 1965, as amended. Recreational resources are technically important because of the high economic value of these recreational activities and their contribution to local, state, and national economies. Recreational resources are publicly important because of the high value that the public places on fishing, hunting, and boating, as measured by the large number of fishing and hunting licenses sold in Louisiana, and the large per-capita number of recreational boat registrations in Louisiana.

Table 3 below shows the number of fishing licenses, hunting licenses, and boat registrations, respectively, in the vicinity of the proposed borrow area. The fishing and hunting license and boat registration data are provided by the Louisiana Department of Wildlife and Fisheries (<https://www.wlf.louisiana.gov/page/recreational-fishing-licenses-and-permits> Accessed June 20, 2024).

Table 3: FY 2019 Fishing/ Hunting Licenses, Boater Registrations

Parish/County	Fishing Licenses		Hunting Licenses	
	Resident-Basic	Resident-Saltwater	Resident-Basic	Resident Boat Registrations
Assumption	2,207	1,413	781	3,738
Iberia	6,832	5,751	1,984	7,007
Iberville	2,636	1,351	1,041	3,291
Pointe Coupee	2,021	939	1,204	2,438
Saint Landry	7,572	3,941	3,876	5,818
Saint Martin	4,509	2,718	1,907	5,292
Saint Mary	5,090	4,122	1,447	7,200
Terrebonne	14,960	14,371	3,216	14,656
Atchafalaya Basin Floodway System (ABFS) Parishes Total	45,827	34,606	15,456	49,440
State Totals	323,753	198,417	130,725	306,565
ABFS Percent of State	14.2%	17.4%	11.8%	16.1%

The Indian Bayou area is within the Atchafalaya National Heritage Area and is comprised of ecosystems that have national significance. The ABFS, situated within the Atchafalaya National Heritage Area, contains one of the largest bottomland hardwood forest swamps in North America which includes significant cultural, historic, scenic, and recreational resources. This inland swamp ecoregion of Louisiana is a haven for wildlife which provides various recreational opportunities for the public, including eco-tourism, fishing, and hunting (Daigle et al. 2006). In the vicinity of the Indian Bayou area, fishing and hunting are the main recreational activities occurring on both sides of the Atchafalaya River levee. Birding use is limited to the edge of roads and easily accessible levees. The proposed project area within Indian Bayou contains a mix of open fields and bottomland hardwood forests primarily used for hiking and seasonal hunting. A foot trail exists that allows visitors to navigate the forests on maintained paths that is used for wildlife viewing and photography.

Thousands of acres have been set aside by USACE and by other State and Federal governmental entities to provide high-quality opportunities for the public to enjoy the natural resources of the Lower Atchafalaya Basin Floodway directly northeast and across the Atchafalaya River from the Indian Bayou area (Figure 4). The adjacent areas are further detailed in Table 4 below.

Table 4: Public Lands Adjacent to the Indian Bayou Project Area

Public Area	Size (acres)	Parish	Managing Agency	Recreation		Boat Launch	Recreational Highlights
				Consumptive	Non-consumptive		
Wildlife Management Area							
Sherburne WMA	11,800	Saint Martin and Iberville	Louisiana Department of Wildlife and Fisheries	fishing, hunting, trapping	birding, photography, shooting range, camping	Yes	Includes 2 campgrounds (1 primitive and 1 with running water), ATV trails and all-weather roads.
National Wildlife Refuge							
Atchafalaya NWR	15,220	Saint Martin and Iberville	U.S. Fish and Wildlife Service	fishing, hunting, trapping	birding, photography, shooting range, camping	Yes	Established in 1986 from the LWCF, and includes restrooms, fishing pier, nature trail, ATV trail, 45,000 visitors annually.
U.S. Army Corps of Engineers							
Bayou Des Ourses	16,618	Saint Martin and Iberville	U.S. Army Corps of Engineers	fishing, hunting, trapping	birding, photography, shooting range, camping	Yes	Excellent hunting and fishing with proximity to Sherburne WMA and Atchafalaya NWR.
Indian Bayou	28,500	Saint Martin and St. Landry	U.S. Army Corps of Engineers	fishing, hunting and trapping by permit	birding, photography, hiking, biking, ATV, horseback riding, boating and paddling,	Yes	Proximity to Sherburne WMA and Atchafalaya NWR, restrooms and ranger station, wheel chair bound hunting area.

Source: www.wlf.louisiana.gov/wma/2763; www.fws.gov/refuge/atchafalaya/; www.mvn.usace.army.mil/Missions/Recreation/Atchafalaya-Basin/

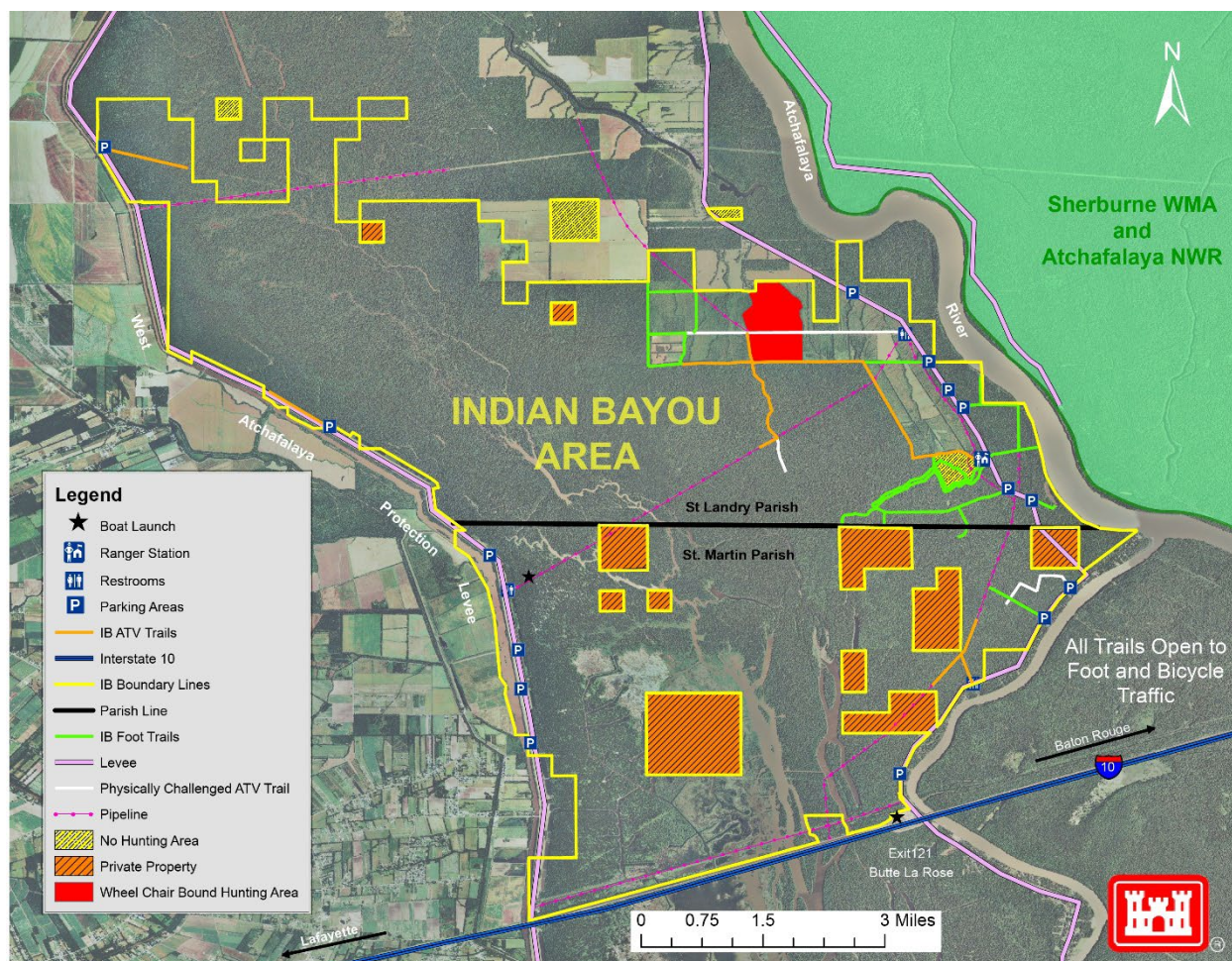


Figure 4: Indian Bayou Area Recreation Map

3.2.8 Visual Resources (Aesthetics)

Existing Conditions

The entire Indian Bayou area is within the Atchafalaya National Heritage Area. A national heritage area is defined through unique attributes as both a place and a concept, as described below:

Physically, heritage areas are regions with concentrations of significant natural, scenic, cultural, historic, and recreational resources. . . Heritage areas are places known for their unique culture and identity, as well as for being good places to live or visit. As a concept, heritage areas are partnerships where residents, businesses, local governments, and state and federal agencies collaborate to create more livable and economically sustainable regions (Louisiana Department of Culture, Recreation & Tourism 2010).

Land use in the vicinity of the Indian Bayou area is generally rural and comprised of inland swamps, agricultural fields, and, to a limited extent, developed land. This provides a visually harmonious atmosphere that is rich with biodiversity and naturally pleasing.

Primary viewpoints into the Indian Bayou area's natural landscape highlight a bottomland hardwood forest that is contrasted by the Atchafalaya River levee, which acts as the dominant

landform feature in the area. The primary water resources include the main river channel of the Atchafalaya River, remnants of streams, seasonal wetlands, and borrow areas previously used for levee building material. The proposed project area in Indian Bayou is comprised of a mix of maintained open fields mixed with bottomland hardwood species. This offers open views within the forests to observe the natural landscape as understory shrubs give way to taller mature trees. Vehicular access to the project area is limited and once inside only available to foot traffic which lends to the tranquility of being in the forest removed from vehicles and roadways.

3.2.9 [Air Quality](#)

Existing Conditions

The U.S. Environmental Protection Agency (USEPA), under the requirements of the Clean Air Act (CAA), has established NAAQS for six contaminants, referred to as “criteria” pollutants (40 CFR 50). These are 1) carbon monoxide (CO), 2) nitrogen dioxide (NO₂), 3) ozone (O₃), 4a) particulate matter less than 10 microns in diameter (PM₁₀), 4b) particulate matter less than 2.5 microns in diameter (PM_{2.5}), 5) lead (Pb), and 6) sulfur dioxide (SO₂). The NAAQS standards include primary and secondary standards. The primary standards were established at levels sufficient to protect public health with an adequate margin of safety. The secondary standards were established to protect the public welfare from the adverse effects associated with pollutants in the ambient air. The primary and secondary standards are presented in Table 5.

The USEPA Green Book Nonattainment Areas for Criteria Pollutants (Green Book) maintains a list of all areas within the United States that are currently designated “nonattainment” areas with respect to one or more criteria air pollutants. Nonattainment areas are discussed by county or metropolitan statistical area (MSA). MSAs are geographic locations, characterized by a large population nucleus, that are comprised of adjacent communities with a high degree of social and economic integration. MSAs are generally composed of multiple counties. Review of the Green Book indicates that Saint Landry and Saint Martin Parishes are currently in attainment for all Federal NAAQS pollutants, including the 8-hour ozone standard (USEPA 2024). This classification is the result of area-wide air quality modeling studies. Therefore, further analysis required by the CAA general conformity rule (Section 176(c)) would not apply for the proposed Federal action.

Table 5: Primary and Secondary NAAQS for the Six Contaminants Established by EPA

National Ambient Air Quality Standards [3][4]				
	Primary Standard		Secondary Standard	
Criteria Pollutant	Concentration Limit	Averaging Time	Concentration Limit	Averaging Time
Carbon monoxide	9 ppmv (10 mg/m ³)	8-hour ⁽¹⁾	None	
	35 ppmv (40 mg/m ³)	1-hour ⁽¹⁾		
Sulfur dioxide	0.03 ppmv (80 µg/m ³)	Annual (arithmetic mean)	0.5 ppmv (1300 µg/m ³)	3-hour ⁽¹⁾
	0.14 ppmv (365 µg/m ³)	24-hour ⁽¹⁾		
Nitrogen dioxide	0.053 ppmv (100 µg/m ³)	Annual (arithmetic mean)	Same as primary	
Ozone	0.075 ppmv (150 µg/m ³)	8-hour ⁽²⁾	Same as primary	
	0.12 ppmv (235 µg/m ³)	1-hour ⁽³⁾	Same as primary	
Lead	0.15 µg/m ³	Rolling 3-month average	Same as primary	
	1.5 µg/m ³	Quarterly average	Same as primary	
Particulate Matter (PM ₁₀)	150 µg/m ³	24-hour ⁽⁴⁾	Same as primary	
Particulate Matter (PM _{2.5})	15 µg/m ³	Annual ⁽⁵⁾ (arithmetic mean)	Same as primary	
	35 µg/m ³	24-hour ⁽⁶⁾	Same as primary	

(1) Not to be exceeded more than once per year.

(2) The 3-year average of the fourth-highest daily maximum 8-hour average at each monitor within the area over each year must not exceed 0.075 ppmv.

(3a) The expected number of days per calendar year with maximum hourly averages above 0.12 ppm must be equal to or less than 1.

(3b) As of June 15, 2007, the U.S. EPA revoked the 1-hour ozone standard in all areas except for certain parts of 10 states.

(4) Not to be exceeded more than once per year on average over 3 years.

(5) The 3-year average of the weighted annual mean PM_{2.5} concentrations from single or multiple community-oriented monitors must not exceed 15 µg/m³.

(6) The 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within the area must not exceed 35.5 µg/m³.

3.2.10 Water Quality

Existing Conditions

As part of its surface water quality monitoring program, the Louisiana Department of Environmental Quality (LDEQ) routinely monitors 25 parameters using a fixed station, long-term monitoring sites (LDEQ 2022). Based upon these data and the use of less-continuous information (Evaluated Assessments), such as fish tissue contaminants data, complaint investigations, and spill reports, the LDEQ has assessed water quality fitness for the following uses: primary contact recreation (swimming), secondary contact recreation (boating, fishing), fish and wildlife propagation, drinking water supply, oyster propagation, agriculture, and outstanding natural resource waters (LDEQ 2022). Based upon existing data and more subjective information, water quality is determined to either fully, partially, or not support those uses. A designation of “threatened” is used for waters that fully support their designated uses but that may not fully support certain uses in the future because of anticipated sources or adverse trends in pollution.

According to the LDEQ Final 2022 Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d)), the West Atchafalaya Basin Floodway from Simmesport to Butte LaRose Bay and Henderson Lake (subsegment LA010301_00) is “not supporting designated use” for primary contact recreation (i.e., swimming); “fully supporting designated use” for secondary contact recreation (i.e., boating); and is “not supporting designated use” for fish and wildlife propagation (i.e., fishing) (LDEQ 2022).

4 ENVIRONMENTAL CONSEQUENCES

4.1 Wetlands

Future Conditions with No Action

With implementation of this alternative, no direct or indirect impacts to wetlands would occur.

Future Conditions with the Proposed Action

BORROW AREA: The proposed action would have direct and permanent impacts on wetlands. The proposed borrow area would permanently remove 4.5 acres of degraded wetland habitat from the Indian Bayou area. The excavated material (approximately 87,000 cubic yards of earthen material) would be utilized for routine operations and maintenance activities on the EABPL and WABPL. The wetland loss is considered minimal, in respect to the extensive forested wetlands readily available within the Indian Bayou area and throughout the Atchafalaya Basin. Avoidance of wetlands was considered during the planning phase of selecting the proposed borrow location. Utilizing a cultivated or fallow field was a criterion used in determining a least damaging location. Clay that is suitable for levee repairs or construction is typically part of a wetland soil. Additionally, the proposed borrow area was selected as the least damaging area given it is typically fallow, seasonally tilled, and it was previously manipulated for agricultural production. Exposed soils surrounding the borrow area would be colonized by seedlings of the adjacent forested habitat. This new wetland fringe interface exposed to open water would typically be revegetated with local species through natural processes within two years. The borrow area would indirectly benefit fisheries and aquatic wildlife species given the unsuitable earthen material and the removed trees and shrubs would be utilized as cover habitat once the borrow area floods. The flooded borrow area would eventually support multiple aquatic habitats, which would increase the diversity of benthic organisms and fish species. Additionally, the flooded borrow area would increase the habitat suitability index within the Indian Bayou area by creating a valuable riparian zone for

terrestrial wildlife. In sum, the proposed borrow area would not only serve as an important source of earthen material for EABPL and WABPL operation and maintenance activities, but it would improve the aquatic and terrestrial habitats within the Indian Bayou area. Cumulative impacts to wetlands will be discussed in a later section entitled “Cumulative Impacts Analysis.”

4.2 Prime and/or Unique Farmlands

Future Conditions with No Action

With implementation of this alternative, no direct or indirect impacts to prime and unique farmland would occur.

Future Conditions with the Proposed Action

BORROW AREA: The proposed action would have adverse direct and permanent impacts on prime farmland soils. Approximately 6.4 acres of prime farmland (i.e., Ck soils) would be impacted by the construction of the borrow area, access areas, and staging areas (Appendix A). The proposed borrow area would permanently 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 4.5 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.

4.3 Aquatic Resources/Fisheries

Future Conditions with No Action

With implementation of this alternative, no direct or indirect impacts to fisheries would occur.

Future Conditions with the Proposed Action

BORROW AREA: During the construction phase of the project, short-term direct and indirect impacts to soils could occur due to the use of heavy equipment such as bulldozers and backhoes. The erosion and surface runoff may temporarily degrade water quality and thus fisheries in water bodies within the immediate vicinity; however, the impacts would be minimized by utilizing Best Management Practices (BMPs) (e.g., revegetating disturbed areas as soon as practicable and placing fill material so as to preclude it from entering area water bodies).

Over time, the excavated area would evolve into a viable aquatic habitat with a wetland fringe that would provide new habitat opportunities and long-term indirect benefits to fisheries resources. The unsuitable earthen material and the removed trees and shrubs would create vital cover habitat, and area wetland plant species are expected to colonize the shallow ledge areas, creating potential foraging, breeding, brooding, and cover habitat. Over time, the flooded area would evolve into a viable aquatic habitat. The proposed action would have no adverse, long-term impacts to fisheries in the area.

4.4 Wildlife

Future Conditions with No Action

With implementation of this alternative, no direct or indirect impacts to wildlife would occur.

Future Conditions with the Proposed Action

BORROW AREA: The proposed work activities would cause adverse, short-term direct and indirect impacts to wildlife species within the work areas during construction, but these impacts would be minor and temporary, and should not adversely or significantly impact area wildlife over the long-term. Direct impacts would be the loss of any potential habitat and the temporary displacement of wildlife species from the area caused by project construction. However, the loss of habitat and temporary disturbance would not adversely impact the general population of wildlife species within the region, due to the extensive forested wetlands and comparable habitat available within the vicinity of the project area. The proposed action would have indirect beneficial impacts, as trees and shrubs removed would be placed into the borrow area, providing cover habitat for aquatic wildlife species once the area floods. Over time, the borrow area would evolve into a freshwater ecosystem, providing various habitat opportunities that are expected to attract resident and migrant wildlife species. Thus, the overall results of the proposed work are expected to have long-term beneficial impacts on area wildlife species.

4.5 Threatened and Endangered Species

Future Conditions with No Action

Without implementation of the proposed action, no direct or indirect impacts would occur to threatened or endangered species, or their critical habitat.

Future Conditions with the Proposed Action

BORROW AREA: With the proposed action, approximately 4.5 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 and the proposed project would have no impact on Federally listed species. Additionally, the June 10, 2024 IPaC report listed the Tricolored Bat (*Perimyotis subflavus*) under the “Proposed Endangered” status, the Alligator Snapping Turtle (*Macrochelys temminckii*) under the “Proposed Threatened” status, and the Monarch Butterfly (*Danaus plexippus*) as a “Candidate” species. Given the preferred habitat of the Alligator Snapping Turtle and the Monarch Butterfly, 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 these species. Given the preferred habitat of the Tricolored Bat and the removal of trees associated with the proposed action, CEMVN has made the following determination, “may effect, not likely to adversely affect”. The USFWS IPaC letter was generated on June 10, 2024 (Appendix B). Note after the IPaC letter was generated, the borrow area was reduced in size from 9.4 acres to 4.5 acres, this was done to avoid an existing trail. This reduction in borrow area size will not impact the above determination.

4.6 Cultural Resources

Future Conditions with No Action

With no action, conditions would remain largely the same as present; therefore, there would be “No Effect” to historic properties.

Future Conditions with the Proposed Action

BORROW AREA: No impacts to historic properties, cultural resources, or tribal resources would occur as a result of implementing the proposed action. On September 11, 2019, CEMVN archaeologists conducted a site visit to the proposed work area. USACE consulted with the Louisiana State Historic Preservation Office (SHPO) and Federally recognized Tribes (the Alabama-Coushatta Tribe of Texas [ACTT], the Caddo Nation [CN], the Choctaw Nation of Oklahoma [CNO], the Coushatta Tribe of Louisiana [CT], the Chitimacha Tribe of Louisiana [CTL], the Jena Band of Choctaw Indians [JBCI], the Mississippi Band of Choctaw Indians [MBCI], the Muscogee (Creek) Nation [MCN], the Seminole Nation of Oklahoma [SNO], the Seminole Tribe of Florida [STF], and the Tunica-Biloxi Tribe of Louisiana [TBTL]), via letter on September 24, 2019 regarding the agency’s determination that there would be “No Historic Properties Affected” should this action be taken. SHPO provided concurrence on October 7, 2019, and CNO provided concurrence on November 13, 2019. The remaining Tribes did not respond in the regulatory timeframe; therefore, in accordance with 36 CFR 800.4(d) 1(i) and 800.5(c)1, USACE may proceed with approving the undertaking.

The analysis for this project can be found in CEMVN’s September 24, 2019 consultation letter. USACE will apply standard discovery provisions, and comply with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001-3013, should Native American human remains be encountered. After the above consultation, the borrow area was reduced in size from 9.4 acres to 4.5 acres, this was done to avoid an existing trail. This reduction in borrow area size will not impact the above determination.

4.7 Recreational Resources

Future Conditions with No Action

With implementation of the no action alternative, no direct or indirect impacts to the recreational resource would occur.

Future Conditions with the Proposed Action

BORROW AREA: With the proposed action, recreational opportunities in the vicinity of the project would experience short-term adverse impacts caused by the construction equipment and related construction activities. Noise from construction activities as well as noise from increased vehicular traffic may disturb local recreational activities such as wildlife viewing and hunting. In addition, detours to the foot trail would occur since the proposed project area lies on a segment of one of these established trails. The proposed work activities would cause adverse, short-term direct and indirect impacts to recreational opportunities, but these impacts are expected to be minor and temporary while construction occurs. Conditions are expected to return to normal once the construction activities are complete.

There would be positive long-term impacts to the project area with the completion of the borrow area. The proposed work would improve recreational opportunities available to the public and

increase the public's opportunity to observe and utilize the resources within the Indian Bayou area. According to a document related to environmental designs of borrow areas, "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" (See Appendix D).

4.8 Visual Resources (Aesthetics)

Future Conditions with No Action

With implementation of the no action alternative, no direct or indirect impacts to the visual resources would occur.

Future Conditions with the Proposed Action

BORROW AREA: With the implementation of the proposed action there would be adverse, short-term direct and indirect impacts to visual resources in the work area caused by the project equipment and related construction activity. While most of the borrow area contains mostly open field, portions of the bottomland hardwood forest will be removed in order to gain access to the soil below. The surrounding forests provide ample screening of this action from visitors accessing other trails in the area. The proposed borrow area would eventually add to the existing network of open water habitats in the area. Where once an open field enclosed by dense bottomland hardwood forest stood, a shallow, aquatic area with gently sloping banks would reside and contribute to the visually harmonious atmosphere of the area.

4.9 Air Quality

Future Conditions with No Action

With implementation of this alternative, no direct or indirect impacts to air quality would occur.

Future Conditions with the Proposed Action

BORROW AREA: With the implementation of the proposed action there would be adverse, short-term direct and indirect impacts to air quality. However, due to the short duration of the proposed work, any adverse impacts to ambient air quality are expected to be short-term and minor and are not expected to cause or contribute to a violation of Federal or state ambient air quality standards. Once all construction activities associated with the proposed work cease, air quality within the vicinity is expected to return to pre-construction conditions. Thus, the ambient air quality in Saint Landry and Saint Martin Parishes would not change from current conditions, and the status of attainment for the parishes would not be altered.

4.10 Water Quality

Future Conditions with No Action

Without implementation of the proposed action, no direct or indirect impacts to water quality would occur.

Future Conditions with the Proposed Action

BORROW AREA: With implementation of the proposed action, adverse direct and indirect impacts to water quality are expected to be minor and short-term. A stormwater pollution prevention plan would be developed to minimize any potential effects to water quality during excavation of the borrow area. The proposed borrow area would create 4.5 acres of open water

aquatic habitat within a degraded wetland area to increase the aquatic ecosystem habitat within the Indian Bayou area. This action would increase the water surface area in the Indian Bayou area by 4.5 acres. CEMVN received a Water Quality Certificate from the State of Louisiana dated July 23, 2024, that stated the requirements for Water Quality Certification have been met (Appendix E). Note, after the Water Quality Certification was received, the borrow area was reduced in size from 9.4 acres to 4.5 acres, this was done to avoid an existing trail. This reduction in borrow area size will not impact the above determination.

As required by Section 404(b)(1) of the Clean Water Act (CWA), an evaluation to assess the short- and long-term impacts associated with the discharge of dredged and fill materials into waters of the United States resulting from this project has been completed. The Section 404(b)(1) public notice was mailed out for a public review and comment period beginning March 21, 2025 and ending April 21, 2025 (Appendix F).

4.11 Hazardous, Toxic, and Radioactive Waste

The USACE is obligated under Engineer Regulation (ER) 1165-2-132 to assume responsibility for the reasonable identification and evaluation of all Hazardous, Toxic, and Radioactive Waste (HTRW) contamination within the vicinity of proposed actions. ER 1165-2-132 identifies that HTRW policy is to avoid the use of project funds for HTRW removal and remediation activities. An ASTM E 1527-13 Phase I Environmental Site Assessment was completed for the proposed work area. The ESA is entitled HTRW-19-05 and is dated September 17, 2019. Additionally, HTRW-19-05 was updated on August 8, 2024. These reports are being stored on file at CEMVN. Additionally, other HTRW investigations have been conducted in the Indian Bayou area that indicate a low probability of encountering HTRW issues in the proposed work areas, the previous reports are: July 21, 2005 Final Closure Report, Indian Bayou, RECAP Site Closure, Atchafalaya Basin, Louisiana and the Initial Site Assessment for Hazardous, Toxic and Radioactive Waste, HTRW #199, Bayou Des Ourses and Indian Bayou Management Areas. Current and past HTRW investigations indicate a low probability of encountering HTRW in the proposed work areas. If a recognized environmental condition is identified in relation to the proposed work area, CEMVN would take the necessary measures, in accordance with ER 1165-2-132, to avoid the recognized environmental condition so that the probability of encountering or disturbing HTRW would continue to be low. No adverse direct or indirect impacts would occur from HTRW if the proposed action were implemented.

4.12 Cumulative Impacts Analysis

The Council on Environmental Quality Regulations define cumulative impacts (CI) as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. CI can result from individually minor but collectively significant actions taking place over a period of time.”

The borrow area, access areas, and staging areas would impact 6.4 acres of degraded wetland area. The borrow area would serve as a viable source of earthen material for EABPL and WABPL operation and maintenance activities, and it would generate a diverse aquatic system that would enhance nearby low-quality terrestrial communities and provide additional aquatic habitat with the Indian Bayou area.

Wetlands will continue to be impacted by public, private, and governmental projects. However, in having a greater awareness of the importance of wetlands, impacts associated with this and future projects will be evaluated to assure a balance is maintained between construction and

impacts on the environment. The proposed work would not result in substantial direct, indirect, or cumulative adverse impacts to the aquatic and terrestrial environments in the Indian Bayou area. The proposed work would have long-term, beneficial, cumulative impacts on the Indian Bayou area's aquatic and terrestrial habitats.

The analysis set forth in this EA indicates that there will be minimal, temporary, and insignificant impacts to wildlife and nearby residents due to noise if the proposed construction and management measures are implemented. The proposed action is not expected to have a significant adverse CI on the significant resources described in this EA. The proposed action would ensure the ability of the EABPL and WABPL to protect life and property from future flooding of the Atchafalaya River. In addition, the proposed action is expected to have long-term, beneficial impact to the environment within the proposed work area by increasing habitat for wildlife and aquatic species.

5 MITIGATION

The implementation of the Congressionally authorized ABFS Recommended Plan described in the 1982 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. The Water Resources Development Act (WRDA) of 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 MR&T, Atchafalaya Basin Flood Control Project, USACE has acquired developmental control easements over the same 94,000 acres that impose various limitations over construction of new structures and modification of existing structures.

The proposed action would result in a loss of approximately -1.58 AHU of "Early Successional Bottomland Hardwood and Composition Unknown Forest" habitat, based upon the net change reported in the USFWS CAR (see appendix G). 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 4.5 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 EABPL and WABPL 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.

6 COORDINATION AND PUBLIC INVOLVEMENT

A Public Notice for draft *EA #575* was published for public comment on CEMVN's "NEPA Compliance Documents" webpage for 30 days beginning March 21, 2025.

Preparation of this EA and FONSI was coordinated with appropriate Congressional, Federal, Tribal, state, and local interests, as well as environmental groups and other interested parties. The following agencies, as well as other interested parties, received copies of the draft EA and draft FONSI:

U.S. Department of the Interior, Fish and Wildlife Service
U.S. Environmental Protection Agency, Region VI
U.S. Department of Commerce, National Marine Fisheries Service
U.S. Natural Resources Conservation Service, State Conservationist
U.S. Coast Guard Sector New Orleans
U.S. Coast Guard Marine Safety Unit Baton Rouge
Maritime Navigation Safety Association
Big River Coalition
Lower Mississippi River Committee (LOMRC)
Coastal Protection and Restoration Authority Board of Louisiana
Advisory Council on Historic Preservation
Louisiana Department of Wildlife and Fisheries
Louisiana Department of Natural Resources, Coastal Management Division
Louisiana Department of Natural Resources, Coastal Restoration Division
Louisiana Department of Environmental Quality
Louisiana State Historic Preservation Officer
Saint Landry Parish Government
Saint Martin Parish Government
Alabama-Coushatta Tribe of Texas
Caddo Nation of Oklahoma
Chitimacha Tribe of Louisiana
Choctaw Nation of Oklahoma
Coushatta Tribe of Louisiana
Mississippi Band of Choctaw Indians
Jena Band of Choctaw Indians
Seminole Tribe of Florida
Seminole Nation of Oklahoma
Tunica-Biloxi Tribe of Louisiana

7 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

There are many Federal and state laws pertaining to the enhancement, management and protection of the environment. Federal projects must comply with environmental laws, regulations, policies, rules and guidance. Compliance with all applicable laws will be accomplished prior to execution of the associated Finding of No Significant Impact.

Coastal Zone Management Act of 1972

The Coastal Zone Management Act requires that “each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.” Given the proposed borrow area is north of the coastal zone boundary, a consistency determination was not needed.

Clean Air Act of 1970

The CAA sets goals and standards for the quality and purity of air. It requires the Environmental Protection Agency to set NAAQS for pollutants considered harmful to public health and the environment. The work area is in Saint Landry Parish, which is currently in attainment of NAAQS. The LDEQ is not required by the CAA and Louisiana Administrative Code, Title 33 to grant a general conformity determination.

Clean Water Act of 1972 – Section 401 and Section 404

The Clean Water Act (“CWA”) sets and maintains goals and standards for water quality and purity. Section 401 requires a Water Quality Certification from the LDEQ that a proposed project does not violate established effluent limitations and water quality standards. State Water Quality Certification (WQC 240717-02) was issued on July 23, 2024 for the proposed work (Appendix E).

As required by Section 404(b)(1) of the Clean Water Act (CWA), an evaluation to assess the short- and long-term impacts associated with the discharge of dredged and fill materials into waters of the United States resulting from this Project has been completed (Appendix F). The Section 404(b)(1) public notice was mailed out for a public review and comment period beginning March 21, 2025 and ending April 21, 2025.

Endangered Species Act of 1973

The ESA is designed to protect and recover threatened and endangered species of fish, wildlife and plants. CEMVN initiated coordination with the USFWS on June 10, 2024. In correspondence dated June 17, 2024, the USFWS agreed with the determinations found within section 4.5 of this EA. This fulfills the requirements under Section 7(a)(2) of the ESA (Appendix B).

Fish and Wildlife Coordination Act of 1934

The Fish and Wildlife Coordination Act (FWCA) provides authority for the USFWS involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. A draft coordination act report is included in Appendix G.

Hazardous, Toxic, and Radioactive Waste

Engineer Regulation (ER) 1165-2-132 provides that in the Planning, Engineering and Design (PED) Phase that, for proposed project in which the potential for HTRW problems has not been considered, an HTRW initial assessment, as appropriate for a reconnaissance study, should be conducted as a first priority. If the initial assessment indicates the potential for HTRW, testing, as

warranted and analysis similar to a feasibility study should be conducted prior to proceeding with the project design.

An ASTM E 1527-13 Phase I Environmental Site Assessment was completed for the proposed work area. The Environmental Site Assessment is entitled HTRW-19-05 and is dated September 17, 2019. Additionally, HTRW-19-05 was updated on August 8, 2024. These reports are being stored on file at CEMVN. The probability of encountering HTRW for the no is low based on the initial site assessment. If a recognized environmental condition is identified in relation to the work area, the CEMVN would take the necessary measures to avoid the recognized environmental condition so that the probability of encountering or disturbing HTRW would continue to be low.

Migratory Bird Treaty Act

The bald eagle was removed from the list of endangered and threatened species in August 2007 but continues to be protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act of 1918, as amended. During nesting season, construction must take place outside of USFWS/LDWF buffer zones. A USACE Biologist and USFWS Biologist survey for nesting birds would be done prior to the start of construction.

National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act of 1966, as amended, requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The procedures in 36 CFR Part 800 define how Federal agencies meet these statutory responsibilities. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, including the SHPO or Tribal Historic Preservation Officer and any Tribe that attaches religious or cultural significance to historic properties that may be affected by an undertaking. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. Consultation pursuant to Section 106 has been completed and a finding of no historic properties affected was coordinated for the original project goals as presented in EA #575, with a letter dated September 24, 2019 to the SHPO, and in a response dated October 7, 2019 SHPO concurred that the proposed actions of this EA are determined as having no additional potential to cause effect to any potential cultural resources.

Tribal Consultation

NEPA, Section 106 of the National Historic Preservation Act, Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"), the American Indian Religious Freedom Act, and related statutes and policies have a consultation component. In accordance with CEMVN's responsibilities under NEPA, Section 106, EO 13175, and the USACE Tribal Consultation Policy dated December 5, 2023, CEMVN will offer the following federally-recognized Indian Tribes the opportunity to review and comment on the potential of the proposed action to significantly affect protected tribal resources, tribal rights, or Indian lands: Alabama-Coushatta Tribe of Texas, Caddo Nation of Oklahoma, Chitimacha Tribe of Louisiana, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Tunica-Biloxi Tribe of Louisiana. On September 24, 2019, letters were mailed to the tribal leaders requesting input regarding the proposed action. There was one response received from the Choctaw Nation of Oklahoma on November 13, 2019; the Choctaw Nation of Oklahoma concurred that the

proposed actions of this EA are determined as having no additional potential to cause effect to any potential cultural resources.

Other Consultation

Receipt, acceptance, and resolution of all USDA NRCS comments will be included in Appendix A.

8 CONCLUSION

RPEDS has assessed the environmental impacts of the proposed action, and has determined that the proposed action would have no significant impacts upon the resources discussed within this EA.

The proposed action would result in a loss of approximately -1.58 AHU of “Early Successional Bottomland Hardwood and Composition Unknown Forest” habitat. However, the aforementioned gains of 40,000 AHU of forested wetland habitat (bottomland hardwoods and cypress-tupelo) for the ABFS will more than offset -1.58 AHU habitat loss associated with the proposed borrow area.

The proposed action would ensure the ability of the EABPL and WABPL to protect life and property from future flooding of the Atchafalaya River. Additionally, the borrow area is expected to evolve into an aquatic ecosystem with a wetland fringe habitat, and exposed soils around the borrow area would be colonized by seedlings of adjacent forested wetlands and other nearby wetlands plant species. Long-term benefits of the proposed action would include habitat opportunities for fisheries and wildlife species, and critical flood protection for the citizens of Saint Landry Parish.

9 PREPARED BY

EA #575 and the associated FONSI were prepared by biologist Landon Parr, with relevant sections prepared by: Noah Fulmer – Cultural Resources and Shaun Hebert – Recreational Resources and Visual Resources (Aesthetics). The address of the preparers is: U.S. Army Corps of Engineers, New Orleans District; Regional Planning and Environment Division South, CEMVN-PDC-C; 7400 Leake Ave.; New Orleans, Louisiana 70118.

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