

ORD,  
  
**2004-0201**

**INTRODUCED BY: "DICKIE" DUHE, COUNCILMAN, DISTRICT VI**  
**ORDINANCE NO. 04-6-10**

An ordinance to approve and authorize the execution of Department of the Army License No. DACW29-3-04-48 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, and January 25, 1999; and,

**WHEREAS,** the current license expired on January 24, 2004, and it is the intent of the Parish Council to approve the new license through January 24, 2009.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That License No. DACW29-3-04-48 for the Bonnet Carre' Spillway Road is hereby approved.

**SECTION II.** That the Parish President is hereby authorized to execute said License on behalf of the St. Charles Parish Council.

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

**YEAS:** MARINO, HILAIRE, FABRE, RAMCHANDRAN, WALLS, BLACK,  
DUHE, MINNICH  
**NAYS:** NONE  
**ABSENT:** FAUCHEUX

And the ordinance was declared adopted this 7th day of June, 2004, to become effective five (5) days after publication in the Official Journal.

License, Spillway Road 2004

CHAIRMAN: Lane J. Mann

SECRETARY: Barbara Jacob Tucker

DLVD/PARISH PRESIDENT: June 8, 2004

APPROVED:                     

DISAPPROVED:                     

PARISH PRESIDENT: Albert D. Hayes

RETD/SECRETARY: June 8, 2004

AT: 12:05 pm

RECD BY:

NO. DACW29-3-04-48-

DEPARTMENT OF THE ARMY LICENSE  
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, hereinafter referred to as the Secretary, acting under his general administrative powers, hereby grants to ST. CHARLES PARISH COUNCIL, hereinafter referred to as the grantee, a license to improve, operate, and maintain an existing maintenance road (measuring approximately 8500 feet long by 21 feet wide, or 4.1 acres), over, across, in and upon lands of the United States, as identified in Exhibits A and B, attached hereto and made a part hereof, hereinafter referred to as the premises. *ADK*

THIS LICENSE is granted subject to the following conditions:

1. TERM

This license is granted for a term of five (5) years, beginning January 25, 2004, and ending January 24, 2009, but revocable at will by the Secretary.

2. CONSIDERATION

The consideration for this license shall be the construction, operation and maintenance of the premises for the benefit of the general public in accordance with the terms and conditions hereinafter set forth.

3. NOTICES

All notices and correspondence to be given pursuant to this license shall be addressed, if to the grantee, to the St. Charles Parish Council, P.O. Box 302, Hahnville, Louisiana 70057; and if to the United States, to the District Engineer, Attention: Chief, Real Estate Division, U.S. Army Corps of Engineers, P.O. Box 60267, New Orleans, Louisiana, 70160-0267; or as 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. *ADK*

#### **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 any duly authorized representatives.

#### **5. SUPERVISION BY THE DISTRICT ENGINEER**

The use and occupation of the premises shall be subject to the general supervision and approval of the District Engineer, New Orleans District hereinafter referred to as said officer, and to such rules and regulations as may be prescribed from time to time by said officer.

#### **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. CONDITIONAL USE BY GRANTEE**

The exercise of the privileges herein granted shall be:

- a. without cost or expense to the United States;
- b. subject to the right of the United States to improve, use or maintain the premises;
- c. subject to other outgrants of the United States on the premises;
- d. personal to the grantee, and this license, or any interest herein, may not be transferred or assigned.

#### **8. CONDITION OF PREMISES**

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

#### **9. COST OF UTILITIES**

The grantee shall pay the cost, as determined by the officer having immediate supervision over the premises, of producing and/or supplying any utilities and other services furnished by the Government or through Government-owned facilities for the use of the grantee, including the grantee's proportionate share of the cost of operation and maintenance of the Government-owned facilities by which such utilities or services are produced or supplied. The Government shall be under no obligation to furnish utilities or services. Payments shall be made in the manner prescribed by the officer having such jurisdiction.

## **10. PROTECTION OF PROPERTY**

The grantee shall keep the premises in good order and in a clean, safe condition by and at the expense of the grantee. 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 license, and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other 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 the property to a condition satisfactory to said officer.

## **11. INDEMNITY (deleted)**

## **12. RESTORATION**

On or before the expiration of this license or its termination by the grantee, the grantee shall vacate the premises, remove the property of the grantee, and restore the premises to a condition satisfactory to said officer. If, however, this license is revoked, the grantee shall vacate the premises, remove said property and restore the premises to the aforesaid condition within such time as the District Engineer may designate. In either event, if the grantee shall fail or neglect to remove said property and restore the premises, then, at the option of said officer, the property shall either become the property of the United States without compensation therefor, or said officer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The grantee shall also pay the United States on demand any sum which may be expended by the United States after the expiration, revocation, or termination of this license in restoring the premises.

## **13. 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.

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## **14. TERMINATION**

This license may be terminated by the grantee at any time by giving the District Engineer at least ten (10) days notice in writing provided that no refund by the United States of any consideration previously paid shall be made and provided further, that in the event said notice is not given at least ten (10) days prior to the rental due date, the grantee shall be required to pay the consideration for the period shown in the Condition on **CONSIDERATION**.

## **15. ENVIRONMENTAL PROTECTION**

a. Within the limits of their respective legal powers, the parties to this license 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 said Environmental Protection Agency, or any Federal, state, interstate or local governmental agency are hereby made a condition of this license. 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 grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs from the grantee's activities, the grantee shall be liable to restore the damaged resources.

c. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

## **16. HISTORIC PRESERVATION**

The grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archaeological, 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. DISCLAIMER**

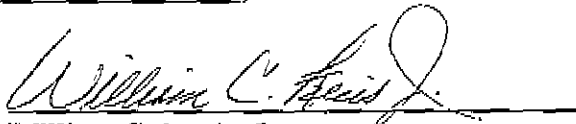
This license is effective only insofar as the rights of the United States in the premises are concerned; and the grantee shall obtain any permit or license which may be required by Federal, state, or local statute in connection with the use of the premises. It is understood that the granting of this license does not preclude the necessity of obtaining a Department of the Army permit for activities which involve the discharge of dredge or fill material or the placement of fixed structures in the waters of the United States, pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. § 403), and Section 404 of the Clean Waters Act (33 U.S.C. § 1344).

18. ENVIRONMENTAL BASELINE STUDY (added)

An Environmental Baseline Study (EBS) documenting the known history of the property with regard to the storage, release or disposal of hazardous substances thereon, is attached hereto and made a part hereof as **Exhibit C**. Upon expiration, revocation or termination of this easement, another EBS shall be prepared which will document the environmental condition of the property at that time. A comparison of the two assessments will assist the said officer in determining any environmental restoration requirements. Any such requirements will be completed by the grantee in accordance with the condition on **RESTORATION**.

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

**IN WITNESS WHEREOF** I have hereunto set my hand by authority/direction of the Secretary of the Army this 24<sup>th</sup> day of June, 2004.



William C. Lewis, Jr.  
Chief, Real Estate Division  
U.S. Army Corps of Engineers  
New Orleans District

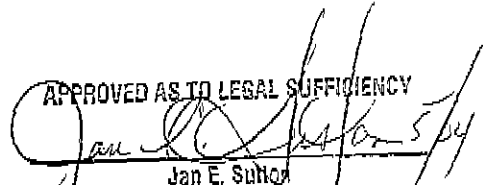
**WITNESSES:**

Signature: Linda Bongiovanni

Printed Name: LINDA BONGIOVANNI

Signature: Sheryl B. Austin

Printed Name: SHERYL B. AUSTIN

APPROVED AS TO LEGAL SUFFICIENCY  
  
Jan E. Sulzer  
ATTORNEY ADVISOR  
U.S. Army Engineer District  
New Orleans

THIS LICENSE is also executed by the grantee this 8th day of June, 2004.

ST. CHARLES PARISH COUNCIL

BY: Albert D. Laque *adl*

Albert D. Laque

(Typed name of authorizing official)

Title: Parish President

**WITNESSES:**

Signature: *Barbara Jacob Tucker*

Printed Name: Barbara Jacob Tucker

Signature: *Valerie Berthelot*

Printed Name: Valerie Berthelot

**ACKNOWLEDGEMENT OF WITNESS FOR LICENSE NO. DACW29-3-04-48**

BEFORE ME, the undersigned authority, this day personally came and appeared the undersigned person, duly sworn, who did depose and state that he/she executed the foregoing license agreement as subscribing witness thereto, and that the license agreement was signed and executed by WILLIAM C. LEWIS, JR., and that he/she knows WILLIAM C. LEWIS, JR., to be the identical person who executed the same and saw WILLIAM C. LEWIS, JR. sign his name in his capacity as Chief, Real Estate Division, CEMVN, on behalf of the United States, as the voluntary act and deed of the United States, and for the purposes and considerations therein expressed, in his presence and in the presence of the other subscribing witness.

Signed: Sheryl B. Austin (Appearer)

Printed Name: SHERYL B. AUSTIN

SWORN TO AND SUBSCRIBED BEFORE ME this 24<sup>th</sup> day of June 2004.

Signed: JAN E. SUTTON (Notary)

Printed name: Jan E. Sutton

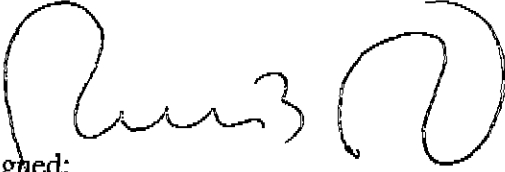
Louisiana Bar Association Number: 19436



**CERTIFICATE OF AUTHORITY**

I, \_\_\_\_\_, do hereby certify that I am the principle legal officer of the St. Charles Parish ~~Council~~ (Parish ~~Council~~), that the Parish ~~Council~~ is a legally ALR constituted public body with full authority and legal capability to adhere and comply with the ALR terms and conditions for License No. DACW29-3-04-48, and subsequent amendments thereto, ALR for the purposes of improving, operating, and maintaining an existing maintenance road in connection with the Bonnet Carre Spillway Project, and that the persons who executed License No. DACW29-3-04-48 on behalf of the Parish ~~Council~~ have acted within their statutory ALR authority.

IN WITNESS WHEREOF, I have made and executed this certification on this 16<sup>th</sup> day of June, 2004.

Signed:   
Printed Name: Robert L. Raymond  
Title: Parish Attorney

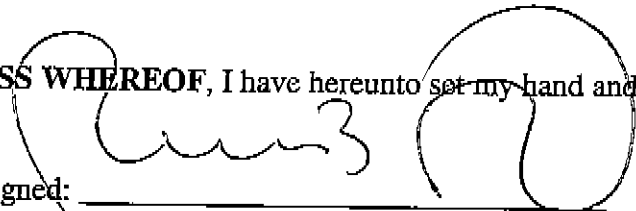
ACKNOWLEDGMENT

STATE OF Louisiana  
COUNTY/PARISH OF St. Charles

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me <sup>AS</sup> appeared Albert D. Laque, to me personally known, who, being by me duly sworn, did say that he is the Parish President of the St. Charles Parish ~~Council~~ (Parish Council), by authority duly and legally granted and bestowed upon him, and that the Parish ~~Council~~ acknowledged the License No. DACW29-3-04-48 to be the free act and deed of the Parish ~~Council~~ and that the Parish ~~Council~~ has no seal.

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



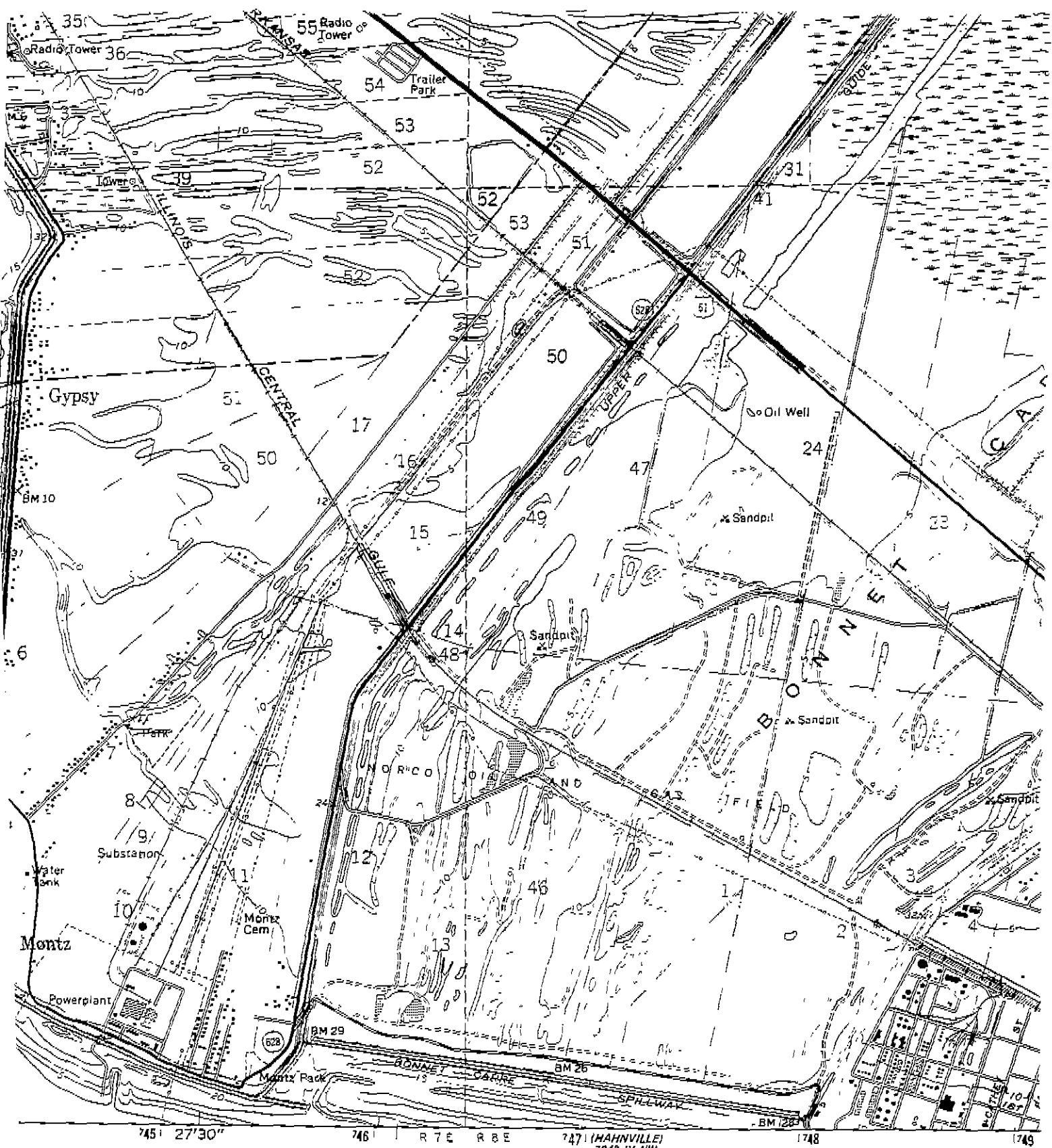
Signed: \_\_\_\_\_  
Printed Name: Robert L. Raymond  
Notary Public

State of Louisiana

Parish of St. Charles

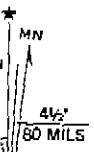
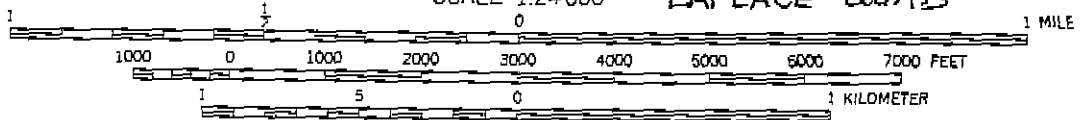
My Commission Expires: at death

Bar Association Number: 11408



SCALE 1:24,000

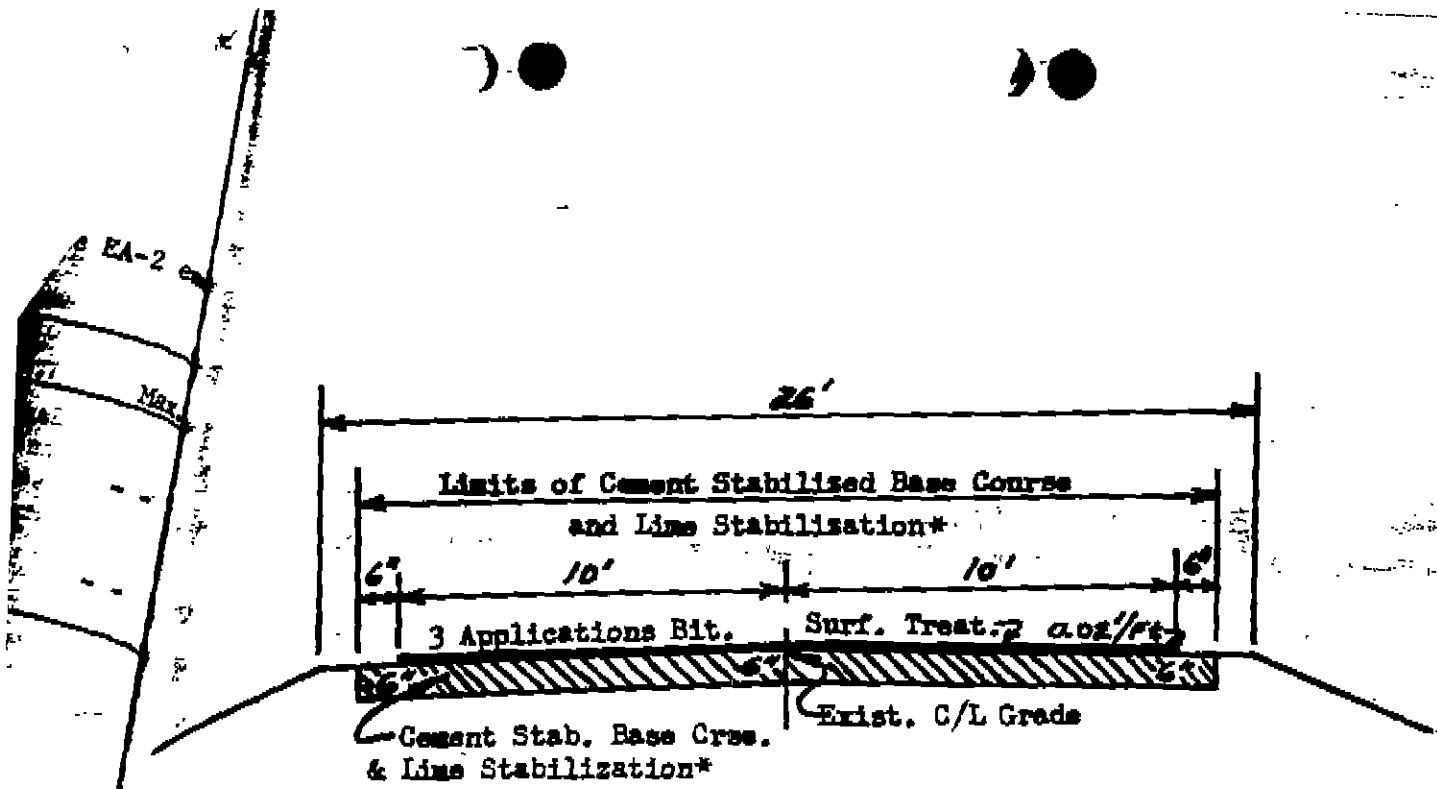
LAPLACE QUAD



9 MAGNETIC NORTH  
CENTER OF SHEET  
North American Datum 1983  
1 meters south and

CONTOUR INTERVAL 5 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929  
DEPTH CURVES AND SOUNDINGS IN FEET - GULF COAST LOW WATER  
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE  
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER  
THE MEAN RANGE OF TIDE IS APPROXIMATELY 1/4 FOOT  
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESIDENTS OF THE STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION

License No.  
**DACW29-3-04-48**  
**EXHIBIT A**



**NORMAL FINISHED SECTION FOR  
CEMENT STABILIZED BASE COURSE**

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

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

License No.  
DACW29-3-04-48

EXHIBIT B

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

## **ENVIRONMENTAL BASELINE STUDY**

**Proposed Renewal of License No. DACW29-3-99-18,  
to St. Charles Parish Police Jury,  
within the Bonnet Carré Spillway  
St. Charles Parish, Louisiana**

### **INTRODUCTION**

The U.S. Army Corps of Engineers has prepared this Environmental Baseline Study (EBS) to document existing environmental conditions on a portion of Corps fee-owned lands in the Bonnet Carré Spillway, St. Charles Parish, Louisiana. The New Orleans District proposes to re-issue a license for a five-year term to St. Charles Parish for the continued operation and maintenance of a two lane improved road that traverses numerous tracts in the Bonnet Carré Spillway.

### **NEED FOR ACTION**

#### **PURPOSE AND PUBLIC CONCERNS**

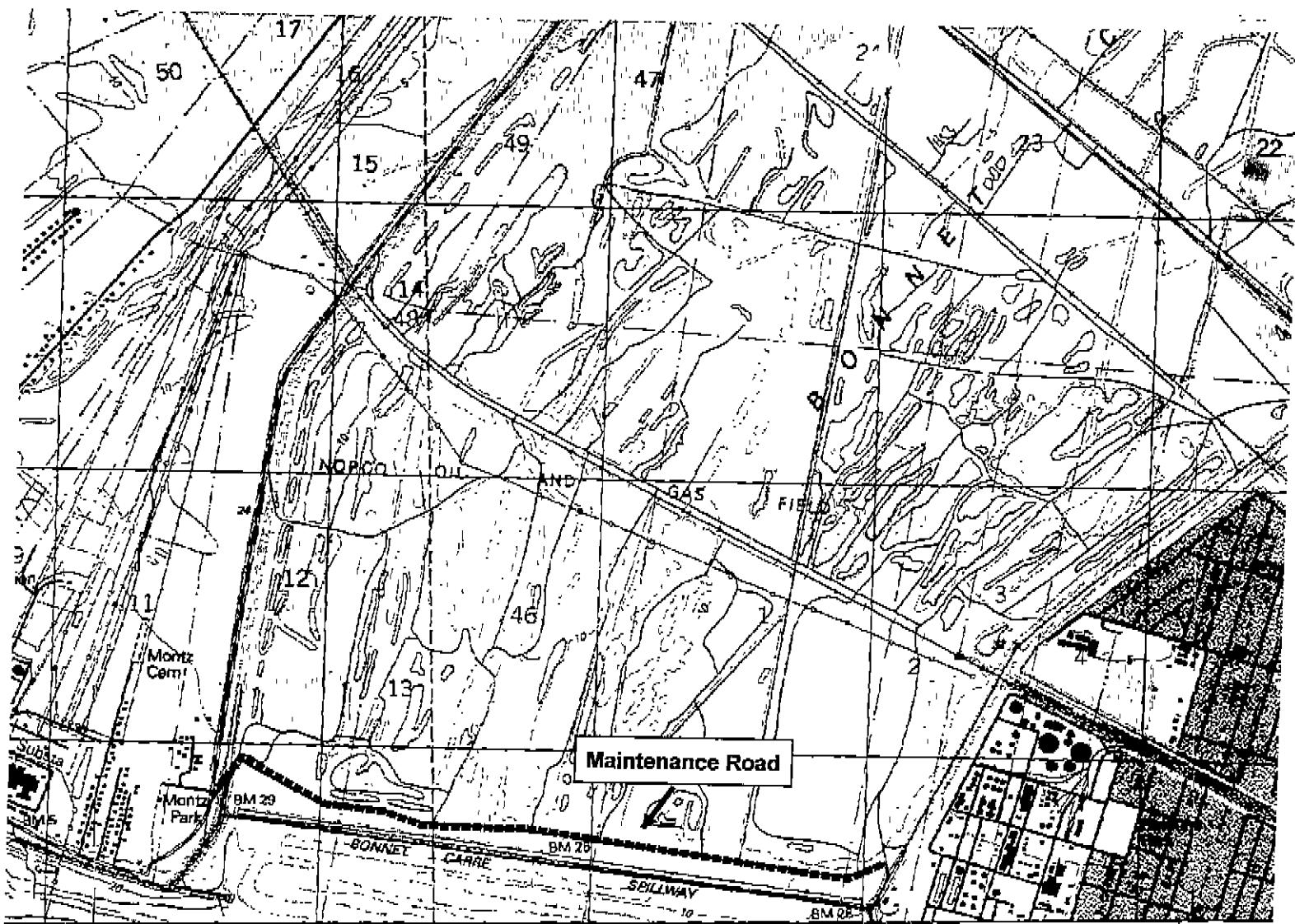
An EBS is a comprehensive inventory and evaluation of existing project site conditions for the assessment of potential health and ecological risks associated with a proposed real property transaction. St. Charles Parish has requested an extension to their license to continue using a parcel of land through the Bonnet Carré Spillway. The primary purpose of the Spillway is to provide flood protection to New Orleans and other downstream communities by diverting approximately 250,000 cubic feet per second of Mississippi River floodwaters through its floodway into Lake Pontchartrain and the Gulf of Mexico. A significant public concern exists for preventing degradation of Spillway lands by private utilization. The goal of this EBS is not only to prevent damage to publicly owned resources, but also to preserve the health and well-being of the diverse public groups that use the Spillway.

#### **AUTHORITY AND PRIOR ENVIRONMENTAL DOCUMENTATION**

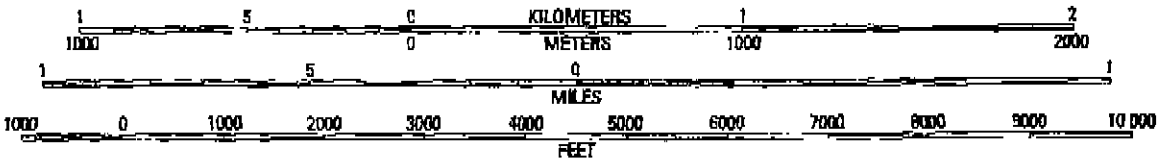
The Bonnet Carré Spillway was authorized by the Flood Control Act of May 15, 1928 (as amended) as an integral component of the Mississippi River and Tributaries (MR&T) project implemented in response to the Flood of 1927. New Orleans District has prepared an Environmental Impact Statement and four Environmental Assessments addressing the impacts of various projects associated with the Bonnet Carré Spillway. A Master Plan for the Bonnet Carré Spillway as completed in 1998.

### **PROJECT DESCRIPTION**

The Bonnet Carré Spillway is located in St. Charles Parish, Louisiana just west of the town of Norco and east of the community of Montz. The license would be extended for



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

continued operation and maintenance of an improved two lane road that traverses several tracts near the Bonnet Carre Spillway structure.

## ENVIRONMENTAL SETTING

### GENERAL

St. Charles Parish is located south of Lake Pontchartrain in southeast Louisiana and is entirely within the Mississippi River Delta. An extensive levee system protects approximately 20 percent of the land area, which consists of residential and commercial development. The remaining 80 percent consists of ponded areas and frequently flooded marshes and swamps. Elevation ranges from about 15 feet National Geodetic Vertical Datum (NGVD) on the Mississippi River levees to about -5 feet NGVD in the former marshes that have been drained.

The Bonnet Carre' Spillway, constructed in 1932 as an integral feature of the MR&T project, consists of a massive concrete weir structure, upper (west) and lower (east) guide levees, and a 7,623-acre floodway extending from the Mississippi River to Lake Pontchartrain. Although the Spillway has never been managed as a Federal recreation area, it has developed into an extensively-used, albeit unofficial, outdoor recreation area. Visitors to the Spillway engage in a variety of unsupervised outdoor recreation activities including boating, waterskiing, fishing, crawfishing, swimming, hunting, shooting, dog-training, camping, picnicking, birding, and off-road vehicle use (motorcycles, all-terrain vehicles, and four-wheel drive vehicles).

### CLIMATE

Climate in the area is subtropical, influenced by warm, moist southerly winds in the summer and occasional cool, dry fronts dominated by high pressure systems from the north during the winter. The average daily temperature (recorded at nearby Reserve, Louisiana, 1951-1979) is 67.8°F. The average total yearly precipitation is about 60.45 inches. Thunderstorms occur throughout the year, with most occurring during the summer, and hurricanes occur infrequently. Tornadic activity generally coincides with the late spring/summer hurricane season in Louisiana.

### SOILS

Soils in the Bonnet Carre' Spillway are derived from alluvial deposits and organic matter. Swamp soils consist of soft to very soft organic clays with layers of silt and peat, wood and roots, and high water content. Such soils usually support tree growth. Marsh soils, consisting of soft to very soft organic clays of high water content and layers of silt and peat, support grass and sedge growth. Natural levee soils derived from recent Mississippi River deposits consist of stiff to very stiff oxidized clays with layers of silts, silty sands, and sands of low water content. The Convent-Commerce soil series, widespread within the project area, consists of level to gently undulating, poorly drained soils that have a

loamy surface and subsurface layer, or have a loamy or clayey surface layer and clayey subsoil.

## LAND USE

### Existing Conditions

In addition to providing flood relief for New Orleans and downstream communities along the Mississippi River, the Spillway provides opportunities for various activities. Sand and clay excavation is permitted for private general construction, and for maintenance and upgrading of the Lake Pontchartrain hurricane protection levee system. Commercial haulers remove sand from various locations within the Spillway using front-end loaders and dump trucks. An annual average of nearly 300,000 cubic yards of sand was removed from the Spillway by commercial interests during the period 1984-1993. Additional sanctioned activities include oil and gas development, the use of a small parcel of land for radio-controlled airplanes, and an Army combat engineering training site. Prevalent unsanctioned activities include trash dumping, timber harvesting, and various forms of recreation. St. Charles Parish is authorized to operate three designated public recreational areas within the confines of the Spillway. Potentially harmful recreational activities include off-road vehicle use, boating, and discharge of firearms, which have the potential of causing serious injury to people who use the Spillway.

Land use in the vicinity of the proposed outgrant area is largely undeveloped, with cleared and forested areas in the vicinity.

### Land Use History

Prehistoric human settlements in the vicinity of the Bonnet Carre Spillway are located near Lake Pontchartrain; the earliest sites date to the Tchefuncte culture (ca. 500 B.C.-A.D. 100). All such early sites have been deeply buried through subsidence and deposition and were discovered in the course of dredging and construction activities.

Historic settlement and agriculture were concentrated along the natural levees of the Mississippi River; by 1770, plantations were established along the east bank of the river in St. Charles Parish. Indigo, cotton, and sugar cane were the principal cash crops in the 18<sup>th</sup> and early 19<sup>th</sup> centuries, with sugar cane dominating during the late 19<sup>th</sup> and into the mid-20<sup>th</sup> century. 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, including the site of the present-day recreation area, were left fallow except for timber extraction. The commercial timber industry flourished throughout St. Charles Parish from the 1890's 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 the 1930s and 1940s.

Construction of the Bonnet Carre Spillway was authorized by the Flood Control Act of 1928, in response to the disastrous floods of 1927. Construction of the spillway structure began in 1929 and was completed in 1931. The upper and lower guide levees were completed in 1932, and highway and railroad crossings were fully operational by 1936.

## ENVIRONMENTAL RESOURCES

Resources described in this EBS 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 outgrant was conducted on March 26, 2004, by Mr. Christopher G. Brantley and Ms. Lori Roe of Environmental Planning and Compliance Branch. Potential impacts to environmental resources resulting from the outgrant extension are discussed below.

### VEGETATION

#### Existing Conditions

The area consists of mostly grassy areas and traverses several wooded tracts.

#### Impacts

The proposed license is expected to result in maintenance of the roadway and roadside shoulder area traversing several grassy habitat tracts.

### WILDLIFE

#### Existing Conditions

The area provides some habitat for wildlife. Common inhabitants of grassy, weedy areas are soil- and surface-dwelling invertebrates (nematodes, annelids, arthropods, snails), amphibians (frogs), and reptiles (snakes, lizards, turtles). Small mammals likely to inhabit uncultivated fields, and grassy ditch banks include the swamp rabbit, hispid cotton rat, and marsh rice rat. Some insect species in ditches (e.g. mosquitoes) may function as vectors for the transmission of diseases and parasites harmful to other organisms, including humans.

### Impacts

The proposed license is not expected to adversely impact wildlife.

## ENDANGERED AND THREATENED SPECIES

### Existing Conditions

Three Federally-listed wildlife species have been documented within the boundaries of the Spillway, including the brown pelican, bald eagle and American alligator. Both the brown pelican and bald eagle are proposed to be delisted. The American alligator is listed as threatened under the similarity of appearance clause of the Endangered Species Act. These species may use the area on rare occasions.

### Impacts

The proposed license is not expected to affect any endangered or threatened species or habitat, or any rare plant species. The area has already been disturbed by human activities with little habitat remaining from its natural state.

## SURFACE WATER

### Existing Conditions

Affected surface waters are limited to man-made created borrow pits and ditches.

### Impacts

The proposed license is not expected to adversely impact surface water.

## CULTURAL RESOURCES

### Existing Conditions

The cultural resource inventory of project lands at Bonnet Carre was completed between 1986 and 1991. Six cultural resource sites have been identified within the spillway, three of which are within one mile of the project area.

Sites 16SC50 and 16SC51 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. Buffer zones have been established around the two cemeteries to protect them from sand hauling and borrow activity. The second National Register property is the spillway itself, which is significant as an engineering landmark and for its historical association with flood control on the Lower Mississippi River. 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.

Kenner and Kugler Cemeteries (16SC50 and 16SC51), 16SC52, 16SC53, 16SC54, and the spillway structure are within one mile of the maintenance road but will not be affected by the project activities.

### Impacts

No adverse impacts to cultural resources are expected from the proposed activities.

## RECREATION

### 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 proposed license will allow most recreational activities to take place without hindrance.

## HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

### Existing Conditions

No sites containing hazardous, toxic, or radioactive waste (HTRW) have been discovered within the Spillway nor have any documented releases, storage, or disposal of hazardous substances occurred. A total of 21 oil and gas exploration wells have been drilled on project lands over the last 40 years. A few of these became producing wells, resulting in

the naming of the "Norco Oil and Gas Field" within the Spillway. Of more general concern is the potential for HTRW problems related to the intensive concentration of petrochemical manufacturing complexes in the surrounding region. Accidental spills along Louisiana Highway 608 are a possible, but unlikely, source of contamination. The field investigation conducted on March 26, 2004 did not reveal any evidence of HTRW contamination. A search of available records in various offices of the New Orleans District revealed no evidence indicating that hazardous substances were stored, released, or disposed of on this property.

#### Impacts

The license would not likely result in any HTRW contamination.

### POTENTIAL ENVIRONMENTAL CONCERNS

#### Existing Conditions

The possibility of intentional dumping of hazardous or toxic materials on the project lands can not be totally discounted. The fact that dumping of household and commercial garbage is a management problem in the Spillway indicates that illegal dumping of more dangerous wastes in the surrounding area also could be a problem. No evidence, however, of dangerous spills or dumping yet has been discovered.

#### Impacts

The license is unlikely to create any additional environmental concerns.

### POPULATION

#### Existing Conditions

An unofficial survey estimated the 1990 population of Montz, a community located along the southwestern portion of the Spillway's upper guide levee, at about 1,000 people. According to the 1990 census, Norco's population of about 3,385 people over a total area of about 3.0 square miles represents about 1,354 people per square mile, with about 548 housing units per square mile. No permanent or temporary residential structures exist within the Spillway.

#### Impacts

The license is unlikely to create any additional populations concerns.

### COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

National Environmental Policy Act (NEPA) compliance is ordinarily accomplished through the preparation of an Environmental Assessment (EA) or Environmental Impact

Statement (EIS). The environmental compliance document is reviewed by Federal, state, and local agencies, as well as interested individuals and organizations. 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 the environmental compliance is the preparation of a Record of Environmental Consideration (REC). The REC provides NEPA compliance and is supported by the preparation of a Report of Availability (ROA) addressing other environmental laws, and preparation of an EBS documenting compliance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Land use history of the project area was investigated in support of this EBS, and records at New Orleans District were searched for any information regarding HTRW concerns.

### **SUMMARY OF FINDINGS**

A review of existing environmental information for the Bonnet Carre' Spillway and adjacent areas in St. Charles Parish, Louisiana, indicates that no adverse environmental impacts are expected as a result of this license. Therefore, minimal or no individual or cumulative environmental effects would occur as a result of the proposed action.

### **DOCUMENT PREPARATION**

This environmental baseline study was prepared by Mr. Christopher G. Brantley (Biologist) and Ms. Lori Roe (Archeologist).

**PRELIMINARY ASSESSMENT SCREENING  
CERTIFICATION OF RECORDS SEARCH**

- A.  Construction Division                      E.  Planning Division  
B.  Engineering Division                      F.  Safety, Security & Occupational Health Office  
C.  Logistics Management Office                      G.  Other \_\_\_\_\_  
D.  Operations Division

**1. Location:**

- a. Project Name: Bonnet Carre Spillway, St. Charles Parish, LA  
b. Tract No.: Sections 1, 2, and 46, Township 12S, Range 8E AND Sections 12-13, Township 12S, Range 7E  
c. Brief Description: Renewal of License No. DACW29-3-99-18 to St. Charles Parish for Maintenance Road

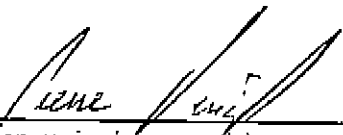
**2. Records Search:**

- 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:

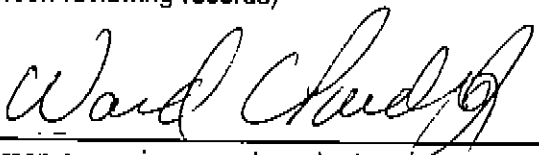
**3. Summary of Findings:**

- 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:**

  
(Person reviewing records)

3/22/04  
(Date)

  
(Person approving records review)

3/22/04  
(Date)

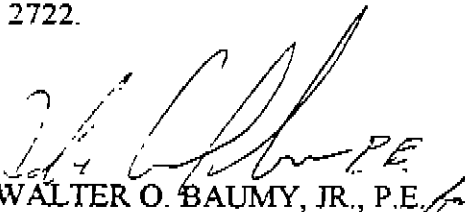
25 Mar 04

✓ MEMORANDUM FOR Chief, PPPMD  
(ATTN: CEMVN-PM, RN, Ms. Lori Roe)

SUBJECT: Request for Completion of Certification of Records Search for Proposed Renewal of License No. DACW29-3-99-18 for Maintenance Road within Our Bonnet Carre Spillway Project, St. Charles Parish, Louisiana

1. Reference your multiple memorandum dated 9 Mar 04, subject as above.
2. Our files have been reviewed for any information regarding the presence of any hazardous substances on this easement. There is no evidence that hazardous substances may be present. Enclosed is the signed certificate as requested.
3. Point of contact is Mr. Joseph Chow, ext. 2722.

Encl

  
WALTER O. BAUMY, JR., P.E.  
Chief, Engineering Division

PRELIMINARY ASSESSMENT SCREENING  
CERTIFICATION OF RECORDS SEARCH

- A.  Construction Division  
B.  Engineering Division  
C.  Logistics Management Office  
D.  Operations Division  
E.  Planning Division  
F.  Safety, Security & Occupational Health Office  
G.  Other \_\_\_\_\_

1. Location:

- a. Project Name: Bonnet Carre Spillway, St. Charles Parish LA  
b. Tract No.: Sections 1, 2, and 46, Township 12S, Range 8E AND Sections 12-13, Township 12S, Range 7E  
c. Brief Description: Renewal of License No. DACW29-3-99-18 to St. Charles Parish for Maintenance Road

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:

Edward J. Patis P.E.  
(Person reviewing records)

3/16/2004  
(Date)

[Signature]  
(Person approving records review)

5/4/04  
(Date)







**PRELIMINARY ASSESSMENT SCREENING  
CERTIFICATION OF RECORDS SEARCH**

- A.  Construction Division    E.  Planning Division  
 B.  Engineering Division    F.  Safety, Security & Occupational Health Office  
 C.  Logistics Management Office    G.  Other \_\_\_\_\_  
 D.  Operations Division

**1. Location:**

- a. Project Name: Bonnet Carre Spillway, St. Charles Parish, LA  
 b. Tract No.: Sections 1, 2, and 46, Township 12S, Range 8E AND Sections 12-13, Township 12S, Range 7E  
 c. Brief Description: Renewal of License No. DACW29-3-99-18 to St. Charles Parish for Maintenance Road

**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:**

L.H. Plummer  
 (Person reviewing records)

11/3/03  
 (Date)

\_\_\_\_\_  
 (Person approving records review)

\_\_\_\_\_  
 (Date)

**PRELIMINARY ASSESSMENT SCREENING**

**CERTIFICATION OF RECORDS SEARCH**

**REAL ESTATE DIVISION**

**1. Location:**

- a. Project Name: Bonnet Carre Spillway, St. Charles Parish, LA
- b. Tract No.: Sections 1, 2, and 46, Township 12S, Range 8E AND Sections 12-13, Township 12S, Range 7E
- c. Brief Description: Renewal of License No. DACW29-3-99-18 to St. Charles Parish for Maintenance Road

*RE-E*

**2. Records Search:** A comprehensive search of ~~all Real Estate Agency~~ records was conducted on 11 MARCH 04. The records search included a review of the following documents:

- Real Estate Appraisal Report dated \_\_\_\_\_
- Real Estate Audit Report dated \_\_\_\_\_
- Real Estate Compliance Inspection Report dated \_\_\_\_\_
- Real Estate Utilization Inspection Report dated \_\_\_\_\_

Other documents as follows:

*Branch 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 have been stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

**4. Signature and Approval:**

*Thomas B. Barlow*  
\_\_\_\_\_  
(Person reviewing records)

*3/17/04*  
\_\_\_\_\_  
(Date)

*Joseph S. Koper*  
\_\_\_\_\_  
(Person approving records review)

*11 March 04*  
\_\_\_\_\_  
(Date)

**PRELIMINARY ASSESSMENT SCREENING**

**CERTIFICATION OF RECORDS SEARCH**

**REAL ESTATE DIVISION**

**1. Location:**

- a. Project Name: Bonnet Carre Spillway, St. Charles Parish, LA
- b. Tract No.: Sections 1, 2, and 46, Township 12S, Range 8E AND Sections 12-13, Township 12S, Range 7E
- c. Brief Description: Renewal of License No. DACW29-3-99-18 to St. Charles Parish for Maintenance Road

**2. Records Search:** A comprehensive search of all Real Estate agency records was conducted on 15 Mar 04. The records search included a review of the following documents:

- Real Estate Appraisal Report dated \_\_\_\_\_
- Real Estate Audit Report dated 22 Sep 1972
- Real Estate Compliance Inspection Report dated \_\_\_\_\_
- Real Estate Utilization Inspection Report dated \_\_\_\_\_
- Other documents as follows:

**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 have been stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

**4. Signature and Approval:**

Dorothy M Cooper  
(Person reviewing records)

15 Mar 04  
(Date)

Fred C. J. [Signature]  
(Person approving records review)

17 Mar 04  
(Date)

**PRELIMINARY ASSESSMENT SCREENING**

**CERTIFICATION OF RECORDS SEARCH**

**REAL ESTATE DIVISION (RE-M)**

**1. Location:**

- a. Project Name: Bonnet Carre Spillway, St. Charles Parish, LA
- b. Tract No.: Sections 1, 2, and 46, Township 12 South, Range 8 East AND Sections 12-13, T 12 S, R 7 E
- c. Brief Description: Renewal of License No. DACW29-3-99-18 to St. Charles Parish for maintenance Road

**2. Records Search:** A comprehensive search of all Real Estate agency records was conducted on \_\_\_\_\_ . The records search included a review of the following documents:

- Real Estate Appraisal Report dated \_\_\_\_\_
- Real Estate Audit Report dated \_\_\_\_\_
- Real Estate Compliance Inspection Report dated 15 August 2002
- Real Estate Utilization Inspection Report dated 2 Nov 99 & 15 Apr 03
- Other documents as follows:

Based upon 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) and Ms. Linda LaBure (CEMVN-RE-M) on 8-6-98, a site was discovered & remediated by Shell's contractor but the levels of substances present did not (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 have been stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

**4. Signature and Approval:**

*Sheryl Austin*  
(Person reviewing records) SHERYL AUSTIN

*April 1, 2004*  
(Date)

*Linda LaBure*  
(Person approving records review) LINDA LABURE

*April 1, 2004*  
(Date)

DACW29-3-99-18 (RENEWAL OF)

CEMVN-RE-M

April 1, 2004

2. (cont'd)

exceed the threshold for reporting storage, release, or disposal of hazardous substances as outlined in 40 CFR 302.4.

3. (cont'd)

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.

**STATEMENT OF FINDINGS  
FOR LICENSE NO. DACW29-3-99-18**

*RENEWAL OF*

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Environmental Baseline Study (EBS) or Preliminary Assessment Screening (PAS) have been conducted and no HTRW substances were identified as released, stored, or disposed on the property in the threshold quantities.



Richard Boe  
Environmental Analysis and  
Support Section  
Planning, Programs and  
Project Management Division

*30 Mar 04*  
Date



Howard R. Bush  
Natural and Cultural Resources  
Analysis Section  
Planning, Programs and  
Project Management Division

*30 MAR 2004*  
Date