

## **Appendix A (ANC Site Photos)**



Decking on piers over swamp alongside original ANC building site, prior to demolition



Footbridge over tributary in northwest corner of ANC site



Damaged ANC facility building prior to demolition



Damaged ANC facility building prior to demolition



Cleared site after demolition of original damaged ANC buildings



Wooded wetlands with standing water at the ANC site



**Damaged Decking that will be repaired at the ANC site**



**Back of Maintenance Building to be restored in same footprint**



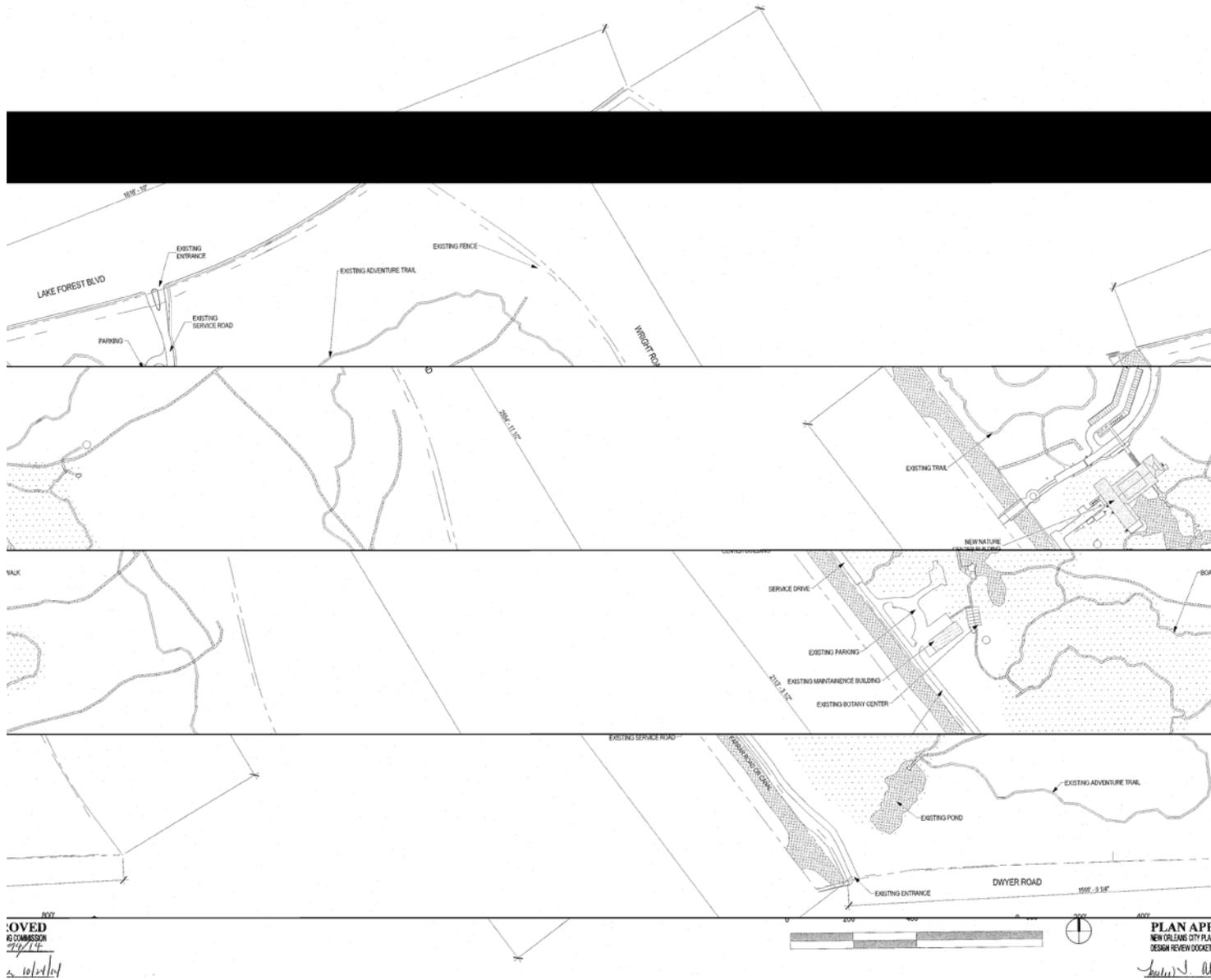
Botany Building to be restored in same footprint



Pre-existing paved entrance roadway to be restored in same footprint

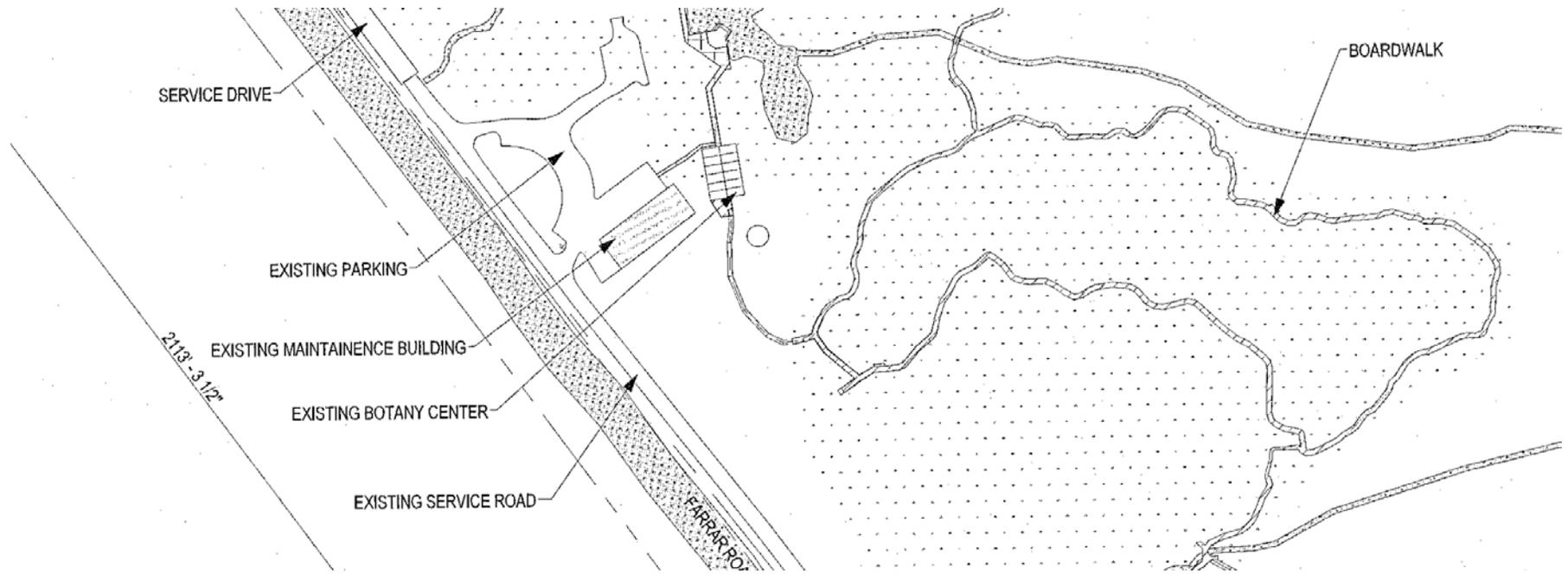
**Appendix B**  
**(ANC Site Plan Drawings for Preferred Alternative)**



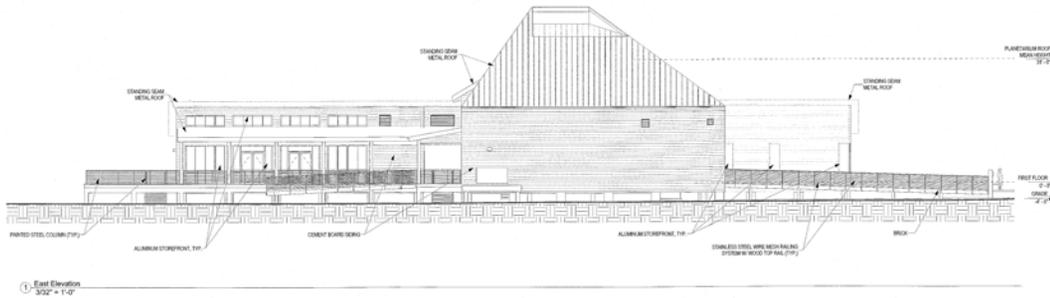


Drawing of the new overall ANC facilities from the October 28, 2014 restoration and replacement plans

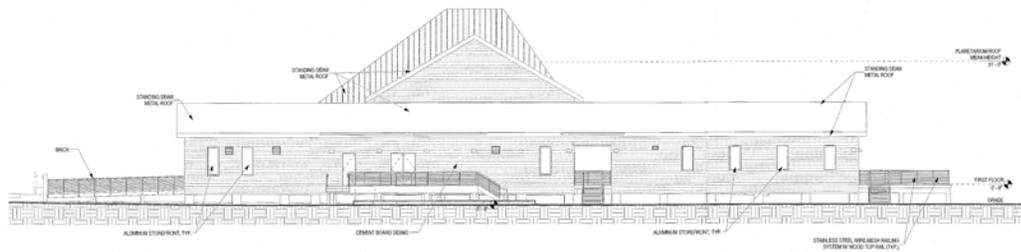




Drawing of the ANC open space left where original damaged buildings were demolished and removed. The drawing includes the area where the Botany Building and the Maintenance Building are to be restored in the same footprint.



① East Elevation  
3/32" = 1'-0"



② West Elevation  
3/32" = 1'-0"

PLAN APPROVED  
 NEW ORLEANS CITY PLANNING COMMISSION  
 DESIGN REVIEW BOARD # 10/15/14  
 APPROVED DATE: 10/15/14

Side view drawing of the new consolidated ANC building from the October 28, 2014 specification replacement plans

**Appendix C**  
**(External Agency Coordination)**

**U.S. ARMY CORPS OF ENGINEERS PERMIT WITH MARCH 2014 DRAWINGS FOR ANC**



REPLY TO  
ATTENTION OF:

Operations Division

DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

AUG 12 2014

SUBJECT: MVN-2013-1729 EBB  
Audubon Nature Institute  
6500 Magazine Street  
New Orleans, Louisiana 70118

Gentlemen:

Enclosed is a permit dated this date, subject as above, authorizing work under the Department of the Army permit program.

You are again reminded that any work not in accordance with the approved plans is subject to removal regardless of the expense and the inconvenience that such removal may involve and regardless of the date when the discrepancy is discovered.

Your attention is directed to all the terms and conditions of the approval. In order to have the work approved in accordance with the issued permit, all terms and conditions of the permit and plans shown on the drawings attached thereto must be rigidly adhered to.

It is necessary that you notify the District Engineer. Attention: Eastern Evaluation Section, in writing, prior to commencement of work and also upon its completion. The notification must include the permittee's name, as shown on the permit, and the permit number. Please note the expiration date on the permit. Should the project not be completed by that date, you may request a permit time extension. Such requests must be received before, but no sooner than six months before, the permit expiration date and must show the work completed and the reason the project was not finished within the time period granted by the permit.

A copy of Page 1 of the permit (ENG Form 1721) must be conspicuously displayed at the project site. Also, you must keep a copy of the signed permit at the project site until the work is completed.

Sincerely,

A handwritten signature in cursive script that reads "Martin S. Mayer".

Martin S. Mayer  
Chief, Regulatory Branch

Enclosure

DEPARTMENT OF THE ARMY PERMIT

Permittee: Audubon Nature Institute

Permit No. MVN-2013-1729 EBB

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Clear, grade, excavate, place and maintain fill to repair and expand the Audubon Louisiana Nature Center, in accordance with the drawings enclosed in seven sheets, all dated March 28, 2014.

Project Location: 5601 Read Boulevard , New Orleans, in Orleans Parish, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on July 31, 2019. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found . We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions : Pages 4

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

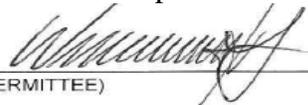
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X  X 7/23/14  
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Martin S. Mayer 10 August 2014  
(DATE)

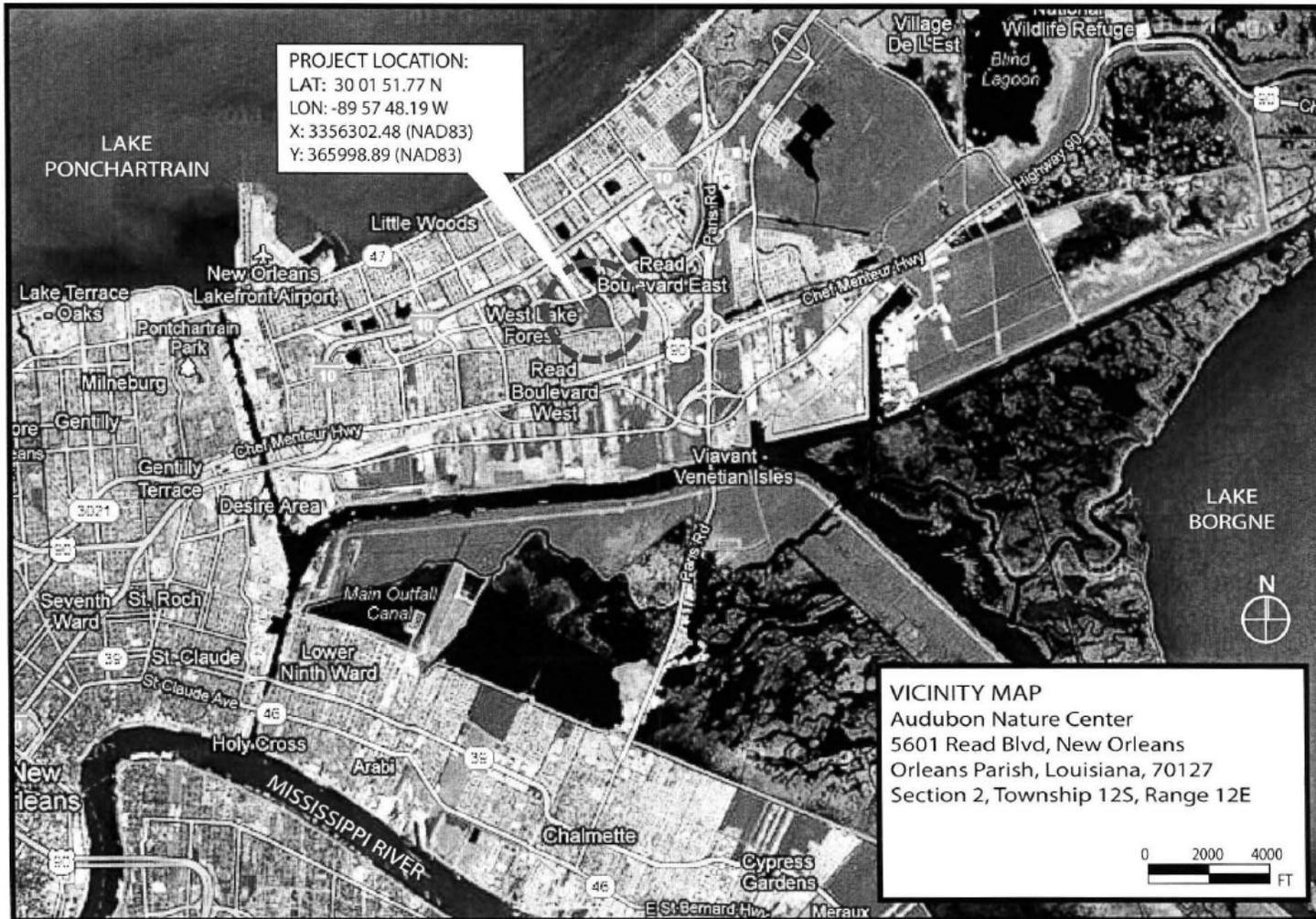
Martin S. Mayer, Chief, Regulatory Branch  
for, Richard L. Hansen, District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

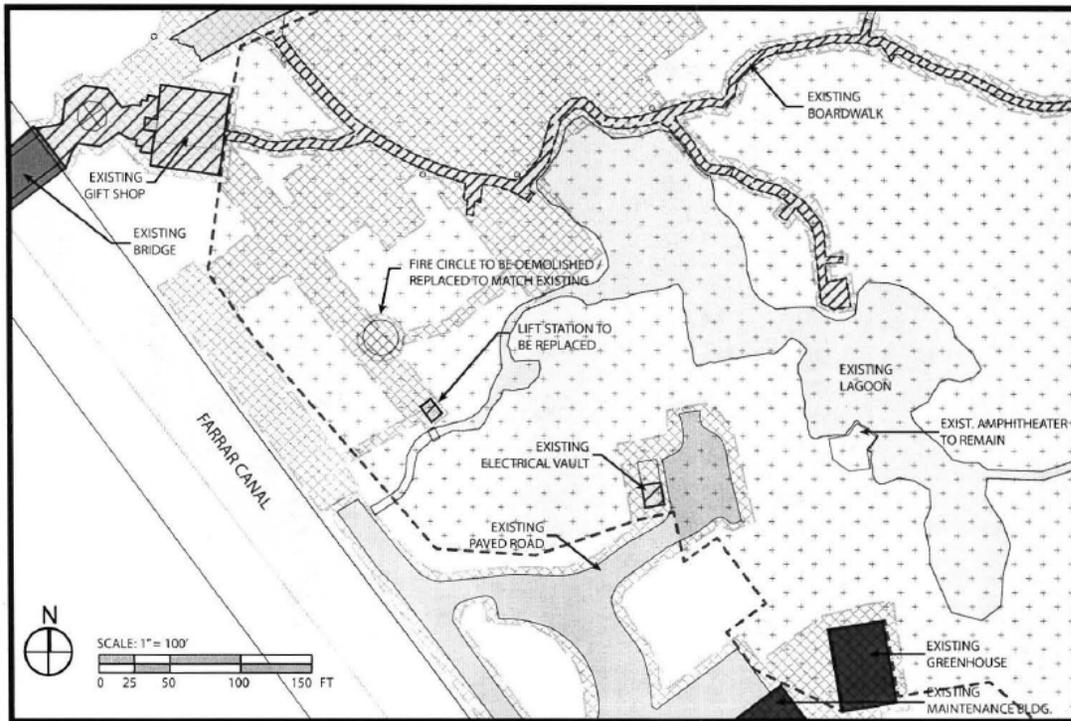
\_\_\_\_\_  
(TRANSFEE) (DATE)

## **SPECIAL CONDITIONS for MVN 2013-1729 EBB**

7. Issuance of this permit confirms that the US Army Corps of Engineers , New Orleans District (CEMVN), Regulatory Branch has been provided with written notification from First Louisiana Resource, LLC that the permittee has contracted for 1.4 acres of Bottomland Hardwoods at the Comite Properties Wetlands Mitigation Bank, Tract "A". First Louisiana Resource, LLC has assumed responsibility for completing the mitigation in accordance with the Comite Properties Wetlands Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in the Regulatory In-lieu Fee & Bank Information Tracking System (RIBITS).
8. All work shall be confined to the approved work areas shown on the attached drawings. Any alterations or changes in the scope of the project which would have impacts to additional jurisdictional waters , including wetlands, not considered under this authorization , would require a separate Department of the Army permit evaluation and decision .
9. Construction activities shall not cause more than minimal and temporal water quality degradation of any adjacent wetland, stream, or water body. Appropriate erosion and siltation controls must be utilized during construction to prevent sediment runoff into adjacent wetlands and waterways. Sediment control techniques could include, but are not limited to, the use of secured hay bales, sediment fencing, wooden or vinyl barriers, and/or seeding of disturbed areas . These techniques should be maintained in effective operating condition until a point that sediment runoff from construction activities is controlled and maintained .
10. All excavated material and debris associated with the authorized work must be hauled off site and disposed of in a non-jurisdictional area.
11. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee shall contact the Chitimacha Tribe of Louisiana at P.O. Box 661, Charenton, LA 70523, and the CEMVN, Regulatory Branch. CEMVN, Regulatory Branch will initiate the required federal, state, and tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.



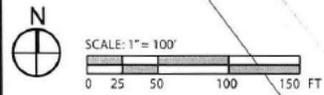




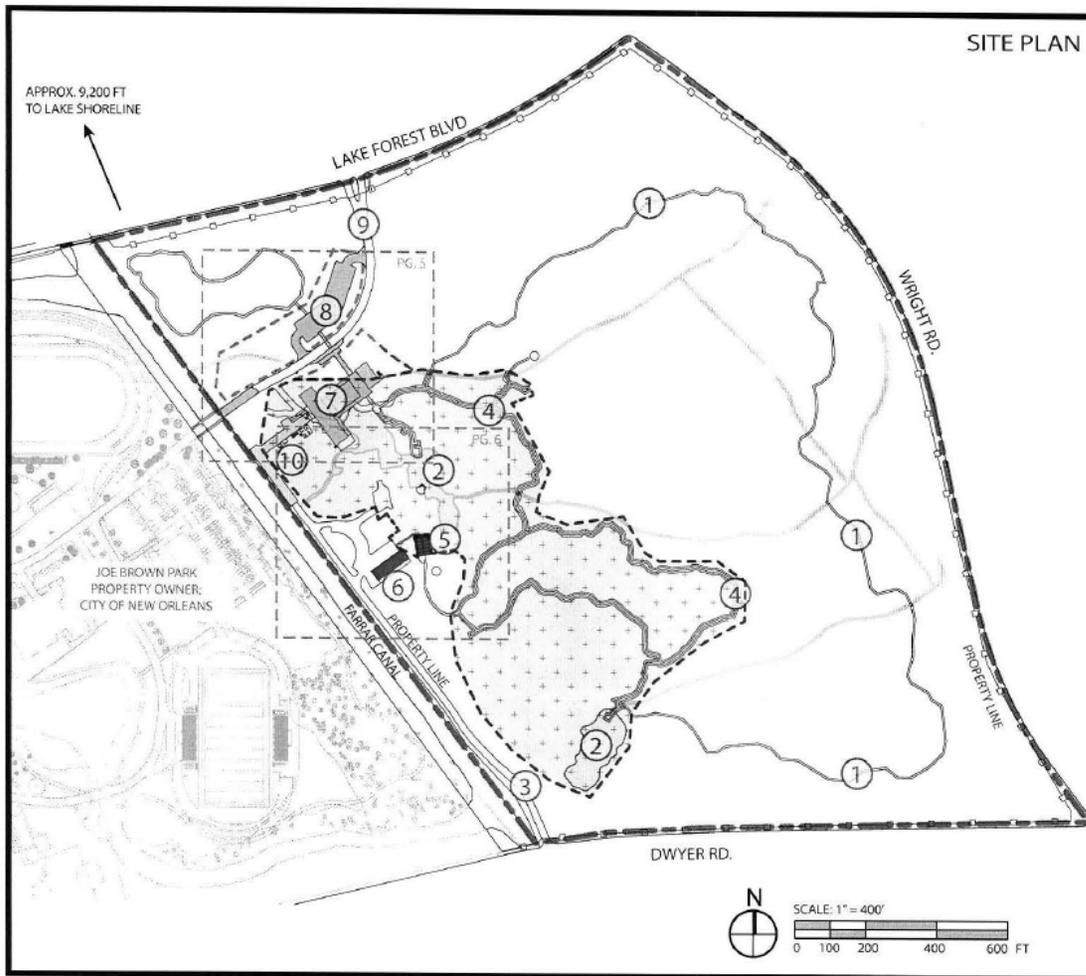
**LEGEND**

-  Existing structure / road to be demolished
-  Existing maintenance bldg and greenhouse to be renovated
-  Existing paved road to remain
-  Existing boardwalk to be demolished
-  Limit of construction work area (Temporary Impact Area)
-  Wetland delineation MVN - 2010-00338-SQ

Site Area: Approx. 83 Acres  
 Total Impact Area: Approx. 2.7 Acres  
 Wetland Impact Area: Approx. 1.8 Acres  
 Temporary Wetland Impact Area: 0.6 Acres  
 Permanent Wetland Impact Area: 1.2 Acres  
 Other Waters Impact Area: 0 Acres



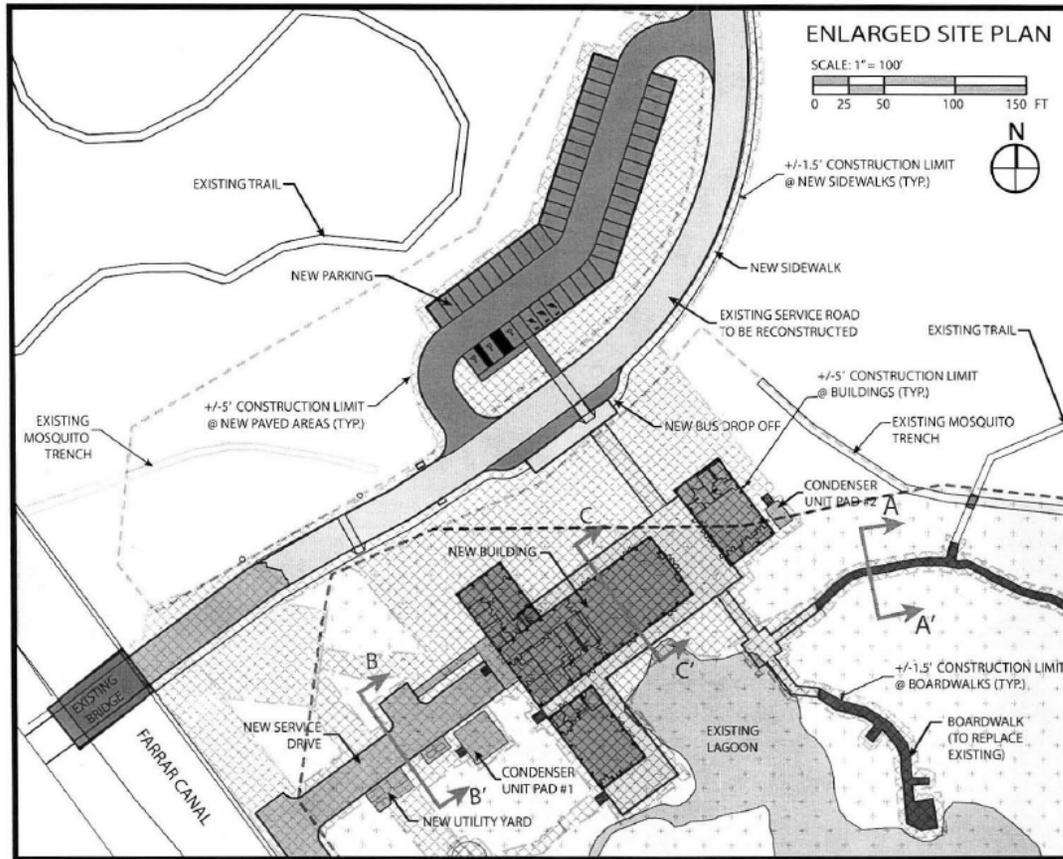
DEMOLITION PLAN



SITE PLAN

LEGEND

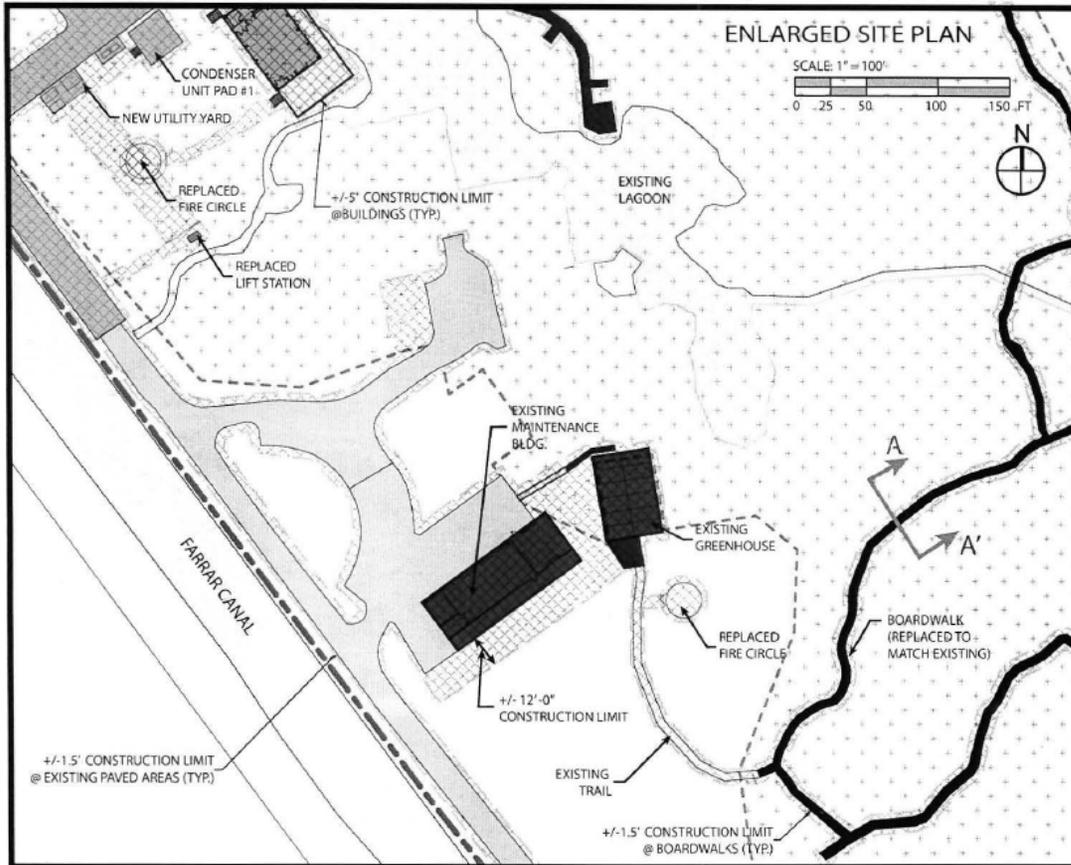
- ① Existing trail to remain
  - ② Existing pond
  - ③ Existing service road
  - ④ Existing boardwalk to be demolished / replaced to match existing
  - ⑤ Existing greenhouse to be renovated
  - ⑥ Existing maintenance building to be renovated
  - ⑦ Proposed new construction
  - ⑧ Proposed parking
  - ⑨ Existing road
  - ⑩ Proposed service drive
-  Non-Wetland delineation  
MVN - 2013-01664-SB  
 Wetland delineation  
MVN - 2010-00338-SQ



**LEGEND**

- Limit of construction work area (Temporary Impact Area)
- Existing paved area
- Proposed paved area
- New building
- New boardwalk / deck
- Replaced boardwalk
- Non-Wetland delineation MVN - 2013-01664-SB
- Wetland delineation MVN - 2010-00338-SQ

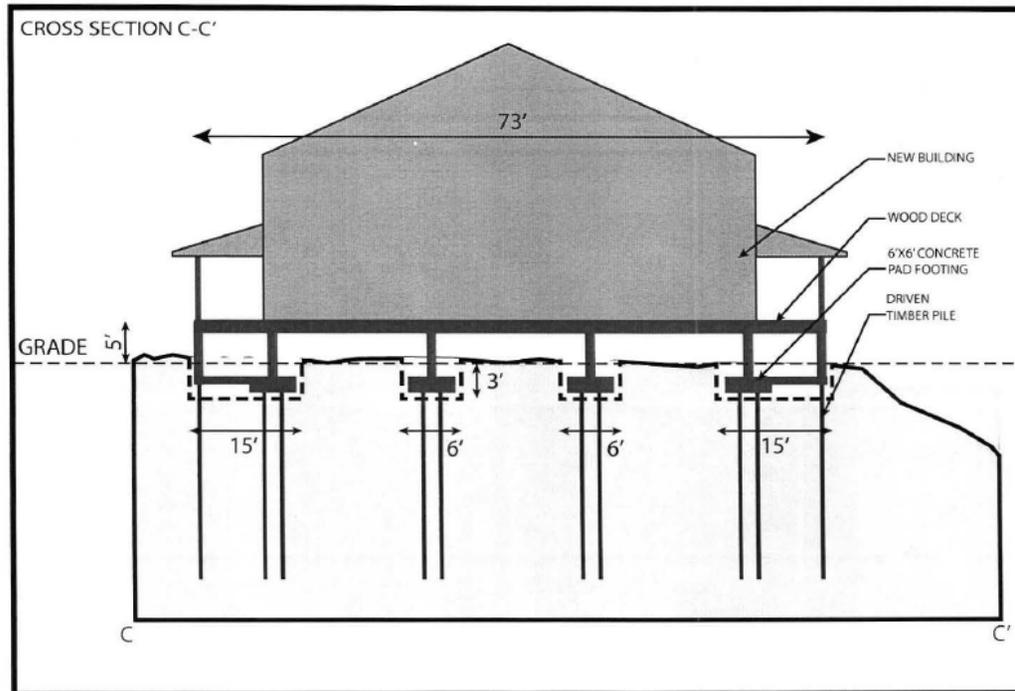
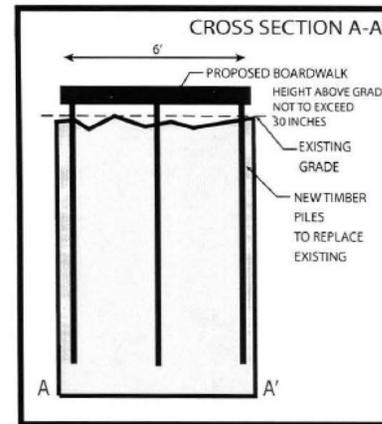
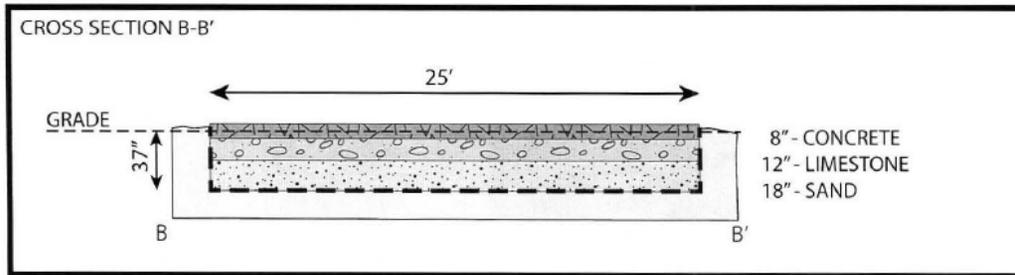
Site Area: Approx. 83 Acres  
 Total Impact Area: Approx. 2.7 Acres  
 Wetland Impact Area: Approx. 1.8 Acres  
 Temporary Wetland Impact Area: 0.6 Acres  
 Permanent Wetland Impact Area: 1.2 Acres  
 Other Waters Impact Area : 0 Acres



**LEGEND**

-  Limit of construction work area
-  Existing paved area
-  Proposed paved area
-  New building
-  New boardwalk / deck
-  Replaced boardwalk to match existing footprint
-  Existing buildings to remain
-  Wetland delineation MVN - 2010-00338-SQ

Site Area: Approx. 83 Acres  
 Total Impact Area: Approx. 2.7 Acres  
 Wetland Impact Area: Approx. 1.8 Acres  
 Temporary Wetland Impact Area: 0.6 Acres  
 Permanent Wetland Impact Area: 1.2 Acres  
 Other Waters Impact Area: 0 Acres



**SERVICE ROAD (Within Wetland Area)**

Area:	4594 Sq. Ft.
CUT:	539 Cubic Yards
FILL:	
Concrete:	114 Cubic Yards
Limestone:	170 Cubic Yards
Sand:	255 Cubic Yards

**NEW CONSTRUCTION (Within Wetland Area)**

Area:	21,230 Sq. Ft.
CUT:	584 Cubic Yards
FILL:	
Concrete:	372 Cubic Yards
Soil:	212 Cubic Yards
Note: Excavated soil to be hauled off site.	

## **LA DEPARTMENT OF ENVIRONMENTAL QUALITY LETTER OF NO OBJECTIONS**

August 19, 2013

Merina Christoffersen  
FEMA Region VI LA Recovery Office  
1 Seine Court, Room 4014  
New Orleans, LA 70114  
Merina.Christoffersen@fema.dhs.gov

RE: 130724/1415 Audubon Nature Center  
FEMA Funding  
Orleans Parish

Dear Ms. Christoffersen:

The Department of Environmental Quality (LDEQ), Business and Community Outreach Division has received your request for comments on the above referenced project.

After reviewing your request, the Department has no objections based on the information provided in your submittal. However, for your information, the following general comments have been included. Please be advised that if you should encounter a problem during the implementation of this project, you should immediately notify LDEQ's Single-Point-of-contact (SPOC) at (225) 219-3640.

- Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.
- If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
- If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.
- All precautions should be observed to control nonpoint source pollution from construction activities. LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permits Division at (225) 219-9371 to determine if your proposed project requires a permit.
- If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit application or Notice of Intent must be submitted no later than January 1, 2013. Additional information may be obtained on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 9371.
- If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly regarding permitting issues. If a Corps permit is required, part of the application process may involve a water quality certification from LDEQ.
- All precautions should be observed to protect the groundwater of the region.
- Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.

- Any renovation or remodeling must comply with LAC 33:III.Chapter 28, Lead-Based Paint Activities; LAC 33:III.Chapter 27, Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation); and LAC 33:III.5151, Emission Standard for Asbestos for any renovations or demolitions.
- If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

Currently, Orleans Parish is classified as attainment with the National Ambient Air Quality Standards and has no general conformity determination obligations.

Please send all future requests to my attention. If you have any questions, please feel free to contact me at (225) 219-3954 or by email at [linda.hardy@la.gov](mailto:linda.hardy@la.gov).

Sincerely,

Linda M. Hardy  
Technical Assistant to the Deputy Secretary  
Louisiana Department of Environmental Quality  
Office of the Secretary  
P.O. Box 4301  
Baton Rouge, LA 70821-4301  
Ph: (225) 219-3954  
Fax: (225) 219-3971  
Email: [linda.hardy@la.gov](mailto:linda.hardy@la.gov)

**U.S. ENVIRONMENTAL PROTECTION AGENCY LETTER OF NO OBJECTION**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

July 8, 2013

Merina Christoffersen  
Environmental Department  
U.S. Department of Homeland Security  
Federal Emergency Management Agency FEMA- DR 1603/ 1607 LA  
1 Seine Court New Orleans, Louisiana 70114

Dear Ms. Christoffersen:

The U.S. Environmental Protection Agency (EPA) has completed your request for a solicitation of views concerning the Audubon Nature Center Renovation in New Orleans, Louisiana. The comments that follow are being provided relative to the EPA's *404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230)*.

The documentation provided to the EPA for review showed that wetlands are present at the site. At this time, the EPA does not object to the project and recommends coordination with the New Orleans District of the U.S. Army Corps of Engineers to begin the permit application process. Thank you for the opportunity to review the proposed project. If you have any questions or would like to discuss the issue further, please do not hesitate to contact me at [Gutierrez.raul@epa.gov](mailto:Gutierrez.raul@epa.gov) or (214) 665-6697.

Sincerely yours,

A handwritten signature in black ink that reads "Raul Gutierrez".

**Raul Gutierrez, Ph.D.**  
**Wetlands Section**  
**Water Quality Protection Division**

# NATURAL RESOURCE CONSERVATION SERVICE EXEMPTION LETTER

United States Department of Agriculture



Natural Resources Conservation Service  
3737 Government Street  
Alexandria, LA 71302

(318) 473-7751  
Fax: (318) 473-7626

August 8, 2013

Merina Christoffersen  
FEMA Region VI  
1 Seine Court, Room 4014 New Orleans, LA 70114  
United States Department of Agriculture  
RE: Audubon Nature Center- Orleans Parish  
(318) 473-7751  
Fax: (318) 473-7626

Dear Ms. Christoffersen:

I have reviewed the above referenced project for potential requirements of the Farmland Protection Policy Act (FPPA) and potential impact to Natural Resource Conservation Service projects in the immediate vicinity.

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

The project map submitted with your request indicates that the proposed construction areas are within urban areas and therefore is exempt from the rules and regulations of the Farmland Protection Policy Act (FPPA)-Subtitle I of Title XV, Section 1539-1549.

For specific information about the soils found in the project area, please visit our Web Soil Survey at the following location: <http://websoilsurvey.nrcs.usda.gov/>

Please direct all future correspondence to me at the address shown above.

Respectfully,

A handwritten signature in blue ink that reads "Sarah Haymaker".

Sarah Haymaker  
State Conservationist

**STATE OF LOUISIANA DEPT OF WILDLIFE AND FISHERIES LETTER OF NO EFFECT**



BOBBY JINDAL  
GOVERNOR

State of Louisiana  
DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF WILDLIFE

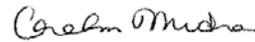
ROBERT J. BARHAM  
SECRETARY  
JIMMY L. ANTHONY  
ASSISTANT SECRETARY

**Date** June 27, 2013  
**Name** Merina Christoffersen  
**Company** FEMA  
**Street Address** 1 Seine Ct, 4th floor  
**City, State, Zip** New Orleans, LA 70114  
**Project** Audubon Nature Center  
**Project ID** 2492013  
**Invoice Number** 13062718

Personnel of the Habitat Section of the Coastal & Nongame Resources Division have reviewed the preliminary data for the captioned project. After careful review of our database, no impacts to rare, threatened, or endangered species or critical habitats are anticipated for the proposed project. No state or federal parks, wildlife refuges, scenic streams, or wildlife management areas are known at the specified site within Louisiana's boundaries.

The Louisiana Natural Heritage Program (LNHP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the state of Louisiana. Heritage reports summarize the existing information known at the time of the request regarding the location in question. The quantity and quality of data collected by the LNHP are dependent on the research and observations of many individuals. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Louisiana have not been surveyed. This report does not address the occurrence of wetlands at the site in question. Heritage reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. LNHP requires that this office be acknowledged in all reports as the source of all data provided here. If at any time Heritage tracked species are encountered within the project area, please contact the LNHP Data Manager at 225-765-2643. If you have any questions, or need additional information, please call 225-765-2357.

Sincerely,

  
/s/ Amity Bass, Coordinator  
Natural Heritage Program

**STATE HISTORIC PRESERVATION OFFICERS LETTER OF NO AFFECT**



JAY DARDENNE  
LIEUTENANT GOVERNOR

**State of Louisiana**  
OFFICE OF THE LIEUTENANT GOVERNOR  
DEPARTMENT OF CULTURE, RECREATION & TOURISM  
OFFICE OF CULTURAL DEVELOPMENT

CHARLES R. DAVIS  
DEPUTY SECRETARY  
  
PAM BREAU  
ASSISTANT SECRETARY

December 9, 2013

Ms. Katherine Zeringue, Environmental Liaison Officer  
Federal Emergency Management Agency  
FEMA Mail Center- First Floor 1 Seine Court  
New Orleans, LA 70114

RE: Section 106 Review Consultation, Hurricane Katrina (FEMA-1603-DR-LA) Applicant: Audubon Commission  
Undertaking: Demolition, Renovation, and New Construction at the Louisiana Nature Center, New Orleans, Orleans Parish, LA (NI # 2082)  
Determination: No Historic Properties Affected

Dear Ms. Zeringue:

Thank you for your letter dated November 22, 2013 regarding the above referenced project. We understand that the Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to a major Disaster Declaration designated as FEMA-1603-DR-LA, and dated August 29, 2005, as amended.

Furthermore, we understand that FEMA through its Public Assistance Program proposes to fund the following work at the Louisiana Nature Center, in Orleans Parish, Louisiana: demolition of the ticket booth, gift shop, and restroom building; renovation of the greenhouse; the replacement of the existing boardwalk; and construction of a new 23,632 square-foot facility, new surface parking areas, and a new 8,344 square-foot boardwalk (Undertaking).

Section 106 review and compliance for the Undertaking is in accordance with the *Programmatic Agreement among FEMA, the Louisiana State Historic Preservation Officer, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness, the Alabama-Coushatta Tribe of Texas, the Caddo Nation, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Cottshatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Advisory Council on Historic Preservation*, executed on August 17, 2009 and amended on July 22, 2011 (2009 Statewide PA as amended).

Ms. Katherine Zeringue  
 December 9, 2013 Page 2

We understand that the Area of Potential Effects (APE) for standing structures is limited to the general area where the Undertaking will occur. Due to the wooded nature of the project area, a limited view shed is included in the standing structures APE. Furthermore, we agree that the 5-acre archaeological APE takes into consideration project-related, ground disturbing activities. The APEs are presented in your letter as Figures 2 and 3.

We agree that in regards to the APE for standing structures: (1) the APE is not located within an eligible or listed National Register District or within the view shed of an individually listed or eligible resource, (2) all the buildings and structures within the APE are less than fifty years old and do not qualify under Criterion G for inclusion in the NRHP. It should be noted that the greenhouse was built in 1985 out of a kit dating from the 1930s. Despite the use of building materials over fifty years of age, the greenhouse was constructed less than fifty years ago and also does not qualify under Criterion G.

Other buildings located within the APE include the maintenance building, administration building, classroom building, planetarium, science resource center building, and interpretive center. FEMA indicated in an email dated December 9, 2013 that the Applicant intends to repair the maintenance building; and demolish and replace in-kind the other five buildings. This proposed work was previously reviewed in December 2007 and January 2008 and is not a part of the current Undertaking. At the time of the review, these buildings were less than 45 years old and were not located on a previously recorded archaeological site.

Consequently, FEMA determined that the Scope of Work met the criteria in the Programmatic Allowances included in Appendix A of the 2004 Statewide Programmatic Agreement that was then in effect.

Table 1 presented herein lists a summary of FEMA's determination of eligibility (DOE) and date of SHPO concurrence for the current Undertaking.

Table 1 Summary of FEMA Determination of Eligibility for Inclusion in NRHP

Subject property in New Orleans	Date Built	FEMA DOE for Inclusion in NRHP	SHPO Concurrence
Ticket Booth, Louisiana Nature Center	1994	Less than 50 years old and is not eligible for inclusion in the NRHP under Criterion G	Concur December 9, 2013
Gift Shop, Louisiana Nature Center	1994	Less than 50 years old and is not eligible for inclusion in the NRHP under Criterion G	Concur December 9, 2013
Restroom Building, Louisiana Nature Center	1994	Less than 50 years old and is not eligible for inclusion in the NRI-JP under Criterion G	Concur December 9, 2013
Greenhouse, Louisiana Nature Center	1985 (from circa 1935 materials)	Less than 50 years old and is not eligible for inclusion in the NRHP under Criterion G	Concur December 9, 2013

We understand that FEMA performed standard background review utilizing the requisite Louisiana Division of Archaeology files, FEMA Cultural Resources Maps, and other applicable source data to determine historic land-use conditions within the APE. The APE is located within the Low Probability Zone for archaeological resources. There are no recorded archaeological sites within one mile of the APE. The soils within the APE consist of Kenner- Allemands- Water, a fresh water gulf coast deltaic marsh.

Ms. Katherine Zeringue  
December 9, 2013 Page 3

Furthermore, as late as 1957, as seen on the 1957 USGS Chef Menteur quadrangle, the APE remained undeveloped. On May 23, 2013, a FEMA archaeologist conducted a site visit and observed no archaeological material within the archaeological APE. Based on the available evidence presented in your letter, we agree that it is not likely that NRHP-eligible historic properties are located within the archaeological APE.

In final consideration, we concur with FEMA's determination that the Undertaking as described in your letter would result in **No Historic Properties Affected**.

For more information, please contact Andrea White, [andrea.white@associates.fema.dhs.gov](mailto:andrea.white@associates.fema.dhs.gov), (504) 762-2941, or Sherry Anderson (504) 762-2911, [sherry.anderson@associates.dhs.gov](mailto:sherry.anderson@associates.dhs.gov).

Sincerely,

A handwritten signature in black ink that reads "Pam Breaux". The signature is written in a cursive, flowing style.

Pam Breaux  
State Historic Preservation Officer

PB: aw/sa:s

## LOUISIANA OFFICE OF COASTAL MANAGEMENT PERMIT EXEMPTION

SONRIS

Louisiana.gov > Department of Natural Resources > SONRIS

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**Main Menu**

**Office of Coastal Management**  
*Permit Tracking System*

**CUPNO-** P20131186  
**NAME-** AUDUBON NATURE INSTITUTE

Impacts

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[UIC Online Data Entry Reports](#)  
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	Base Info	Geo Info	Dates & Fees	COE & DEQ	Revisions	Applicant & Agent	
	CUP NUM:	P20131186				CONCERN:	STATE
	COE NUM:	MVN 2013-1729 EBB				EXEMPT:	II-B GREATER THAN 5' AND/OR FASTLANDS
	RECEIVED:	08/14/2013				MISC:	OTHER
	ACKNOWLEDGE:	08/19/2013				MAJOR/MINOR:	MINOR
	OCM ANALYST:	MIKE SCHULZE				H2O BLOCK:	NO STRUCTURE
	WELL NAME:					CUBIC YARD:	5233
	WELL NUM:					DEVELOPMENT:	PARK/RECREATIONAL FACILITY
	STATUS:	Authorization Granted - No Conditions				FIELD INV. REQUESTED:	NO
	PIPELINE:	NO PIPELINE PRESENT				FT AREA:	1
	RIG:	NOT PRESENT				FOLLOWUP:	NO
	DREDGE:	GENERAL DREDGE AND/OR FILL (eg. Flowlines)				XREF NUM:	P20130909 P20130907
	REVISION NUM:	0				PUBLIC NOTICE:	NO PUBL NOTICE
	PRE-DETERMINATIONS:	EXEMPT				REVISED:	NO
						AMENDED:	NO
	FINAL DETERMINATIONS:	EXEMPT				MODIFIED:	NO
						EXTENDED:	NO
	DESCRIPTION TYPE:	OTHER STRUCTURES					
	DESCRIPTION:	Proposed demolition and replacement of an existing mile long boardwalk, the construction of a new building containing the program of the Audubon Nature Center in the general location of the previous campus of buildings, and the construction of a new parking area. Approximately 5,233 cubic yards of native material would be excavated and hauled off site. Approximately 5,233 cubic yards of concrete, stone, and sand would be used to construct roads, buildings, and parking lots.					
	COMMENTS:						
	ON-HOLD				OFF-HOLD		
						PARISH	
						ORLEANS	

**IMPACTS INFO**

CUP NUM: P20131186

HABITAT CODE: UU

DRAINAGE BASIN: PO

**CUPNO PROJECT TO OFFSET IMPACTS (MITIGATION)**

MITIGATION PROJECT NUMBER:

**DISTURBED ACRES**

PROPOSED DISTURBED ACRES: 3

SUBMITTED DISTURBED ACRES: 3

ISSUED DISTURBED ACRES: 3

AVERAGE ANNUAL UNITS LOST:

CUMMULATIVE UNITS LOST:

PROJECTED YEARS:

COMMENTS FOR THIS HABITAT: Fastland

MITIGATION REQ'D FOR THIS HABITAT: NO

ACRES TO BE MITIGATED:

ADD. PERMIT REQ'D FOR MITIGATION: NO

**Appendix D**  
**(Other Information: Public Notice, Wetland JDS, 8-Step Floodplain Review)**

**PUBLIC NOTICE  
FEMA NOTICE OF AVAILABILITY  
DRAFT ENVIRONMENTAL ASSESSMENT AND  
DRAFT FINDING OF NO SIGNIFICANT IMPACT  
THE AUDUBON NATURE CENTER, MULTI-PURPOSE BUILDING PROJECT,  
ORLEANS PARISH, LOUISIANA**

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) has prepared a Draft Environmental Assessment (DEA) for the proposed reconstruction and reconfiguration of the Audubon Nature Center (ANC) non-profit natural resource educational multi-purpose facility. The facilities are located at 11000 Lake Forest Boulevard, New Orleans, 70127, Orleans Parish, Latitude 30.031730, Longitude -89.964461.

The ANC, a private not-for-profit organization serving the general public, seeks federal grant funds for a proposed project eligible under a Presidential disaster declaration, signed on August 29, 2005 (FEMA-1603-DR-LA). Per the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*), and associated environmental statutes, a DEA has been prepared to evaluate the proposed action's potential impacts on the human and natural environment. This DEA summarizes the purpose and need, site selection process, alternatives to the proposed action including no action, rebuild in the same footprint, or the preferred alternative to rebuild in a modified footprint to the north on the lot, and potential environmental consequences associated with the proposed action.

The proposed action would demolish and consolidate seven (7) of the nine (9) existing buildings on the site into a newly constructed facility on the northwest corner of the property. The new ANC facility would measure 20,430 square feet and include an Entry Pavilion, Gift Shop, Classrooms, Science and Research Center, Administrative Facilities, Interpretive Center, and Planetarium. The existing access road on the site would be extended to the new building, and a new parking lot would be constructed on ANC property. A Botany Building and Maintenance Building would be restored in their original footprints.

Based on FEMA's findings to date, no significant adverse environmental effects are anticipated. If no substantive comments are received, the DEA and associated draft Finding of No Significant Impact (FONSI) will become final, and this initial Public Notice will also serve as the final Public Notice. Substantive comments will be addressed as appropriate in the final documents.

The DEA and draft FONSI will be available for public review at the New Orleans Public Library, Alvar Branch located at 913 Alvar Street, New Orleans, Louisiana 70117 (10:00 AM to 7:00 PM, Mon.-Thurs. and 10:00 AM to 5:00 PM Sat.). The DEA can also be viewed and downloaded from FEMA's website: <http://www.fema.gov/media-library/search/Audubon>. The public notice will run in the local newspaper, *The Times-Picayune*, on Monday, Wednesday, and Friday, October 20<sup>th</sup>, 22<sup>nd</sup>, and 24<sup>th</sup>. Written comments on the DEA/Draft FONSI can be faxed to the FEMA's Louisiana Recovery Office (LRO) at (225) 346-5848; emailed to [FEMA-NOMA@fema.dhs.gov](mailto:FEMA-NOMA@fema.dhs.gov); or mailed to FEMA-EHP, Audubon Nature Center, 1500 Main Street, Baton Rouge, Louisiana 70802.

## FEMA 8-STEP DECISION MAKING PROCESS

**AUDUBON COMMISSION**  
**Audubon Louisiana Nature Center**  
**Waterford Street off of Wright Road & Lake Forest Blvd.**  
**FEMA Disaster 1603-DR-LA AI 2082**

Executive Order 11988 - FLOODPLAIN MANAGEMENT  
Executive Order 11990 - WETLAND PROTECTION

Date: 08/30/2013

**Prepared By:** Wayne Berggren, CFM, EHP Floodplain Specialist

**Project:** On August 29, 2005, Hurricane Katrina and its aftermath caused wind and flood damages to the Audubon Louisiana Nature Center (ANC) facility. The applicant proposes to seek FEMA PA federal grant funds to replace eligible facilities lost at the nature center location with a new, consolidated structure in the northwest corner of the property. Specifically, the applicant proposes to demolish and consolidate seven (7) of the nine (9) existing buildings including the Entry Pavilion and Gift shop, Classrooms, Science and Research Center, Administrative Facilities, Interpretive Center and Planetarium. Current site plans include the improved project drawings for the ANC facilities and educational programs. The existing access road on the site would be extended connect the new building, and a new parking lot would be connected to a bridge crossing into the adjacent Joe Brown Park. The new building and new associated parking lot are proposed to be constructed in an area that is recently restored wetlands.

The ANC would rebuild, repair, or renovate the remaining two (2) facilities, a Botany Building and a Maintenance/Storage Shop in their current locations. The existing boardwalk would be rebuilt in a slightly modified footprint. The boardwalk would be attached to the new building and straightened rather than meandering in some spans. The existing primitive trail system would be cleared and re-graveled.

The combined total square footage of the pre-storm facilities not including the boardwalk is approximately 28,986, and current design of the new facility will incorporate approximately 31,135 square feet. The new location is intended to meet ADA codes and standards of public safety for ingress and egress.

The site located on Waterford Street off of Wright Road & Lake Forest Blvd., New Orleans, LA.

This project must be conducted in accordance with conditions for federal actions in the floodplain and/or wetlands, as set forth in presidential Executive Order (EO) 11988, *Floodplains* and the implementing regulation found at 44 Code of Federal Regulations (CFR) Part 9, *Floodplain Management and Protection of Wetlands*.

These regulations apply to all direct and indirect Agency actions which have the potential to affect floodplains or their occupants, or which are subject to potential harm by location in floodplains.

Public Assistance grant funded projects carried out in the floodplain or affecting the floodplain must be coordinated with the local floodplain administrator for a floodplain development permit prior to the undertaking.

The action must be carried out in compliance with relevant, applicable, and required local codes and standards, thereby will reducing the risk of future flood loss, minimize the impacts of floods on safety, health, and welfare, and preserving and restoring beneficial floodplain values as required by Executive Order 11988.

Restoration projects conducted with Public Assistance grant funds must be carried out in accordance with the local floodplain management plan and ordinance. It shall utilize the current locally adopted Flood Insurance Rate Map (FIRM), Advisory Base Flood Elevation map (ABFE), or the Preliminary FIRM as the "best available data" and as a minimum standard. Per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program.

**STEP 1 Determine whether the proposed actions are located in a wetland and/or the 100-year floodplain (500-year floodplain for critical actions [44 CFR 9.4]), or whether they have the potential to affect or be affected by a floodplain or a wetland. (See 44 CFR 9.7).**

The project is located in relation to floodplains as mapped by:  
**Latitude:** 30.03096 **Longitude** -89.96373  
Waterford St off of Wright Rd & Lake Forest Blvd, New Orleans, LA  
Audubon Louisiana Nature Center: FIPS 071-U76DM-00

**Revised Preliminary DFIRM Panel (November 9, 2012):**  
22 071C 0231 0139 F **Flood Zone: AE, EL -7', Base Flood Elevation Determined.** (ABFE) Map # LA-EE35 Dated 06/05/06. Flood Zone: (EL -4') or 3' above the Highest Existing Adjacent Grade (HEAG).

The project is located in a wetland as identified by:

**STEP 2 Notify the public at the earliest possible time of the intent to carry out an action in a floodplain or wetland, and involve the affected and interested public in the decision making process (see 44 CFR 9.8).**

Not applicable - Project is not located in a floodplain or in a wetland.  
 Applicable - Notice will be or has been provided by:

A Cumulative Initial Public Notice was published statewide 11/7/2005-11/9/2005. Additional public notice shall be provided as required by the Executive Order.

**STEP 3 Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland (including alternative sites, actions and the "no action" option) [see 44 CFR 9.9]. If a practicable alternative exists outside the floodplain or wetland, FEMA must locate the action at the alternative site.**

Not applicable - Project is not located in a floodplain or in a wetland.  
 Applicable - Alternatives identified as described below:

The Audubon Institute’s mission is to exhibit the diversity of wildlife and preserve native Louisiana habitats, in order to educate a diverse audience about the natural world. The Audubon Institute includes facilities which enhance the care and survival of wildlife through research and conservation, and provides opportunities for recreation in natural settings.

**Alternative 1: No Action** – With the no action alternative, there would be no repair or replacement of the damaged facilities. No action would leave the community without the function of the damaged facilities. Additionally, this would leave the damaged facility and its environs in an unsafe condition, which would represent a safety hazard to the public and nearby properties. This alternative has been determined not practicable by the applicant and GOHSEP.

**Alternative 2 (Proposed Alternative): Locate School in the Base Floodplain** – This alternative would repair or replace facilities in the proposed location within the base floodplain. This change will include construction of a new structure that would be elevated to meet minimum NFIP requirements. Detailed design drawings and rationale for this alternative, including proposed mitigation, will be provided by the applicant in the amendments to the project worksheet (incorporated herein by reference).

**Alternative 3: Reconstruct Outside the Base Floodplain** – This alternative would rebuild the damaged facilities outside the base floodplain. This alternative requires identification of a suitable site not subject to flooding. Grading and grubbing of the site would be necessary to prepare for reconstruction. Additional sewage, electricity, and drainage for each building might also be necessary. Each facility would be constructed to be compliant with current codes and standards (e.g., American with Disabilities Act, building codes, local floodplain ordinances, etc.).

Reconstruction of the facilities outside the base floodplain is not a practicable option because it has been determined by the applicant not to be economically feasible or socially acceptable. Community leaders have also indicated this choice would not serve the best interests of the entire community.

**STEP 4 Identify the potential direct or indirect impacts associated with, the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action (see 44 CFR 9.10).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Alternatives identified as described below:

**Alternative 2 (Proposed Alternative): - Locate School in the Base Floodplain** – To demolish and consolidate seven (7) of the nine (9) existing buildings including the Entry Pavilion and Gift shop, Classrooms, Science and Research Center, Administrative Facilities, Interpretive Center and Planetarium. Current site plans include the improved project drawings for the ANC facilities and educational programs. The existing access road on the site would be extended connect the new building, and a new parking lot would be connected to a bridge crossing into the adjacent Joe Brown Park. The new building and new associated parking lot are proposed to be constructed in an area that is recently restored wetlands.

The ANC would rebuild, repair, or renovate the remaining two (2) facilities, a Botany Building and a Maintenance/Storage Shop in their current locations. The existing boardwalk would be rebuilt in a slightly modified footprint. The boardwalk would be attached to the new building and straightened rather than meandering in some spans. The existing primitive trail system would be cleared and re-graveled.

**STEP 5      Minimize the potential adverse impacts and support to or within floodplains and wetlands to be identified under step # 4, restore and preserve the natural and beneficial values served by floodplains, and preserve and enhance the natural and beneficial values served by wetlands (see 44 CFR 9.11).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Mitigation measures identified in the EA document or is described below:

**Alternative 2 (Proposed Alternative): - Locate School in the Base Floodplain -** The demolition and new construction shall be in accordance with local floodplain ordinances with applicable building codes and standards applied to mitigate and minimize adverse effects (compliance with minimum NFIP standards and requirements). Building utilities should be protected by methods including elevation or floodproofing the electronic components in place meeting NFIP standards and regulations.

**STEP 6      Reevaluate the proposed action to determine first, if it's still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others and its potential to disrupt floodplain and wetland values and second, if alternatives preliminarily rejected at step # 3 are practicable in light of the information gained in steps # 4 and # 5. FEMA shall not act in a floodplain or wetland unless it's the only practicable location.**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Action proposed is located in the only practicable location as described below:

The proposed action is the chosen practicable alternative based upon a review of possible adverse effects on the floodplain and community/socioeconomic expectations.

**STEP 7      Prepare and provide the public with a finding and public explanation of any final decision that the floodplain or wetland is the only practicable alternative (see 44 CFR 9.12).**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Finding is or will be prepared as described below:

Demolition and new construction of the Audubon Nature Center facilities in the floodplain has been determined to be a practicable alternative with significant benefits to the community, which overrides the prudence of location outside the floodplain. This review and analysis of this proposed action was documented through the required 8-step public participation and decision-making process. A Cumulative Final Public Notice was published 10/26/07 -11/07/07.

STEP 8

**Review the implementation and post-implementation phases of the proposed action to ensure that the requirements of the order are fully implemented. Oversight responsibility shall be integrated into existing processes.**

- Not applicable - Project is not located in a floodplain or in a wetland.
- Applicable - Approval conditioned on review of implementation and post-implementation phases to ensure compliance with the order(s).

Project shall be reviewed by FEMA at grant closeout to ensure the project was completed in accordance with all relevant and applicable floodplain ordinances, codes and standards and that all project actions were undertaken in accordance with terms and conditions stipulated to mitigate and minimize adverse effects in or to the floodplain and wetlands.

**\*\*FLOODPLAIN\*\*** - The Parish of Orleans enrolled in the National Flood Insurance Program (NFIP) on 08/03/1970. As per Preliminary Digital Flood Insurance Rate Map Panel Number 22071C 0139F dated 11/19/2012, the site is located within Zone "AE", El -7', base flood elevation determined. On June 5<sup>th</sup>, 2006, the City of New Orleans adapted the Advisory Base Flood Elevation Maps. Map # LA-EE35 Dated 06/05/06 places this site in a Flood Zone "AE", EL -4' or 3' above the Highest Existing Adjacent Grade (HEAG). Per 44 CFR 9.11(d)(3), there shall be no new construction or substantial improvement of structures unless the lowest floor of the structures (including basement) is at or above the level of the base flood. Furthermore, per 44 CFR 9.11(d)(6), no project should be built to a floodplain management standard that is less protective than what the community has adopted in local ordinances through their participation in the National Flood Insurance Program. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the LA GOHSEP and FEMA for inclusion in the permanent project files. Per 44 CFR 9.11(d)(9), for the replacement of building contents, materials and equipment, where possible, disaster-proofing of the building and/or elimination of such future losses should occur by relocation of those building contents, materials and equipment outside or above the base floodplain. In compliance with Executive Order 11988, an 8-step process was completed, is attached and on file. Wayne Berggren, CFM, Floodplain Specialist.

**FEMA's 2014 WETLANDS DELINEATION/DETERMINATION DATA FORM**

**DATA FORM  
ROUTINE WETLAND DETERMINATION  
(1987 COE Wetlands Delineation Manual)**

Project/Site: <u>Audubon Nature Center</u> Applicant/Owner: _____ Investigator: <u>D. Smith, M. Christoffersen, &amp; M. Pitts</u>	Date: <u>Feb. 14, 2014</u> County: <u>Orleans</u> State: <u>Louisiana</u>
Do Normal Circumstances exist on the site?      Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Is the site significantly disturbed (Atypical Situation)?      Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Is the area a potential Problem Area?      Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If needed, explain on reverse.)	Community ID: <u>1</u> Transect ID: <u>1</u> Plot ID: <u>1</u>

**VEGETATION**

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <i>Taxodium distichum</i> (planted)	T	OBL	9. _____	_____	_____
2. <i>Sambucus nigra</i>	S	FACW	10. _____	_____	_____
3. <i>Rubus trivialis</i>	S	FACU	11. _____	_____	_____
4. <i>Galium aparine</i>	H	FACU	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 33 (excluding bald cypress)

Remarks:  
Area has been significantly disturbed through mechanical removal of Chinese tallow.

**HYDROLOGY**

<input type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available	<b>Wetland Hydrology Indicators:</b> <b>Primary Indicators:</b> <input type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands <b>Secondary Indicators (2 or more required):</b> <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u>0</u> (in.) Depth to Free Water in Pit: <u>6</u> (in.) Depth to Saturated Soil: <u>2</u> (in.)	
Remarks: Data point taken near the base of an old planted cypress, relatively undisturbed.	

**SOILS**

Map Unit Name (Series and Phase): <u>Schriever clay</u>		Drainage Class: <u>poorly</u>	
Taxonomy (Subgroup): <u>hyperthermic chromic epiaquert</u>		Field Observations Confirm Mapped Type? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Profile Description:					
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/ Size/Contrast	Texture, Concretions, Structure, etc.
0-5		2.5Y 2.5/1			clay
5-10		10YR 3/2	10YR 4/6	few, fine	clay

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input checked="" type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input checked="" type="checkbox"/> Listed on National Hydric Soils List <input checked="" type="checkbox"/> Other (Explain in Remarks)

Remarks:

Few mottles present. Soil profile appears to more closely match Harahan clay, a hydric soil.

**WETLAND DETERMINATION**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soils Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is this Sampling Point Within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
--	--

Remarks:

Data point at approximately lat. 30.03212, long. -89.96377. Site has been significantly disturbed through the mechanized clearing of Chinese tallow. Observed mounds and depressions likely the result of tree removal using a "Bobcat" excavator. Date of inspection was during non-growing season after heavy rains, so hydrology parameter may not usually be met. Data point adjacent to footprint of proposed building.

# U.S.ARMY CORPS OF ENGINEERS 2010 ANC WETLAND JURISDICTIONAL DETERMINATION



REPLY TO  
ATTENTION OF

Operations Division  
Surveillance and Enforcement Section

DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

JUN 16 2010

Ms. Amelia LeGaux  
Audubon Nature Institute 6500  
Magazine Street New Orleans, LA  
70115

Dear Ms. LeGaux :

Reference is made to your request for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on a project area located in Section 2, Township 12 South, Range 12 East, Orleans Parish, Louisiana (enclosed map). Specifically, this project is identified as restoration of the Nature Center and boardwalks in Joe Brown Park on and south of Nature Center Drive.

A field inspection of the property was conducted on April 28, 2010. Based on the results of this investigation, we have determined that part of the property is wetland and subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into this wetland. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into a pond on the property (shown in blue on the map).

You are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

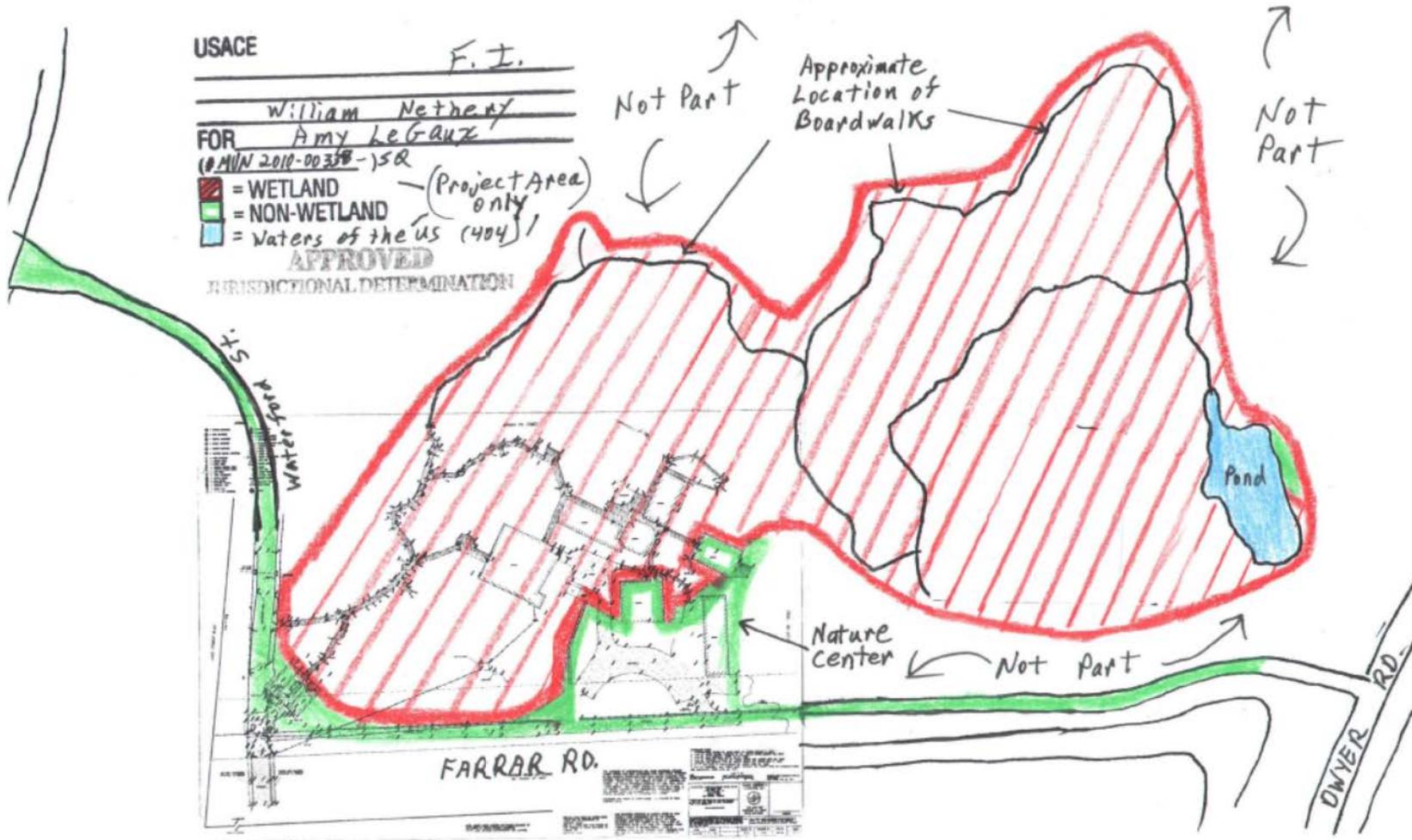
Please be advised that this property is in the Louisiana Coastal Zone. For additional information regarding coastal use permit requirements, contact Ms. Christine Charrier, Coastal Management Division, Louisiana Department of Natural Resources at (225) 342-7953.

Should there be any questions concerning these matters, please contact Mr. Bill Nethery at (504) 862-1267 and reference our Account No. MVN 2010-00338-SQ. If you have specific questions regarding the permit process or permit applications, please contact our Eastern Evaluation Section at (504) 862-2766. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete and return the enclosed Customer Service Survey or complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

  
for Pete J. Serio  
Chief, Regulatory Branch

Enclosures



U.S.ARMY CORPS OF ENGINEERS 2012 ANC WETLAND JURISDICTIONAL DETERMINATION

**INTERNAL TRACKING SHEET FOR JURISDICTIONAL DETERMINATIONS**

(to be used for accounts where no letter is being sent)

Account #: MVN 2012-00088-SQ Account Name: Amy Legaux

DETERMINATION DATE: February 1, 2012 SUBJECT: Jurisdictional Determination

MEMORANDUM FOR CEMVN-OD-SE, ATTN: Stephanie Castaing

MEMORANDUM FROM CEMVN-OD-SS, Surveillance & Enforcement Section

=====

PARISH: Orleans SECTION 2 TWP 12S RANGE 12E

PROPERTY/PROJECT DESCRIPTION: Audubon Nature Center restoration project,  
10601 Dwyer Road

OWNER/COMPANY NAME: Audubon Nature Center

=====

1. After careful review, the Surveillance & Enforcement Section has determined that this property/project is:

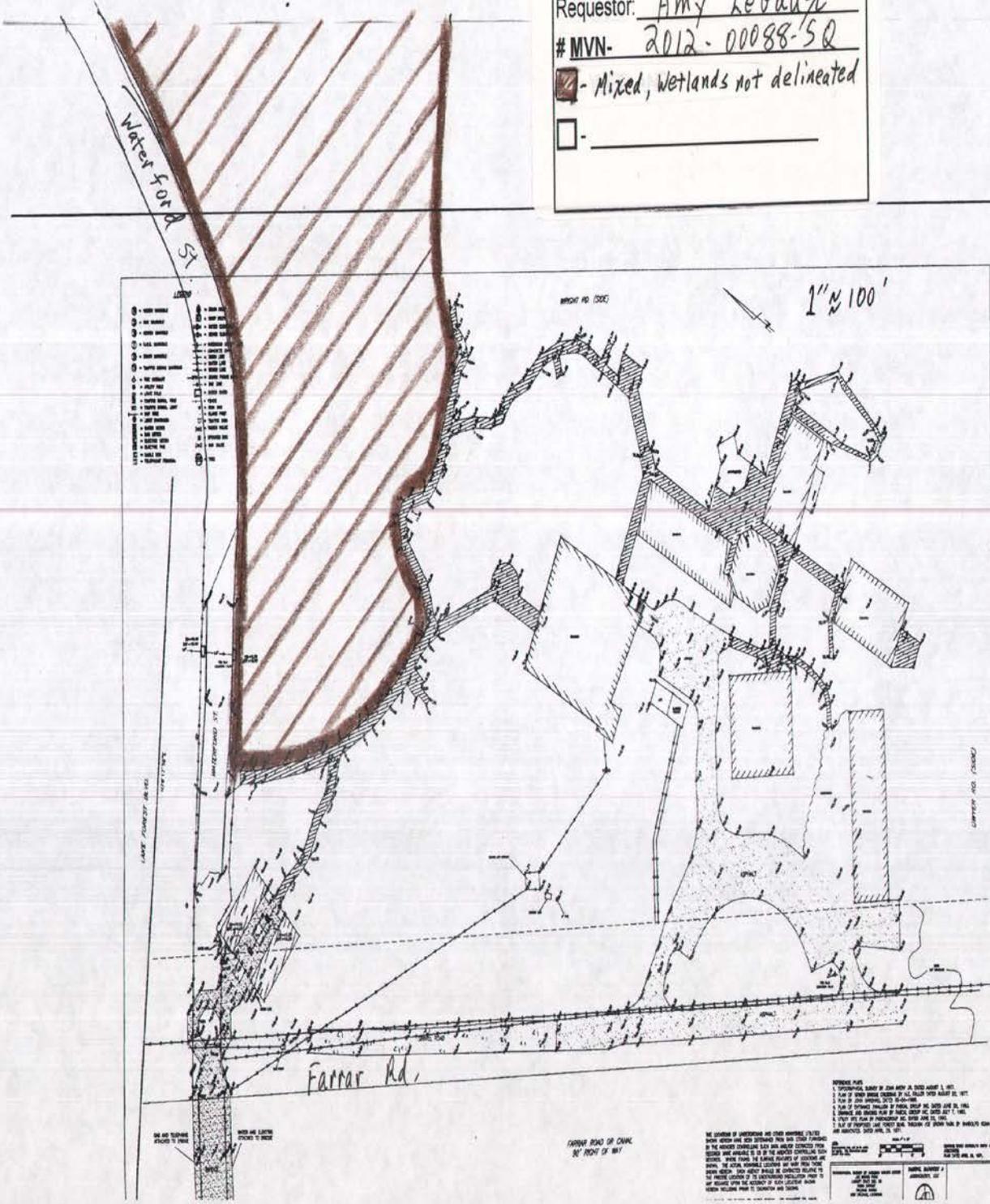
NONWETLAND	<input type="checkbox"/>	NO PERMIT REQUIRED	<input type="checkbox"/>
MIXED	<input checked="" type="checkbox"/>	AND/OR SECTION 10	<input type="checkbox"/>
WETLAND	<input type="checkbox"/>	OTHER: _____	

A map is enclosed that outlines the wetland or nonwetland area that has been delineated.

2. Additional comments: Mixed, wetlands not delineated, for restoration purposes
3. P.O.C. for this determination: Bill Nethery, x 1267

**PRELIMINARY**  
 JURISDICTIONAL DETERMINATION

**USACE**  
 FSV 1(H) Date: 2-1-12  
 Botanist: William Nethery  
 Requestor: Amy LeGault  
 # MVN- 2012-00088-5Q  
 - Mixed, Wetlands not delineated  
 - \_\_\_\_\_



**U.S. ARMY CORPS OF ENGINEERS 2013 ANC WETLAND JURISDICTIONAL DETERMINATION**



REPLY TO  
ATTENTION OF

Operations Division  
Surveillance and Enforcement Section

DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

DEC 05 2013

Mr. Patrick Kraft  
Billes Partners, LLC  
1055 St. Charles Avenue, Suite 220  
New Orleans, Louisiana 70130

Dear Mr. Kraft:

Reference is made to your request, on behalf of Audubon Nature Institute, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 2, Township 12 South, Range 12 East, Orleans Parish, Louisiana (enclosed map). Specifically, this property is identified as a portion of the proposed location of the Nature Center on and north and south of Waterford Street.

A field inspection of the property was conducted on November 13, 2013. Based on the results of this investigation and the information provided with your request, we have determined that this property is not in a wetland subject to Corps' jurisdiction. However, a Department of the Army permit under Section 404 of the Clean Water Act will be required if you propose to deposit dredged or fill material into areas designated in blue on the map.

Additionally, federal projects that may require further engineering review are known to exist in this area. For more information, please contact Mr. Donald Schneider of our Operations Division at (504) 862-1828. Please be advised that this property is in the Louisiana Coastal Zone. For additional information regarding coastal use permit requirements, contact Ms. Christine Charrier, Office of Coastal Management, Louisiana Department of Natural Resources at (225) 342-7953.

You and your client are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Brad Guarisco at (504) 862-2274 and reference our Account No. MVN-2013-01664-SB. If you have specific questions regarding the permit process or permit applications, please contact our Eastern Evaluation Section at (504) 862-2766. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

  
for Martin S. Mayer  
Chief, Regulatory Branch



**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 25, 2013**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2013-01664-SB**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Louisiana County/parish/borough: Orleans City: New Orleans  
Center coordinates of site (lat/long in degree decimal format): Lat. 30.032269° **N**, Long. 89.964200° **W**.  
Universal Transverse Mercator: 15N

Name of nearest waterbody: Unnamed tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Lake Pontchartrain

Name of watershed or Hydrologic Unit Code (HUC): 08090203 Eastern Louisiana Coastal LA

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date:

Field Determination. Date(s): November 13, 2013

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: 170 linear feet: 5-10 width (ft) and/or acres.

Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW:

Summarize rationale supporting determination:

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent":

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: 2160 square miles

Drainage area: 6 acres

Average annual rainfall: 59.35 inches

Average annual snowfall: 0.2 inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through 3 tributaries before entering TNW.

Project waters are 2-5 river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 1-2 aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW<sup>5</sup>: On-site trib > Farrar Canal > Morrison Canal > Jahncke Canal > Lake Pontchartrain.

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: 1.

(b) **General Tributary Characteristics (check all that apply):**

**Tributary is:**  Natural  
 Artificial (man-made). Explain: Audubon created this as a "Mosquito Control Ditch".  
 Manipulated (man-altered). Explain:

**Tributary properties with respect to top of bank (estimate):**

Average width: 5-10 feet

Average depth: 1-3 feet

Average side slopes: **3:1**.

**Primary tributary substrate composition (check all that apply):**

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Relatively stable.

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 1-5 %

(c) **Flow:**

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: On-site trib>Farrar Canal>Morrison Canal>Jahncke Canal>Lake Pontchartrain.

Other information on duration and volume: Tributary flows after rain events and Farrar Canal back flows into the lower reach of the trib.

Surface flow is: **Discrete and confined**. Characteristics:

Subsurface flow: **Unknown**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:  Mean High Water Mark indicated by:  
 oil or scum line along shore objects  survey to available datum;  
 fine shell or debris deposits (foreshore)  physical markings;  
 physical markings/characteristics  vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: No water in tributary at time of site inspection. Expected to be turbid.

Identify specific pollutants, if known: Pollutants include sediments and minimal road run-off, grease, etc.

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
------------------------------	------------------------	------------------------------	------------------------

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs: linear feet width (ft), Or, acres.  
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: On-site tributary flows following rain events and Farrar Canal (RPW) back flows into the trib's lower reach.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: 170 linear feet 5-10 width (ft).
  - Other non-wetland waters: acres.
- Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
  - Other non-wetland waters: acres.
- Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup>Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

**Identify water body and summarize rationale supporting determination:**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters:
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Little Woods.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey of Orleans Parish, Louisiana.
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): ArcMap '98, '04, '05, '08, '10, '12.  
or  Other (Name & Date): Google EarthPRO, LIDAR, Consultant photos.
- Previous determination(s). File no. and date of response letter: MVN-2012-00088-SQ: February 1, 2012.
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** This site consists of uplands and a season RPW.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Audubon Nature Institute		File Number: MVN-2013-01664-SB	Date: DEC 05 2013
Attached is:		See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

- A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.
- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
  - OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT:** You may accept or appeal the permit
- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
  - APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.
- ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
  - APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
Rob Heffner (504-862-1288)  
Chief, Surveillance & Enforcement Section  
U.S. Army Corps of Engineers  
P.O. Box 60627  
New Orleans, LA 70160

If you only have questions regarding the appeal process you may also contact:  
Administrative Appeals Review Officer  
USACE – Mississippi Valley Division  
P.O. Box 80  
Vicksburg, MS 39181-0080  
(601) 634-5820

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____	Date:	Telephone number:
Signature of appellant or agent.		

MVD version revised November 30, 2010

**Appendix E**  
**(Larger images of all Figures)**



Figure 1: New Orleans, Orleans Parish, Louisiana, Site Location Map



**Figure 2: New Orleans, Audubon Nature Center Site Location Map**

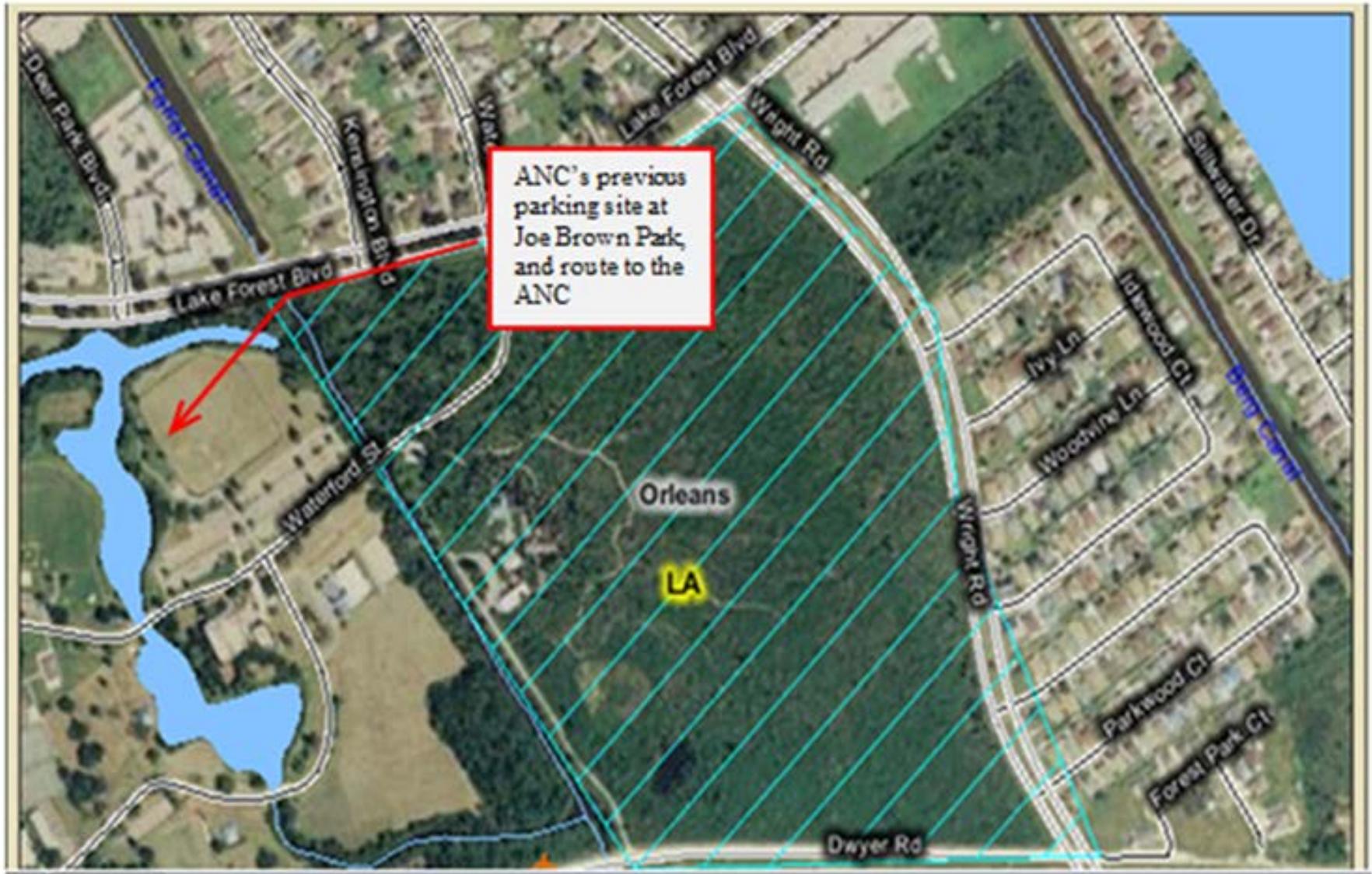


Figure 3: Overall Site of ANC, in New Orleans, LA

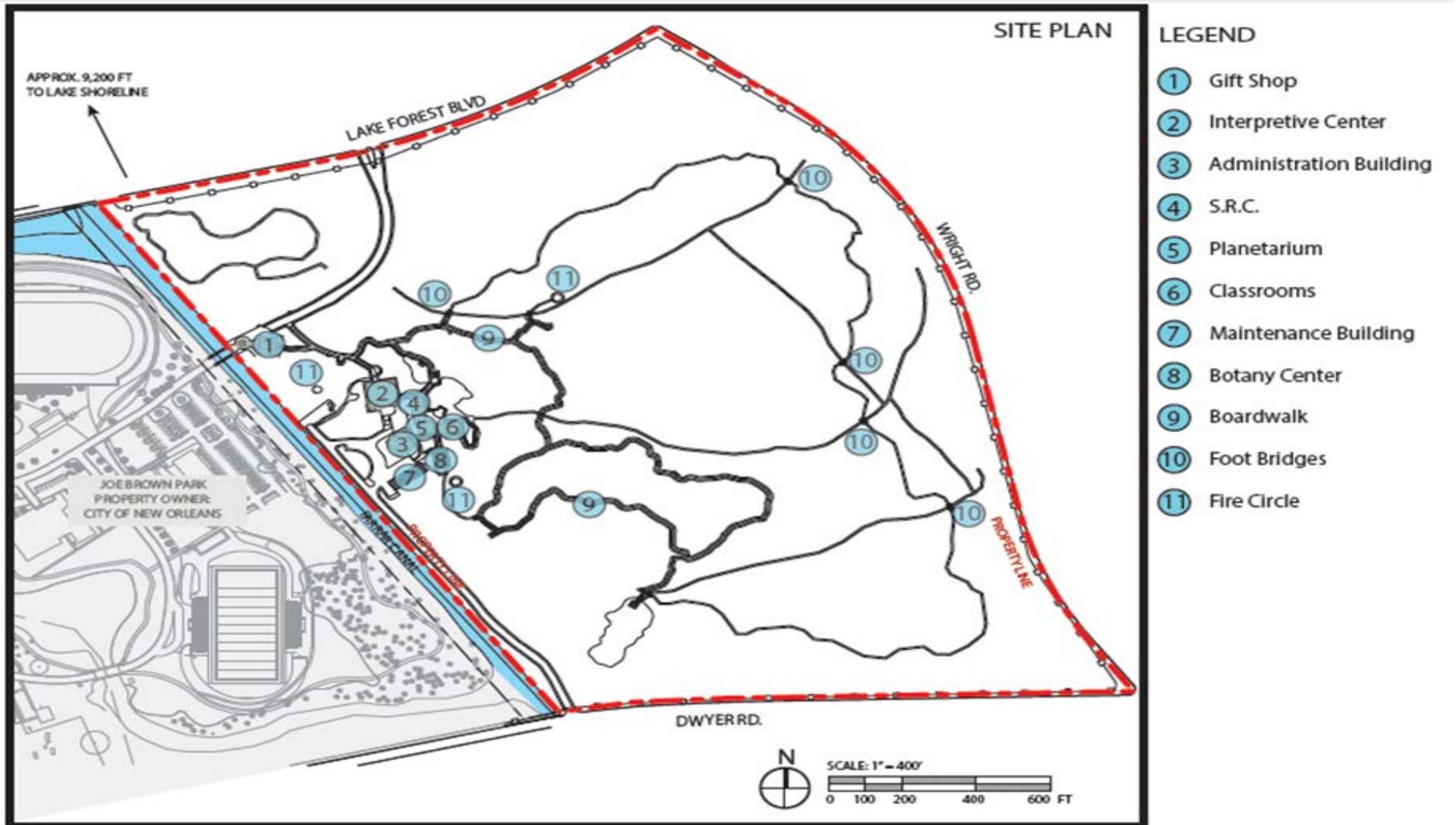


Figure 4: Site of ANC, showing original building locations & layout

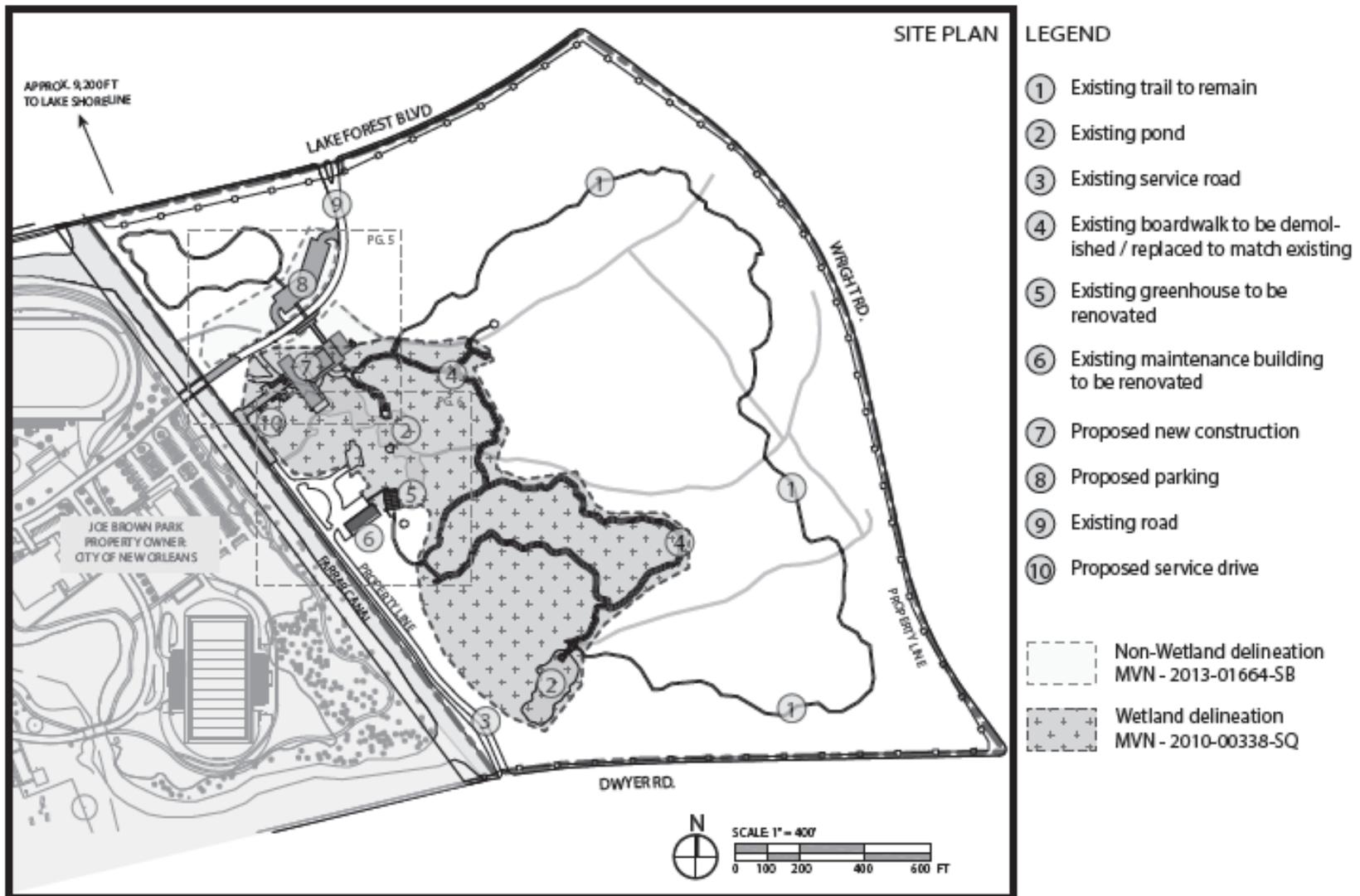


Figure 5: Site of ANC, showing the proposed/preferred building and parking locations and layout relative to the overall site

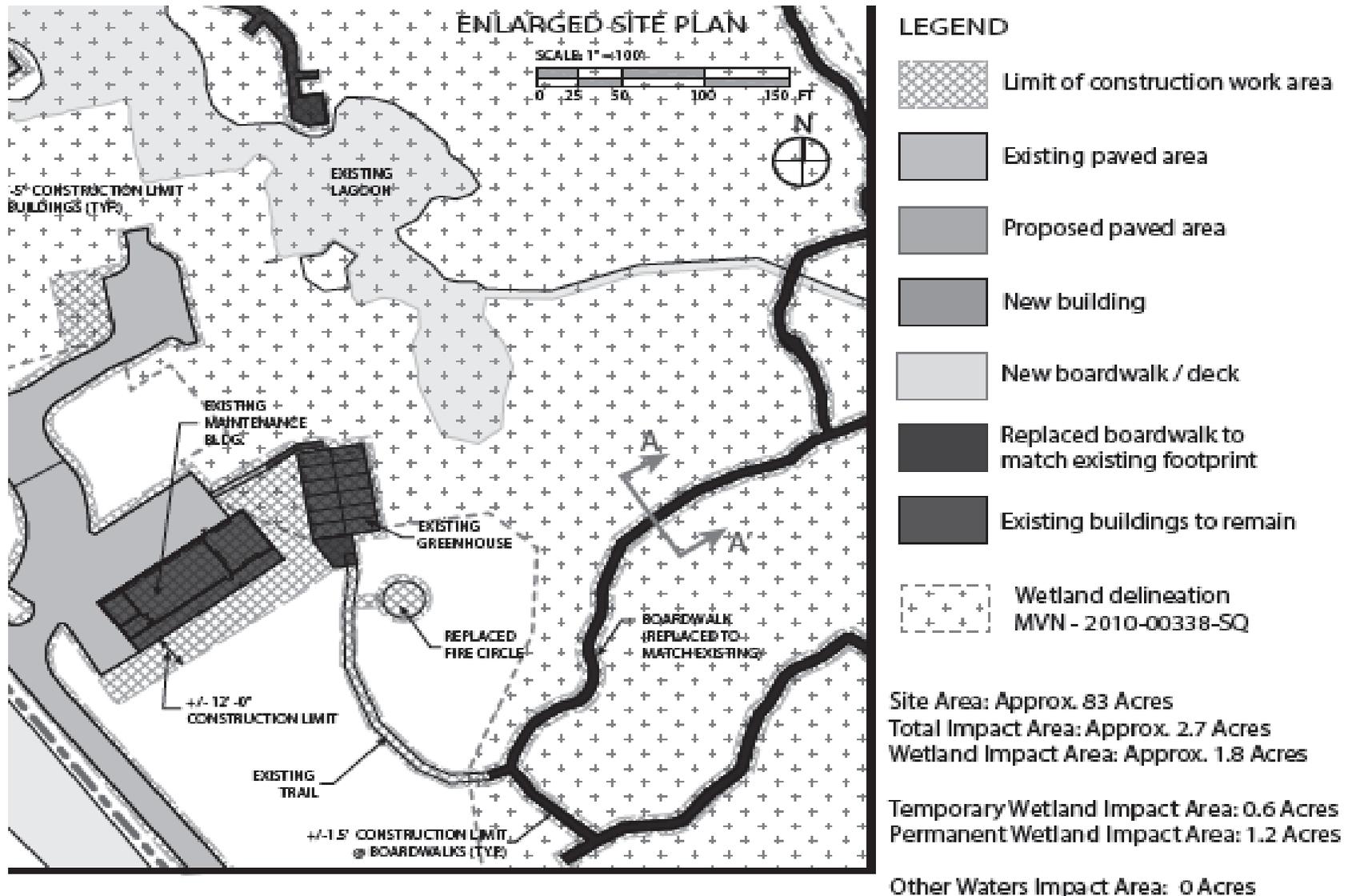


Figure 6: Site of ANC, showing the proposed building removal and two existing buildings to remain.

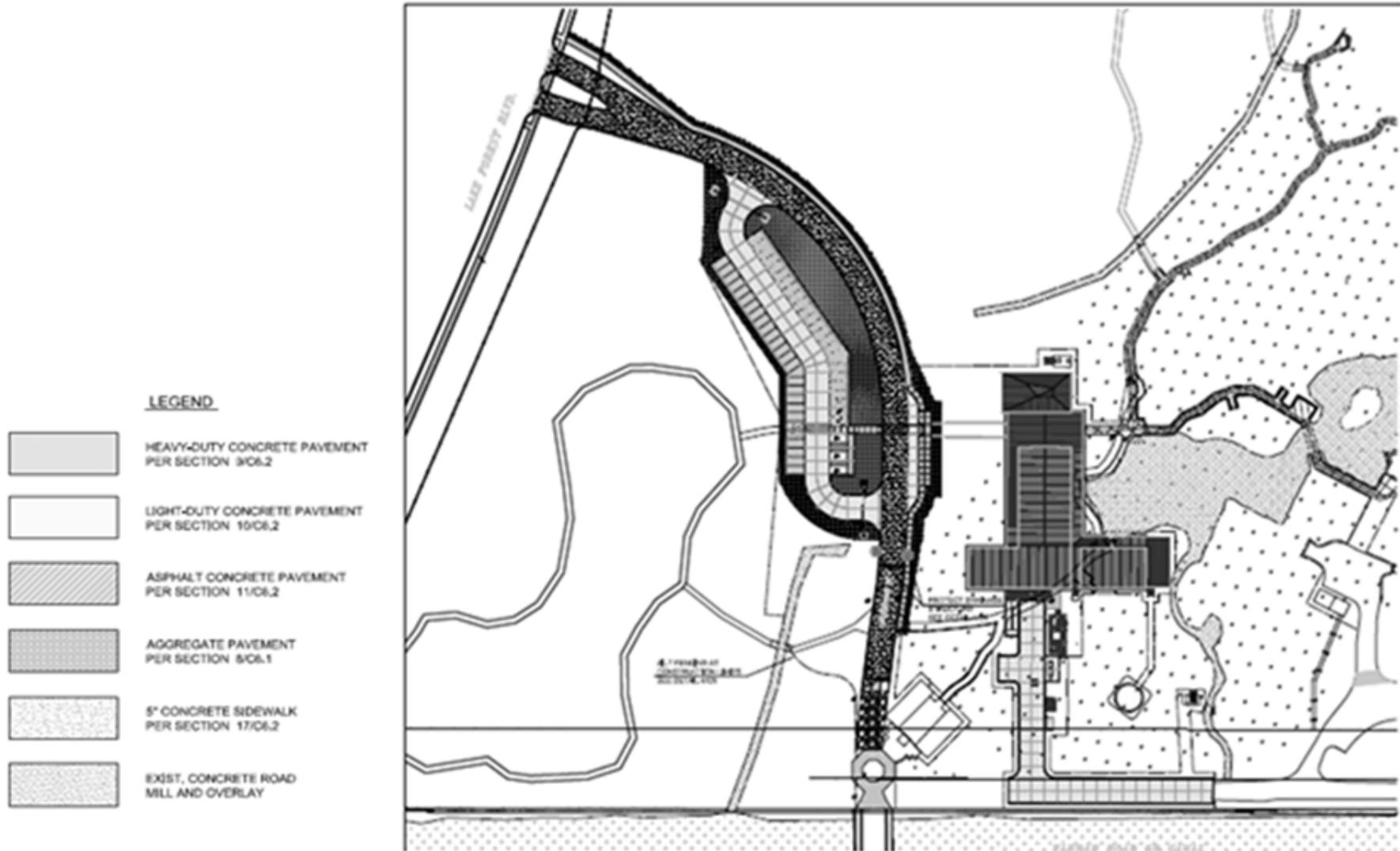
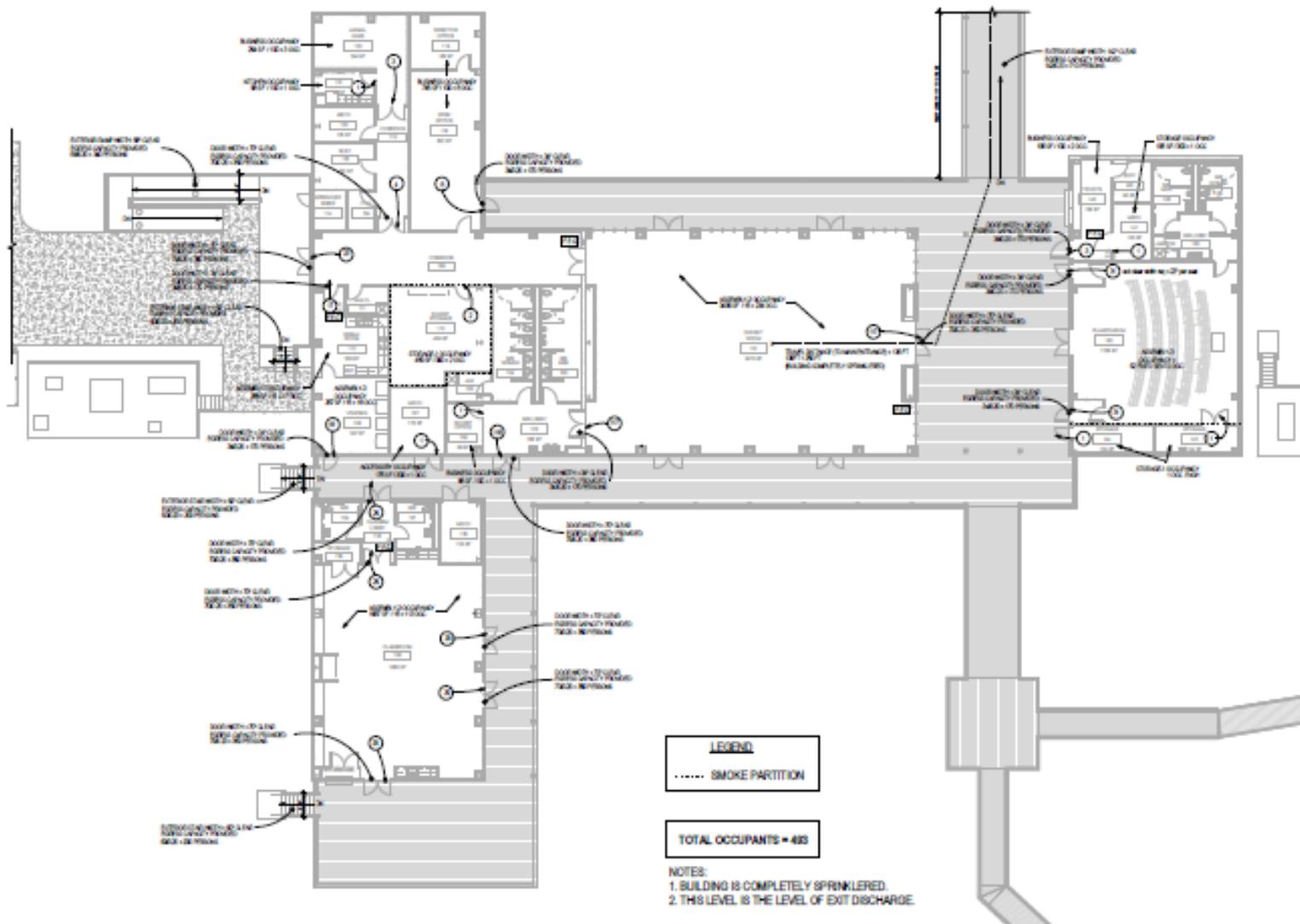


Figure 7: Site of ANC, showing the proposed/preferred building and parking locations and layout detail



**Figure 8: ANC Preferred Consolidated Building Layout**



**Figure 9: Typical Mid-Story Growth Surrounding the ANC Facilities**



Figure 10: Current Conditions at the Preferred ANC Building Site, Facing North

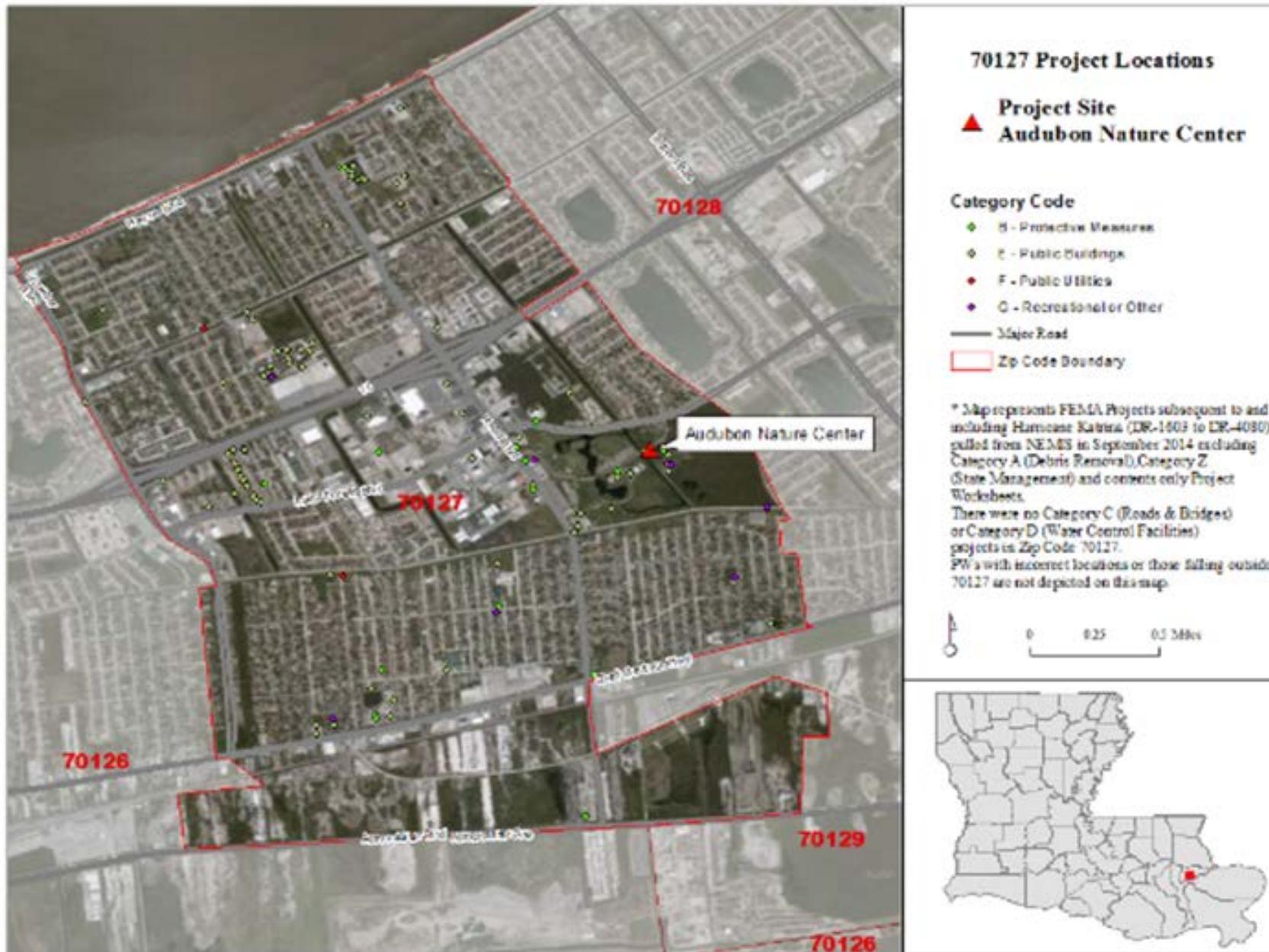
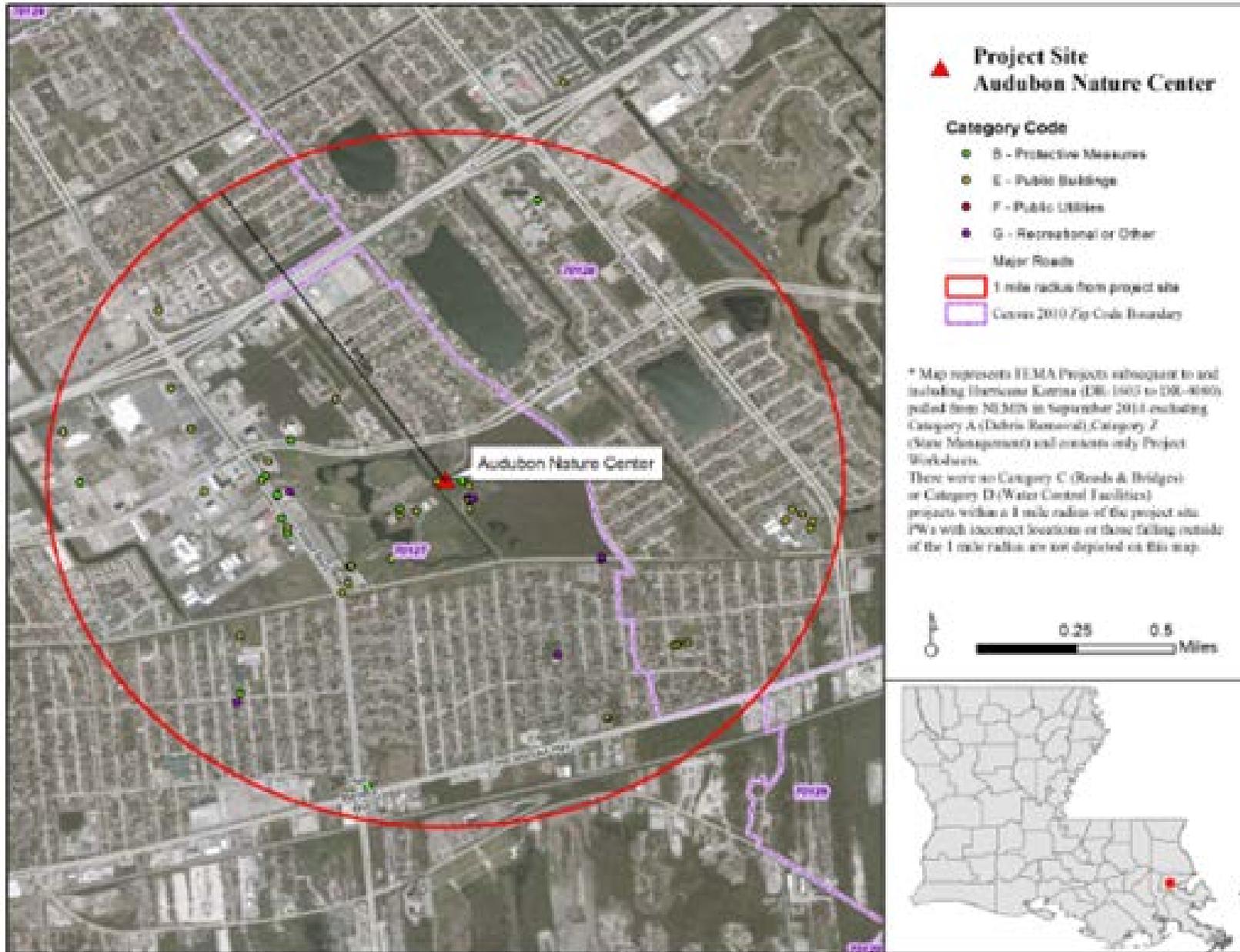


Figure 11: FEMA-funded projects occurring within the 70127 zip code



**Figure 12: FEMA-funded projects occurring within a one mile radius of the ANC**