

Ord.

2015-0240

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(CHIEF ADMINISTRATIVE OFFICER)

ORDINANCE NO. 15-7-14

An ordinance to revoke Ordinance No. 14-8-9 and approve the revised, executed Department of the Army License No. DACW29-2-15-18 to allow the continued use of the Bonnet Carre' Spillway Road from Norco to Montz.

WHEREAS, the St. Charles Parish Police Jury on January 24, 1971, was issued License No. DACW29-3-71-78 by the U.S. Army Corps of Engineers for the maintenance and operation of a public road through the Bonnet Carre' Spillway; and,

WHEREAS, said license was for a period of five (5) years and was extended on February 20, 1976, December 6, 1984, January 12, 1989, September 10 1993, January 25, 1999, January 25, 2004, and October 5, 2009; and,

WHEREAS, the current license expired on January 20, 2014, and it is the intent of the Parish Council to approve the revised license in perpetuity; and,

WHEREAS, the St. Charles Parish Council approved Ordinance No. 14-8-9 on August 4, 2014, which approved and authorized the execution of Department of the Army License No. DACW29-2-14-48; and,

WHEREAS, the Department of the Army revised License No. DACW29-2-14-48; and,

WHEREAS, it has been determined that the revised license with Department of the Army is in the best interest of the citizens of St. Charles Parish.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Ordinance No. 14-8-9 adopted August 4, 2014 is hereby revoked.

SECTION II. That the revised, executed Department of the Army License No. DACW29-2-15-18 for the Bonnet Carre' Spillway Road is hereby approved.

The foregoing ordinance having been submitted to the vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, LEWIS, WILSON, WOODRUFF, BENEDETTO, HOGAN, COCHRAN, FLETCHER

NAYS: NONE

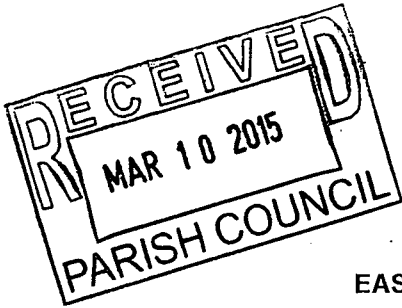
ABSENT: FISHER-PERRIER

And the ordinance was declared adopted this 20th day of July, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 7-21-15
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: 7-22-15
AT: [Signature] RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON July 30, 2015
AS ENTRY NO. 407746
IN MORTGAGE/CONVEYANCE BOOK
NO. 820 FOLIO 187

REFERENCE
Ord. 14-8-9



No. DACW29-2-15-18

DEPARTMENT OF THE ARMY
EASEMENT FOR PUBLIC ROAD OR STREET
LOCATED IN
BONNET CARRE SPILLWAY PROJECT

TRACT NOS. 113, 114, 115, 116, 117, 118, 119, AND 120
SECTIONS 1, 2, AND 46, TOWNSHIP 12 SOUTH, RANGE 8 EAST
TRACT NOS. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, AND 113
SECTIONS 12 AND 13, TOWNSHIP 12 SOUTH, RANGE 7 EAST
ST CHARLES PARISH, LOUISIANA

THE SECRETARY OF THE ARMY under and by virtue of the authority vested in the Secretary by Title 10, United States Code Section 2668, having found that the granting of this easement will not be against the public interest, hereby grants to **ST. CHARLES PARISH**, hereinafter referred to as the grantee, an easement for a road or street (**approximately 26' wide, which includes a 21' hard surface, except at the ramps where the hard surface extends to 26' wide; by 8,500' long or 1.5 miles**), hereinafter referred to as **SC-12**, over, across, in and upon the lands of the United States as identified in Exhibits **A & B**, attached hereto and made a part hereof, hereinafter referred to as the premises.

THIS EASEMENT is granted subject to the following conditions:

1. **TERM**

This easement is granted in perpetuity.

2. **CONSIDERATION**

The consideration of this easement shall be the construction, operation and maintenance of a public road (**SC-12**) for the benefit of the United States and the general public in accordance with the terms herein set forth.

3. **NOTICES**

All correspondence and notices to be given pursuant to this easement shall be addressed, if to the grantee, to **ST. CHARLES PARISH, P. O. BOX 302, HAHNVILLE, LOUISIANA 70057**, and if to the United States, to the **District Engineer, Attention: New Orleans District Chief, Real Estate, US ARMY CORPS OF ENGINEERS, P. O. 60267, NEW ORLEANS,**

LOUISIANA 70160-0267, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", "Installation Commander", or "said officer" shall include their duly authorized representatives. Any reference to "grantee" shall include assignees, transferees and their duly authorized representatives.

5. SUPERVISION BY THE DISTRICT ENGINEER

The construction, operation, maintenance, repair or replacement of said SC-12, including culverts and other drainage facilities, shall be performed at no cost or expense to the United States and subject to the approval of the District Engineer, New Orleans District, hereinafter referred to as said officer. Upon the completion of any of the above activities, the grantee shall immediately restore the premises to the satisfaction of said officer. The use and occupation of the premises for the purposes herein granted shall be subject to such rules and regulations as said officer prescribes in writing from time to time.

6. APPLICABLE LAWS AND REGULATIONS

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

7. CONDITION OF PREMISES

The grantee acknowledges that it has inspected the premises, knows the condition, and understands that the same is granted without any representation or warranties whatsoever and without any obligation on the part of the United States.

8. INSPECTION AND REPAIRS

The grantee shall inspect the SC-12 at reasonable intervals and immediately repair any defects found by such inspection or when required by said officer to repair any such defects.

9. PROTECTION OF GOVERNMENT PROPERTY

The grantee shall be responsible for any damage that may be caused to property of the United States by the activities of the grantee under this easement and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all causes. Any property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to

a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefore by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

10. RIGHT TO ENTER

The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to remove timber or other material, except property of the grantee, to flood the premises and/or to make any other use of the lands as may be necessary in connection with government purposes, and the grantee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

11. RIGHT TO CONNECT

The United States reserves the right to make such connections between the road or street herein authorized and roads and streets on other government lands as said officer may from time consider necessary, and also reserves to itself rights-of-way for all purposes across, over or under the right-of-way hereby granted; provided that such rights shall be used in a manner that will not create unnecessary interference with the use and enjoyment by the grantee of the right-of-way herein granted.

12. OTHER AGENCY AGREEMENTS

It is understood that the provisions of the conditions on **SUPERVISION BY THE DISTRICT ENGINEER** and **RIGHT TO ENTER** above shall not abrogate or interfere with any agreements or commitments made or entered into between the grantee and any other agency of the United States with regard to financial aid to the grantee in connection with the construction, maintenance, or repair of the facilities herein authorized.

13. TERMINATION

This easement may be terminated by the Secretary upon 30 days written notice to the grantee if the Secretary shall determine that the right-of-way hereby granted interferes with the use or disposal of said land by the United States, or it may be revoked by the Secretary for failure of the grantee to comply with any or all of the conditions of this easement, or for non-use for a period of two (2) years, or for abandonment.

14. SOIL AND WATER CONSERVATION

The grantee shall maintain, in a manner satisfactory to said officer, all soil and water conservation structures that may be in existence upon said premises at the beginning of or that may be constructed by the grantee during the term of this easement, and the grantee shall take appropriate measures to prevent or control soil erosion within the right-of-way herein granted.

Any soil erosion occurring outside the premises resulting from the activities of the grantee shall be corrected by the grantee as directed by said officer.

15. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties hereto shall protect the premises against pollution of its air, ground and water. The grantee shall comply with any laws, regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is specifically prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency, or any Federal, state, interstate or local governmental agency are hereby made a condition of this easement. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the premises shall be in conformance with all applicable Federal, state, interstate, and local laws and regulations. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

c. The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs arising from the grantee's activities, the grantee shall be liable to restore the damaged resources.

16. HISTORIC PRESERVATION

The grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, remains, or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and the material from further disturbance until said officer gives clearance to proceed.

17. NON-DISCRIMINATION

a. The grantee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin or religion.

b. The grantee, by acceptance of this easement, is receiving a type of Federal assistance and, therefore, hereby gives assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 300) issued as Department of Defense Directive 5500.11 and 1020.1, and Army Regulation

600-7. This assurance shall be binding on the grantee, its agents, successors, transferees, and assignees.

18. RESTORATION

On or before the termination or revocation of this easement, the grantee shall, without expense to the United States and within such time as said officer may indicate, restore the premises to the satisfaction of said officer. In the event the grantee shall fail to restore the premises, at the option of said officer, said improvements shall either become the property of the United States without compensation therefore, or said officer shall have the option to perform the restoration at the expense of the grantee, and the grantee shall have no claim for damages against the United States or its officers or agents for such action.

19. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the premises are concerned; and the grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this easement does not eliminate the necessity for obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344) or any other permit or license which may be required by Federal, state, interstate or local laws in connection with the use of the premises.

20. INDEMNITY

That the United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the grantee, or for damages to the property or injuries to the person of the grantee, or the persons of grantee's officers, agents, servants, or employees or others who may be on said premises at their invitation or the invitation of one of them arising from governmental activities on or in the vicinity of the said premises, and the grantee shall hold the United States harmless from any and all such claims.

THIS EASEMENT is not subject to Title 10, United States Code, Section 2662, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army, this 4th day of March, 2015.

Janet R. Cruppi
Witness

Linda C. Labure
LINDA C. LABURE
New Orleans District Chief
Real Estate Region South Division
Real Estate Contracting Officer
U.S. Army Corps of Engineers
New Orleans District

[Signature]
Witness

APPROVED AS TO LEGAL SUFFICIENCY:

Marco Rosamano
MARCO ROSAMANO
ATTORNEY ADVISOR
U. S. Army Engineer District
New Orleans

THIS EASEMENT is also executed by the grantee this 4th day of March, 2015.

[Signature]
Witness

[Signature]
V. J. ST. PIERRE, JR
Parish President

[Signature]
Witness

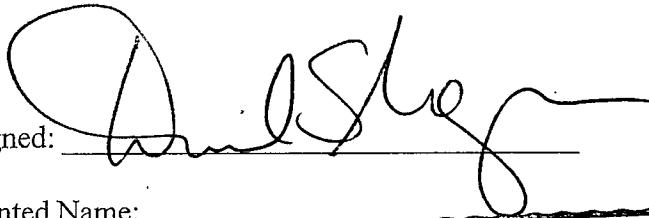
ACKNOWLEDGMENT

STATE OF LOUISIANA

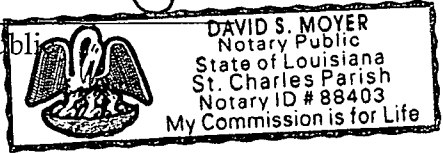
PARISH OF ST. CHARLES

On this 10 day of February, 2014⁵, before me appeared V. J. St. Pierre, Jr., to me personally known, who, being by me duly sworn, did say that he is the **President of St. Charles Parish (SCP)**, by authority duly and legally granted and bestowed upon him, and that SCP acknowledged the **Easement No. DACW29-2-15-18** to be the free act and deed of SCP and SCP has no seal.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Signed: 

Printed Name: _____
Notary Public
State of Louisiana
Parish of St. Charles



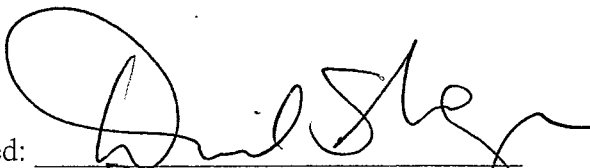
My Commission Expires: _____

Bar Association Number: _____

CERTIFICATE OF AUTHORITY

I, DAVID S. MOYER, do hereby certify that I am the principle legal officer of the St. Charles Parish (SCP) that SCP is a legally constituted public body with full authority and legal capability to adhere and comply with the terms and conditions for Easement No. DACW29-2-15-18 and subsequent amendments thereto, for the construction, operation, maintenance and use of SC-12 in connection with the Bonnet Carre Spillway Project, and that the persons who executed Easement No. DACW29-2-15-18 on behalf of SCP has acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification on this 10 day of February, 2018.

Signed: 

Printed name: David S. Moyer

Title: Parish Attorney

ACKNOWLEDGMENT

STATE OF NEW ORLEANS

PARISH OF ST. CHARLES

On this 4th day of March, 2015, before me the undersigned Notary Public, personally appeared LINDA C. LABURE, Real Estate Division, U.S. Army Engineer District, NEW ORLEANS DISTRICT, known to me to be the person described in the foregoing instrument, who acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Marco Rosamano
Notary Public

My Commission Expires:

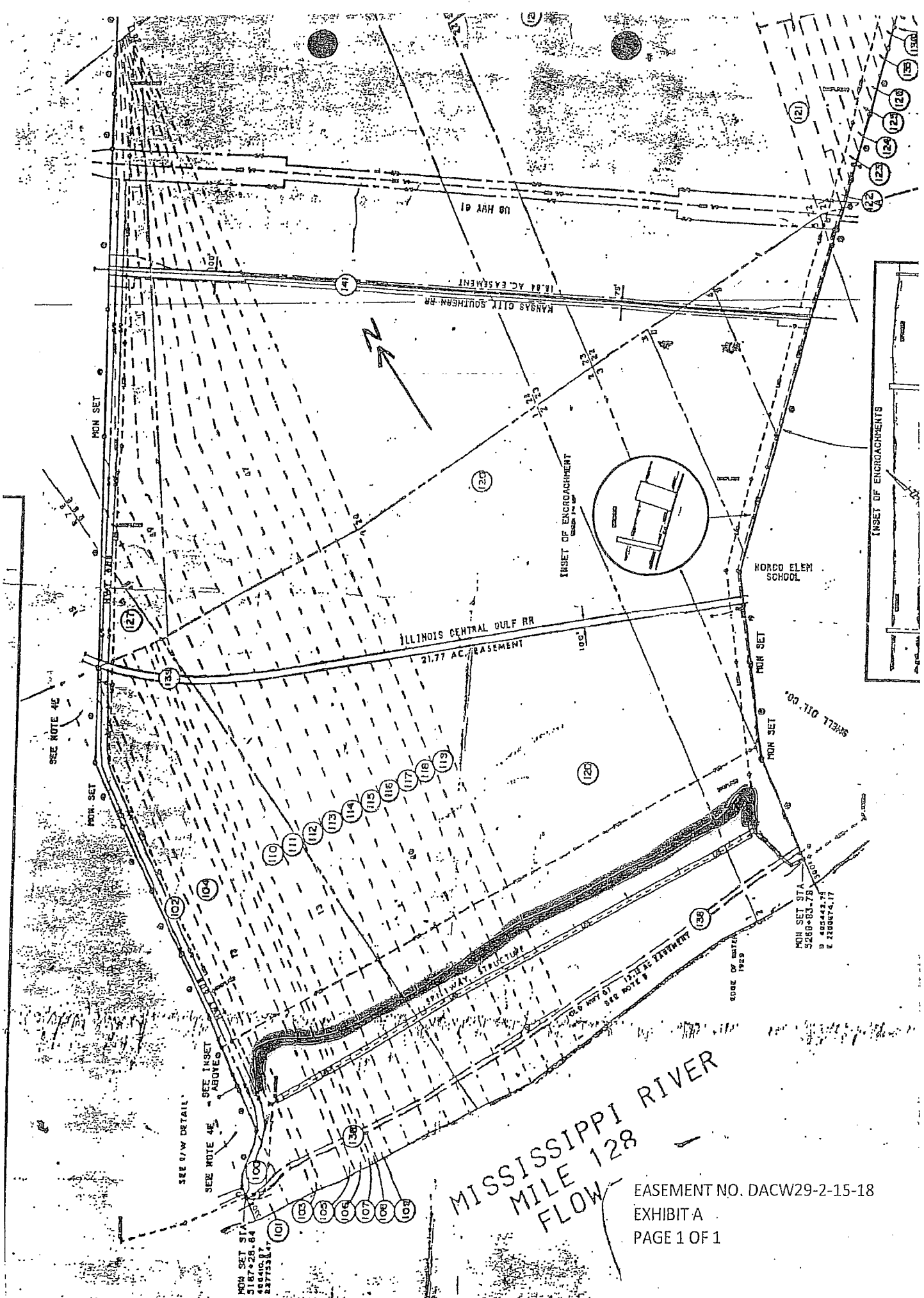
at death

THIS INSTRUMENT PREPARED BY:

Carla J. Buatte
CARLA J. BUATTE, Lead Realty Specialist
U.S. Army Corps of Engineers
P. O. Box 60267, New Orleans, LA
504-862-2989

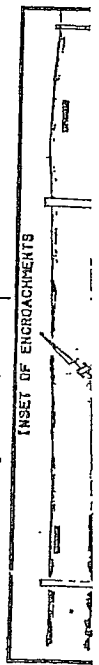
REVIEWED FOR LEGAL SUFFICIENCY BY:

Marco Rosamano
Marco Rosamano, Attorney
Telephone Number 504-862-2877



MISSISSIPPI RIVER
MILE 128
FLOW

EASEMENT NO. DACW29-2-15-18
EXHIBIT A
PAGE 1 OF 1



MON SET STA
5187+24.64
5488+00.78
5237+53.17

MON SET STA
5286+83.78
5482+42.75
5236+974.17

SEE U/W DETAIL
SEE NOTE 4E
SEE INSET
ABOVE

SEE NOTE 4E

EDGE OF WATER
1980

SEE NOTE 4E
SEE NOTE 4E

MON SET

MON SET

MON SET

MON SET

MON SET

MON SET

MON SET

MON SET

MON SET

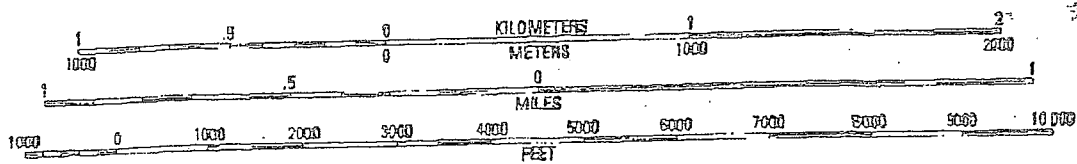
MON SET

MON SET

MON SET



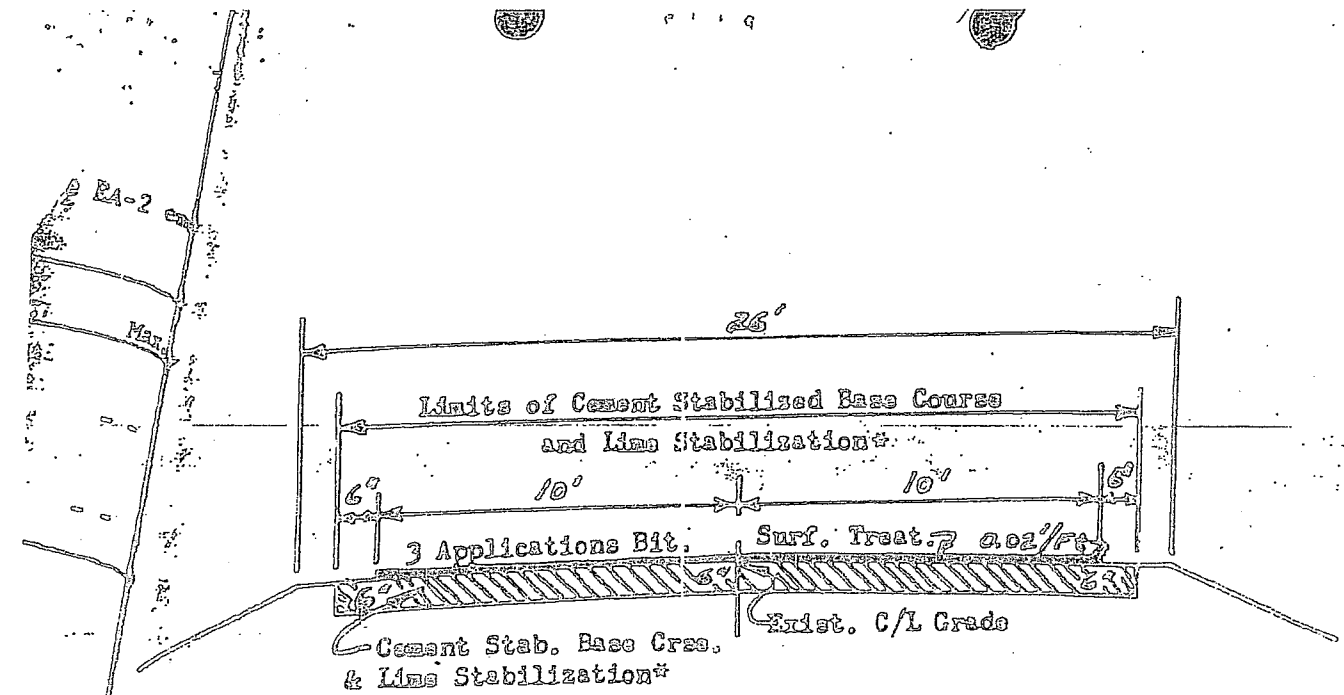
SCALE 1:24 000



CONTOUR INTERVAL 5 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 AND LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, BATON ROUGE, LOUISIANA 70804
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Figure 1. Maintenance Road within the Bonnet Carre Spillway.
 From Laplace 7.5 minute 1992 quadrangle



NORMAL FINISHED SECTION FOR
CEMENT STABILIZED BASE COURSE

SURFACE EXTENDED TO 26 FEET AT THE RAMPS OVER THE
EAST AND WEST GUIDE LINES

* Lime Stabilization (Log Mile 0.3 to Log Mile 1.9)

EASEMENT NO. DACW29-2-15-18
EXHIBIT B
PAGE 2 OF 2

TYPICAL SECTION
STATE PROJECT NO. 713-24-27
ST. CHARLES PARISH
LOUISIANA

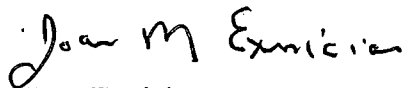
23 January 2015

MEMORANDUM THRU Chief, Environmental Planning Branch, RPEDS

FOR Chief, Real Estate, MVN

SUBJECT: Completion of environmental, cultural, and CERCLA compliance for Proposed Easement No. DACW29-4-15-18 for the St. Charles Parish, within the Bonnet Carre Spillway Project, St. Charles Parish, Louisiana

1. Enclosed are the documents required for this action by ER 405-1-12. These include the Record of Environmental Consideration (REC); Environmental Condition of Property (ECP), Report of Availability (ROA) Part C, and documentation of the internal agency records search (PAS). Also included is a summary Statement of Findings (SOF).
2. If you have any questions, the POC in this office is Trent Stockton (ext. 2550).



Joan Exnicios
Chief, Environmental Planning Branch

Encl. REC
ECP
ROA, Part C
PAS
SOF

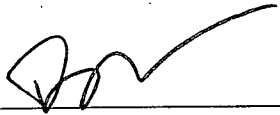
RECORD OF ENVIRONMENTAL CONSIDERATION

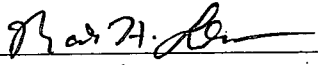
Title: Proposed Easement No. DACW29-4-15-18 for the St. Charles Parish within the Bonnet Carre Spillway Project, St. Charles Parish, Louisiana

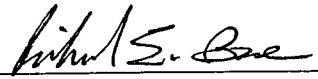
Description of Proposed Action: Proposed Easement No. DACW29-4-15-18 is a renewal of an existing easement granting permission to construct, operate, and maintain a road (SC-12) within the Bonnet Carre Spillway Project. The grantee has requested a continued need for this site for the operation, maintenance, and repair of this site, including culverts and other associated drainage features. The easement is located in Tract Nos. 113-120, Sections 1, 2, and 46, Township 12 South, Range 8 East, and in Tract Nos. 100-110, 112, 113, Sections 12 and 13, Township 12 South, Range 7 East, St. Charles Parish, Louisiana.

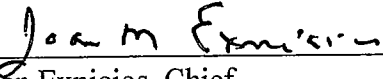
Anticipated Duration of Proposed Action: The easement is granted in perpetuity.

Findings: It has been determined that the proposed action is categorically excluded under the provisions of AR 200-2, Appendix A, Section I, List of Categorical Exclusions (CX) A-20 (Grants of easements for the use of existing rights-of-way for use by vehicles, electrical, telephone, and other transmission and communication lines; transmitter and relay facilities; water, wastewater, stormwater, and irrigation pipelines, pumping stations, and facilities; and for similar public utility and transportation uses), and meets the attached Screening Criteria contained in AR 200-2.

Prepared by:  Date: 1/23/15
Trent Stockton
Archaeologist

Prepared by:  Date: 1/23/15
Mark H. Lahare
Environmental Protection Specialist

Reviewed by:  Date: 1/23/15
Richard E. Boe, Chief
Coastal Environmental Section

Reviewed by:  Date: 1/23/15
Joan Exnicios, Chief
Environmental Planning Branch

Attachment:

1. Screening Criteria for Categorical Exclusions

ATTACHMENT 1

SCREENING CRITERIA FOR CATEGORICAL EXCLUSIONS
(AR 200-2)

Criteria	True	False
1. This action is not a major federal action significantly affecting the quality of the human environment (para. A-31.a).	XXX	
2. There are minimal or no individual or cumulative effects on the environment as a result of this action (para. A-31.b).	XXX	
3. There is no environmentally controversial change to existing environmental conditions (para. A-31.c).	XXX	
4. There are no extraordinary conditions associated with this project (para. A-31.d).	XXX	
5. This project does not involve the use of unproven technology [para. 4-2.b(3) and A-31.e].	XXX	
6. This project involves no greater scope or size than is normal for this category of action [para. 4-2.b(1) and A-31.f].	XXX	
7. There is no potential of an already poor environment being further degraded [para. 4-2.b(2) and A-31.g].	XXX	
8. This action does not degrade an environment that remains close to its natural condition [para. 4-2.b(2) and A-31.h].	XXX	
9. There are no threatened or endangered species (or critical habitat), significant archeological resources, National Register or National Register-eligible historical sites, or other statutorily protected resources [para. 4-2.b(4) and A-31.i].	XXX	
10. This action will not adversely affect prime or unique agricultural lands, wetlands, coastal zones, wilderness areas, aquifers, floodplains, wild and scenic rivers, or other areas of critical environmental concern [para. 4-2.b(6) and A-31.j].	XXX	
11. This action does not involve the use of hazardous or toxic substances that may come into contact with the surrounding natural environment [para. 4-2.b(5)].	XXX	

ENVIRONMENTAL CONDITION OF PROPERTY

**Proposed Easement No. DACW29-4-15-18
For the St. Charles Parish
within the Bonnet Carré Spillway Project,
St. Charles Parish, Louisiana**

INTRODUCTION

The U.S. Army Corps of Engineers (USACE), New Orleans District (MVN) has prepared this Environmental Condition of Property (ECP) to document existing environmental conditions on Government property within the Bonnet Carré Spillway Project, St. Charles Parish, Louisiana.

Proposed Easement No. DACW29-4-15-18 is located in an existing road easement (SC-12) measuring approximately 26 feet wide by 8,500 feet (1.5 miles) long running parallel to the spillway structure. The easement is located in Tract Nos. 113-120, Sections 1, 2, and 46, Township 12 South, Range 8 East, and in Tract Nos. 100-110, 112, 113, Sections 12 and 13, Township 12 South, Range 7 East, St. Charles Parish, Louisiana.

NEED FOR ACTION; PURPOSE; AND PUBLIC CONCERNS

This ECP report is a comprehensive inventory and evaluation of existing site conditions for the assessment of potential health and ecological risks associated with a proposed real property transaction. The goal of this ECP is not only to prevent damage to publicly owned resources, but also to preserve the health and well being of members of the public that use the surrounding area.

DESCRIPTION OF WORK

Proposed Easement No. DACW29-4-15-18 is a renewal of an existing easement granting permission to construct, operate, and maintain a road (SC-12) within the Bonnet Carre Spillway Project. The grantee has requested a continued need for this site for the operation, maintenance, and repair of this site, including culverts and other associated drainage features.



Figure 1. Easement Location (yellow line) running parallel to the spillway structure within the Bonnet Carré Spillway Project, St. Charles Parish, Louisiana.

ENVIRONMENTAL SETTING

GENERAL SITE DESCRIPTION

The location of the project right-of-way is on Government fee-owned lands adjacent to spillway structure at the Bonnet Carré Spillway Project.

Soils

The United States Department of Agriculture Natural Resources Conservation Service (2008) classifies various soils outside the Bonnet Carré Spillway along the Lower Guide Levee as Cancienne silty clay loam, frequently flooded; Schriever clay, frequently flooded; and Fausse clay, which are somewhat poorly drained, poorly drained, and very poorly drained, respectively. These three soils occur in natural levees and backswamps, and clayey alluvium is the parent material for Fausse clay. Both Fausse clay and Schriever clay, frequently flooded soils have a very slow infiltration rate (high runoff potential) when thoroughly wet. Cancienne silty clay loam, frequently flooded soil has a very slow rate of water transmission.

Land Use

In addition to providing flood relief for New Orleans and downstream communities along the Mississippi River, the Bonnet Carré Spillway projects nearly 8,000-acre floodway supports diverse natural resources benefiting fish and wildlife, and provides various opportunities for recreation. Each opening of the spillway deposits an average of 9 million cubic yards of sediment from the Mississippi River into the floodway. The most recent opening of the spillway occurred 11 April 2008. The deposits, consisting mostly of silts and sands, are used as fill material for residential and industrial developments. More than 250,000 visitors yearly take advantage of Bonnet Carré Spillway resources. Recreation activities include fishing, crawfishing, hunting, dog training, camping, wildlife viewing, boating, and picnicking. Areas are also designated for mountain biking, retriever dog field trials, model airplane flying competitions, and ATV and motorcycle riding. Additionally, St. Charles Parish maintains designated public recreational areas within the confines of the Spillway, including two boat-launching sites, providing access to the spillway's various waterways and western Lake Pontchartrain. Unsanctioned activities do take place within the Spillway, including but not limited to trash dumping, timber harvesting, and additional recreation activities.

Land Use History

Prehistoric human settlements in the vicinity of the Bonnet Carré Spillway are located near Lake Pontchartrain, with the earliest sites dating to the Tchefuncte culture (ca. 500 B.C.-A.D. 100). Many of these prehistoric sites have been deeply buried through post-depositional subsidence and deposition. Such buried sites were discovered in the course of dredging and construction activities. Historic settlement and agriculture were concentrated along the natural levees of the Mississippi River. Plantations were established along the east bank of the river in St. Charles Parish by 1770. Indigo, cotton, and sugar cane were the principal cash crops during the 18th and early 19th centuries, with sugar cane dominating from the late 19th through mid-20th centuries. Agricultural fields were located on the better-drained land near the river and rarely extended more than one-half mile away from the river. Forested swamps were left fallow except for timber extraction. The commercial timber industry flourished throughout St. Charles

Parish from the 1890s to 1918, when cypress stands became severely depleted and the timber industry crashed.

Twentieth century industrial and residential development has supplanted agriculture in the areas flanking the spillway. Shortly after 1914, the New Orleans Refining Company (NORCO), an affiliate of Shell Oil, constructed a refinery and storage tank facility just downstream from the future site of the spillway. The residential community that grew up around the refinery took its name, Norco, from the company acronym. Shell Oil Company took over the Norco Facility in 1928 and opened a chemical plant nearby during the 1950s. Oil fields were discovered upstream and downstream from the spillway during both the 1930s and 1940s.

Construction of the Bonnet Carré Spillway was authorized by the Flood Control Act of 1928, in response to the disastrous flooding that occurred in 1927. The present site of the spillway is at the approximate location of the 19th century Bonnet Carré Crevasse; between 1849 and 1882, four major crevasses had occurred at this location. Since the Mississippi River had a natural tendency to break through at this location, it was a suitable place to locate the spillway. Before construction, there were a few farms located within the present floodway. Surveys and preliminary investigations for the Bonnet Carré Spillway Project were initiated in 1928. Construction began in 1929 and was completed in 1931. The guide levees were completed in 1932, and the highway and railroad crossings were completed in 1936.

ENVIRONMENTAL RESOURCES

Resources described in this ECP are those recognized by laws, executive orders, regulations, or other standards of national, state, or local agencies. A field investigation of the resources likely to be affected by the proposed easement was made by CEMVN personnel on December 5, 2014.

VEGETATION

Existing Conditions

The vegetation adjacent to the lower guide levee is primarily mowed grass that is periodically maintained by the Bonnet Carré staff.

Impacts

The proposed permit renewal is expected to result in continued maintenance of the grassy areas.

WILDLIFE

Existing Conditions

The area adjacent to the outer station marker provides some habitat for wildlife. Common inhabitants of grassy, weedy areas are soil-dwelling and surface-dwelling invertebrates, such as nematodes, annelids, arthropods, and snails, amphibians (frogs and toads), and reptiles (snakes, lizards, and turtles). Small mammals likely to inhabit uncultivated and ungrazed fields and grassy ditch banks include the swamp rabbit, hispid cotton rat, and marsh rice rat. Some

insect species in ditches, such as mosquitoes, may function as vectors for the transmission of diseases and parasites harmful to other organisms, including humans.

Game mammals include gray squirrel, fox squirrel, swamp rabbit, raccoon, otter, mink, nutria, muskrat, opossum, and beaver; non-game species include the nine-banded armadillo and the southern flying squirrel. Many species of wading birds, shore birds, raptors, and songbirds are occasionally seen in the area.

Impacts

The proposed permit renewal would not be expected to cause any changes that would adversely affect wildlife.

SURFACE WATER

Existing Conditions

The Mississippi River and Lake Pontchartrain are the most important surface water sources in the vicinity of the proposed easement.

Impacts

The proposed permit renewal would not be expected to adversely impact surface water.

CULTURAL RESOURCES

Existing Conditions

Cultural resources inventories of project lands at Bonnet Carré Spillway took place between 1986 and 2003 (Poplin et al. 1988; Shuman et al. 1990; Orton et al. 2003; Yakubik et al. 1986). Six historic cultural resource sites have been identified within the spillway area, and three additional prehistoric sites have been identified immediately east of the Lower Guide Levee.

Two of the historic sites (16SC50, 16SC51) within the spillway are listed on the National Register of Historic Places as the Kenner and Kugler Cemeteries Archeological District. The district comprises two early nineteenth through early twentieth century African-American burial plots. The spillway itself, which is significant as an engineering landmark and for its historical association with flood control on the Lower Mississippi River, has been determined to be eligible for inclusion in the National Register. Site 16SC52 is the location of the former Roseland Plantation Sugar House. A brick scatter just south of the spillway structure has been designated site 16SC53, and another brick scatter near the Upper Guide Levee is known as site 16SC54.

The three prehistoric cultural resource sites (16SC10, 16SC11, and 16SC12) are located east of the Lower Guide Levee within one mile of the project area. All three sites are shell middens. The reported locations of the Bayou Trepagnier Site (16SC10) and the Bayou Labranche Site (16SC12) were visited during the investigations reported in Poplin et al. 1988, but the sites were not found. The Bayou Labranche Mouth site (16SC11) was visited during the

investigations reported in Poplin et al. 1998, and more recently by a USACE archaeologist. This site appears to be eroding into the lake as reported in 1988.

Impacts

None of these cultural resource sites are located within the area of potential effects (APE), and no adverse impacts to cultural resources are expected as a result of this permit renewal.

RECREATIONAL RESOURCES

Existing Conditions

The Bonnet Carre' Spillway is a popular recreation site for residents of St. Charles, Jefferson, Orleans, St. John the Baptist, and other parishes throughout southern Louisiana. The Spillway is heavily used by residents because of its ease of access via U.S. Highway 61, Interstate Highway 10, and local parish roads. In addition, many residents are drawn to the Spillway for recreational activities because no fee is charged.

A little over one million people reside within the primary market area of the Spillway (within a 25-mile radius from its center). Recreation user-days in the Spillway are estimated at about 184,800 annual general recreation days and 61,450 general fishing and hunting days. A 1994 recreational use survey identified 24 activities of people that frequent the Spillway. The most popular activities are crawfishing, sightseeing, socializing, operating motorcycles and off-road vehicles, boating, waterskiing, and bank and boat fishing. Less popular activities with significant levels of participation are hiking/walking, picnicking, camping, dog-training, remote-control boating and airplane flying, shooting, birding, swimming and sun bathing, photography, and bicycle riding. Hunting of small game and waterfowl also occurs at the Spillway.

Impacts

The impacts of the proposed permit renewal will allow most recreational activities to take place without hindrance.

HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

Existing Conditions

Personnel from CEMVN (Lahare, Musso and Stockton) made a site visit to Bonnet Carré Spillway on December 5, 2014. The field investigation did not reveal any evidence of HTRW contamination, such as distressed vegetation, stained soil, sheens on the water, sick or dead animals, discarded chemical containers, or evidence of pesticide use. No sites containing hazardous, toxic, or radioactive waste (HTRW) have been discovered within the immediate area, nor have any incidents of the release, storage, or disposal of hazardous substances been documented. A search of available records in various offices of CEMVN revealed no evidence indicating that hazardous substances had been stored, released, or disposed of on this property.

Impacts

The proposed permit renewal is not likely to result in any HTRW contamination.

POTENTIAL ENVIRONMENTAL CONCERNS

Existing Conditions

The possibility of intentional dumping of hazardous or toxic materials on the project lands cannot be totally discounted, because dumping of household and commercial garbage is a major problem in the area. Illegal dumping of more dangerous wastes in the surrounding area could also be a problem. However, no evidence of dangerous spills or dumping has been discovered.

Impacts

No present environmental impact damage was noted in accessible records. Impacts from the permit renewal are likely to be insignificant.

SITE VISIT

A December 5, 2014 field investigation did not reveal any evidence of HTRW contamination, such as distressed vegetation, stained soil, sheens on the water, sick or dead animals, discarded chemical containers, or evidence of pesticide use. No sites containing hazardous, toxic, or radioactive waste (HTRW) have been discovered within the immediate area, nor have any incidents of the release, storage, or disposal of hazardous substances been documented. A search of available records in various offices of CEMVN revealed no evidence indicating that hazardous substances had been stored, released, or disposed of on this property.

COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

In the case of a real property transaction, where a categorical exclusion, as defined by Appendix A of AR 200-2 applies, the vehicle for environmental compliance is the Record of Environmental Consideration (REC). The REC provides NEPA compliance and is supported by the preparation of a Report of Availability addressing other environmental laws, and by preparation of a Preliminary Assessment Screening documenting compliance with the Comprehensive Environmental Response, Compensation and Liability Act. Land use history of the project area shows that the spillway was constructed from 1929 to 1931. No information was found indicating HTRW concerns.

SUMMARY OF FINDINGS

A review of existing environmental and cultural resources information for the Bonnet Carré Spillway Project in St. Charles Parish, Louisiana, indicates that no long-term adverse impacts to the environment or recreational resources would be expected as a result of this permit

renewal. No adverse impacts to cultural resources would be expected. There are no Superfund sites within two miles of the easement site, and the probability of encountering HTRW on this project is low. Minimal or no individual or cumulative environmental effects would occur as a result of the proposed action.

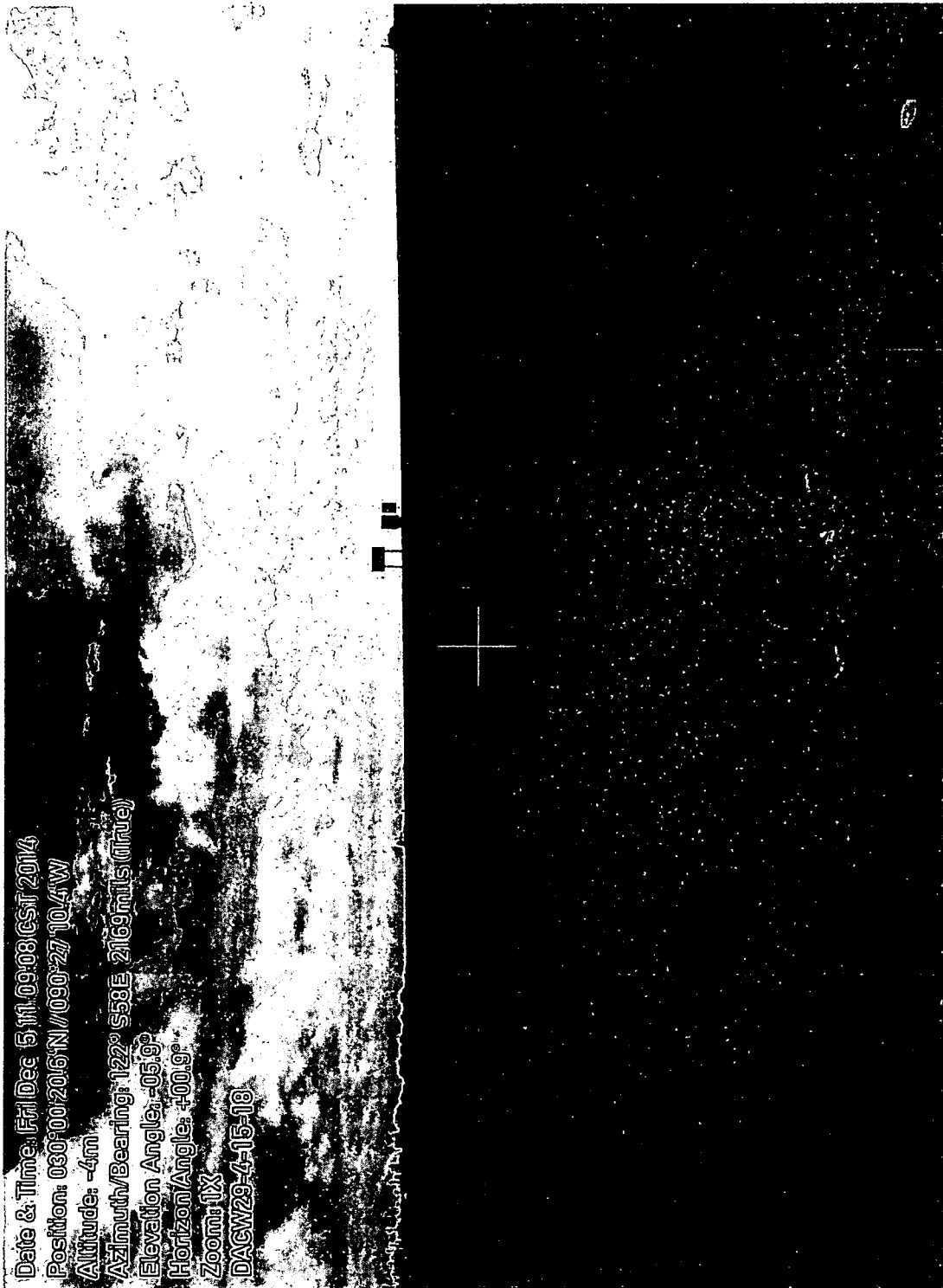
DOCUMENT PREPARATION

This environmental condition of property report was prepared by Mr. Mark Lahare (Environmental Protection Specialist), Mr. Joseph Musso (Environmental Resources Specialist) and Dr. Trent Stockton (Archaeologist) of the U.S. Army Corps of Engineers, Regional Planning and Environmental Division South, New Orleans District.

REFERENCES

- Orton, Sara, Benjamin D. Maygarden, and Jill-Karen Yakubik
2003 *Background Research on the Kenner and Kugler Cemeteries, St. Charles Parish, Louisiana*. Submitted by Earth Search, Inc. to U.S. Army Corps of Engineers, New Orleans District.
- Poplin, Eric C., Paul C. Armstrong, Carol J. Poplin, R. Christopher Goodwin
1988 *Phase 2 of the Cultural Resources Inventory of the Bonnet Carré Spillway, St. Charles Parish, Louisiana*. Submitted by R. Christopher Goodwin and Associates to U.S. Army Corps of Engineers, New Orleans District.
- Shuman, Malcolm K., Herschel A. Franks, Emory Kemp, Jill-Karen Yakubik
1990 *Evaluation of the National Register Eligibility of the Bonnet Carré Spillway Structure, St. Charles Parish, Louisiana*. Submitted by Louisiana State University to U.S. Army Corps of Engineers, New Orleans District.
- Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey of St. Charles Parish, Louisiana. Available online at <http://websoilsurvey.nrcs.usda.gov/> accessed 08/14/2008.
- Yakubik, Jill-Karen, Herschel A. Franks, R. Christopher Goodwin, and Carol J. Poplin
1986 *Cultural Resources Inventory of the Bonnet Carré Spillway, St. Charles Parish, Louisiana*. Submitted by R. Christopher Goodwin and Associates to U.S. Army Corps of Engineers, New Orleans District.

ADDITIONAL PLATES
DOCUMENTING CONDITION OF PROPERTY



Date & Time: Fri Dec 5 11:09:08 CST 2014

Position: 030°00'20.6"N // 090°27'10.4"W

Altitude: -4m

Azimuth/Bearing: 122° 58'E 2169mils (true)

Elevation Angle: -05.9°

Horizon Angle: +00.9°

Zoom: 1X

DACW29-4-15-18



Date & Time: Fri, Dec 5 11:09:20 CST 2014
Position: 030°00'20.6\"/>
Altitude: -3m
Azimuth/Bearing: 231° S51W 4107mils (True)
Elevation Angle: -04.7°
Horizon Angle: +02.9°
Zoom: 1X
DACW29-4-15-18



Date & Time: Fri, Dec 5 11:11:16 CST 2014

Position: 030°00'12.7"N / 090°26'44.2"W

Altitude: 5m

Azimuth/Bearing: 273° N87W 4853mils (True)

Elevation/Angle: +04.0°

Horizon/Angle: +02.0°

Zoom: 1X

DACW29-4-15-18



Date & Time: Fri Dec 5 11:11:09 CST 2014

Position: 030°00'12.8"N / 090°26'44.2"W

Altitude: 5m

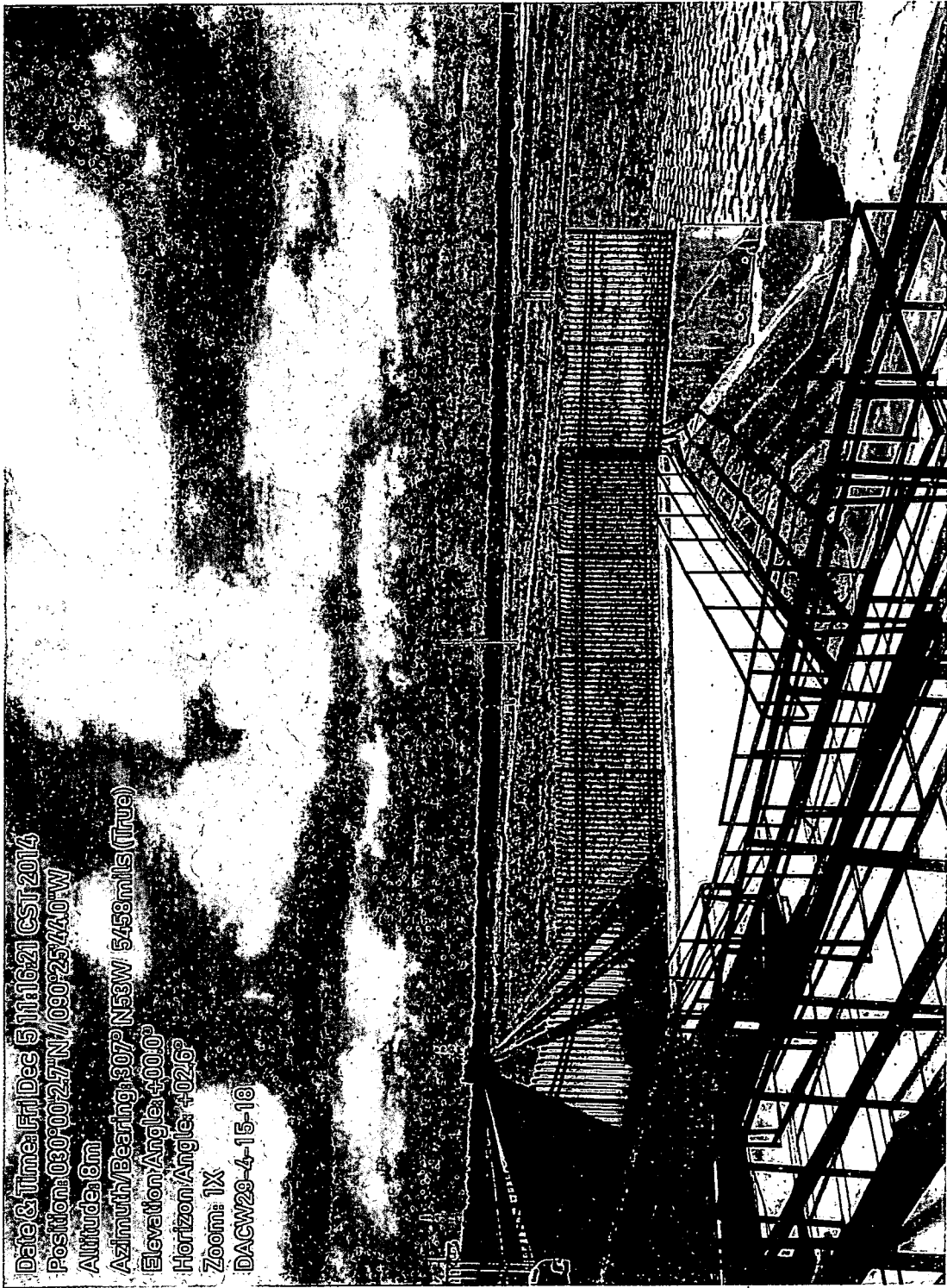
Azimuth/Bearing: 100° S80E 1778mils (true)

Elevation Angle: -04.6°

Horizon Angle: +01.4°

Zoom: 1X

DACW29-4-15-18



Date & Time: Fri Dec 5 11:16:21 CST 2014
Position: 030°00'27"N / 090°25'44.0"W
Altitude: 8m
Azimuth/Bearing: 307° N53W 5458mils (True)
Elevation/Angle: +00.0°
Horizon/Angle: +02.6°
Zoom: 1X
DACW29-4-15-18

REPORT OF AVAILABILITY – PART C

October 2007

C. ENVIRONMENTAL and CULTURAL CONSIDERATION:

1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS:

a. The requirements under NEPA for the proposed action have been met as follows:

CX/REC. This action falls under one of the Categorical Exclusions (CX) contained in Environmental Effects of Army Actions, 32 CFR 651 and/or ER 200-2-2 (civil works property only); and there are no extraordinary circumstances that result in the proposed action having an impact on the human environment that would require an EA or EIS. The environmental effect of the action has been considered. A Record of Environmental Consideration (REC) is attached, indicating the CX for this proposed action.

If the Report of Availability is required to be forwarded to HQDA, and the CX is based on a pre-existing NEPA analysis, then state: **Not applicable.**

for BRAC, NEPA document is on file at HQDA (Identify location, title and date: _____)

Attached or pertinent extracts attached. If the entire analysis was too large to attach, then state where it can be viewed _____.

EA/FONSI. The impact of this action is considered to be minimal or insignificant. The Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) is:

for BRAC, on file at HQDA (Identify location, title and date: _____)

attached or pertinent extracts attached. If the entire EA/FONSI was too large to attach, then state where it can be viewed _____.

EIS/ROD. The impact of this action is considered to be significant. An Environmental Impact Statement (EIS), or supplement thereto, along with the Record of Decision (ROD) is:

for BRAC, on file at HQDA (Identify location, title and date: _____)

attached or pertinent extracts attached. If the entire EIS was too large to attach, then state where it can be viewed _____.

b. For EA and EIS, identify mitigation actions, if any, which are required, costs, and responsible party for the mitigation: **Not applicable**

c. If the EIS or EA covers more than the proposed action, explain how and where the action is analyzed and considered in the NEPA documentation: **Not applicable**

2. HISTORICAL AND CULTURAL RESOURCES:

The area has been surveyed for historical and cultural resources and there have been none identified on this property. This action is in compliance with the National Historic Preservation Act and other relevant laws; Executive Order 11593, Protection and Enhancement of the Cultural Environment; or any MOA's related thereto.

Historical and/or cultural resources have been identified on this property. This action has been coordinated with the State Historic Preservation Officer and/or the Advisory Council on Historic Preservation in accordance with 36 CFR 800. [Attach documentation] The following restrictions must be incorporated into the outgrant document to protect the resource:

Is there a Programmatic Agreement implementing Section 106 of NHPA, or other memorandum of agreement covering use of this property?

No Yes, provide date, attach and/or explain.

REPORT OF AVAILABILITY – PART C

October 2007

The property is listed, is eligible for, or has been nominated for listing in the National Register of Historic Places or is in proximity to a property on the National Register. Explain.

Are you aware of any effort by the public to have the property listed on the National Register (report must also include this information)?

No Yes (if so, attach and/or explain).

Native American graves have been identified on this property. Refer to requirements of the American Indian Religious Freedom Act and Native American's Graves Protection and Repatriation Act. Explain.

Archaeological sites or resources have been identified on this property. Refer to the Antiquities Act; Archaeological and Historical Preservation Act; and Archaeological Resources Protection Act.

3. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

a. A determination of the environmental condition of the property has been made based upon primary environmental site assessments.

Yes No, explain

b. Copies of the primary environmental site assessments, e.g., Environmental Condition of Property (ECP) Report, Environmental Baseline Survey (EBS), etc. are:

if BRAC, on file at HQDA (Identify location, title and date: _____)

attached or pertinent extracts attached. If the entire assessments are too large to attach, then state where they can be viewed: **An ECP for the subject project was completed and is attached. An EBS/Preliminary Assessment Screening (PAS) was also conducted and is attached.**

c. For BRAC lease only, a draft Finding of Suitability to Lease (FOSL) is attached, including the Environmental Protection Provisions applicable to this action, if any. The FOSL is an internal decision document and is not attached to the Lease.

Yes. No, explain: **Per AR 200-1 (revised 13 December 2007) "Outgrants: Other Outgrants (permit)" does not require the completion of Finding of Suitability.**

d. The DOD Environmental Condition of Property (ECP) categories for the property is: **Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including migration of these substances from adjacent areas).**

e. Storage, Release, or Outgrant of Hazardous Substances

There is no evidence that hazardous substances were stored, released, or disposed of on the property in excess of the 40 CFR Part 373 reportable quantities, nor petroleum products. Go to question 4.

Hazardous substances were stored for one year or more and released or disposed of on the property in excess of reportable quantities specified in 40 CFR Part 373.

4. Is there a Care and Custody plan?

No

Yes, discuss the:

- Responsible agency for custody and accountability
- Security measures necessary to prevent degradation
- Source of funds
- Estimated cost to implement plan which separately identifies any cost for any family housing area

REPORT OF AVAILABILITY – PART C

October 2007

5. Environmental Remediation Agreements

Are there environmental orders/agreements applicable to the property?

No, there are no environmental remediation orders or agreements applicable to the property being outgranted or to improvements being transferred.

Yes [Identify any environmental agreements or orders, e.g., Federal Facility Agreements, RCRA corrective action orders, etc.]

All remediation activities on the property, required by such agreement or order, are completed or in place and operating properly and successfully?

Yes No, explain

6. Does the property have PCB containing equipment is located on the property: _____

No

Yes, list type and location of equipment: **Transformer in Building, attached power line to utility pole.**

This equipment is operational, properly labeled in accordance with federal and state regulations, and has been determined **not** to be leaking.

Yes No, explain.

7. CLEAN AIR ACT (Federal Conformity Requirements):

This action does not require a written conformity determination in accordance with EPA's rule because:

The installation is in an attainment area. NOTE: The EA or EIS must contain a statement that the action conforms to the applicable State or Federal Implementation Plan, if any, with adequate supporting analysis. **St. Charles Parish is currently in attainment of all NAAQS, and is operating under attainment status.**

The installation is in a non-attainment or maintenance area and the action falls within an exemption in the rule. Attach a Record of Non-Applicability (RONA) in accordance with Army Guidance. Explain

This action is not exempt from the conformity regulation. Attach conformity determination.

Describe the mitigation requirements or other restrictions, if any, which must be incorporated in the outgrant documents.

8. COASTAL ZONE MANAGEMENT (CZM) (if applicable):

CZM is not applicable.

CZM is applicable and the proposed outgrant is/will be consistent with the approved state CZM Plan. State any restriction that may need to be in the outgrant document. Describe any commitments or agreements made under a CZM. Identify state CZM compliance certifications, if applicable. **A Coastal Use Permit was not included by the applicant. It is anticipated that the proposed renewal of the existing easement would be consistent with any previous restrictions and/or requirements set forth under the original Coastal Use Permit.**

9. CLEAN WATER ACT (Section 401 - State Water Quality Certification)

If applicable, reference or attach State Certificate. Describe any restrictions on use, if any, which will be imposed on the Grantee. **A Section 401 application was not included by the applicant. An updated Section 401 permit may still be applicable.**

REPORT OF AVAILABILITY – PART C

October 2007.

11. CLEAN WATER ACT (Section 404(b)(1) - Fill Permit)

This action will not involve the discharge of any fill into the waters of the United States including wetlands.

This action will entail the discharge of fill into the waters of the United States, including wetlands. A Section 404(b)(1) Evaluation & Permit, and a Section 401 State Water Quality Certification are required. List any restrictions that must be incorporated in the outgrant document:

12. WETLANDS CONSERVATIONS

This property is not located within a wetlands area and, therefore, does not fall under the purview of Executive Order 11990 and no restriction are required in the outgrant documents.

This property is located within a wetlands area and does fall under the purview of Executive Order 11990, accordingly, the following restrictions must be incorporated in the outgrant document:

A Section 404(b)(1) application was not included by the applicant. An updated Section 404(b)(1) permit may still be applicable.

13. HIGHLY ERODIBLE LAND (HEL) AND WETLANDS CONSERVATION (WC).

a. Has the Natural Resources Conservation Service (NRCS) issued a Highly Erodible Land or WC determination for the subject real property?

No Yes, provide summary of NRCS's findings and attach a copy of any determinations/delineations. List any restrictions or notices required to be incorporated into the outgrant documents.

b. Are there soil and water conservation structures or other conservation systems to reduce soil erosion or substantial improve soil conditions on a field or group of fields containing highly erodible cropland on the premises?

No Yes, provide description and location. List any restrictions or notices required to be incorporated into the outgrant documents.

14. PRIME OR UNIQUE FARMLANDS (FARMLAND PROTECTION POLICY ACT (FPPA), 7 USC 4201)

The proposed real estate action is **not** a Federal project or activity as defined in the FPPA. No further FPPA inquiry is required.

The proposed real estate action is a Federal project or activity as defined in the FPPA, and **may** convert prime, unique, or important farmland to nonagricultural uses; further:

Natural Resources Conservation Service (NRCS) has evaluated and assessed the site and determined: _____ (include summary of NRCS findings, LESA farmland conversion impact rating score, and other pertinent data). Explain any impact on the outgrant action.

It has been determined that the proposed project and farmland conversion is consistent with the FPPA and DA internal policies. Explain any impact on the outgrant action.

It has been determined that the proposed project and farmland conversion is not consistent with the FPPA and DA internal policies. Explain any impact on the outgrant action.

REPORT OF AVAILABILITY – PART C

October 2007

15. FLOODPLAIN:

Per a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available, or best available data if no such map is available, this property is not located within the 100 year floodplain and does not fall under the purview of Executive Order 11988.

This property is located within the 100 year floodplain and does fall under the purview of Executive Order 11988:

a. The outgrant documents should contain the following restrictions on use under identified Federal, State or local floodplain regulations:

b. It is recommended that these additional restrictions on use be included in the outgrant documents: **None**

This property is located within the 100 year floodplain and does fall under the purview of Executive Order 11988, however, outgrant will be to a Federal agency and no restrictions on use are required:

16. ENDANGERED SPECIES:

This action will not jeopardize any threatened or endangered species of fish, wildlife, or plants or destroy or adversely modify designated critical habitat pursuant to the Endangered Species Act.

This action **may** jeopardize threatened or endangered species of fish, wildlife, and/or plants or destroy or adversely modify designated critical habitat as identified on an attached map. Show status of the section 7 consultations with FWS/NMFS, including copies of any correspondence. List restrictions that must be incorporated in the outgrant document to protect the habitat or species.

This action **will** jeopardize threatened or endangered species of fish, wildlife, and/or plants or destroy or adversely modify designated critical habitat as identified on an attached map. Attach biological opinions, conference opinions or Early Alerts from FWS/NMFS, including copies of any correspondence and reasonable and prudent alternatives. List restrictions that must be incorporated in the outgrant document to protect the habitat or species.

17. FISH AND WILDLIFE COORDINATION ACT:

This property was acquired under the FWCA for fish and wildlife purposes, is covered by Congressionally authorized fish and wildlife mitigation restrictions, is covered by a General Plan, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA.

No Yes, can this property be utilized for wildlife conservation by the state agency exercising administration over wildlife resources upon that property?

No

Yes, transfer to this state agency for this purpose is recommended under authority of 16 USC § 667 or if it has value to the migratory bird program, to the Secretary of Interior under § 667b.

Yes, but transfer to this state agency for this purpose is not recommended. If so, explain.

This property is not covered by the FWCA.

18. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

Will the proposed outgrant involve the use of insecticide, fungicide, and rodenticide so that compliance with the Federal Insecticide, Fungicide, and Rodenticide Act is necessary, e.g. Agricultural, golf courses, restaurants?

No Yes, explain requirements for the outgrant action

REPORT OF AVAILABILITY – PART C

October 2007

19. WILD AND SCENIC RIVERS ACT.

Will the proposed outgrant impact an area designated under the Wild and Scenic Rivers Act?

No Yes, explain

20. ASBESTOS

Is there Asbestos Containing Material (ACM) in the buildings?

No, there is no evidence that buildings or structures with ACM are located on the property: **Based upon results of PAS of internal agency records, which did not indicate any material being present.**

Yes, this is covered in the environmental assessments with appropriate provisions set out. See _____ for additional information. Generally, describe condition, type, and any pre-outgrant recommendations:

The ACM does not currently pose a threat to human health or the environment because all friable asbestos that posed an unacceptable risk to human health has been removed or encapsulated.

Any remaining friable asbestos that has not been removed or encapsulated will not present an unacceptable risk to human health because _____. The outgrant will include an asbestos warning and covenant

21. LEAD BASED PAINT

Are any buildings known or presumed to contain Lead Based Paint (LBP)?

No, none known and/or based on the age of the buildings (constructed after 1978), no buildings on the property are presumed to contain lead-based paint. **Based upon results of PAS of internal agency records, which did not indicate any material being present.**

Yes, this is covered in the environmental assessments and in the Finding of Suitability with appropriate provisions set out. See _____ for additional information. Generally, describe condition, type, and any pre-outgrant recommendations:

The property was not used for residential purposes and the transferee does not intend to use the property for residential purposes in the future.

The property was used for residential purposes and the transferee intends to use the property for residential purposes in the future. The outgrant will include a lead-based paint warning and covenants.

22. MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

Based on a review of existing records and available information, none of the buildings or surrounding land proposed for outgrant are known or suspected to contain Munitions and Explosives of Concern (MEC). Go to next Question.

The property includes a site that was previously used for _____ that could result in MEC being known or suspected to be present.

A Munitions Response was conducted on (date) and _____

Coordination with HQDA, DACS-SF and DAMO-SWS is attached. Reference AR 385-64, "US Army Explosives Safety Program."

The _____ concluded _____ A copy of the ___ is available for review at _____.

The property has been remediated using the most appropriate technology consistent with the proposed outgrant of the property.

Outgrant is to a non-Federal entity and due to the potential that MEC could remain below

REPORT OF AVAILABILITY – PART C

October 2007

the clearance level, the outgrant will include a MEC Notice.

Outgrant is to another Federal agency for compatible use of surface de-contaminated real property, subject to the following limitations, restrictions and prohibitions concerning the use of the property, to ensure personnel and environmental protection: _____.

Access rights should be reserved to implement any monitoring plan.

23. WASTE DISPOSAL (The Solid Waste Recovery Act, as amended; Resource Conservation and Recovery Act (RCRA)).

a. Waste treatment facilities, landfills, or other waste disposal sites:

are not located on the site. **Based upon results of PAS of internal agency records, which did not indicate any material being present.**

are located on the site. Identify sites and attach a map showing location. Describe operating status of site. Do they have appropriate RCRA permits? Explain

b. Treatment, disposal or storage of waste defined by EPA as having the following characteristics - corrosivity, ignitability, reactivity, or toxicity

were not located on the site. **Based upon results of PAS of internal agency records, which did not indicate any material being present.**

were located on the site. Identify sites. Are closed sites noted on the site map?

24. UNDERGROUND AND ABOVE-GROUND STORAGE TANKS (UST/AST)

a. Current UST/AST Sites –

There are no UST/AST on the property.

There are ___ underground and/or ___ above-ground petroleum storage tanks (UST/AST) on the property:

1. Petroleum Product Releases.

The environmental site assessment covers petroleum product releases, if any, which occurred at the sites:

Yes* No, explain.

2. Current compliance of the sites:

The UST on the property are in compliance with current laws and regulations: Yes No.

The AST for fuel or other regulated substances on the property are in compliance with current laws and regulations: Yes No.

b. Former UST/AST Sites –

There were no UST/AST on the property.

There were ___ underground and/or ___ above-ground petroleum storage tanks (UST/AST) on the property that have been removed or closed in place:

1. The environmental site assessment covers petroleum product releases, if any, which occurred at the sites:

Yes* No, explain.

2. Maps showing the location of any UST closed in place are available, as required by law.

Yes. Either attach or explain where they are located.

No, explain.

REPORT OF AVAILABILITY – PART C

October 2007

25. NON-UST/AST STORAGE, RELEASE, OR OUTGRANT OF PETROLEUM PRODUCTS

There was non-UST/AST storage of petroleum products in excess of 55 gallons for one year or more on the property.

1. The environmental site assessment discusses the type of petroleum activities:

There was no evidence of petroleum releases in excess of 55 gallons as a result of these activities.

Petroleum product release or disposal in excess of 55 gallons occurred at the following buildings or areas, the environmental site assessment discusses in detail.

There is no evidence that non-UST/AST petroleum products in excess of 55 gallons were stored for one year or more on the property.

26. Will the proposed outgrant activity require compliance with the Toxic Substances Control Act (15 USC, Chapter 53); or other special purpose environmental laws?

Yes, explain?

No, explain: **Not applicable**

27. Are there any other conditions that exist on the property that should be considered in the decision to dispose? **Not applicable**

28. ADDITIONAL COMMENTS:

None

29. RECOMENDATION:

I recommend that the proposed real estate outgrant be approved and that the action proceed.

I do not recommend that the proposed real estate outgrant be approved and recommend that no further review and processing be done.

1/23/15
Date

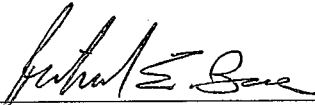

JOAN M. EXNICIOS
Chief, Environmental Planning Branch

STATEMENT OF FINDINGS
Proposed Easement No. DACW29-4-15-18
For St. Charles Parish
within the Bonnet Carre Spillway Project

In accordance with ER 405-1-12, the environmental requirements for any real estate outgrant include compliance with the National Environmental Policy Act (NEPA), other environmental laws not subsumed in NEPA, and the Comprehensive Environmental Response, Compensation, and Liability Act.

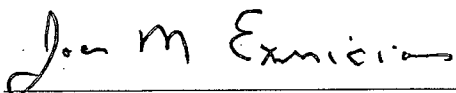
In the case of a real property transaction, where a categorical exclusion, as defined by Appendix A of AR 200-2 applies, the vehicle for environmental compliance is the Record of Environmental Consideration (REC). The REC provides NEPA compliance and is supported by the preparation of a Report of Availability addressing other environmental laws with Preliminary Assessment Screening documenting complete internal agency records search of the known history of the property with regard to the storage, release or disposal of any hazardous substances in compliance with the Comprehensive Environmental Response, Compensation and Liability Act.

A database search was conducted for records of HTRW within and adjacent to the proposed project area, including contaminants, spills, and National Priority List (Superfund) sites. The conclusion of this environmental review is that there are no specific or unusual environmental concerns. There is no evidence indicating hazardous substances were stored, released or disposed of on this property. We have no objections or adverse comments to the proposed permit.



Richard E. Boe, Chief
Coastal Environmental Compliance Section

1/23/15
Date



Joan M. Exnicios, Chief
Environmental Planning Branch

1/23/15
Date

MEMORANDUM FOR SEE DISTRIBUTION

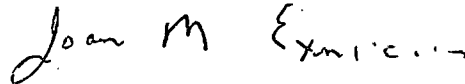
SUBJECT: Records Search for HTRW Concerns Pertaining to Proposed Easement No. DACW29-4-15-18 for the St. Charles Parish within the Bonnet Carre Spillway Project, St. Charles Parish, Louisiana

1. Reference the enclosed map showing the approximate location of Proposed Easement No. DACW29-4-15-18. The subject property is located in an existing road easement (SC-12) measuring approximately 26 feet wide by 8,500 feet (1.5 miles) long running parallel to the spillway structure. The easement is located in Tract Nos. 113-120, Sections 1, 2, and 46, Township 12 South, Range 8 East, and in Tract Nos. 100-110, 112, 113, Sections 12 and 13, Township 12 South, Range 7 East, St. Charles Parish, Louisiana.

2. The ER 405-1-12, Chapter 8, Section VI requires the completion and execution of Part C of the Report of Availability, including EBS/PAS documentation of internal agency records search, prior to issuance or termination of a real estate instrument on fee-owned land. As part of the EBS/PAS, we are enclosing a Preliminary Assessment Screening certificate to be completed by your office. It will require a review of office records for pertinent information regarding the presence of any hazardous substances on this land and the signatures of the person who performed the records search and their Division or Office Chief.

3. Please return the completed certificate to Trent Stockton in CEMVN-PDR-NCR by 12 December 2014.

4. The POC in this office is Trent Stockton, ext. 2550, Room 140.

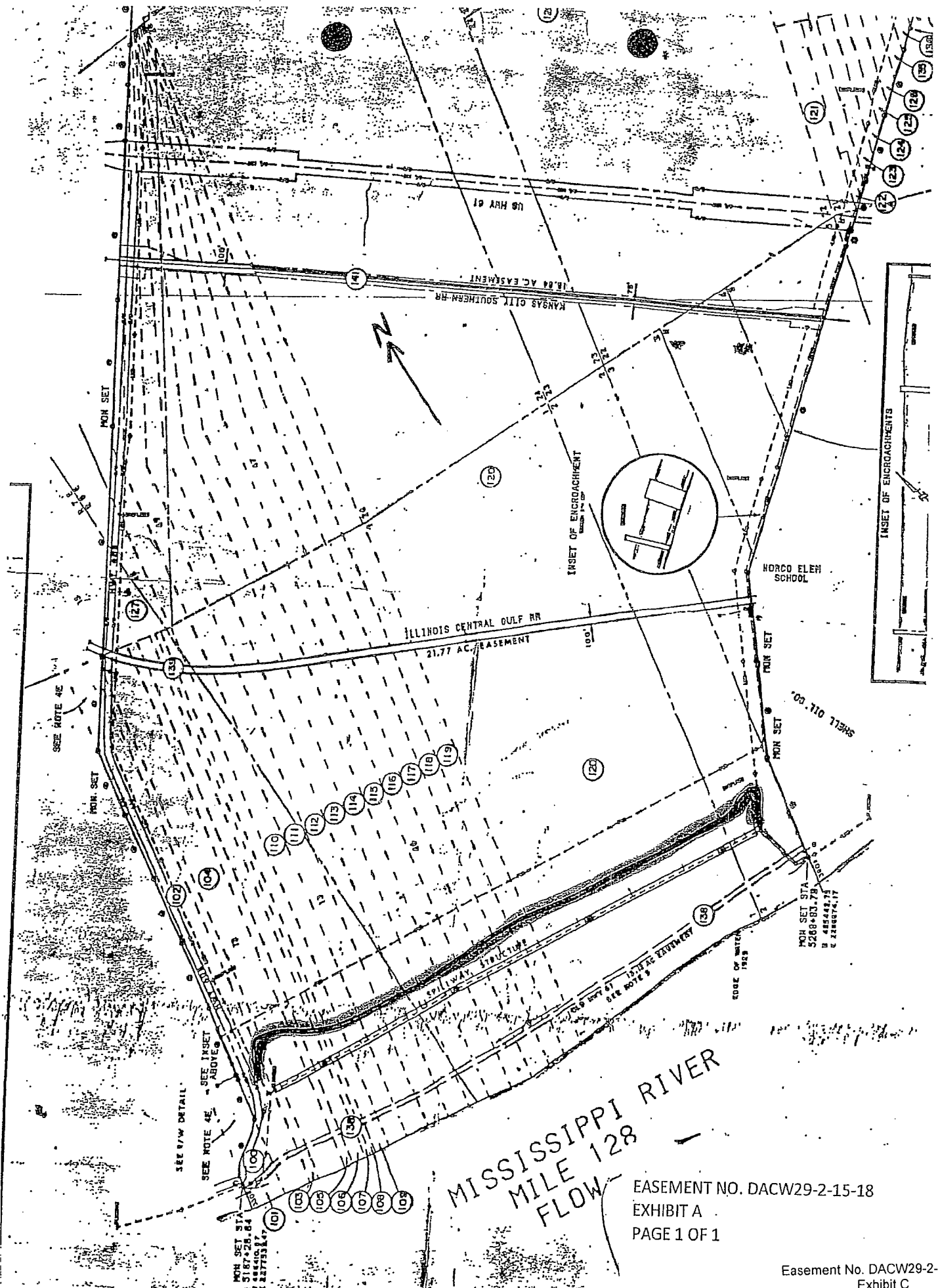


Joan M. Exnicios
Chief, Environmental Planning Branch

Encls

DISTRIBUTION:

Chief, Construction Division
Chief, Engineering Division
Chief, Logistics Management Office
Chief, Operations Division
Chief, Real Estate Division
Chief, Safety Office

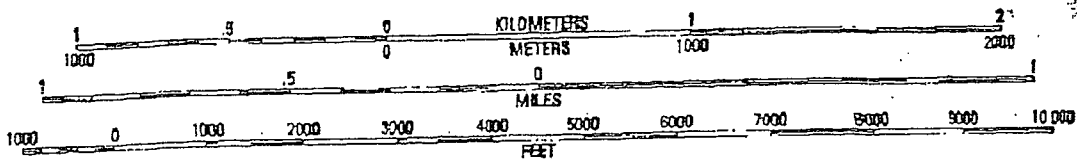


MISSISSIPPI RIVER MILE 128 FLOW

EASEMENT NO. DACW29-2-15-18
EXHIBIT A
PAGE 1 OF 1



SCALE 1:24 000



CONTOUR INTERVAL 5 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1979

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092,
 AND LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, BATON ROUGE, LOUISIANA 70804
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Figure 1. Maintenance Road within the Bonnet Carre Spillway.
 From Laplace 7.5 minute 1992 quadrangle

EASEMENT NO. DACW29-2-15-18
 EXHIBIT B
 PAGE 1 OF 2

**PRELIMINARY ASSESSMENT SCREENING
CERTIFICATION OF RECORDS SEARCH**

- | | |
|--|---|
| A. <input type="checkbox"/> Construction Division | E. <input type="checkbox"/> Planning Division |
| B. <input type="checkbox"/> Engineering Division | F. <input type="checkbox"/> Safety, Security & Occupational Health Office |
| C. <input type="checkbox"/> Logistics Management Office | G. <input type="checkbox"/> Other _____ |
| D. <input checked="" type="checkbox"/> Operations Division | |

1. Location:

- a. Project Name: Bonnet Carre Spillway - SC-12 Road Easement
- b. Tract No.: Tract Nos. 113-120, Sections 1, 2, and 46, Township 12 South, Range 8 East, and in Tract Nos. 100-110, 112, 113, Sections 12 and 13, Township 12 South, Range 7 East, St. Charles Parish, Louisiana.
- c. Brief Description:

2. Records Search:

- There are no Division/Office records applicable to this action.
- A Comprehensive search of all Division/Office records was conducted on 17 Dec 2014.
The records search included a review of the following documents:
Existing project files

3. Summary of Findings:

- Based on a review of the records identified above, there is no evidence indicating hazardous substances were stored, released, or disposed of on this property.
- Based on a review of the records identified above, there is evidence that hazardous substances have been/may been stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

4. Signature and Approval:

Christopher G. Brantley
(Person reviewing records)

17 Dec 2014
(Date)

Christopher G. Brantley
(Person approving records review)

21 January 2015
(Date)

**PRELIMINARY ASSESSMENT SCREENING
CERTIFICATION OF RECORDS SEARCH**

- | | |
|---|---|
| A. <input type="checkbox"/> Construction Division | E. <input type="checkbox"/> Planning Division |
| B. <input type="checkbox"/> Engineering Division | F. <input type="checkbox"/> Safety, Security & Occupational Health Office |
| C. <input type="checkbox"/> Logistics Management Office | G. <input checked="" type="checkbox"/> Other <u>Real Estate M+D</u> |
| D. <input type="checkbox"/> Operations Division | |

1. Location:

- a. Project Name: Bonnet Carre Spillway - SC-12 Road Easement
- b. Tract No.: Tract Nos. 113-120, Sections 1, 2, and 46, Township 12 South, Range 8 East, and in Tract Nos. 100-110, 112, 113, Sections 12 and 13, Township 12 South, Range 7 East, St. Charles Parish, Louisiana.
- c. Brief Description:


2. Records Search:

- There are no Division/Office records applicable to this action.
- A Comprehensive search of all Division/Office records was conducted on 8 Dec 2014.
The records search included a review of the following documents: See Attached

3. Summary of Findings:

- Based on a review of the records identified above, there is no evidence indicating hazardous substances were stored, released, or disposed of on this property. See Attached
- Based on a review of the records identified above, there is evidence that hazardous substances have been/may be stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

4. Signature and Approval:



(Person reviewing records)

8 Dec 2014

(Date)



(Person approving records review)

8 Dec 14

(Date)

Attachment to Preliminary Assessment Screening, Certification of Records Search for Easement
DACW29-2-15-18 (St. Charles Parish)

2. Records Search: Based upon review of past Preliminary Assessment Screenings and review of EBS prepared for Shell Western E&P, Inc. for Easement No. DACW29-2-98-26, and conversation between Dr. David Vigh (CEMVN-PM-R) on 8/6/1998, a site was discovered and remediated by Shell's contractor but the levels of substances present did not exceed the threshold for reporting storage, release or disposal of hazardous substances as outlined in 40 CFR 302.4.

3. Summary of Finding: Based on a review of the records identified above, there is no evidence indicating hazardous substances were stored, released or disposed of on this property, which exceed the threshold for reporting storage, release or disposal of hazardous substances as outlined in 40 CFR 302.4, which would then require notice under 42 USC 9620.

**PRELIMINARY ASSESSMENT SCREENING
CERTIFICATION OF RECORDS SEARCH**

- | | |
|--|---|
| A. <input type="checkbox"/> Construction Division | E. <input type="checkbox"/> Planning Division |
| B. <input type="checkbox"/> Engineering Division | F. <input type="checkbox"/> Safety, Security & Occupational Health Office |
| C. <input checked="" type="checkbox"/> Logistics Management Office | G. <input type="checkbox"/> Other _____ |
| D. <input type="checkbox"/> Operations Division | |

1. Location:

- a. Project Name: Bonnet Carre Spillway - SC-12 Road Easement
- b. Tract No.: Tract Nos. 113-120, Sections 1, 2, and 46, Township 12 South, Range 8 East, and in Tract Nos. 100-110, 112, 113, Sections 12 and 13, Township 12 South, Range 7 East, St. Charles Parish, Louisiana.
- c. Brief Description:

2. Records Search:

- There are no Division/Office records applicable to this action.
- A Comprehensive search of all Division/Office records was conducted on _____
The records search included a review of the following documents:

3. Summary of Findings:

- Based on a review of the records identified above, there is no evidence indicating hazardous substances were stored, released, or disposed of on this property.
- Based on a review of the records identified above, there is evidence that hazardous substances have been/may been stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

4. Signature and Approval:

SYRDAL.JAMES.E
GIL.1266411843

(Person reviewing records)

(Date)

SYRDAL.JAMES.E
GIL.1266411843

(Person approving records review)

(Date)