

**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**

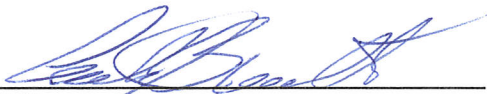
It has been determined this contract is not subject to Executive Order 13658 or the regulations issued by the Secretary of Labor in 29 CFR part 10 pursuant to the Executive Order, and the following provisions.

**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 16<sup>th</sup> day of June, 2015.

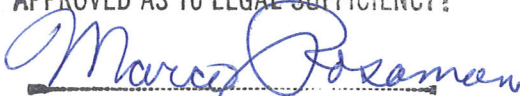
  
\_\_\_\_\_  
Witness

Carla J Buatte  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Witness

Stephaire Robbins  
\_\_\_\_\_

  
\_\_\_\_\_  
**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**  
ATTORNEY ADVISOR

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

Printed Name

THIS EASEMENT is also executed by the grantee this 2ND day of June, 2015.

Robin S. Delahoussaye  
Witness

ROBIN S. DELAHOUSAYE

Dawn H. Higdon  
Witness

DAWN H. HIGDON

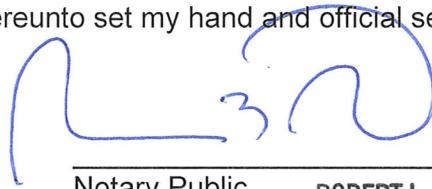
[Signature]  
ST. CHARLES PARISH  
DEPARTMENT OF WATERWORKS

ACKNOWLEDGMENT

STATE OF LOUISIANA )  
~~PARISH~~ St. Charles ) : ss  
COUNTY OF St. Charles )

On this 2ND day of June, 2016, before me the undersigned Notary Public, personally appeared LARRY COCHRAN, 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

ROBERT L. RAYMOND  
NOTARY #15331  
LSBA #11408


My Commission Expires:

at death




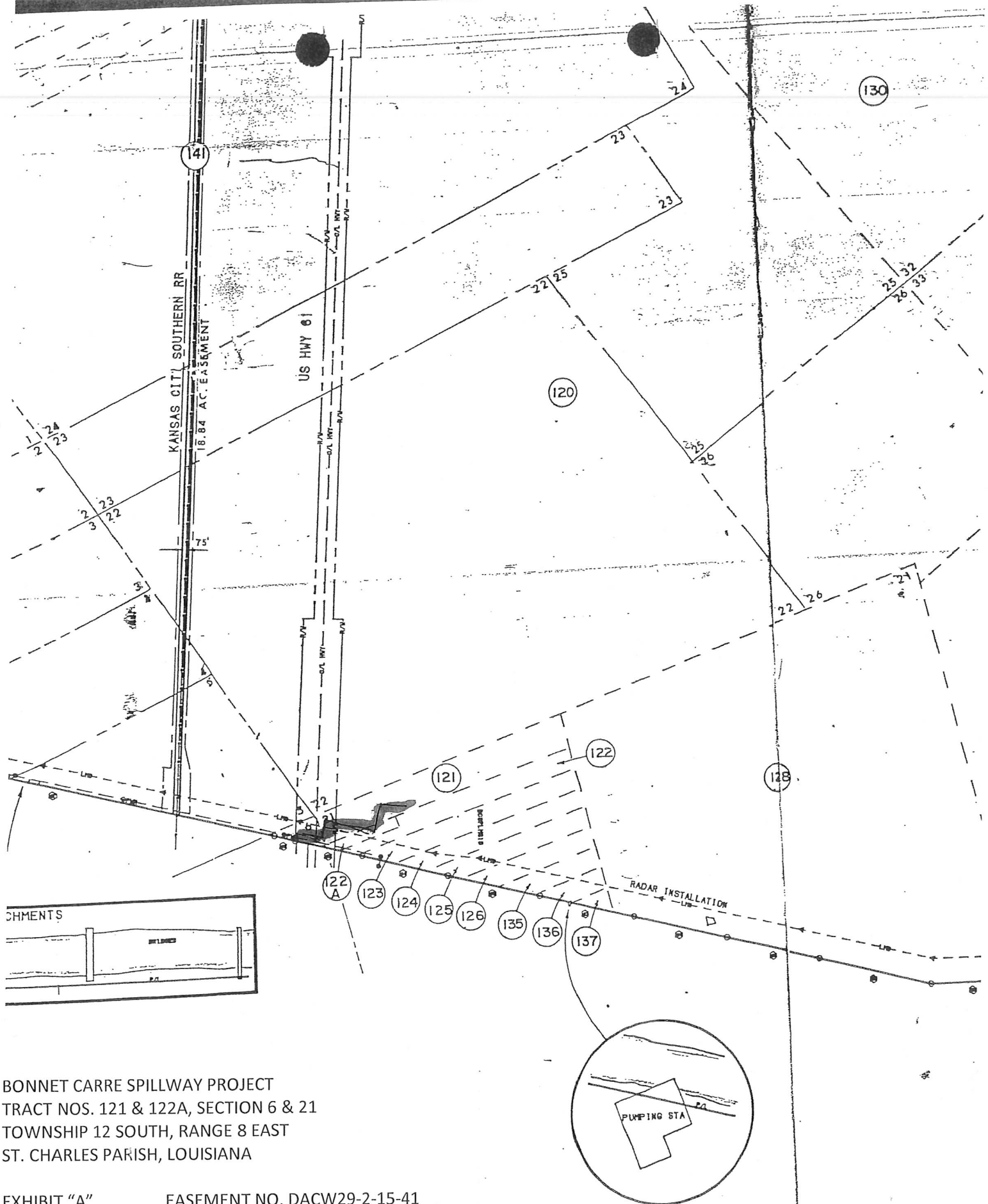
**ACKNOWLEDGEMENT OF WITNESS FOR  
DEPARTMENT OF THE ARMY  
EASEMENT NO. DACW29-2-15-41**

BEFORE ME, the undersigned authority, this day personally came and appeared the undersigned person, duly sworn, who did depose and state that she executed the foregoing easement agreement as subscribing witness thereto, and that the easement agreement was signed and executed by **JANET R. CRUPPI**, and that she knows **JANET R. CRUPPI** to be the identical person who executed the same and saw **JANET R. CRUPPI** sign her name in her capacity as **Chief, New Orleans Management and Disposal Section, Management and Disposal Branch, Real Estate Region South Division, Real Estate Contracting Officer, CEMVK-RE**, 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)  
*Carla J. Buatta*

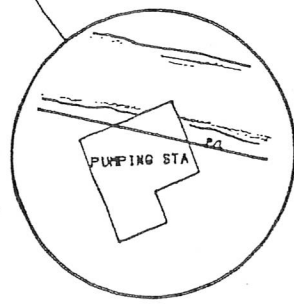
SWORN TO AND SUBSCRIBED BEFORE ME this 16<sup>th</sup> day of June 2016.

Signed:  (Notary)  
Printed name: Michele Stiebing  
Louisiana ~~Bar~~ <sup>Notary</sup> Association Number: 85845  
My Commission expires At death

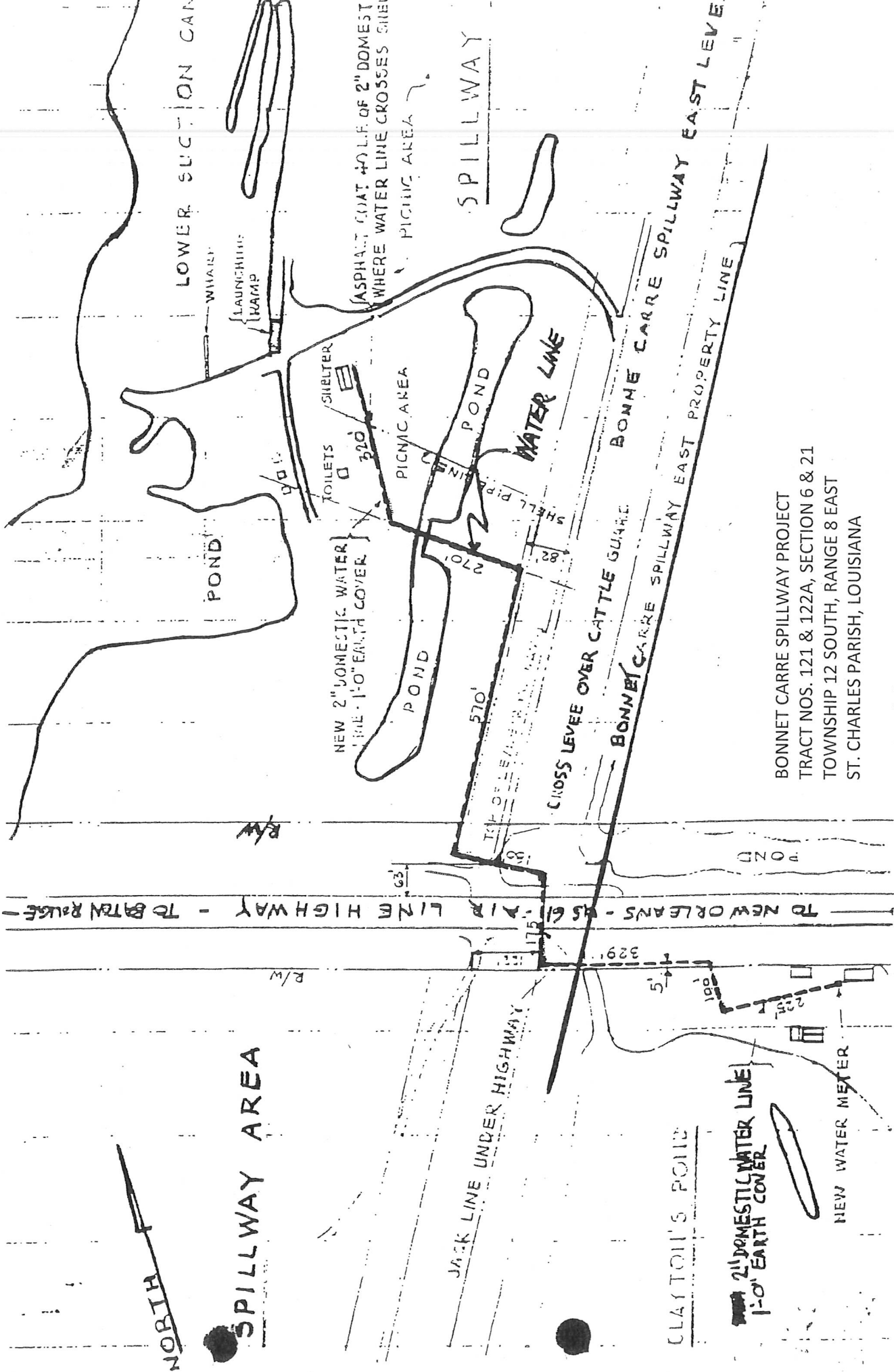


BONNET CARRE SPILLWAY PROJECT  
 TRACT NOS. 121 & 122A, SECTION 6 & 21  
 TOWNSHIP 12 SOUTH, RANGE 8 EAST  
 ST. CHARLES PARISH, LOUISIANA

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

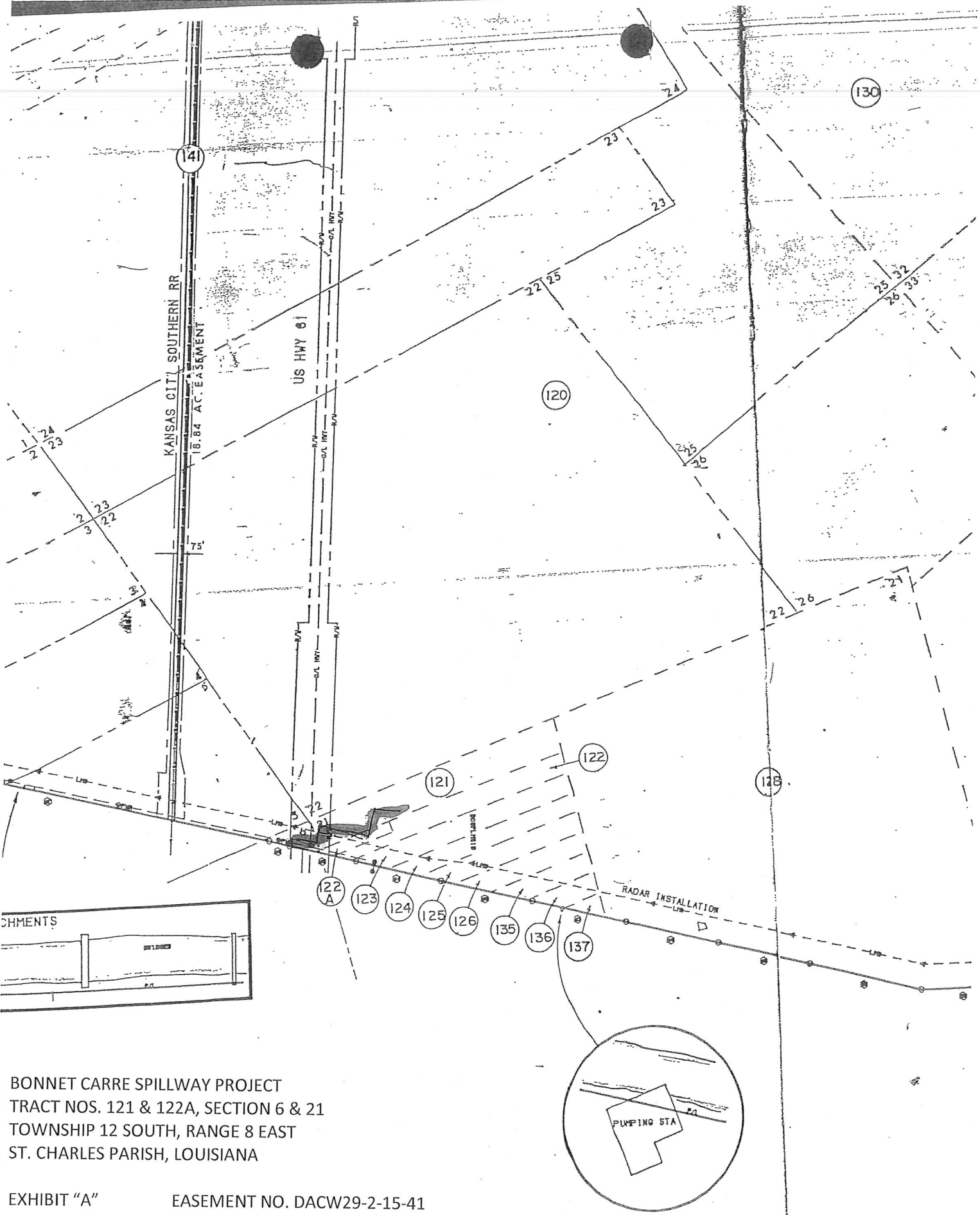


INSET OF ENCROACHMENT  
 SCALE: 1" = 50'



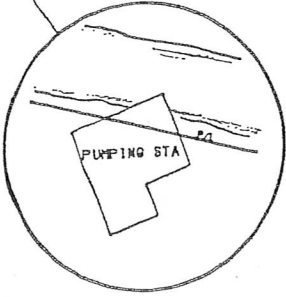
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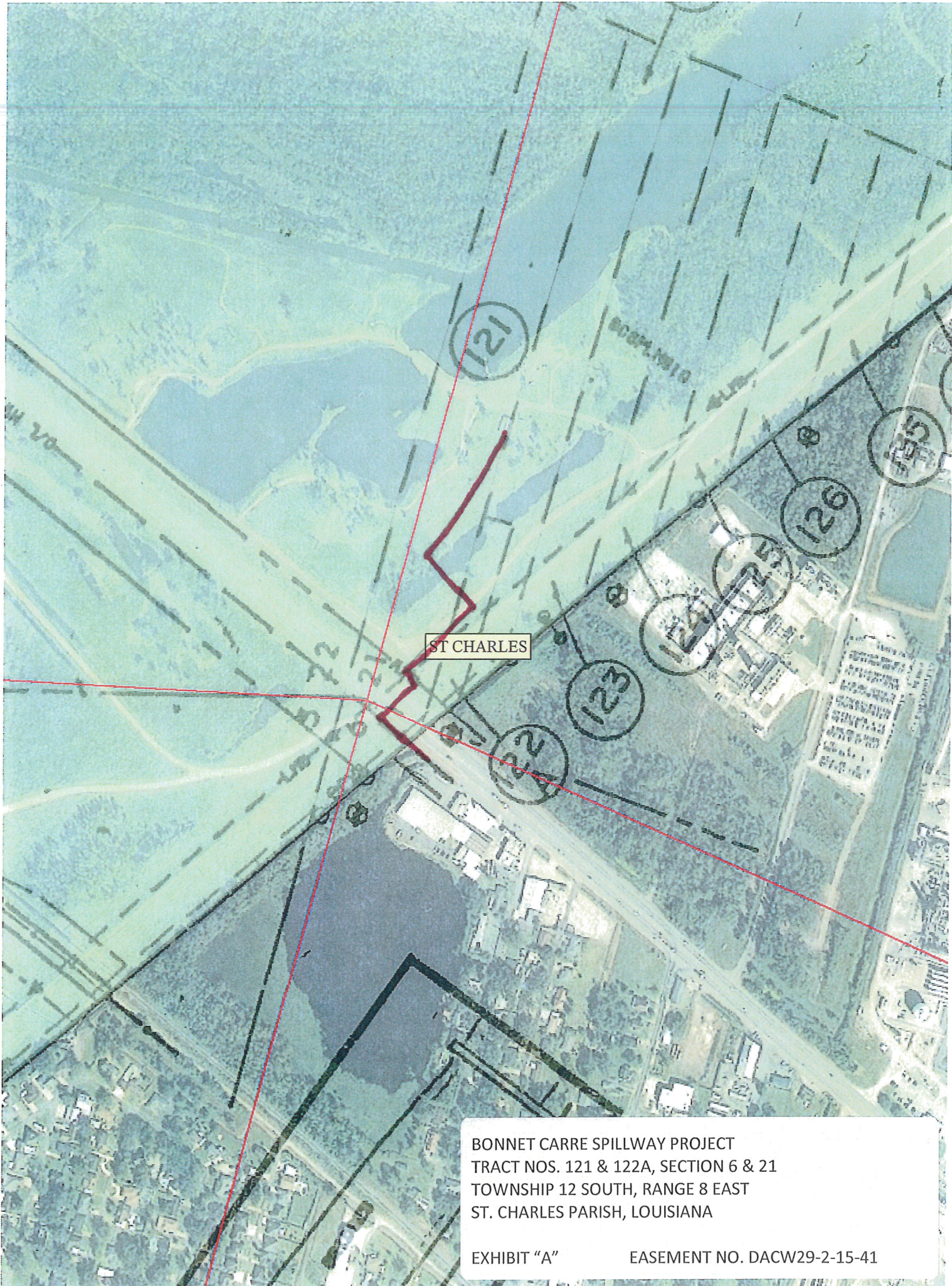


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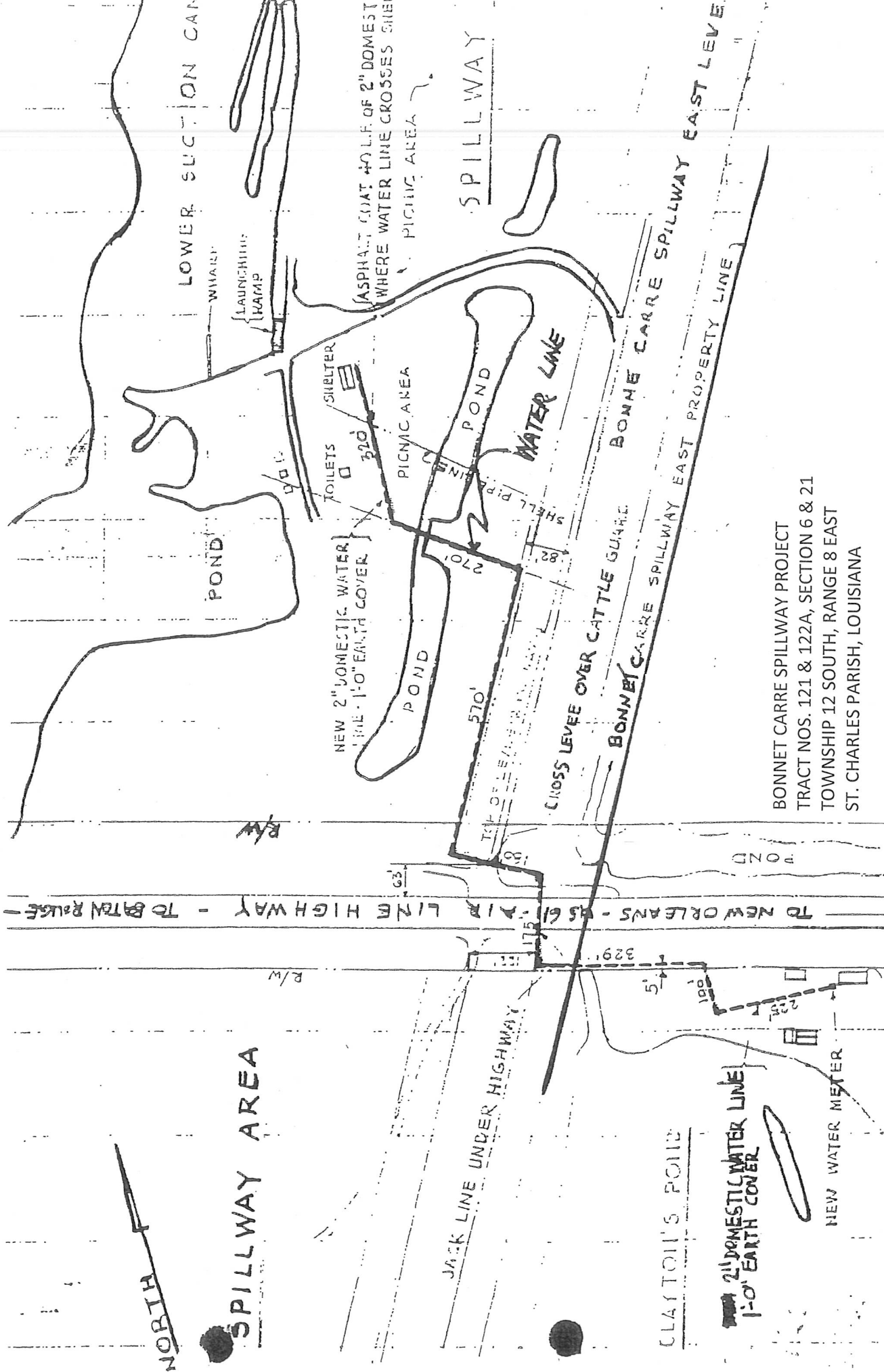


ST CHARLES

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



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.



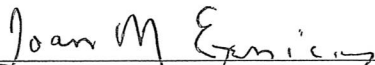
Michael L. Swanda, Chief  
Natural and Cultural Resources  
Analysis Section  
Planning, Programs and  
Project Management Division

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 \_\_\_\_\_
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**4. Signature and Approval:**

  
SHELTON E. KENNEDY  
FACILITY MANAGER

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

6 March 2009

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

  
GAYLE G. BOONE  
Chief, LDP

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

9 March 2009

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

**PRELIMINARY ASSESSMENT SCREENING  
CERTIFICATION OF RECORDS SEARCH**

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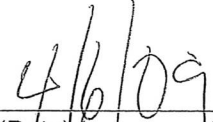
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\_\_\_\_\_  
(Person reviewing records)

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

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

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

**PRELIMINARY ASSESSMENT SCREENING  
CERTIFICATION OF RECORDS SEARCH**

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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:

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- 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:**

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- 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 Alton*  
\_\_\_\_\_  
(Person reviewing records)

3/5/09  
\_\_\_\_\_  
(Date)

*Judith Alton*  
\_\_\_\_\_  
(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
- 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 \_\_\_\_\_
- 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:

Wendy 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	

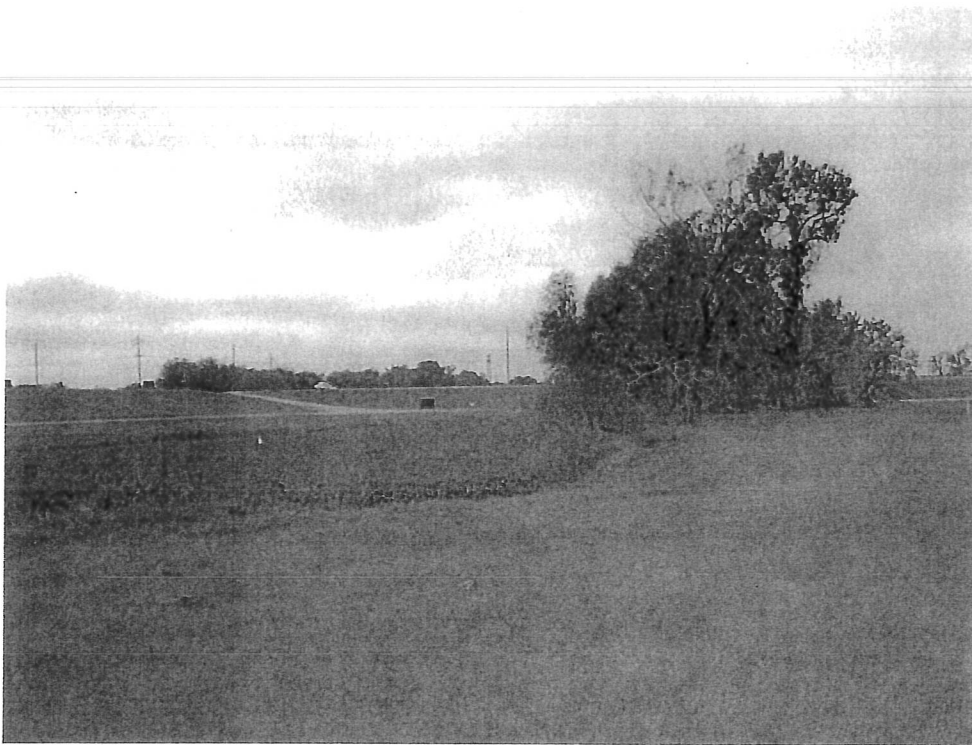




St. Charles Parish Department of Waterworks Easement No. DACW29-3-04-90. Two 2 inch waterlines, facing southeast.



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 \_\_\_\_\_

[X] 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 Kopy  
(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 \_\_\_\_\_ *pmc*
- 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. Yuba*  
\_\_\_\_\_  
(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. Smith*  
(Person reviewing records)

*June 15, 04*  
(Date)

*Linda Borgonaini*  
(Person approving records review)

*6/17/2004*  
(Date)

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