

Appendix C
Agency Correspondence

From: Schexnayder, Jamie
To: [REDACTED]
Cc: [Pitts, Melanie](#); [Holmes, Leschina](#); [Spann, Tiffany](#)
Subject: Request for Solicitation of Views (SOV) for HMGP# 1603-0363 Hurricane Creek Drainage Improvements
Date: Friday, February 12, 2016 2:28:00 PM
Attachments: [image001.png](#)
[1603-0363 Hurricane Creek SOV Consultation Information.pdf](#)
[image002.png](#)
[Hurricane Creek Plans \(Reduced\).pdf](#)

February 12, 2016
Agency

U.S. Department of Homeland
Security
Federal Emergency Management

FEMA-DR 1603/1607 LA
Louisiana Recovery Office
1500 Main St., Baton Rouge, LA

70802



FEMA

MEMORANDUM TO: See Distribution

SUBJECT: Scoping Notification/Solicitation of Views
Caldwell Parish, Hurricane Creek Drainage Improvements, HMGP# 1603-0363,
FEMA-1603-DR-LA

To Whom It May Concern:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is mandated by the U.S. Congress to administer Federal disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 404 and Section 406 of the Stafford Act authorizes FEMA's Hazard Mitigation Program to provide funds to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration. FEMA is considering providing Hazard Mitigation Grant Program funding for the attached project in relation to Hurricanes Katrina and Rita (FEMA-1603/1607-DR-LA).

Please review the attached project description to determine whether your office has any objections to the proposed project and whether any permits from your office would need to be obtained. The applicant is Caldwell Parish.

This project is the applicant's request to rechannel, reshape, and restore approximately 4.1 miles (6.6 kilometers) of bank line, replace existing culverts, and install a new railroad flat car

bridge within Caldwell Parish, Louisiana. The project consists of four (4) proposed project areas: Hurricane Creek (Section 1), Hurricane Creek (Section 2), Caldwell High School Tributary, and Hanchey Road Tributary.

To ensure compliance with the National Environmental Policy Act (NEPA), Executive Orders (EOs), and other applicable Federal regulations, FEMA-EHP will be preparing an Environmental Assessment (EA). To assist us in preparation of the EA, FEMA-EHP requests that your office review the attached documents for a determination as to the requirements of any formal consultations, regulatory permits, determinations, or authorizations.

We would appreciate your comments on this project within thirty (30) days. If we do not receive comments from you within this time period, we will assume that you have no concerns or issues with the proposed project. If appropriate, FEMA will add the condition that the applicant will be required to obtain applicable permits from your office.

Comments may be emailed to [REDACTED] or mailed to the attention of Jamie Schexnayder, Environmental Department, at the address above. For questions regarding this matter, please contact Jamie Schexnayder, Environmental Protection Specialist at [REDACTED].

Sincerely,

Tiffany Spann-Winfield,
Deputy Environmental Liaison Officer, FEMA LRO
FEMA 1603/1607-DR-LA

Distribution: LDEQ, USEPA, LDWF, USACE

[REDACTED]

Attachment: Scope of Work, Project Plans

Jamie Schexnayder, CFM
Environmental Protection Specialist
FEMA Region VI – LRO
1500 Main Street
Baton Rouge, LA 70802

[REDACTED]

[REDACTED]



Scope of work for Hurricane Creek Drainage Improvements:

The proposed project is intended to improve the drainage of Hurricane Creek and two (2) of its tributaries, Caldwell High School Tributary and Hanchey Road Tributary, located approximately 1.5 mile (2.4 kilometers) south of the town of Columbia, Louisiana near the communities of Banks Springs and Grayson in Caldwell Parish. Portions of the creek are located in residential areas and are prone to flooding in relatively small storm events. Thick brush and large trees have flourished within the main portions of the channel which restrict water flow causing the stream to back up and overtop the banks. As portions of the creek flood, erosion occurs, and banks wash in and slough off. Woody material falls in, washes in, or blows into the channel reducing the capacity of the channel. The proposed project would entail rechanneling, reshaping, and restoring approximately 4.1 miles (6.6 kilometers) of bank line, replacing existing culverts, and installing a new railroad flat car bridge. Beginning and ending coordinates for each area are provided in Table 1; and scopes of work pertaining to each area are presented below. The proposed project is essential to the mitigation of the ongoing flooding of residences, businesses, schools, and public buildings served by Hurricane Creek. Design plans for the Hurricane Creek Drainage Improvements are attached (Attachment 1).

Table 1. Beginning and ending coordinates for four (4) proposed project areas in Caldwell Parish, Louisiana.

Project Area	Creek or Tributary	Beginning	End
PA 1	Hurricane Creek (Section 1)	32.082166, -92.097768	32.078417, -92.094816
PA 2	Hurricane Creek (Section 2)	32.074965, -92.095524	32.047914, -92.105708
PA 3	Caldwell High School Tributary	32.060018, -92.097715	32.054397, -92.097768
PA 4	Hanchey Road Tributary	32.047295, -92.090302	32.048979, -92.103316

Project Area 1 (PA 1) – Hurricane Creek Part 1 (East and North of U.S. HWY 165)

PA 1 is located in the northernmost part of Hurricane Creek and begins north of Martin Luther Street (Latitude: 32.083224, Longitude: -92.090450) and ends where Hurricane Creek intersects box culverts crossing under at U.S. HWY 165 (Figure 1) (Latitude: 32.078415, Longitude: -92.094890). The proposed improvements in this area include rechanneling, reshaping, and restoring approximately 2,000 linear feet of Hurricane Creek using bank stabilization as necessary as well as installing erosion and sediment control measures, such as rip rap, blankets, hydroseed, or silt fencing, as necessary. Other improvements include removing an existing 54-inch diameter culvert at Martin Luther Street and two (2) 36-inch diameter culverts under a private drive (Photos 2 and 3) (Latitude: 32.0816550, Longitude: -92.091401) and replacing with a single underground storm drain system consisting of two (2) 314 foot long 54-inch diameter corrugated metal pipes (CMP). Under Garsee Road (Photo 4) (Latitude: 32.079516, Longitude: -92.093071), the improvement proposed is removing an existing 48-inch culvert and replacing it with a 46 foot long 60-inch diameter CMP. Under Sidney lane (Photo 5) (Latitude: 32.078854, Longitude: -92.093449), the improvement proposed is removing an existing 60-inch diameter culvert and replacing it with a 52 foot long 84-inch diameter high density polyethylene (HDPE) pipe. The total project site for PA 1 measures 4.40 acres (1.78 hectares). See Table 1 for beginning and ending points of the project area.

Project Area 2 (PA 2) – Hurricane Creek Part 2

PA 2 is the second section of Hurricane Creek and is located further downstream from PA 1 where the creek intersects box culverts under U.S. Highway 165 (Photo 6) (Latitude: 32.078415, Longitude: -92.094890), curves south behind a garage on Rushing Street (Photos 7 and 8), flows under a crossing at Rushing Street (Photo 9) (Latitude: 32.073743, Longitude: -92.094596) and ends where the creek intersects with LA Highway 126 (Photo 10) (Latitude: 32.047915, Longitude: -92.105761). Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 12,924 linear feet of Hurricane Creek; installing erosion and sediment control measures, such as rip rap, blankets, hydroseed, or silt fencing, bank stabilization, and checking dams as necessary; and replacing an existing bridge (Photo 11) (Latitude: 32.054236, Longitude: -92.097959) with a new railroad flat car bridge under Central Street. The total project site for PA 2 measures 19.58 acres (7.92 hectares). See Table 1 for beginning and ending points of the project area.

Project Area 3 (PA 3) – Caldwell High School Tributary

PA 3 is located along a section of the Caldwell Parish High School Tributary beginning at a culvert situated along Spartan Drive (Latitude: 32.060032, Longitude: -92.097701), which is an entranceway to the high school, and extending south to where the tributary intersects with Hurricane Creek east of Central Street. Photo 14 shows an example of the right-of-way (ROW) along the tributary. Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 2,095 linear feet of the tributary and installing erosion and sediment control measures, such as rip rap, blankets, hydroseed, or silt fencing, and bank stabilization. The total project site for PA 3 measures 3.01 acres (1.22 hectares). See Table 1 for beginning and ending points of the project area.

Project Area 4 (PA 4) – Hanchey Road Tributary

PA 4 is located along the Hanchey Road Tributary beginning on the west side of Hanchey Road and intersects Hurricane Creek approximately 258 meters (846 feet) northeast of LA Highway 126. Photo 15 shows an example of the ROW along the tributary (Latitude: 32.048717, Longitude: -92.092249). Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 4,995 linear feet of the tributary and installing erosion and sediment control measures, such as rip rap, blankets, hydroseed, or silt fencing, bank stabilization, and checking dams as necessary. The total project site for PA 4 measures 7.51 acres (3.04 hectares). See Table 1 for beginning and ending points of the project area.

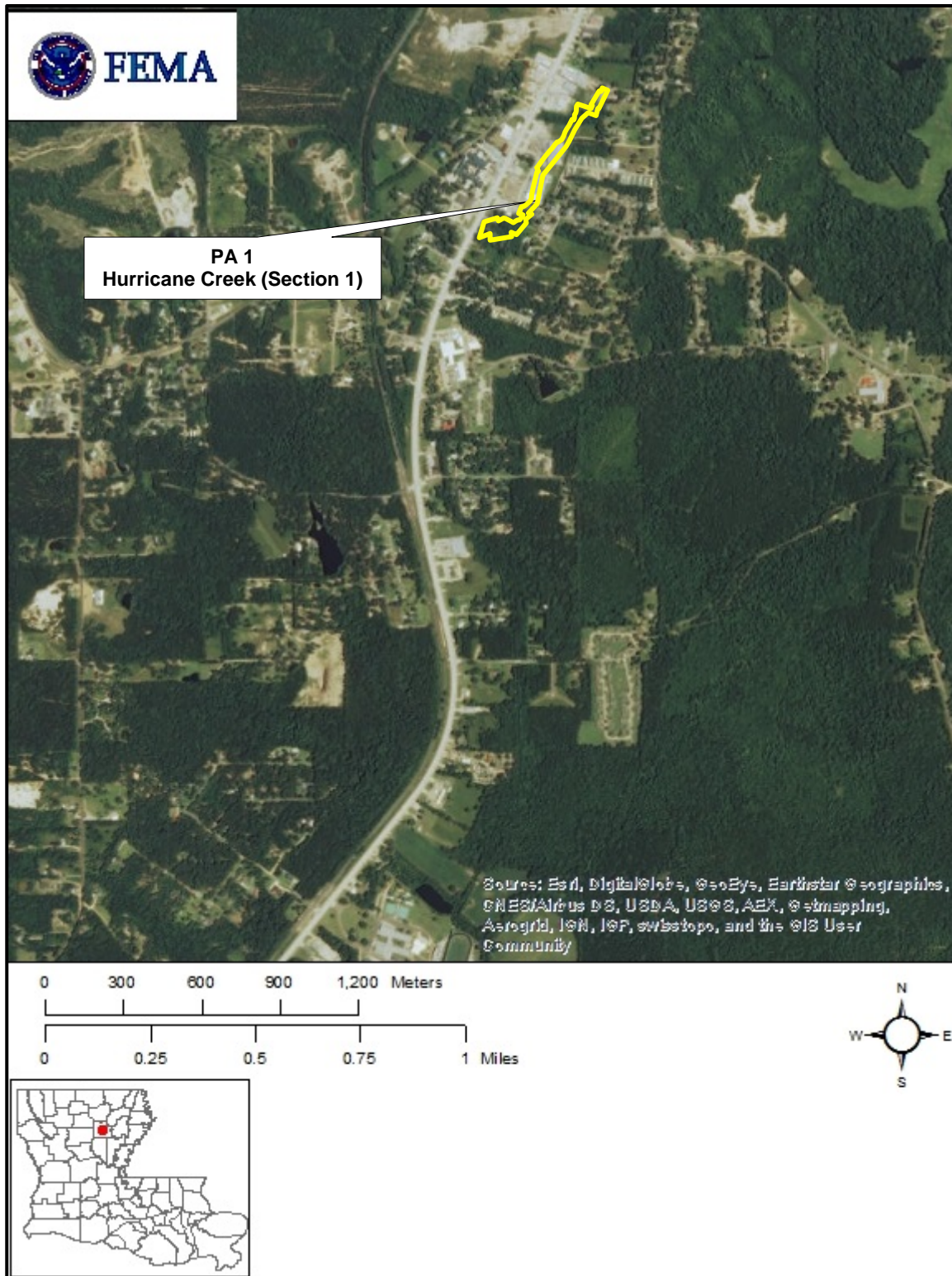


Figure 1. Satellite imagery displaying the location of Section 1 of Hurricane Creek (Project Area 1) outlined in yellow.

(See Appendix A for Site Photographs 1-16)



United States Department of Agriculture

February 26, 2016

Jamie Schexnayder, CFM
Environmental Protection Specialist
FEMA Region IV – LRO
1500 Main Street
Baton Rouge, LA 70802

RE: Caldwell Parish – Hurricane Creek Drainage Improvements, HMGP# 1603-0363, FEMA-1603-DR-LA

Dear Ms. Schexnayder,

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.

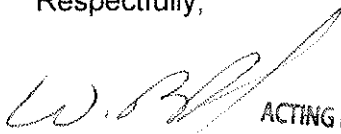
Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide 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 and narrative submitted with your request indicates that the proposed construction areas are within existing drainage right-of-ways and therefore exempt from the rules and regulations of the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549. Furthermore, we do not predict impacts to NRCS work in the vicinity.

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,



ACTING FOR

Kevin D. Norton
State Conservationist

Attachment

Natural Resources Conservation Service
State Office
3737 Government Street
Alexandria, Louisiana 71302
Voice: (318) 473-7751 Fax: 1-844-325-6947
An Equal Opportunity Provider and Employer

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 02/10/2016				
Name of Project Hurricane Creek Drainage Improvements		Federal Agency Involved FEMA				
Proposed Land Use Restore creek & culvert replacement		County and State DeSoto Parish, Louisiana				
PART II (To be completed by NRCS)		Date Request Received By 2/16/16 NRCS		Person Completing Form: M. Mouton		
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size	
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %				
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS				
PART III (To be completed by Federal Agency)		Alternative Site Rating				
		Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly		4.40	19.58	3.01	7.51	
B. Total Acres To Be Converted Indirectly		5.46	16.82	5.80	5.49	
C. Total Acres In Site		9.86	36.40	8.81	13.00	
PART IV (To be completed by NRCS) Land Evaluation Information						
A. Total Acres Prime And Unique Farmland						
B. Total Acres Statewide Important or Local Important Farmland						
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted						
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value						
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)						
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use		(15)				
2. Perimeter In Non-urban Use		(10)				
3. Percent Of Site Being Farmed		(20)				
4. Protection Provided By State and Local Government		(20)				
5. Distance From Urban Built-up Area		(15)				
6. Distance To Urban Support Services		(15)				
7. Size Of Present Farm Unit Compared To Average		(10)				
8. Creation Of Non-farmable Farmland		(10)				
9. Availability Of Farm Support Services		(5)				
10. On-Farm Investments		(20)				
11. Effects Of Conversion On Farm Support Services		(10)				
12. Compatibility With Existing Agricultural Use		(10)				
TOTAL SITE ASSESSMENT POINTS		160	0	0	0	0
PART VII (To be completed by Federal Agency)						
Relative Value Of Farmland (From Part V)		100	0	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0	0	0
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>				
Reason For Selection:						
Name of Federal agency representative completing this form:						
Date:						

(See instructions on reverse side)

Form AD-1006 (03-02)

From: [Gutierrez, Raul](#)
To: [Schexnayder, Jamie](#)
Subject: RE: Request for Solicitation of Views (SOV) for HMGP# 1603-0363 Hurricane Creek Drainage Improvements
Date: Wednesday, February 17, 2016 2:56:03 PM
Attachments: [image002.png](#)
[image003.png](#)

The U.S. Environmental Protection Agency (EPA) has completed your request for a solicitation of views concerning the Hurricane Creek Drainage Project in Caldwell Parish, 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)* and *Executive Order 11990*.

Our preliminary review revealed that jurisdictional waters of the U.S. occur on the proposed sites. At this time, the EPA recommends coordination with the U.S. Army Corps of Engineers at the Vicksburg District Office to verify which permits are needed. Thanks 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.

Raul Gutierrez, Ph.D.
Wetlands Section (6WQ-EM)
US EPA Region 6
(504) 862-2371

Office:
US Army Corps of Engineers
New Orleans District
CEMVN-OD-SC
Post Office Box 60267
New Orleans, Louisiana 70160-0267

From: Schexnayder, Jamie [mailto:jamie.schexnayder@fema.dhs.gov]
Sent: Friday, February 12, 2016 2:29 PM
To: Linda.Hardy@la.gov; Gutierrez, Raul <Gutierrez.Raul@epa.gov>; cmichon@wlf.la.gov; regulatory@usace.army.mil
Cc: Pitts, Melanie <melanie.pitts@fema.dhs.gov>; Holmes, Leschina <Leschina.Holmes@fema.dhs.gov>; Spann, Tiffany <Tiffany.Spann@fema.dhs.gov>
Subject: Request for Solicitation of Views (SOV) for HMGP# 1603-0363 Hurricane Creek Drainage Improvements

February 12, 2016
Agency

70802

U.S. Department of Homeland
Security
Federal Emergency Management

FEMA-DR 1603/1607 LA
Louisiana Recovery Office
1500 Main St., Baton Rouge, LA

From: [Allred, Charles R MVK](#)
To: [Schexnayder, Jamie](#)
Subject: RE: HMGP# 1603-0363 Hurricane Creek Drainage Improvements (Reduced Eng. Plans)
Date: Wednesday, September 14, 2016 1:17:05 PM
Attachments: [engform_4345_2014dec.pdf](#)
[permitapplicationinstructions.pdf](#)

Jamie,

After reviewing the proposed plans for the work at Hurricane Creek (Sections 1 and 2), Caldwell High School Tributary and Hanchey Road Tributary, it appears that these areas are regulated pursuant to Section 404 of the Clean Water Act.

Any work that involves a discharge of dredged and/or fill material into the streams will require a Section 404 permit prior to beginning. The land clearing of any access roads in waters of the United States will require a permit from this office.

We recommend that the applicant apply for a permit for the work (see attached application). Once that information is received, we can make a final determination of permit requirements.

The Corps will have to make a wetland determination on the proposed work areas (34.5 acres), which would include looking at the channels and the access roads needed to complete the work.

This information can also be obtained by hiring an environmental consultant to conduct a jurisdictional determination on the sites, which would speed up the permitting process.

Once a determination is made on the potential impacts to waters of the US in the work areas, including wetlands, then the permit application can be processed.

If you need any further information, please call at the number below.

Thanks,

Charles

Charles R. Allred, Jr.
Chief, Enforcement Section
Regulatory Branch
USACE, Vicksburg District
(601) 631-5546

-----Original Message-----

From: Schexnayder, Jamie [<mailto:jamie.schexnayder@fema.dhs.gov>]
Sent: Friday, July 22, 2016 2:56 PM
To: Allred, Charles R MVK <Charles.R.Allred@usace.army.mil>
Subject: [EXTERNAL] HMGP# 1603-0363 Hurricane Creek Drainage Improvements (Reduced Eng. Plans)

Charles,

Here are the plans for the Hurricane Creek Drainage Improvement Project in Caldwell Parish. Please let me know if you have any questions and thanks for your help!

Jamie Schexnayder, CFM

Environmental Protection Specialist

FEMA Region VI - LRO

1500 Main Street

Baton Rouge, LA 70802

BB (225) 200-4961

jamie.schexnayder@fema.dhs.gov <<mailto:jamie.schexnayder@fema.dhs.gov>>



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

October 19, 2018

Operations Division

SUBJECT: Department of the Army Regulatory Requirements for the Proposed Four Culvert Replacements Associated with the Hurricane Creek Drainage Improvements Project, Located in Caldwell Parish, Louisiana

Mr. Ben Clark
Caldwell Parish Police Jury
Post Office Box 1737
Columbia, Louisiana 71418

Dear Mr. Clark:

Based upon the information furnished (enclosure 1), it appears that Department of the Army permit requirements for the subject work will be authorized by Nationwide Permit No. 3, as specified in the January 6, 2017, *Federal Register*, Issuance and Reissuance of Nationwide Permits; Final Rule; Notice (82 FR 1860-2008), provided the activity complies with the Special Conditions (enclosure 2), the General Conditions (enclosure 3), and the Regional Conditions (enclosure 4). It is your responsibility to read and become familiar with the enclosed conditions in order for you to ensure that the activity authorized herein complies with the Nationwide Permit.

This verification is valid until March 18, 2022, unless the Nationwide Permit is modified, suspended, or revoked. Activities which are under construction or that are under contract to commence in reliance upon a Nationwide Permit will remain authorized, provided the activity is completed within 12 months of the date of any subsequent modification, expiration, or revocation of the Nationwide Permit. Upon completion of the activity authorized by this Nationwide Permit, please fill out the enclosed certification of compliance (enclosure 5) and return it to our office.

This verification of Department of the Army regulatory requirements does not convey any property rights, either in real estate or material or any exclusive privileges, and does not authorize any injury to property or invasion of rights or local laws or regulations, or obviate the requirement to obtain State or local assent required by law for the activity discussed herein.

Thank you for advising us of your plans. If you change your plans for the proposed work, or if the proposed work does not comply with the conditions of the Nationwide Permit, please contact Mr. Bryan Williamson, telephone [REDACTED] or email: [REDACTED]. In any future correspondence concerning this project, please refer to Identification No. MVK-2011-1213.

I am forwarding a copy of this letter to Ms. Cinnamon Gooding, McManus Consulting Engineers, Post Office Box 4318, Monroe, Louisiana 71211.

Sincerely,

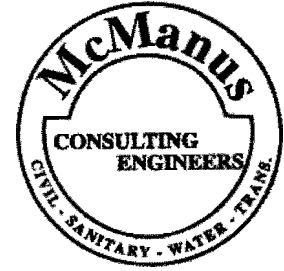
Cori Carraway
Chief, Permit Section
Regulatory Branch

Enclosures

McMANUS CONSULTING ENGINEERS

KENNETH C. MCMANUS, P.E.

P. O. BOX 4318
MONROE, LOUISIANA 71211
PHONE: (318) 343-5600, 343-5460
FAX: (318) 343-5717
mcmamusengineers@yahoo.com



May 28, 2018

U.S. Army Corps of Engineers
Vicksburg District
4155 Clay Street
Vicksburg, MS 39180

email: samantha.hompson@usace.army.mil

Attn: Ms. Samantha Thompson

Re: Caldwell Parish Police Jury
Hurricane Creek Drainage Improvements
MVK-2011-1213
HMGP #1603N-021-0005
FEMA-1603-DR-LA, Project #0363
Project No. 1-11-584E

Dear Ms. Thompson:

Attached are maps showing the locations of the existing culverts. The houses in this area flood due to areas of the creek which have filled in and some of the culverts are undersized.

At Martin Luther St., there are two sets of existing culverts. One set of 36" diameter culverts lie under an existing concrete drive that is slowly subsiding due to the erosion from the creek and there is one 54" diameter culvert under Martin Luther St. The storm water backs up at this location due to the two 90 degree turns in the creek. In addition, there has been erosion caused by the condition. The proposed work would replace these culverts with two 54" diameter storm drains, that will start North of the existing concrete drive and continue South of Martin Luther Street.

The other two crossings at Garsee Road and Sidney Lane are in need of replacement. The culvert at Garsee Road is undersized and the culvert at Sidney Lane is a temporary fix which was placed a couple years ago, while this project was still ongoing, due to a crushed culvert. There have been incidences of flooding at both of these roads which required rescues of residences at the end of the road.

Ms. Samantha Thompson
May 28, 2018
Page 2

We would like to reduce impacts to wetlands so that mitigation is not required. Preferably, we would like to be able to provide drainage improvements without the loss of wetlands. In addition, FEMA will not pay the mitigation costs, and the Parish does not have the funds. This project is unusual, as it is 100% funded by FEMA due to the need of the project and the Police Jury not being able to provide matching funds.

Thank you again for your assistance. Upon your review, should you have any questions or comments, please feel free to contact this office.

I remain sincerely,

McManus Consulting Engineers, Inc.



Cinnamon Gooding, P.E.
Chief Engineer

cc: Caldwell Parish Police Jury, c/o Ms. Wanda Stone, P.O. Box 1737, Columbia,
LA 71418
Mr. Robert Mears, 208 Littleton Loop Rd., Doakville, LA 71234
File

Untitled Map

Write a description for your map.

Legend

Google Earth

© 2018 Google

32°04'53.18"N
92°05'30.07"W
Replace (2) 36"x26" RCP
and (1) 54"x40" RCP w/
(2) 54"x30"x1' Storm
drain
Mach Luther St

Mach Luther St.

165

Leak

Martin Luther St

500 ft



Untitled Map

Write a description for your map.

Legend

32°04'47.50"N
92°05'34.50"W
Replace 60"x16" culvert
w/ 60"x30" culvert

32°04'46.25"N
92°05'35.01"W
Replace 48"x30" culvert
w/ 60"x46" culvert

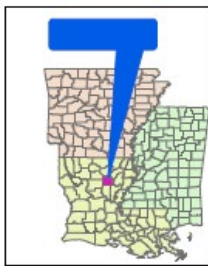
32°04'43.87"N
92°05'36.33"W
Replace 84"x12" railroad
tank car w/ 84"x12"x
52 L.F. HDPE
Sidney Ln.

Garsee Rd

Sidney Ln

Garsee Rd





May 1, 2018
MVK-2011-1213

Applicant:
Caldwell Parish Police Jury

Proposed Work:
Drainage Improvement

Location:
Section 29,30,31,A6 T12N&13N-R4E
Columbia Louisiana, Quadrangle
Caldwell Parish, LA

Map Background:
NAIP Aerial Imagery (2010)
Preliminary
Jurisdictional Determination
Prepared by:
Robert G. Ulmer, Jr.



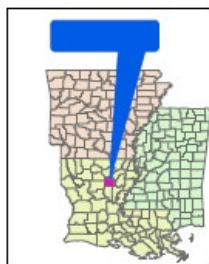
**US Army Corps
of Engineers**



Regulatory Branch

Enforcement Section

0 250 500
Feet



May 1, 2018
MVK-2011-1213

Applicant:
Caldwell Parish Police Jury

Proposed Work:
Drainage Improvement

Location:
Section 29, 30, 31, & 6 T12N&13N-R4E
Columbia Louisiana, Quadrangle
Caldwell Parish, LA

Map Background:
NAD83 Aerial Imagery (2010)
Preliminary
Jurisdictional Determination
Prepared by:
Robert G. Ulmer, Jr.



US Army Corps
of Engineers





Regulatory Branch

Enforcement Section

0 200 400
Feet



May 1, 2018
MVK-2011-1213
Applicant:
Caldwell Parish Police Jury
Proposed Work:
Drainage Improvement
Location:
Section 29,30,31,A6 T12N&13N-R4E
Columbia Louisiana, Quadrangle
Caldwell Parish, LA
Map Background:
NAIP Aerial Imagery (2010)
Preliminary
Jurisdictional Determination
Prepared by:
Robert G. Ulmer, Jr.



**US Army Corps
of Engineers**

Regulatory Branch
Enforcement Section

0 1,150 2,300
Feet

From: [McManus Engineers](#)
To: [Williamson, Stanley B CIV CEMVK CEMVD \(US\)](#)
Subject: [Non-DoD Source] Re: (MVK-2011-1213); NWP request for the Hurricane Creek Drainage Improvements Project located in Caldwell Parish, LA
Date: Sunday, July 15, 2018 12:34:17 PM

Bryan,

1. The applicant would like to apply for Nationwide Permit No. 3.
2. The applicant's contact information is:

Caldwell Parish Police Jury
P.O. Box 1737
Columbia, LA 71418

Ben Clark, President

3. I am trying to get FEMAs determinations for the Threatened/Endangered Species and Section 106, and will forward them to you, once we receive them.
4. Any trees within the channel will be removed, as it is blocking the drainage flow. There will be an access road, 20' W along the top bank, and if there are any trees within the access area that hinder the improvements, they will be cut down to the stumps, and the stumps will remain to stabilize the soils.
5. The impediments will be removed from the top bank, and will be hauled to an upland site.
6. There will be 4 culvert crossings that will be replaced, and one set of those culverts will be at Martin Luther St. At this location the stream has to make a 90 degree turn to the West, and then a 90 degree turn to the South prior to entering the culverts. This area floods frequently, is eroding and a driveway containing some culverts is collapsing. The proposed work at this location will to place (2) 54" dia. storm drains within the channel alignment to assist in conveying the storm water in this area. The length of impacts was included in the impact sheet.

If you need any additional information, please feel free to contact us.

Sincerely,
Cinnamon Gooding, P.E.,
Chief Engineer

McManus Consulting Engineers, Inc.
116 Smelser Road, Monroe, LA 71202
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To: McManus Engineers [REDACTED]
Cc: "Williamson, Stanley B CIV CEMVK CEMVD (US)" [REDACTED]
Sent: Monday, July 2, 2018 2:48 PM
Subject: (MVK-2011-1213); NWP request for the Hurricane Creek Drainage Improvements Project located in Caldwell Parish, LA

Ms. Gooding,

SPECIAL CONDITIONS
NATIONWIDE PERMIT No. 3

Maintenance

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be

placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.

2017 Nationwide Permits General Conditions, Further Information, and Definitions

A. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the

NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures

wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic

Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that

the activity results in no more than minimal adverse environmental effects. For the NWP, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the

permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the

45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide

electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP's, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

B. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal

with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

C. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

**STATE OF LOUISIANA
NATIONWIDE PERMIT (NWP) REGIONAL CONDITIONS
FEBRUARY 2017**

PART I - REGIONAL CONDITIONS FOR ALL NWPS:

Regional Condition 1. No regulated activity may cause the permanent loss or the conversion of greater than 1/2 acre of cypress swamp and/or cypress-tupelo swamp.

Regional Condition 2. No regulated activity may cause the permanent loss or the conversion of greater than ½ acre of coastal prairie, pine savanna, and/or pitcher plant bogs.

Regional Condition 3. No regulated activity is authorized under any NWP permit which has been determined to have an adverse impact upon a federal or state designated rookery and/or bird sanctuary.

Regional Condition 4. Although ESA Section 7 consultation is no longer required for the Louisiana black bear (which has been delisted due to recovery), permittees are advised that the Louisiana black bear is still protected under State of Louisiana law, and the Louisiana Department of Wildlife and Fisheries (LDWF) will continue to actively manage this subspecies. To learn more about State law requirements for Louisiana black bear protection and habitat conservation, permittees shall contact Maria Davidson (Louisiana Department of Wildlife and Fisheries - Large Carnivore Program Manager) at (337) 948-0255.

Regional Condition 5. Due to the occurrence of threatened or endangered species, **Pre-Construction Notification** shall be required for **ALL** regulated instream activities in the following waterways: Abita River and tributaries; Amite River (LA Highway 37 at Grangeville to Port Vincent); Bayou Bartholomew in Morehouse Parish; Bayou Boeuf and Bayou Rapides Tributaries in Rapides Parish: (Bayou Clear, Brown Creek, Burney Branch, Castor Creek, Clear Creek, Haikey's Creek, Little Bayou Clear, Little Brushy Creek, Loving Creek, Little Loving Creek, Long Branch, Mack Branch, Patterson Branch, Valentine Creek, and Williamson Branch), Bayou Rigolette tributaries in Grant Parish (Beaver Creek, Black Creek, Chandler Creek, Clear Branch, Coleman Branch, Cress Creek, Cypress Creek, Glady Hollow, Gray Creek, Hudson Creek, James Branch, Jordon Creek, Moccasin Branch, and Swafford Creek); Bogue Falaya River and Tributaries, Bogue Chitto River and Tributaries, Lake Borgne, Lake Pontchartrain and its tributaries, Lake Saint Catherine, Little Lake, Tchefuncta River, Little Tchefuncta River, the Rigolets and West Pearl River.

Regional Condition 6. Dredged and/or fill material placed within wetlands and other waters must be free of contaminants, to the best of the applicant's knowledge.

Regional Condition 7. For work within the Louisiana Coastal Zone and/or the Outer Continental Shelf off Louisiana;

- a. The New Orleans District's Programmatic General Permit (PGP) generally supersedes the Nationwide Permit authorization for regulated activities located within the Louisiana Coastal Zone as incorporated within the New Orleans Corps District boundaries. Projects typically will not qualify for a Nationwide Permit if they qualify for the Programmatic General Permit.
- b. A joint permit application for work must first be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management (OCM). OCM will then forward the request to the Corps of Engineers-New Orleans District.
- c. NWP requests that have not received a Coastal Use Permit or other consistency determination from the OCM would be processed by the Corps. However any granted authorization may be conditioned to require the applicant to obtain appropriate authorization from OCM before the NWP is valid.

Regional Condition 8. A pre-construction notification, as defined under nationwide general condition 32, will be provided for all regulated activities, excluding Nationwide 20, that meet one or both of the following criteria;

- a. Adversely affects greater than 1/10 acre of wetlands, and/or;
- b. Adversely impacts a Louisiana designated Natural and Scenic River or a state or federal wetland/wildlife management area and/or refuge.

Regional Condition 9, Supplement to General Condition 2 – Aquatic Life Movement. To support compliance with General Condition 2 of the NWPs, culverts must be sufficiently sized to maintain expected high water flows and be installed at a sufficient depth to maintain low flows to sustain the movement of aquatic species. .

PART II - REGIONAL CONDITIONS FOR SPECIFIC NWPS

NWP 1. *Aids to Navigation:*
No additional regional conditions are proposed.

NWP 2. *Structures in Artificial Canals:*
No additional regional conditions are proposed.

NWP 3. *Maintenance:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will **be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.**

NWP 4. *Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities:*

No additional regional conditions are proposed.

NWP 5. *Scientific Measurement Devices:*

A pre-construction notification, as defined under nationwide general condition 32, is required for all weirs and flumes in any water of the United States.

NWP 6. *Survey Activities:*

Pre-construction notification, as defined under nationwide general condition 32, is required for all regulated **seismic survey activities**. The state and federal resource agencies will be forwarded a copy of the Pre-Construction Notification regardless of acreage impact.

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will **be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.**

NWP 7. *Outfall Structures and Associated Intake Structures:*

Activities that include the construction of intake structures must include adequate fish exclusion screening devices.

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will **be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.**

NWP 8. *Oil and Gas Structures on the Outer Continental Shelf:*

No additional regional conditions are proposed.

NWP 9. *Structures in Fleeting and Anchorage Areas:*

No additional regional conditions are proposed.

NWP 10. *Mooring Buoys:*

No additional regional conditions are proposed.

NWP 11. *Temporary Recreational Structures:*

No additional regional conditions are proposed.

NWP 12. *Utility Line Activities:*

Pre-Construction Notification, as defined under nationwide general condition 32, is required for regulated **utility line activities** regardless of impact acreage. The U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and, if applicable, National Marine Fisheries Service will be forwarded a copy of the Pre-Construction Notification for all NWP #12 activities.

A 50-foot gap shall be required for every 500 linear feet of sidecast material resulting from trench excavation activities associated with utility line construction. Under certain circumstances the gap intervals may be modified. Additionally, no fill shall be placed in a manner which would impede natural watercourses.

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 13. *Bank Stabilization:*

Rip-rap material shall be free of protruding reinforcement material (i.e., rebar). Such material may pose a hazard to navigation and recreational uses

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 14. *Linear Transportation Projects:*

Pre-Construction Notification, as defined under nationwide general condition 32, is required for all regulated **linear transportation crossings** regardless of impact acreage. The U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and, if applicable, National Marine Fisheries Service will be forwarded a copy of the Pre-Construction Notification for all NWP #14 activities.

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 15. *U.S. Coast Guard Approved Bridges:*

No additional regional conditions are proposed.

NWP 16. *Return Water from Upland Contained Disposal Areas:*
No additional regional conditions are proposed.

NWP 17. *Hydropower Projects:*
No additional regional conditions are in proposed.

NWP 18. *Minor Discharges:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 19. *Minor Dredging:*
No additional regional conditions are proposed.

NWP 20. *Response Operations for Oil and Hazardous Substances:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 21. *Surface Coal Mining Activities:*
No additional regional conditions are proposed.

NWP 22. *Removal of Vessels:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 23. *Approved Categorical Exclusions:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 24. *Indian Tribe or State Administered Section 404 Programs:*

Not applicable in the State of Louisiana.

NWP 25. *Structural Discharges:*
No additional regional conditions are proposed.

NWP 26. (Reserved)

NWP 27. *Aquatic Habitat Restoration, Establishment, and Enhancement Activities:*
No regulated activities shall be authorized that would convert tidal wetlands to another aquatic habitat type.

NWP 28. *Modifications of Existing Marinas:*
No additional regional conditions are in proposed.

NWP 29. *Residential Developments:*
The DA authorization shall be conditioned to require that sewage generated at the site will be processed through a municipal sewage treatment system or, in areas where tie-in to a municipal system is not practical, the on-site sewage system must be approved by the local parish sanitarian before any housing is constructed.

This NWP, via disavowal of water quality certification by the Louisiana Department of Environmental Quality, is considered **denied** without prejudice for all developments except those associated with construction or expansion of a single residence. For all developments consisting of more than a single residence, individual requests for approval under this NWP will be considered on a case-by-case basis only after receipt by the appropriate Corps district of an individual water quality certification, waiver, or other approval by the Louisiana Department of Environmental Quality.

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 30. *Moist Soil Management for Wildlife:*
Pre-Construction Notification, as defined under nationwide general condition 32, is required for all regulated activities regardless of the impact acreage. The U.S. Fish and Wildlife Service and the Louisiana Wildlife and Fisheries will be forwarded a copy of the complete Pre-Construction Notification. A copy of the water-level management plan must be submitted as part of the PCN.

NWP 31. *Maintenance of Existing Flood Control Facilities:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 32. *Completed Enforcement Actions:*
No additional regional conditions are proposed.

NWP 33. *Temporary Construction, Access and Dewatering:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 34. *Cranberry Production Activities:*
Not applicable within the State of Louisiana.

NWP 35. *Maintenance Dredging of Existing Basins:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 36. *Boat Ramps:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 37. *Emergency Watershed Protection and Rehabilitation:*
No additional regional conditions are proposed.

NWP 38. *Cleanup of Hazardous and Toxic Waste:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 39. *Commercial and Institutional Developments:*

Regulated activities which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Navigation Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

This NWP, via disavowal of water quality certification by the Louisiana Department of Environmental Quality, is considered **denied** without prejudice. Individual requests for approval under this NWP will be considered on a case-by-case basis only after receipt by the appropriate Corps district of an individual water quality certification, waiver, or other approval by the Louisiana Department of Environmental Quality.

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 40. *Agricultural Activities:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 41. *Reshaping Existing Drainage Ditches:*

No regulated discharges shall be allowed under this NWP that would adversely impact mature riparian corridors.

Regulated activities which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Navigation Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

This NWP, via disavowal of Coastal Zone certification by the Louisiana

Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 42. *Recreational Facilities:*

Work which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Navigation Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 43. *Stormwater Management Facilities:*

Regulated activities which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Navigation Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 44. *Mining Activities:*

Regulated activities which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 45. *Repair of Uplands Damaged by Discrete Events:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 46. *Discharges in Ditches:*

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 47. *[Reserved]*

NWP 48. *Existing Commercial Shellfish Aquaculture Activities:*

No additional regional conditions are proposed.

NWP 49. *Coal Remining Activities:*

No additional regional conditions are proposed.

NWP 50. *Underground Coal Mining Activities:*

No additional regional conditions are proposed.

NWP 51. **Land-Based Renewable Energy Generation Facilities:**

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP 52. **Water-Based Renewable Energy Generation Pilot Projects:**

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP-53. Removal of Low-Head Dams

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

NWP-54. Living Shorelines

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered **denied** without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will ***be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.***

PART III - WATER QUALITY REGIONAL NWPS CONDITIONS FOR “INDIAN COUNTRY” LANDS

The Environmental Protection Agency (EPA) is the agency required to address water quality certification of the 2017 nationwide permits (NWPs) in Indian country¹ where a tribe has not received treatment in the same manner as a state for the Clean Water Act (CWA) Section 401 program. Tribes which have received treatment in the same manner as a state (TAS) for the water quality standards and §401 certification programs and which have EPA-approved water quality standards will be contacted by the Corps of Engineers for the water quality certification process. EPA is the agency required to address water quality certification for tribes that have not received TAS for the water quality standards and 401 certification programs. At this time, no Indian tribes in Louisiana have CWA Section 401 authority.

1. The permittee shall conduct all work in such a manner to comply with all U.S. Army Corps of Engineers §404 permit conditions.
2. The permittee shall keep a copy of this certification with conditions at the project site during all phases of construction. All contractors or subcontractors

¹ “Indian Country”, as defined in 18 U.S.C. 1151, means: (1) all land within the limits of any Indian reservation under the jurisdiction of the United States government, not withstanding the issuance of any patent, and including rights-of-way running through the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

involved in the project must be provided a copy of this certification prior to commencement of activities.

3. All heavy equipment used in the project areas shall be steam cleaned before the start of the project and inspected daily for leaks. Leaking equipment must not be used in or near surface water or in a wetland area. Equipment shall be parked outside the waterbody when not in use.
4. All fuels, oil, hydraulic fluid, or other substances of this nature must not be stored, temporarily or otherwise, within the normal floodplain or the wetland. A secondary containment system for these items shall be used in the event the primary containment system leaks. Refueling or servicing of equipment must not take place within 100 feet of any watercourse or within the wetland area.
5. The construction area shall be protected such that a runoff event will not move soil or contaminants to surface water or away from the construction site. These measures shall be in place prior to the commencement of activities and inspected daily.
6. Temporary mats must be placed on stream banks, riparian areas, and wetlands, to minimize impacts to soil and vegetation from heavy equipment. Temporary access roads must be restored to pre-project conditions.
7. All asphalt, concrete, and other construction materials must be properly handled and contained to prevent releases to the stream channels. All concrete that is to be poured must be fully contained in mortar-tight forms to prevent accidental releases to surface water or ground water. No discharge of any concrete to surface water or ground water may occur. Dumping of waste materials near watercourses is strictly prohibited.
8. Work in a stream channel should be limited to periods of no flow when practicable, and must be limited to periods of low flow. Avoid working within the channel during spring runoff or summer thunderstorm season.
9. When working in a stream channel, flowing water must be temporarily diverted around the work area to minimize sedimentation and turbidity problems. Acceptable diversion structures are non-erosive and include (but are not limited to) sand bags, water bladders, concrete barriers lined with plastic, and flumes.
10. The permittee shall restore all areas disturbed by construction activities to pre-project conditions. This shall include restoration of surface contours, stabilization of the soil, and restoration of appropriate native vegetation to establish permanent cover.



State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY ENVIRONMENTAL SERVICES

APR 17 2017

Mr. Martin S. Mayer
Chief, Regulatory Branch
Department of the Army
Corps of Engineers, New Orleans District
P. O. Box 60267
New Orleans, Louisiana 70160-0267
Attention: Brenda A. Archer

AI No.: 149056
WQC 160629-02
Activity No.: CER20160001

RE: Water Quality Certification WQC 160629-02 *CORRECTED*
2017 Nationwide Permit Reissuance
State of Louisiana

Dear Mr. Mayer:

The Louisiana Department of Environmental Quality, Office of Environmental Services (LDEQ), provides with this correspondence clarification of the water quality certification approval and reissuance of the U.S. Army Corps of Engineers (Corps) Nationwide Permits (NWP), general conditions, and definitions with some modification in the *Federal Register* (Vol. 82 No. 4) as published January 6, 2017. The 2017 NWPs are in effect as of March 19, 2017. The publication of the final NWPs in the *Federal Register* serves as the Corps application for water quality certification (WQC) under Section 401 of the Clean Water Act for those NWPs that will result in a discharge in the State of Louisiana.

LDEQ has reviewed the Corps' Reissuance of Nationwide Permits, as published in the referenced *Federal Register* and issues WQC 160629-02 with the attached Nationwide Permit (NWP) Regional Conditions, February 2017 for the following NWPs:

NWP 3	NWP 18	NWP 33	NWP 46
NWP 4	NWP 19	NWP 34	NWP 48
NWP 5	NWP 20	NWP 36	NWP 49
NWP 6	NWP 21	NWP 37	NWP 50
NWP 7	NWP 22	NWP 38	NWP 51
NWP 12	NWP 23	NWP 40	NWP 52
NWP 13	NWP 25	NWP 41	NWP 53
NWP 14	NWP 27	NWP 42	NWP 54
NWP 15	NWP 30	NWP 43	
NWP 16	NWP 31	NWP 44	
NWP 17	NWP 32	NWP 45	

WQC 160629-02 *CORRECTED*
AI 149056
2017 Nationwide Permit Reissuance
State of Louisiana
Page 2

LDEQ denies 401 Water Quality Certification to the reissuance of NWP 29 except those associated with construction or expansion of a single residence pursuant to the attached State of Louisiana Nationwide Permit Regional Conditions.

LDEQ has denied 401 Water Quality Certification to the reissuance of NWP 39.

Based on the information provided in the application, it is the opinion of LDEQ that the Nationwide Permit NWP 39 could have potential adverse effects on water quality or fail to comply with State water quality standards as provided for in LAC 33:IX. Chapter 11, and should be considered for certification on a case-by-case basis. Therefore, certification for this NWP is denied.

Should you have any questions concerning any part of this certification, please contact Elizabeth Hill at (225) 219-3225 or by email at elizabeth.hill@la.gov. Please reference Agency Interest (AI) number 149056 and Water Quality Certification 160629-02 on all future correspondence to this Department to ensure all correspondence regarding this subject is properly filed into the Department's Electronic Document Management System.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elliott B. Vega', is written over a horizontal line.

Elliott B. Vega
Assistant Secretary

Attachment

c: IO-W

**CERTIFICATION OF COMPLIANCE
WITH DEPARTMENT OF THE ARMY PERMIT**

Nationwide Permit Number: NWP 3

Identification Number: MVK-2011-1213

Name of Permittee: Mr. Ben Clark - Caldwell Parish Police Jury

Issued Date: 10/19/2018

Evaluator name: Bryan Williamson

Expiration Date: 03/18/2022

Compliance Location: Project site located approximately 0.2 miles south of
Columbia Heights, Caldwell Parish, Louisiana; Section 6, T12N-R4E;
Culvert 1 (Martin Luther Street) = 32.081594,-92.091686
Culvert 2 (Garsee Street) = 32.079514,-92.093058
Culvert 3 (Sidney Lane) = 32.078853,-92.093425
Culvert 4 (Unnamed) = 32.079861,-92.092933

Upon completion of the activity authorized by this permit, sign this certification and
return it to the following address:

USACE, Vicksburg District
ATTN: Regulatory Branch
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Please note that your permitted activity is subject to a compliance inspection by an
Army Corps of Engineers representative. If you fail to comply with this permit, you
are subject to permit modification, suspension, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been
completed in accordance with the terms and conditions of the said permit
including any required mitigation.

Date work was completed: _____

Signature of Permittee

Date Signed

From: [Linda \(Brown\) Hardy](#)
To: [Schexnayder, Jamie](#)
Cc: [Yasoob Zia](#)
Subject: DEQ SOV 160215/0135 Hurricane Creek Drainage Improvements
Date: Monday, February 29, 2016 8:43:46 AM

February 29, 2016

Tiffany Spann-Winfield
Deputy Environmental Liaison Officer, FEMA LRO
1500 Main St
Baton Rouge, LA 70802
jamie.schexnayder@fema.dhs.gov

RE: 160215/0135 Hurricane Creek Drainage Improvements
 FEMA Funding
 Caldwell Parish

Dear Ms. Spann-Winfield:

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 is required. An application or Notice of Intent will be required if the sludge management practice includes preparing biosolids for land application or preparing sewage sludge to be hauled to a landfill. 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, Caldwell 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.

Sincerely,

Linda M. Hardy

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



JOHN BEL EDWARDS
GOVERNOR

State of Louisiana
DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

CHARLIE MELANCON
SECRETARY
JIMMY L. ANTHONY
ASSISTANT SECRETARY

Date February 17, 2016

Name Jamie Schexnayder

Company FEMA

Street Address 1500 Main St.

City, State, Zip Baton Rouge, LA 70802

Project Caldwell Parish, Hurricane Creek Drainage Improvements
HMGP# 1603-0363

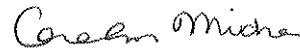
Project ID

Invoice Number 16021714

Personnel 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 within Louisiana's boundary are anticipated for the proposed project. No state or federal parks, wildlife refuges or scenic streams 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,

for 
Amity Bass, Coordinator
Natural Heritage Program

From: [LESLIE, JR., ROBERT](#)
To: ["amy_trahan@fws.gov"](mailto:amy_trahan@fws.gov)
Cc: [Pitts, Melanie](#); [Spann, Tiffany](#)
Subject: 1603-0363 Caldwell Parish Hurricane Creek improvements - Informal consultation
Date: Thursday, September 6, 2018 1:39:00 PM
Attachments: [1603-0363_USFWSreportOnlineTool_North_08-28-2018.pdf](#)
[1603-0363_USFWSreportOnlineTool_South_08-28-2018.pdf](#)
[1603-0363_Hurricane_Creek_Protect_Description_Aug_2018.pdf](#)
[image002.png](#)

Attn: Ms. Amy Trahan, U.S. Fish and Wildlife Service

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-DR 1603/1607 LA
Louisiana Recovery Office
1500 Main Street
Baton Rouge, Louisiana 70802

MEMORANDUM TO: U.S. Fish and Wildlife Service Louisiana Ecological Services Office

DATE: September 6, 2018

SUBJECT: Informal Consultation for Caldwell Parish Drainage Improvements, FEMA Hazard Mitigation Grant Program (HMGP) 1603-0363, DR-1603-LA

To Whom it May Concern:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is mandated by the U.S. Congress to administer Federal disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 404 of the Stafford Act authorizes FEMA's Hazard Mitigation Grant Program (HMGP) to provide funds to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration.

FEMA has received a [grant](#) application from The Parish of Caldwell Parish. The Parish has requested, through the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), that FEMA provide disaster assistance consisting of federal grant funds in accordance with the provisions of the Stafford Act. The proposed project would include improvements to the drainage of, and replacement of certain culverts and bridges that cross, two (2) segments of Hurricane Creek and two (2) of its tributaries (Caldwell High School tributary and Hanchey Road tributary) located approximately 1.5 mile south of the town of Columbia, Louisiana. A more detailed description of the proposed action is attached.

FEMA Environmental and Historic Preservation (EHP) initiated an informal consultation with your office in a June 21, 2018 e-mail. A June 29, 2018, response from your office recommended that

FEMA-EHP utilize the USFWS online self-determination tool at <https://www.fws.gov/southeast/lafayette/project-review/>.

On 8/28/2018, FEMA used the online tool to make a “Not Likely to Adversely Affect” determination for the Northern Long-Eared Bat (NLEB), subject to the condition that proposed activities “would be performed outside of the NLEB active season (April 1 to October 31) in areas where NLEBs are known to roost.” Copies of the online self-determination reports are attached for the two (2) segments of Hurricane Creek in the project area.

FEMA respectfully requests concurrence with our determinations pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 USC 1536), and the consultation procedures at 50 CFR Part 402. Pursuant to our request for informal consultation, FEMA is providing, enclosing, or otherwise identifying the following information:

- A description of the action to be considered;
- Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Reports

If you have questions, please contact Tiffany Spann-Winfield (Environmental and Historic Preservation Division) at 504-218-6800 or tiffany.spann@fema.dhs.gov, or Melanie Pitts O’Keefe at 504-427-8000 or melanie.pitts@fema.dhs.gov. Please reference file number HMGP 1603-0363 in all correspondence related to this consultation.

Sincerely,

Tiffany Spann-Winfield

Deputy Environmental Liaison Officer
FEMA 1603/1607-DR-LA
FEMA Louisiana Recovery Office (LRO)
1500 Main Street
Baton Rouge, Louisiana 70802
Telephone: (504) 218-6800
e-mail: tiffany.spann@fema.dhs.gov



Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report

Instructions

Please submit a copy of this report to the Louisiana Ecological Services Office for review at lafayette@fws.gov. Contact our office at (337) 291-3100 for further assistance.

Project Description: PA 1, located in the northern part of Hurricane Creek, begins north of Martin Luther Street (latitude: 32.082166 degrees, longitude: 92.09092 degrees) and ends where Hurricane Creek intersects three (3) existing box culverts crossing under at U.S. Highway 165 (latitude: 32.047914 degrees, longitude: -92.105708 degrees). The proposed improvements in this area include rechanneling, reshaping, and restoring approximately 2,100 linear feet (LF) of Hurricane Creek using bank stabilization as necessary as well as installing erosion and sediment control measures, such as rip rap, blankets, hydroseed, or silt fencing, as necessary. Other improvements include removal of and replacement of an existing 54" dia. x 40' reinforced concrete pipe (RCP) culvert from under Martin Luther Street and two (2) 36" dia. x 26' RCP culverts from under a private drive (latitude: 32.0816550 degrees, longitude: -92.091401 degrees) with a single underground storm drain system consisting of two (2) 54" dia. x 252' RCP culverts.

After Martin Luther Street, channel improvements will continue on the west side of the creek, south to Sidney Lane. Between Garsee Road and Martin Luther Street, an existing 60" dia. x 16' CMP culvert will be removed and replaced with a 60" dia. x 30' CMP culvert. Under Garsee Road (latitude: 32.079516 degrees, longitude: -92.093071 degrees), the proposed improvement is removal of an existing 48" dia. x 30' corrugated metal pipe (CMP) culvert and replacing it with a 60" dia. x 46' CMP culvert. Under Sidney Lane (latitude: 32.078854 degrees, longitude: -92.093449 degrees), the proposed improvement is removal of an existing 84" dia. railroad tank car and replacement with an 84" dia. x 52' high density polyethylene (HDPE) culvert pipe. After Sidney Lane, the east side of the creek will be cleared for approximately 75' before a transition into clearing both sides of the creek. At this location, the creek takes a 90-degree turn and is routed around an existing hospital helicopter pad prior to entering the storm drain system under U.S. Highway 165.

Equipment and vehicle access to PA 1 will be provided from an approximately 50' x 100' staging area on the north side of the Martin Luther Street road crossing of Hurricane Creek (latitude: 32.081700 degrees, longitude: -92.091683 degrees). Access to PA 1 will also be provided from an approximately 50' x 300' staging area along the west bank of Hurricane Creek (latitude: 32.080297 degrees, longitude: -92.092956 degrees), located between Martin Luther Street and Garsee Road. The total project site for PA 1 measures approximately 4.40 acres.

Requesting Agency: Federal Emergency Management Agency (FEMA)

Project Coordinates: Latitude: 32.080195° Longitude: -92.092779°

Point of Contact: Robert Leslie

Address: 1500 Main Street

City: Baton Rouge

State: Louisiana

Zip Code: 70802

Phone Number 1: 202-746-6837 **Phone Number 2:** 504-258-2521

Email Address: robert.lesliejr@associates.fema.dhs.gov

Does the proposed action only involve telecommunication structure(s)?

No

Would the proposed action occur entirely within an existing footprint or rights-of-way (ROW)?

No

Northern Long-eared Bat

Would the proposed action involve any bridge repair, retrofit, maintenance, and/or rehabilitation work?

Yes

Would the following conservation measures be included in the project design?

- Activities would be performed outside of the NLEB active season (April 1 to October 31) in areas where NLEBs are known to roost

Yes

Conclusion:

We have determined that the proposed action is not likely to adversely affect the Northern Long-eared Bat.

**MELANIE P
O'KEEFE**

Project Representative

Digitally signed by MELANIE

P O'KEEFE

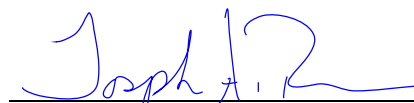
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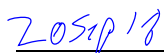
Date

Based on the information provided in this report, as well as any pertinent correspondence and documentation saved to the project file at our office (if applicable), the Service concurs with your "not likely to adversely affect" determination for the following species:

Northern Long-eared Bat



*Louisiana Ecological Services Office
U.S. Fish and Wildlife Service*



Date

Section 7 consultation for the proposed action is concluded when you receive signature from this office. To ensure continued compliance with the ESA, reinitiate consultation when:

- new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not considered in this consultation
- the action is modified in a manner that causes effects to listed species or designated critical habitat not considered in this consultation
- a new species is listed or critical habitat designated that the action may affect.

Migratory Bird Conservation Recommendations

Bald Eagle

The proposed project area may provide nesting habitat for the bald eagle (*Haliaeetus leucocephalus*), which was officially removed from the List of Endangered and Threatened Species as of August 8, 2007. However, the bald eagle remains protected under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.) The Louisiana Department of Wildlife and Fisheries (LDWF) has not collected comprehensive bald eagle survey data since 2008, and new active, inactive, or alternate nests may have been constructed within the proposed project area since that time.

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

In southern Louisiana parishes, eagles typically nest in mature trees (e.g., baldcypress, sycamore, willow, etc.) near fresh to intermediate marshes or open water. Bald eagles may also nest in mature pine trees near large lakes in central and northern Louisiana. If a bald eagle nest occurs or is discovered within 660 feet of the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: <https://www.fws.gov/southeast/our-services/eagle-technical-assistance>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary.

Colonial Waterbirds

In accordance with the Migratory Bird Treaty Act of 1918 (as amended), please be advised should the project area be located in or near wetland habitats which may be inhabited by colonial nesting waterbirds and/or seabirds, additional restrictions may be necessary.

Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by (1) monitoring previously known colony sites and (2) augmenting point-to-point surveys with flyovers of adjacent suitable habitat. Although several comprehensive coast-wide surveys have been recently conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season because some waterbird colonies may change locations year-to-year. To minimize disturbance to colonial nesting birds please refer to our colonial nesting waterbird guidance on the LESO Webpage https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html.

Additional Migratory Bird Conservation Recommendations

During the project impact analysis process developers should identify project-related impacts to migratory birds and the conservation measures that will be used to mitigate them. For additional Migratory Bird Conservation recommendations, guidance and tools to help reduce impacts to birds and their habitats please visit the LESO webpage https://www.fws.gov/lafayette/Migratory_Birds/MigBird.html and the Service's Migratory Bird Program Webpage (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>).



The Louisiana Black Bear

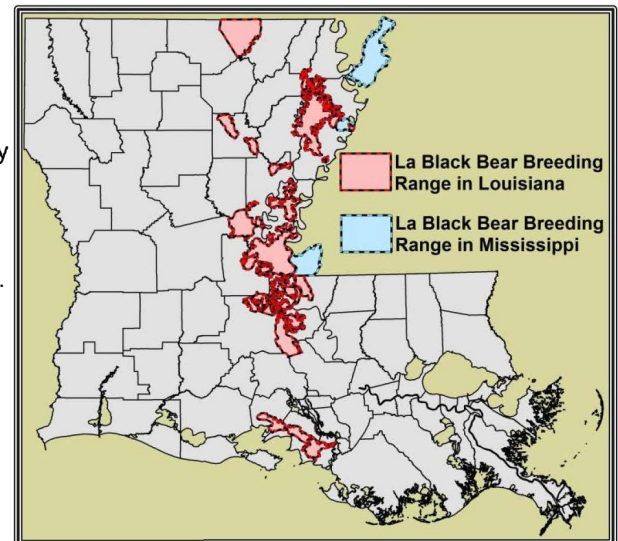
Recovered and Delisted



Post-Delisting Conservation Considerations

The Louisiana black bear (*Ursus americanus luteolus*) was listed as a threatened subspecies in 1992. Due to recovery, it was officially removed from the List of Endangered and Threatened Species on March 11, 2016 (effective April 11, 2016); critical habitat designation for this subspecies has also been withdrawn. Because the Louisiana black bear is no longer protected under the Endangered Species Act (ESA), *consultation with the U.S. Fish and Wildlife Service (Service) is not required for this subspecies*. The Louisiana black bear remains protected under Louisiana state law, and the Louisiana Department of Wildlife and Fisheries (LDWF) will continue to actively manage this subspecies. The Service and LDWF have developed a plan to extensively monitor the status of the Louisiana black bear for 7 years following its delisting (until year 2022). That monitoring will be undertaken to detect any potential population decreases or threat increases that may warrant the implementation of measures to ensure that the Louisiana black bear remains secure from risk of extinction.

The Louisiana black bear is primarily associated with forested wetlands, but will utilize a variety of other habitat types, including scrub-shrub, marsh, spoil banks, and upland forests. They normally den from December through April and preferred den sites include large, hollow trees (36 inches or more in diameter at breast height) with sufficiently sized openings that allow access to interior cavities. Although ESA consultation is no longer required regarding project impacts on this subspecies, in the interest of conserving the Louisiana black bear, projects proposed in areas of the state that are inhabited by bears should be designed to avoid adversely affecting this subspecies or its habitat. (A current Louisiana black bear breeding area map is located at:



https://www.fws.gov/Lafayette/pdf/LA_Black_Bear_Breeding_Habitat_Map.pdf)

Conservation measures for the Louisiana black bear include:

- reducing the footprint of proposed actions to the maximum extent feasible
- avoiding impacts to potential den trees that are 36 inches or more in diameter at breast height
- implementing programs to prevent the habituation of bears to human-associated food sources (e.g., use of “bear-proof” waste disposal containers or daily removal of food and garbage)
- avoiding vegetative clearing during the black bear denning season (i.e., December 1 through April 30).

For additional information regarding the Louisiana black bear and project-specific conservation measures that may be required by the LDWF, please contact Maria Davidson (Large Carnivore Program Manager) at (337) 262-2080 or mdavidson@wlf.la.gov.



Endangered Species Act (ESA) Project Review and Guidance for Other Federal Trust Resources Report

Instructions

Please submit a copy of this report to the Louisiana Ecological Services Office for review at lafayette@fws.gov. Contact our office at (337) 291-3100 for further assistance.

Project Description: PA 2 is the second segment of Hurricane Creek located approximately 1,500 feet downstream from PA 1, where the creek intersects box culverts under U.S. Highway 165 (latitude: 32.074965°, longitude: -92.095524°), curves south behind a garage on Rushing Street, flows under a crossing at Rushing Street (latitude: 32.073690°, longitude: -92.094542°), and ends where the creek intersects with Louisiana Highway 126 (latitude: 32.047914°, longitude: -92.105708°). Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 13,100 LF of Hurricane Creek; installing erosion and sediment control measures, such as rip rap, blankets, hydroseed, or silt fencing, bank stabilization, and check dams as necessary; and replacing an existing bridge with a 19' wide x 70' long railroad flat car bridge under Central Street (latitude: 32.054236°, longitude: -92.097959°).

Equipment and vehicle access to PA 2 will also be provided from an approximately 50' x 300' staging area on the west bank of Hurricane Creek immediately south of the Rushing Street crossing (latitude: 32.073617°, longitude: -92.094717°). In addition, equipment and vehicle access to PA 2 will be provided from an approximately 50' x 375' staging area on the west bank of Hurricane Creek immediately north of the Anding Road crossing (latitude: 32.068536°, longitude: -92.092350°).

Equipment and vehicle access to PA 2 will also be provided from an approximately 50' x 355' staging area on the west bank of Hurricane Creek immediately south of the Anding Road crossing (latitude: 32.067997°, longitude: -92.092139°). The total project site for PA 2 measures approximately 19.6 acres.

PA 3 is located along a section of the Caldwell Parish High School Tributary beginning at a culvert situated along the Spartan Drive entranceway to the high school (latitude: 32.060018°, longitude: -92.097715°), and extending south to where the tributary intersects with Hurricane Creek east of Central Street. Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 2,100 LF of the tributary and installing erosion and sediment control measures, such as rip rap, blankets, hydroseed, or silt fencing, and bank stabilization.

Equipment and vehicle access to PA 3 will be provided from an approximately 50' x 82' staging area on the west bank of Hurricane Creek immediately east of the Central Street crossing (latitude: 32.054211°, longitude: -92.097989°). Equipment and vehicle access to PA 3 will also be provided from an approximately 50' x 298' staging area on the west bank of Hurricane Creek immediately south of the Anding Road crossing (latitude: 32.054311°, longitude: -92.098200°). The total project site for PA 3 measures approximately 3.13 acres.

PA 4 is located along the Hanchey Road Tributary, beginning on the west side of Hanchey

Road and intersecting Hurricane Creek approximately 850' northeast of Louisiana Highway 126. Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 5,080 LF of the tributary and installing erosion and sediment control measures, such as rip rap, blankets, hydroseed, or silt fencing, bank stabilization, and checking dams as necessary. The total project site for PA 4 measures approximately 7.58 acres.

Requesting Agency: Federal Emergency Management Agency (FEMA)

Project Coordinates: Latitude: 32.057569° Longitude: -92.094175°

Point of Contact: Robert Leslie

Address: 1500 Main Street

City: Baton Rouge

State: Louisiana

Zip Code: 70802

Phone Number 1: 202-746-6837 **Phone Number 2:** 504-258-2521

Email Address: robert.lesliejr@associates.fema.dhs.gov

Does the proposed action only involve telecommunication structure(s)?

No

Would the proposed action occur entirely within an existing footprint or rights-of-way (ROW)?

No

Northern Long-eared Bat

Would the proposed action involve any bridge repair, retrofit, maintenance, and/or rehabilitation work?

Yes

Would the following conservation measures be included in the project design?

- Activities would be performed outside of the NLEB active season (April 1 to October 31) in areas where NLEBs are known to roost

Yes

Conclusion:

We have determined that the proposed action is not likely to adversely affect the Northern Long-eared Bat.

MELANIE P

O'KEEFE

Project Representative

Digitally signed by MELANIE P
O'KEEFE


Date: 2018.09.06 10:24:06

-05'00'

Date

Based on the information provided in this report, as well as any pertinent correspondence and documentation saved to the project file at our office (if applicable), the Service concurs with your "not likely to adversely affect" determination for the following species

Northern Long-eared Bat


*Louisiana Ecological Services Office
U.S. Fish and Wildlife Service*

28 Sep 18
Date

Section 7 consultation for the proposed action is concluded when you receive signature from this office. To ensure continued compliance with the ESA, reinitiate consultation when:

- new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not considered in this consultation
- the action is modified in a manner that causes effects to listed species or designated critical habitat not considered in this consultation
- a new species is listed or critical habitat designated that the action may affect.

Migratory Bird Conservation Recommendations

Bald Eagle

The proposed project area may provide nesting habitat for the bald eagle (*Haliaeetus leucocephalus*), which was officially removed from the List of Endangered and Threatened Species as of August 8, 2007. However, the bald eagle remains protected under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.) The Louisiana Department of Wildlife and Fisheries (LDWF) has not collected comprehensive bald eagle survey data since 2008, and new active, inactive, or alternate nests may have been constructed within the proposed project area since that time.

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at:

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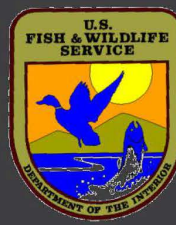
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The Louisiana Black Bear

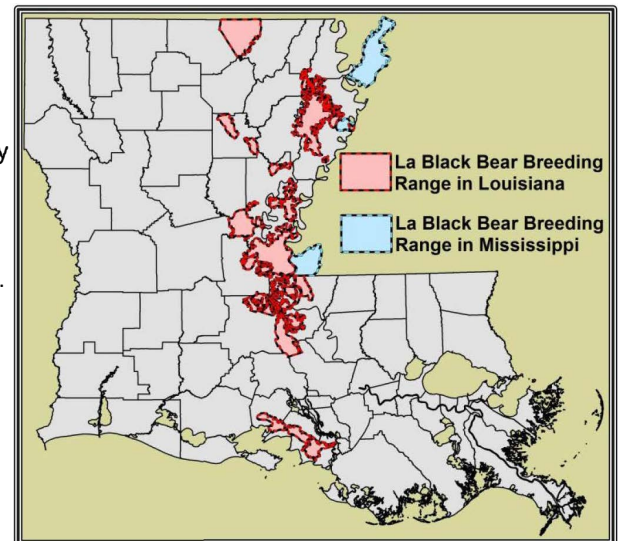
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FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-1603/1607-DR-LA
FEMA Louisiana Recovery Office
Environmental/Historic Preservation
1500 Main Street
Baton Rouge, LA 70802

February 3, 2016

Phillip E. Boggan II
State Historic Preservation Officer
Department of Culture, Recreation & Tourism
P.O. Box 44247
Baton Rouge LA 70804

RE: Section 106 Review Consultation, Hurricane Katrina, FEMA-1603-DR-LA

Applicant: Caldwell Parish Police Jury

Undertaking: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)

Determination: No Historic Properties Affected

Dear Mr. Boggan II:

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 the following major Disaster Declaration:

FEMA-1603-DR-LA, dated August 29, 2005, as amended.

FEMA, through its Hazard Mitigation Grant Program, proposes to fund the Hurricane Creek Drainage Improvements project (Undertaking) as requested by the Caldwell Parish Police Jury (Applicant). FEMA is initiating Section 106 review for the above referenced properties in accordance with the Louisiana State-Specific Programmatic Agreement among FEMA, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), the Louisiana State Historic Preservation Officer of the Department of Culture Recreation and Tourism (SHPO), the Alabama-Coushatta Tribe of Texas (ACTT), the Chitimacha Tribe of Louisiana (CTL), the Choctaw Nation of Oklahoma (CNO), the Jena Band of Choctaw Indians (JBCI), the Mississippi Band of Choctaw Indians (MBCI), the Seminole Tribe of Florida (STF), and the Advisory Council on Historic Preservation (ACHP) regarding FEMA's Hazard Mitigation Grant Program (2011 LA HMGP PA) dated January 31st, 2011 and providing the State Historic Preservation Office with the opportunity to consult on the proposed Undertaking. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(d).

Description of the Undertaking

The undertaking is intended to improve the drainage of Hurricane Creek and two of its tributaries located approximately 1.5 miles (2.4 kilometers) south of the town of Columbia, Louisiana near the communities of Banks Springs and Grayson. The undertaking will entail rechanneling, reshaping, and restoring approximately 4.1 miles (6.6 kilometers) of bankline, replacing existing culverts, and

Table 1. Beginning and ending coordinates for four proposed project areas in Caldwell Parish, Louisiana.

Project Area	Creek or Tributary	Beginning	End
PA 1	Hurricane Creek (Part 1)	32.082166, -92.097768	32.078417, -92.094816
PA 2	Hurricane Creek (Part 2)	32.074965, -92.095524	32.047914, -92.105708
PA 3	Caldwell High School Tributary	32.060018, -92.097715	32.054397, -92.097768
PA 4	Hanchey Road Tributary	32.047295, -92.090302	32.048979, -92.103316

building a new railroad flat car bridge. The proposed work areas are displayed on United States Geological Survey (USGS) quadrangle maps in Figures 1 and 2 and on aerial images in Figures 3 and 4; beginning and ending coordinates for each area are provided in Table 1; and scopes of work pertaining to each area are presented below.

Project Area 1 – Hurricane Creek Part 1 (East and north of U.S. HWY 165)

The northernmost part of Hurricane Creek in the undertaking is Project Area 1. It begins north of Martin Luther Street (Figure 5) and ends where Hurricane Creek intersects box culverts crossing under at U.S. HWY 165. Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 2,000 linear feet of Hurricane Creek using bank stabilization as necessary; installing erosion and sediment control measures as necessary; replacing an existing 54-inch culvert at Martin Luther Street and the two 36-inch culverts under a private drive (Figure 6) with a single underground storm drain system consisting of two 314 foot lengths of 54-inch corrugated metal pipe (CMP); replacing an existing 48-inch culvert under Garsee Road (Figure 7) with a 46 foot long 60-inch of CMP; and replacing an existing 60-inch culvert under Sidney Lane (Figure 8) with a 52 foot long 84-inch high density polyethylene (HDPE) pipe.

Project Area 2 – Hurricane Creek Part 2

The second section of Hurricane Creek in this undertaking is Project Area 2. It begins further downstream from the Project Area 1 where Hurricane Creek intersects box culverts under U.S. HWY 165 (Figure 9), curves to the south behind a garage on Rushing Street (Figures 10 and 11), flows under a crossing at Rushing Street (Figure 12) and ends where the creek intersects with LA HWY 126 (Figure 13). Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 12,924 linear feet of Hurricane Creek; installing erosion and sediment control measures and bank stabilization, and checking dams as necessary; and replacing an existing bridge (Figure 14) with a new railroad flat car bridge under Central Street.

Project Area 3 - Caldwell High School Tributary

The third section of the proposed undertaking, Project Area 3, will be along a section of the Caldwell Parish High School Tributary from a culvert situated along Spartan Drive which is an entranceway to the high school and extending south to where the tributary intersects with Hurricane Creek east of Central Street. The photograph in Figure 15 shows an example of the ROW along the tributary. Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 2,095 linear feet of the tributary and installing erosion and sediment control measures and bank stabilization.

Project Area 3 - Hanchey Road Tributary

The fourth section of the proposed undertaking will be along the Hanchey Road Tributary which extends begins from the west side of Hanchey Road and intersects Hurricane Creek approximately 258 meters (846 feet) northeast of LA HWY 126. The photograph in Figure 16 shows an example of the ROW along the tributary. Proposed improvements in this area include rechanneling, reshaping, and restoring approximately 4,995 linear feet of the tributary and installing erosion and sediment control measures, bank stabilization, and checking dams as necessary.

Area of Potential Effects (APE)

This letter serves as consultation for the APE in accordance with Stipulation VII.B of the 2011 HMGP PA. The APEs for both standing structures and archaeology for each of the four (4) project areas (see Figures 3 and 4) are based on the design plans submitted by the Applicant. The APE for PA 1 measures 4.40 acres (10.87 hectares), the APE for PA 2 measures 19.58 acres (7.92 hectares), the APE for PA 3 measures 3.01 acres (1.22 hectares), and the APE for PA 4 measures 7.51 acres (3.04 hectares). Total acreage for the APEs is: 34.5 acres (13.96 hectares).

Identification and Evaluation

On May 7, 2015 FEMA Historic Preservation Staff consulted the National Register of Historic Places (NRHP) database, the Louisiana Division of Archaeology's (LDOA) website and Louisiana Cultural Resources Map and historic aerial photography to determine if historic properties were present within the APEs or within one mile (1.6 km) of the project area. Map research included reviewing the United States Department of Agriculture's Web Soil Survey website (<http://websoilsurvey.nrcs.usda.gov>) and the United States Geological Survey's (USGS) historic topographic quadrangle maps (<http://historicalmaps.arcgis.com/usgs/index.html>). Additional LDOA information reviewed included the Cultural Resources Management Bibliography, site forms, and reports regarding previous investigations within the area.

Standing Structures

There were no standing structures located within any of the four individual APEs, none of the APEs were located within a listed or eligible National Register Historic District, and none of the APEs were located within the view shed of a property individually listed in the NRHP.

Archaeology

Based on the proximity of the APE to a significantly sized creek with tributaries and learning that three previously recorded sites had been identified within one mile of the project area during archaeological surveys, a reconnaissance type site visit was conducted on May 22, 2015 by Maria Tavaszi, FEMA Archaeologist and Historic Preservation Specialist and Jamie Schexnayder, FEMA Environmental Specialist, and it was determined that a Phase I archaeological investigation of the area would have to be conducted. FEMA contracted R. Christopher Goodwin, and Associates, Inc., to conduct the investigation and a pedestrian survey including the excavation of 166 shovel tests was done between from December 1 and 7, 2015. No cultural materials or features were identified and a report titled *Negative Findings Report on Phase I Archaeological Survey for the Hurricane Creek Drainage Improvements Project, Caldwell Parish, Louisiana* (Heller 2016) was submitted to FEMA on January 13, 2016 (see Appendix A). Based on the evidence of this investigation, FEMA has determined that there are no intact NRHP-eligible archaeological deposits within any of the four APEs.

Assessment of Effects

Based on the aforementioned identification and evaluation, FEMA has determined that there are no historic properties as defined in 36 CFR 800.16(l) within the APE. Therefore, FEMA has determined a finding of **No Historic Properties Affected** for this Undertaking and is submitting this Undertaking to you for your review and comment. FEMA requests your comments on the attached report and on the Undertaking within 30 days.

We look forward to your concurrence with this determination. Should you have any questions or need additional information regarding this Undertaking, please contact me at (504) 218-6800 or tiffany.spann@fema.dhs.gov, or Jason Emery, Lead Historic Preservation Specialist at (504) 570-7292, jason.emery@fema.dhs.gov, or Maria Tavaszi, Archaeologist at (504) 214-2926, maria.tavaszi@fema.dhs.gov

Sincerely,

**JERAME J
CRAMER**

Digitally signed by JERAME J CRAMER
DN: c=US, o=U.S. Government,
ou=Department of Homeland Security,
ou=FEMA, ou=People, cn=JERAME J
CRAMER,
0.9.2342.19200300.100.1.1=0972893910.FEM
A
Date: 2016.02.03 13:20:46 -06'00'

Tiffany Spann-Winfield
Acting Environmental Liaison Officer
FEMA-DR-1603-LA, FEMA-DR-1607-LA

CC: File
Division of Archaeology Reviewer
Division of Historic Preservation Reviewer
State Historic Preservation Office

Enclosures

The Division of Archaeology Reviewer concurs with the finding that there will be INSERT DETERMINATION HERE as a result of this Undertaking.

Division of Archaeology Reviewer

Date

The Division of Historic Preservation Reviewer concurs with the finding that there will be INSERT DETERMINATION HERE as a result of this Undertaking.

Division of Historic Preservation Reviewer

Date

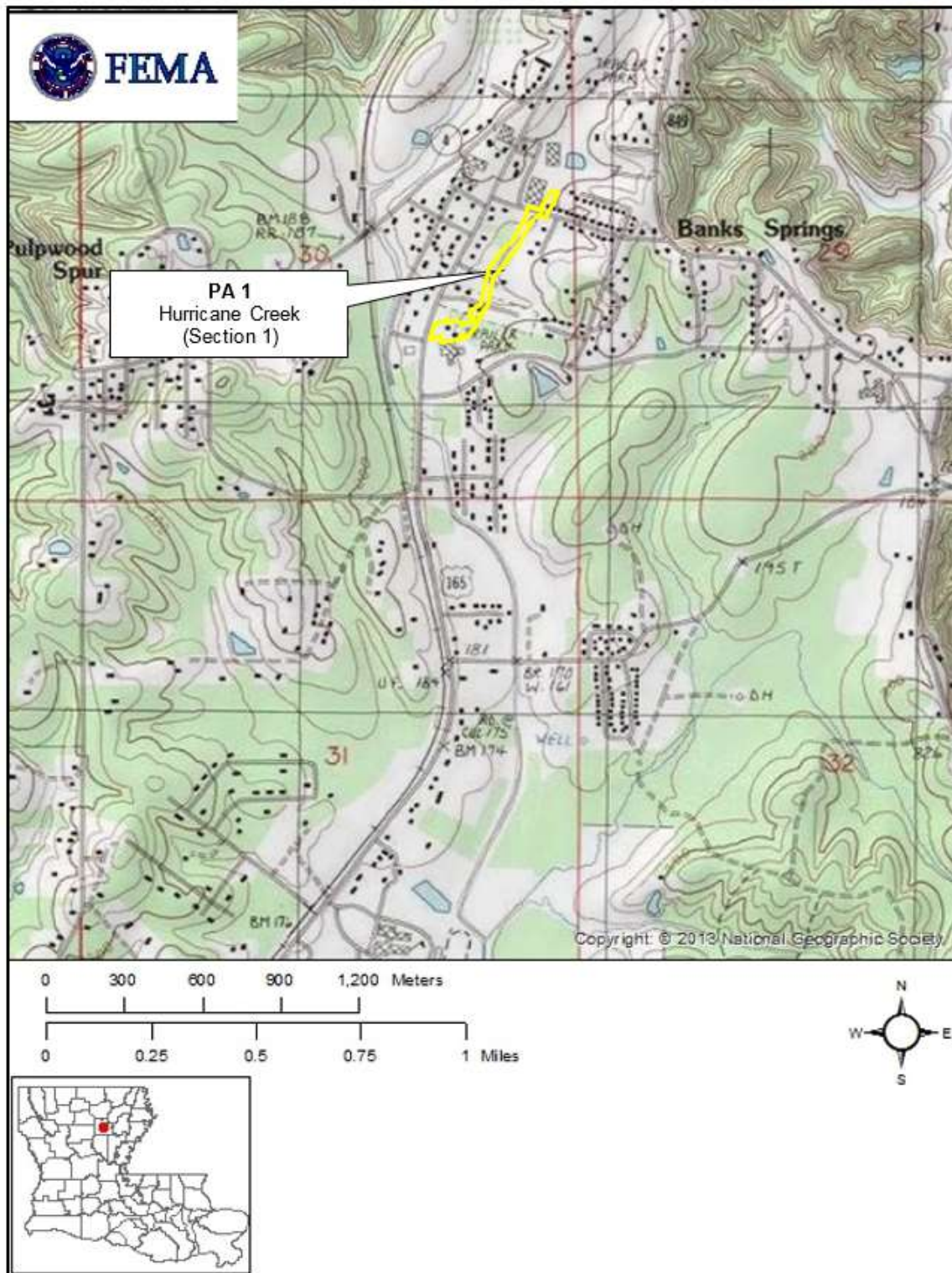


Figure 1. Excerpt of the USGS 1992 *Columbia* 7.5' Minute Series topographic quadrangle map showing the location of Section 1 of Hurricane Creek outlined in yellow.

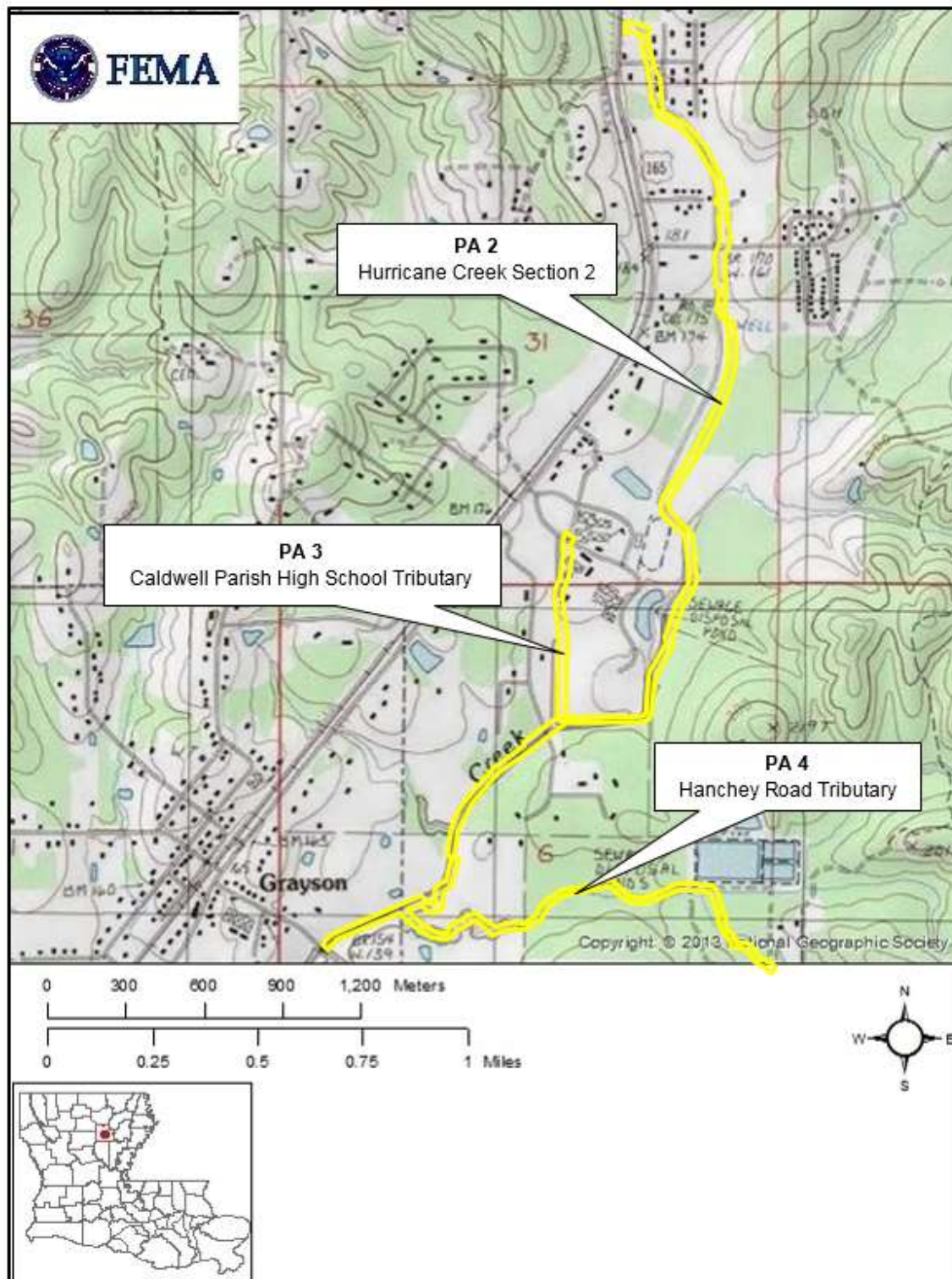


Figure 2. Excerpt of the USGS 1992 *Columbia* 7.5' Minute Series topographic quadrangle map showing the location of Section 2 of Hurricane Creek (Project Area 2) and the Caldwell Parish High School (Project Area 3) and Hanchey Road (Project Area 4) Tributaries outlined in yellow.

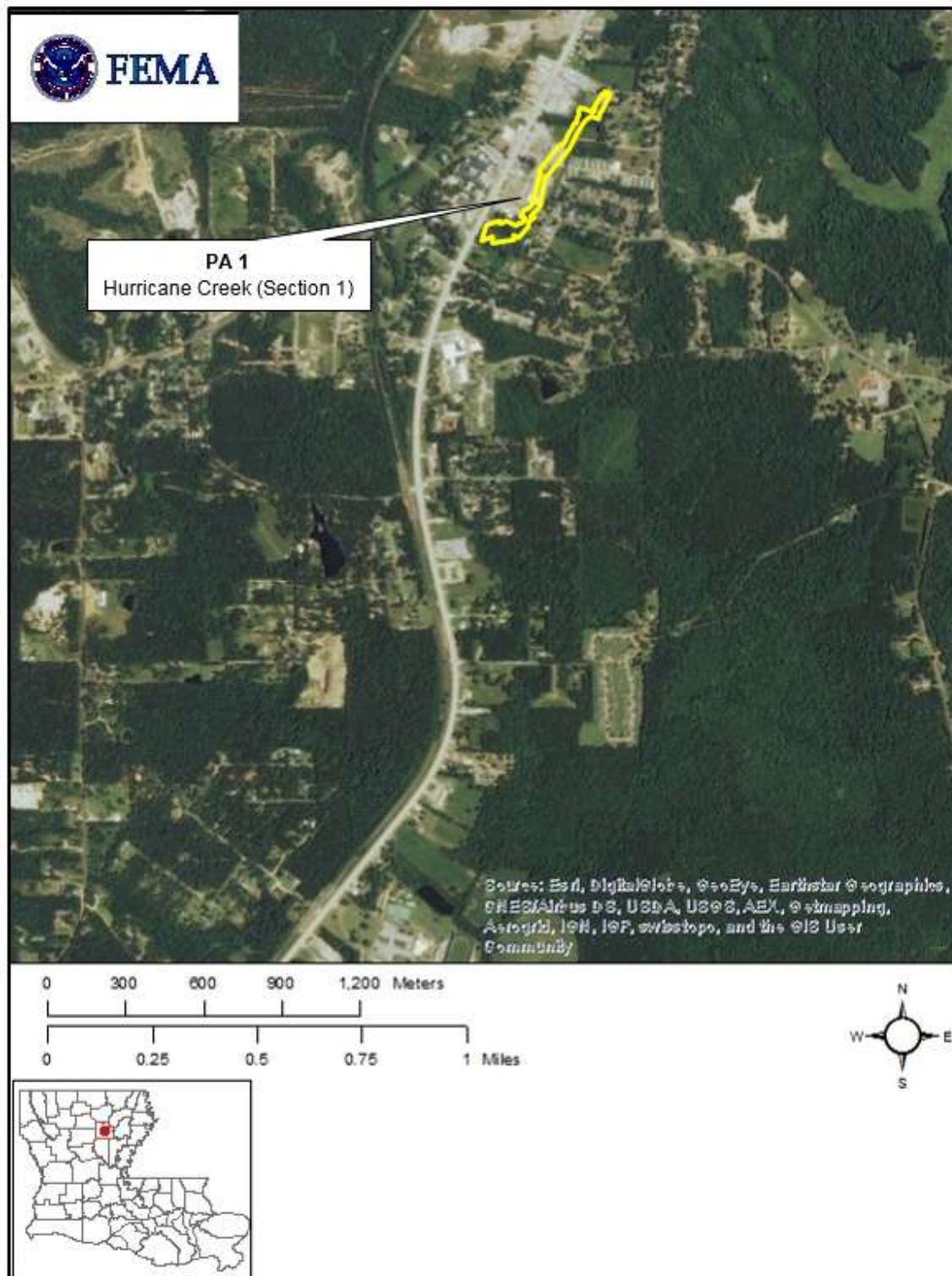


Figure 3. Aerial image showing Section 1 of Hurricane Creek (Project Area 1) outlined in yellow and the starting point of Section 2 of Hurricane Creek (Project Area 2).

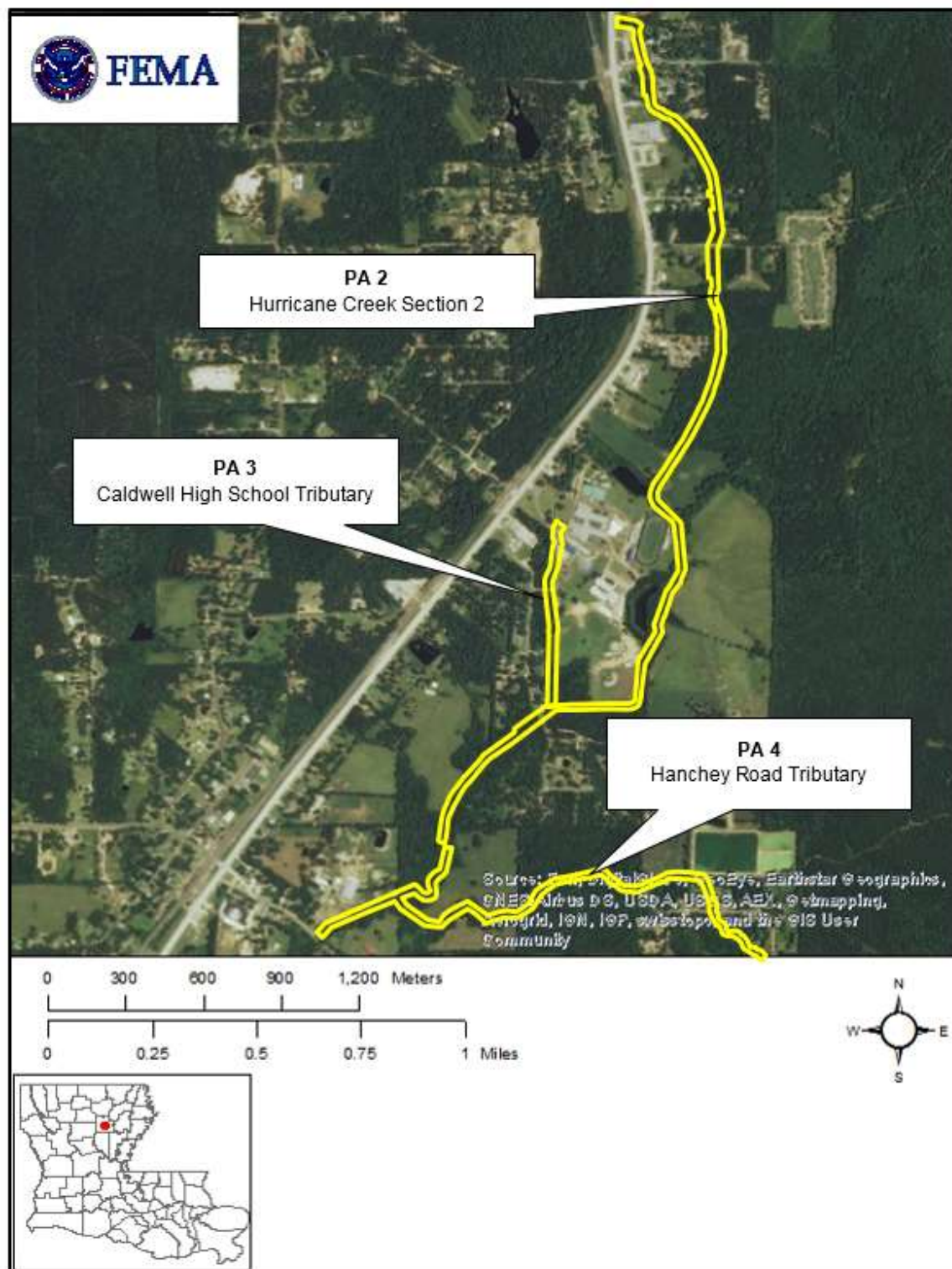


Figure 4. Aerial image showing Section 2 of Hurricane Creek (Project Area 1) and the Caldwell Parish High School (Project Area 3) and Hanchey Road (Project Area 4) Tributaries outlined in yellow.

(See Appendix A for Site Photographs 1-16)

FINAL REPORT

APRIL 2016

**NEGATIVE FINDINGS REPORT ON PHASE I
ARCHEOLOGICAL SURVEY FOR THE HURRICANE
CREEK DRAINAGE IMPROVEMENTS PROJECT,
CALDWELL PARISH, LOUISIANA**

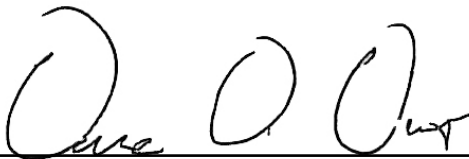
PREPARED FOR:

FEDERAL EMERGENCY MANAGEMENT AGENCY
1500 MAIN STREET
BATON ROUGE, LA 70802

Sensitive Information: Not For Public Distribution

R. CHRISTOPHER GOODWIN & ASSOCIATES, INC.
309 JEFFERSON HIGHWAY, SUITE A ■ NEW ORLEANS, LA 70121

**NEGATIVE FINDINGS REPORT ON PHASE I ARCHEOLOGICAL
SURVEY FOR THE HURRICANE CREEK DRAINAGE IMPROVEMENTS
PROJECT, CALDWELL PARISH, LOUISIANA**

A handwritten signature in black ink, appearing to read "Dave D. Davis", is positioned above a solid horizontal line.

**Dave D. Davis, Ph.D.
Principal Investigator**

Final Report

By

Nathanael Heller

**R. Christopher Goodwin & Associates, Inc.
309 Jefferson Highway, Suite A
New Orleans, LA 70121**

April 2016

For

**Federal Emergency Management Agency
1500 Main Street
Baton Rouge, LA 70802**

ABSTRACT

This report describes the results of a Phase I archeological survey of a portion of Hurricane Creek, in Caldwell Parish, Louisiana. The Federal Emergency Management Agency (FEMA) of the Department of Homeland Security proposes to provide funding for drainage improvements along the creek and associated tributaries, as requested by the Caldwell Parish Police Jury. The project area was located approximately 2.4 km (1.5 mi) south of the town of Columbia, near the communities of Banks Springs and Grayson. Fieldwork completed for this project examined a total of 6.6 km (4.1 mi) of linear corridor along the banklines of Hurricane Creek and as-

sociated tributaries. The field effort consisted of pedestrian survey and shovel testing completed along four segments of the project area – Hurricane Creek Section 1, Hurricane Creek Section 2, Caldwell Parish High School Tributary, and Hanchey Road Tributary. In all, 166 shovel tests were excavated throughout the four survey segments. No artifacts were recovered as a result of survey, nor were any cultural features, middens or other evidence for archeological deposits noted anywhere within the examined segments. No additional work for the Hurricane Creek project area is recommended.

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CHAPTER I

INTRODUCTION

This report describes the results of Phase I archeological survey of a portion of Hurricane Creek, in Caldwell Parish, Louisiana (Figures 1.1 and 1.2). The Federal Emergency Management Agency (FEMA) of the Department of Homeland Security proposes to provide funding for drainage improvements along the creek and associated tributaries, as requested by the Caldwell Parish Police Jury. The project area was located approximately 2.4 km (1.5 mi) south of the town of Columbia, near the communities of Banks Springs and Grayson. Fieldwork completed for this project examined a total of 6.6 km (4.1 mi) of linear corridor along the banklines of Hurricane Creek and associated tributaries, encompassing approximately 17.1 ha (42.3 ac).

All work was performed in accordance with the procedures outlined in the National Historic Preservation Act of 1966, as amended and its codifying regulations entitled “Protection of Historic Properties” (36 CFR Part 800); and with “Archeology and Historic Preservation; Secretary of the Interior’s Standards and Guidelines” (48FR 44738). Additionally, this survey effort conformed with the standards set forth in *Louisiana’s Comprehensive Archeological Plan* (Smith et al. 1983) and the Louisiana Division of Archeology’s online guidelines for cultural resources investigations. Work was guided by the Scope of Work (SOW) entitled *Phase I (Cultural Resources Identification) Archeological Survey, Hurricane Creek Drainage Improvements, Columbia and Grayson, Louisiana (HMGP# 1603-0363)*. Archeological investigations were conducted from December 1 through 7, 2015 by R. Christopher Goodwin & Associates, Inc. (RCG&A).

Project Description

FEMA, pursuant to Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121-5206) and the im-

plementing regulations in Title 44 of the Code of Federal Regulations (44 CFR Part 206), proposes to provide Public Assistance to the Caldwell Parish Police Jury to clean, reshape, and restore two lengths of the creek between an area beginning in Columbia directly north of Martin Luther Street and ending at Highway 126 in Grayson; to clean, reshape, and restore the Caldwell High School and Hanchey Road Tributaries of the creek, and; to improve drainage related structures by building an underground system beginning north of and ending at Martin Luther Street, replacing culverts where Garsee Road and Sidney Lane cross the creek, and constructing a new railroad flat car bridge on Central Street.

Pursuant to Section 106 of the National Register of Historic Places (36 CFR Part 800), FEMA contracted the services of R. Christopher Goodwin & Associates, Inc. (RCG&A) to perform archeological survey of the proposed project items. The SOW stipulated that the contractor would conduct Phase I archeological survey of the ca. 30 ac (12 ha) archeological Area of Potential Effect (APE) along Hurricane Creek, the Caldwell High School tributary, and the Hanchey Road tributary. Fieldwork included pedestrian survey supplemented with shovel testing at a maximum spacing of 30 m (98.4 ft), situated along a single transect placed on the side of the creek and tributaries where the cleaning, clearing, and construction activities would result in the greatest impact. A total of 166 shovel tests were excavated along the various project segments. No cultural resources were recorded as a result of those efforts.

Project Personnel

Dr. Dave Davis Ph.D., R.P.A., and Mr. Sean Coughlin, M.A., R.P.A., served as Co-Principal Investigators for this project. Mr. Coughlin and Mr. Nathanael Heller, M.A., R.P.A., acted as co-Project Managers and directed the field ef-

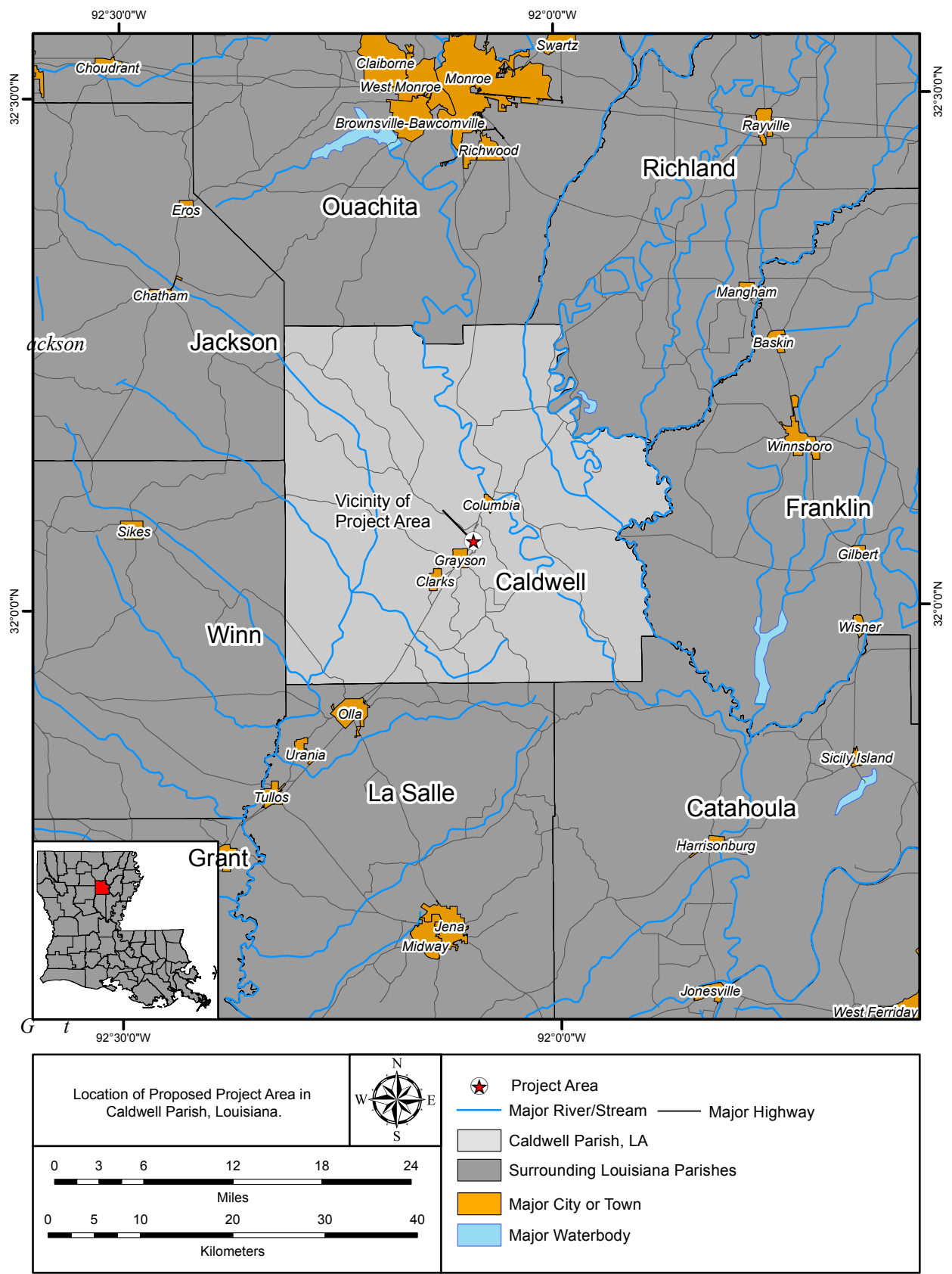


Figure 1.1 Location of the Hurricane Creek project area in Caldwell Parish, Louisiana.

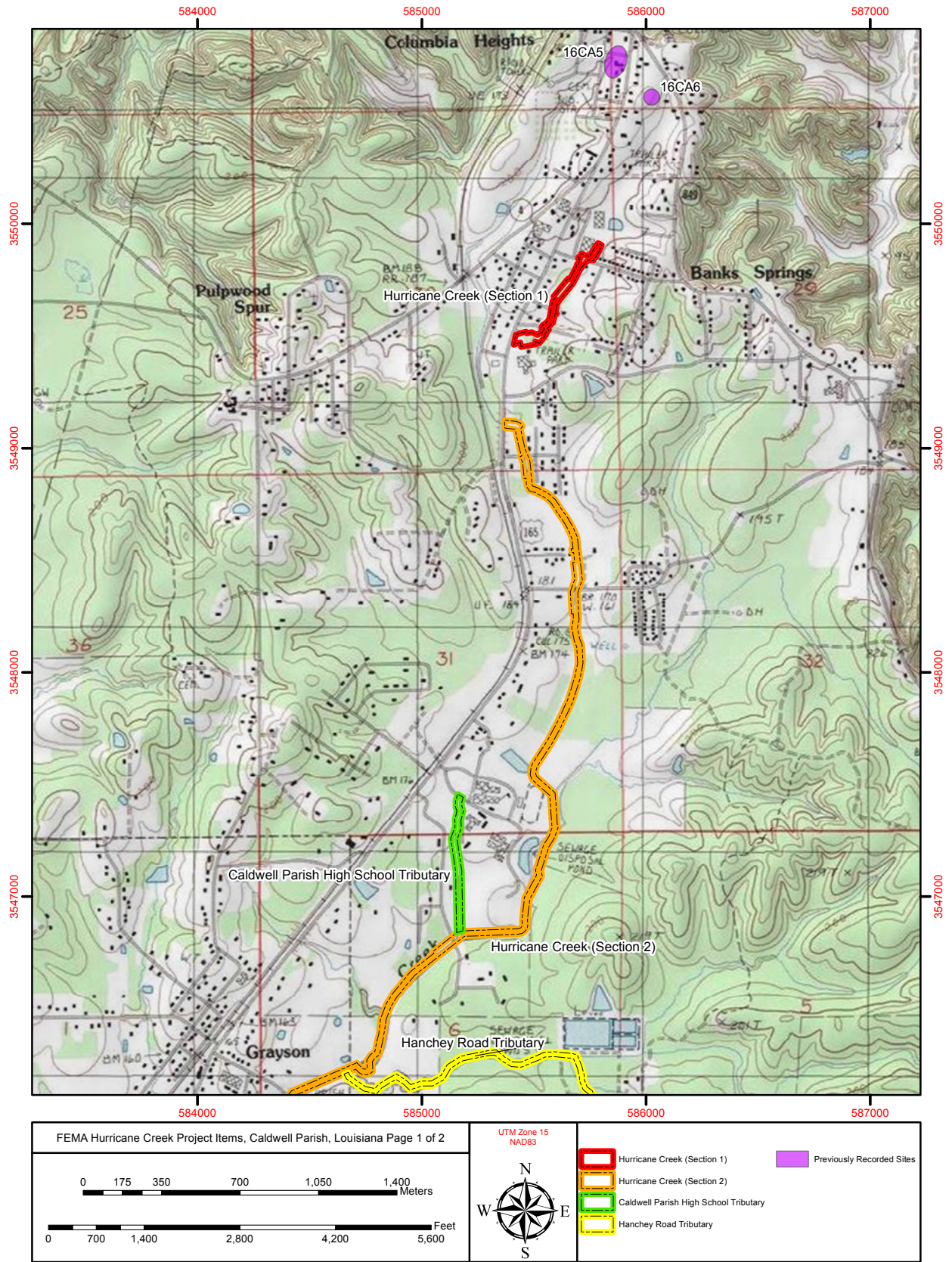
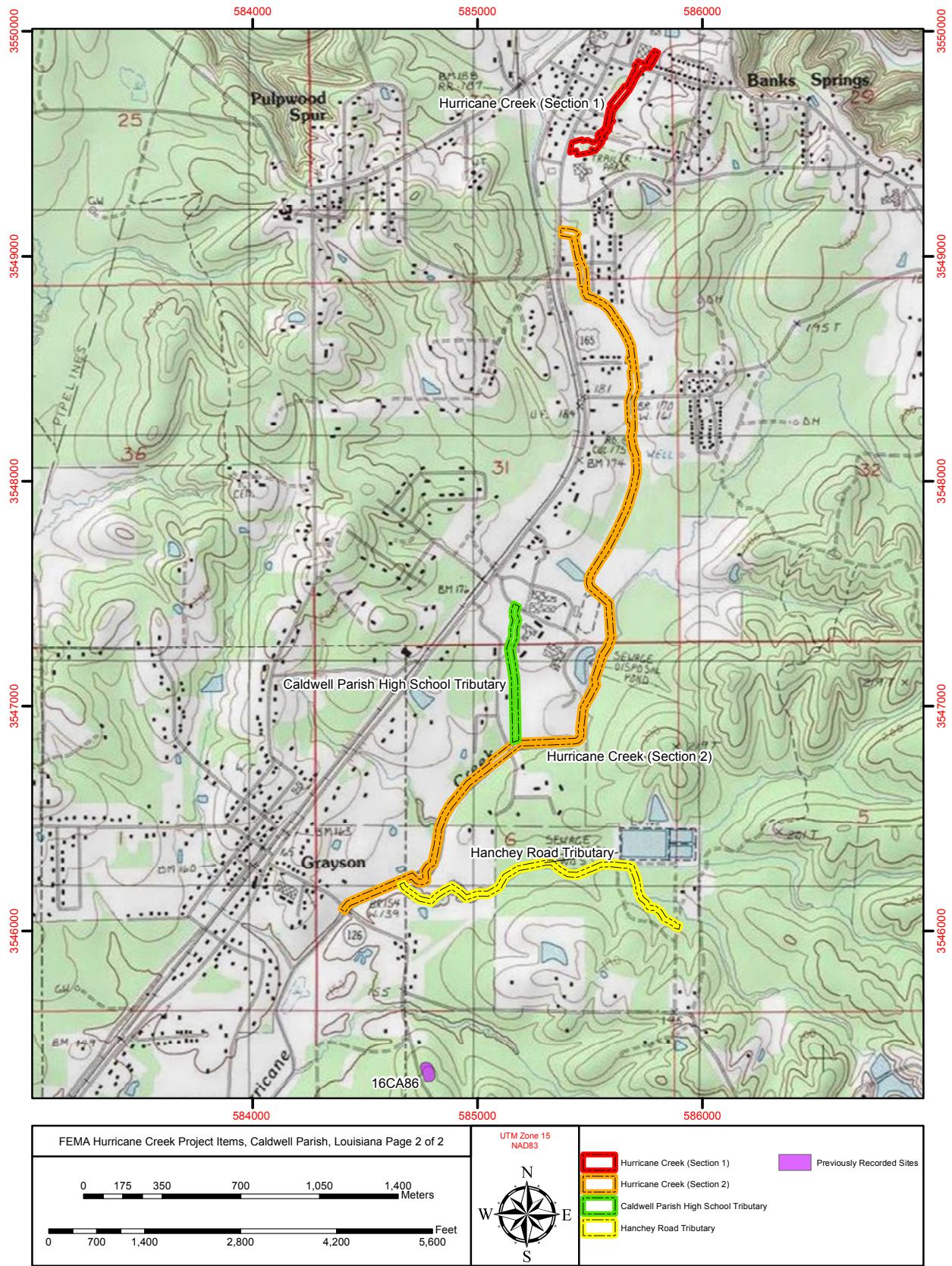


Figure 1.2 USGS 7.5" quadrangle excerpts showing the locations of the Hurricane Creek project area and survey segments.

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R. Christopher Goodwin & Associates, Inc.

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fort. They were assisted in the field by Mr. Jesse Lynch, B.A., and Mr. Ben Davis, B.A. Previous investigations research was completed by Ms. Emily Meaden, B.A. The graphics appearing in this document were completed by Mr. David Stitcher, B.A., and Mr. Craig Matthews, B.A., and Ms. Heidi Post, B.A., produced this document.

Organization of Report

Chapter II reviews the natural setting of the project area; it provides overviews of the physiography, geomorphology, geology, soils, ecosystems, flora, fauna, and climatic characteristics of the area. Chapter III discusses the background

research completed for this project and the field methodologies utilized to complete the Phase I archeological inventory. The results of the field investigations and project recommendations are contained in Chapter IV.

Curation

Following the completion and acceptance of the final report, all maps, photographs, and field notes will be curated with the State of Louisiana, Department of Culture, Recreation, & Tourism, Office of Cultural Development, Division of Archeology at 1835 North Third Street, 2nd Floor, Baton Rouge, Louisiana, 70802.

CHAPTER II

NATURAL SETTING

The project area is situated along Hurricane Creek between the communities of Banks Springs and Grayson, in Caldwell Parish, Louisiana (Figures 1.1 and 1.2). Various facets of the surrounding natural environment have worked to influence archeological site distributions throughout the Hurricane Creek area. In this chapter, a number of environmental variables and their importance to understanding the distribution of archeological sites are considered. These variables include physiography, geology, soils, hydrology, geomorphology, flora, fauna, and climate. Knowledge of these variables is critical to understanding prior land use by prehistoric and historic inhabitants of the region.

The Ouachita River Valley and its tributaries have been affected by dynamic fluvial activity throughout the Pleistocene and Holocene eras; the active nature of the waterway has impacted settlement patterns throughout the region. Taphonomic processes associated with archeological deposits in the Ouachita River Valley inform site function in the area, and provide insight into how those processes have affected past populations, settlement patterns, and subsistence strategies.

Regional Physiography

The Hurricane Creek project area lies within the low, dissected hills that overlook the floodplain of the Ouachita and Boeuf Rivers, a portion of the West Gulf Coastal Plain Physiographic Province. This province can be characterized as a broad region of relatively low relief that dips towards the Gulf of Mexico. Specifically, the Ouachita River Valley is located within the Tertiary uplands area of central and northwestern Louisiana; this region borders the broad Mississippi River alluvial plain located to the east. The physiography immediately surrounding the project area can be separated into two distinct regions: the alluvial valley or floodplain to the east, and the dissected hills to

the west (Huner 1939:17). The alluvial valley is comprised of the Ouachita River floodplain and many minor alluvial valleys, including Hurricane Creek. Conversely, the dissected hills province occurs in areas forming the divides between the alluvial valleys along the western bank of the Ouachita River (Huner 1939:17-43).

Alluvial Floodplain

The major Caldwell Parish floodplain through which the Ouachita and Boeuf Rivers drain, began in the Pleistocene epoch. During that time, the Mississippi River Valley extended as far west as Monroe, Louisiana. The Pleistocene deposits in this area consisted of a series of terraces (Huner 1939:23). Evidence of a former bend of the Mississippi River can be seen in a large bend in a valley wall beginning at the town of Cuba, just north of the Caldwell Parish line; from there, that bend continues to Bankston, Louisiana. Following this initial Pleistocene deposit, a period of erosion ensued during which the Mississippi River began to meander to the east. As the Mississippi River cut a new channel, the Arkansas River also migrated east, allowing the Ouachita to follow the former course of the Arkansas River, along the same course it occupies today.

The alluvial plain immediately east of the project area consists of two types of depositional surfaces: a meander belt and a flood basin. A meander belt is a surface that consists of constructional landforms created by a meandering river occupying a single course (Saucier 1994:10-11). Meander belts contain depositional landforms such as point bars, natural levees, crevasses, abandoned meander loops, and abandoned river courses. In contrast, the backswamp, also called a flood basin, is an area consisting of swamps, lakes, or a combination of both that lies between remnant and active meander belts (Walker and Cant 1984).

The appearance, depositional environment, occurrence, character, and sediments of these fluvial landforms and surfaces within the Ouachita floodplain were summarized by Fisk (1947) and by Smith and Russ (1974). In addition, Flores et al. (1985), Galloway and Hobday (1983), and Walker and Cant (1984) extensively reiterated the sedimentology and geomorphology of meander belts and backswamps. Huner (1939) and Fisk (1947) explained fluvial processes, such as cutoffs and lateral accretion, while Farrell (1989) illustrated the internal structure and formation of natural levees and crevasse splays. Coleman (1966) and Farrell (1989) provide detailed reviews of the depositional processes, landforms, and sediments associated with the backswamp. Finally, Harms et al. (1963), Lenzer (1980), and McGowen and Garner (1970) provided especially useful references for understanding the fluvial processes associated with the current course of the rivers in and surrounding Caldwell Parish.

Dissected Hills

The dissected hills province of Caldwell Parish can be sub-divided into three categories: dissected, rolling uplands; flatlands and calcareous prairies; and Pleistocene terraces (Huner 1939:43). Of these, the dissected, rolling uplands makes up the greatest part of Caldwell Parish, including the immediate vicinity of the Hurricane Creek project area. These Tertiary deposits often are rolling to hilly in nature, especially where situated along small streams. Erosional processes have resulted in the formation of numerous ravines and gullies throughout the area (Huner 1939:44).

Within the flatlands and calcareous prairies category, surfaces vary from nearly level to gently rolling (Huner 1939:44). Although erosional processes are present within this division, they are not nearly as severe as in the dissected, rolling uplands category. Most surficial erosion has been a result of downcutting by tributaries; thus, most of the surface slopes down gently to the streams. Only along the Ouachita River has erosion been drastic enough to produce steep bluffs. Otherwise, the total relief in this category does not exceed 22.9 m (75 ft) (Huner 1939:45).

Within the Pleistocene Terrace division, two distinct periods of deposition occurred in Caldwell Parish: the Prairie and Montgomery terraces (Huner 1939:46). These terraces generally slope coastward, eventually becoming buried beneath the succeeding terrace. The Prairie Terrace is the youngest and most extensive; and it usually is parallel to small streams and rivers, where it resembles floodplain deposits. The Montgomery Terrace, unlike the Prairie, occurs only along the main rivers of Caldwell Parish, such as the Ouachita River. This terrace also trends towards the Gulf of Mexico; however, it differs in that it slopes more steeply (Huner 1939:50-51).

Local Geology and Geomorphology

The geomorphology of Caldwell Parish is dominated by Eocene deposits to the west of the Ouachita River and by Quaternary deposits to the east. The Eocene deposits consist primarily of the Claiborne Group. Claiborne strata primarily consist of mudstone and sandstone; they have been divided into the Carrizo Sand, Cane River Formation, Sparta Sand, Cook Mountain Formation, and Cockfield Formations. Within Caldwell Parish, the Cockfield Formation is the dominant formation. The highlands into which Hurricane Creek is incised are underlain by sands of the Cockfield Formation (Huner 1939). The Cockfield formation is the youngest member of the Claiborne Group of middle Eocene age. These sands generally are considered to be fluvial-deltaic deposits, but the character of sediments observed in the vicinity of the project area suggests a deltaic to marginal marine (beach to inner shelf) origin. In this area, they are generally white to buff, medium to very fine, relatively clean, massive silty sands with few distinctive sedimentary structures and no apparent fossils. These sands are relatively unconsolidated and serve as the source of the sediments in the current valley systems.

The Quaternary deposits of Caldwell Parish are limited to the Pleistocene Terraces and Holocene Alluvium. As mentioned previously, the Pleistocene Terraces are limited mainly to the western border of the parish, around Bayou Castor and its tributaries. The Montgomery Member

of the Pleistocene group occurs only as small remnants along major tributary streams. It also can be divided into three phases: the Coarse phase, characterized by massive brownish clayey sand with scattered gravels; the Sandy phase, dominated by red sand with irregular lenses of more silty material; and the Silty Clay phase, which resembles material found on modern floodplains (Huner 1939:173). Prairie Member deposits are much more homogenous in nature and they are represented by white to brownish-yellow silty to sandy clays with a limited number of sands intermixed (Huner 1939:175).

The Holocene Alluvial deposits represent the youngest depositional periods within Caldwell Parish. Sediments in these areas consist of sands, silts, and clays in varying proportions (Huner 1939:179). In the areas surrounding the Ouachita River, soils are differentiated from Mississippi River alluvium in that they exhibit a reddish hue. Mississippi River sediments are mostly much darker in color. Alluvial deposits along the other rivers in Caldwell Parish, including Hurricane Creek, generally are much coarser in texture and yellowish brown in color (Huner 1939:183).

Soils

Soils mapped in the vicinity of Hurricane Creek predominately consist of alluvial soils associated with the erosion of the surrounding dissected hills landforms. Ouachita soils are characterized as well drained silty loam soils that occupy low natural levees having slopes of 0 to 1 per cent. Frizzell soils also are silty loam soils that occur on low stream terraces with slopes of 0 to 2 per cent. Providence silt loams exhibit profiles of silt loam over a base of loam, and occur on interfluvial slopes of 0 to 5 per cent. Sacul fine sandy loams occur on moderately sloping interfluvial slopes of 3 to 15 per cent, and consist of deposits of fine sandy loam over a base of clay and clay loam. Finally, Guyton soils occupy depressions and broad flats with slopes of 0 to 1 per cent, and are characterized by profiles of silt loam over silt clay loam (Boyd 1990).

Hydrology

Hydrology is an important variable in predicting archeological site locations not only because it

controls the distribution of potable water, but also because it also plays a crucial role in the development of the physiography of the area. Drainages are considered relatively stable elements of the landscape, and they may serve as relative indicators of habitat or resource differences (Stafford 1995:72-73). In addition, since archeological sites tend to be found in close proximity to a water source, access to water frequently is one of the most important factors in selecting site location.

Hurricane Creek is a small, spring-fed drainage in the dissected hills overlooking the west bank of the Ouachita River. The creek originates from springs in the vicinity of Banks Springs, emanating from an aquifer of the Cockfield Formation. From Banks Springs, Hurricane Creek flows southwest then west for approximately 14 km (8.7 mi) before joining Black Bayou near the southwest corner of the parish. Black Bayou itself is a tributary of Castor Creek, and Castor Creek eventually flows into the Little River, which merges with the Ouachita River near Jonesville, in Catahoula Parish.

While Hurricane Creek could provide potable water for inhabitants of the project area, the creek is too narrow and shallow for use as a navigable waterway. The much larger Ouachita River lies approximately 3.2 km (2.0 mi) east of the project area. In that location, the floodplain of the Ouachita is at an approximate elevation of 15.2 m (50 ft) amsl, while Banks Springs sits at over 61 m (200 ft) amsl, so there is little likelihood of the project area being directly impacted by overbank flooding of the Ouachita River. Furthermore, although the waters of Hurricane Creek eventually discharge into the Ouachita, that discharge occurs approximately 56.3 km (35 mi) southeast of Banks Springs, and at least twice that distance if one follows the flow of water through Black Bayou, Castor Creek, and Little River. Localized flooding could occur as a result of heavy rainfall, but should drain rapidly once the weather event has ended.

Floral Communities

Much of northeast Louisiana, including the project area, is forested by predominately pine-oak-hickory trees, although recent human intervention also has created areas of open pasture (Brown

1945:6-7). The pine-oak-hickory forest includes communities dominated by loblolly pine (*Pinus taeda*), shortleaf pine (*Pinus echinata*), white oak (*Quercus alba*), red oak (*Quercus rubra*), sweetgum (*Liquidambar styraciflua*), and hickory (*Carya* sp.). Slash pine (*Pinus elliotii*) is a recent introduction by humans (Matthews et al. 1974:59). Bottomland oaks (*Quercus* sp.), sweetgum (*Liquidambar styraciflua*), bald cypress (*Taxodium distichum*), cottonwood (*Populus* sp.), sycamore (*Platanus occidentalis*), ash (*Fraxinus pennsylvanica*), and pecan (*Carya illinoensis*) constitute the bulk of the flood plain forest communities along major waterways such as the Ouachita River (Matthews et al. 1974:59; United States Department of Agriculture 1969). These timber tracts are being cleared increasingly for cultivation, as a result of flood control activity along the river. Understory growth, including primary growth in harvested portions of the timberland, includes some sassafras (*Sassafras albidum*) and American holly (*Ilex opaca*), along with greenbriar, pioneer grasses, rushes, and sedges.

Price (1980) identified several habitats within the floodplain forest communities. Tributary bottomland hardwoods included white oak (*Quercus alba*), chinquapin oak (*Quercus muhlenbergii*), hickory (*Carya* sp.), sassafras (*Sassafras albidum*), sweetgum (*Liquidambar styraciflua*), beech (*Fagus* sp.), holly (*Ilex* sp.), and maple (*Acer* sp.). Certain of these species were encountered in well drained alluvial areas along tributaries in the vicinity. In a survey of vegetation in parts of Ouachita Parish, Whitam (1969) found that a sweetgum, nuttall oak-willow oak overstory predominated in areas of recent alluvium, and that loblolly pine-hardwood cover was prevalent on the recent terrace deposits within Ouachita Parish. Whitam (1969) noted a trend toward more ash and bitter pecan in areas of recent alluvium, and replacement of pine by various hardwoods in recent terrace associations. The turnover of forest types within the last fifty years is partly a reflection of human land use practices.

Faunal Communities

Caldwell Parish also contains a wide variety of faunal resources. Most of the terrestrial animal species that are present within the parish range

freely between upland and bottomland environments. It is difficult to assess how numerous some of these animal species were in the project area prior to nineteenth and twentieth century logging, farming, and swamp drainage. Certain birds and mammals, such as white-tailed deer, rabbits, and bobwhite quail thrive in disturbed habitats. Conversely, some species, such as bear, probably inhabited the project area in greater numbers prior to the destruction/modification of the native habitat.

Important predator mammals once commonly found within the forests of the region include raccoon (*Procyon lotor*), long-tailed weasel (*Mustela nivalis*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), mink (*Mustela vison*), black bear (*Ursus americanus*), bobcat (*Felis rufus*), and the endangered and regionally extirpated Eastern panther (*Felis concolor*) and red wolf (*Canis rufus*). These species, together with raptors, were important in limiting the size of rabbit, mouse, squirrel, and bird populations.

Other game found within the forests, valleys, and swamps are opossums, otters, spotted skunks (*Spilogale putorius*), striped skunks, white-tailed deer (*Odocoileus virginianus*), cottontail rabbits (*Sylvilagus floridanus*), and swamp rabbits (*Sylvilagus aquaticus*). The most important food animal was the deer, and deer hide probably formed the most important single material entering into native dress (Swanton 1946:249). Deer horns and bones were made into tools and decorative items.

Many of the birds present in the project areas were restricted to the marshes, swamps, rivers, and other aquatic habitats that traverse the project area. Ducks, geese, herons, egrets, kingfishers, purple gallinules (*Porphyrula martinica*), American coots (*Fulica americana*), and possibly wood storks (*Mycteria americana*) all utilized these aquatic environments. The wintering or migrating flocks of ducks, geese, and passenger pigeons (*Ectopistes migratorius*) probably were exploited by local human populations. Hawks (Accipitridae family), eagles (Accipitridae family), red-winged blackbirds (*Agelaius phoeniceus*), vultures (*Cathartes aura*), falcons (Falconidae family), and flycatchers (Tyrannidae family) also derived large portions of their diet from the aquatic habitats.

Over 85 species of fish and over 20 species of reptiles and amphibians inhabit the Mississippi River and varied aquatic resources of the Mississippi bottomlands (Conner 1977; Gulf States Utilities Company 1974a, 1974b; Thorne and Curry 1983). Some of the more important game fish include large-mouth bass (*Micropterus salmoides*), white bass (*Morone chrysops*), yellow bass (*Morone mississippiensis*), carp (*Cyprinus carpio*), blue catfish (*Ictalurus furcatus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), bluegill (*Lepomis macrochirus*), white crappie (*Promoxis annularis*), freshwater drum (*Aplodinotus grunniens*), garfish (*Lepisosteus* spp.), sauger (*Stizostedion canadensis*), shad (*Dorosoma* spp.), sucker (various genera of *Catostomidae*), and sunfish (*Lepomis microlaphus*). In addition, reptile species such as American alligators (*Alligator mississippiensis*), common snapping turtles (*Chelydra serpentina*), and alligator snapping turtles (*Macrolemys temminckii*) have been hunted for meat or sport. Other aquatic sources of protein include frogs, freshwater mussels, and backwater fish species.

Climate

The north Louisiana climate is characterized by a humid, subtropical environment dominated by warm, moist, maritime air from the Gulf of Mexico. Summers are hot, frequently with temperatures in excess of 32.2° C (90° F). Winters usually are mild with an average of 44 days each year experiencing temperatures below freezing. Incursions of continental cold, dry polar air frequently displace the moist Gulf air during the winter and less frequently during the autumn. These cold air incursions usually last no more than three to four days (Boyd 1990).

Caldwell Parish exhibits a regional average temperature of approximately 18°C (65°F). January, the coldest month, has a mean temperature of approximately 8°C (46°F). The warmest months, July and August, have mean temperatures of 20°C (83°F). The lowest temperature on record was recorded in Chatham, Louisiana in 1951, -14°C (-7°F). The highest recorded temperature, 42°C (107°F), also occurred in Chatham in 1962 (Boyd 1990).

Annual precipitation in the vicinity of the project area is 127 cm (50 in). Of this, 50 per cent occurs from April through September. This period coincides with the growing season for most crops under cultivation in Caldwell Parish. Thunderstorms occur on approximately 54 days each year, the majority during the summer months. The heaviest recorded one-day rainfall occurred in February of 1966, when 19.9 cm (7.83 in) of rain was measured (Boyd 1990).

Rainfall in the area is the result of several different processes. Precipitation generally is associated with the passage of warm and cold fronts over northwestern Louisiana. Typically, vigorous squall lines associated with cold fronts during the winter and spring cause heavy showers that last only two to three hours. During the winter and spring, stationary fronts occasionally produce heavy rainstorms that result in local flooding. Thunderstorms typically create summer precipitation, which normally is scattered widely. Finally, tropical storms and hurricanes from the Gulf of Mexico occasionally cause heavy showers and rains during summer and autumn. A tropical storm or hurricane remnant that has moved inland usually causes heavy rains for only 1 to 3 days (Boyd 1990).

PREVIOUS INVESTIGATIONS & FIELD METHODOLOGY

Previous Investigations

To ensure that all potential impacts to known historic properties were addressed prior to commencement of the drainage improvements project, a review was undertaken to identify previously completed cultural resources investigations, recorded archeological site and historic standing structure locations, and historic properties listed on the National Register of Historic Places (NRHP) situated within 1.6 km (1.0 mi) of the currently proposed Hurricane Creek Drainage Improvements project area. This research included review of data currently on file with the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development, Divisions of Archaeology and Historic Preservation, in Baton Rouge, Louisiana. Background research documented 4 previously completed cultural resources surveys and 3 archeological sites within 1.6 km (1.0 mi) of the proposed project areas. No historic standing structures or properties listed on the NRHP were identified within 1.6 km (1.0 mi) of the proposed project items.

Previously Completed Cultural Resources Surveys

Table 3.1 summarizes previously completed cultural resources investigations within 1.6 km (1.0 mi) of the current project area. Three of those investigations consisted of Phase I surveys conducted as part of NHPA or NEPA compliance projects (Price 1977; Heartfield et al. 1978; Shuman 1991). Two were conducted for roadway construction projects on U.S. Highway 165 (Heartfield et al. 1978; Shuman 1991), while the third was completed for a wastewater facility (Price 1977). The final investigation consisted of a brief site visit by regional archeologist Joe

Saunders, which was included in a report on the activities of the Northeast Louisiana Regional Archeological Program in 1993 (Saunders 1993). Descriptions of each of these investigations follow.

During 1982, Lorraine H. Greene and G.R. Dennis Price conducted a Phase I cultural resources survey and archeological inventory of the Columbia Heights Sewage District in Caldwell Parish (Price 1977). The survey was conducted at the request of Jenkins, Lazenby, Luttrell and Associates of West Monroe, Louisiana. Following a records review, fieldwork consisted of pedestrian survey augmented by occasional subsurface testing. Those field efforts resulted in the relocation of previously recorded sites 16CA5 and 16CA6. Although site 16CA5 was situated within the then-proposed sewer line corridor, it was reported to have been impacted by erosion. Both sites were assessed as not significant applying the National Register of Historic Places Criteria for Evaluation (36 CFR 60.4 [a-d]), and no additional testing of either site was recommended. Both sites 16CA5 and 16CA6 are situated within 1.6 km (1 mi) of the current Hurricane Creek project area.

The Research Institute of Northeastern Louisiana University conducted a Phase I cultural resources survey and archeological inventory of a proposed Highway 165 alignment (Heartfield et al. 1978). That project was completed on behalf of Howard, Needles, Tammen, and Bergendoff of Baton Rouge, Louisiana. The scope of the project included a records review, pedestrian survey and limited testing. A total of 15 archeological sites were recorded within the project area (Sites 16CA20, 16GR47 to 16GR49, 16GR52 to 16GR56, 16LA70, 16OU2, 16OU35, 16OU36,

Table 3.1 Previous cultural resources surveys completed within 1.6 km (1.0 mi) of the Hurricane Creek project area.

Report #	Title (Author/Date)	Sponsoring Agency	Contractor	Study Type	Methods	Site(s) / Loc / Structures Identified	Recommendations
22-0093	<i>Cultural Assessment of Columbia Heights Sewage District, Caldwell Parish, Louisiana (Price 1977)</i>	Jenkins, Lazenby and Luttrell, Engineers, Architects and Planners, West Monroe, LA	Greene, Price & Greene	Phase I	Pedestrian survey, shovel testing	Sites 16CA5 and 16CA6 revisited.	No further work recommended.
22-0479	<i>Cultural Resource Survey and Evaluation of the 165 Portion of the Proposed Louisiana North-South Expressway: Phases I and II (Heartfield et al. 1978)</i>	Howard, Needles, Tammen, and Bergendoff, Baton Rouge, LA	Northeast Louisiana University, Monroe, LA	Phase I	Records review, pedestrian survey, shovel testing, and limited unit excavation	15 sites (16CA20, 16GR47 – 16GR49, 16GR52 – 16GR56, 16LA70, 16OU2, 16OU35, 16OU36, 16RA41, and 16RA42) and 8 structures recorded.	Avoidance of Sites 16OU2, 16OU35, and 16OU36 recommended.
22-1613	<i>Cultural Resources Evaluation of the Highway 165 Corridor, Pollock to Monroe, Louisiana (Shuman 1991)</i>	Urban Systems, Inc., Baton Rouge, LA	SURA, Inc.	Phase I	Records review and limited pedestrian survey	21 sites (16CA5-6, 16CA15, 16CA68, 16LA35, 16GR31/55, 16GR48-49, 16GR158, 16GR312, 16LA36, 16OU2, 16OU35-36, 16OU79, 16OU81-83, and 16OU85-87), 1 structure (the 1 st Methodist Church), and 1 bridge (Columbia Bridge) reviewed.	Avoidance of Sites 16CA15, 16CA68, 16CA79, 16CA86, 16LA35, 16LA36, 16OU81 - 16OU83, 16OU87, the structure, and bridge recommended.
22-1723	<i>1993 Annual Report for Management Unit 2, Regional Archaeology Program, Department of Geosciences, Northeast Louisiana University (Saunders 1993)</i>	Louisiana Division of Archaeology, National Park Service	Northeast Regional Archaeology Program, Northeast Louisiana University, Monroe, LA	Site Visits	Pedestrian survey, shovel testing, unit excavation, probing, coring	17 new sites recorded, 16 previously known sites reexamined, 2 sites evaluated	none

16RA41, and 16RA42). In addition, four loci (16XGR3, and 16XOU7 – 16XOU9), and eight historic standing structures (16XGR2, 16XOU1 – 16XOU6 and 16XOU10) were noted. Sites 16OU2, 16OU35, and 16OU36 were assessed as potentially significant applying the National Register of Historic Places Criteria for Evaluation (36 CFR 60.4 [a-d]), and it was recommended that those sites should be avoided. The remaining sites, loci, and historic standing structures were assessed as not significant; additional testing or recordation of these cultural resources was not recommended.

In August of 1991, Surveys Unlimited Research Associates, Inc., was tasked by Urban Systems, Inc., of Baton Rouge, Louisiana to conduct a Phase I cultural resources survey and archeological inventory of the proposed Highway 165 corridor of between Pollock and Monroe, Louisiana (Shuman 1991). That investigation was limited to a records review augmented by pedestrian survey. The review found that over 204 archeological sites had been recorded within a mile of U.S. 165. A total of 21 archeological sites (16CA5, 16CA6, 16CA15, 16CA68, 16LA35, 16GR31/55, 16GR48, 16GR49, 16GR158, 16GR312, 16LA36, 16OU2, 16OU35, 16OU36, 16OU79, 16OU81 - 16OU83, and 16OU85 - 16OU87), a single standing structure (the 1st Methodist Church), and a bridge (Columbia Bridge) were positioned within 305 m (1,000 ft) of the proposed corridor. Of those, Sites 16OU2, 16OU35, and 16OU36 were assessed as eligible for listing on the National Register, while Site 16OU85 (Boscabel Plantation House, circa 1820) already was listed on the National Register. It was recommended that all four of those sites be avoided. Furthermore, sites 16CA15, 16CA68, 16CA79, 16CA86, 16LA35, 16LA36, 16OU81

- 16OU83, and 16OU87, as well as the 1st Methodist Church and the Columbia Bridge, were assessed as potentially significant, and avoidance and/or additional testing were recommended. Finally, sites 16CCA5, 16CA6, 16GR31/55, 16GR48, 16GR49, and 16GR158 were assessed as not significant, and no additional testing was recommended (Shuman 1991). None of these cultural resources is positioned within 1.6 km (1 mi) of the current Hurricane Creek project area.

In 1993, the Northeast Regional Archaeology Program, Department of Geosciences, Northeast Louisiana University, conducted archeological site visits and other investigations within ten of the fifteen parishes that comprise Management Unit II (Saunders 1993). In all, 17 new archeological sites were recorded, 16 previously known sites were reexamined, and 2 sites (16OU175, 16OU259) were evaluated. One site recorded as part of those efforts was the John J. McKeithen Home (16CA86), which is located within 1.6 km (1.0 mi) of the current Hurricane Creek project area. The site was not tested or evaluated.

Previously Recorded Archeological Sites

The three previously documented archeological sites located within 1.6 km (1.0 mi) of the Hurricane creek project area are summarized in Table 3.2. Two of these sites, 16CA5 and 16CA6, consisted of prehistoric sites and produced lithic artifacts. However, both sites were described as destroyed when visited in 1977 (Price 1977:17-18), and again in 1991 (Shuman 1991:30-31). The reported location of Site 16CA5 is approximately 790 m (2591.9 ft) north of Section 1 of the Hurricane Creek project area, while 16CA6 is approximately 680 m (2231.0 ft) north of the same portion of the current project area. Site 16CA86 was described as a historic site representing the

Table 3.2 Previously known archeological sites located within 1.6 km (1.0 mi) of the Hurricane Creek project area.

Site #	Site Name	Type	Affiliation	NRHP Assessment
16CA005	n/a	Prehistoric Scatter	Prehistoric (unknown)	Not Eligible
16CA006	n/a	Prehistoric Scatter	Prehistoric (unknown)	Not Eligible
16CA086	John J. McKeithen's House	Historic Scatter	Historic (Industrial)	Not Eligible

former home of John J. McKeithen, who was governor of Louisiana from 1964 to 1972. According to McKeithen, the home was built by his grandmother during the 1860s. The site was recorded by Saunders (1993:28-29), but it was not tested or evaluated. Site 16CA86 is located approximately 720 m (2362.2 ft) south of the Hanchey Road Tributary segment of the Hurricane Creek project area.

Research Design and Field Methodology

Field investigations for the Hurricane Creek project were designed to locate and define the boundaries of any archeological sites within the four segments of the project area. To that end, this examination consisted of pedestrian reconnaissance along the entire length and width of each segment of the project area, as well as a stratified, systematic, subsurface testing regime. Subsurface testing was completed by the excavation of shovel tests. For each segment, shovel testing was conducted along a single transect, which was situated along whichever side of the creek would be most heavily impacted by the planned cleaning, reshaping and restoration activities. Shovel tests were placed at 30 m (98.4 ft) intervals along the transect; additional shovel tests also were placed judgementally in locations that had high potential for containing archeological remains, such as elevated landforms. Shovel testing was not conducted in locations occupied by roads, buildings or similar obstructions, or in

locations that contained buried utilities such as sewer or electrical lines.

Each shovel test measured approximately 30 cm (11.8 in) in diameter, and was excavated to a minimum depth of 50 cmbs (19.7 inbs). The shovel test fill was screened through 0.64 cm (0.25 in) hardware cloth. Each shovel test was excavated in 10 cm (3.9 in) artificial levels within natural strata, and the fill from each level was screened separately. Munsell® Soil Color Charts were used to record soil color. Soil texture and other identifiable characteristics were recorded using standard soils nomenclature. All shovel tests were backfilled immediately upon completion of the archeological recordation process.

Laboratory Analysis

Although the work plan outlined in the SOW for the Hurricane Creek survey project anticipated the recovery of cultural materials, no cultural resources were recovered as a result of any of the fieldwork efforts. Therefore, no laboratory analyses were indicated.

Curation

Following the completion and acceptance of the final report, all records, photographs, and field notes will be curated with the State of Louisiana, Department of Culture, Recreation, & Tourism, Office of Cultural Development, Division of Archeology at 1835 North Third Street, 2nd Floor, Baton Rouge, Louisiana, 70802.

CHAPTER IV

RESULTS

Introduction

This chapter describes the results of field investigations for the Hurricane Creek Drainage Improvements project. These archeological investigations were conducted from December 1 through 7, 2015. In order to facilitate control during the survey process, the project area was divided into four segments based on location within the project area. The two segments located along the main branch of Hurricane Creek were designated as Hurricane Creek Sections 1 and 2, while the segments located along tributaries of the creek were designated as the Caldwell Parish High School Tributary segment and the Hanchey Road Tributary segment (see Figure 1.2). In all, 166 shovel tests were excavated along the various project segments. No cultural resources were recorded as a result of those efforts.

Hurricane Creek Section 1

Section 1 of the Hurricane Creek project, located in the northern part of the project area in Banks Springs, consisted of a 540 m (1771.7 ft) long by 20 m (65.6 ft) wide survey segment, with a ca. 70 by 100 m (229.7 by 328.1 ft) expanded workspace on its southern end. The expanded workspace was configured to encompass the Citizens Medical Center helipad (Figure 1.2), which also was the southern terminus of the segment. From the helipad and associated workspace, the segment originated extended northeast, following the creek bed and terminating behind a small strip mall on Highway 165, approximately 95 m (311.7 ft) north of Martin Luther Street. The terrain traversed by Section 1 was a mix of suburban lots and parkland, typically exhibiting light vegetation cover (Figure 4.1) with some areas of trees and underbrush.

Within Section 1, shovel tests were excavated at 30 m (98.4 ft) intervals, which were spaced along a single transect situated approximately 10

m (32.8 ft) west of the centerline of the creek. No shovel tests were excavated within the expanded workspace on the southern end of the segment due to the presence of approximately 1 m (3.3 ft) of fill used to elevate the helipad (Figure 4.2). Some planned shovel test locations could not be excavated due to the presence of a continuous sewer line that ran parallel to the creek along a portion of the segment, as well as other buried utilities and obstructions present in various locations.

Seven shovel tests were excavated within Section 1. A typical shovel test extended to a depth of 50 cmbs (19.7 inbs), and exhibited two strata in profile (Figure 4.3). Stratum I originated at the surface and extended to a depth of 20 cmbs (7.9 inbs); it consisted of a layer of dark grayish brown (10YR 4/2) silt loam. Stratum II, a layer of yellowish brown (10YR 5/6) silt loam, extended from 20 cm (7.9 inbs) to beyond the base of excavation at 50 cmbs (19.7 inbs). No artifacts were recovered from any of the shovel tests excavated within Hurricane Creek Section 1, nor were any cultural features, middens or other evidence for archeological deposits noted. No additional work within Section 1 of the Hurricane Creek project area is recommended.

Hurricane Creek Section 2

Hurricane Creek Section 2 was a 3962 m (12,998.7 ft) long by 20 m (65.6 ft) wide survey segment that extended in a general north-south direction, following the main channel of Hurricane Creek between the communities of Grayson and Banks Springs (Figure 1.2). The southern end of this segment was the Hurricane Creek Bridge at Highway 126, while its northern end was the culvert where Hurricane Creek crossed below U.S. Highway 165. Much of the terrain within Section 2 was wooded parkland with occasional dense underbrush (Figures 4.4 and 4.5).



Figure 4.1 Overview of Section 1 of the Hurricane Creek project area, facing northeast.



Figure 4.2 The Citizens Medical Center helipad at the south end of Section 1 of the Hurricane Creek project area, facing east.

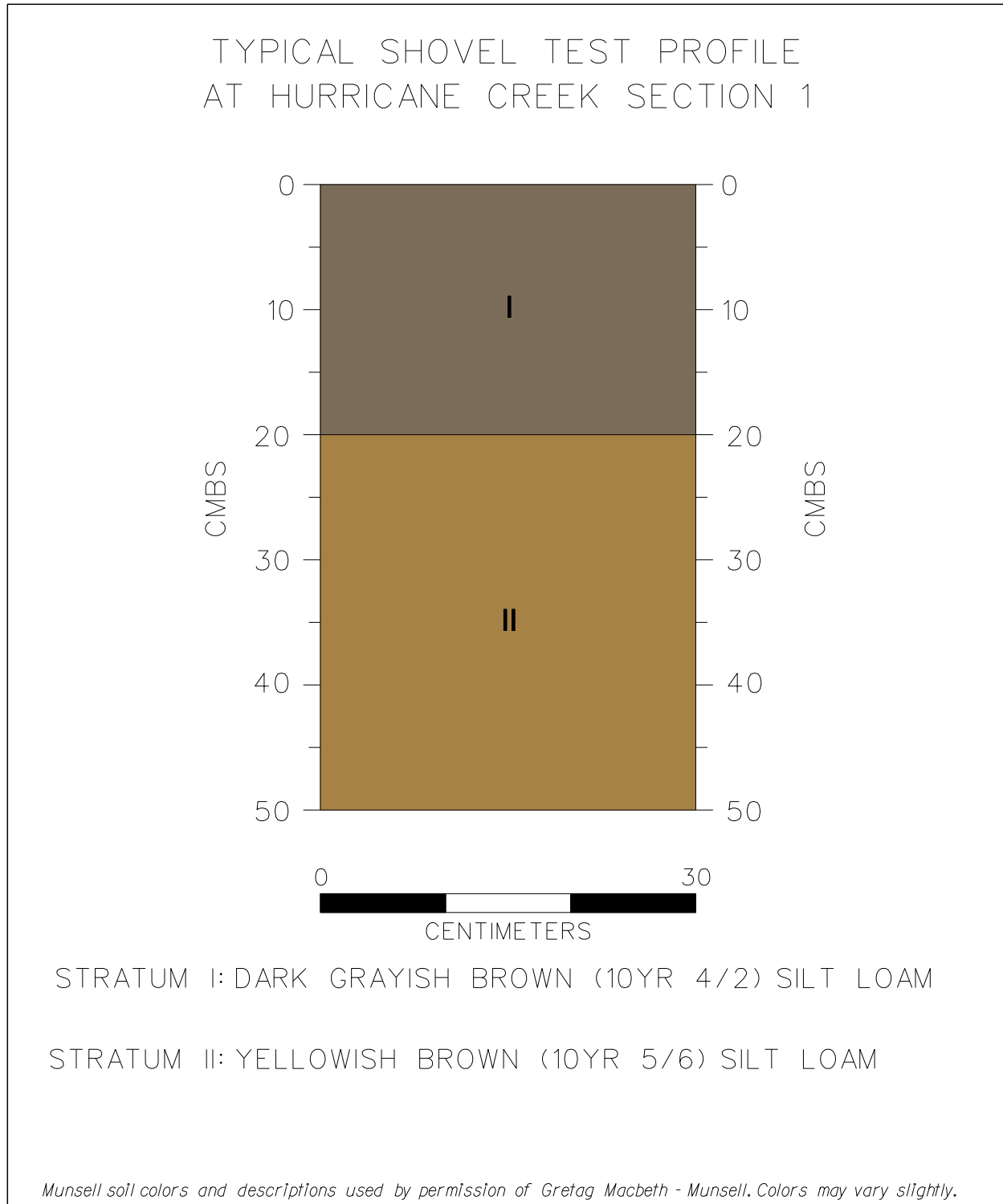


Figure 4.3 Profile of a typical shovel test excavated within Section 1 of the Hurricane Creek project area.



Figure 4.4 Overview within the southern part of Section 2 of the Hurricane Creek project area, facing south.



Figure 4.5 Overview within the northern part of Section 2 of the Hurricane Creek project area, facing north.

The segment also extended along the east side of the campus of Caldwell Parish High School, and through several small subdivisions.

The survey of Section 2 included shovel testing at 30 m (98.4 ft) intervals along a single transect, which was situated approximately 10 m (32.8 ft) west of the creek bed. Shovel tests were excavated along the entire length of the segment, except in locations where roads, buildings, buried utilities, or other obstructions prevented excavation. In all, 102 shovel tests were excavated within Hurricane Creek Section 2.

A typical shovel test excavated within Section 2 extended to a depth of 50 cmbs (19.7 ins), and exhibited only a single stratum of pale brown (10YR 6/3) silt loam to the base of excavation (Figure 4.6a). Within a few shovel tests, a second

stratum was encountered at a depth of approximately 30 cmbs (11.8 ins), which consisted of a basal deposit of gray (10YR 6/1) silt clay loam mottled with strong brown (7.5YR 4/6) silt clay loam (Figure 4.6b). No artifacts or other evidence for archeological sites were encountered within any of the excavated shovel tests, nor were such observed during pedestrian reconnaissance of the segment. No additional work is recommended within Section 2 of the Hurricane Creek project area.

Caldwell Parish High School Tributary

The Caldwell Parish High School Tributary segment of the Hurricane Creek project area extended along the west side of the Caldwell Parish High School, between Spartan Drive and the

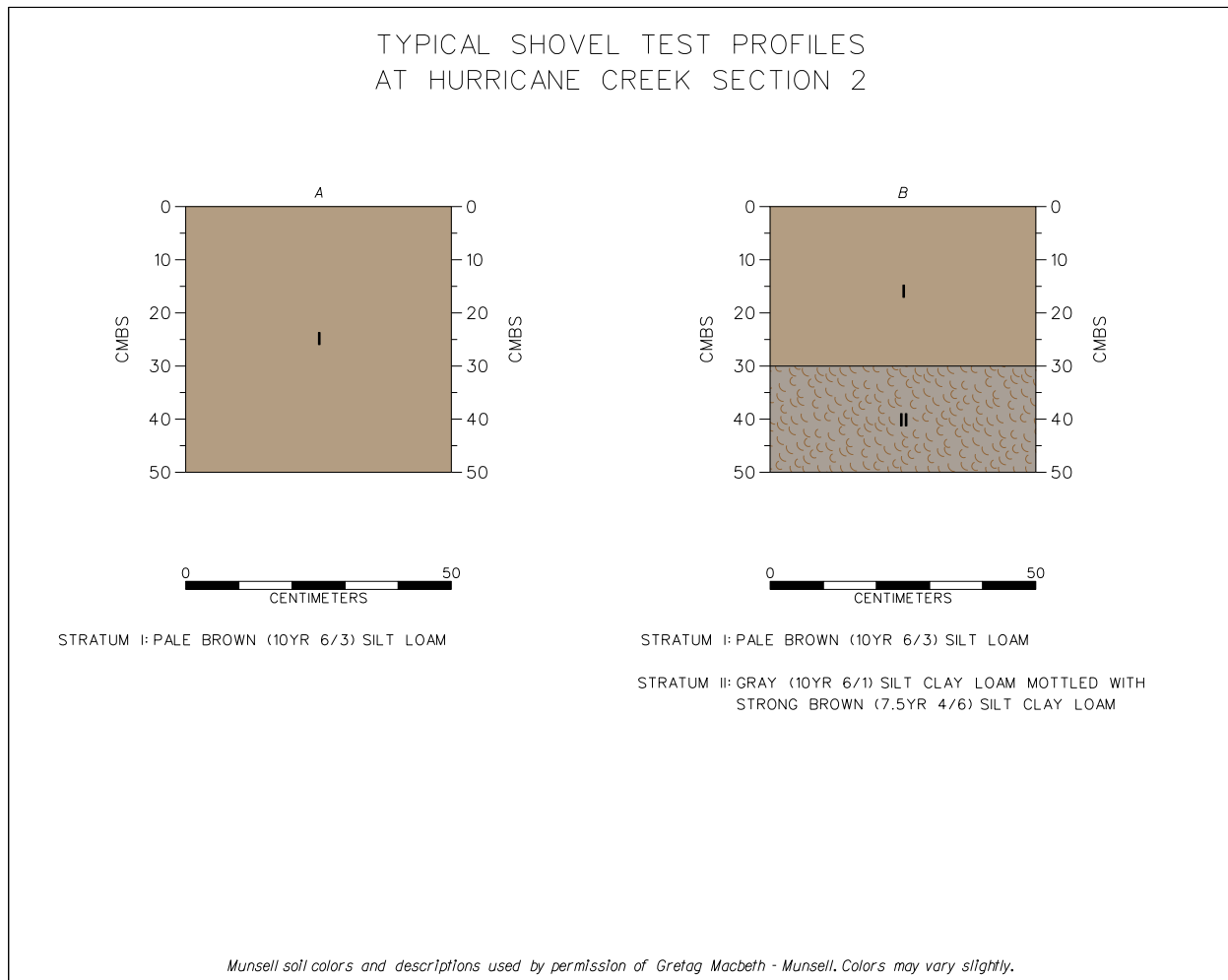


Figure 4.6 Profiles of two typical shovel tests excavated within Section 2 of the Hurricane Creek project area.

junction of the tributary with the main channel of Hurricane Creek (Figure 1.2). This segment measured 610 m (2001.3 ft) long, and it was 20 m (65.6 ft) wide. The southern 360 m (1181.1 ft) of the segment extended through a wooded area along the west side of the school's athletic fields (Figure 4.7). The northernmost 250 m (820.2 ft) of the segment was collocated with a sewer line (Figure 4.8), and shovel testing was not completed in that previously disturbed portion of the survey segment.

Shovel testing in the southern part of this segment was conducted at 30 m (98.2 ft) intervals along a single transect situated 10 m west of the centerline of the tributary. A total of 10 shovel tests were excavated in this portion of the project area. A typical shovel test extended to a depth of 50 cmbs (19.7 inbs), and exhibited two strata in profile (Figure 4.9). Stratum I extended from the surface to a depth of 30 cmbs (11.8 inbs); it consisted of yellowish brown (10YR 5/4) silt loam. Stratum II, a layer of brown (10YR 4/3) silt loam, continued from 30 cmbs (11.8 inbs) to beyond the base of excavation at 50 cmbs (19.7 inbs). No artifacts or other evidence for archeological

sites was noted anywhere within this portion of the project area. Therefore, no additional work is recommended within the Caldwell Parish High School Tributary segment of the Hurricane Creek project area.

Hanchey Road Tributary

The Hanchey Road Tributary segment of the Hurricane Creek project area was a 20 m (65.6 ft) wide segment that began at Hanchey Road and extended west for a length of 1520 m (4986.9 ft) (Figure 1.2). The segment followed the winding path of the tributary, traversing a small subdivision, an area of secondary growth forest (Figure 4.10), and an agricultural field before terminating at the main channel of Hurricane Creek. A total of 47 shovel tests were excavated along this narrow tributary segment, while 5 planned shovel tests could not be excavated due to obstructions.

A typical shovel test excavated along the Hanchey Road Tributary segment exhibited only a single stratum in profile (Figure 4.11). Stratum I consisted of a layer of yellowish brown (10YR 5/4) silt loam that extended from the surface to the base of excavation at 50 cmbs (19.7 inbs). No



Figure 4.7 Overview of the southern part of the Caldwell Parish High School Tributary portion of the Hurricane Creek project area, facing south.



Figure 4.8 Overview of the northern part of the Caldwell Parish High School Tributary portion of the Hurricane Creek project area, facing north.

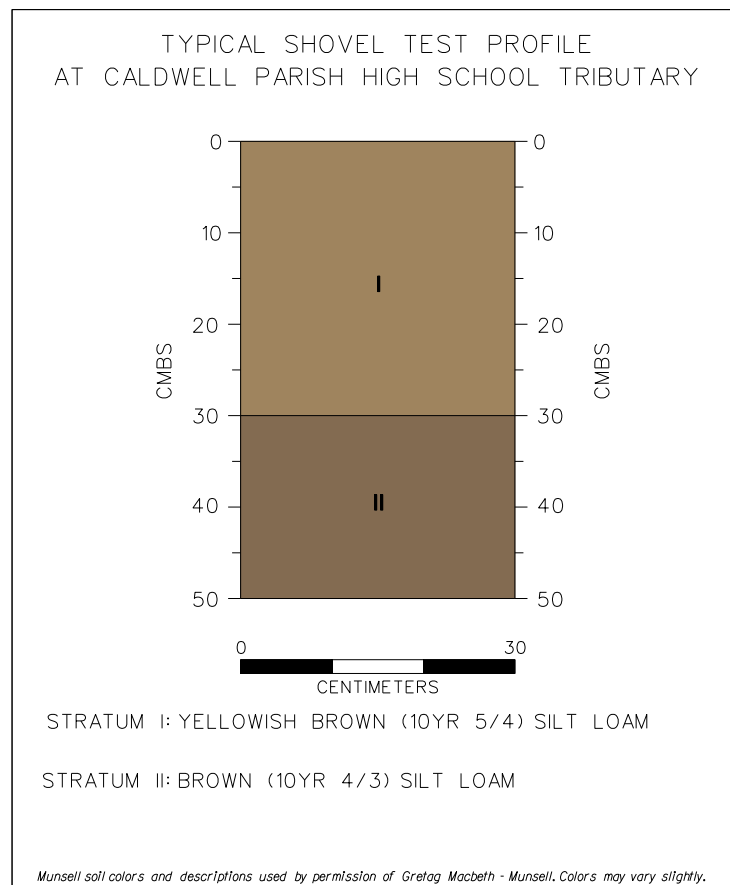


Figure 4.9 Profile of a typical shovel test excavated within the Caldwell Parish High School Tributary project segment.



Figure 4.10 Overview of the Hanchey Road Tributary portion of the Hurricane Creek project area, facing northwest.

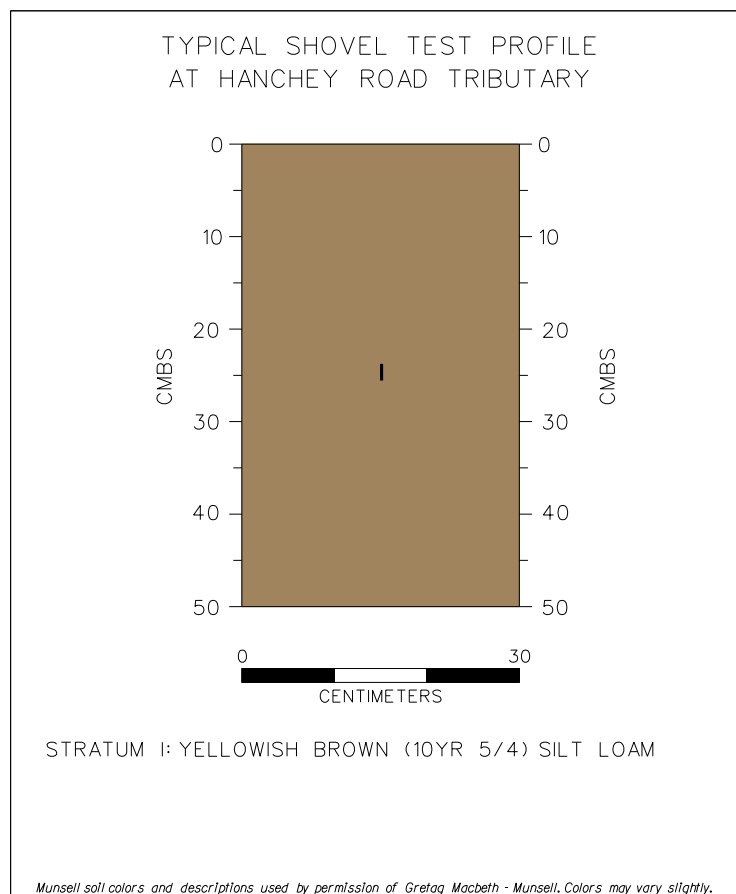


Figure 4.11 Profile of a typical shovel test excavated within the Hanchey Road Tributary portion of the Hurricane Creek project area.

artifacts or other evidence for archeological sites were observed during survey of this segment. Therefore, no additional work is recommended within the Hanchey Road Tributary segment of the Hurricane Creek project area.

Summary and Recommendations

Archeological survey of the Hurricane Creek Drainage Improvements project area was completed on behalf of FEMA pursuant to Section 106 of the National Register of Historic Places and its implementing regulations (36 CFR Part 800). Fieldwork completed for this project examined a total of 6.6 km (4.1 mi) of linear corridor

along the banklines of Hurricane Creek and associated tributaries. The field effort consisted of pedestrian survey and shovel testing completed along four segments of the project area – Hurricane Creek Section 1, Hurricane Creek Section 2, Caldwell Parish High School Tributary, and Hanchey Road Tributary. In all, 166 shovel tests were excavated throughout the four survey segments. No artifacts were recovered as a result of survey, nor were any cultural features, middens or other evidence for archeological deposits noted anywhere within the examined segments. No additional work is recommended for the Hurricane Creek project area.

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BILLY NUNGESSER
LIEUTENANT GOVERNOR

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

RENNIE S. BURAS, II
DEPUTY SECRETARY

PHIL BOGGAN
ASSISTANT SECRETARY

14 March 2016

Mr. Jason A. Emery
Lead Historic Preservation Specialist
FEMA Louisiana Recovery Office
1500 Main Street
Baton Rouge, LA 70802

RE: Section 106 Review Consultation, Hurricane Katrina, FEMA-1603-DR-LA
Submittal of Draft Report for Review and Comment
Negative Findings Report on Phase I Archaeological Survey for the Hurricane Creek Drainage
Improvements Project, Caldwell Parish, Louisiana
Program Area: Hazard Mitigation Grant Program (HMGP# 1603-0363)
Applicant: Caldwell Parish Police Jury
Undertaking: Hurricane Creek Drainage Improvements, Columbia, Louisiana
(HMG)

Dear Mr. Emery:

Thank you for your letter dated 3 February 2016 transmitting the draft report entitled, *Negative Findings Report on Phase I Archaeological Survey for the Hurricane Creek Drainage Improvements Project, Caldwell Parish, Louisiana*, (Heller 2016) (Report No. 22-5162) prepared by R. Christopher Goodwin and Associates, Inc. (RCG). We understand FEMA, through its Hazard Mitigation Grant Program proposes to fund drainage improvements along four sections of Hurricane Creek and its tributaries, Caldwell Parish, Louisiana (Undertakings) as requested by the Caldwell Parish Police Jury (Applicant). Compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, is being conducted 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 Coushatta 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).

We understand RCG, under contract to FEMA to partially fulfill FEMA's Section 106 responsibilities, conducted Phase I archaeological survey along the four sections of

Mr. Jason A. Emery
February 11, 2016
Page 2

Hurricane Creek and its tributaries proposed for drainage improvements. RCG examined a total of 6.6 km of linear corridor and excavated 166 shovel tests along the banklines of Hurricane Creek and associated tributaries. No archaeological sites or cultural materials were identified as a result of the survey. SHPO agrees that no historic properties will be impacted by this project.

Overall, the draft report meets the Louisiana Division of Archaeology report standards for Phase I/II investigations. We have no comments to offer concerning this report. For the report to be accepted as final, please remit two bound copies and a pdf on CD of the final report.

We look forward to receiving the final report. For more information, please contact Chip McGimsey at (225) 219-4598 or cmcgimsey@crt.la.gov.

Sincerely,



Phillip E. Boggan II
State Historic Preservation Officer

PB:crm



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-1603/1607-DR-LA
FEMA Louisiana Recovery Office
Environmental/Historic Preservation
1500 Main Street
Baton Rouge, LA 70802

April 29, 2015

Dr. Charles "Chip" McGimsey
State Archaeologist and Director
Office of Culture Recreation and Tourism
Post Office Box 44247
Baton Rouge, LA 70804

RE: Submittal of Final Report

*Negative Findings Report on Phase I Archeological Survey for the Hurricane Creek
Drainage Improvements Project, Caldwell Parish, Louisiana (LDOA Rpt # 22-5162)*

Applicant: Caldwell Parish Police Jury
Program Area: Hazards Mitigation Grants Program (HMGP)
Undertaking: Hurricane Creek Drainage Improvements, Columbia, Louisiana
(HMGP#1603-0363)

Dear Dr. McGimsey:

Enclosed is one copy of the Final report entitled, "*Negative Findings Report on Phase I Archeological Survey for the Hurricane Creek Drainage Improvements Project, Caldwell Parish, Louisiana*" prepared by the R. Christopher Goodwin and Associates, Inc. in April 2016. This report presents the results of cultural resource investigations conducted along Hurricane Creek and the Caldwell High School and Hanchey Road tributaries of the creek in Columbia, Louisiana.

FEMA contracted R. Christopher Goodwin & Associates, Inc. to examine 4.1 miles (6.6 kilometers) of banklines and excavate 166 shovel tests along Hurricane Creek and the associated tributaries. No cultural materials or features were identified during the investigation.

We thank you for your March 14, 2016 concurrence with FEMA's finding of no adverse effect to historic properties, informing us that the report meets the Louisiana Division of Archaeology's report standards for Phase I/II investigations, and that no comments were to be addressed in order for the report to be finalized. Should you have any questions or need additional information, please contact Jason A. Emery, Lead Historic Preservation Specialist, at (504) 570-7292 or jason.emery@fema.dhs.gov.

Sincerely,

RECEIVED

MAY 09 2016

ARCHAEOLOGY

Jason A. Emery

Date:
2016.04.29
11:18:21 -05'00'

Jason A. Emery
Lead Historic Preservation Specialist
FEMA-DR-1603-LA, FEMA-DR-1607-LA,

CC: File
Andrea White, Division of Archaeology Reviewer

The Final Report has been reviewed and
accepted. 22-5162

Phil Boggan 18 May 2016
Phil Boggan
Deputy State Historic Preservation Officer

From: [Emery, Jason](#)
To: [Williamson, Richard](#); [Carroll, Annette](#); [Tavaszi, Maria](#)
Subject: FW: FEMA 106: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)
Date: Thursday, March 03, 2016 1:34:18 PM
Attachments: [image001.png](#)

Richard and Annette – for the project files.

Maria—for the project file and for the comment.

Jason

Jason A. Emery

Cell: (504) 570-7292

jason.emery@fema.dhs.gov

From: Lindsey Bilyeu [mailto:lbilyeu@choctawnation.com]
Sent: Thursday, March 03, 2016 1:28 PM
To: Emery, Jason <Jason.Emery@fema.dhs.gov>
Subject: RE: FEMA 106: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)

Mr. Emery,

The Choctaw Nation of Oklahoma thanks FEMA for the correspondence regarding the above referenced project. Caldwell Parish, LA lies in the Choctaw Nation's area of historic interest. The Choctaw Nation Historic Preservation Department concurs with the finding of "no historic properties affected". However, we ask that work be stopped and our office contacted immediately in the event that Native American artifacts or human remains are encountered.

If you have any questions, please contact me.

Thank you,

Lindsey D. Bilyeu
Senior Compliance Review Officer
Historic Preservation Department
Choctaw Nation of Oklahoma
P.O. Box 1210
Durant, OK 74702
580-924-8280 ext. 2631



From: Jones, Gwendolyn [mailto:gwendolyn.jones@fema.dhs.gov]
Sent: Wednesday, February 03, 2016 1:54 PM
To: Lindsey Bilyeu <lbilyeu@choctawnation.com>
Cc: Ian Thompson <ithompson@choctawnation.com>
Subject: FEMA 106: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)

Dear Ms. Bilyeu,

Attached please find FEMA's section 106 consultation letter and associated report regarding the below project:

RE: Section 106 Review Consultation, Hurricane Katrina, FEMA-1603-DR-LA

Applicant: Caldwell Parish Police Jury

Undertaking: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)

Determination: No Historic Properties Affected

Your prompt review is appreciated. Should you have any questions or need additional information regarding this undertaking, please contact the reviewer on the letter, or you may contact Tiffany Spann, Acting Environmental Liaison Officer at 504-218-6800, or Tiffany.Spann@fema.dhs.gov.

Sincerely,
Gwen Jones

Gwen Jones, MHP
Historic Preservation Specialist
FEMA LRO - Region 6
504-875-1108
Gwendolyn.Jones@fema.dhs.gov

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From: [Williamson, Richard](#)
To: [Tavaszi, Maria](#)
Subject: FW: FEMA 106: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)
Date: Friday, March 11, 2016 2:43:11 PM

You may have already gotten this from Jason, but if not – for the project files.

Richard Williamson
Archaeologist
FEMA Area Field Office-Southern Regional Research Center, USDA
(cell) 504-908-5372
richard.williamson@fema.dhs.gov

From: Jones, Gwendolyn
Sent: Friday, March 11, 2016 9:32 AM
To: Williamson, Richard; Emery, Jason
Subject: Fw: FEMA 106: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)

Gwen Jones
HP Specialist
FEMA
504-875-1108 - cell

From: Alina Shively [<mailto:ashively@jenachoctaw.org>]
Sent: Friday, March 11, 2016 09:22 AM
To: Jones, Gwendolyn
Subject: RE: FEMA 106: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)

Dear Gwen:

Regarding the above-mentioned project, the Jena Band of Choctaw Indians' THPO hereby concurs with the determination of No Properties. Should any inadvertent discoveries or unanticipated impacts occur during ground disturbing activities, please contact all Tribes with interest in this area. Thank you.

Sincerely,

Alina J. Shively
Jena Band of Choctaw Indians
Tribal Historic Preservation Officer
P.O. Box 14
Jena, LA 71342
(318) 992-1205

ashively@jenachoctaw.org

From: Jones, Gwendolyn [<mailto:gwendolyn.jones@fema.dhs.gov>]

Sent: Wednesday, February 3, 2016 1:56 PM

To: Alina Shively <ashively@jenachoctaw.org>

Subject: FEMA 106: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)

Dear Ms. Shively,

Attached please find FEMA's section 106 consultation letter and associated report regarding the below project:

RE: Section 106 Review Consultation, Hurricane Katrina, FEMA-1603-DR-LA

Applicant: Caldwell Parish Police Jury

Undertaking: Hurricane Creek Drainage Improvements, Columbia, Louisiana (HMGP# 1603-0363)

Determination: No Historic Properties Affected

Your prompt review is appreciated. Should you have any questions or need additional information regarding this undertaking, please contact the reviewer on the letter, or you may contact Tiffany Spann, Acting Environmental Liaison Officer at 504-218-6800, or Tiffany.Spann@fema.dhs.gov.

Sincerely,
Gwen Jones

Gwen Jones, MHP
Historic Preservation Specialist
FEMA LRO - Region 6
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Gwendolyn.Jones@fema.dhs.gov