

ORD.

2006-0013

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT  
(DEPARTMENT OF WATERWORKS)

ORDINANCE NO. 06-1-19

An ordinance to approve and authorize the execution of a License with the Secretary of the Army for a 6" water main in the Bonnet Carre' Spillway. (License No. DACW29-2-05-55).

WHEREAS, the Parish currently has a license for a 6" water main in the Bonnet Carre' Spillway, License No. DACW29-9-94-927, which is expired; and,  
WHEREAS, the U.S. Army Corps of Engineers has prepared a renewal of said License and it is the desire of the Parish to approve said extension.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Department of the Army Easement For Pipeline Right-Of-Way Located On Bonnet Carre' Spillway Project Various Tracts In Sections 1, 2, 12, 13, and 46, Township 12 South, Ranges 7 and 8 East St. Charles Parish, Louisiana License No. DACW29-2-05-55 is hereby approved.

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

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

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

And the ordinance was declared adopted this 23rd day of January, 2006, to become effective five (5) days after publication in the Official Journal.

Acting  
CHAIRMAN: [Signature]  
SECRETARY: [Signature]  
DLVD/PARISH PRESIDENT: January 24, 2006  
APPROVED: [Signature] DISAPPROVED: \_\_\_\_\_  
PARISH PRESIDENT: Albert D. Laque  
RETD/SECRETARY: January 25, 2006  
AT: 12:10 pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH  
CLERK OF COURT OFFICE  
ON 5/23/17  
AS ENTRY NO. 424026  
IN MORTGAGE/CONVEYANCE BOOK  
NO. 847 FOLIO 503

*Return to the  
Corps of Engineers*

NO. DACW29-2-05-55

**DEPARTMENT OF THE ARMY  
EASEMENT FOR PIPELINE RIGHT-OF-WAY  
LOCATED ON  
BONNET CARRE SPILLWAY PROJECT  
VARIOUS TRACTS IN SECTIONS 1, 2, 12, 13, AND 46,  
TOWNSHIP 12 SOUTH, RANGES 7 AND 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 2669, 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**, hereinafter referred to as the grantee, an easement for a 6-inch water main (pipeline), measuring approximately 9,225 feet in length by 25 feet in width, utilizing approximately 5.29 acres, hereinafter referred to as the utility, 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 not to exceed twenty-five (25) years, beginning July 23, 2001, and ending July 22, 2026.

**2. CONSIDERATION**

The consideration for this easement shall be the construction, operation and maintenance of the 6-inch water main 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 lease shall be addressed, if to the Lessee, 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, Real Estate Division, P.O. Box 60267, New Orleans, Louisiana 70170-0267**, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope, or wrapper, addressed as aforesaid, and deposited postage prepaid in a post office regularly maintained by the United States Postal Service.

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

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

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

The construction, operation, *maintenance*, repair or replacement of said utility, 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 facility 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 utility 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 utility shall be needed by the United States, or in the event the existence of said utility 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 utility to such other location on the premises as may be designated by said officer. In the event said utility 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**

a. 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.

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 facility and restore the premises to the satisfaction of said officer. In the event the grantee shall fail to remove said utility and restore the premises, the United States shall have the option to take over said utility without compensation, or to remove said utility 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. This easement is granted subject to the following conditions:**

**a. That standard ramps must be provided at levee crossings and surfacing must be properly restored.**

**b. That within the floodway where sand deposits exist, the trench shall be deep enough to provide a minimum of 2 feet of cover below original ground surface, in addition to the thickness of the sand deposit.**

**c. That at levee crossings the pipe shall enter the ground not less than 10 feet outside levee toes and shall not be steeper than 1 on 10 down to the elevation of the pipeline beyond the levee.**

**d. That all backfill and new embankment shall be tamped to the density of the adjacent undisturbed ground and between levee toes shall be sodded in accordance with levee specifications.**

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

THIS 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 \_\_\_\_\_, 200\_\_\_\_\_.

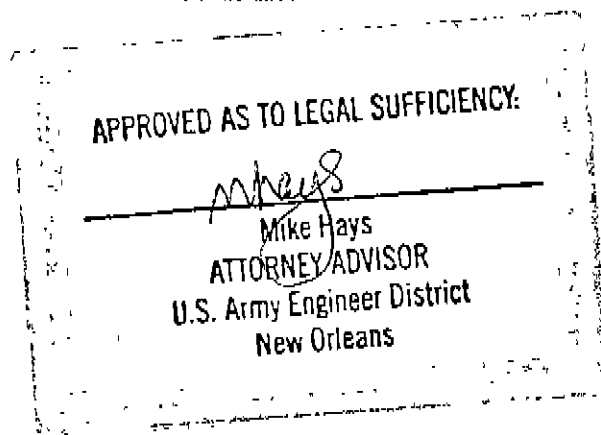
Witness: \_\_\_\_\_

Printed name: \_\_\_\_\_

Witness: \_\_\_\_\_

Printed name: \_\_\_\_\_

\_\_\_\_\_  
Linda C. LaBure  
Chief, Real Estate Division  
U.S. Army Corps of Engineers  
New Orleans District



THIS EASEMENT is also executed by the grantee this 25<sup>th</sup> day of January, 2006.

**St. Charles Parish Department of Waterworks**

Witness: Valarie Berthelot

Printed name: Valarie Berthelot

Witness: Timothy J. Vial

Printed name: Timothy J. Vial

Albert D. Laque

Printed name: Albert D. Laque

Title: Parish President



## CERTIFICATE OF AUTHORITY

I, Albert D. Laque, do hereby certify that I am the principle legal officer of the St. Charles Parish Department of Waterworks, that the St. Charles Parish Department of Waterworks is a legally constituted public body with full authority and legal capability to adhere and comply with the terms and conditions for Easement No. DACW29-2-05-55, and subsequent amendments thercto, for the continued use of a 6-inch water main (pipeline), in connection with the Bonnet Carre Spillway Project, and that the persons who executed Easement No. DACW29-2-05-55 on behalf of the St. Charles Parish Department of Waterworks have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification on this 25<sup>th</sup>  
day of January, 2006.

Signed: Albert D. Laque

Printed Name: Albert D. Laque

Title: Parish President

ACKNOWLEDGEMENT FOR EASEMENT NO. DACW29-2-05-55

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

Signed: \_\_\_\_\_ (Appearer)

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

SWORN TO AND SUBSCRIBED BEFORE ME this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Signed: \_\_\_\_\_ (Notary)

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

Louisiana Bar Association Number: \_\_\_\_\_

ACKNOWLEDGMENT FOR EASEMENT NO. DACW29-2-05-55

STATE OF Louisiana  
COUNTY/PARISH OF St. Charles

On this 25<sup>th</sup> day of January, 2006, before me the undersigned Notary Public, personally appeared Albert D. Laque, 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

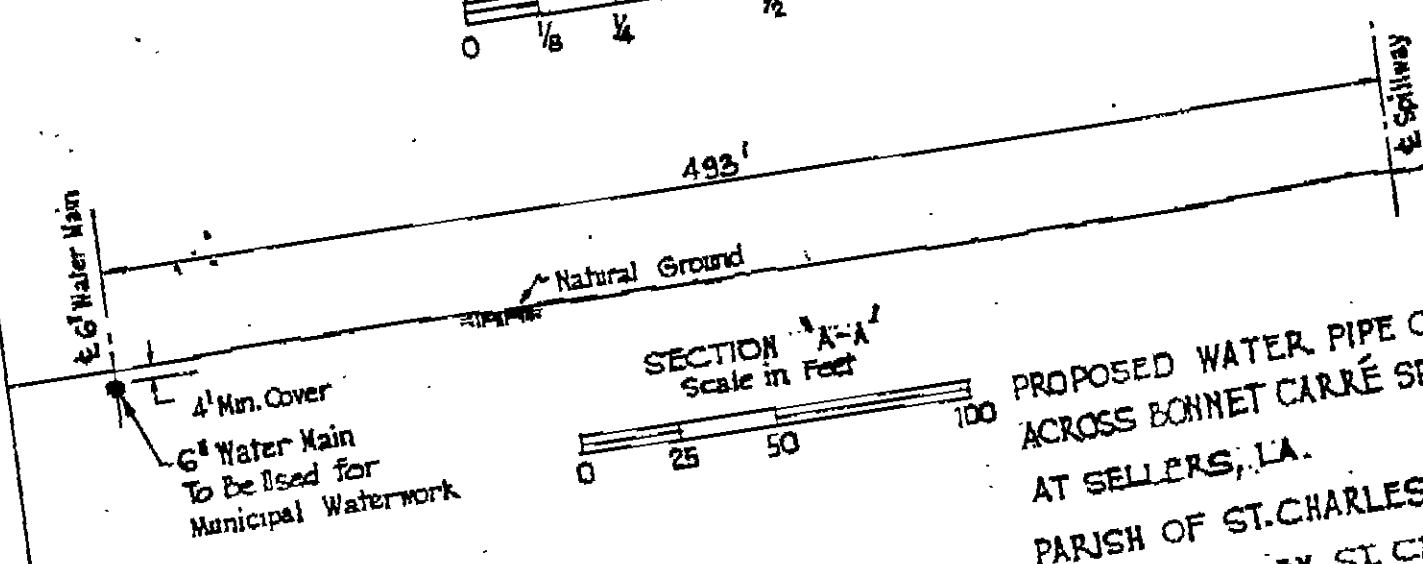
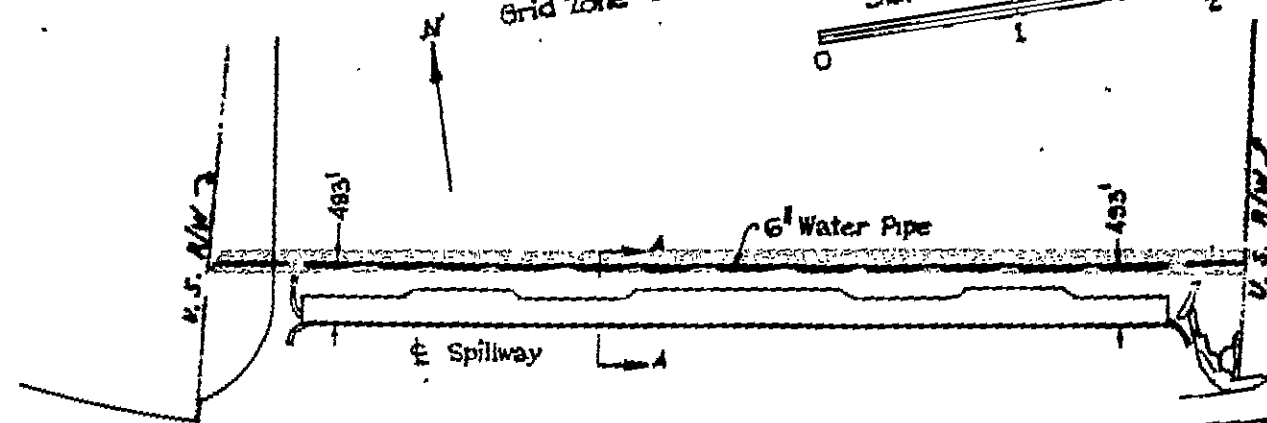
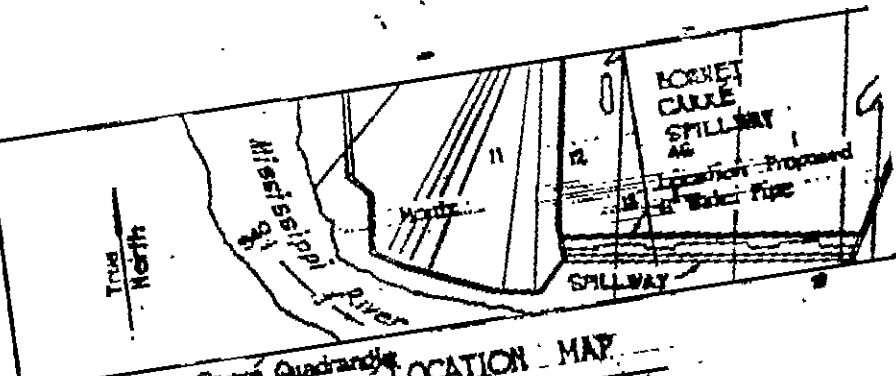
Notary Public

State of Louisiana

Parish of St. Charles

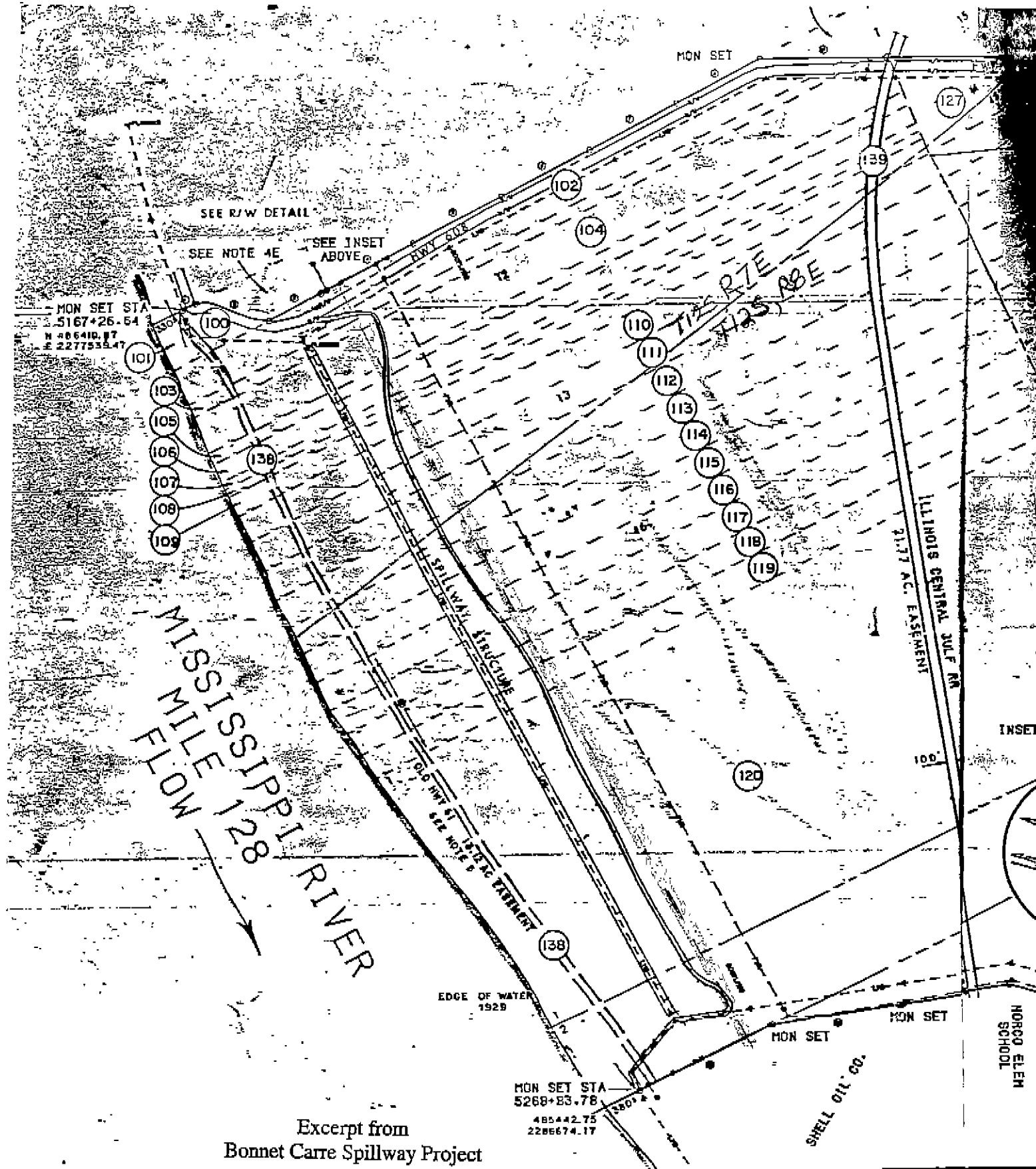
My Commission Expires: at my death

Bar Association Number: 11408



PROPOSED WATER PIPE CROSSING  
ACROSS BONNET CARRÉ SPILLWAY  
AT SELLERS, LA.  
PARISH OF ST. CHARLES, LA.  
APPLICATION BY ST. CHARLES  
PARISH WATERWORK, DISTRICT  
NO. 1, NEW SARPY, LA.

EASEMENT NO. DACW29-2-05-55  
EXHIBIT A



Excerpt from  
 Bonnet Carre Spillway Project  
 Audit Map  
 SCALE 3/4" = 1000'  
 Township 12 South  
 Ranges 7 & 8 East  
 Sections 1, 2, 12, 13, & 46  
 St. Charles Parish, LA

EASEMENT NO. DACW29-2-05-55  
 EXHIBIT B

**ENVIRONMENTAL BASELINE STUDY**  
**Proposed Easement DACW29-2-05-55 for the**  
**St. Charles Parish Department of Waterworks**  
**to continue use and maintenance of a water main within our**  
**Bonnet Carré Spillway Project, St. Charles Parish, Louisiana**

**INTRODUCTION and PROJECT DESCRIPTION**

The U.S. Army Corps of Engineers (Corps) has prepared this Environmental Baseline Study (EBS) to document existing environmental conditions on a portion of Corps fee-owned lands in the Bonnet Carré Spillway Project, St. Charles Parish, Louisiana. The New Orleans District proposes to re-issue an outgrant for a 50-year easement to St. Charles Parish Department of Waterworks for continued use and maintenance of a 6-inch water main within the Bonnet Carré Spillway. The existing water main crosses the spillway approximately one-tenth of a mile north-northeast of the spillway structure and is situated roughly parallel to the spillway structure. This proposed easement is located within Sections 1, 2, and 46, Township 12 South, Range 8 East and Sections 12 and 13, Township 12 South, Range 7 East.

**NEED FOR ACTION; PURPOSE AND PUBLIC CONCERNS**

This EBS is a comprehensive inventory and evaluation of existing project site conditions for the assessment of potential health and ecological risks associated with a proposed natural gas pipeline easement renewal across Bonnet Carré Spillway Project. The goal of this EBS is not only to prevent damage to publicly owned resources, but also to preserve the health and well-being of the public who use the Bonnet Carré Spillway.

**ENVIRONMENTAL SETTING**

General Site Description

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

The Bonnet Carré Spillway, constructed in 1932 as an integral feature of the MR&T project, consists of a massive concrete weir structure, upper (west) and lower (east) guide levees, and a 7,623-acre floodway extending from the Mississippi River to Lake Pontchartrain.

Soils

Soils in the Bonnet Carré Spillway are derived from alluvial deposits and organic matter. Swamp soils consist of soft to very soft organic clays with layers of silt and peat, wood and roots, and high water content. Such soils usually support tree growth. Marsh soils, consisting of soft to very soft organic clays of high water content and layers of silt and peat, support grass and

sedge growth. Natural levee soils derived from recent Mississippi River deposits consist of stiff to very stiff oxidized clays with layers of silts, silty sands, and sands of low water content. The Convent-Commerce soil series, widespread within the project area, consists of level to gently undulating, poorly drained soils that have a loamy surface and subsurface layer, or have a loamy or clayey surface layer and clayey subsoil.

## LAND USE

### Existing Conditions

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

### Land Use History

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

Historic settlement and agriculture were concentrated along the natural levees of the Mississippi River; by 1770, plantations were established along the east bank of the river in St. Charles Parish. Indigo, cotton, and sugar cane were the principal cash crops in the 18<sup>th</sup> and early 19<sup>th</sup> centuries, with sugar cane dominating during the late 19<sup>th</sup> and into the mid-20<sup>th</sup> century. Agricultural fields were located on the better-drained land near the river and rarely extended more than one-half mile away from the river. Forested swamps, including the site of the present-day recreation area, were left fallow except for timber extraction. The commercial timber industry flourished throughout St. Charles Parish from the 1890's to 1918, when cypress stands became severely depleted and the timber industry crashed.

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

The Bonnet Carré Spillway Project was constructed in response to the great flood of 1927, which caused massive destruction in the Lower Mississippi Valley. The present site of the spillway is at the approximate location of the 19<sup>th</sup> 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 spillway area. Surveys and preliminary investigations for the Bonnet Carré Spillway Project began 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.

## CULTURAL RESOURCES

### Existing Conditions

The cultural resource inventory of project lands at Bonnet Carré was completed between 1986 and 1991. Five known cultural resource sites are located within one mile of the existing water main. Three of these are significant historic resources.

Sites 16SC50 and 16SC51 are listed on the National Register of Historic Places (NRHP) as the Kenner and Kugler Cemeteries Archeological District. The district comprises two early nineteenth through early twentieth century, African-American cemeteries. Buffer zones have been established around the two cemeteries to protect them from sand hauling and borrow activity. The Bonnet Carré spillway structure itself is also an NRHP property. It is considered significant because it represents an engineering landmark and because of its historical association with flood control on the Lower Mississippi River. Site 16SC52 is the location of the former Roseland Plantation Sugar House. A brick scatter just south of the spillway structure has been designated site 16SC54. Neither site 16SC52 nor 16SC54 is considered eligible for inclusion on the NRHP.

### Impacts

The continued use of the existing water main will not pose any threat to the cultural resources located nearby. However, if any maintenance or repair work is needed in the future, any impact to the Kugler cemetery and its buffer zone is prohibited. The cemetery is located near the water main, but is currently not clearly marked. Location information can be obtained from the Environmental Compliance Branch, Natural and Cultural Resources Analysis Section, if it becomes necessary.

## HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

### Existing Conditions

A review of available records did not find any evidence suggesting the presence of HTRW within the Bonnet Carré Spillway Project or surrounding properties.

### Impacts

The proposed easement renewal would not be likely to result in any HTRW contamination.



## POTENTIAL ENVIRONMENTAL CONCERNS

### Existing Conditions

No present environmental impact damage from the existing pipeline was noted in accessible records.

### Impacts

The proposed easement renewal for the existing 6-inch water pipeline crossing Government land would have no lasting environmental effect on the Bonnet Carré Spillway Project or surrounding properties, and would have no adverse environmental consequences for the human population in the area.

## 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 information for the Bonnet Carré Spillway Project in St. Charles Parish, Louisiana, indicates that no adverse environmental impacts 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 J. Christopher Brown, Botanist, and Lori Roe, Archaeologist, Environmental Planning and Compliance Branch (PM-R), U.S. Army Corps of Engineers, Mississippi Valley, New Orleans.

STATEMENT OF FINDINGS  
FOR EASEMENT NO. DACW29-2-05-55

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

17 Mar 05  
Date



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

14 MAR 05  
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: Easement Renewal (DACW29-2-05-55) for water main across Bonnet Carre Spillway  
b. Tract No.: Sections 1, 2, 46, Township 12S, Range 8E & Secs. 12, 13, Township 12S, Range 7E  
c. Brief Description: 9225 ft long, 6" water main running parallel w/ the spillway structure, just north of the road

2. Records Search:

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

3. Summary of Findings:

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

4. Signature and Approval:

William T. Prewer  
(Person reviewing records)

1/25/05  
(Date)

J. S. Mott  
(Person approving records review)

1/25/05  
(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: Easement Renewal (DACW29-2-05-55) for water main across Bonnet Carre Spillway  
b. Tract No.: Sections 1, 2, 46, Township 12S, Range 8E & Secs. 12, 13, Township 12S, Range 7E  
c. Brief Description: 9225 ft long, 6" water main running parallel w/ the spillway structure, just north of the road

2. Records Search:

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

3. Summary of Findings:

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

4. Signature and Approval:

  
\_\_\_\_\_  
(Person reviewing records)

1-28-05  
\_\_\_\_\_  
(Date)

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

2/17/05  
\_\_\_\_\_  
(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: Easement Renewal (DACW29-2-05-55) for water main across Bonnet Carre Spillway  
b. Tract No.: Sections 1, 2, 46, Township 12S, Range 8E & Secs. 12, 13, Township 12S, Range 7E  
c. Brief Description: 9225 ft long, 6" water main running parallel w/ the spillway structure, just north of the road

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- 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)

14 MAR 05  
(Date)

  
(Person approving records review)

14 MAR 05  
(Date)



PRELIMINARY ASSESSMENT SCREENING

CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION

1. Location:

- a. Project Name: Easement Renewal (DACW29-2-05-255) for a water main across Bonnet Carre Spillway
- b. Tract No.: Sections 1, 2, 46, Township 12S, Range 8E & Secs. 12, 13, Township 12S, Range 7E
- c. Brief Description: 9225 ft long, 6" water main running parallel w/ spillway structure, just north of maint. road

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

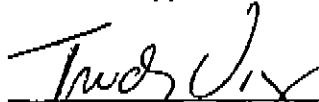
- Real Estate Appraisal Report dated \_\_\_\_\_
- Real Estate Audit Report dated \_\_\_\_\_
- Real Estate Compliance Inspection Report dated \_\_\_\_\_
- Real Estate Utilization Inspection Report dated April 15, 2003, November 2, 1999,  
July 16, 1997
- Other documents as follows:

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) on 8/6/1998, a site was discovered & 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 302.3, which would then require notice under 42 USC 9620
- 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:

  
\_\_\_\_\_  
(Person reviewing records)

17 Feb 2005  
\_\_\_\_\_  
(Date)

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

17 Feb 2005  
\_\_\_\_\_  
(Date)

PRELIMINARY ASSESSMENT SCREENING

CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION

1. Location:

- a. Project Name: Easement Renewal (DACW29-2-05-255) for a water main across Bonnet Carre Spillway
- b. Tract No.: Sections 1, 2, 46, Township 12S, Range 8E & Secs. 12, 13, Township 12S, Range 7E
- c. Brief Description: 9225 ft long, 6" water main running parallel w/ spillway structure, just north of maint. road

*Appr & Plat Br*

2. Records Search: A comprehensive search of ~~all~~ Real Estate agency records was conducted on 1/31/05. 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:

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 Barbier*  
\_\_\_\_\_  
(Person reviewing records)

1/31/05  
\_\_\_\_\_  
(Date)

*Joseph D. Kopp*  
\_\_\_\_\_  
(Person approving records review)

1/31/05  
\_\_\_\_\_  
(Date)



PRELIMINARY ASSESSMENT SCREENING

CERTIFICATION OF RECORDS SEARCH

REAL ESTATE DIVISION

1. Location:

- a. Project Name: Easement Renewal (DACW29-2-05-255) for a water main across Bonnet Carre Spillway
- b. Tract No.: Sections 1, 2, 46, Township 12S, Range 8E & Secs. 12, 13, Township 12S, Range 7E
- c. Brief Description: 9225 ft long, 6" water main running parallel w/ spillway structure, just north of maint. road

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

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

3. Summary of Findings:

Based on a review of the records identified above, there is no evidence indicating hazardous substances were stored, released, or disposed of on this property.

Based on a review of the records identified above, there is evidence that hazardous substances have been/may have been stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

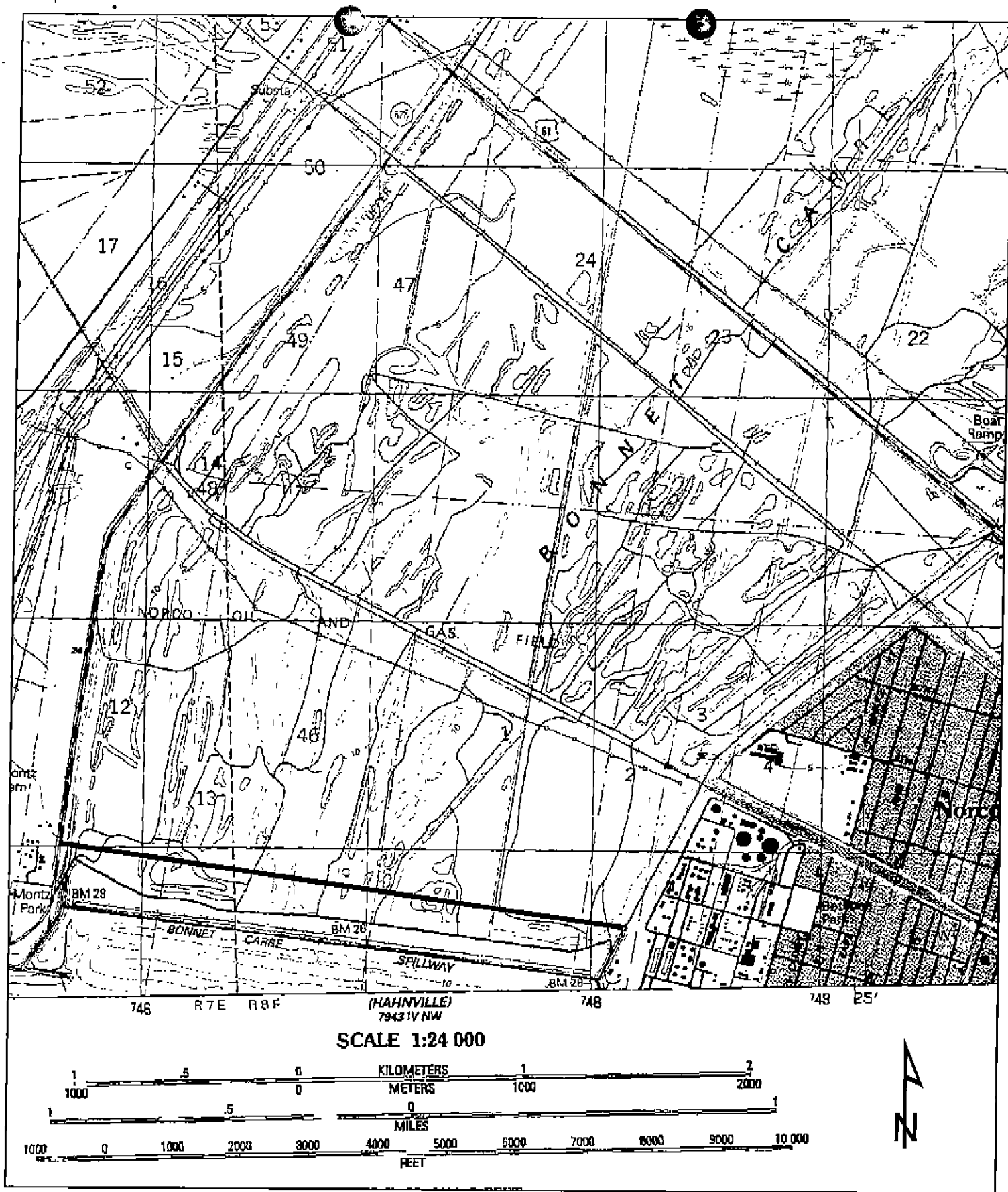
4. Signature and Approval:

Dorothy M Cooper  
(Person reviewing records)

7 Feb 2005  
(Date)

[Signature]  
(Person approving records review)

7 Feb 2005  
(Date)



Excerpt from Laplace, LA 1992 USGS quadrangel, 7.5' series, showing the southern portion of the Bonnet Carre Spillway. The location of the 6-inch water main is shown in orange, crossing the spillway, roughly parallel with the spillway structure.