REEVALUATION

I-10: LA 415 TO ESSEN LANE ON I-10 AND I-12
ROUTE 1-10
WEST AND EAST BATON ROUGE PARISHES
LOUISIANA

STATE PROJECT NO. H.004100.2
FEDERAL AID PROJECT NO. H004100

Segment 1: West of Washington St. to East of Acadian Thruway

June 2023

DOTD
LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

U.S. Department of Transportation
Federal Highway Administration

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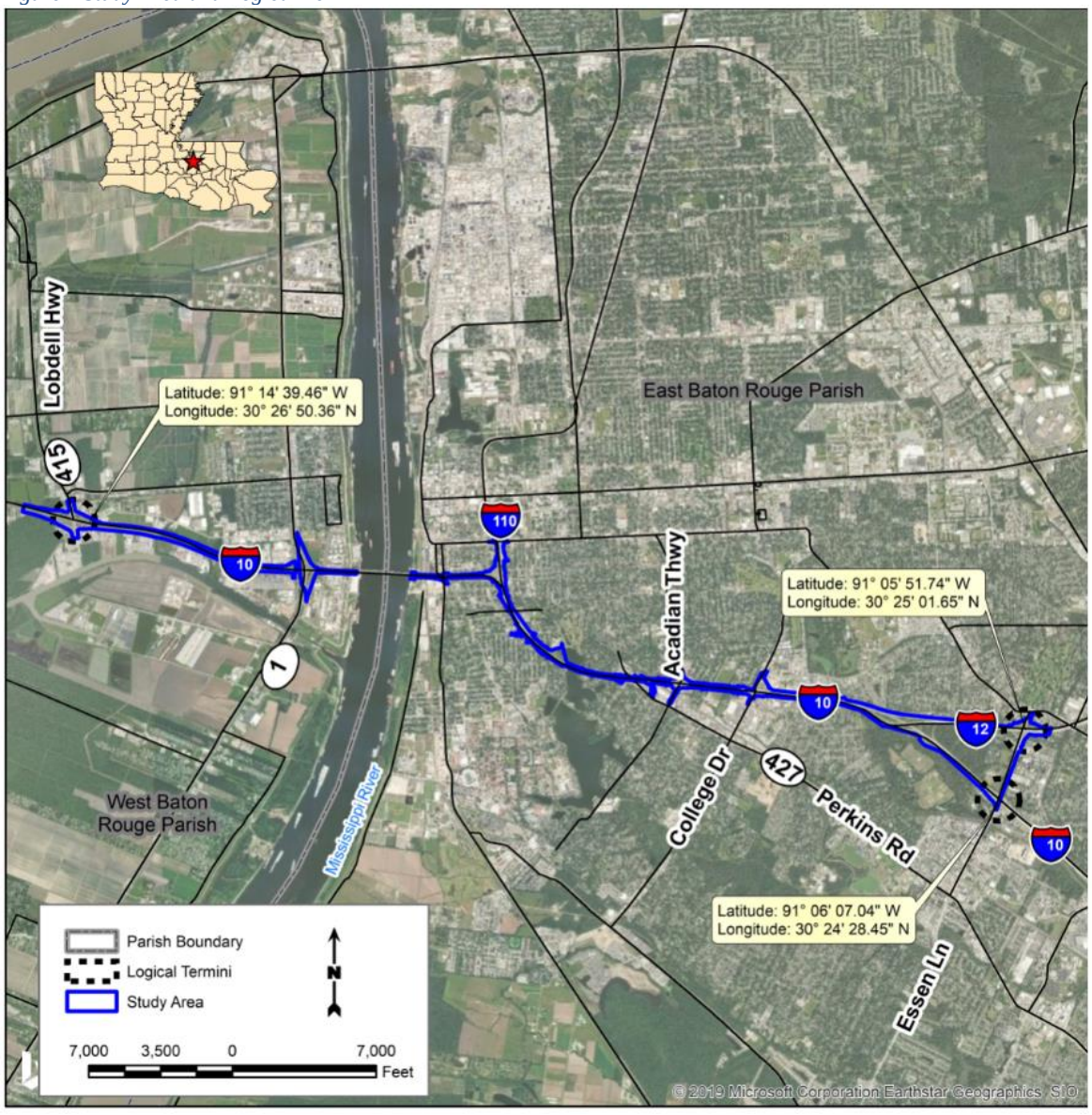
Project Description

The Louisiana Department of Transportation and Development (DOTD) prepared the Environmental Assessment (EA) for capacity improvements to Interstate 10 (I-10) from Louisiana Highway 415 (LA 415) in West Baton Rouge Parish to Essen Lane on I-10 and Interstate 12 (I-12) in East Baton Rouge Parish. Figure 1 is the Project Study Area. The logical termini reflected in Figure 1 are the junction of LA 415 and I-10 to the west and the junction of I-10 and Essen Lane and I-12 and Essen Lane to the east. Appendix C of the EA contains additional detail on the logical termini justification in the FHWA approval letter dated March 2, 2017. A Finding of No Significant Impact (FONSI) was issued by FHWA on February 12, 2021. A reevaluation was completed May 3, 2022.

Figure 1 Study Area and Logical Termini



I-10 through the proposed project area is a control of access (COA) urban freeway. I-10 supports substantial regional traffic as a primary east-west interstate in the southeast United States (US).

I-10 will be widened by the addition of one travel lane to both eastbound (EB) and westbound (WB) I-10 from LA 415 to the I-10/I-12 split. There are a few locations along the route where either no widening will occur, auxiliary lanes will be added, or the widening will only involve shoulder improvements. There will not be an additional lane in either direction on the Mississippi River Bridge (MRB) between the trusses. Only shoulder improvements are anticipated on the elevated portion of I-10 WB between I-110 and the MRB due to geometric constraints.

In addition to the new travel lanes, in West Baton Rouge Parish, modifications at LA 1 to include shoulder widening, acceleration/ deceleration lane lengthening, and an additional travel lane westbound to LA 415 and an auxiliary lane eastbound from LA 415 to LA 1 are proposed. In East Baton Rouge Parish, in addition to the new travel lanes, lengthening the acceleration/deceleration lanes on I-10 for the Highland Road/Nicholson Drive interchange to the MRB is proposed and modifications to the I-10 interchanges at Washington Street, Dalrymple Drive, Perkins Road (Perkins), and Acadian Thruway (Acadian) are proposed as well as the replacement of the Nairn Drive (Nairn) overpass bridge.

Details associated with the interchange modifications are provided in Appendices A (Line and Grade) and B (Interchange Modification Reports) of the EA.

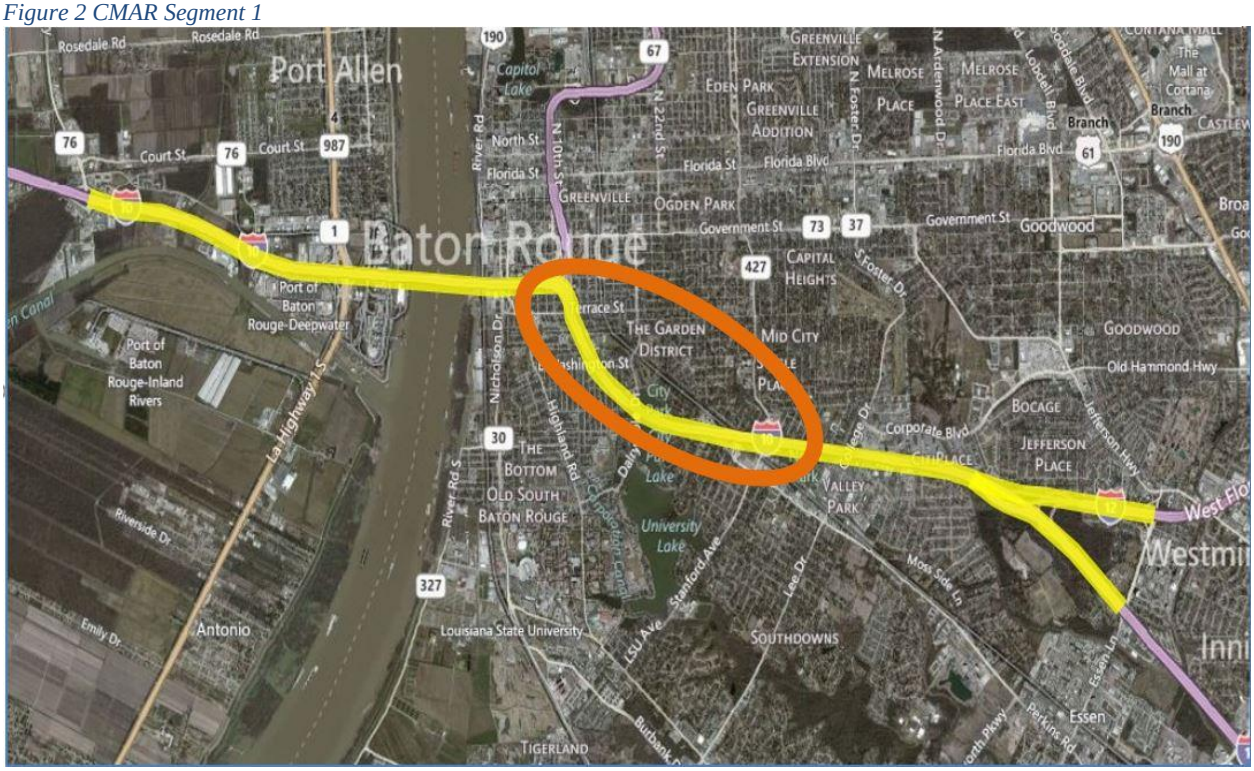
Purpose and Need

Additional capacity in each direction is needed to alleviate congestion and reduce travel times. In addition, improvements are proposed to update current design, including the addition of shoulders for emergency use, longer acceleration and deceleration lanes for increased merge distance, and lane arrangements that reduce weaving and to extend the life expectancy of the existing infrastructure. The full purpose and need statement is in Chapter 1 of the EA.

Project Status & Modifications

On February 12, 2021, FHWA issued a Finding of No Significant Impact (FONSI) for the captioned project which calls for the widening of I-10 in East and West Baton Rouge Parishes. Since then, DOTD decided to apply the Construction Management at Risk (CMAR) process for project development. Design of CMAR Segment 1 (west of Washington Street to east of Acadian Thruway) is underway as well as right of way acquisitions and utility relocation. Project documents and information are available on the web at https//i10br.com. A reevaluation was completed May 3, 2022, that addressed changes to a drainage outfall and additional sidewalks. Since then, additional design information revealed the need for a second reevaluation.

Figure 2 CMAR Segment 1

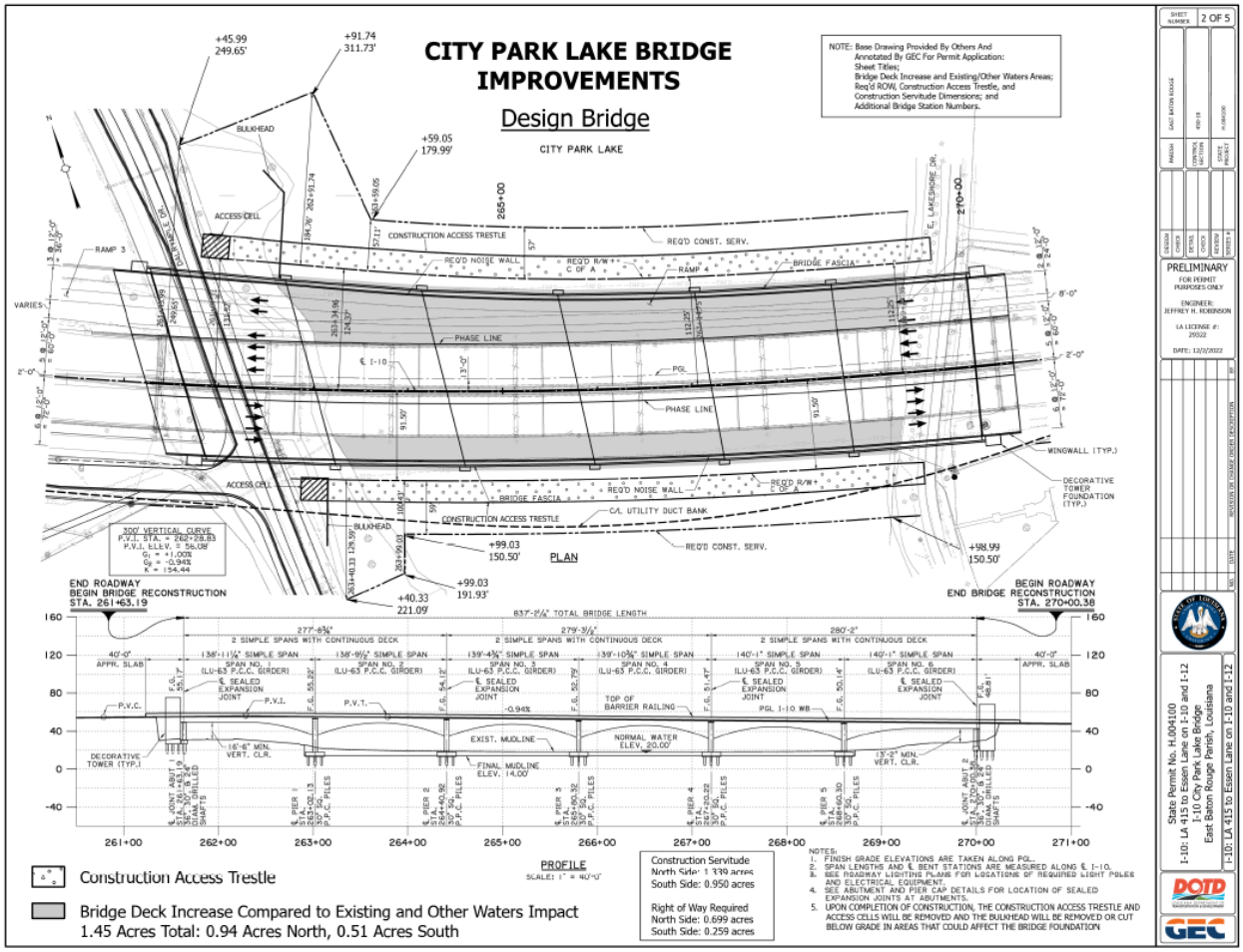


City Park Lake Bridge

As CMAR Segment 1 progressed through design, it was discovered that the means and methods for the construction of the new City Park Lake Bridge (CPLB) requires construction servitude from the City that was not identified in the Environmental Assessment (EA). The EA identified required right of way along both sides of the existing bridge to accommodate the new bridge structure; it did not identify construction servitude for the bridge construction beyond the required right of way. The construction of the temporary trestle and bulkhead are part of Early Works Package (EWP) #2. East Lakeshore Drive which passes underneath the bridge on the east side of the lake will be closed during construction of the bridge. Bridge construction is estimated to take 4 years. There may be periods of time during the 4-year span that the roadway could open, but it would need to be closed when work occurs in that area.

DOTD will acquire all rights for the construction of the bridge from the City through an agreement. DOTD requires approximately 0.96 acre of right of way and 2.29 acres of servitude from the City for the construction of the CPLB. There are no additional impacts other than the need to acquire more rights from the City for the bridge than initially thought. The City plans to dredge the lake and add amenities to turn the lake into a functioning recreational facility. The design of the bridge incorporated input from the City, the public, and others working on the lakes improvement project. The deminimis Section 4(f) determination made for the City Park Lake and the trail adjacent to the lake was reassessed, and the determination that a deminimis Section 4(f) is applicable remains unchanged. See the attached documentation in Appendix A for more details.

Figure 3 City Park Lake Bridge



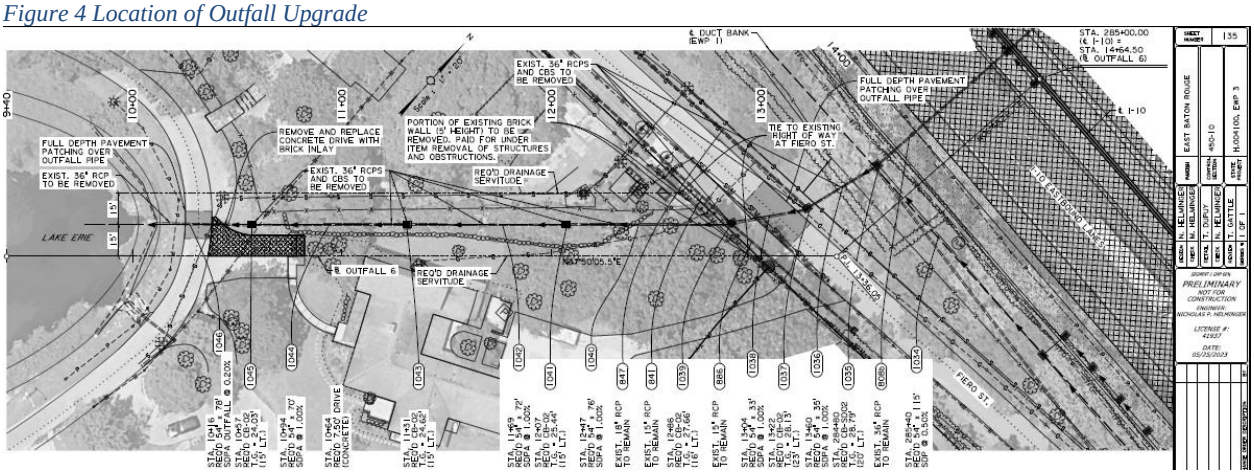
A construction servitude is needed to remove and replace the existing City Park Lake bridges. The above figure outlines the required right of way and construction servitude in the lake. Construction servitude is needed along both sides of the bridges to construct the trestle and bulkhead. The United States Corps of Engineers issued a nationwide 14 permit for the bridge work (Permit no. MVN-2023-00066-MS). See attached permit in Appendix B. Although the sketch in the permit only show the servitude required for the trestle, the construction of the bulkhead is included in the permit along with the trestle, footing, and cofferdam.

Outfall Upgrade

The project will also upgrade an existing outfall owned by the City. Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) program funds will be used to upgrade the outfall. The purpose of the PROTECT program is to make surface transportation more resilient to natural hazards, sea level rise, flooding, and extreme weather events. The current outfall is undersized for the network, and its upgrade qualifies for PROTECT program funds. Plans are to remove the existing 36" outfall pipe and replace it with a 54" outfall pipe. The outfall is located between I-10 and Erie Lake and runs parallel to a property line between two residences. A portion of a brick fence and the landscaping located within the outfall's corridor will be removed by the upgrade. A portion of one of the residence's driveway

will be impacted. Half of the driveway's entrance will be removed and replaced as the existing outfall runs underneath it.

Figure 4 Location of Outfall Upgrade



The Cultural Resources Survey performed for the EA included these residential structures. The structures are not historic and are not located within a historic district.

Commitments

DOTD will require the contractor to remove the temporary trestle and bulkhead in the lake once the work on CPLB is completed. For the outfall upgrade, the landowners will be compensated for the loss vegetation, fence, and other amenities located within the required servitude.

Coordination

CPLB

The DOTD and the CMAR project team met with the City regarding the means and methods for constructing the CPLB. DOTD consulted with the City and BREC regarding the reassessment of the Section 4(f) deminimis determination. (See Section 4(f) documentation in Appendix A.)

Outfall

DOTD met with the City regarding the use of PROTECT funds to upgrade the outfall. The work will be carried out in accordance with an agreement between the City and DOTD. The DOTD and CMAR project team met with the affected property owners regarding the outfall upgrade. The property owners were given an opportunity to discuss their concerns with the project team. (See documentation in Appendix C.) The current outfall runs underneath two roadways. During construction, DOTD will inform residences along the roadways of road closures required to install the pipe replacement.

Conclusion

Upon re-evaluation, DOTD has determined that the right of way and construction servitude needed for the CPLB and the outfall upgrade will not result in significant impacts; thus, the FONSI remains valid. DOTD requests FHWA's concurrence.

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Appendix A

June 2023

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

STATE PROJECT NO. H.004100/FEDERAL AID PROJECT NO. H004100

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

U.S. Department of Transportation
Federal Highway Administration

SECTION 4(F) *DE MINIMIS* FINDING – CITY PARK LAKE & TRAIL

I-10: LA 415 TO ESSEN LANE ON I-10 AND I-12 ROUTE I-10 AND I-12 WEST AND EAST BATON ROUGE

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1.0 INTRODUCTION

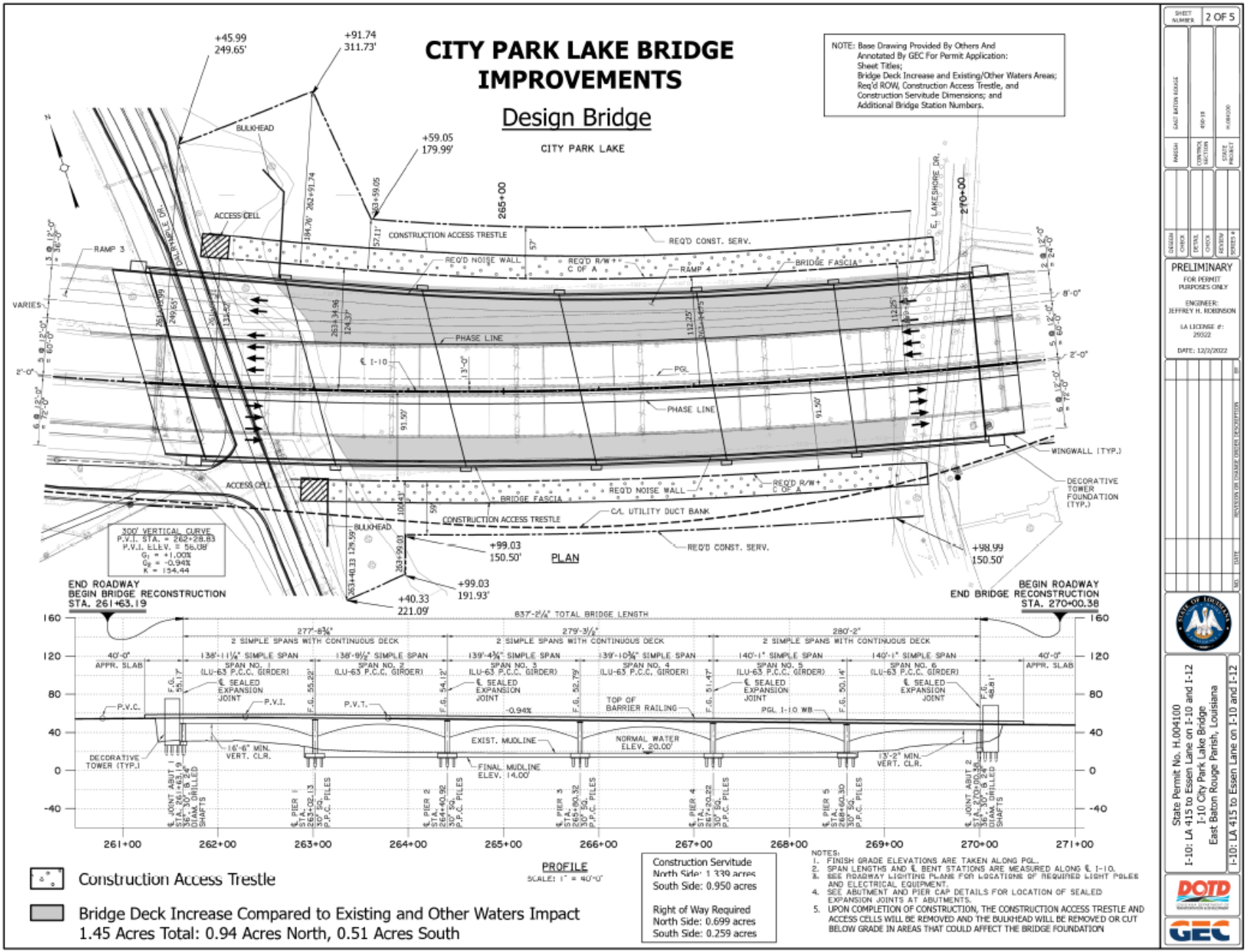
The Louisiana Department of Transportation and Development (DOTD) is proposing the Interstate 10 (I-10) LA 415 to Essen Lane project (State Project Number H.004100), which provides for the widening of I-10 by one travel lane in each direction and replacement of the I-10 bridges over City Park Lake. The new bridges with additional travel lanes require additional right-of-way (ROW) and Construction Servitude in the lake and between the lake and the east side of Dalrymple Drive (**Figure 1**). As currently designed, the project will require acquisition of approximately 0.015 acre of the multiuse trail that links with the multiuse lane on Dalrymple Drive to allow for off-street biking and walking around the City Park and University Lakes. The trail is under the jurisdiction of and maintained by the City of Baton Rouge/Parish of East Baton Rouge (City-Parish) in conjunction with the Recreation and Park Commission of East Baton Rouge (BREC). Additionally, the project will require approximately 0.96 acre of right of way and 2.3 acres of construction servitude within the City Park Lake to construct the new City Park Lake bridge. The lake is approximately 50 acres and is owned by the City-Parish and maintained by BREC.

Section 4(f) of the Department of Transportation (DOT) Act of 1966 (23 USC 138 and 49 USC 303) and its implementation regulations (23 CFR 774) restrict use of significant publicly owned parks, recreation areas, wildlife and waterfowl refuges, and historic properties for transportation projects unless there is no feasible and prudent avoidance alternative and all possible planning to minimize harm has occurred. Uses are categorized as either permanent incorporation, temporary occupancy, or constructive use and can be approved by preparing a *de minimis* determination, a programmatic Section 4(f) evaluation, or preparing an individual Section 4(f) evaluation.

This document reassesses the previous de minimis determination and represents justification for determining that the impact to the City Park Lake & Trail qualifies as *de minimis* under 23 CFR 774.7(b). A *de minimis* impact is one that, after accounting for measures to minimize harm results in either:

1) A Section 106 finding of no adverse effect or no historic properties affected on a historic property, or
2) A determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refugee for protection under Section 4(f).

Figure 1 City Park Lake Bridge



2.0 PROPERTY DESCRIPTION AND USE

The City Park Lake Trail is a portion of a larger multiuse trail (pedestrian and bicycle) that runs along Dalrymple Drive around both the City Park and University Lakes for approximately 1.5 miles (see photo to right). The trail draws users from Louisiana State University and neighboring communities including Lakeshore, Lake Crest, Old South Baton Rouge, City Park, Hillsdale, Hundred Oaks, Poets Corner, Zeeland, Southdowns, and others. While predominately utilized by cyclists and pedestrians, the trail does link to the kayak launch off March Street.

Trail Heading North from under I-10

The City Park Lake is about 50 acres bordered on north by Brooks-City Park, on the south by University Lake, and on the east and west by residential neighborhoods. The lake is shallow (about 2 feet), in poor health (massive algae blooms), and therefore, limited with regard to recreational opportunities. One popular recreational feature is the City Park Lake Trail and roads adjacent to the lake which are used by bicyclist, joggers, and pedestrians.

Efforts to restore Baton Rouge's area lakes to create recreational opportunities and improve habitat are ongoing. Included in this endeavor are five lakes, one of which is City Park Lake. The University Lakes Project Management Committee made up of the City-Parish, LSU Foundation, and BREC oversee the consultants working on the restoration projects. Their plans include draining and dredging the lakes to restore the health and attributes of the lakes. Planning for the restoration of the lakes is occurring at the same time as the development of the I-10 widening project. For this reason, DOTD coordinated the design of the City Park Lake bridge with the City-Parish and the Baton Rouge Area Foundation (BRAF). BRAF is the entity that spearheaded the lakes improvement projects. DOTD will continue to coordinate with the University Lakes Project Management Committee.

3.0 *DE MINIMIS* IMPACT

As proposed, the project will acquire right of way with roughly 68 linear feet of trail on the east side of Dalrymple Drive, which amounts to approximately 0.015 acre of trail. All efforts were made to minimize the amount of additional ROW required; however, the widening of I-10 and replacement of the bridges could not be accomplished without affecting this minimal trail area. Although DOTD will be acquiring this minimal area of trail as ROW, it will not affect the use of the trail. The trail will be incorporated into I-10 ROW as is, with its functions intact and available for all users.


View of Lake &Trail North toward I-10

Additionally, the portion of the trail under I-10 will experience temporary closures to pedestrians and cyclists for varying durations during the construction of the new I-10 bridges over City Park Lake. These are times when it will not be safe to pass under the structure, such as during removal of existing bridge sections, installation of beams, and other overhead construction activities. These circumstances will require closing the portion of the trail passing underneath the interstate until it is determined safe to pass under the structure.

The construction of this section of the I-10 widening, the City Park Lake bridge, will last about four to five years with some type of prohibition of passage underneath the bridges at the trail occurring approximately 20 to 25% of the time. DOTD will require that the contractor keep the trail underneath the bridges open to the extent possible. Information regarding temporary closures of the trail will be made available in advance and signage will be provided on the site. Alternate roadway passage (E. Lakeshore Drive) on the east side of the lake will not be available as this segment of roadway will be closed during bridge construction.

While the temporary closures of roughly 200 feet of the City Park Lake Trail during construction will be an inconvenience, the temporary closures will not adversely affect the features, attributes or activities of the trail. The portion of the trail affected within the I-10 right of way will be restored to at least the same condition once the removal of the existing bridges and the construction of the new bridges are completed.

The overhead/shading of the lake resulting from the new bridge will increase by about 1.45 acres, as the new bridge is wider than the existing two bridges. This additional shading will not adversely affect the features, attributes or activities within the lake. Currently, City Park Lake's recreational attributes within the lake are severely impaired and limited as City Park Lake is shallow and in poor health.

Temporary trestles are needed in City Park Lake on both the north and south side of the existing bridges to remove the existing bridges and construct the new bridge. The trestle system on the north side of the existing bridges will be constructed then removed and

relocated to the south side. It is anticipated that the north trestle will be installed summer of 2023 and removed and moved to the south side in early 2025. The trestle on the south side will be removed around mid-2026. Additionally, the bulkhead needed on the west side of the lake for crane placement and to access the trestles will be removed upon completion of the new bridge.

The acquisition of right of way and construction servitude within City Park Lake will not adversely affect the features, attributes or activities of City Park Lake. The temporary trestles and bulkhead will be removed once the new bridge is completed. The lake restoration project and the construction of the City Park Lake bridge are being developed at the same time with coordination occurring among project teams.

4.0 PUBLIC INPUT AND AGENCY COORDINATION

The public was informed of the *de minimis* impact during the public meetings held August 28-30, 2018, the public hearings held November 19 and 20, 2019, and a Public Meeting held March 7, 2023. The comments related to the lake and trail dealt with connectivity to the City Park amenities and safety concerns for walkers and joggers. A summary of comments related to area parks and the multiuse path made at 2018 meetings and 2019 hearings is included in the Section 4(f) *de minimis* determination found in Appendix D of the Finding of No Significant Impact (FONSI). Comments made at the 2023 meeting related to CPL, CPL Trail, or CPL Bridge are found in Attachment 1 of this document.

Coordination with the City-Parish, BREC and the Office of State Parks was done throughout the planning and development of the I-10 project. Coordination with the City-Parish and BREC specific to the *de minimis* impact conducted before 2020 can be found in the Section 4(f) *de minimis* determination found in Appendix D of the FONSI. Updated communications with the City-Parish and BREC regarding the *de minimis* impact on City Park Lake and Trail can be found in Attachment 2 of this document. Both entities concurred with the *de minimis* determination.

SIGNATURE PAGE

FHWA has determined the impacts to the City Park Lake & Trail are consistent with the Section 4(f) *de minimis* finding.

LARRY EUGENE BRELAND

Digitally signed by LARRY EUGENE BRELAND
Date: 2023.06.26 16:04:07 -05'00'

FHWA, LA Division- Environmental Protection Specialist

Date

ATTACHMENT 1

SUMMARY OF COMMENTS FROM PUBLIC MEETING

A public meeting was held on March 7, 2023. The purpose of the meeting was to obtain public input on the project with emphasis given to design modifications, construction sequencing, and traffic management. The City Park Lake (CPL) bridge was a featured station at the public meeting. The required right of way and construction servitude were specifically shown on an exhibit. Below is a table of the comments received from the public meeting specifically related to CPL, CPL trail, or CPL bridge.

Comments related to CPL, CPL trail, or CPL bridge	**Responses**
The EBR Chamber of Commerce. I am the Chairman. Things we do not agree with: 1) Replacing the City Park Bridges. Just repair the piers in the lake to prevent acidic deterioration. LESS MONEY & CONSTRUCTION TIME. … 3) The current plan is to replace entirely too much of I-10 from the I-10/I-12 split to the "New Bridge". EXTEND THE ENTRACES TO I-10 WEST AT ACADIAN THWY. AND PERKINS ROAD. CLOSE THE I-10 EAST - WASHINGTON STREET EXIT. ADD 1 LANE TO EACH OF THE CURRENT CITY PARK BRIDGES. …	Comment Noted
What is the remaining usable life for the elevated section of I-10 in Baton Rouge that will be replaced? Was replacing the elevated section(s) included in the initial plan to widen I-10? Did the environmental assessment include disposing of all of that concrete and and steel and the possible concrete dust that will be created by the replacement of the elevated section (and the bridges over the lakes etc)? How will all of that concrete and steel be removed from the interstate and where/how will it be stored and disposed of?	The elevated sections were built in 1967 and the design life was 50 years. So, these sections have already exceeded their design life. Replacing the elevated section was included in the EA that received a FONSI (Finding of No Significant Impact). The contractor is tasked with preparing plans for demolition and materials disposal in accordance with all State and Federal laws. For steel members, the remaining fatigue life is -45 to -50 years.
… 16. I understand water will be used to help with the dust during construction. Where is this to drain? Will it be filtered through a seize to catch debris? And will it be draining into our street culverts and therefore causing future drainage issues on our street and surrounding areas in our neighborhood and surrounding businesses? Our culverts drain into City Park Lake, what of the consequences to the wildlife there?... 30. I understand drill shafts used over City Park Lake, which is in close proximity to my home on Estates Road, so that is concern for hazardous vibration and noise as well, in addition to structural impact to my home. …	16. The contractor will follow DOTD's standard plans for Erosion Control and will address all stormwater within the project limits. 30. The drilled shaft method of pile installation will be used at the ends of the City Park Lake Bridge. This method decreases construction noise and vibration at these locations which are close to residential areas.
… 8. Drivers are given the right of way around and through City Park. Changes to that should be made. There is little respect given to the pedestrians, joggers, and bikers, especially with the changes of on and off ramps in the area. … 10. Safety restrictions should be made and enforced in the underlying areas where changes are being made to the I-10 corridor. Drivers are not paying attention to pedestrians, joggers, bikers, mothers with baby strollers, ducks, etc. This includes Dalrymple, East Lakeshore and Perkins Road from Broussard all the way to Acadian Thruway. …	8. Comment Noted. 10. Comment Noted.

ATTACHMENT 2

CITY-PARISH/BREC CORRESPONDENCE

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

Environmental Section
PO Box 94245 | Baton Rouge, LA 70804-9245
ph: 225-242-4502 | fx: 225-242-4500

John Bel Edwards, Governor
Eric Kalivoda, Secretary

April 25, 2023

State Project No. H.004100
Federal-Aid Project No. H004100
I-10: LA 415 To Essen Lane at I-10 AND I-12
Route: I-10
East and West Baton Rouge Parishes

City of Baton Rouge/Parish of East Baton Rouge
Attn: Mr. Fred Raiford, Director Public Works
via email (FRaiford@brla.gov)

Mr. Corey Wilson
BREC Superintendent
via email (CWilson@brec.org)

SUBJECT: Section 4(f) Determination (City Park Lake Bridge)

The Louisiana Department of Transportation and Development (LADOTD), in conjunction with the Federal Highway Administration (FHWA), proposes to widen Interstate 10 (I-10) from LA 415 to Essen Lane in West and East Baton Rouge Parishes. Portions of the construction will impact City Park Lake (CPL) and the adjacent bike/ped facility (hereinafter referred to as CPL trail) which runs along the west side of the lake along Dalrymple Drive in the City of Baton Rouge. CPL is approximately 50 acres and owned by the City-Parish of Baton Rouge/East Baton Rouge (City-Parish) and maintained by the Recreation and Park Commission for the Parish of East Baton Rouge (BREC). I-10 crosses CPL via two bridges serving east and west bound traffic, respectively. The CPL trail which provides for off street biking and walking passes underneath the bridges and is located between Dalrymple Drive and the lakeshore.

Reference is made to the *de minimis* Section 4(f) document in Appendix D of the Finding of No Significant Impact (FONSI) prepared for the captioned project and approved February 12, 2021. (www.i10br.com) The City-Parish and BREC concurred with the *de minimis* Section 4(f) determination made for the impacts caused by the construction of the project which included the replacement of the CPL bridges. Since then, the new CPL bridge has undergone design. The impacts associated with the construction of the bridge are better defined. The means and methods for the construction of the new CPL bridge require more right of way and construction servitude from the City-Parish than initially presented due to the need for temporary trestles and bulkhead. This information was not known at the time of the Environmental Assessment and initial *de minimis* Section 4(f) determination. For this reason, LADOTD reassessed the *de minimis* finding and upon reassessment determined that the *de minimis* Section 4(f) determination is still applicable.

Comments related to CPL, CPL trail, or CPL bridge	Responses
1) Replacing the City Park Bridges. Just repair the piers in the lake to prevent acidic deterioration. LESS MONEY & CONSTRUCTION TIME.... 3) The current plan is to replace entirely too much of I-10 from the I-10/I-12 split to the "New Bridge". EXTEND THE ENTRACES TO I-10 WEST AT ACADIAN THWY. AND PERKINS ROAD. CLOSE THE I-10 EAST - WASHINGTON STREET EXIT. ADD 1 LANE TO EACH OF THE CURRENT CITY PARK BRIDGES. ...	
What is the remaining usable life for the elevated section of I-10 in Baton Rouge that will be replaced? Was replacing the elevated section(s) included in the initial plan to widen I-10? Did the environmental assessment include disposing of all of that concrete and and steel and the possible concrete dust that will be created by the replacement of the elevated section (and the bridges over the lakes etc)? How will all of that concrete and steel be removed from the interstate and where/how will it be stored and disposed of?	The elevated sections were built in 1967 and the design life was 50 years. So, these sections have already exceeded their design life. Replacing the elevated section was included in the EA that received a FONSI (Finding of No Significant Impact). The contractor is tasked with preparing plans for demolition and materials disposal in accordance with all State and Federal laws. For steel members, the remaining fatigue life is -45 to -50 years.
...16. I understand water will be used to help with the dust during construction. Where is this to drain? Will it be filtered through a seize to catch debris? And will it be draining into our street culverts and therefore causing future drainage issues on our street and surrounding areas in our neighborhood and surrounding businesses? Our culverts drain into City Park Lake, what of the consequences to the wildlife there? ... 30. I understand drill shafts used over City Park Lake, which is in close proximity to my home on Estates Road, so that is concern for hazardous vibration and noise as well, in addition to structural impact to my home. ...	16. The contractor will follow DOTD's standard plans for Erosion Control and will address all stormwater within the project limits. 30. The drilled shaft method of pile installation will be used at the ends of the City Park Lake Bridge. This method decreases construction noise and vibration at these locations which are close to residential areas.
...8. Drivers are given the right of way around and through City Park. Changes to that should be made. There is little respect given to the pedestrians, joggers, and bikers, especially with the changes of on and off ramps in the area. ... 10. Safety restrictions should be made and enforced in the underlying areas where changes are being made to the I-10 corridor. Drivers are not paying attention to pedestrians, joggers, bikers, mothers with baby strollers, ducks, etc. This includes Dalrymple, East Lakeshore and Perkins Road from Broussard all the way to Acadian Thruway. ...	8. Comment Noted. 10. Comment Noted.

City-Parish-Parish Concur:

Date: 6-12-23

Title: Transportation and Drainage Director

BREC Concur:

Corey K. Wil
Corey Wilson (Jun 19, 2023 12:48 CDT)

Date: Jun 19, 2023

Appendix B

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651
February 2, 2023

Regulatory Division
Central Evaluation Branch

SUBJECT: MVN-2023-00066-MS

Mr. Robert Lott
Louisiana Department of Transportation and Development
Post Office Box 94245
Baton Rouge, Louisiana 70804-9245

Dear Mr. Lott:

This is in regard to your application dated December 15, 2022, requesting approval to remove and replace two existing bridge structures and piles, deposit fill material to construct a temporary trestle and construction of cofferdams located over City Park Lake along I10 in Section 93, Township 7 South, Range 12 East, in East Baton Rouge Parish, Louisiana.

This office has determined that your project, as shown in the attached drawings, is authorized by **Nationwide Permit Number 14**, as found in the December 27, 2021, Federal Register, Reissuance of Nationwide Permits (86 FR 73522). Enclosed is a copy of the nationwide permit and the general conditions with which you must comply.

In addition, the following special conditions are made part of this authorization:

1. The permittee shall assure that any contractors, foremen, and/or workers associated with construction of the project are equally aware of the conditions and restrictions associated with this approval.

2. The permittee shall employ erosion control measures around all construction sites that require earthwork (clearing, grading, dredging and/or deposition of fill material) such that eroded material is prevented from entering adjacent wetlands and/or waterways.

3. The permittee shall restore all temporary alterations to the surface contours within wetlands and other waters of the U.S., which result from project construction, to pre-project conditions.

4. The permittee is aware that future site visits and inspections may be conducted to the project area by this office and/or other resource agencies in order to assess project compliance with this authorization and requirements associated herewith. If it is determined by this office that construction activities

resulted in permanent impacts or disruption to vegetated wetland resources not considered under this authorization, you will be required to comply with this District's recommendations, which could include submittal of a restoration plan within 30 days of such request.

You are reminded that Nationwide Permit General Condition 30 requires you to provide a signed certification stating that the authorized work was conducted in accordance with the permit, including any special conditions, and that mitigation (if required) was completed in accordance with the permit. We have attached this form. **The permittee must sign this form and, with a copy of this nationwide permit authorization letter attached, preferably email to your project manager with this office or send to:** U.S. Army Corps of Engineers, New Orleans District, ATTN: CEMVN-RG, 7400 Leake Avenue, New Orleans, Louisiana 70118.

The authorized work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

This determination is only applicable to the permit program administered by the U.S. Army Corps of Engineers. It does not eliminate the need to obtain other applicable federal, state, or local approvals before beginning work.

Permittee is aware that this office may reevaluate its decision on this permit at any time the circumstances warrant.

This determination relative to the nationwide permit (NWP) expires on March 14, 2026.

Should you have any questions, please feel free to contact Mr. Stephen Pfeffer with this office at 504-862-2099 or at stephen.d.pfeffer@usace.army.mil.

Sincerely,

John M. Herman

Digitally signed by John M. Herman
Date: 2023.02.01 15:38:27 -06'00'

FOR Martin S. Mayer
Chief, Regulatory Division

Enclosures

Dear Permittee:

Under the terms of the nationwide permit approval granted to you, you are required by federal regulations, to complete and return this "Completion Notice" accompanied by a copy of your authorization letter to your project with this office, preferably by email or at the following address:

U.S. Army Corps of Engineers
New Orleans District
CEMVN-RG
7400 Leake Avenue
New Orleans, Louisiana 70118-3651

If at a later date you decide not to perform the work, as approved by the nationwide permit, please advise this office so that your file can be so noted. If you have any questions and would like to speak with a Corps of Engineers representative, please contact your project manager with this office at (504) 862-2099.

COMPLETION NOTICE

Permit Number: MVN-2023-00066-MS (NWP #14)

The work authorized in the permit referenced above was completed in accordance with the Department of the Army authorization and applicable general and specific conditions. In addition, mitigation (if required) was completed in accordance with the permit conditions.

Name (Please print): _____

Signature: _____

Date: _____

CITY PARK LAKE BRIDGE IMPROVEMENTS

Existing Bridge

– – Existing Right Of Way

T7S R1W Section 53

0 125 250 Feet

SHEET NUMBER	1 OF 5
PARISH	EAST BATON ROUGE
CONTROL SECTION	450-10
STATE PROJECT	H.004100
DESIGN CHECK	
DETAIL CHECK	
REVIEW	
SERIES #	

PRELIMINARY
FOR PERMIT PURPOSES ONLY

ENGINEER:
JEFFREY H. ROBINSON

LA LICENSE #:
29322

DATE: 12/2/2022

NO.	DATE	REVISION OR CHANGE ORDER DESCRIPTION	BY

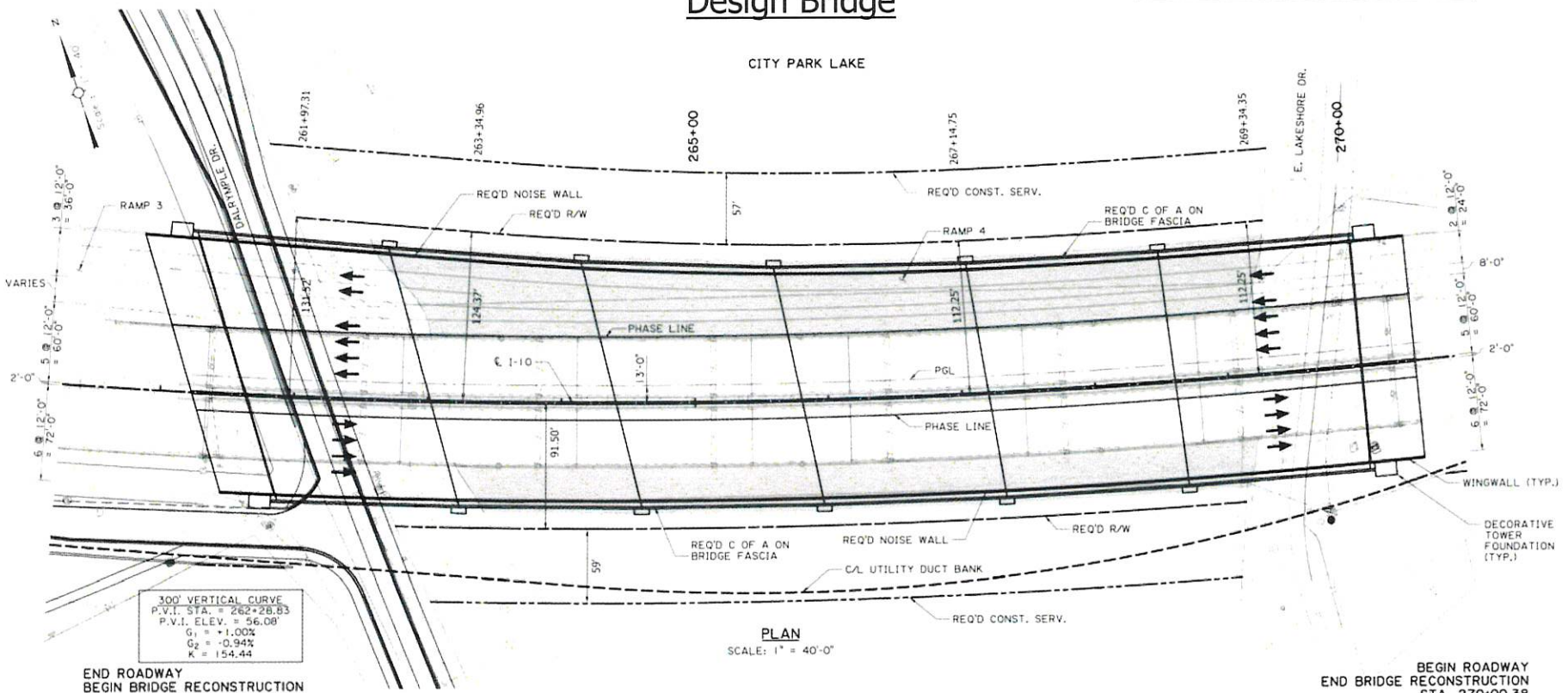
State Permit No. H.004100
I-10: LA 415 to Essen Lane on I-10 and I-12
I-10 City Park Lake Bridge
East Baton Rouge Parish, Louisiana

I-10: LA 415 to Essen Lane on I-10 and I-12

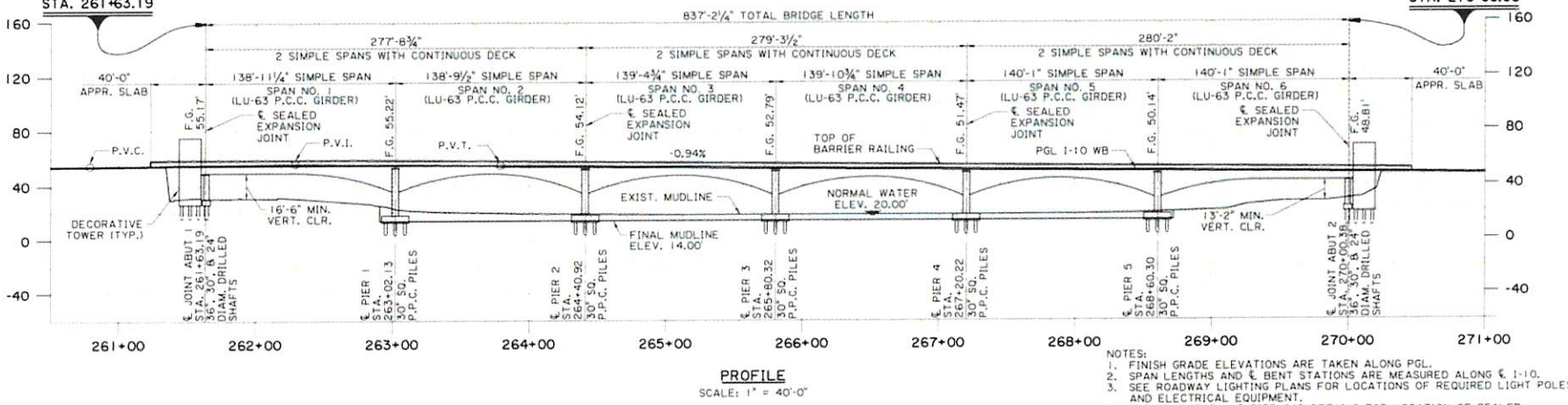
CITY PARK LAKE BRIDGE IMPROVEMENTS

Design Bridge

NOTE: Base Drawing Provided By Others And Annotated By GEC For Permit Application: Sheet Titles; Bridge Deck Increase and Existing/Other Waters Areas; Req'd ROW and Construction Servitude Dimensions; and Additional Bridge Station Numbers.



PLAN
SCALE: 1" = 40'-0"



PROFILE
SCALE: 1" = 40'-0"

NOTES:
1. FINISH GRADE ELEVATIONS ARE TAKEN ALONG PGL.
2. SPAN LENGTHS AND ℄ BENT STATIONS ARE MEASURED ALONG ℄ I-10.
3. SEE ROADWAY LIGHTING PLANS FOR LOCATIONS OF REQUIRED LIGHT POLES AND ELECTRICAL EQUIPMENT.
4. SEE ABUTMENT AND PIER CAP DETAILS FOR LOCATION OF SEALED EXPANSION JOINTS AT ABUTMENTS.

Bridge Deck Increase Compared to Existing and Other Waters Impact
1.45 Acres Total: 0.94 Acres North, 0.51 Acres South

SHEET NUMBER 2 OF 5

PARISH	CONTROL SECTION	STATE PROJECT
EAST BATON ROUGE	450-10	H.004100

DESIGN | CHECK | DETAIL | CHECK | REVIEW | SERIES #

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FOR PERMIT PURPOSES ONLY

ENGINEER:
JEFFREY H. ROBINSON

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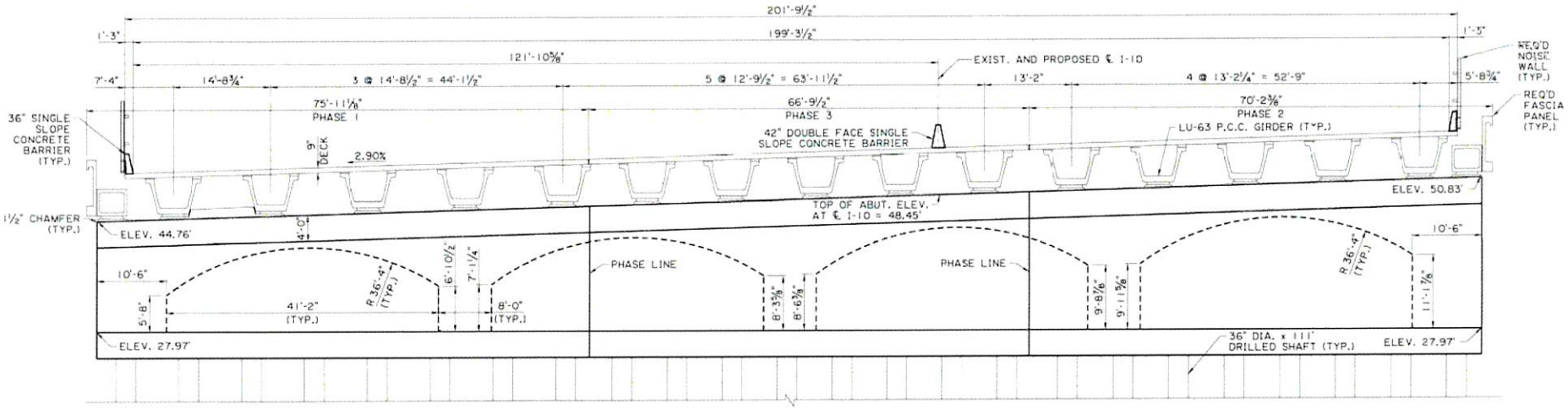
DOTD
GEC

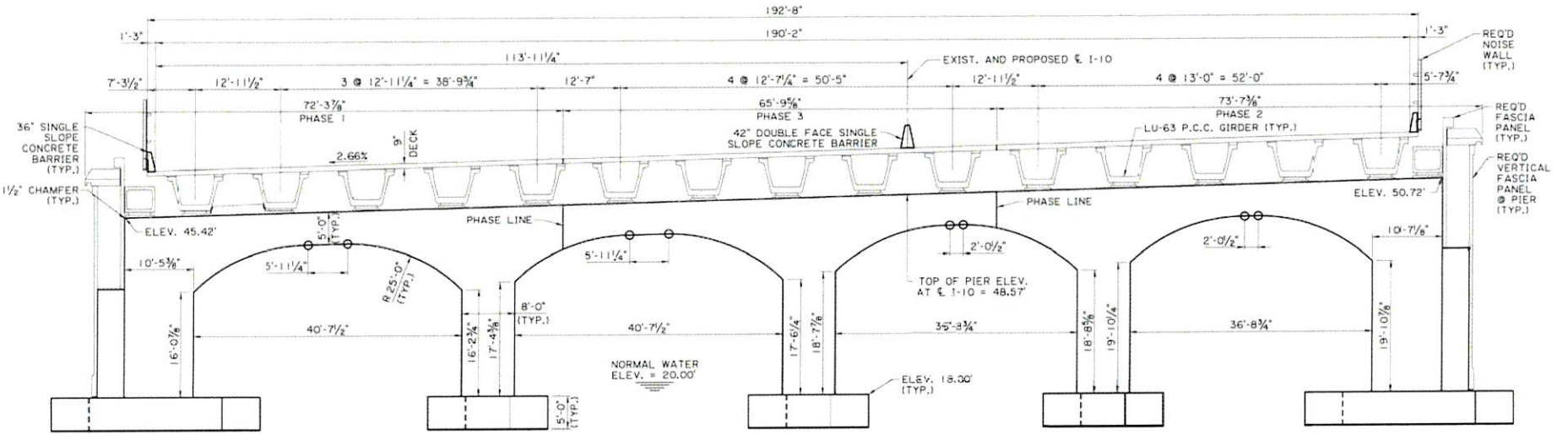
CITY PARK LAKE BRIDGE IMPROVEMENTS

Design Bridge



NOTES:
1. DIMENSIONS AND CROSS SLOPE SHOWN ALONG ℄ ABUT.
2. SEE "ABUTMENT AND WINGWALL DETAILS" AS WELL AS "ABUTMENT AND PIER CAP DETAILS" SHEETS FOR DETAILS ON RAISED ARCH PANELS ON ABUTMENT WALL.
3. SEE FOUNDATION LAYOUT FOR DRILLED SHAFT LAYOUT DETAILS.
4. COORDINATE ELECTRICAL EMBEDMENTS WITH ELECTRICAL SYSTEM DRAWINGS. REINFORCEMENT MAY BE MOVED LATERALLY UP TO 2" TO AVOID CONFLICTS WITH ELECTRICAL EMBEDMENTS.

ABUTMENT 1 - UPSTATION
SCALE: ⅛" = 1'-0"



NOTES:
1. DIMENSIONS AND CROSS SLOPE SHOWN ALONG ℄ PIER.
2. SEE FOUNDATION LAYOUT FOR PILE LAYOUT DETAILS.
3. COORDINATE ELECTRICAL EMBEDMENTS WITH ELECTRICAL SYSTEM DRAWINGS. REINFORCEMENT MAY BE MOVED LATERALLY UP TO 2" TO AVOID CONFLICTS WITH ELECTRICAL EMBEDMENTS.

PIER 1 - UPSTATION
SCALE: ⅛" = 1'-0"

NOTE: Base Drawing Provided By Others And Annotated By GEC For Permit Application: Sheet Titles.

SHEET NUMBER 2A OF 5

PARISH	CONTROL SECTION	STATE PROJECT
EAST BATON ROUGE	450-10	H.004100

DESIGN CHECK | DETAIL CHECK | REVIEW | SERIES #

PRELIMINARY
FOR PERMIT PURPOSES ONLY

ENGINEER:
JEFFREY H. ROBINSON

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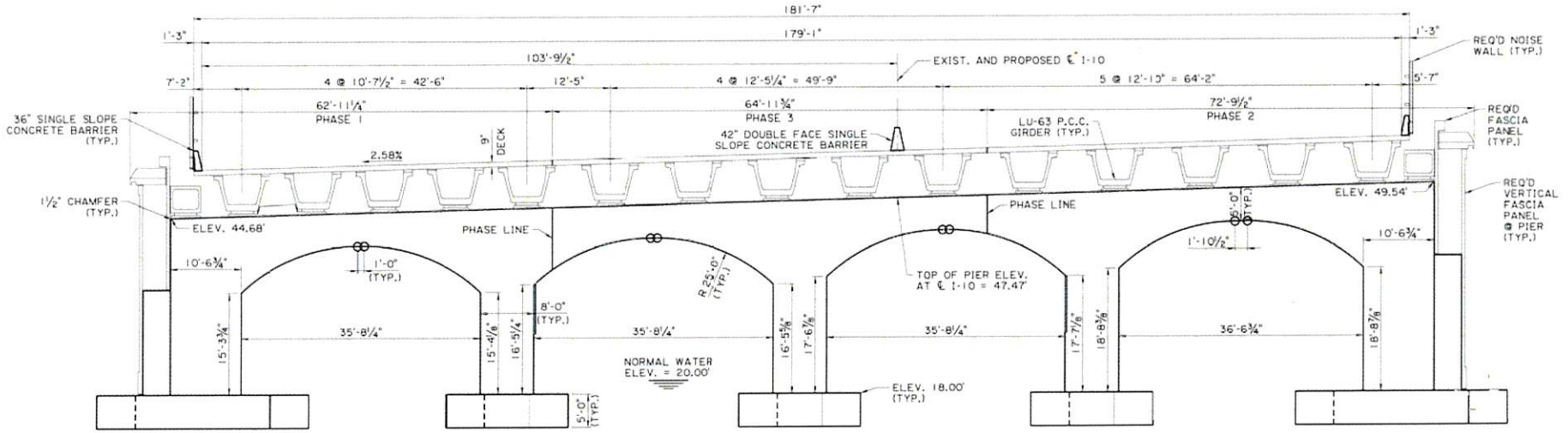
DOTD
GEC

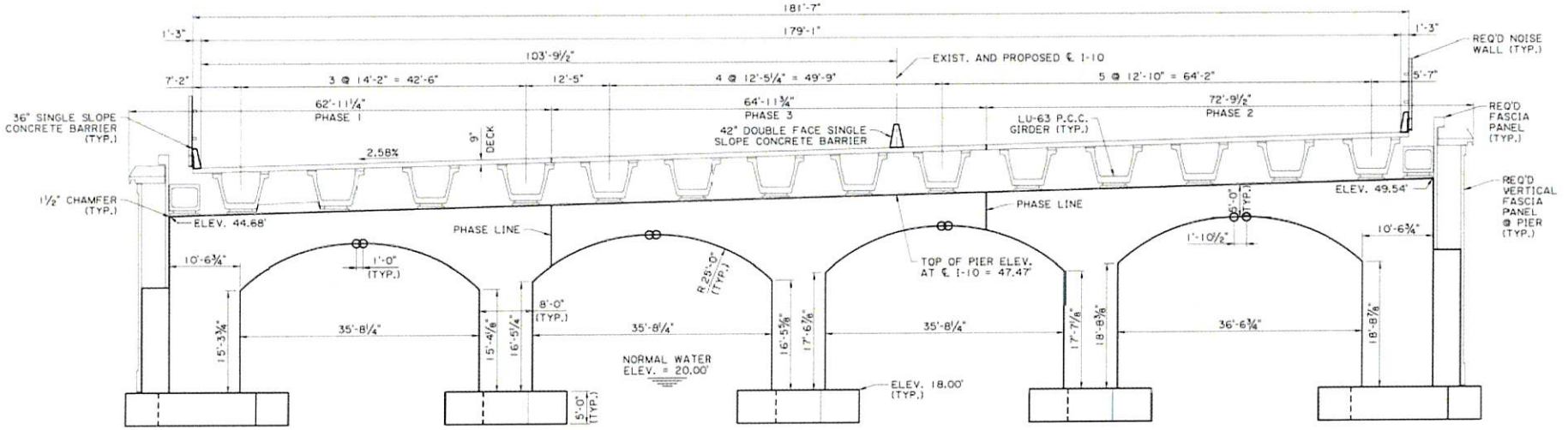
CITY PARK LAKE BRIDGE IMPROVEMENTS

Design Bridge



NOTES:
1. DIMENSIONS AND CROSS SLOPE SHOWN ALONG ℄ PIER.
2. SEE FOUNDATION LAYOUT FOR PILE LAYOUT DETAILS.
3. COORDINATE ELECTRICAL EMBEDMENTS WITH ELECTRICAL SYSTEM DRAWINGS. REINFORCEMENT MAY BE MOVED LATERALLY UP TO 2" TO AVOID CONFLICTS WITH ELECTRICAL EMBEDMENTS.

PIER 2 - DOWNSTATION
SCALE: ⅛" = 1'-0"



NOTES:
1. DIMENSIONS AND CROSS SLOPE SHOWN ALONG ℄ PIER.
2. SEE FOUNDATION LAYOUT FOR PILE LAYOUT DETAILS.
3. COORDINATE ELECTRICAL EMBEDMENTS WITH ELECTRICAL SYSTEM DRAWINGS. REINFORCEMENT MAY BE MOVED LATERALLY UP TO 2" TO AVOID CONFLICTS WITH ELECTRICAL EMBEDMENTS.

PIER 2 - UPSTATION
SCALE: ⅛" = 1'-0"

NOTE: Base Drawing Provided By Others And Annotated By GEC For Permit Application: Sheet Titles.

SHEET NUMBER 2B OF 5

PARISH: EAST BATON ROUGE | CONTROL SECTION: 450-10 | STATE PROJECT: H.004100

DESIGN CHECK | DETAIL CHECK | REVIEW | SERIES #

PRELIMINARY
FOR PERMIT PURPOSES ONLY

ENGINEER:
JEFFREY H. ROBINSON

LA LICENSE #:
29322

DATE: 12/2/2022

NO.	DATE	REVISION OR CHANGE ORDER DESCRIPTION	BY

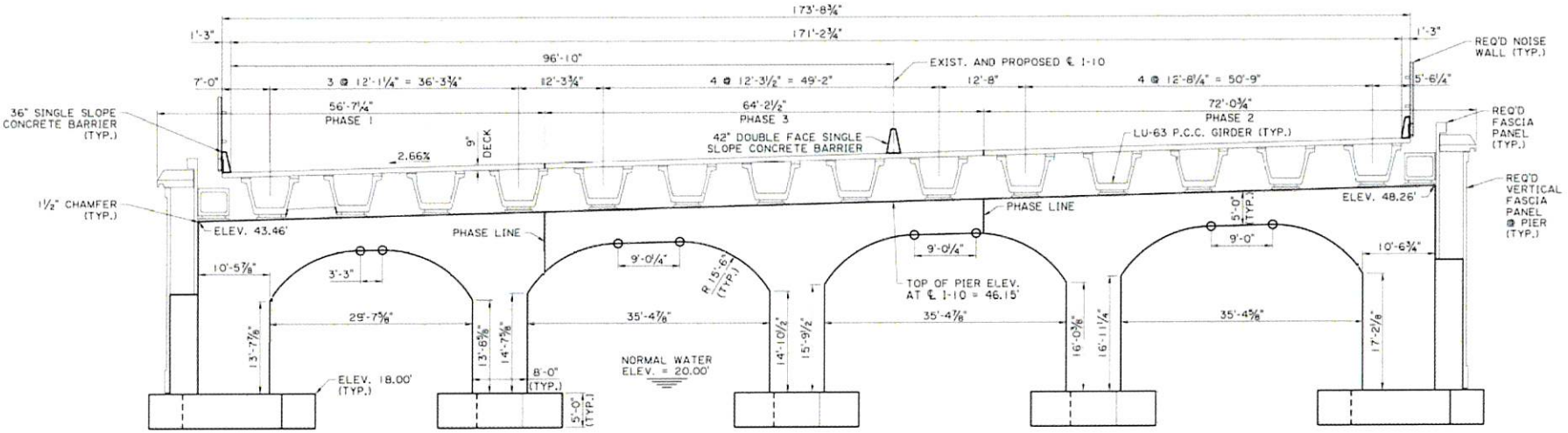
State Permit No. H.004100
I-10: LA 415 to Essen Lane on I-10 and I-12
I-10 City Park Lake Bridge
East Baton Rouge Parish, Louisiana

I-10: LA 415 to Essen Lane on I-10 and I-12

DOTD
GEC

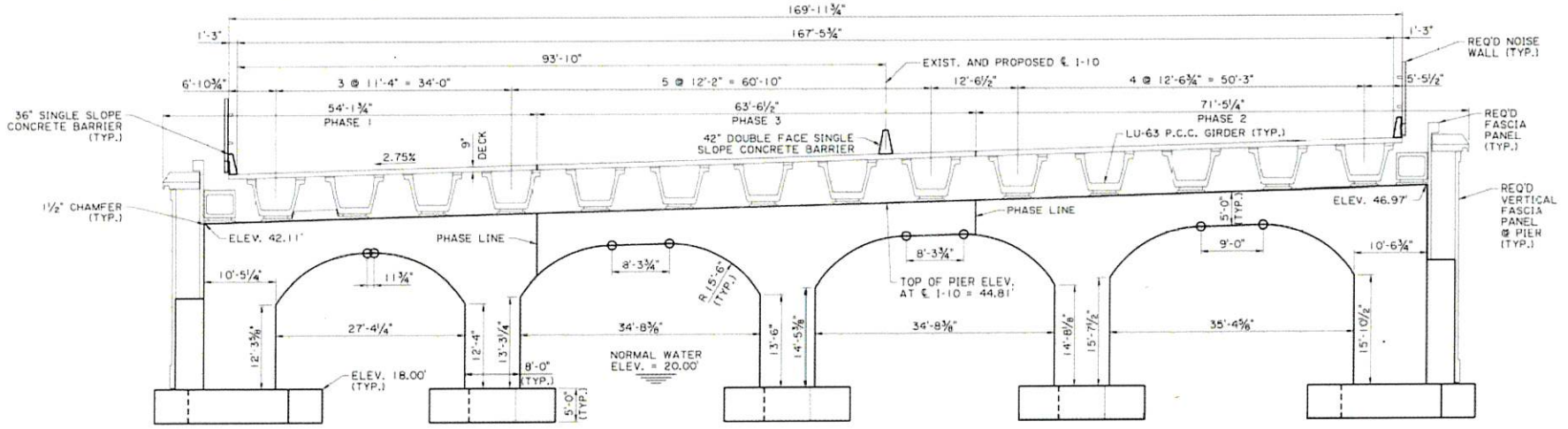
CITY PARK LAKE BRIDGE IMPROVEMENTS

Design Bridge



NOTES:
1. DIMENSIONS AND CROSS SLOPE SHOWN ALONG ℄ PIER.
2. SEE FOUNDATION LAYOUT FOR PILE LAYOUT DETAILS.
3. COORDINATE ELECTRICAL EMBEDMENTS WITH ELECTRICAL SYSTEM DRAWINGS. REINFORCEMENT MAY BE MOVED LATERALLY UP TO 2" TO AVOID CONFLICTS WITH ELECTRICAL EMBEDMENTS.

PIER 3 - UPSTATION
SCALE: ⅛" = 1'-0"



NOTES:
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3. COORDINATE ELECTRICAL EMBEDMENTS WITH ELECTRICAL SYSTEM DRAWINGS. REINFORCEMENT MAY BE MOVED LATERALLY UP TO 2" TO AVOID CONFLICTS WITH ELECTRICAL EMBEDMENTS.

PIER 4 - UPSTATION
SCALE: ⅛" = 1'-0"

NOTE: Base Drawing Provided By Others And Annotated By GEC For Permit Application: Sheet Titles.

SHEET NUMBER 2C OF 5

PARISH	CONTROL SECTION	STATE PROJECT
EAST BATON ROUGE	450-10	H.004100

DESIGN CHECK | DETAIL CHECK | REVIEW | SERIES #

PRELIMINARY
FOR PERMIT PURPOSES ONLY
ENGINEER: JEFFREY H. ROBINSON
LA LICENSE #: 29322
DATE: 12/2/2022

NO.	DATE	REVISION OR CHANGE ORDER DESCRIPTION	BY

State Permit No. H.004100
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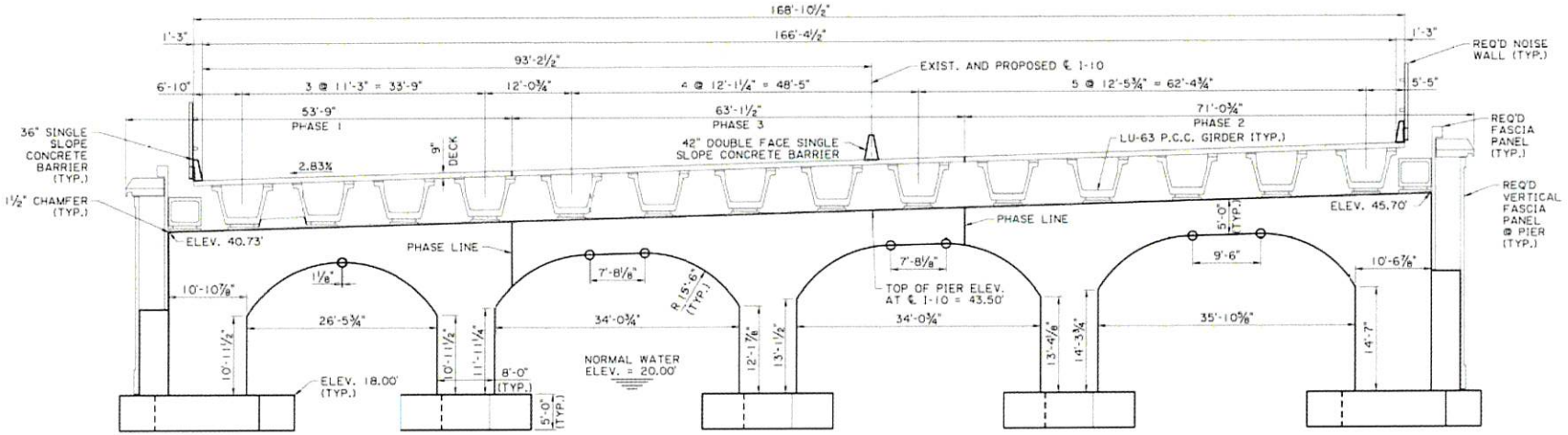
I-10 City Park Lake Bridge
East Baton Rouge Parish, Louisiana

i-10: LA 415 to Essen Lane on I-10 and I-12

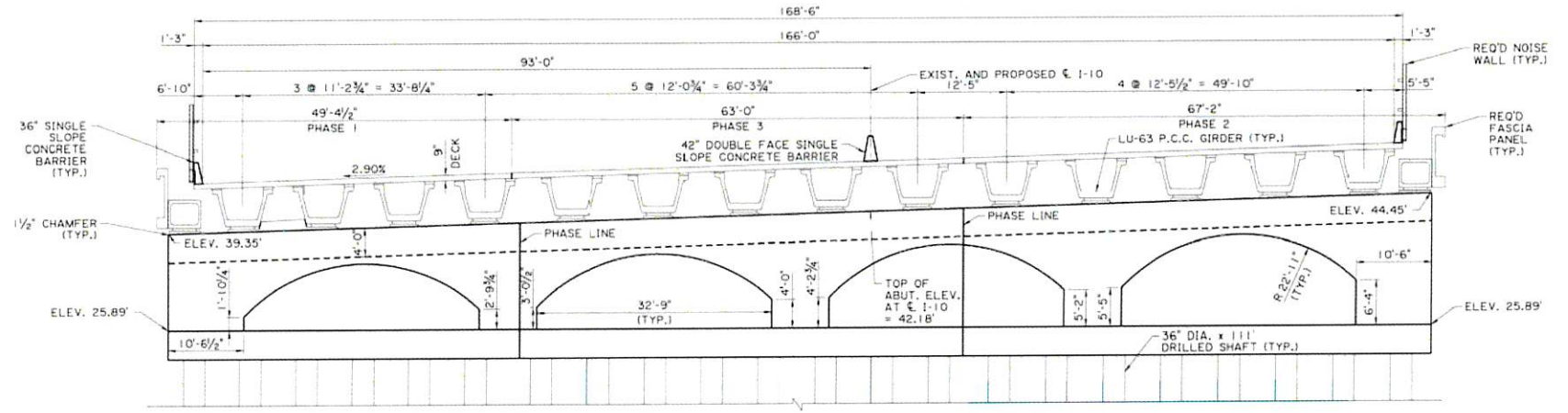
CITY PARK LAKE BRIDGE IMPROVEMENTS

Design Bridge



NOTES:
1. DIMENSIONS AND CROSS SLOPE SHOWN ALONG ℄ PIER.
2. SEE FOUNDATION LAYOUT FOR PILE LAYOUT DETAILS.
3. COORDINATE ELECTRICAL EMBEDMENTS WITH ELECTRICAL SYSTEM DRAWINGS. REINFORCEMENT MAY BE MOVED LATERALLY UP TO 2" TO AVOID CONFLICTS WITH ELECTRICAL EMBEDMENTS.

PIER 5 - UPSTATION
SCALE: ⅛" = 1'-0"



NOTES:
1. DIMENSIONS AND CROSS SLOPE SHOWN ALONG ℄ ABUT.
2. SEE "ABUTMENT AND WINGWALL DETAILS" AS WELL AS "ABUTMENT AND PIER CAP DETAILS" SHEETS FOR DETAILS ON RAISED ARCH PANELS ON ABUTMENT WALL.
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4. COORDINATE ELECTRICAL EMBEDMENTS WITH ELECTRICAL SYSTEM DRAWINGS. REINFORCEMENT MAY BE MOVED LATERALLY UP TO 2" TO AVOID CONFLICTS WITH ELECTRICAL EMBEDMENTS.

ABUTMENT 2 - UPSTATION
SCALE: ⅛" = 1'-0"

NOTE: Base Drawing Provided By Others And Annotated By GEC For Permit Application: Sheet Titles.

SHEET NUMBER 2D OF 5

PARISH	CONTROL SECTION	STATE PROJECT
EAST BATON ROUGE	450-10	H.004100

DESIGN CHECK | DETAIL CHECK | REVIEW | SERIES #

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JEFFREY H. ROBINSON

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I-10 City Park Lake Bridge
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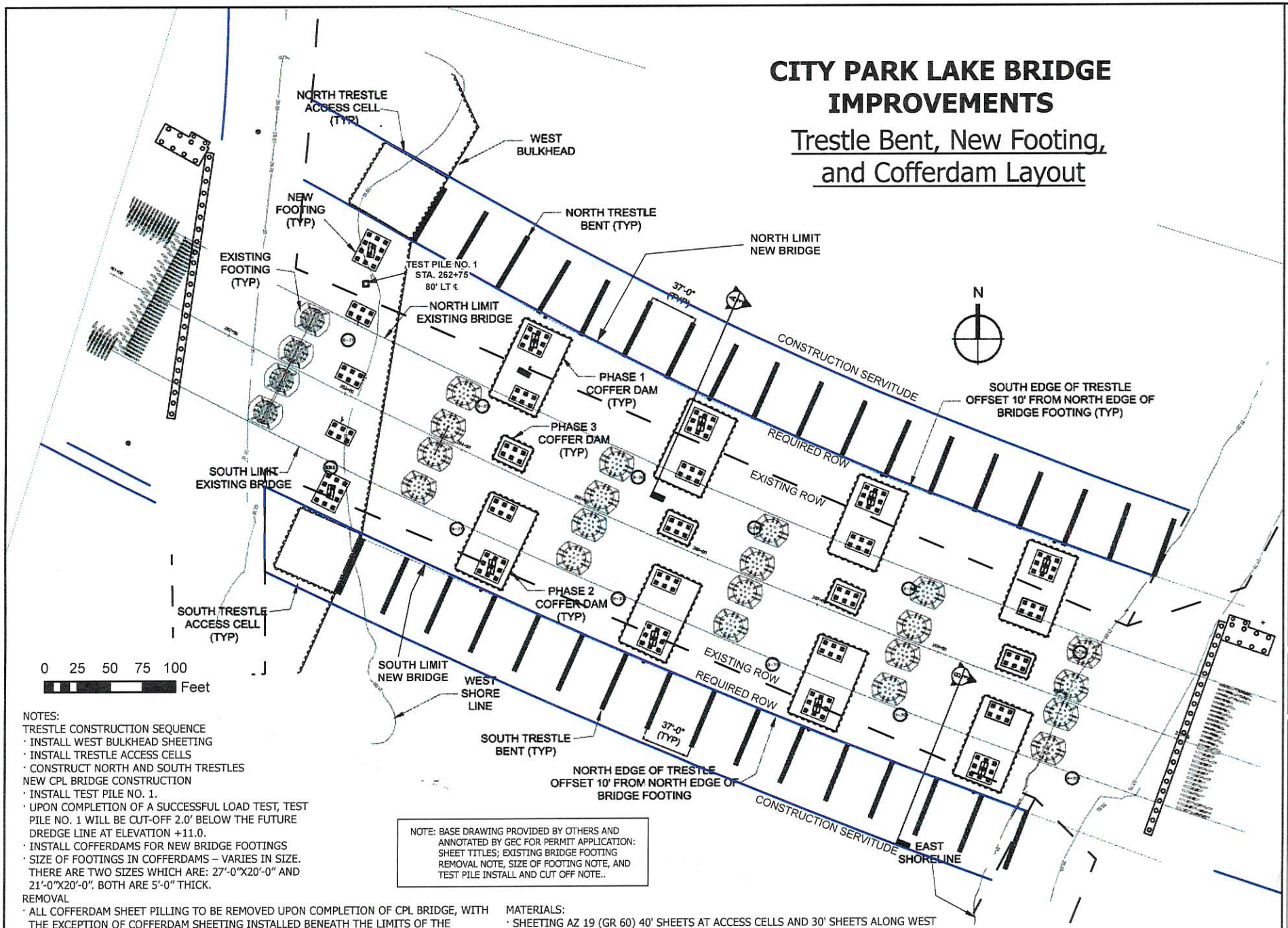
I-10: LA 415 to Essen Lane on I-10 and I-12

DOTD
GEC

CITY PARK LAKE BRIDGE IMPROVEMENTS

Trestle Bent, New Footing, and Cofferdam Layout



NOTES:

TRESTLE CONSTRUCTION SEQUENCE
- INSTALL WEST BULKHEAD SHEETING
- INSTALL TRESTLE ACCESS CELLS
- CONSTRUCT NORTH AND SOUTH TRESTLES

NEW CPL BRIDGE CONSTRUCTION
- INSTALL TEST PILE NO. 1.
- UPON COMPLETION OF A SUCCESSFUL LOAD TEST, TEST PILE NO. 1 WILL BE CUT-OFF 2.0' BELOW THE FUTURE DREDGE LINE AT ELEVATION +11.0.
- INSTALL COFFERDAMS FOR NEW BRIDGE FOOTINGS
- SIZE OF FOOTINGS IN COFFERDAMS – VARIES IN SIZE. THERE ARE TWO SIZES WHICH ARE: 27'-0"X20'-0" AND 21'-0"X20'-0". BOTH ARE 5'-0" THICK.

REMOVAL
- ALL COFFERDAM SHEET PILLING TO BE REMOVED UPON COMPLETION OF CPL BRIDGE, WITH THE EXCEPTION OF COFFERDAM SHEETING INSTALLED BENEATH THE LIMITS OF THE EXISTING BRIDGE, WHICH WILL BE CUT OFF 2' BELOW THE FUTURE DREDGE LINE AT EL +11.0
- WEST BULKHEAD SHEETING TO REMAIN IN PLACE
- TRESTLE BENT PILES TO BE REMOVED UPON COMPLETION OF CPL BRIDGE, WITH THE EXCEPTION OF THE INTERIOR MOST PILE, WHICH WILL BE CUT OFF AT EL +11.0
- EXISTING BRIDGE FOOTINGS TO BE REMOVED AND CUT 2' BELOW EL +11.0
- MATERIAL EXCAVATED FROM FOOTING COFFERDAMS TO BE STOCKPILED ADJACENT TO PIERS; REMOVAL OF EXCAVATED MATERIAL TO BE ADDRESSED DURING THE UNIVERSITY LAKES RESTORATION PROJECT BY UNIVERSITY LAKES, LLC

NOTE: BASE DRAWING PROVIDED BY OTHERS AND ANNOTATED BY GEC FOR PERMIT APPLICATION: SHEET TITLES; EXISTING BRIDGE FOOTING REMOVAL NOTE, SIZE OF FOOTING NOTE, AND TEST PILE INSTALL AND CUT OFF NOTE..

MATERIALS:
- SHEETING AZ 19 (GR 60) 40' SHEETS AT ACCESS CELLS AND 30' SHEETS ALONG WEST BULKHEAD
- SHEETING AZ 14 (GR 60) 25' SHEETS AT ALL FOOTING COFFERDAMS
- SHEET PILE CONNECTORS - PILEPRO V-20 TS AND V20
- TIE ROD - No. 10 Gr 60 REBAR, THREADED 12" EACH END
- TIE ROD SLEEVE - 8"Ø x 0.322 WALL STD STEEL PIPE A53 GrB
- C SHAPES - C12x30 A36
- GEOTEXTILE FABRIC - CLASS D (PER SECTION 1019 OF LSSRB)
- GEOGRID - TENSAR TX160 OR EQUIVALENT

SHEET NUMBER 3 OF 5

PARISH	CONTROL SECTION	STATE PROJECT
EAST BATON ROUGE	450-10	H.004100

DESIGN CHECK | DETAIL CHECK | REVIEW | SERIES #

PRELIMINARY
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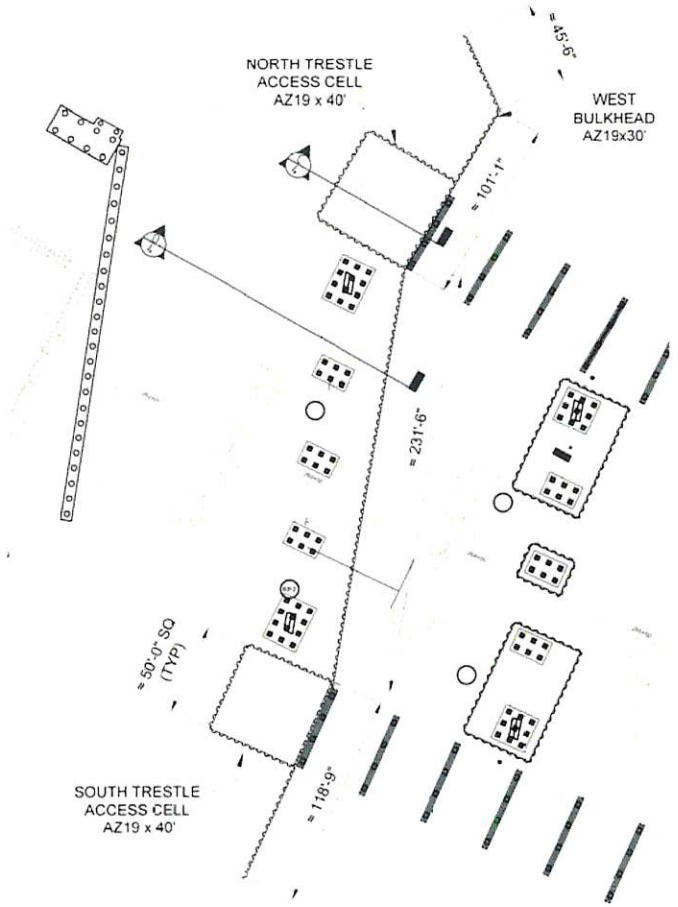
DOTD
GEC

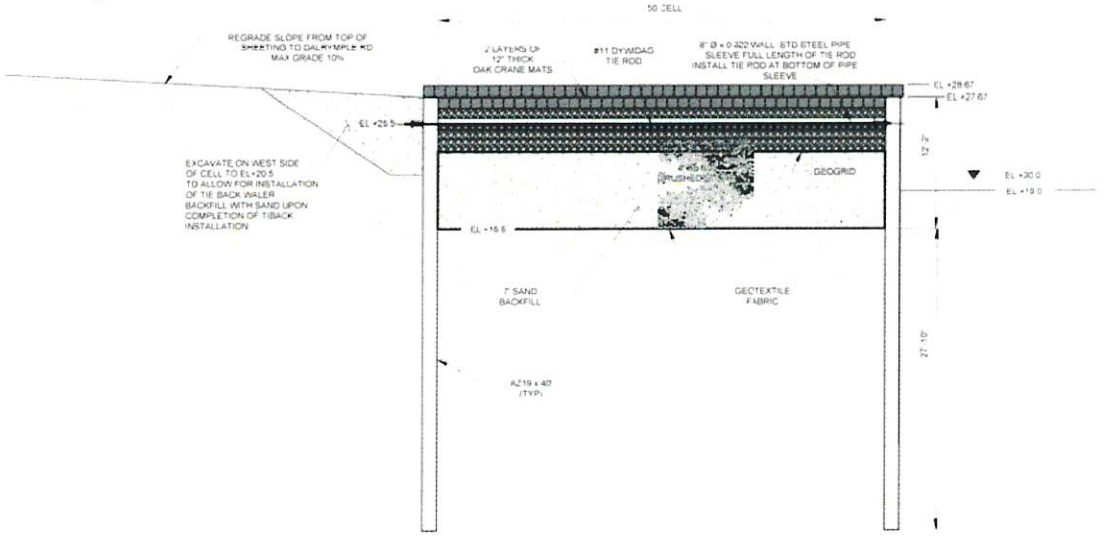
CITY PARK LAKE BRIDGE IMPROVEMENTS

West Bulkhead

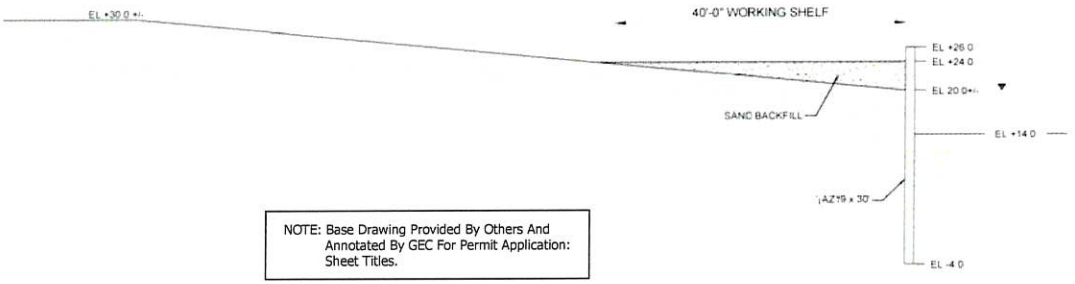
PLAN VIEW
$\frac{1}{64}$" = 1'-0"



SECTION C
$\frac{3}{32}$" = 1'-0"



SECTION D
$\frac{1}{16}$" = 1'-0"



NOTE: Base Drawing Provided By Others And Annotated By GEC For Permit Application: Sheet Titles.

SHEET NUMBER 4 OF 5

PARISH: EAST BATON ROUGE
CONTROL SECTION: 450-10
STATE PROJECT: H.004100

DESIGN CHECK | DETAIL CHECK | REVIEW | SERIES #

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LA LICENSE #:
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DATE: 12/2/2022

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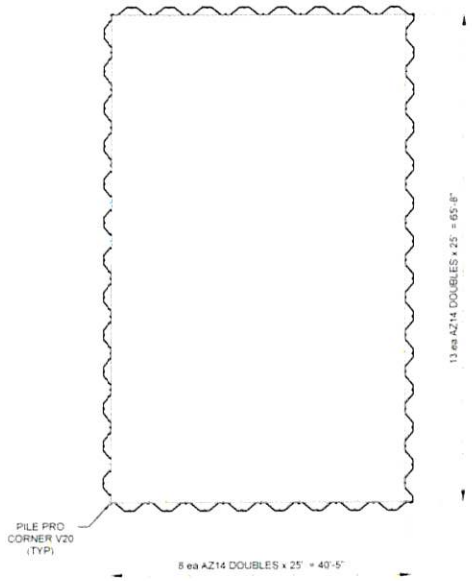
I-10: LA 415 to Essen Lane on I-10 and I-12

DOTD
GEC

CITY PARK LAKE BRIDGE IMPROVEMENTS

Bridge Footing Cofferdams

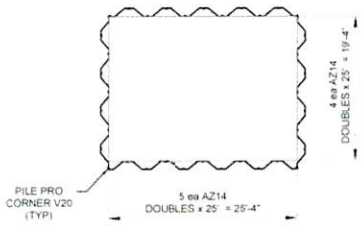
PLAN VIEW
TYPICAL PHASE 1 & 2 FOOTING COFFERDAM
$\frac{1}{16}$" = 1'-0"



NOTES

1. EXCAVATE FOOTING TO EL +12.00
2. ESTIMATED EXCAVATED MATERIAL = 700 CY EACH
3. EXCAVATED MATERIAL STOCKPILED ADJACENT TO COFFERDAM
4. REMOVAL OF EXCAVATED MATERIAL TO BE ADDRESSED DURING THE UNIVERSITY LAKES RESTORATION PROJECT BY UNIVERSITY LAKES , LLC
5. SINGLE BRACE AT EL +20.00
6. CONCRETE SEAL SLAB 12" THICK (fc = 3,000 PSI)
7. COFFERDAM SHEETING TO BE REMOVED FOLLOWING COMPLETION OF NEW BRIDGE WITH THE EXCEPTION OF SHEETING DRIVEN UNDER THE LIMITS OF THE EXISTING BRIDGE, WHICH WILL BE CUT OFF 2' BELOW THE FUTURE DREDGE LINE AT EL. +11.0

PLAN VIEW
TYPICAL PHASE 3 FOOTING COFFERDAM
$\frac{1}{16}$" = 1'-0"



NOTES

1. EXCAVATE FOOTING TO EL +12.00
2. ESTIMATED EXCAVATED MATERIAL = 140 CY EACH
3. EXCAVATED MATERIAL STOCKPILED ADJACENT TO COFFERDAM
4. REMOVAL OF EXCAVATED MATERIAL TO BE ADDRESSED DURING THE UNIVERSITY LAKES RESTORATION PROJECT BY UNIVERSITY LAKES , LLC
5. SINGLE BRACE AT EL +20.00
6. CONCRETE SEAL SLAB 12" THICK (fc = 3,000 PSI)
7. COFFERDAM SHEETING TO BE REMOVED FOLLOWING COMPLETION OF NEW BRIDGE WITH THE EXCEPTION OF SHEETING DRIVEN UNDER THE LIMITS OF THE EXISTING BRIDGE, WHICH WILL BE CUT OFF 2' BELOW THE FUTURE DREDGE LINE AT EL. +11.0

NOTE: Base Drawing Provided By Others And Annotated By GEC For Permit Application: Sheet Titles.

SHEET NUMBER 5 OF 5

PARISH	CONTROL SECTION	STATE PROJECT
EAST BATON ROUGE	459-10	H.004100

DESIGN | CHECK | DETAIL | CHECK | REVIEW | SERIES #

PRELIMINARY
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ENGINEER:
JEFFREY H. ROBINSON

LA LICENSE #:
29322

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I-10 City Park Lake Bridge
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US Army Corps of Engineers
New Orleans District

Nationwide Permit Summary

33 CFR Part 330; Issuance of Nationwide Permits – December 27, 2021 and Regional Conditions for Louisiana

Nationwide Permit 14 – Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, 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. 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.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.)

(Authorities: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (Sections 10 and 404)).

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include 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 that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

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 (see Section B) or case-specific conditions (see Section C) imposed by the division engineer or district engineer. Prospective permittees should review these general conditions and these regional conditions for awareness of all requirements placed on this NWP authorization. Prospective permittees should also take note on whether this NWP needs a separate Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for this NWP. This information can also be obtained in Section C below. 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 or her 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 NWPs 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 Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. 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. Permittees 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 activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

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 designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). 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 species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, 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 species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) 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. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) 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 species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference 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 or conference 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 that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for

contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects 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) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places 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 (see 33 CFR 330.4(g)(1)). 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 commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or 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.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has 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. 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. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they 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, 52, 57 and 58 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 by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines 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) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-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. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of

3/100-acre or less that require preconstruction 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. 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. If restoring riparian areas involves planting vegetation, only native species should be planted. 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 NWPs, 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)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(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 or federal, 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.

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority 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)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency

concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. 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 CWA 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 authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot 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.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 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 ate 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 review by, or 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 and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review 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. 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) **(i)** 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. **(ii)** For linear projects where one or more single and complete crossings require pre-construction notification, 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 (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs. **(iii)** 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 and intermittent 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 or 3/100-acre of stream bed 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 species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) 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 NWP activity that requires permission from, or review by, 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, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification*: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. 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 NWPs 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 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 **(iii)** 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 NWPs, including the need for mitigation to ensure that 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. Regional Conditions for all Nationwide Permits in the state of Louisiana approved for reissuance/issuance on February 3, 2022.

Regional Condition 1. No regulated activity may cause the permanent loss or the conversion of greater than ½ 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. Dredged and/or fill material placed within wetlands and other waters must be free of contaminants.

Regional Condition 5. 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 6. A pre-construction notification, as defined under nationwide general condition 32, will be provided for all regulated activities, excluding Nationwide 20, that

a. Adversely affects greater than 1/10 acre of wetlands within the Louisiana Coastal Zone, 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 7, 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.

Regional Condition 8, ESA Additional Information. NWP GC 18(g) provides links to information about threatened and endangered species and their critical habitat from FWS and NMFS. Within the State of Louisiana, additional information can also be obtained from LDWF at their world wide web pages at https://www.wlf.louisiana.gov/page/request-wildlife-diversity-project-review-or-digital-data.

C. Regional Conditions Specific to Nationwide Permit 14 in the state of Louisiana

Pre-Construction Notification, as defined under nationwide general condition 32, is required for all regulated linear transportation crossings within tidal waters regardless of impact acreage. The U.S. Environmental Protection Agency and National Marine Fisheries Service will be forwarded a copy of the Pre-Construction Notification.

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.***

D. Water Quality Nationwide Permit Regional Conditions for "Indian Country" Lands within the state of Louisiana

The Environmental Protection Agency (EPA) is the agency required to address water quality certification of the 2012 nationwide permits (NWPs) in Indian country[1] 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.

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[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.

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 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.

E. 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 single and complete crossings of waters of the United States that require PCNs 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 of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, 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.

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 an 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 or 3/100-acre of stream bed, 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. 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 that 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), 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.

F. 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).

G. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded,

excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single

and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

Appendix C

I-10 CMAR PROJECT IN BATON ROUGE

Information to Support NEPA Reevaluation for Lake Erie Outfall Improvements

INTRODUCTION

The Louisiana Department of Transportation and Development (LADOTD) is in the process of widening I-10 in the Baton Rouge area from the LA 415 Interchange (west side of the Mississippi River) to just east of the I-10/I-12 split (east side of the Mississippi River). The Environmental Assessment Phase resulted in a Finding of No Significant Impact (FONSI) based in part on initial line and grade drawings. As additional land survey fieldwork and highway design refinement occurred, DOTD identified the need to upgrade the capacity of an existing stormwater drain pipe extending from I-10 south to its outfall into Lake Erie at E. Lakeshore Drive in order to provide for adequate drainage of the new I-10 system and surrounding areas. Refer to Exhibit 1.

Exhibit 1 – Location of Outfall Improvements

This document has been prepared to provide information needed for a NEPA reevaluation for the proposed Lake Erie outfall improvements.

DESCRIPTION OF PROPOSED OUTFALL IMPROVEMENTS

The existing subsurface concrete drain pipe has been in place many years, possibly predating the interstate itself which was constructed in the mid-1960s. This 36" pipe will be replaced with a 54" pipe sufficient to handle rainfall runoff generated by the design storm in accordance with DOTD design standards. This outfall pipe into Lake Erie (a small tributary pond above City Park Lake) passes beneath two City streets – Fiero Street and E. Lakeshore Drive – and between two residences identified below:

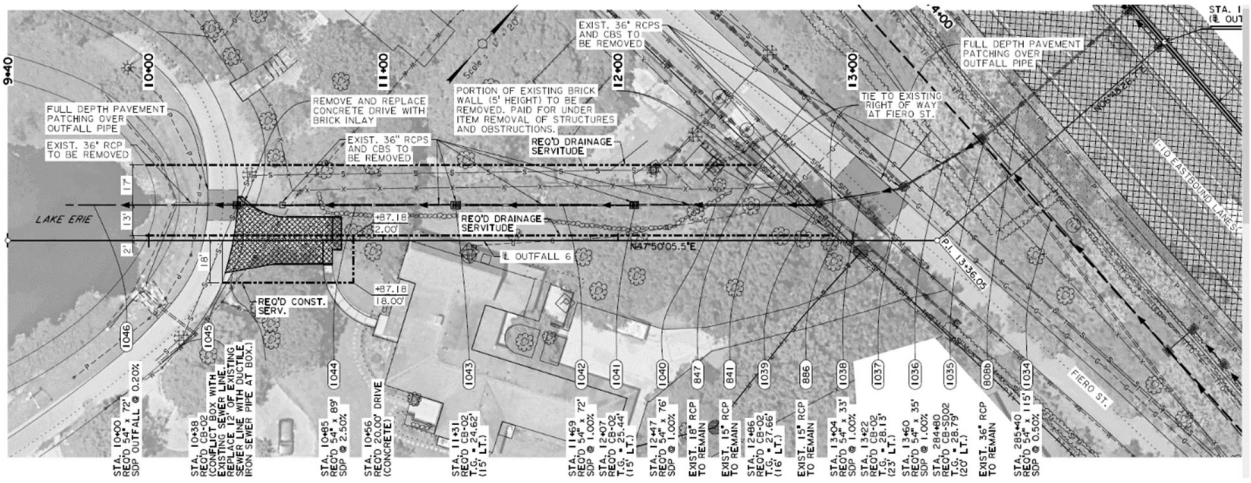
- 2597 E. Lakeshore Drive (PID 578401) – owned and occupied by Cade and Lizzy Verges
- 2595 E. Lakeshore Drive (PID 754056) – owned and occupied by Nancy David

To upgrade the drain pipe LADOTD must acquire drainage and construction servitudes from these homeowners. These servitudes include a 30 foot wide corridor as a permanent drainage servitude and some temporary construction servitude areas for driveway reconstruction. After construction is completed, the temporary construction servitude area will revert to the parcel owner, while the permanent drainage servitude will eventually be transferred in ownership to the City-Parish government.

It is noted that a sanitary sewer pipe currently exists between the two residential parcels and there is no record of establishment of a public servitude for this pipe. This circumstance has no bearing on the need for permanent drainage servitude for the improved outfall pipe.

Refer to Exhibit 2 for a plan view layout of the pipe. Appendix A provides a more detailed exhibit including the proposed profile of the new 54" pipe.

Exhibit 2 – Plan View of Proposed Improvements



The estimated cost is of the new 54" pipe including design and construction is approximately $750,000. This cost will be finalized during the design stage and could go up or down.

COMMUNICATIONS AND OUTREACH

Exhibit 3 indicates the two affected property parcels in the project area.

Exhibit 3 – Parcel Map

Exhibit 4 provides the Parcel ID and names of the property owners.

Exhibit 4 – Listing of Affected Property Owners

Parcel ID	Street #	Parcel Owner	Contact	Contact Address	Phone	Date of Meeting
578401 Lot 79 PT Zee Zee Gardens	2597 E. Lakeshore Dr.	Christopher Cade and Lizzy Verges	Cade and (spouse) Lizzy Verges	2595 E. Lakeshore Dr., Baton Rouge, LA 70808	(225) 268-6512	6/14/23 In-person
574056 Lot 80-D Zee Zee Garcens	2595 E. Lakeshore Dr.	Nancy David	(son) McHugh David	2597 E. Lakeshore Dr., Baton Rouge, LA 70808	(225) 931-1232	6/14/23 (virtual)

The owners of the two residential properties were identified and contacted by hand-delivery of a letter left at the front door of each residence. Neither occupant was home at the time of delivery. Hand delivery was chosen over U S Postal Service to expedite the notification process. The letter (see Appendix B) informed the resident/owner of the existing drainage pipe, the need for replacement, and requested the property owner contact DOTD's representative to schedule a meeting for information exchange and discussion. Within two days both owners telephoned the representative and a meeting was scheduled.

Meeting Held

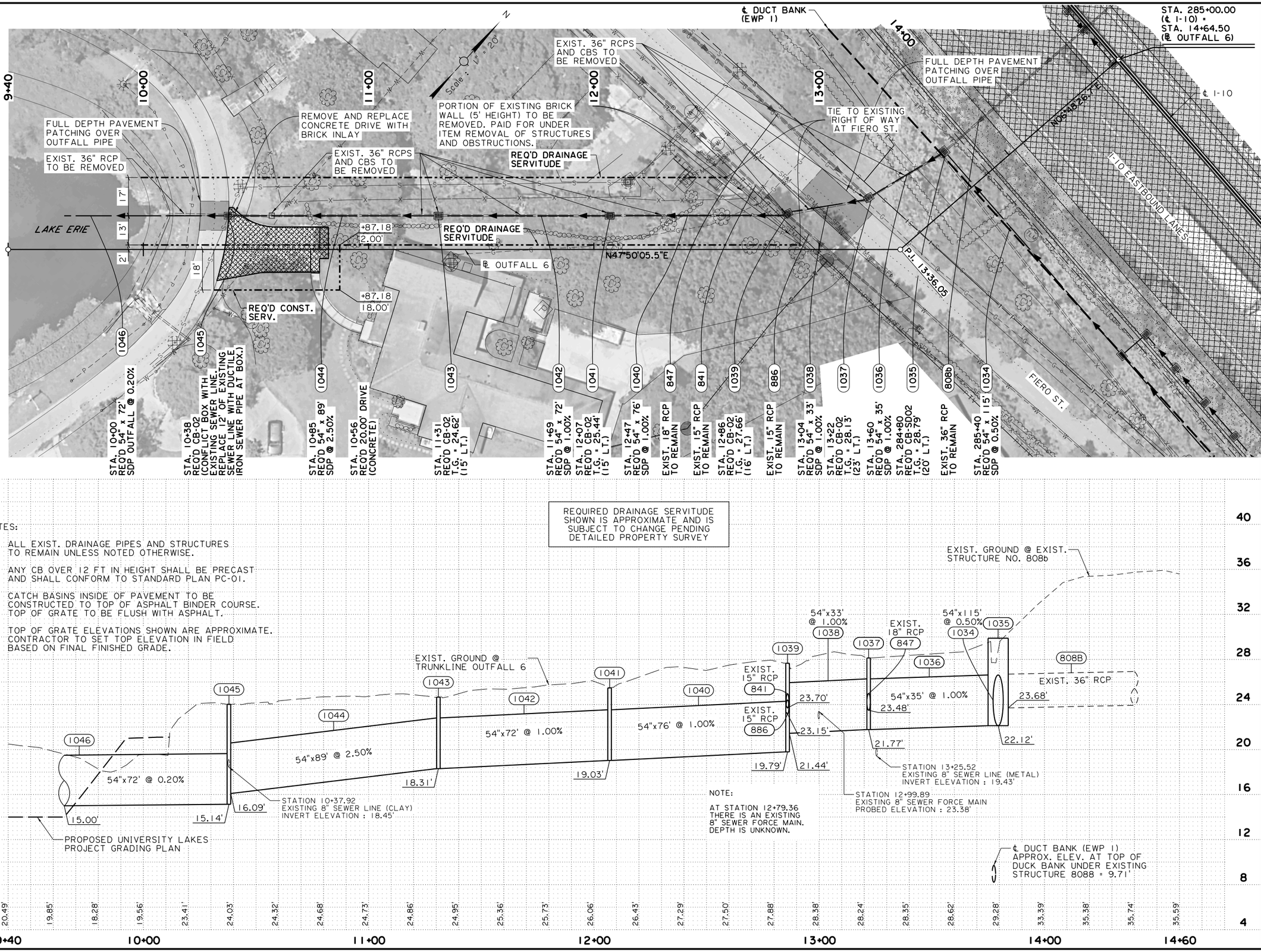
The Public Outreach team conducted one meeting at 8 am on Wednesday, June 14, 2023. The meeting location was conference room 113 D at DOTD headquarters, 1201 Capitol Access Road, Baton Rouge. A Zoom virtual meeting was offered to Nancy and McHugh David because Ms. David's recent surgery prevented her attendance in person. Both property owners, DOTD management and real estate staff, design engineers and the project contractor were all represented at this meeting. The attendance sign-in sheet, on-screen presentation, and summary notes are provided in Appendix B.

APPENDIX A

Plan/Profile Exhibit of Proposed Improvements

SEGMENT 1 GMP 60%

S:\xdrive\HUVAL Projects\7031 (I-10 CMAR Design)\4 - Projects\1 - Segment 1 Design\3 - CAD Drawings\01 - Road\02 - Border to Print\10 - Seg 1 GMP Stage 2-5_9415_RD_Drainage Plan-Pro.dgn 06/12/2023 11:17:09 AM



REQUIRED DRAINAGE SERVITUDE SHOWN IS APPROXIMATE AND IS SUBJECT TO CHANGE PENDING DETAILED PROPERTY SURVEY

NOTES:

1. ALL EXIST. DRAINAGE PIPES AND STRUCTURES TO REMAIN UNLESS NOTED OTHERWISE.
2. ANY CB OVER 12 FT IN HEIGHT SHALL BE PRECAST AND SHALL CONFORM TO STANDARD PLAN PC-01.
3. CATCH BASINS INSIDE OF PAVEMENT TO BE CONSTRUCTED TO TOP OF ASPHALT BINDER COURSE. TOP OF GRATE TO BE FLUSH WITH ASPHALT.
4. TOP OF GRATE ELEVATIONS SHOWN ARE APPROXIMATE. CONTRACTOR TO SET TOP ELEVATION IN FIELD BASED ON FINAL FINISHED GRADE.

SHEET NUMBER 135

PARISH	CONTROL SECTION	STATE PROJECT
EAST BATON ROUGE	450-10	H.004100, EWP 3

DESIGN	N. HELMINGER	DETAIL	T. DUPUY
CHECK	M. HELMINGER	CHECK	N. HELMINGER
REVIEW	T. GATTLE	SERIES = 1 OF 1	

SEGMENT 1 GMP 60%

PRELIMINARY
NOT FOR CONSTRUCTION
ENGINEER: NICHOLAS P. HELMINGER
LICENSE #: 41937
DATE: 06/12/2023

NO.	DATE	REVISION OR CHANGE ORDER DESCRIPTION	BY

DRAINAGE PLAN AND PROFILE
OUTFALL 6

I-10; LA 415 TO ESSEN LANE ON I-10 AND I-12

DOTD LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

HUVAL & ASSOC.

APPENDIX B

Communications and Outreach

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

Office of the Secretary
PO Box 94245 | Baton Rouge, LA 70804-9245
ph: 225-379-1200 | fx: 225-379-1851

John Bel Edwards, Governor
Eric Kalivoda, Secretary

June 6, 2023
(225) 768-9060

S.P.NO. H.004100
F.A.P.NO. H.004100
ROUTE I-10
EAST BATON ROUGE PARISH

Ms. Nancy David
2597 E. Lakeshore Dr.
Baton Rouge, LA, 70808

Dear Ms. David,

The proposed construction of the captioned highway project has made it necessary for representatives of the Department of Transportation and Development to request a meeting with you concerning the property described below located near Interstate 10 in Baton Rouge.

The records of the Parish Assessor's office indicate that you own the following property;

2597 E. Lakeshore Drive / Lot 80 D, Zee Zee Gardens Subdivision

We respectfully request your response so that we might schedule a meeting to discuss necessary upgrade of the stormwater pipe and outfall to Lake Erie.

You may respond by telephone at (225)768-9060
or by email at james@franklinassociates.com
or by letter at the following address:

Franklin Associates
Attn: James Taylor / I-10 Project
250 S. Foster Drive
Baton Rouge, LA 70806

FRANKLIN ASSOCIATES, ACTING ON BEHALF OF
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

James C Taylor

JAMES TAYLOR
PUBLIC INFORMATION CONSULTANT

JT
Cc: Mr. Nicholas Olivier

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

Office of the Secretary
PO Box 94245 | Baton Rouge, LA 70804-9245
ph: 225-379-1200 | fx: 225-379-1851

John Bel Edwards, Governor
Eric Kalivoda, Secretary

June 6, 2023
(225) 768-9060

S.P.NO. H.004100
F.A.P.NO. H.004100
ROUTE I-10
EAST BATON ROUGE PARISH

Mr. Christopher Verges
2595 E. Lakeshore Dr.
Baton Rouge, LA, 70808

Dear Mr. Verges,

The proposed construction of the captioned highway project has made it necessary for representatives of the Department of Transportation and Development to request a meeting with you concerning the property described below located near Interstate 10 in Baton Rouge.

The records of the Parish Assessor's office indicate that you own the following property;

2595 E. Lakeshore Drive / Lot 79 PT, Zee Zee Gardens Subdivision

We respectfully request your response so that we might schedule a meeting to discuss necessary upgrade of the stormwater pipe and outfall to Lake Erie.

You may respond by telephone at (225)768-9060
or by email at james@franklinassociates.com
or by letter at the following address:

Franklin Associates
Attn: James Taylor / I-10 Project
250 S. Foster Drive
Baton Rouge, LA 70806

FRANKLIN ASSOCIATES, ACTING ON BEHALF OF
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

James C Taylor

JAMES TAYLOR
PUBLIC INFORMATION CONSULTANT

JT
Cc: Mr. Nicholas Olivier

Meeting Summary Notes with Homeowners adjacent to the Lake Erie Outfall Meeting #1

H.004100 I-10 (LA 415 to Essen Lane on I-10 and I-12), WBR and EBR Parishes

Meeting Date: *6/14/2023 8:00 AM*

Location: *LADOTD Room 113D*

PURPOSE

To provide information and gain feedback from the property owners Cade and Lizzy Verges (2597 E. Lakeshore Drive) and Nancy David (2595 E. Lakeshore Drive) on the proposed outfall improvements to Lake Erie. The construction of the outfall will require approximately 30 feet of drainage servitude (permanent) on either side of the replacement pipe and construction servitude (temporary). Since this scope was not included in the FONSI issued for this project, a reevaluation for this work will be prepared for the Environmental Assessment and submitted to FHWA.

ATTENDEES

Nick Olivier (DOTD)
Jeff Plauche (KBJV)
Bob Schmidt (Huval, COREX10)
Sherri LeBas (GEC, COREX10)
James Taylor (Franklin Associates, COREX10)
Fred Raiford (C-P DPW)
Dennis Moore (K-B)
Kiawasha White (DOTD)
Donna Stinson (DOTD)
Robert Lott (DOTD)

<u>Homeowners</u>
Cade and Lizzy Verges (2597 E. Lakeshore owners)
Nancy David (2595 E. Lakeshore owner)
McHugh David (son of homeowner Nancy)

FOR DELIBERATIONS ONLY. NOTES ARE A PARAPHRASE OF DISCUSSION POINTS. DECISIONS ARE SUBJECT TO CHANGE.

MEETING SUMMARY NOTES

James launched the Zoom meeting and admitted Nancy and McHugh David. He welcomed all and introduced guests. Staff introduced themselves. The purpose of the meeting was explained to the property owners in that the existing pipe located between the properties located at 2595 and 2597 E.

Lakeshore Drive needs to be replaced with a larger pipe. An air photo was displayed showing the two residences, the interstate to the north and Lake Erie to the south.

Nick provided a detailed overview of the meeting's intent and scope of work and the need for DOTD to acquire drainage servitude and construction servitude for the replacement of the drainage pipe that runs from Fiero Street to E. Lakeshore Drive. A synopsis of the overview provided by Nick is as follows:

During the design phase of the project it was determined that the capacity of the existing 36" diameter pipe from I-10 to the outfall in Lake Erie needs to be increased to a 54" diameter pipe due to the drainage flow that moves from north of I-10 under I-10 to the Lake Erie outfall.

In order to replace the 36" diameter pipe with a 54" diameter pipe both a drainage servitude which is a permanent servitude and a construction servitude, which is temporary, will be required from both property owners. Both servitudes allow for compensation to the affected property owners from DOTD.

The replacement of the 36" diameter pipe with a 54" diameter pipe and obtaining the required drainage servitude and the construction servitude was not included in the Environmental Assessment that received a Finding of No Significant Impact (FONSI) in February of 2021. Therefore, an environmental reevaluation will be submitted to FHWA for the inclusion of the 54" pipe, drainage servitude and the construction servitude. Part of an environmental reevaluation is to meet with the affected property owners to explain the work that will be done, the process for drainage and construction servitude acquisition and to provide any additional information or answer questions that the property owner may have regarding the proposed construction.

The removal of the 36" diameter pipe and replacement with a 54" diameter pipe will involve impacts to the fences, driveways, landscaping, etc.

For discussion purposes, exhibits shown at the meeting are included in Attachment A and were used to aid in the discussion. The meeting sign in sheet is also included in Attachment A.

Some summary points that Nick made are as follow:

- A cross drain crosses under I-10.
- The 36" pipe will be replaced with a 54" pipe with catch basins.
- The fence on the the Verges's property will be impacted.
- The width of the required drainage servitude is 30 feet. It will be acquired in perpetuity.
- The DOTD and EBR have found no evidence of an existing servitude for the existing 36" diameter pipe. There is a servitude for the existing waterline.
- A drainage servitude and construction servitude will be required.
- The entire driveway on the David's property will be reconstructed.
- The construction of the 54" diameter pipe will occur in approximately 2025.

Nick opened the meeting up for discussion, comments and questions. A summary follows (questions and comments paraphrased):

1. Lizzy: I understand that this project has been going on for some time. Why wasn't it discovered before now that a drainage servitude and construction servitude would be needed?

Nick: During the environmental process, a detailed design is not performed. Rather, work progresses only to a point where impacts to natural resources and community are reviewed as part of the NEPA process. Once the FONSI is obtained, the topographic survey of the project begins. Once the survey is complete, the design commences. During design, it was determined that the 36" pipe is undersized and requires replacement.

2. Cade: Will the mouth (outfall) be located in the same spot as it is now?

   Nick: yes

3. Nancy: 30' total drainage servitude is shown. 15' from the drainage pipe towards our property. Not sure we have 15' to work in.

   Nick: The drainage servitude is a permanent servitude for which you will be compensated.

   Nancy: Will this drainage servitude be transferred with the property if it was ever sold?

   Nick: yes

4. Cade: There is another outfall on the south side of my property. Does the City Parish own that outfall?

   Fred : yes

5. Nancy: When will this construction occur?

   Nick: in about 1.5 years from now.

6. Nancy: I have dogs. I need a temporary fence so that I can let my dogs out during the construction of the outfall.

   Jeff: We will provide a temporary fence to secure your property.

7. Cade: We have catch basins on our side of the fence.

   Nick: Acknowledged the catch basins.

8. Cade: Post construction. What does this look like?

   Kia: Once we obtain the construction servitude, it will be in place for 4 years. If additional time is required, it will be renewed in 1-year intervals. As far as the shrubs, I don't want to over speak on the value or replacement cost and how that is handled. The value for the shrubs and apurtances that are in the drainage servitude and the construction servitude would be determined by the appraisal and included in the offer from DOTD. Someone from the DOTD appraisal section would need to respond to this question.

   [Nick Olivier left the room and called Ms. Donna Stinson, appraisal DOTD chief, and asked her to come to the meeting. Nick returned to the meeting. Donna introduced herself to the meeting shortly after being called.]

   Kia continued with her response explaining the process. When the environmental reevaluation is complete and FHWA has approved it, the required parcels will be added to the right of way

map. We will not begin the right of way acquisition process until the right of way maps are complete. During the appraisal period, the appraiser will walk the property with you. The vegetation can be discussed with the appraiser. Based on the appraisal, the DOTD will make an offer to the property owner. This starts the negotiations period with the property owner.

9. Cade: Will we be notified when you plan to survey the property?

   Nick: yes, a letter requesting egress to your property will be sent to you by DOTD. This is to allow land survey team to access your property.

10. Cade: How long will it take to put the pipe in?

    Jeff: About 2 to 3 months once we start. Nick added to the response and spoke about the temporary closure of Fiero and E. Lakeshore that will need to take place to install the drainage system. We will hold meetings with the property owners in this area to let them know about the road closures.

11. Cade: Will we lose the pine trees?

    Nick: We are making every attempt to save trees on this project but some will be removed due to impacts. I can't say at this time whether or not the pine trees will need to be removed. Our arborist will need to assess the situation after the survey crew has flagged the servitude.

12. Cade: Who runs the substation?

    Fred: The City Parish does. The 36" pipe runs next to it.

    Cade: There is a sinkhole.

    Fred: I am aware of it.

13. Lizzy: We just installed a basketball court around Christmas time. Will this be taken into account in the appraisal?

    Donna: Yes. Dennis added on by saying if we take part of the basketball court, we may need to remove and replace it in its entirety. Donna asked if the City Parish of EBR will allow the construction of a basketball court on the permanent drainage servitude if the basketball court happens to fall within that area. Fred Raiford responded that they will have to look at where the drainage servitude is located relative to the basketball court.

    Fred added that DOTD will acquire the drainage servitude and then once the work is complete, the drainage servitude will be transferred to the City Parish of Baton Rouge.

14. Cade: What is the material of the existing pipe?

    Nick: metal

15. Cade: How do features like trees, shrubs and fence get replaced?

    Donna: Compensation will be included in the appraisal/offer. DOTD does not perform the work to replace trees and shurbs or specialty fence. Specialty fence is fence other than DOTD standard plan barbed wire.

16. Cade: We will need a temporary fence. Our children are ages 10, 7 and 4 and we need to secure the area.

    Nick: The contractor is responsible for securing the property during construction. Expressed that we want to work with you the best we can to secure the site and minimize impact as much as we can. Dennis added that the contractor would likely install a chain link fence temporarily.

17. Cade: Wil the 54" pipe extend all the way through this required drainage servitude or will it vary in size?

    Nick: yes, 54" all the way.

18. Cade: How deep will the cut be for the trench?

    Jeff: 8' to the bottom of the trench. 3' to 4' of fill on top of the pipe. Dennis added that it will not be an open trench the whole length as KB will perform the work in sections at a time.

19. Fred: Do you have any yard drains that tap into the existing 36" pipe?

    Both property owners replied no.

20. Cade: Are you coordinating with the Lakes team?

    Nick: yes

21. Lizzy: What if we do not come to terms with the compensation?

    Kia: There will be a negotiations process if the property owner does not agree to the first offer. If we cannot come to an agreement then DOTD would expropriate the property.

22. Cade: Would Fiero and E. Lakeshore be closed at the same time?

    Nick: Both will not be closed at the same time. We will provide the community notice of these pending street closures.

23. James offered to send the property owners a copy of the DOTD real estate process. The property owners stated they would like a copy. Kia commented that information on the process is also provided to the property owner during the appraisal period.

24. The design team will add in a construction servitude for the complete reconstruction of Mrs. David's driveway. The contractor will replace the driveway.

    The drawing will remain as is showing the drainage servitude in the area of the basketball court as compensation to the property owner will be provided through the acquisition. The property owner will then be responsible for the basketball court in (upon agreement with the City Parish of EBR), fence, and landscaping.

Meeting adjourned.

Follow-up will include provision to the property owners the following items:

1) Copy of engineer's diagram of the proposed drainage servitude
2) Copy of DOTD Office of Real Estate manual "2021 Acquisition Brochure" http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Engineering/Real_Estate/Manuals/2021%20Acquisition%20Brochure%20revised%207.22.21.pdf

ATTACHMENT A

Sign-In Sheet

Project: I-10 CMAR

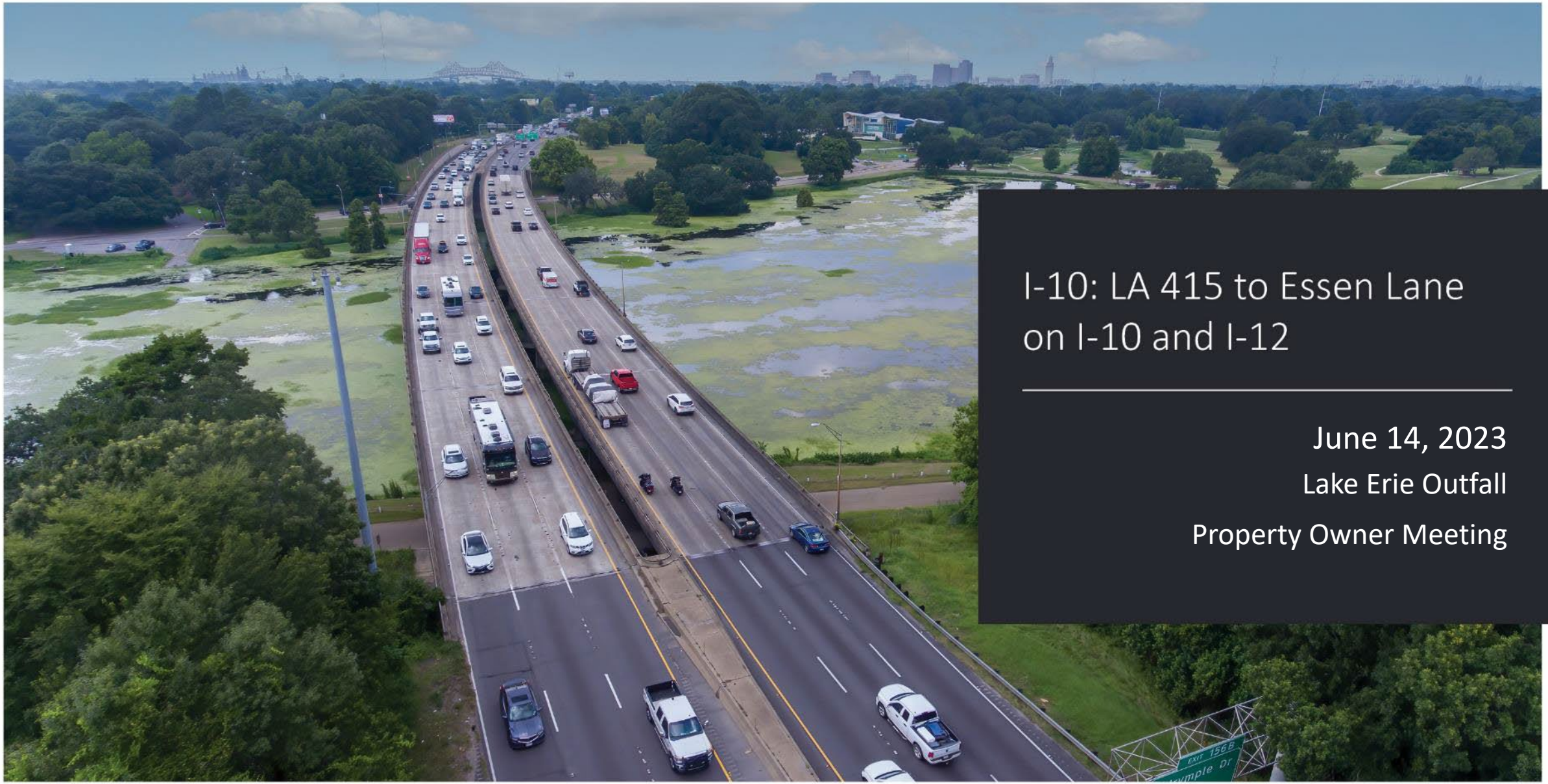
Date: 6-14-23 Time: 8 AM

Purpose: LAKE ERIE OUTFALL HOMEOWNERS Location: DOTD CONF. RM. 113 D

FRANKLIN ASSOCIATES

	Full Name	Company, Agency or Entity	Email Address	Phone | ~~Zip Code~~
1.	JAMES TAYLOR	FRANKLIN ASSOC. / COREX10	james@franklinassociates.com	225 768 9060
2.	FRED RAFORD	City Parish T+D	fraford@brla.gov	225 389-3159
3.	JEFF PLAUCHE	KIEWIT-BOH	jplauche@bohbros.com	225-931-2650
4.	Dennis Moore	Kiewit-Boh	Dennis.Moore@Kiewit.com	817-505-8892
5.	Kiawasha White	DOTD	Kiawasha.White@la.gov	225-242-4593
6.	Sherri LeBas	GEC	slebas@gecinc.com	2254453809
7.	Nick Olivier	DOTD	nicholas.olivier@la.gov	2253791133
8.	Lizzy Veages	HOMEOWNER #2597	lizzyveages@gmail.com	225 2029448
9.	Cade Veages	HOMEOWNER #2597	ccveages@tpcmail.com (225)	268 6512
10.	Donna Stinson	DOTD	donna.stinson@la.gov	225-240-4586
11.	NANCY DAVID (VIA ZOOM)	HOMEOWNER #2595	nancy@lpn1898.com	225-931-1232
12.	McHUGH DAVID (SON) (VIA ZOOM)		mchugh@lpn1898.com	
13.				
14.				
15.				

Please print legibly. Contact information will be used solely for project-related correspondence.



I-10: LA 415 to Essen Lane on I-10 and I-12

June 14, 2023

Lake Erie Outfall

Property Owner Meeting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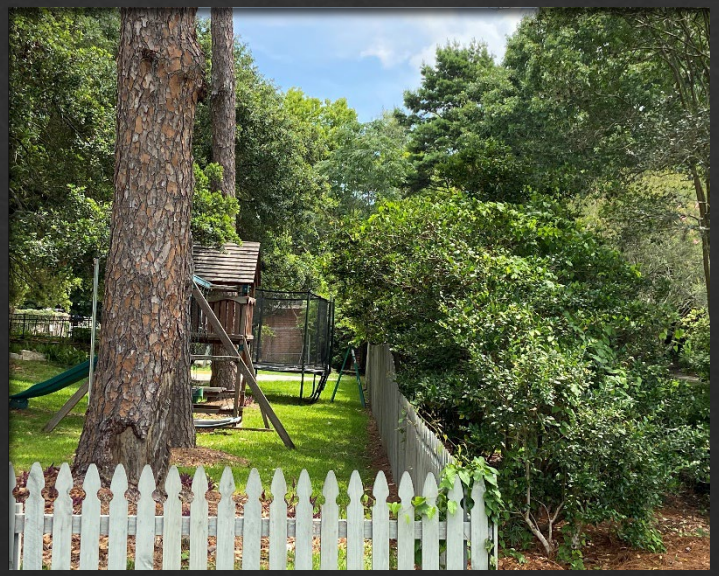
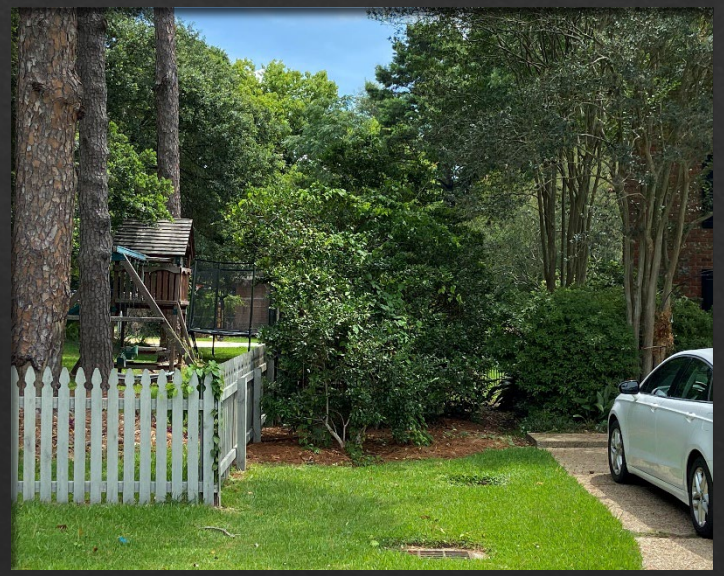
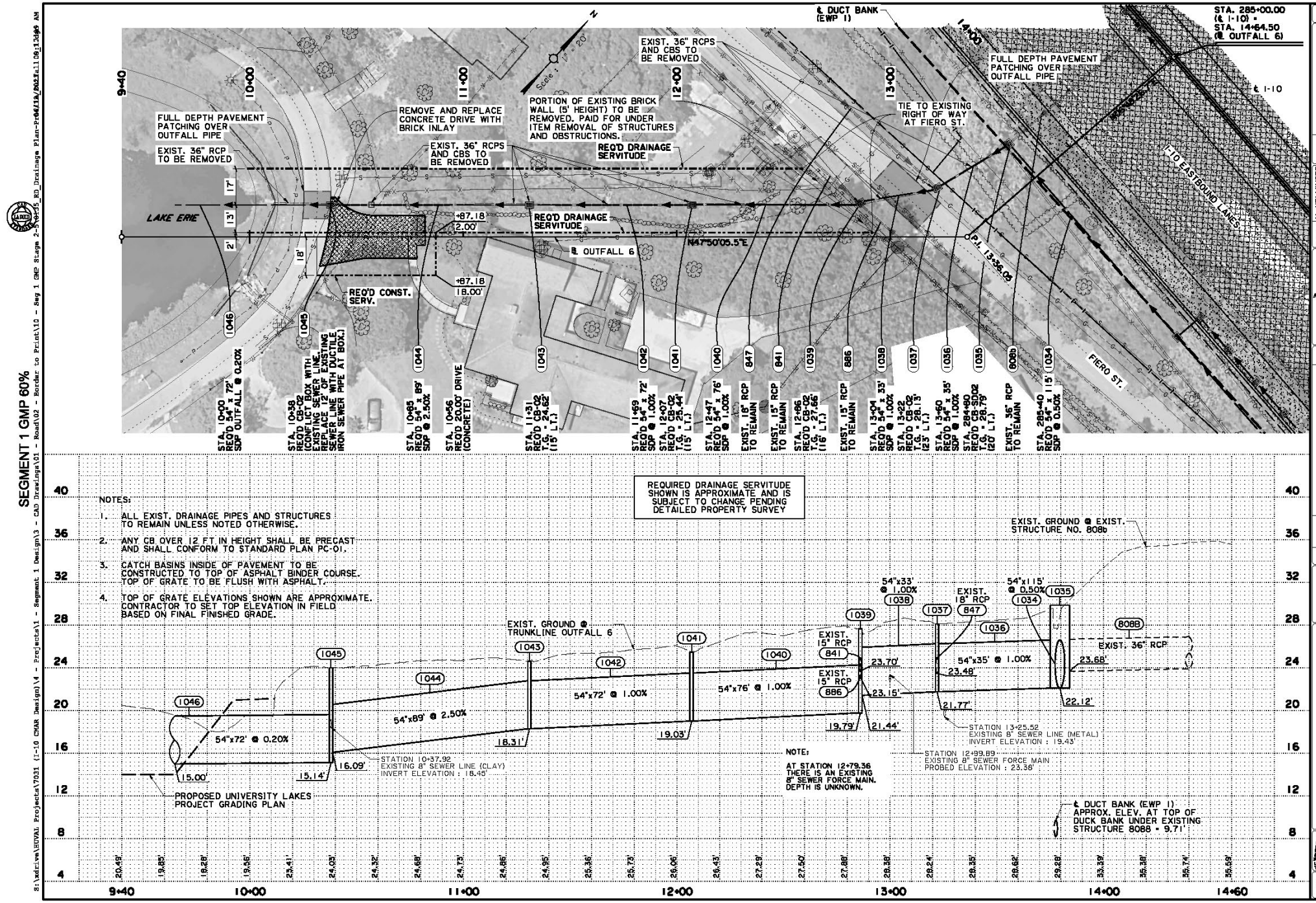
FRONT VIEW FROM E. LAKESHORE DRIVE

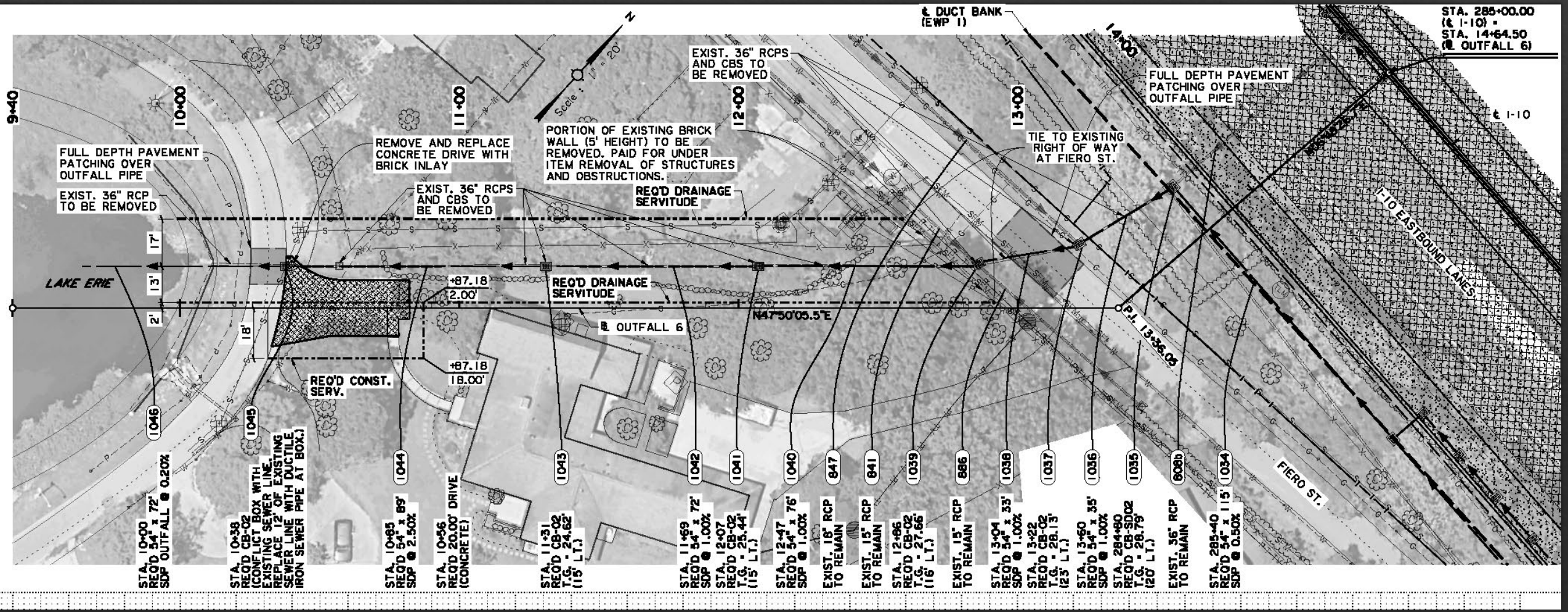




REAR VIEW FROM FIERO STREET


SEGMENT 1 GMP 60%
LAKE ERIE
FULL DEPTH PAVEMENT PATCHING OVER OUTFALL PIPE
EXIST. 36" RCP TO BE REMOVED
REMOVE AND REPLACE CONCRETE DRIVE WITH BRICK INLAY
EXIST. 36" RCPS AND CBS TO BE REMOVED
PORTION OF EXISTING BRICK WALL (5' HEIGHT) TO BE REMOVED. PAID FOR UNDER ITEM REMOVAL OF STRUCTURES AND OBSTRUCTIONS.
REQ'D DRAINAGE SERVITUDE
TIE TO EXISTING RIGHT OF WAY AT FIERO ST.
℄ DUCT BANK (EWP 1)
℄ OUTFALL 6
N47°50'05.5"E
REQ'D CONST. SERV.
I-10 EASTBOUND LANES
FIERO ST.
STA. 285+00.00 (℄ I-10) = STA. 14+64.50 (℄ OUTFALL 6)
STA. 10+00 REQ'D 54" x 72' SDP OUTFALL @ 0.20%
STA. 10+38 REQ'D CB-02 (CONFLICT BOX WITH EXISTING SEWER LINE. REPLACE 12' OF EXISTING SEWER LINE WITH DUCTILE IRON SEWER PIPE AT BOX.)
STA. 10+65 REQ'D 89' SDP @ 2.50%
STA. 10+56 REQ'D 20.00' DRIVE (CONCRETE)
STA. 11+31 REQ'D CB-02 I.E. = 24.62 (15° L.T.)
STA. 11+69 REQ'D 54" x 72' SDP @ 1.00%
STA. 12+07 REQ'D CB-02 I.E. = 25.44 (15° L.T.)
STA. 12+47 REQ'D 54" x 76' SDP @ 1.00%
EXIST. 18" RCP TO REMAIN
EXIST. 15" RCP TO REMAIN
STA. 12+96 REQ'D CB-02 I.E. = 27.66 (16° L.T.)
EXIST. 15" RCP TO REMAIN
STA. 13+04 REQ'D 54" x 33' SDP @ 1.00%
STA. 13+22 REQ'D CB-02 I.E. = 28.13 (23° L.T.)
STA. 13+60 REQ'D 54" x 35' SDP @ 1.00%
STA. 284+80 REQ'D CB-SD02 I.E. = 28.79 (20° L.T.)
EXIST. 36" RCP
STA. 285+40 REQ'D 54" x 115' SDP @ 0.50%
+87.18 2.00'
+87.18 18.00'
9+40
10+00
11+00
12+00
13+00
14+00
14+60
NOTES:
1. ALL EXIST. DRAINAGE PIPES AND STRUCTURES TO REMAIN UNLESS NOTED OTHERWISE.
2. ANY CB OVER 12 FT IN HEIGHT SHALL BE PRECAST AND SHALL CONFORM TO STANDARD PLAN PC-01.
3. CATCH BASINS INSIDE OF PAVEMENT TO BE CONSTRUCTED TO TOP OF ASPHALT BINDER COURSE. TOP OF GRATE TO BE FLUSH WITH ASPHALT.
4. TOP OF GRATE ELEVATIONS SHOWN ARE APPROXIMATE. CONTRACTOR TO SET TOP ELEVATION IN FIELD BASED ON FINAL FINISHED GRADE.
REQUIRED DRAINAGE SERVITUDE SHOWN IS APPROXIMATE AND IS SUBJECT TO CHANGE PENDING DETAILED PROPERTY SURVEY
EXIST. GROUND @ TRUNKLINE OUTFALL 6
EXIST. GROUND @ EXIST. STRUCTURE NO. 8088
54"x72' @ 0.20%
54"x89' @ 2.50%
54"x72' @ 1.00%
54"x76' @ 1.00%
54"x33' @ 1.00%
54"x35' @ 1.00%
54"x115' @ 0.50%
EXIST. 15" RCP
EXIST. 18" RCP
EXIST. 36" RCP
15.00'
15.14'
16.09'
18.31'
19.03'
19.79'
21.44'
22.12'
21.77'
23.15'
23.48'
23.70'
23.68'
STATION 10+37.92
EXISTING 8" SEWER LINE (CLAY)
INVERT ELEVATION : 18.45'
STATION 12+99.89
EXISTING 8" SEWER FORCE MAIN
PROBED ELEVATION : 23.36'
STATION 13+25.52
EXISTING 8" SEWER LINE (METAL)
INVERT ELEVATION : 19.43'
NOTE:
AT STATION 12+79.36 THERE IS AN EXISTING 8" SEWER FORCE MAIN. DEPTH IS UNKNOWN.
PROPOSED UNIVERSITY LAKES PROJECT GRADING PLAN
℄ DUCT BANK (EWP 1) APPROX. ELEV. AT TOP OF DUCK BANK UNDER EXISTING STRUCTURE 8088 = 9.71'
SHEET NUMBER 135
EAST BATON ROUGE
450-10
H.004100, EWP 3
N. HELMINGER
M. HELMINGER
T. DUPUY
N. HELMINGER
T. GATTLE
SEGMENT 1 GMP 60%
PRELIMINARY NOT FOR CONSTRUCTION
ENGINEER: NICHOLAS P. HELMINGER
LICENSE #: 41937
DATE: 06/12/2023
DRAINAGE PLAN AND PROFILE
OUTFALL 6
I-10 LA 415 TO ESSEN LANE ON I-10 AND I-12
DOTD
HUVAL & ASSOC.

PLAN VIEW


℄ DUCT BANK (EWP 1)
STA. 285+00.00 (℄ I-10) = STA. 14+64.50 (@ OUTFALL 6)
9+40
10+00
11+00
12+00
13+00
14+00
Scale : 1" = 20'
FULL DEPTH PAVEMENT PATCHING OVER OUTFALL PIPE
EXIST. 36" RCP TO BE REMOVED
REMOVE AND REPLACE CONCRETE DRIVE WITH BRICK INLAY
EXIST. 36" RCPS AND CBS TO BE REMOVED
PORTION OF EXISTING BRICK WALL (5' HEIGHT) TO BE REMOVED. PAID FOR UNDER ITEM REMOVAL OF STRUCTURES AND OBSTRUCTIONS.
REQ'D DRAINAGE SERVITUDE
TIE TO EXISTING RIGHT OF WAY AT FIERO ST.
℄ I-10
I-10 EASTBOUND LANES
LAKE ERIE
17'
13'
2'
18'
+87.18
2.00'
+87.18
18.00'
REQ'D CONST. SERV.
℄ OUTFALL 6
N47°50'05.5"E
P.I. 13+36.09
FIERO ST.
1046
1045
1044
1043
1042
1041
1040
847
841
1039
886
1038
1037
1036
1035
606b
1034
STA. 10+00 REQ'D 54" x 72' SDP OUTFALL @ 0.20%
STA. 10+38 REQ'D CB-02 (CONFLICT BOX WITH EXISTING SEWER LINE. REPLACE 12' OF EXISTING SEWER LINE WITH DUCTILE IRON SEWER PIPE AT BOX.)
STA. 10+65 REQ'D 54" x 89' SDP @ 2.50%
STA. 10+56 REQ'D 20.00' DRIVE (CONCRETE)
STA. 11+31 REQ'D CB-02 T.G. - 24.62' (15' LT.)
STA. 11+69 REQ'D 54" x 72' SDP @ 1.00%
STA. 12+07 REQ'D CB-02 T.G. - 25.44' (15' LT.)
STA. 12+47 REQ'D 54" x 76' SDP @ 1.00%
EXIST. 18" RCP TO REMAIN
EXIST. 15" RCP TO REMAIN
STA. 12+86 REQ'D CB-02 T.G. - 27.66' (16' LT.)
EXIST. 15" RCP TO REMAIN
STA. 13+04 REQ'D 54" x 33' SDP @ 1.00%
STA. 13+22 REQ'D CB-02 T.G. - 28.13' (23' LT.)
STA. 13+60 REQ'D 54" x 35' SDP @ 1.00%
STA. 284+80 REQ'D CB-SD02 T.G. - 28.79' (20' LT.)
EXIST. 36" RCP TO REMAIN
STA. 285+40 REQ'D 54" x 115' SDP @ 0.50%

PROFILE VIEW