

**DEPARTMENT OF THE ARMY  
EASEMENT FOR PIPELINE RIGHT-OF-WAY  
LOCATED ON  
BONNET CARRE SPILLWAY  
TRACTS 121 AND 122A, SECTIONS 6 AND 21  
TOWNSHIP 12 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 will be in the public interest and will not substantially injure the interests of the United States, hereby grants to, St. Charles Parish Department of Waterworks, Luling, Louisiana 70070, hereinafter referred to as the grantee, an easement for two (2) 2-inch waterlines, utilizing approximately 0.31, hereinafter referred to as the facilities, over, across, in and upon lands of the United States as identified in Exhibit A, 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 50 years, beginning same date subject Easement No. DACW29-2-15-41 is executed, signed, and completed by the District Chief of Real Estate, New Orleans, Real Estate Region South Division, Real Estate Contracting Officer, but revocable at will by the Secretary.

**2. CONSIDERATION**

The consideration for this easement 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 correspondence and notices to be given pursuant to this easement shall be addressed, if to the Grantee, to St. Charles Parish Department of Waterworks, P.O. Box 108, Luling, Louisiana 70070; and, if to the United States, to the District Engineer, Attention: Chief of Real Estate, New Orleans, Real Estate Region South Division, Real Estate Contracting Officer, U.S. Army Corps of Engineers, P.O. Box 60267, New Orleans, Louisiana 70160-0267, or as may

aforesaid, and deposited postage prepaid in a post office regularly maintained by the United States Postal Service.

#### **4. AUTHORIZED REPRESENTATIVES**

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

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

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

#### **6. APPLICABLE LAWS AND REGULATIONS**

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

#### **7. CONDITION OF PREMISES**

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

#### **8. INSPECTION AND REPAIRS**

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

#### **9. PROTECTION OF GOVERNMENT PROPERTY**

The grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the grantee under this easement and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all 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 therefor by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

## **10. RIGHT TO ENTER**

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

## **11. TRANSFERS AND ASSIGNMENTS**

Without 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 said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this easement. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the premises shall be in conformance with all applicable Federal, state 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, archeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and material from further disturbance until said officer gives clearance to proceed.

## **20. NON-DISCRIMINATION**

The grantee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin, or religion in the conduct of operations on the premises.

## **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 in connection with use of the premises.

## **23. ENVIRONMENTAL CONDITION OF PROPERTY**

An Environmental Condition of Property (ECP) (or an *Environmental Baseline Study (EBS)* or *Preliminary Assessment Screenings (PAS)*), 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 B. Upon expiration, revocation or

termination of this easement, another ECP (*EBS or PAS*) will 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. EXECUTIVE ORDER 13658

It has been determined this contract is not subject to Executive Order 13658 or the regulations issued by the Secretary of Labor in 29 CFR part 10 pursuant to the Executive Order, and the following provisions.

#### 25. HOLD HARMLESS AND INDEMNIFICATION

If a duly authorized representative of the United States discovers or determines, whether before or subsequent to executing this contract, that an erroneous determination regarding the applicability of Executive Order 13658 was made, contractor, to the extent permitted by law, agrees to indemnify and hold harmless the United States, its officers, agents, and employees, for and from any and all liabilities, losses, claims, expenses, suits, fines, penalties, judgments, demands or actions, costs, fees, and damages directly or indirectly arising out of, caused by, related to, resulting from or in any way predicated upon, in whole or in part, the erroneous Executive Order 13658 determination. This includes contractor releasing any claim or entitlement it would otherwise have to an equitable adjustment to the contract and indemnifying and holding harmless the United States from the claims of subcontractors and contractor employees.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2015 *5.6*

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

Pipeline Easement  
3 May 1999

\_\_\_\_\_  
**LINDA C. LABURE**  
District Chief of Real Estate, New Orleans  
Real Estate Region South Division  
Real Estate Contracting Officer

APPROVED AS TO LEGAL SUFFICIENCY:

*Marco Rosamano*

**MARCO ROSAMANO**  
ATTORNEY ADVISOR

**U. S. Army Engineer District**  
New Orleans

## ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) : ss

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me the undersigned Notary Public, personally appeared \_\_\_\_\_, Real Estate Division, U.S. Army Engineer District, New Orleans District, known to me to be the person described in the foregoing instrument, who acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

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

Notary Public

My Commission Expires:

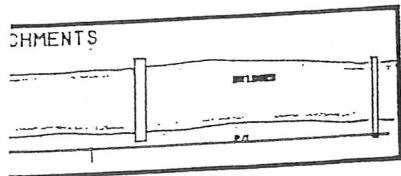
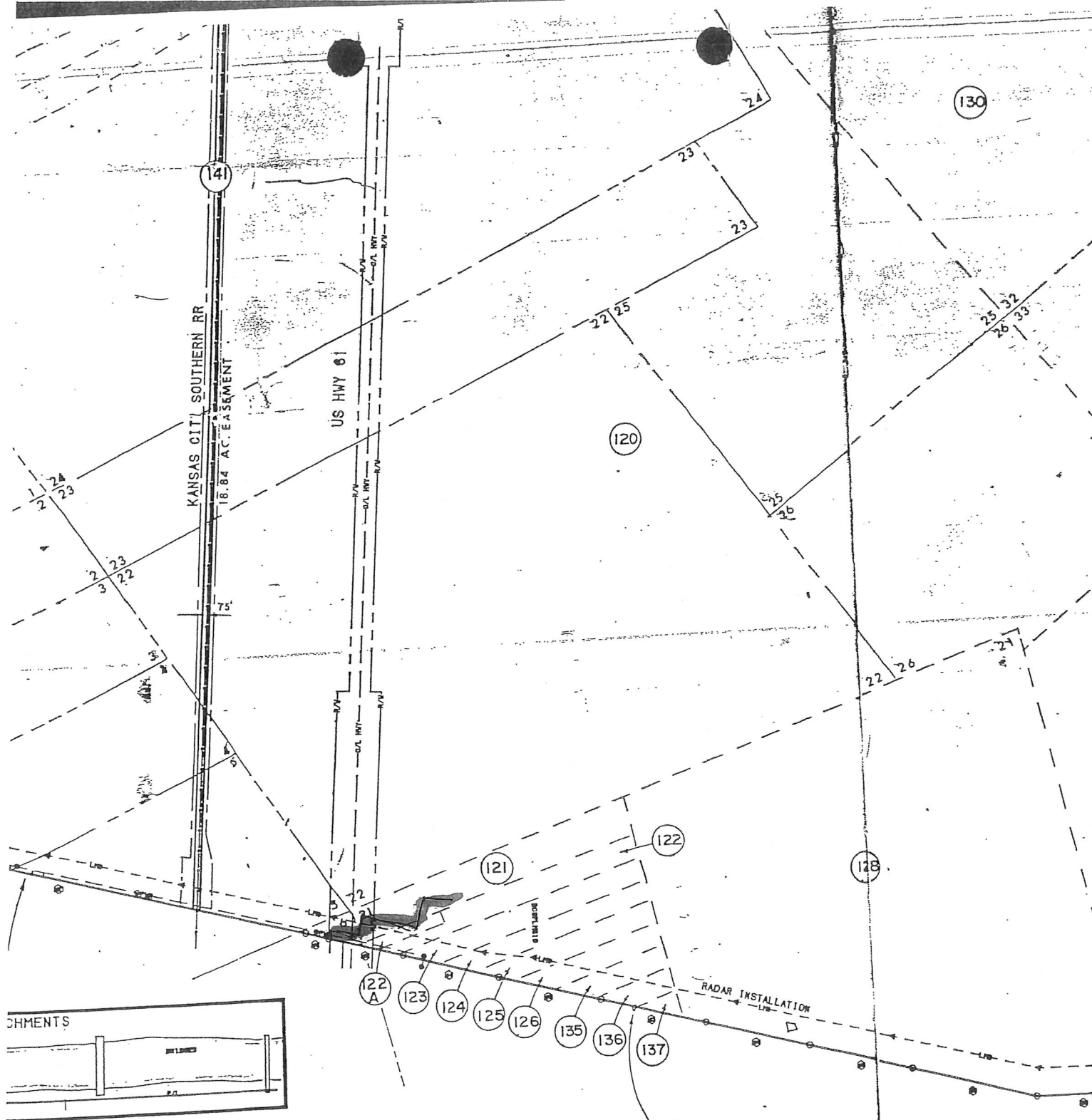
THIS INSTRUMENT PREPARED BY:

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

REVIEWED FOR LEGAL SUFFICIENCY BY:

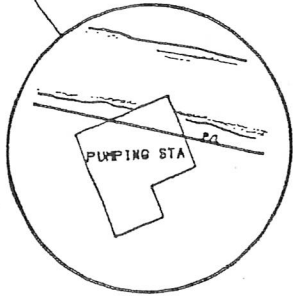
Attorney

Telephone Number



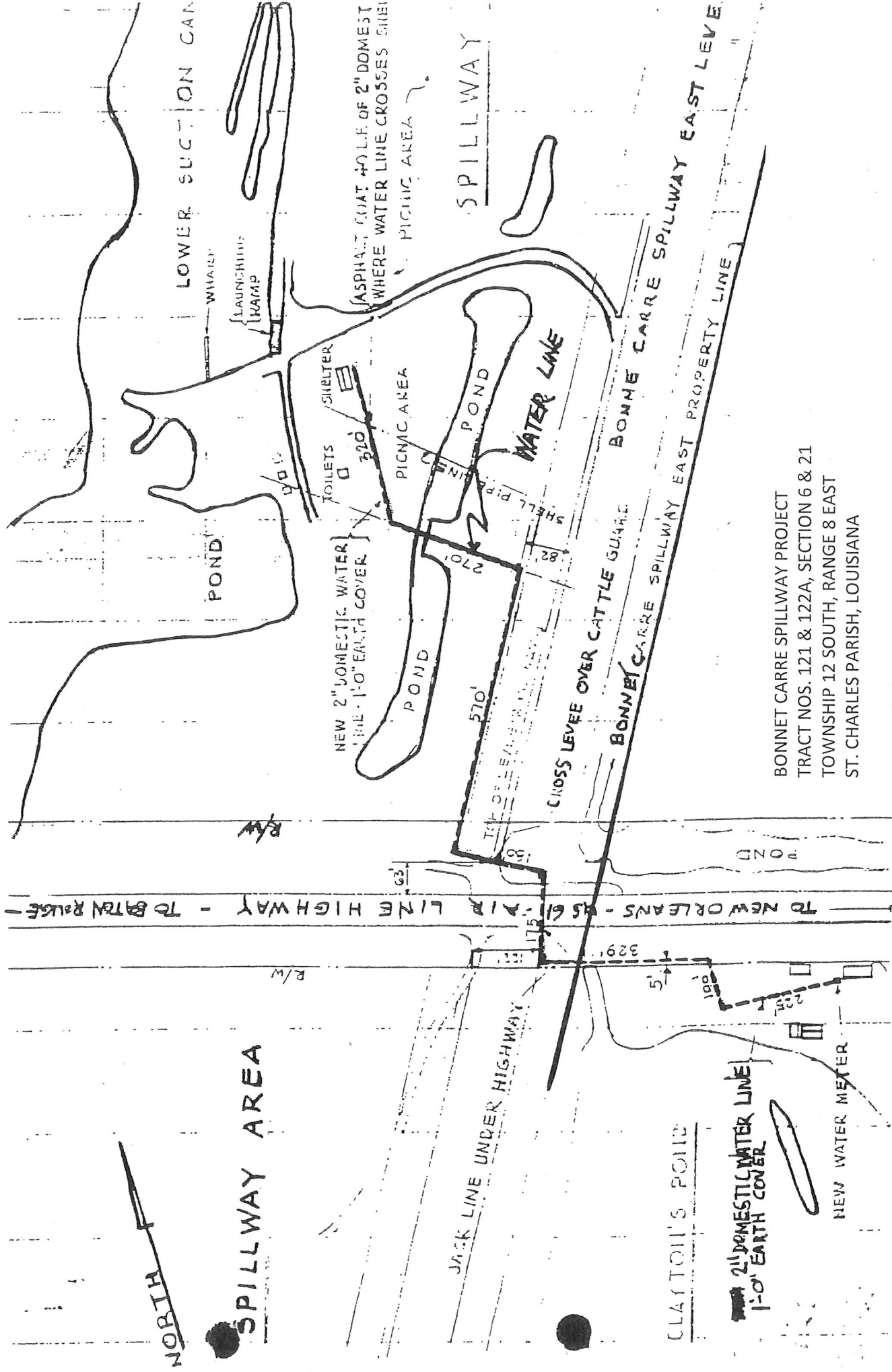
BONNET CARRE SPILLWAY PROJECT  
 TRACT NOS. 121 & 122A, SECTION 6 & 21  
 TOWNSHIP 12 SOUTH, RANGE 8 EAST  
 ST. CHARLES PARISH, LOUISIANA

EXHIBIT "A" EASEMENT NO. DACW29-2-15-41

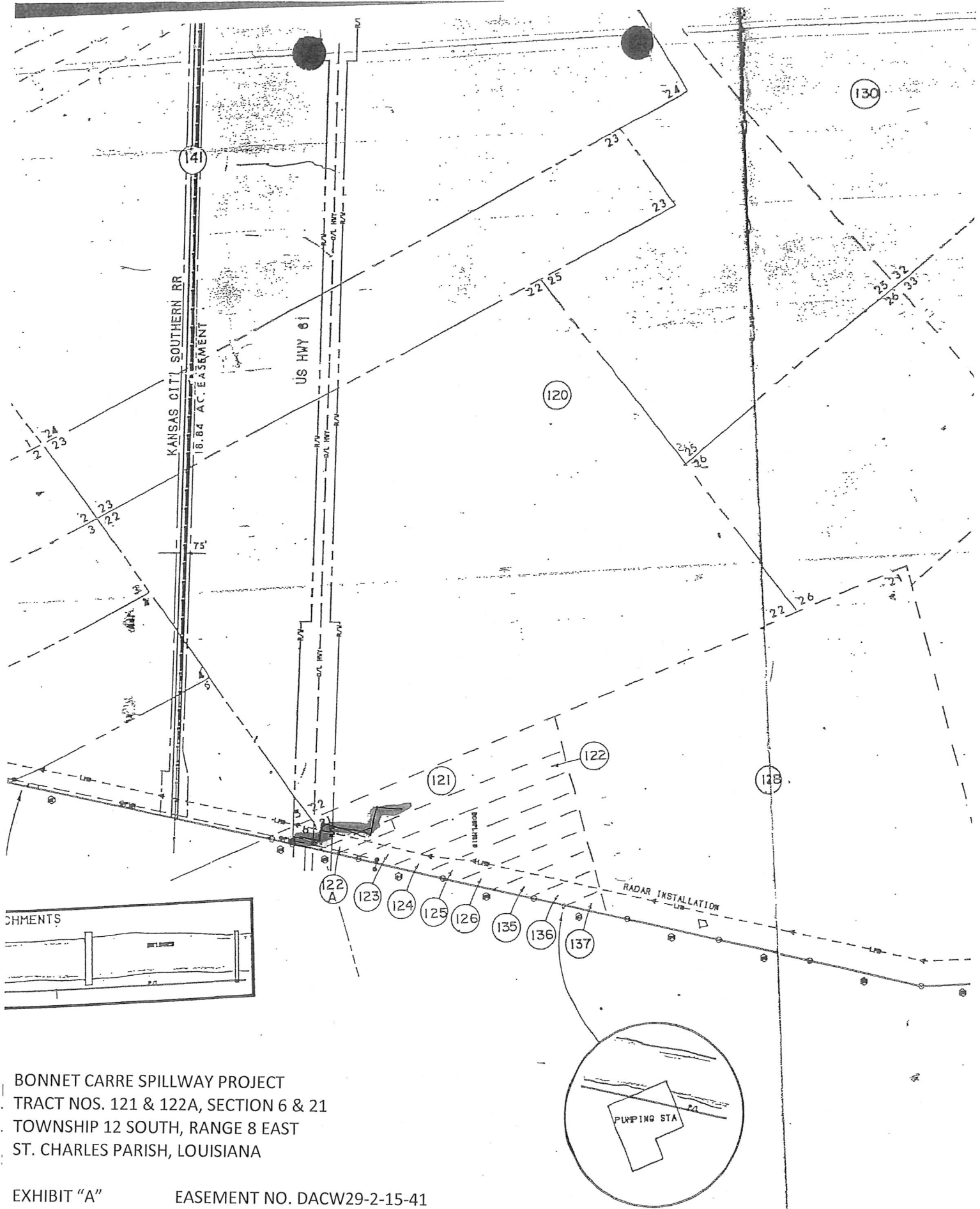


INSET OF ENCROACHMENT  
 SCALE: 1" = 50'





BONNET CARRE SPILLWAY PROJECT  
 TRACT NOS. 121 & 122A, SECTION 6 & 21  
 TOWNSHIP 12 SOUTH, RANGE 8 EAST  
 ST. CHARLES PARISH, LOUISIANA



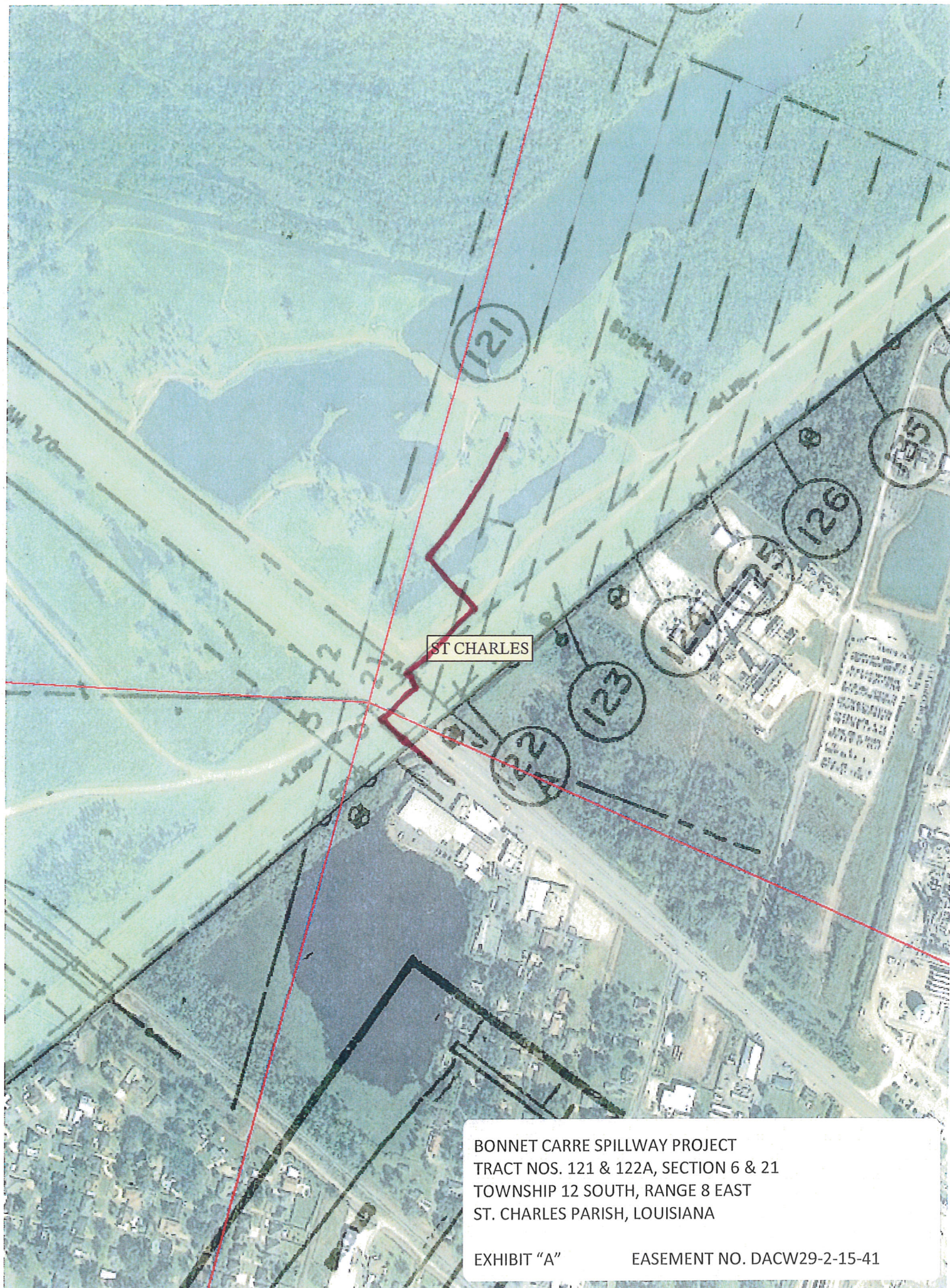
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INSET OF ENCROACHMENT  
 SCALE: 1" = 50'





BONNET CARRE SPILLWAY PROJECT  
TRACT NOS. 121 & 122A, SECTION 6 & 21  
TOWNSHIP 12 SOUTH, RANGE 8 EAST  
ST. CHARLES PARISH, LOUISIANA

EXHIBIT "A"

EASEMENT NO. DACW29-2-15-41



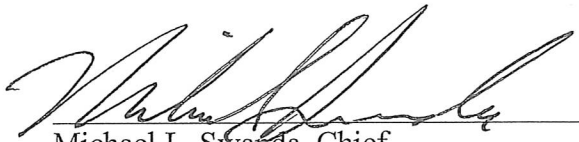


**STATEMENT OF FINDINGS  
FOR RENEWAL OF LICENSE NO. DACW29-3-04-90**


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

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


The conclusion of this environmental review is that there are no specific or unusual environmental concerns. There is no evidence indicating hazardous substances were stored, released or disposed of on this property. In conclusion, we have no objections or adverse comments to the proposed outgrant.

  
\_\_\_\_\_  
Michael L. Swanda, Chief  
Natural and Cultural Resources  
Analysis Section  
Planning, Programs and  
Project Management Division

19 Oct 2009  
Date

  
\_\_\_\_\_  
Richard E. Boe, Chief  
Environmental Analysis and  
Support Section  
Planning, Programs and  
Project Management Division

19 Oct 09  
Date

  
\_\_\_\_\_  
Joan M. Exnicios, Chief  
Environmental Planning and  
Compliance Branch  
Planning, Programs and  
Project Management Division

20 Oct 09  
Date

BONNET CARRE SPILLWAY PROJECT  
TRACT NOS. 121 & 122A, SECTION 6 & 21  
TOWNSHIP 12 SOUTH, RANGE 8 EAST  
ST. CHARLES PARISH, LOUISIANA

**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: Proposed renewal of license DACW29-3-04-90 for St. Charles Parish Dept. of Waterworks  
b. Tract No.: Tract Nos. 120 and 122A, Sections 6 and 21, Township 12 South, Range 8 East, in St. Charles  
c. Brief Description: Continued use of two 2-inch waterlines

**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:

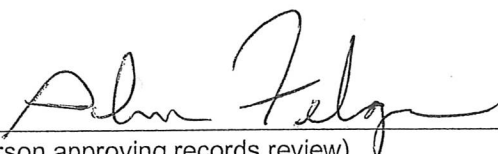
**3. Summary of Findings:**

- ☒ 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)

3-4-09  
(Date)

  
(Person approving records review)

4 Mar 09  
(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: Proposed renewal of license DACW29-3-04-90 for St. Charles Parish Dept. of Waterworks
- b. Tract No.: Tract Nos. 120 and 122A, Sections 6 and 21, Township 12 South, Range 8 East, in St. Charles
- c. Brief Description: Continued use of two 2-inch waterlines

**2. Records Search:**

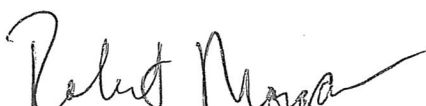
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The records search included a review of the following documents:

**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)

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

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

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

**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: Proposed renewal of license DACW29-3-04-90 for St. Charles Parish Dept. of Waterworks  
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**4. Signature and Approval:**

  
(Person reviewing records)

  
(Date)

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

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

# PRELIMINARY ASSESSMENT SCREENING

## CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION *RE-M Cooper*

### 1. Location:

- a. Project Name: Proposed renewal of license no. DACW29-3-04-90 for St. Charles Parish Department of Waterworks
- b. Tract No.: Tract Nos. 120 and 122A, Sections 6 and 21, Township 12 South, Range 8 East, in St. Charles
- c. Brief Description: Continued use of two 2-inch waterlines

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 *22 Sep 1972 # C-567*
- ☐ 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 Cooper*  
(Person reviewing records)

*10 Mar 09*  
(Date)

*Pava Schindler*  
(Person approving records review)

*March 20 09*  
(Date)



# PRELIMINARY ASSESSMENT SCREENING

## CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION *RE-E Gutierrez*

### 1. Location:

- a. Project Name: Proposed renewal of license no. DACW29-3-04-90 for St. Charles Parish Department of Waterworks
- b. Tract No.: Tract Nos. 120 and 122A, Sections 6 and 21, Township 12 South, Range 8 East, in St. Charles
- c. Brief Description: Continued use of two 2-inch waterlines

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 NO REPORT FOUND IN FILES
- ☐ Real Estate Audit Report dated \_\_\_\_\_
- ☐ 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:

*Judith Shumway*  
(Person reviewing records)

3/5/09  
(Date)

*Judith Shumway*  
(Person approving records review)

3/5/09  
(Date)

# PRELIMINARY ASSESSMENT SCREENING

## CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION *RE-m Cooper*

### 1. Location:

- a. Project Name: Proposed renewal of license no. DACW29-3-04-90 for St. Charles Parish Department of Waterworks
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- c. Brief Description: Continued use of two 2-inch waterlines

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 *28 Jul 2006*
- ☒ 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 Cooper*  
\_\_\_\_\_  
(Person reviewing records)

*10 Mar 09*  
\_\_\_\_\_  
(Date)

*Paige Schindler*  
\_\_\_\_\_  
(Person approving records review)

*March 20 09*  
\_\_\_\_\_  
(Date)

RECORD OF ENVIRONMENTAL CONSIDERATION


PROPOSED LICENSE No. DACW29-3-04-90  
(RENEWAL OF LICENSE No. DACW29-3-98-01)  
FOR EXISTING WATERLINES WITHIN BONNET CARRÉ SPILLWAY PROJECT,  
ST. CHARLES PARISH, LOUISIANA

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Description of Proposed Action: The St. Charles Parish Department of Waterworks has expressed a continued need for two 2-inch waterlines within our Bonnet Carré Spillway project. A license instrument is required since the right-of-way is situated on government-owned land, acquired as Tracts Nos. 121 and 122A, Sections 6 and 21, Township 12 South, Range 8 East, in St. Charles Parish.

Anticipated Duration of Proposed Action: The proposed license would be granted for a 5-year term.

Findings: It has been determined that the proposed action is categorically excluded under the provisions of CX A-20 , AR 200-2, Appendix A; and meets the attached Screening Criteria contained in AR 200-2.

Prepared by:   
Lori Roe, Archaeologist

Date: 10 JAN 2005

Reviewed by:   
Howard R. Bush, Chief  
Natural and Cultural Resources Analysis Section

Date: 10 Jan 2005

Attachment:

1. Screening Criteria for Categorical Exclusions

Appendices:

1. Report of Availability (ROA)
2. Preliminary Assessment Screening forms (PAS)

# ATTACHMENT 1

## SCREENING CRITERIA FOR CATEGORICAL EXCLUSIONS (AR 200-2)

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



St. Charles Parish Department of Waterworks Easement No. DACW29-3-04-90. Two 2 inch waterlines, facing southeast.



St. Charles Parish Department of Waterworks Easement No. DACW29-3-04-90. Two 2 inch waterlines, facing southeast.



St. Charles Parish Department of Waterworks Easement No. DACW29-3-04-90. Two 2 inch waterlines, facing south.



St. Charles Parish Department of Waterworks Easement No. DACW29-3-04-90. Two 2 inch waterlines, facing south.

# PRELIMINARY ASSESSMENT SCREENING

## CERTIFICATION OF RECORDS SEARCH

### REAL ESTATE DIVISION

#### 1. Location:

- a. Project Name: Bonnet Carre Spillway Project, St. Charles Parish, LA.
- b. Tract No.: 121 and 122A, Sections 6 and 21, Township 12 South, Range 8 East
- c. Brief Description: St. Charles Parish Dept. of Waterworks license renewal request for 2 waterline right of ways, St. Charles Parish, LA.

RE-E

2. **Records Search:** A comprehensive search of all ~~Real Estate Agency~~ records was conducted on 6/17/04. 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: RE-E 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:

Yvonne Barber  
(Person reviewing records)

6/17/04  
(Date)

Joseph Kohn  
(Person approving records review)

6/17/04  
(Date)



# PRELIMINARY ASSESSMENT SCREENING

## CERTIFICATION OF RECORDS SEARCH

### REAL ESTATE DIVISION

#### 1. Location:

- a. Project Name: Bonnet Carre Spillway Project, St. Charles Parish, LA.
- b. Tract No.: 121 and 122A, Sections 6 and 21, Township 12 South, Range 8 East
- c. Brief Description: St. Charles Parish Dept. of Waterworks license renewal request for 2 waterline right of ways, St. Charles Parish, LA.

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 \_\_\_\_\_ *pnc*
- ☒ 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 Cooper*  
(Person reviewing records)

7 Jun 04  
(Date)

*Jim C. Juba*  
(Person approving records review)

10 Jun 04  
(Date)

# PRELIMINARY ASSESSMENT SCREENING

## CERTIFICATION OF RECORDS SEARCH

### REAL ESTATE DIVISION

#### 1. Location:

- a. Project Name: Bonnet Carre Spillway Project, St. Charles Parish, LA.
- b. Tract No.: 121 and 122A, Sections 6 and 21, Township 12 South, Range 8 East
- c. Brief Description: St. Charles Parish Dept. of Waterworks license renewal request for 2 waterline right of ways, St. Charles Parish, LA.

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 18 May 1998
- ☒ Real Estate Utilization Inspection Report dated 17 June 2003
- ☒ Other documents as follows:  
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:

*Shirley B. Mills*  
(Person reviewing records)

*June 15, 04*  
(Date)

*Linda Borgovaini*  
(Person approving records review)

*6/17/2004*  
(Date)

10 June 2004

2. Based upon review of EBS prepared for Shell Western E&P, Inc. for Easement No. DACW29-2-08-26, and conversation between Dr. David Vigh (CEMVN-PM-R) on 8/6/1998, a site was discovered and remediated by Shell's contractor but the levels of substances present did not exceed the threshold for reporting storage, release or disposal of hazardous substances as outlined in 40 CFR 302.A.

3. 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 EASEMENT NO. DACW29-3-04-90**

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

11 Jan 05

Date



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

10 Jan 05

Date

DETERMINATION OF AVAILABILITY  
FOR EASEMENT NO. DACW29-2-15-41  
CIVIL WORKS PROJECTS

---

1. The attached Report of Availability and its findings have been reviewed.
2. I have determined that the continued use of this property, as set out in the attached Report of Availability, is in the public interest or will further project purposes and is consistent with delegated authorities and Government regulations.
3. I have determined that the continued use is not a potential embarrassment to the Army.
4. I have determined that the property is not excess to the overall project purpose and has not been identified as not utilized in a Real Property Management Report.
5. I have determined that rental consideration for the amount of \$0.00 is appropriate for the use proposed.
6. The continued use as a water pipeline right-of-way is approved subject to the conditions listed in the easement.
7. Coordination: Construction Division; Operations Division and Real Estate Division.
8. It has been determined that the property is available for the continued use with the restrictions as stated in the Report of Availability (and as added above) and may be outgranted in accordance with applicable laws, rules and regulations.

23 Sep 15  
Date

Janet R. Cruppi  
Janet R. Cruppi  
Deputy District Chief of Real Estate, New Orleans  
Chief, New Orleans Management and Disposal Section  
Management and Disposal Branch  
Real Estate Region South Division  
Real Estate Contracting Officer

## REPORT OF AVAILABILITY

### A.1. EXECUTIVE SUMMARY:

A.1.1. INSTALLATION OR CIVIL WORKS PROJECT: *Bonnet Carre Spillway*

A.1.2. Brief summary of the mission, historical use of the property. Current land uses shown in the Master Plan are attached as a map. The Bonnet Carre Spillway was constructed in 1932 and consists of a concrete weir structure, upper and lower guide levees, and a 7,623 acre floodway. In addition to flood control this area is currently use as by the public for outdoor recreation, for sand and clay excavation, oil and gas development, etc. The land for the permit renewal is largely undeveloped.

A.1.3. Brief summary of the proposed outgrant action.

Issue an easement to St. Charles Parish Department of Waterworks to install, operate and maintain two (2) 2-inch waterlines. These waterlines were initially covered by a license and will now be covered by an easement.

A.1.4. Congressional delegation information, including the nature and extent of Congressional interest and/or involvement, if any: NONE

A.1.5. PROPOSED TYPE OF OUTGRANT:

*[Editorial Note: No ROA is required for a license less than 5 years, an easements to support a utility contract, a lease for trailer sites [military] or a license executed by the Garrison Commander, Commanders, RRCs; the Chief, NGB; or Civil Works Project Managers under their authority. The availability will be documented by memorandum which will include an a statement that the use is compatible with installation or project mission and sets out any site specific restrictions that will be included in the outgrant.]*

☐ Lease [cite authority, if known]

☐ For BRAC: \_\_\_\_\_ Interim Lease

\_\_\_\_\_ Lease in Furtherance of Conveyance

☒ Easement two (2) 2-inch waterlines

☐ License

☐ Federal Real Estate Use Agreement [former permit: to non-DOD agency]

☐ Host-Tenant Real Estate Use Agreement [former permit: to DOD element]

A.1.6. TERM OF OUTGRANT

a. Start date of proposed use, if applicable: Date the easement is signed by all parties.

b. Recommended term of outgrant:

50 years

A.1.7. METHOD OF GRANTEE SELECTION

☐ The grantee has been selected competitively. Provide how the grantee was selected and provide name, address and telephone number of Applicant or requestor's representative(s):

☐ A Waiver of Competition is recommended and a waiver request will be prepared.

☒ Competition is not required by current policy for this type of outgrant or grantee.

☐ Competition is recommended.

List Names of interested parties, if applicable.

A.1.8. COMPATIBILITY TO MISSION OR OPERATIONS

The grant of the proposed use:

☐ is compatible with or supports the operation of the installation/project,

☒ is compatible with or supports contemplated development and other activities as shown in an approved Master Plan,

☐ implements a installation/project mission, or National Defense

☐ is only compatible if site specific limitations, restrictions, or conditions are included in the outgrant to make

## REPORT OF AVAILABILITY

the proposed use compatible, e.g., security, access, parking, hours of operation. List in A.3

☐ is not compatible. If it is not compatible with any of the above or in support of missions, please explain why the use should be approved

### A.1.9. LOCAL COMMUNITY

Describe impact of the outgrant on the local civilian community, if any: This is an easement to install, operate and maintain two (2) 2-inch waterlines for the public's use.

### A.1.10. Consideration:

☒ The outgrant is authorized under an authority which does not require cash consideration.

☐ This outgrant will requires a determination of fair market value for the outgranted interest.

☐ Consideration should be collected in cash.

☐ Consideration should be cash and/or in-kind:

☐ for the improvement, maintenance, protection, repair or restoration of the property

☒ Construction of facilities: maintenance of a drainage ditch for the benefit of the United States and the general public.

☐ Space for Army use

☐ Services related to the outgrant use

Attach a discussion of possible in-kind consideration.

## A.2. GENERAL PROPERTY INFORMATION.

*[Editorial Note: if there will be discrete parcels within one overall outgrant action, then a separate section may be done for each parcel, i.e. A.2.1. Administrative Area; A.2.2. Family Housing Areal. See above.]*

A.2.1 Land is located in Sections 6, and 21, Township 12 South, Range 8 East, St. Charles Parish

### GENERAL PROPERTY DESCRIPTION OF THE PROPERTY:

The easement will cover approximately .31 acres.

Tract Number(s) or other property identification number(s) Tract Nos. 121 and 122A.

### A.2.2. UNITED STATES PROPERTY INTEREST

The property interest held by the United States in the affected real estate:

☒ fee simple title

☐ easement

☐ in-lease

☐ license or permit

☐ other (explain)

### A.2.3. REVERTER

Is the property subject to a reverter of title interest?

☒ No, go to next question.

☐ Yes, describe reversionary interest or attach title document that contains the reverter.

Will the proposed use impact this reversionary interest?

☐ No

☐ Not sure, request USACE to review and prepare legal position.

☐ Yes, briefly describe issue and provide more details.



## REPORT OF AVAILABILITY

### A.2.4. DEPARTMENT OF ARMY CONTROL

Department of the Army (DA) holds the property through:

☒ Direct control. Explain. Government holds fee ownership.

☐ Permit, use agreement, etc., from another Federal agency. Provide details and any impact from outgranting, if any.

☐ Withdrawn from the public domain. Provide details of the withdrawal and any impact from outgranting, if any.

### A.2.6. FEDERAL LEGISLATIVE JURISDICTION.

a. Type of Federal legislative jurisdiction:

☒ exclusive

☐ concurrent

☐ partial

☐ proprietary

b. If other than proprietary, is jurisdiction to be retroceded **prior** to outgranting?

☒ No

☐ Yes, explain and provide any time requirements.

c. Does the legislative jurisdiction have unusual terms and conditions that will impact the proposed outgrant or will outgrant cause change in jurisdictional status?

☒ No

☐ Not sure, request USACE to review and prepare legal position.

☐ Yes, explain and attach copies of original deeds or orders ceding jurisdiction or a summary.

### A.2.7. CEMETERIES

a. Is there a post cemetery located on or adjacent to the property?

☒ No

☐ Yes, attach data on location and impact on the proposed outgrant, if any.

c. Is there a privately-owned cemetery or burial plots located on or adjacent to the property?

☒ No

☐ Yes, attach data on location and ownership and impact on the proposed outgrant, if any. Describe any special restrictions or issues.

d. Is there a cemetery, owned by the USA, but with private burial plots or rights?

☒ No

☐ Yes, attach data on location and impact on the proposed outgrant, if any. Describe any special restrictions or issues.

e. Is there an Indian burial site on the property?

☒ No

☐ Yes, attach data on location and impact on the proposed outgrant, if any. Describe any restriction or issues.

### A.2.8. BOUNDARY AND ENCROACHMENTS.

Are there known boundary line issues or encroachments?

☒ No

☐ Yes, explain and attach map showing issue area.

## REPORT OF AVAILABILITY

### A.3. OPERATIONAL FACTORS.

*[Editorial Note: if there will be discrete parcels within one overall outgrant action, then a separate section may be done for each parcel, i.e. A.3.1. Administrative Parcel; A.3.2. Housing Parcel. See above.]*

#### A.3.1 SITE OPERATIONAL ISSUES

List any site specific conditions, limitation, restrictions, other than environmental issues, that are recommended for inclusion in the outgrant document for compatibility with the operation of the installation/project: NONE

*[Editorial Note, if operational impact is significant, outgrant may not be possible.]*

#### A.3.2. UTILITIES AND OTHER MUNICIPAL SUPPORT SERVICES.

1. Will the proposed use require utilities?

☒ No. If no, go to part b.

☐ Yes. Will Army be providing required utilities or services on a reimbursable basis.

☐ No. Are utilities, e.g. electricity, natural gas/propane heating oil, potable water, wastewater treatment, telephone, etc., available from public utility companies?

☐ No

☐ Yes. If yes, identify the type, quantity, and provider of such services:

☐ Yes. If yes, attach the Municipal Services Agreement that establishes the terms under which such services will be provided and the type, quantity, and estimated cost.

Note that this instrument should be executed prior to execution of the outgrant.

☐ Combination. Specify Army provided utilities versus public utilities and provide a map.

b. Are utilities improvements located within the property? The improvements and use will need to be documented in the outgrant and listed in Section B. No

c. Are utilities improvements not owned by the Army located within the property? The utility improvements and use will need to be documented in the outgrant. No

c. Will any of the Army utility improvements be transferred to the grantee?

☒ No ☐ Yes, a list of retained and transferred utilities should be noted in Section B.

*[Editorial Note: Be sure that Army utility improvements and facilities are discussed in Section B]*

#### A.3.3. AIRPORT

a. Will the planned outgrant use of the property affect the airspace over or near the property or military installation?

☒ No

☐ Yes. If yes, the proposed occupancy or modification may be allowed subject to the following restrictions being incorporated in the outgrant:

☐ Yes, the affected property is not owned by the United States. If yes, does the United States have a potential "taking of private property" issue? Explain.

b. Will the outgrant of the property require the notification of the FAA?

☒ No

☐ Yes. If yes, please explain who will notify the FAA and when:

c. Will structures be built on the property which will require an airspace study?

☒ No

☐ Yes. If yes, please explain who will do the study and any other requirements:

d. Are there airport facilities located on the property or adjoining airports that may require aerial approaches or overfly rights, reservations to maintain freedom from electronic interference, or smoke-producing activities? No

*[Editorial Note: If there are airport issues, describe coordination with the Federal Aviation Agency (FAA).]*

## REPORT OF AVAILABILITY

*FAA guidance on airports can be found at <http://www.faa.gov/>*

### A.3.4. FACILITIES AND MITIGATION

a. Will the proposed use require destruction, relocation, modification, or replacement of Government facilities or other property i.e. timber, wetlands?

☒ No

☐ Yes. If yes, please explain what is required; whether or not this will be a part of the outgrant mitigation requirement; or Army will perform the actions required:

b. Vinto-McKinney Homeless Requirements:

☒ McKinney Act requirements do not apply to this action.

☐ McKinney Act requirements apply, necessary screening has been completed, and no interest was expressed. Give dates.

### A.3.4. TENANTS, PRIVATIZATION AND OUTGRANTS.

a. Are there other DOD entities or other Federal agencies in possession of portions of the property?

☒ No

☐ Yes, describe term remaining, facilities owned by the tenant, any other relevant terms and conditions, and explain why this tenant will not interfere with the proposed outgrant. .

b. Other than the above, are there other non-Army tenants or contractors on any portion of the property that may interfere with the outgrant?

☒ No

☐ Yes, describe term remaining, facilities owned by the tenant, any other relevant terms and conditions and explain why this use will not interfere with the proposed outgrant.

5. Non-Environmental Safety Issues and Concerns, if any: None

14. Any other known or reasonably foreseeable legal, policy, or project mission-related issues that may affect the proposed action relating to this property. None

15. Other Applicable Laws, Regulations, MOAs, etc., that should be addressed while proceeding with this action: None

16. Funding: Administrative expenses and other estimated costs to further process the outgrant:

USACE District costs: N/A

Installation/Project costs: N/A

Funds are currently available:

☒ Yes ☐ No, explain.

Administrative Expenses will be collected from the grantee

☐ Yes, in full from the grantee.

☐ Yes, partially from the grantee and partially Army funded.

☒ No, Army will fund.

17. Date premises will be vacated: N/A

19. Installation/Project Point of Contact:

Chris Brantley

### 20. RECOMMENDATION:

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

## REPORT OF AVAILABILITY

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

13 April 2015  
Date

C. B. Brantley  
SIGNATURE  
Title Proj. Mgr.

## REPORT OF AVAILABILITY

### B. IMPROVEMENTS:

#### 1. BUILDING AND FACILITIES

a. Are Government buildings and improvements included in the area:

☒ No, skip to B.2.

☐ Yes

If Yes, give details on each building and improvement, including Inventory Identification Number, condition of the facilities, values shown in the official real property inventory, and estimated care and custody costs. List any Installed Equipment, fixtures or related personal property and state if such is not to be sold with improvement, explain.

b. Floor plans and as built drawings: Copies may be attached, if it adds to the decision process, or cite where copies are available for review.

c. Type of funds used for construction: ☐ Appropriated ☐ Nonappropriated ☐ Other

#### 2. CHIEF FINANCIAL OFFICERS ACT.

a. Under Chief Financial Officer (CFO) Act standard accounting guidelines, if the term of the outgrant exceeds 10 years, will title to the improvements be transferred to the Grantee?:

☒ No, list excluded improvements, if not all.

☐ Yes, list improvements to be transferred, if not all,

g. If family housing facilities, then include here any family housing information required by AR 210-50, Family Housing Management

#### 3. MASTER PLAN AND OTHER DIRECTIVES.

Does outgrant comply with MCA Program, construction directive, and the installation master plan

☒ Yes ☐ No, explain

#### 4. MOBILIZATION STATEMENT

Is this property needed for future mobilization requirements?

☒ No ☐ Yes, outgrant should address this requirement

#### 5. ASBESTOS.

If any building or improvement contains asbestos, include a description of the type, location, and condition of asbestos incorporated in the construction, repair, or alteration of any building or improvement on the property (e.g., fire-proofing, pipe insulation, etc.) and a description of any asbestos control measures taken for the property. N/A

#### 6. INFRASTRUCTURE – Utilities:

a. Are there Utility distribution systems in the outgrant area to be transferred to the Grantee?

☒ No ☐ Yes. If Yes, give details on each system, including Inventory Identification No, condition of the facilities, values shown in the official real property inventory, and estimated care and custody costs. List any Installed Equipment, fixtures or related personal property and if such is not to be transferred with improvement, explain.

b. Type of funds used for construction: N/A

☐ Appropriated ☐ Nonappropriated ☐ Other

*[Editorial Note: If the utility distribution systems are being disposed of, then they should be described separately. Also, if there are sewage treatment, power generating or water treatment facilities located on the outgrant site, then the status of ownership and outgrant should be discussed. Also, describe condition, including*

## REPORT OF AVAILABILITY

*whether the facilities were built to Army standards and/or do they meet standards for public/private operation, if known.]*

c. Are utilities located within the property?

☒ No   ☐ Yes, the improvements and use will need to be documented in the outgrant, give details to be attached to the outgrant..

d. Are there other infrastructure, such as roads, to be transferred to the Grantee?

☒ No, provide details for exclusion   ☐ Yes, provide details to be attached to the outgrant.

### 7. INFRASTRUCTURE – OTHER:

a. Are there other linear systems or other infrastructure real property items in the outgrant area?

☐ Yes   ☒ No.

If Yes, give details on each system, including Inventory Identification No, condition of the facilities, values shown in the official real property inventory, and estimated care and custody costs. List any Installed Equipment, fixtures or related personal property and if such is not to be sold with improvement, explain.

b. Type of funds used for construction: ☐ Appropriated ☐ Nonappropriated ☒ Other No construction required

c. Proposed method of outgrant, if not being transferred with the underlying land. N/A

*[Editorial Note: Infrastructure improvements should be set out separately. These include roads, railroads, dikes, revetments, levees, terraces, walls, fences, etc. Dams, lakes, storm drain systems, and drainage ditches should be discussed here unless an integral part of a utility system discussed in Section 2]*

### 8. DEMOLITION OR SITE RESTORATION.

a. Describe Demolition or Site Restoration to be performed, if any, prior to outgrant. None

b. Describe Demolition or Site Restoration to be performed by the Grantee, as mitigation . None

### 9. HAZARDS

Actions necessary to remove hazards and associated costs: N/A

### 10. OTHER

a. Any other known or reasonably foreseeable legal, policy, or project mission-related issues that may affect the proposed action relating to the various improvements and facilities on the property. None

b. Other Applicable Laws, Regulations, MOAs, etc., that should be addressed while prosecuting this action. None

### 11. RECOMENDATION:

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

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

13 Apr. / 2015  
Date

C. Brantley  
SIGNATURE  
Title Proj. mgr.

## REPORT OF AVAILABILITY

October 2007

### C. ENVIRONMENTAL and CULTURAL CONSIDERATION:

#### 1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS:

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

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

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

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

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

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

☐ for BRAC, on file at HQDA (Identify location, title and date: \_\_\_\_\_)

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

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

☐ for BRAC, on file at HQDA (Identify location, title and date: \_\_\_\_\_)

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

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

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

#### 2. HISTORICAL AND CULTURAL RESOURCES:

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

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

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

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

## REPORT OF AVAILABILITY

October 2007

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

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

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

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

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

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

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

☒ Yes ☐ No, explain

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

☐ if BRAC, on file at HQDA (Identify location, title and date: \_\_\_\_\_)

☒ attached or pertinent extracts attached. If the entire assessments are too large to attach, then state where they can be viewed \_\_\_\_\_. **Per AR 200-1 (effective 27 December 2007), license renewals do not require the completion of an ECP Report. An EBS/Preliminary Assessment Screening (PAS) was conducted by CEMVN on 26 February 2009. A site visit was not performed for subject property.**

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

☐ Yes ☒ No, explain. **Per AR 200-1 1 (effective 27 December 2007), license renewals do not require the completion of a Finding of Suitability.**

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

e. Storage, Release, or Outgrant of Hazardous Substances

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

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

### 4. Is there a Care and Custody plan?

☒ No

☐ Yes, discuss the:

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



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### 5. Environmental Remediation Agreements

Are there environmental orders/agreements applicable to the property?

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

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

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

☐ Yes ☐ No, explain

### 6. Does the property have PCB containing equipment is located on the property: \_\_\_\_\_

☒ No

☐ Yes, list type and location of equipment, e.g., transformer in Building XX, etc.

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

☐ Yes ☐ No, explain.

### 7. CLEAN AIR ACT (Federal Conformity Requirements):

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

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

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

☐ This action is not exempt from the conformity regulation. Attach conformity determination. Describe the mitigation requirements or other restrictions, if any, which must be incorporated in the outgrant documents.

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

☐ CZM is not applicable.

☒ CZM is applicable and the proposed outgrant is/will be consistent with the approved state CZM Plan. State any restriction that may need to be in the outgrant document. Describe any commitments or agreements made under a CZM. Identify state CZM compliance certifications, if applicable. **The proposed project is a license renewal for continuing use of existing facilities.**

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

If applicable, reference or attach State Certificate. Describe any restrictions on use, if any, that will be imposed on the Grantee. **No Section 401 application is included in project information. A Section 401 permit may still be applicable; however, the project is a license renewal for continuing use of existing facilities.**

### 10. CLEAN WATER ACT (FEDERAL WATER POLLUTION CONTROL ACT Section 402 – National Pollutant Discharge Elimination System (NPDES) Permit or State equivalent from the EPA/appropriate state agency:

☒ This outgrant action will not involve discharge of any pollutants into the waters of the United States.

☐ This action will entail the discharge of pollutants into the waters of the United States. Explain.

Is there a NPDES permit?

☐ Yes ☐ No, explain.

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

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

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

### 12. WETLANDS CONSERVATIONS

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

☒ This property is located within a wetlands area and does fall under the purview of Executive Order 11990, accordingly, the following restrictions must be incorporated in the outgrant document:  
**The proposed project is a license renewal for continuing use of existing facilities.**

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

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

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

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

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

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

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

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

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

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

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

### 15. FLOODPLAIN:

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

☒ This property is located within the 100 year floodplain and does fall under the purview of Executive Order 11988: **FEMA Map ID #2201600050C**

a. The outgrant documents should contain the following restrictions on use under identified Federal, State or local floodplain regulations: **Contact the St. Charles Parish Floodplain Administrator for any additional requirements or guidelines.**

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b. It is recommended that these additional restrictions on use be included in the outgrant documents: \_\_\_\_\_

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

### 16. ENDANGERED SPECIES:

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

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

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

### 17. FISH AND WILDLIFE COORDINATION ACT:

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

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

☐ No

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

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

☒ This property is not covered by the FWCA.

### 18. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

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

☒ No ☐ Yes, explain requirements for the outgrant action

### 19. WILD AND SCENIC RIVERS ACT.

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

☒ No ☐ Yes, explain

### 20. ASBESTOS

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

☒ No, there is no evidence that buildings or structures with ACM are located on the property.

**Based upon results of EBS/PAS of internal agency records, which did not indicate any material being present.**

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

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

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

### 21. LEAD BASED PAINT

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

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

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

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

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

### 22. MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

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

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

☐ A Munitions Response was conducted on (date) and \_\_\_\_\_. [Editorial Note: Describe Munitions Response, e.g., surface removal, subsurface removal to detection.]

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

☐ The \_\_\_\_\_ concluded \_\_\_\_\_. A copy of the \_\_\_\_\_ is available for review at \_\_\_\_\_.

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

☐ Outgrant is to a non-Federal entity and due to the potential that MEC could remain below the clearance level, the outgrant will include a MEC Notice.

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

☐ Access rights should be reserved to implement any monitoring plan.

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

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

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

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

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

☒ [ X ] were not located on the site

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

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

a. Current UST/AST Sites –

☒ [ X ] There are no UST/AST on the property.

☐ [ ] There are \_\_\_\_\_ underground and/or \_\_\_\_\_ above-ground petroleum storage tanks (UST/AST) on the property.

1. Petroleum Product Releases.

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

☐ [ ] Yes ☐ [ ] No, explain. \_\_\_\_\_

2. Current compliance of the sites:

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

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

b. Former UST/AST Sites –

☒ [ X ] There were no UST/AST on the property.

☐ [ ] There were \_\_\_\_\_ underground and/or \_\_\_\_\_ above-ground petroleum storage tanks (UST/AST) on the property that have been removed or closed in place.

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

☐ [ ] Yes ☐ [ ] No, explain.

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

☐ [ ] Yes. Either attach or explain where they are located.

☐ [ ] No, explain.

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

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

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

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

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

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

26. Will the proposed outgrant activity require compliance with the Toxic Substances Control Act (15 USC, Chapter 53); or other special purpose environmental laws? **No, not applicable.**

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27. Are there any other conditions that exist on the property that should be considered in the decision to dispose? Describe. **No.**

28. ADDITIONAL COMMENTS:

**None**

29. RECOMENDATION:

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

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

3 Nov 09

Date



Richard E. Boe

Acting Chief, Environmental Planning  
and Compliance Branch

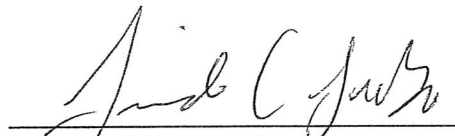
Encl 2. REC  
PAS

**DETERMINATION OF AVAILABILITY  
FOR LICENSE NO. DACW29-3-04-90  
CIVIL WORKS PROJECTS**

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1. The attached Report of Availability and its findings have been reviewed.
2. I have determined that the intended use of this property, as set out in the attached Report of Availability, is in the public interest or will further project purposes and is consistent with delegated authorities and Government regulations.
3. I have determined that the proposed use is not a potential embarrassment to the Army.
4. I have determined that the property is not excess to the overall project purpose and has not been identified as not utilized in a Real Property Management Report.
5. I have determined that the rental consideration is appropriate for the use proposed.
6. The continued use for two 2-inch waterlines are approved subject to conditions stated in License No. DACW29-9-04-90.
7. Coordination: CEMVN-RE, CEMVN-PM and CEMVN-OD.
8. It has been determined that the property is available for the proposed use with the restrictions as stated in the Report of Availability (and as added above) and may be outgranted in accordance with applicable laws, rules and regulations.

26 January 2005  
Date

  
\_\_\_\_\_  
LINDA C. LABURE  
Acting Chief, Real Estate Division  
New Orleans District