

Ord.

2007-0006

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT

ORDINANCE NO. 07-1-11

An ordinance to approve and authorize the execution of a Department of the Army Easement for Boat Ramp, Access Road and Parking Lot in the Bonnet Carre' Spillway at Interstate 10. (DACW29-2-07-01).

WHEREAS, the Parish has constructed and maintained a Boat Ramp, Access Road and Parking Lot in the Bonnet Carre' Spillway at Interstate 10; and,

WHEREAS, the Department of the Army, New Orleans District, Corps of Engineers approved Easement No. DACW29-2-82-10 to accommodate the project, which has now expired; and,

WHEREAS, it is the desire of the Parish Council to approve an Easement No. DACW29-2-07-01 to extend the use of this facility until October 1, 2031.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Department of Army Easement No. DACW29-2-07-01 by and between the Secretary of the Army and the St. Charles Parish Council is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Easement 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, FAUCHEUX, HILAIRE, RAMCHANDRAN, BLACK, DUHE, MINNICH

NAYS: NONE

ABSENT: FABRE, WALLS

And the ordinance was declared adopted this 22nd day of January, 2007, to become effective five (5) days after publication in the Official Journal.

Army Easement - Bonnet Carre Spillway

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: January 23, 2007
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: January 23, 2007
AT: 12:03 pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON June 3, 2016
AS ENTRY NO. 415345
IN MORTGAGE/CONVEYANCE BOOK
NO. 833 FOLIO 180

AMENDED
BY: ORD. 10-1-4
ORD. 11-4-29

DEPARTMENT OF THE ARMY
EASEMENT FOR BOAT RAMP, ACCESS ROAD, AND PARKING LOT
LOCATED ON
BONNET CARRE SPILLWAY PROJECT
TRACT NO. 134, SECTIONS 39 & 40, TOWNSHIP 11 SOUTH, RANGE 8 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 is not incompatible with the public interest, hereby grants to **St. Charles Parish Council**, hereinafter referred to as the grantee, an easement for the **continued operation and maintenance of a boat launching ramp, an access road to the ramp, and a parking area**, hereinafter referred to as the facilities, over, across, in and upon lands of the United States as identified in **Exhibits A and B**, hereinafter referred to as the premises, and which are attached hereto and made a part hereof.

THIS EASEMENT is granted subject to the following conditions:

1. TERM

This easement is granted for a term of twenty-five (25) years, beginning October 2, 2006, and ending October 1, 2031.

2. CONSIDERATION

The consideration for this easement shall be the construction, operation and maintenance of the boat launching ramp, access road, and parking area for the benefit of the general public in accordance with the terms and conditions hereinafter 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 Council, Attn: Parish President, P.O. Box 302, Hahnville, Louisiana 70057**, and, if to the United States, to the **District Engineer, U.S. Army Corps of Engineers, Attn: Chief, Real Estate Division, P.O. Box 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.

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. TRANSFERS AND ASSIGNMENTS

Without the prior written approval by said District Engineer, the grantee shall neither transfer nor assign this easement or any part thereof nor grant any interest, privilege or license whatsoever in connection with this easement. The provisions and conditions of this easement shall extend to and be binding upon and shall inure to the benefit of the representatives, successors and assigns of the grantee.

12. INDEMNITY

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 or injuries to the person of the grantee's officers, agents, or employees or others who may be on the premises at their invitation or the invitation of any one of them, and the grantee shall hold the United States harmless from any and all such claims not including damages due to the fault or negligence of the United States or its contractors.

13. SUBJECT TO EASEMENTS

This easement is subject to all other existing easements, or those subsequently granted as well as established access routes for roadways and utilities located, or to be located, on the premises, provided that the proposed grant of any new easement or route will be coordinated with the grantee, and easements will not be granted which will, in the opinion of said officer, interfere with the use of the premises by the grantee.

14. REQUIRED SERVICES

The grantee shall furnish through said facilities such services as may be required from time to time for governmental purposes, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

15. RELOCATION OF FACILITIES

In the event all or any portion of the premises occupied by the said facilities shall be needed by the United States, or in the event the existence of said facilities is determined to be detrimental to governmental activities, the grantee shall from time to time, upon notice to do so, and as often as so

notified, remove said facilities to such other location on the premises as may be designated by said officer. In the event said facilities shall not be removed or relocated within ninety (90) days after such notice, the United States may cause such relocation at the sole expense of the grantee.

16. 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.

17. 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.

18. 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 promptly 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 strictly prohibited. Such regulations, conditions or instructions in effect or prescribed by the 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 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.

19. HISTORIC PRESERVATION

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

20. 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.

21. RESTORATION

On or before the expiration or termination of this easement, the grantee shall, without expense to the United States, and within such time as said officer may indicate, remove said facilities and restore the premises to the satisfaction of said officer. In the event the grantee shall fail to remove said facilities and restore the premises, the United States shall have the option to take over said facilities without compensation, or to remove said facilities and 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.

22. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the property 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 of 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 or local statute on connection with the use of the premises.

23. 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.

24. SIGN AT EASEMENT SITE (added)

The grantee shall place a conspicuous sign at the site stating that the ramp has been constructed and is being maintained by St. Charles Parish under the authorization of the Army Corps of Engineers and that all maintenance problems should be referred to the parish at the telephone number provided on the sign.

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/direction of the Secretary of the Army this 1st day of February, 2007.

WITNESSES:

Signature: Sheryl B. Austin

Printed name: SHERYL B. AUSTIN

Signature: Linda L. Bongiovanni

Printed name: LINDA L. BONGIOVANNI

Janet R. Cugari

LINDA C. LABURE

Chief, Real Estate Division

U.S. Army Corps of Engineers

New Orleans District

APPROVED AS TO LEGAL SUFFICIENCY:

Mike Hays

Mike Hays

ATTORNEY ADVISOR

U.S. Army Engineer District

New Orleans

Janell THIS EASEMENT is also executed by the grantee this 25 day of January, 2007.

ST. CHARLES PARISH

WITNESSES:

Signature: Michael Henderson

Printed Name: Michael Henderson

Signature: Carolyn Louviere

Printed name: Carolyn Louviere

Signature: Albert D. Laque

Typed or printed name: Albert D. Laque

Title: Parish President

ACKNOWLEDGEMENT FOR EASEMENT NO. DACW29-2-07-01

BEFORE ME, the undersigned authority, this day personally came and appeared the undersigned person, duly sworn, who did depose and state that she executed the foregoing amendment agreement as subscribing witness thereto, and that the agreement was signed and executed by **JANET R. CRUPPI**, and that she knows **JANET R. CRUPPI** to be the identical person who executed the same and saw **JANET R. CRUPPI** sign her name in her capacity as **Deputy 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 her presence and in the presence of the other subscribing witness.

S Cheryl B. Austin
(Appraiser)

SWORN TO AND SUBSCRIBED BEFORE ME this 2nd day of FEBRUARY 2007.

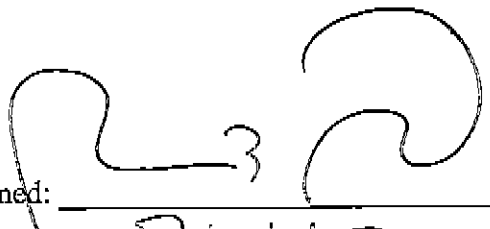
Signed: Mike Hays
Printed Name: TERRY MICHAEL HAYS
ATTORNEY / NOTARY PUBLIC
ST. TAMMANY PARISH
LOUISIANA
Louisiana Bar Association Number: 6700

TERRY MICHAEL HAYS
ATTORNEY / NOTARY PUBLIC
ST. TAMMANY PARISH
LOUISIANA

CERTIFICATE OF AUTHORITY

I, Robert L. Raymond, do hereby certify that I am the principle legal officer of the St. Charles Parish ~~Council~~^{Council}; that the St. Charles Parish ~~Council~~^{Council} is a legally constituted public body with full authority and legal capability to adhere and comply with the terms and conditions for Easement No. DACW29-2-07-01, and subsequent amendments thereto, for the continued use of a boat ramp, parking area, and access road, in connection with the Bonnet Carre Spillway Project, and that the person who executed Easement No. DACW29-2-07-01 on behalf of the St. Charles Parish ~~Council~~^{Council} has acted within his/her statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification on this 25 day of January, 2007.

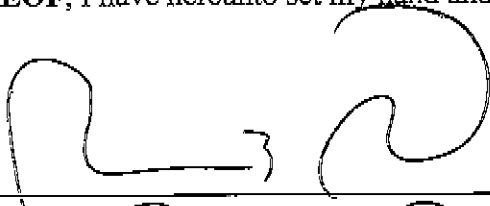
Signed: 
Printed Name: Robert L. Raymond
Title: St. Charles Parish Legal Director

ACKNOWLEDGMENT FOR EASEMENT NO. DACW29-2-07-01

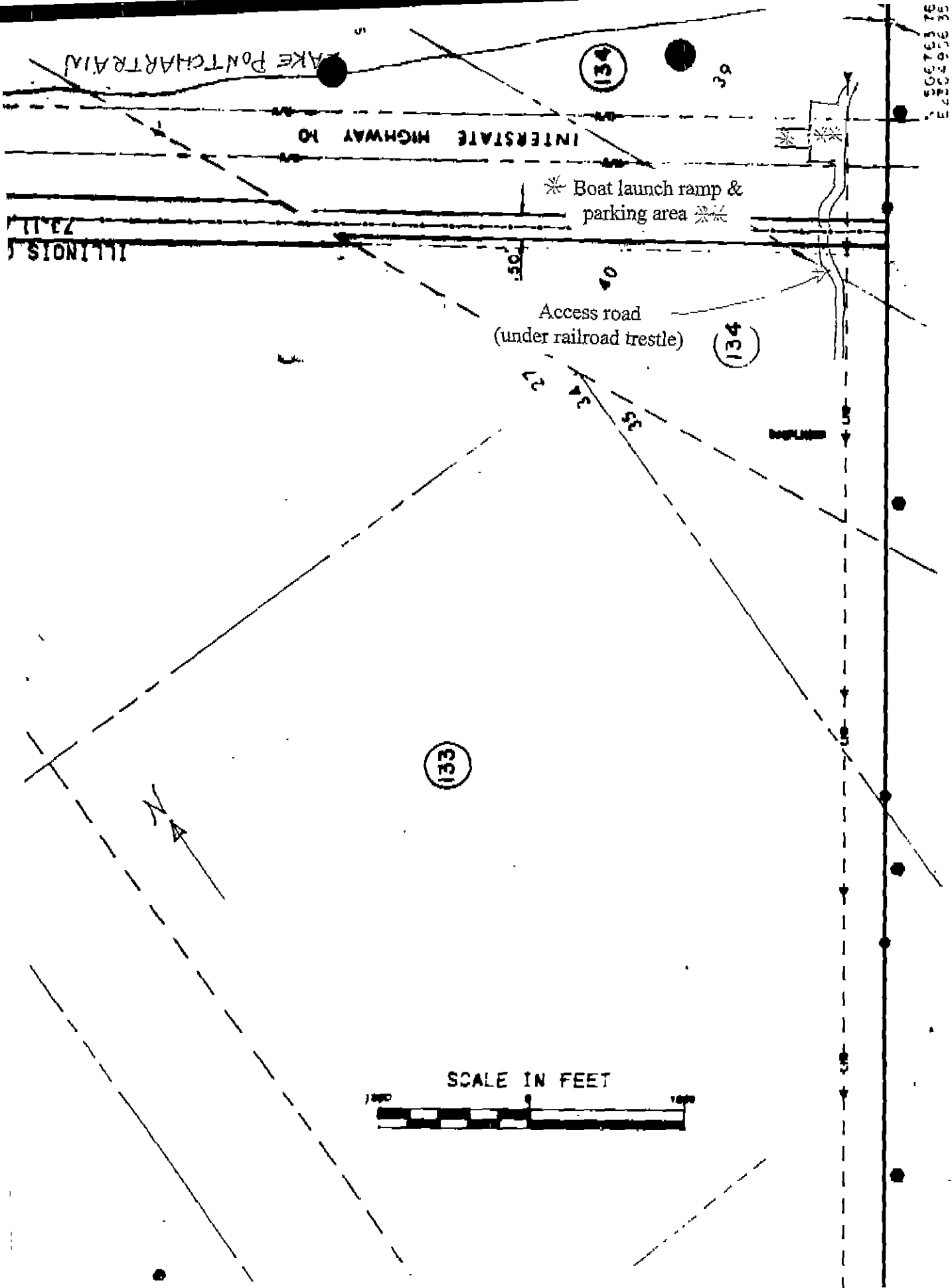
STATE OF LOUISIANA
COUNTY/PARISH OF ST. CHARLES

On this 25th day of January, 2007, before me the undersigned Notary Public, personally appeared Albert D. Loque, known to me to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed and in the capacity therein stated and for the purposes therein contained.

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 my death
Bar Association Number: 11408

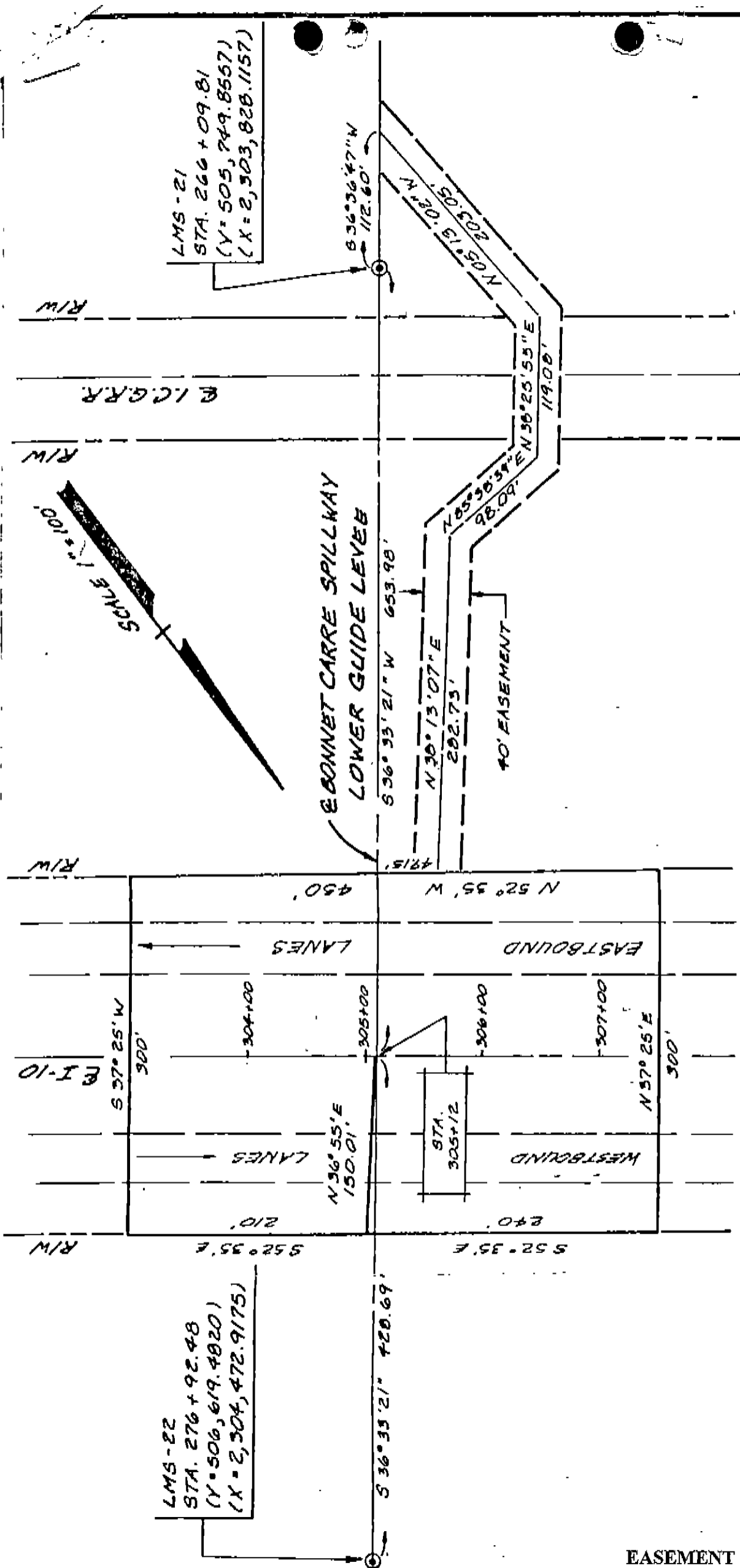
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Excerpt from
BONNET CARRE SPILLWAY PROJECT
 Township 11 South, Range 8 East, Sections 39 & 40,
 Tract No. 134

EASEMENT NO. DACW29-2-07-01
EXHIBIT A
 Page 1 of 2

E) QUITCLAIM DEED FROM THE UNITED STATES OF AMERICA TO
 THE ST. CHARLES PARISH POLICE. MAY BEASURED 12, 1992



LMS-21
 STA. 266 + 09.81
 (Y = 505, 749.8557)
 (X = 2, 303, 828.1157)

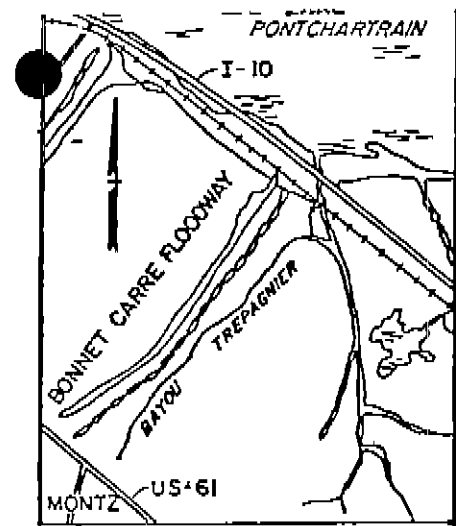
LMS-22
 STA. 276 + 92.48
 (Y = 506, 619.4020)
 (X = 2, 304, 472.9175)

EASEMENT REQUIRED
 FOR
 BONNIE CARRE SPILLWAY
 BOAT LAUNCHING RAMP
 FOR
 ST. CHARLES PARISH COUNCIL
 JULY, 1981

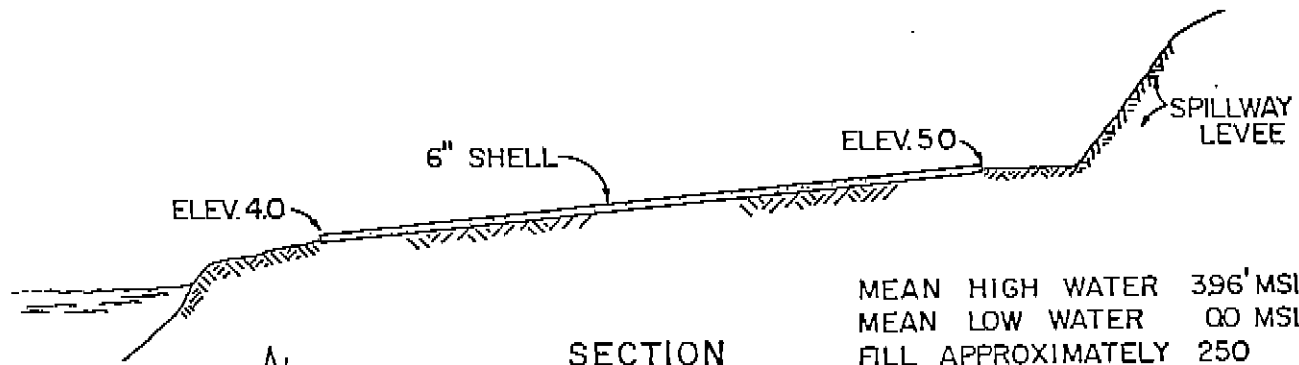
DESCRIPTION OF A PARCEL OF LAND FOR
THE BONNET CARRE SPILLWAY BOAT LAUNCHING RAMP

Commence at a point, which said point is known as the U.S. Army Corps of Engineers centerline levee monument LMS-22 located at levee station 276 + 92.48, Bonnet Carre Spillway Lower Guide Levee and having Louisiana coordinates X = 2304472.9175 and Y = 506619.4820, in T11S, R8E, Section 39, St. Charles Parish east of the Mississippi River. Thence South $36^{\circ}33'21''$ West along the centerline of said levee as defined between centerline of levee monuments LMS-21 and LMS-22 a distance of 428.69 feet to a point, which said point is also on the surveyed centerline of Interstate Highway 10 at highway survey station 305 + 12, thence North $36^{\circ}55'00''$ East a distance of 150.01 feet to a point on the northern right of way line of Interstate Highway 10 said point being the Point of Beginning, thence South $52^{\circ}35'$ East along the northern right of way line a distance of 210 feet to a point, thence South $37^{\circ}25'$ West a distance of 300 feet to a point located on the southern right of way line of Interstate Highway 10, thence North $52^{\circ}35'$ West along the southern right of way line a distance of 450 feet to a point, thence North $37^{\circ}25'$ East a distance of 300 feet to a point located on the northern right of way line of Interstate Highway 10, thence South $52^{\circ}35'$ East along the northern right of way line a distance of 240 feet to the Point of Beginning and containing 3.099 acres.

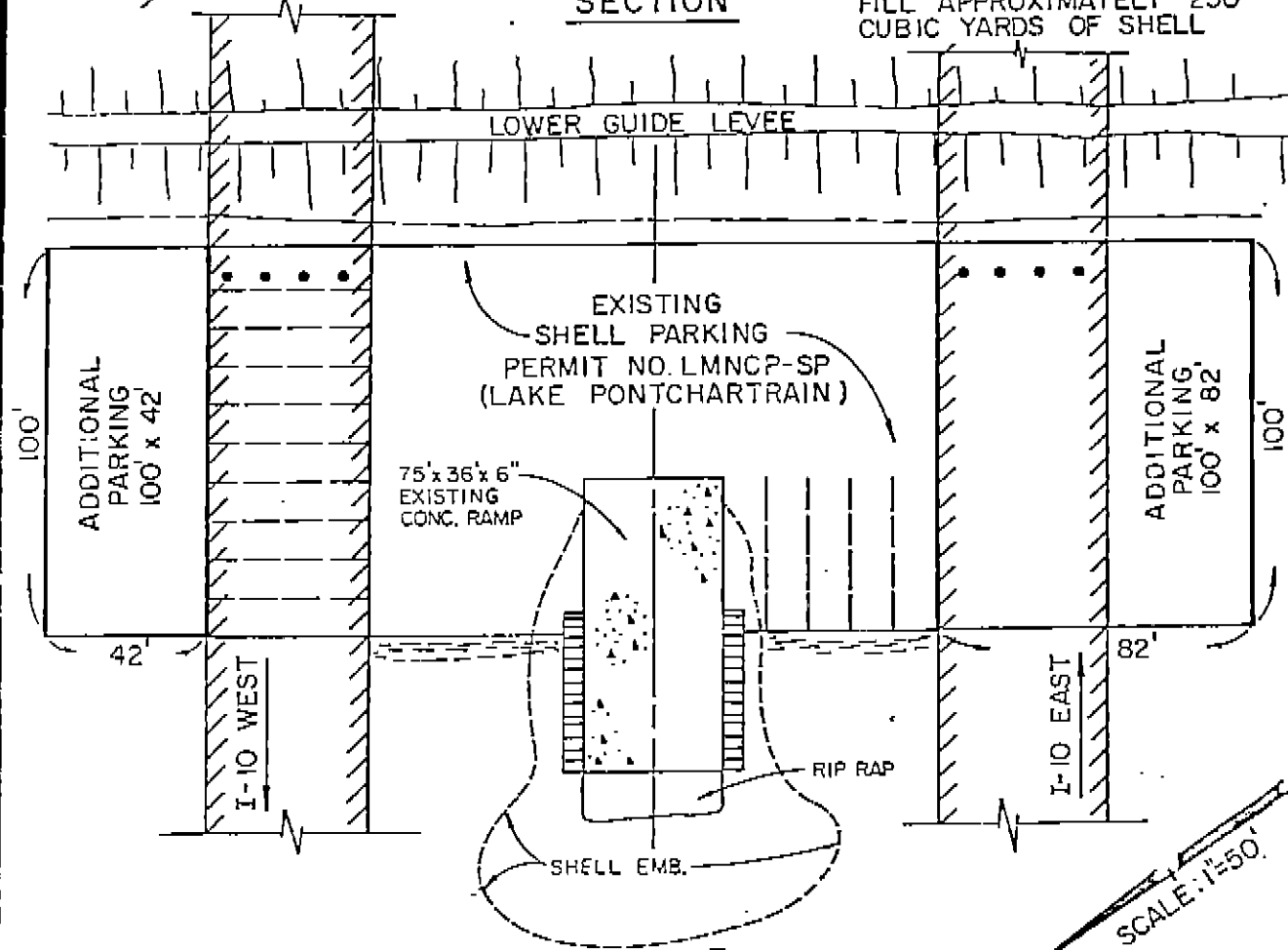
ADDITIONAL PARKING
 BONNET CARRE FLOODWAY BOAT RAMP
 ST. CHARLES PARISH COUNCIL
 ST. CHARLES PARISH LA.
 JUNE, 1983



VICINITY MAP



SECTION



MEAN HIGH WATER 396 MSL
 MEAN LOW WATER 00 MSL

LAKE PONTCHARTRAIN

EASEMENT NO. DACW29-2-07-01

EXHIBIT B

Page 3 of 3

ENVIRONMENTAL BASELINE STUDY

**Proposed Renewal of Old Easement No. DACW29-2-82-10
(New No. DACW29-2-07-01)
Boat Launch Ramp, Access Road, and Parking Area
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 Baseline Study (EBS) to document existing environmental conditions on Government property within the Bonnet Carré Spillway, St. Charles Parish, Louisiana. This EBS 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 St. Charles Parish Council has requested a renewal of Easement No. DACW29-2-82-10 for the continued operation and maintenance of a boat launching ramp, an access road to the ramp, and a parking area near the Lower Guide Levee of the Bonnet Carré Spillway.

Proposed Project Action and Project Location: The proposed easement is No. DACW29-2-07-01. The facilities are situated on Tract 134, near the Lower Guide Levee on Sections 39 and 40, Township 11 South, Range 8 East (Figures 1 and 2). The nearest community is the town of Norco, located approximately 3.5 miles to the south. Access to the property is via U.S. Highway 61, to the Lower Guide Levee, then north to the Interstate 10 underpass.

ENVIRONMENTAL SETTING

General Site Description: A site visit was conducted on October 13, 2006. The site includes a gravel/dirt access road from the guide levee to the I-10 under pass, a gravel/dirt parking lot, and a concrete boat ramp (Attachment, Photographs 1-4). Some debris/trash was found within the parking area adjacent to the boat ramp, most likely left by the public who utilize the site.

Wildlife Species: No wildlife species were observed during the site visit. The lack of wildlife species could be attributed to the lack of underbrush and groundcover, as well as human presence in the vicinity of the boat ramp. The potential exists for "opportunistic" species such as raccoons, opossum and songbirds to take advantage of discarded food items and containers left by the public.

Threatened and Endangered Species: No Federally protected species are known to inhabit or utilize the property, and the area is not considered as critical habitat for these species. Thus, there is no requirement to coordinate compliance with the U.S Fish and Wildlife Service.

Soils: The Soil Conservation Service (1987) classifies various soils existing within Bonnet Carré Spillway as Commerce and Convent soils. Commerce and Convent soils are somewhat poorly

drained, moderately permeable soils that formed in loamy alluvium laid down over time by sediment deposits from the Mississippi River floodwaters that passed through the spillway.

Oil and Gas Infrastructure: No oil wells, gas wells, or pipelines are known to exist within or near the easement area.

Hydrology: Although there are several water bodies within the vicinity, only Lake Pontchartrain connects to the boat ramp area. The influx of salt water from the Gulf of Mexico through Lake Borgne causes the lake to be somewhat brackish. Strong winds often churn the lake waters and bottom sediments causing the waters to appear turbid.

LAND USE HISTORY

Existing Conditions

In addition to providing flood relief for New Orleans and downstream communities along the Mississippi River, the Bonnet Carré Spillway project's 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 in 1997. 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

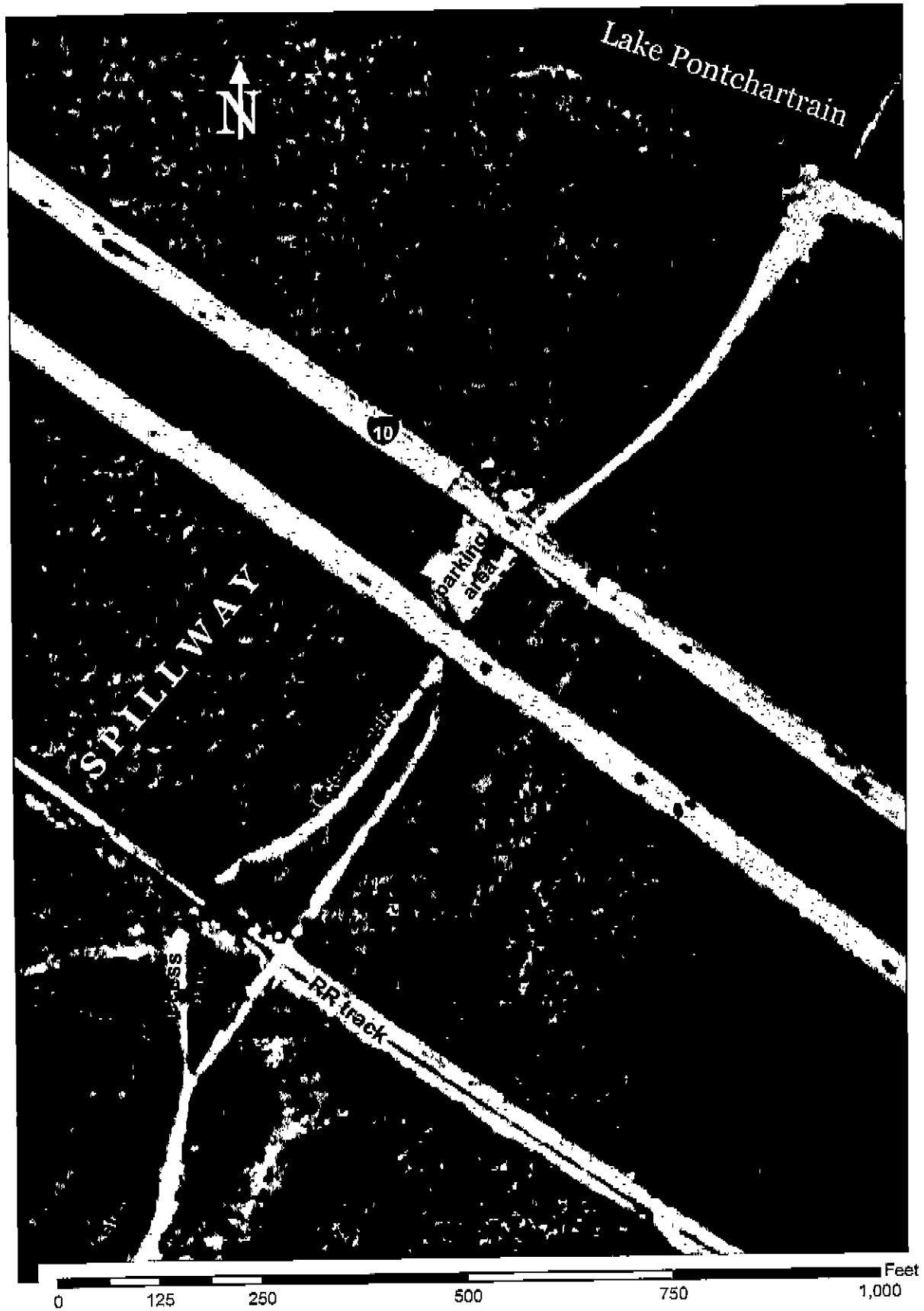


Figure 2. Project features at the Bonnet Carré Spillway Boat Ramp (2004 aerial photograph, "LaBrancheSW")

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 1950's. Oil fields were discovered upstream and downstream from the spillway during both the 1930's and 1940's.

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.

The project area is currently used for launching watercraft, which may have spilled fuel or sunk within the canal.

CULTURAL RESOURCES

Existing Conditions

Cultural resources inventories of project lands at Bonnet Carré Spillway took place between 1986 and 2003. 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 are located east of the Lower Guide Levee within one mile of the project area. Sites 16SC10, 16SC11, and 16SC12 are all shell middens.

None of these cultural resource sites are located within the area of potential effects (APE), nor will they be affected by the easement renewal.

Site Visit: A site visit was conducted on October 16, 2006. The field investigation confirmed that no significant cultural resources will be impacted by the renewal of the easement.

HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

Existing Conditions

An initial site assessment (ISA) was conducted on October 16, 2006 for evidence of HTRW within the project vicinity, including, but not limited to, petroleum, chemical and radioactive containers, sewage drainage pipes, and evidence of HTRW spills and dumping such as oil and chemical drums, breather pipes for underground storage tanks (UST), above ground storage tanks (AST), noxious or strange odors, discolored soil and water, and dead and/or decaying flora and fauna. No evidence of USTs, ASTs, vent pipes, fill pipes or access ways were seen, and no noxious odors or stained soil, pools, pits, cisterns, pavement, cesspools were noted. A database search was conducted on October 18, 2006 for records of HTRW within the Bonnet Carré property and adjacent areas, including contaminates, spills, and National Priority List (Superfund) sites. No evidence of HTRW contamination was found in the database search.

POTENTIAL ENVIRONMENTAL CONCERNS

Existing Conditions

The property is maintained as a public access boat ramp and parking area. No potential environmental concerns were noted, and no wastewater or storm water discharge was identified on this property.

Impacts

The renewal of this easement to the St. Charles Parish Council is not expected to result in any environmental contamination to the properties.

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 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 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 adverse impacts to the environment or cultural resources would be expected as a result of this easement renewal. Therefore, minimal or no individual or cumulative environmental effects would occur as a result of the proposed action.

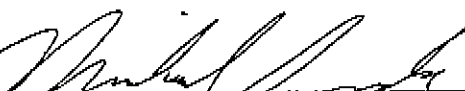
DOCUMENT PREPARATION

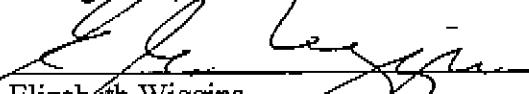
This environmental baseline study was prepared by Mr. Alan Bennett (Wildlife Biologist) and Ms. Rebecca Hill (Archaeologist) of the Environmental Planning and Compliance Branch, New Orleans District, U.S. Army Corps of Engineers.

REFERENCES

Soil Conservation Service
2000 *Soil Survey of St. Charles Parish Louisiana*. United States Department of Agriculture
Soil Conservation Service.

Reviewed by:  Date: 29 Nov 06
Richard E. Boe
Chief, Environmental Analysis and Support Section

Reviewed by:  Date: 29 Nov 06
Michael L. Swanda
Acting Chief, Natural and Cultural Resources Analysis Section

Approved by:  Date: 30 Nov 06
Elizabeth Wiggins
Chief, Environmental Planning and Compliance Branch

ATTACHMENT -- PHOTOGRAPHS



Photo 1. View of the access road from the Lower Guide Levee; the road passes below the railroad trestle and Interstate 10.



Photo 2. View of the parking area under the I-10 overpass; the boat ramp is to the left at the edge of the canal.

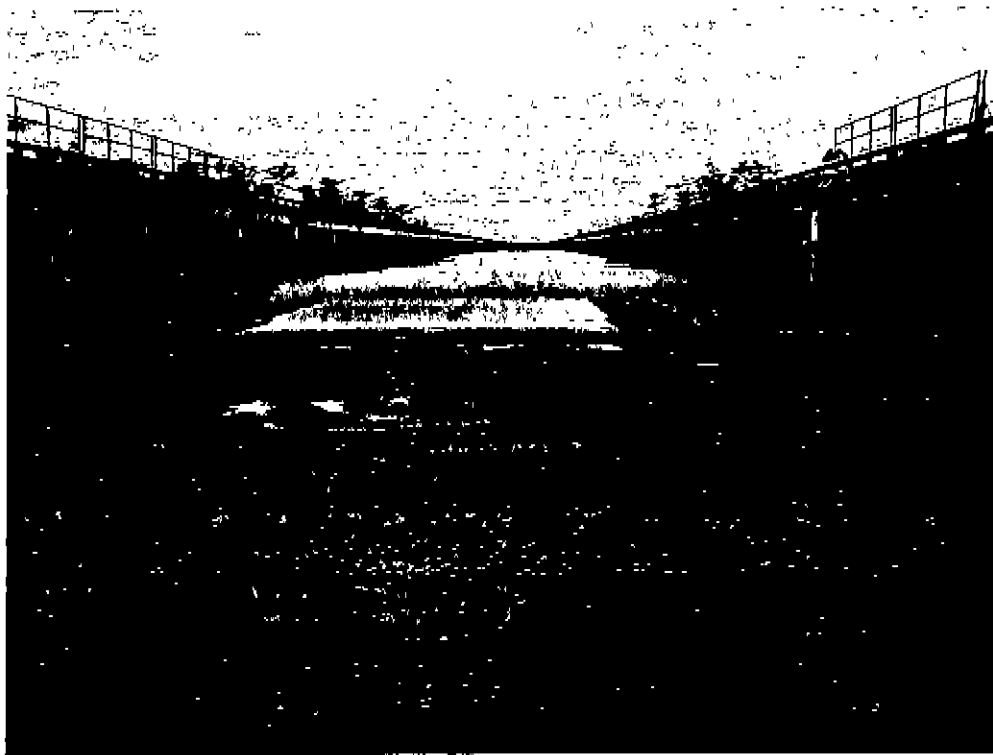


Photo 3. View of the boat ramp, looking west toward the canal paralleling I-10 east and west spans are seen in this view.

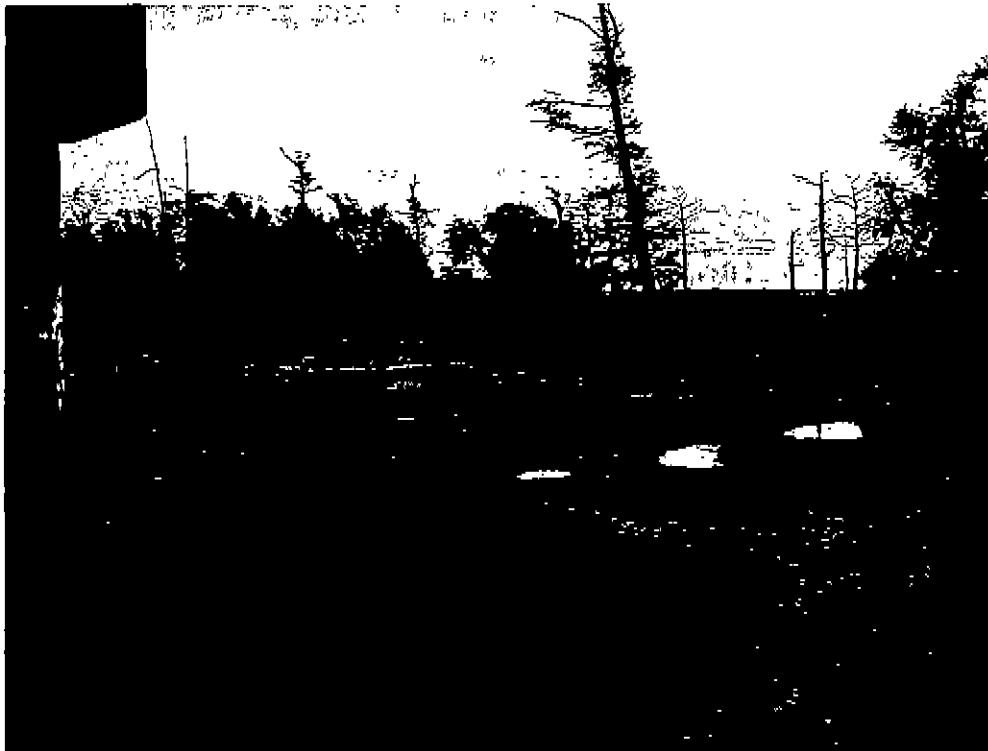


Photo 4. Parking area and turn-around located north of the west I-10 span; Lake Pontchartrain is in the distance.

**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: Renewal of Proposed Easement No. DAC29-2-82-10 (New No. DACW29-2-07-01)
b. Tract No.: Tract No. 134, Sections 39 and 40, Township 11 South, Range 8 East, St. Charles Parish
c. Brief Description: Construction, operation and maintenance of boat launching ramp, access road & parking

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:

James G. Montiquet
(Person reviewing records)

10/4/06
(Date)

Ward Rudy
(Person approving records review)

10/11/06
(Date)

**PRELIMINARY ASSESSMENT SCREENING
CERTIFICATION OF RECORDS SEARCH**

- | | |
|---|---|
| A. <input type="checkbox"/> Construction Division | E. <input type="checkbox"/> Planning Division |
| B. <input checked="" 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 type="checkbox"/> Operations Division | |

1. Location:

- a. Project Name: Renewal of Proposed Easement No. DAC29-2-82-10 (New No. DACW29-2-07-01)
- b. Tract No.: Tract No. 134, Sections 39 and 40, Township 11 South, Range 8 East, St. Charles Parish
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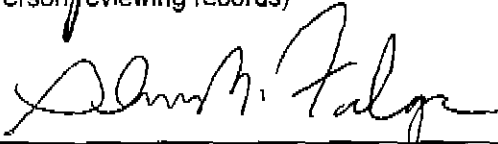
4. Signature and Approval:



(Person reviewing records)

23 Oct 06

(Date)



(Person approving records review)

23 Oct 06

(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 type="checkbox"/> Other _____ |
| D. <input type="checkbox"/> Operations Division | |

1. Location:

- a. Project Name: Renewal of Proposed Easement No. DAC29-2-82-10 (New No. DACW29-2-07-01)
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The records search included a review of the following documents:

3. Summary of Findings:

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- 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:

<u>Rose Wasyan</u> (Person reviewing records)	<u>26 Sep 06</u> (Date)
<u>Sharon Kennedy</u> (Person reviewing records)	<u>27 Sep 06</u> (Date)
<u>Gayle A Boone</u> (Person approving records review)	<u>9-27-06</u> (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. [<input checked="" type="checkbox"/>] Operations Division | |

1. Location:

- a. Project Name: Renewal of Proposed Easement No. DAC29-2-82-10 (New No. DACW29-2-07-01)
- b. Tract No.: Tract No. 134, Sections 39 and 40, Township 11 South, Range 8 East, St. Charles Parish
- c. Brief Description: Construction, operation and maintenance of boat launching ramp, access road & parking

2. Records Search:

- [] There are no Division/Office records applicable to this action. *NONE IN OFFICE AT FACILITY. WILSON TOUCHET.*
- [] 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:

Timothy J. Cook
(Person reviewing records)

10/18/2006
(Date)

Michelle Ulan
(Person approving records review)

10/18/06
(Date)

PRELIMINARY ASSESSMENT SCREENING

CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION (R.E.M. - D. Cooper)

1. Location:

- a. Project Name: Proposed renewal of Old Easement No. DAC29-2-82-10 (New No. DACW29-2-07-01)
- b. Tract No.: Tract No. 134, Sections 39 and 40, Township 11 South, Range 8 East, St. Charles Parish
- c. Brief Description: Construction, operation and maintenance of boat launching ramp, access road, and parking area

2. Records Search: A comprehensive search of all Real Estate agency records was conducted on 10 Oct 2006. The records search included a review of the following documents:

- Real Estate Appraisal Report dated _____
- Real Estate Audit Report dated 28 September 1972
- Real Estate Compliance Inspection Report dated _____
- Real Estate Utilization Inspection Report dated 28 Jul 2006
- 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)

[Signature]
(Person approving records review)

10 Oct 2006
(Date)

16 Oct 2006
(Date)

PRELIMINARY ASSESSMENT SCREENING

CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION

1. Location:

- a. Project Name: Proposed renewal of Old Easement No. DAC29-2-82-10 (New No. DACW29-2-07-01)
- b. Tract No.: Tract No. 134, Sections 39 and 40, Township 11 South, Range 8 East, St. Charles Parish
- c. Brief Description: Construction, operation and maintenance of boat launching ramp, access road, and parking area

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 1982 thru 16 July 1997
- Real Estate Utilization Inspection Report dated 28 July 2006
- 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 on 6 Aug 98, 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 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 which exceed the threshold for reporting storage, release, or disposal of hazardous substances as outlined in 40 CFR 302.4
- 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:

Cindy B. Lee
(Person reviewing records)

October 11, 2006
(Date)

Paul C. Judy
(Person approving records review)

October 16, 2006
(Date)

PRELIMINARY ASSESSMENT SCREENING

CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION (RE-E)

1. Location:

- a. Project Name: Proposed renewal of Old Easement No. DAC29-2-82-10 (New No. DACW29-2-07-01)
- b. Tract No.: Tract No. 134, Sections 39 and 40, Township 11 South, Range 8 East, St. Charles Parish
- c. Brief Description: Construction, operation and maintenance of boat launching ramp, access road, and parking area

2. Records Search: A comprehensive search of all Real Estate agency records was conducted on 26 Sep 2006. 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: no records on file (lease is 1982).

3. Summary of Findings:

- Based on ^{unavailability} 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:

Yvonne Barbier
(Person reviewing records)

9/26/06
(Date)

Judith Dutierrez
(Person approving records review)

9/26/06
(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: Renewal of Proposed Easement No. DAC29-2-82-10 (New No. DACW29-2-07-01)

b. Tract No.: Tract No. 134, Sections 39 and 40, Township 11 South, Range 8 East, St. Charles Parish

c. Brief Description: Construction, operation and maintenance of boat launching ramp, access road & parking

2. Records Search:

There are no Division/Office records applicable to this action.

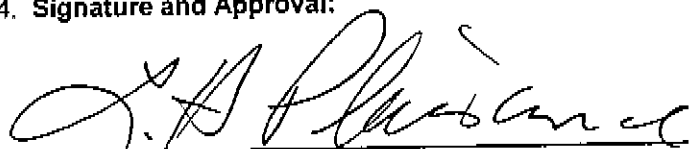
A Comprehensive search of all Division/Office records was conducted on _____
The records search included a review of the following documents:

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)

19 Oct 04

(Date)

(Person approving records review)

(Date)

STATEMENT OF FINDINGS

Proposed Renewal of Old Easement No. DACW29-2-82-10
(New No. DACW29-2-07-01)
Boat Launch Ramp, Access Road, and Parking Area
Bonnet Carré Spillway Project
St. Charles Parish, Louisiana

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 Hazardous, Toxic, and Radioactive Waste (HTRW) substances were identified as released, stored, or disposed on the property in the threshold quantities.



MICHAEL L. SWANDA
Acting Section Chief, Natural and Cultural
Resources Analysis Section

Date: 29 Nov 06



RICHARD E. BOE
Section Chief, Environmental Analysis
and Support Section

Date: 29 Nov 06



ELIZABETH WIGGINS
Chief, Environmental Planning
and Compliance Branch

Date: 30 Nov 06