

**SCOPING REPORT FOR  
I-12 TO BUSH HIGHWAY  
A PROPOSED PROJECT BY THE LOUISIANA DEPARTMENT OF  
TRANSPORTATION AND DEVELOPMENT**

**1.0 INTRODUCTION**

The regulatory authority of the U.S. Army Corps of Engineers (Corps) is based on Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. These Acts authorize the Secretary of the Army, acting through the Chief of Engineers, to regulate (1) activities and structures in navigable waters of the United States, including construction, excavation, or deposition of materials in, over, or under such waters, or any work which would affect the course, location, condition, or capacity of those waters and (2) the discharge of dredged or fill material into wetlands and other waters of the United States at specific disposal sites. Only after notice and opportunity for public hearing can the Chief of Engineers permit such projects. On October 25, 2006, the U.S. Army Corps of Engineers, New Orleans District, Regulatory Branch (CEMVN) received a request for a Department of the Army(DA) permit from the Louisiana Department of Transportation and Development (LADOTD) to construct a modern, high-speed, 4-lane arterial highway from the southern terminus of the current modern 4-lane arterial portion of LA 21 in Bush, Louisiana to I-12 in St. Tammany Parish, a distance of between 17.4 and 21 miles depending upon the access point to I-12. The project proposes work in wetlands and structural crossings of various waterways in the project area and a DA permit is required before work can begin. Because the proposed project would require federal involvement (DA permit), it is subject to National Environmental Policy Act (NEPA).

On November 10, 2006, CEMVN published a public notice advertizing LADOTD's "Preferred Alternative". Nearly 1,000 letters commenting on the proposed project were received during the 30-day comment period. Those commenting in favor of a four-lane highway from Bush, Louisiana to I-12 did so because they felt a north-south transportation corridor was needed to (1) boost economic development in the Bogalusa/Franklinton area; (2) reduce travel time for those commuting from the Bogalusa area to work, school and or medical facilities; and (3) provide a safer transportation corridor. Those commenting in opposition to the highway cited (1) safety issues in existing developed areas crossed by the proposed alignment; (2) reduced quality of life along the route; (3) potential for increased flooding; (4) impacts to at least three natural areas established in the area; and (5) availability of less damaging alternatives. Comments from U.S. Fish and Wildlife Service and the Environmental Protection Agency stated that the proposed project would have a substantial and unacceptable impact on aquatic resources of national importance pursuant to Part IV.3(b) of the 1992 Memorandum of Agreement. The Louisiana Department of Wildlife and Fisheries also submitted a strong letter of opposition because of the potential for serious impacts to wildlife and fisheries resources.

In August 2008, CEMVN completed an Environmental Assessment (EA) addressing alternatives and potential impacts associated with LADOTD's "Preferred Alternative". Project information provided by LADOTD, information developed from other permitting actions in the area and our knowledge of the area's ecology were used to develop the EA. The EA concluded that LADOTD's "Preferred Alternative" would likely result in significant environmental direct and secondary impacts to the social, physical and natural environments of the region. In addition, the proposed project would likely have significant regional adverse cumulative effects. NEPA requires the preparation of an Environmental Impact Statement (EIS) for proposals which have the potential for significant impacts that are subject to federal funding, control, responsibility and permitting.

Additionally, the EA concluded that LADOTD's "Preferred Alternative" most likely was not the least damaging, yet practicable alternative when considering the project's overall purpose. Adequate information to evaluate the impacts associated with other alternatives considered by LADOTD was not developed. The draft EIS, at minimum, should review these other alternatives as to their potential for significant adverse impacts and determine which alternative is the least damaging, yet practicable considering the overall purpose of the proposed project and accomplishment of the underlying purpose and need of the applicant or the public.

## **2.0 PROPOSED ACTION**

### **2.1 Description**

LADOTD proposes to construct a 4-lane, limited access, divided highway from the LA 40/41 intersection in Bush, Louisiana to I -12. The majority of the proposed project would be designed as a rural arterial (RA-3) with a design speed of 70 mph, which, according to the applicant, generally equates to a posted speed limit of 65 mph. The exception to this design would be as the proposed project transitions into exiting roadways. The typical cross section will have two, 12-foot travel lanes, an 8-foot outside shoulder and a 4-foot inside shoulder in each direction. The median width would vary depending upon highway design ranging between 40 and 60 feet, and a minimum right-of-way (ROW) requirement of 250 feet. To assure an adequate foundation, existing soils may be excavated and hauled-in earthen fill obtained from an undisclosed source deposited to elevate the highway embankment over natural grades. Roadway embankments would be sloped with inside slopes of approximately 6:1 for 26 feet from edge of shoulder and then 4:1 thereafter. Roadside ditches would be constructed as required to reduce ponding along the roadway. A typical design of the ditch would be 4 feet below existing grade with a width of 4 feet. Ditches would be employed to divert surface flow to structural highway crossings as required. Drainage structures would be identified so as to have no net impact on the drainage of the area when considering peak run-off flows during the 10-, 50-, and 100-year storms at each of these locations. Drainage structures could include bridges, reinforced concrete boxes, and/or reinforced concrete pipes depending on the flow to be passed through the structure.

## **2.2 Purpose/Need**

### **2.2.1 Basic purpose/ need**

The proposed project is to address regional transportation needs. As such, the proposed project does not require siting within a special aquatic site to fulfill its basic purpose. In accordance with Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material, Subpart B, Compliance With the Guidelines, (40 CFR 230.10(a)(3)), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.

### **2.2.2 Applicant's Stated Purpose /Need**

The applicant has stated that the proposed project is needed as an alternative North-South connection that would potentially reduce congestion and delays for those traveling from Northern St. Tammany and Washington Parishes to I-12. The proposed project could increase safety by reducing the amount of traffic on existing routes (LA 41 and LA 21/ LA 59/US 190) and thereby reducing the potential for accidents. Additionally, the resulting travel time savings would help support/enhance potential economic development in northern St. Tammany and Washington parishes. Finally, the applicant is obliged to construct a 4-lane (or more) highway from Bush, Louisiana to I-12, Louisiana to comply with Louisiana Revised Statute (R.S.) 47:820.2.B (e).

## **3.0 THE SCOPING PROCESS**

### **3.1 Scoping Purpose**

Scoping is the process used to identify issues, concerns, and opportunities associated with a proposed action, and should be conducted early in the planning stage of a project. The purposes of this Scoping Document are:

- Establish an outline for the Draft EIS;
- Identify significant environmental and socioeconomic issues related to the proposed action to be addressed in the Draft EIS;
- Determine the depth of analysis and significance of issues to be addressed in the Draft EIS;
- Identify how the proposed project would or would not contribute to adverse or beneficial cumulative effects in the project area;
- Evaluate reasonable alternatives to the proposed project; and
- Eliminate from detailed study the issues and resources that do not require detailed analysis during review of the proposed project.

### 3.2 Scoping Meeting

A public scoping meeting was held at the Abita Springs Town hall on January 22, 2009. All interested agencies, tribes, non-governmental organizations, and individuals were invited to attend to provide input into the scoping process. Verbal comments received at the meeting were recorded. In addition, interested parties who choose not to speak or were unable to attend the scoping meeting were advised in the public notice and at the meeting that written comments could be sent to CEMVN through February 23, 2009.

### 3.3 Scoping Meeting Comments

Scoping comments document the public’s concerns about the scope of the proposed course of action as well as identify significant resources and suggested alternatives. Scoping comments will be considered during the study process and in preparation of the draft EIS. Approximately 100 participants signed in for the scoping meeting. Sixty-six individuals expressed comments at the scoping meeting. Additionally, two e-mail comments and five written comments were received during the comment period following the scoping meeting.

A scoping comment may contain several specific comments directed at multiple areas of concern. Hence, a single comment could potentially be generally addressed in multiple sections of the draft EIS. A total of 80 specific comments were expressed. **Table 1** displays the categorization of specific comments by EIS subject matter. The most numerous comments were in regards to potential “Environmental Consequence” followed in descending order by “Alternatives”, “Affected Environment”, “Consultation, Coordination, and Compliance”, and “Purpose and Need”.

**Table 1. Categorization of Scoping Comments by Draft EIS Subject Matter.**

Source of Scoping Comment	Purpose and Need	Alternatives	Affected Environment	Environmental Consequences	Consultation, Coordination, and Compliance with Regulations	Totals
Scoping Meetings	3	31	16	61	3	114
Scoping Comment Letters	1	1	4	4	2	12
Email Scoping Comments	2	3	4	4	0	13
<b>Totals</b>	6	35	24	69	5	139

### **3.4 Conclusions**

The general opinion of those attending the scoping meeting and those submitting written comments was that a project was needed but that LADOTD's "preferred alternative" would result in substantially more impacts to them than other alternatives under consideration. Some commentors suggested upgrading LA HWY 41 or using the abandoned rail line to the east. Residents in the Oak Knoll and Golden Oaks subdivisions recommended a more easterly route to avoid impacting their neighborhoods. The discussion of alternatives in the EIS will examine these and the other alternatives determined to be practicable by LADOTD. Those alternatives that are unavailable to the applicant, whether or not they require Federal action (permits), will be included in the analysis of the no-Federal-action (denial) alternative. Such alternatives and objective evaluation of the public interest permits a fully informed decision regarding the permit application.

We have attached comments received in response to the Corps Intent to Prepare an EIS published in the Federal Register, from the scoping meeting and during the comment period following the scoping meeting. All comments will be addressed in the appropriate sections of the draft EIS. Many of the scoping comments and concerns are environmental characteristics normally evaluated in CEMVN decision making process. Other comments are outside the Corps' purview; however, CEMVN will consider them in consultation and coordination where appropriate. The draft EIS will be distributed for public comment and interagency review for a minimum of 45 days, which is anticipated to begin on January 15, 2010. CEMVN's responses to public comments on the draft EIS will be included in the final EIS, which is anticipated to be available to the public for review no later than June 1, 2010.

### **4.0 ORGANIZATION AND CONTENT OF DRAFT EIS**

The draft EIS must contain a complete discussion of scope and purpose of the proposal, alternatives, and impacts so that the discussion is adequate to meet the needs of the Corps decision makers. The draft EIS will be organized as outlined in *Appendix B to Part 325--NEPA Implementation Procedures for the Regulatory Program*. Content of each section is discussed below and identifies the location that scoping comments will be addressed.

**4.1 Cover Sheet.** Identifies the EIS as being a Corps permit action, the regulatory authority and the Corps contact person.

**4.2 Executive Summary.** Includes the Corps permit authority, Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a summary of the purpose and need, alternatives, and both the beneficial, adverse impacts of the proposal and mitigation actions.

**4.3 Table of Contents.**

**4.4 Purpose and Need.** Describes the project purpose and need in sufficient detail to identify the geographic range of the alternatives analysis and criteria used to screen the alternatives.

**4.5 Alternatives.** Describes the applicant's proposal and alternatives to this proposal. The Corps is neither an opponent nor a proponent of the applicant's proposal; therefore, the applicant's proposal will be identified as the "applicant's preferred alternative" in the draft EIS. Only reasonable alternatives need be considered in detail. Reasonable alternatives must be those that are feasible and such feasibility must focus on the accomplishment of the underlying purpose and need of the applicant or the public that would be satisfied by the proposed Federal action. Alternatives to be considered include (1) the "no-build" alternative, (2) upgrading existing area roadways within the study area, (3) construction of a new highway on new alignment and (4) alternatives in design consideration to reduce direct and secondary impacts. Decision options available to the district engineer, which embrace all of the applicant's alternatives, are (1) issue the permit, (2) issue with modifications or conditions, (3) proffer a permit for an alternative with less environmental impacts, or (4) deny the permit. Subsections within this Chapter would include:

**4.5.1 Introduction:** discusses the process of selecting the project study area, development of alternatives relative to project purpose and need,

**4.5.2 Alternatives Screening Process:** describes the process of developing reasonable alternatives, developing criteria and methodology used to score alternatives and rational for eliminating alternatives.

**4.5.3 Alternatives Considered:** lists the reasonable alternatives and the "no-build" alternative. Provides a description of each alternative, discuss the benefits and deterrents associated with each alternative as to the criteria developed to score alternatives.

**4.5.4 Alternatives Considered But Eliminated:** lists the alternatives eliminated. Provide a description of each alternative, discuss the benefits and impacts associated with each alternative as to the criteria developed to score alternatives.

**4.5.5 Proposed Project Impacts:** summarize project impacts of each reasonable alternative.

**4.6 Affected Environment.** This section's primary role is to describe the existing environmental conditions that the proposed action and its reasonable alternatives would *affect*. 40 CFR 1502.15 requires the EIS to describe succinctly the environmental resource characteristics the proposed project and the reasonable alternatives would affect. It should not describe the impacts the no action, proposed action, or the reasonable alternatives would cause. Instead, this section focuses on *resources* the no action, the proposed action, and the reasonable alternatives would significantly affect. The description for each affected resource will be proportional to the extent of potential impact on that resource. That is, this section will provide less detail for those resources

that would not be significantly affected. The following are the environmental characteristics that will be reviewed and discussed where necessary in the draft EIS to describe the effected environment.

#### General Description of Study Area

##### Physical/chemical characteristics

- Substrate
- Currents Circulation or Drain Patterns
- Suspended Particulates Turbidity
- Water Quality (Temperature, Salinity Patterns and Other Parameters)
- Flood Control Functions
- Storm Wave and Erosion Buffers
- Erosion and Accretion Patterns
- Aquifer Recharge
- Baseflow
- Mixing Zone

##### Biological characteristics

- Special Aquatic Sites
- Habitat for Fish and Other Aquatic Organisms
- Wildlife Habitat
- Endangered or Threatened Species
- Biological Availability of Possible Contaminants, etc. (for 404(B)(1) Evaluation Only)

##### Human use characteristics

- Existing and Potential Water Supplies Water Conservation
- Recreational or Commercial Fisheries
- Other Water Related Recreation
- Aesthetics of the Aquatic Ecosystem
- Parks National and Historic Monuments National Seashores Wild and Scenic Rivers, Wilderness Areas Research S Sites Etc
- Traffic/Transportation Patterns
- Energy Consumption or Generation
- Navigation
- Safety
- Air Quality
- Noise
- Historic Properties (Sec. 301(5) National Historic Preservation Act)
- Archeological Sites
- Land Use Classification
- Economics
- Prime and Unique Farmland
- Food and Fiber Production
- General Water Quality

Mineral Needs  
Consideration of Private Property

**4.7 Environmental Consequences.** This section will address direct, secondary and cumulative impacts on the Affected Environment resulting from the implementation of each reasonable alternative. Specifically:

- (1) Discuss the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity. To do so, trade-offs between short-term environmental gains at the expense of long-term losses or long-term gains at the expense of short-term losses will be examined.
- (2) Describe impacts of the no action, proposed action, and each reasonable alternative on affected resources and the consequences of those impacts. To reduce bulk and improve its understanding, the text will explain in summary form project impacts and their consequences. Discussions will provide accurate cross-references to the specific appendices and page numbers that provide the basis for determining the severity of impacts and their consequences.
- (3) Outline each reasonable alternative's direct, secondary and cumulative environmental impacts.
- (4) Provide concise discussions of impacts and consequences that are not significant. Only the information needed to show why they are not significant will be provided.
- (5) Discuss possible conflicts between the proposed action and the objectives of Federal, State, regional, or local land use plans, policies, or controls in the affected area.
- (6) Discuss the irreversible and irretrievable commitments of natural resources and energy requirements each reasonable alternative would require. Analyze any project-caused depletion of materials in short supply or substantial, irreversible changes to the natural or cultural environment the reasonable alternatives would cause.
- (7) Discuss any National Register-eligible or listed historic and cultural resources the proposed action or reasonable alternatives would affect or destroy and the potential for reusing or conserving these resources. For Section 4(f) purposes, note any historic resources of State or local significance.
- (8) Ensure the EIS clearly states where information is lacking or uncertain when evaluating reasonably foreseeable significant adverse effects.
- (9) Incorporate by reference or appendix any available cost-benefit analysis that is relevant to the choice among environmentally different alternatives.

The following are the environmental characteristics that will be evaluated relative to project impact



#### Physical/chemical characteristics

- Substrate
- Currents Circulation or Drain Patterns
- Suspended Particulates Turbidity
- Water Quality (Temperature, Salinity Patterns and Other Parameters)
- Flood Control Functions
- Storm Wave and Erosion Buffers
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#### Biological characteristics

- Special Aquatic Sites
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- Mineral Needs
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(10) Discuss cumulative impacts. CEQ 1508.25 defines three types of actions one should consider when determining the scope of a NEPA process. One of the types involves cumulative actions (the others are connected actions and similar actions) CEQ 1508.7 states that a cumulative impact is the environmental effect resulting from the incremental

effects of the proposed action when added to the effects of past, other present, and reasonably foreseeable future actions, regardless of the entity (i.e., Federal or non-Federal) or person that would carry out those actions. In some cases, individually minor but collectively significant actions occurring over a defined period of time can cause cumulative impacts.

(11) The Corps strives to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, strives to achieve a goal of no overall net loss of values and functions. The Corps, in its permit evaluation, first makes a determination that potential impacts have been avoided to the maximum extent practicable; remaining unavoidable impacts will then be mitigated to the extent appropriate and practicable by requiring steps to minimize impacts and, finally, compensate for aquatic resource values. Development of conceptual mitigation plan will follow this sequence. Measures to mitigate adverse impacts associated with implementation of this project will:

- (a) First, strive to avoid or reduce impacts through design or construction measures;
- (b) Second, incorporate management actions to reduce operational impacts; and
- (c) Third, compensate for unavoidable wetland impacts through a mitigation plan that incorporates on-site/offsite actions that will restoration and/or enhancement degraded wetlands.

**4.8 Consultation and Coordination.** This section will describe public and agency involvement throughout the development of the EIS.

- Public Involvement and Comments
- Environmental Compliance
- Final Statement Recipients
- Public Comments and Responses
- Public Hearing Comments
- Public Comment Correspondence

**4.9 List of Preparers.** The names and qualifications of persons who were primarily responsible for preparing the EIS and agency personnel who wrote basic components of the EIS or significant background papers must be identified. The EIS should also list the technical editors who reviewed or edited the statements.

**4.10 Cooperating Agencies.** List cooperating agencies and their role in the EIS.

**4.11 Public Involvement.** This section list the dates, locations and nature of all public notices, scoping meetings and hearings. The scoping meeting transcripts and summary of comments report will be provided as an appendix.

**4.12 Acronym List**-will define all commonly used acronyms within the text of the EIS.

**4.13 Index.** The Index of an EIS, at the end of the document, should be designed to provide for easy reference to items discussed in the main text of the EIS.

**4.14 Appendices.** See 40 CFR 1502.18. Appendices should be used to the maximum extent practicable to minimize the length of the main text of the EIS. Appendices normally should not be circulated with every copy of the EIS, but appropriate appendices should be provided routinely to parties with special interest and expertise in the particular subject. Appendices will include the lengthy technical discussions of modeling methodology, and baseline studies of the affected environment.

## 5.0 Scoping Meeting:

### 5.1 List of Scoping Meeting Attendees:

Juanita Guilott	Lucas Watkins	Ron Ventola
Clarence Guilott	Fred Dunham	Nicole Romaire
Sue Singletary	Jay Prather	Val Haydel
Pam Eisenhardt	Steven Ball	James Quirin
Jeannie Herleikson	Fae Hamby	Jeff Robinson
Darcy Flick	Charles Floca	Steve Phillippi
Robert Baumgartner	Tommy Buckel	Rosemary Prestenburg
Adrienne Baumgartner	Olga Clifton	Walter Clifton
Christopher Mills	Will Murray	Don Easley
Rick Wilke	Judy Belsome	Dale Mackie
Carol Kerne	Lee Arrambide	Albert Labarre II
Nichol Kerne	Corey Cantrell	Leon Chaplain
Joe Perret	Steve Schuler	Donna Kilpatrick
Jason Lumpkin	Karen Sammons	Paul Kilpatrick
Matthey Peniy	Sandra Slifer	Iris Burnthorne
Scott Gibson	Michael Landry	Kay Orth
Anne Rheams	Chris Hratyshyn	James Orth
Debra Haydel	Mimi Dossett	Allan Cartier
Mike Talbot	Harry Connelly	Greg Cromer, State Representative, District 90
C.E. Carter	Roberty Levy	Trina Stogner, representing Harold Ritchie, State Representative, District 75
Joe Groetsch	Melinda Coello	Lesley Lewis, representing Ben Nevers, State Senator, District 12
Tracy Lee	Barbara Carter	Ron Bettencourt, St. Tammany Parish School Board, District 10
Gregory Marek	Steve Whiteside	David Doss, representing U.S. Senator David Vitter
Ben Tiller	Bonnie Hebert	Scott M. Simon, State Representative, District 74
Ted Viola	Susan M. Peterson	James McGehee, Major City of Bogalusa
JoAnn Hanson	Sheri Sable Cayster???	Jack Donahue, State Senator, District 11
Inez C. Hanson	James Smith	Sheri Sable Campbell, Major Pro- Tem of Abita Springs
Crystal A. Richard	Gibb Farrish	
Elrita Gleason	Leonard Folse	
Barbara Dodds	Cheryl Porche	
Tedei M. Cahill	Steve Stefancik	
William P. Cahill	Rebecca Howell	
John G. Cousins	Carlo Hernandez	
Hazel & John Calcote	Frank White	
Nelwyn McInnis	Paul Salvant	

## 5.2 Scoping Meeting Comments.

### Blue Group:

1. Option O, and any other options near waterways concerns about impacts i.e. Big Branch Creek near option O.
2. Option Q or J are on the railroad tracks which is the logical way to go.
3. Option Q has a hospital which would be situated on highway = logical.
4. Option P = flood caused in Oak Knoll Estates S/D, wildlife destruction (Pileated Woodpeckers), neighborhood destruction.
5. All options except Q & J funnel to land owned by big developers, need to be sure there is not external developer's pressure.
6. Option P, destruction to wildlife and ambience of area, neighborhood/S/D will be impacted/destroyed in addition the highway will result in flooding issues.
7. Option P, traffic noise and danger to school children and those who need to cross due to the fact this would be the only outlet from the S/D (only one intersection).
8. Option P- very old oaks and magnolias (hardwood areas) within the ROW of the road.
9. Why not upgrade existing road beds (i.e. 1088 to 36 to 41). Seems to be minimal environmental impact.

### Green Group:

1. English Branch:
  - 9 years no drainage maintenance. Concerned with backwater flooding. Need to address capacity flow.
  - Golden Oaks and Oak Knoll s/d, flooding to existing developments – Hillcrest, O.K. and Golden Oaks.
2. Division of Robert Levy's property and access – Bob Levy Road, Alternative P
3. Access to Hwy 435 from Golden Oaks/Oak Knoll s/d
4. Traffic safety issues on Peg Keller Road.
5. Noise Control in proximity to residential development
6. Safety issues for residential areas for children.
7. Recommend following old railroad.
8. Recommend Alternative J or Q.
9. Look at slight deviation for P to the east and south to avoid Oak Knoll/Golden Oaks s/d.
10. Route through timber forest rather than homes.
11. Route across Bob Levy will affect 5<sup>th</sup> Ward School access.
12. What will project do to developed property values near the new highway.
13. Increased traffic on Peg Keller Road.
14. Effects to rural quality of life.
15. Need convenient, safe access to residential developments (Oak Knoll, Hillcrest, Money Hill)-alternatives P & O.
16. Increased access to residential development – crime.
17. Effects to taxes.
18. Alternative J and Q will grossly compound traffic congestion, which is already bad.

19. Alternative Q will grossly compound traffic congestion which is already bad.
20. Impacts to existing infrastructure, specifically on Bob Levy Road.
21. Re-alignment P along LA 435 and split Oak Knoll and Hillcrest.

**Pink Group:**

1. Timely identification of final alignment.
2. Compensation for property changes from prior ROW acquisitions. Site no longer considered a potential alternative.
3. Loss of natural setting.
4. Major concern on impacts to drainage/flooding specific to alternative P.
5. Impacts to drainage for all alignments.
6. Noise impacts for alignment P.
7. Impacts to existing s/d's, alignment P.
8. Full considerations given to NO BUILD ALTERNATIVE.
9. Strong consideration to having public hearing.
10. Impacts to wildlife/loss of habitat.
11. Secondary development from road.
12. Potentially increased criminal activity as a result of road.
13. Use of existing railway route.
14. Flexibility to develop minor adjustments in alternative routes.
15. Assess the number of residences impacted with each alignment.
16. Impacts to access of existing residences.
17. Cost analysis for utilizing elevated spans for portions of different routes.
18. Additional access points to I-12 @ 1088, especially important for Hurricane evacuations.
19. Strong opposition for Route P.
20. Additional access point at 1088 regardless of final alternative or if no Build for project.
21. Safety issues associated with alignments utilizing existing routes. Alternative P does not have this issue.
22. Revise alignment P to the east to utilize timberland and residences.
23. Alternative J is already a high traffic area. Concerns of making a bad situation worse.
24. Pollution/Air Quality impacts.
25. Get it done.

**Purple Group:**

1. Oak Knoll/Golden Oaks. Route P- continued access from Peg Keller Road, one road/single access.
2. Safety involved with number 1 above.
3. Update known conservation areas
4. Route P
  - Social impacts w/rural lifestyle (relative to #1 s/d)
  - Drainage to English Branch
5. Impacts associated w/ realignment to utilities (gas, oil, and electric)
6. Woodland RD

- One mile east of P. Keller – alternative Hwy 41, utilize existing infrastructure
  - No need to save average 12 min drive
  - Reduce cumulative impacts by utilizing existing infrastructure (see bullet #1)
7. Route P crosses 435
    - Safety issues due to proposed angle
    - Drainage issues (east of Last Hill before Talisheek and Peg Keller, English Branch)
  8. Wildlife: natural environment versus built environment (noise pollution within Oak Knoll /Golden Oaks s/d.
  9. Urban Sprawl (alt P)
    - Encourage development
    - Dump traffic onto 1088 with no destination
    - Bisect existing natural drainage
  10. Environmental impacts to widening existing road (Hwy 435) vs. alternative P
  11. Impacts to St Tammany residents due to potential tax increases to maintain additional road mileage due to the construction to alternative P or another alternative.
  12. Cumulative impacts to air pollution
  13. Water quality
  14. Negative impacts to the silviculture industry.
  15. Cultural environmental impacts: cemetery and church relocations

**Yellow Group:**

1. Consider the benefits of removing heavy traffic from Highways 21 & 190.
2. Consider the benefits of growth that could result from this new highway.
3. Consider the impacts on existing and proposed business located within the chosen right-of-way.
4. Is the road needed? What is the urgency to build it?
5. Want fair compensation for house/property.
6. Adverse impacts to social/livelihoods in the community (i.e. horseback riding, recreation, etc.)
7. Drainage and flooding etc.
8. Consideration should be given to routes along and through existing and planned mitigation banks in the same area to minimize secondary impacts.
9. Consideration should be given to follow existing right-of-way between Bush, LA (1088/I-12 planned interchanges).
10. Project has been going on for so long but no decisions have been made which hinders property/business owners from making long-term decisions about their properties.
11. How will the road affect property values/taxes?

## 6.0 Written comments received:

### 6.1 E-mails:

#### 6.1.1 Tracy Byron Lee

##### **Barlow, James A MVN**

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**From:** Tracy Byron Lee [tracyblee@bellsouth.net]  
**Sent:** Saturday, February 07, 2009 2:54 PM  
**To:** Barlow, James A MVN  
**Subject:** I-12 to Bush EIS

Mr. Barlow,

I am a resident of the Golden Oak Subdivision on Peg Keller Road. I live at the end of Asalea Drive.

The "P" option that has been proposed would differently impact not only my family, but the other current residents of Asalea Drive and nearby areas.

The P route would go through my backyard and my neighbors as well. My husband and I have only lived here for a year. We built this home ourselves after much heartache. This is the home we plan to grow old in. We purchased this property because of the serenity that exists. We have space, we have quiet-we have the beauty of the country - we can seat on our back porch and watch the wildlife.

If the "P" route is chosen, all of that will be gone.

Our subdivision will be cut in half and we would not be able to access Hwy 435 according to DOTD plans. We would have highway noise, especially from the 18 wheelers that would be using this road. Another concern is crime from unwanted people coming thru this area. Finally, a large concern is flooding from the nearby English branch which is at the end of Asalea Drive - footsteps from my corner property line. During heavy rains, it backs up into my side yard.

I hope you will consider my plea to deny Route "P"

Thank you for your consideration.

Tracy Lee  
28053 Asalea Drive  
(985) 898-0108



## 6.1.2 Mr. Richard Flick

### Barlow, James A MVN

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From: Dog737@aol.com  
Sent: Saturday, January 24, 2009 3:18 AM  
To: Barlow, James A MVN  
Cc: Mponycar1986@aol.com; Dog737@aol.com; Dardar202@aol.com  
Subject: THE NEW HIGHWAY

Dear Mr. Barlow

First let me thank you for such a short notice of the meeting on Jan 22,2009 in which i was not able to attend due to the short notice of said meeting. I live in the Oak Knoll subdivision in which the new super highway is proposed to go right through. This highway is not needed at all. Even the Mayor of the town of Bogalusa stated that the super highway should not bisect any neighborhood. When proposed some 30 years ago it may have been needed for the people of Bogalusa but since then the roads leading to there are sufficient to handle the traffic in to that town. lets assume that they do need added routes to the i-12 from Bogalusa. It is ridiculous to put this super highway through an existing neighborhood when you can move it only 2 to 5 miles east and not disturb anyone. there are many reasons i object this highway i will try to list a few in this letter. the people who live in this subdivision intended to move away from the progression of such a project when they moved out this far from the city. The environmental impact would also create more flooding in the neighborhood as well as eliminate most of the wildlife IE : deer, owls, rabbits, ducks, cranes, even bear, as well as natural swamps, i also fear the new super highway for the safety of my family and neighbors as the extra traffic in the area will make it harder to get in and out of the neighborhood. With the school buses having to cross this highway to pick up and drop off the children that live here. I would also like to add that the highways we already have are in need of some serous repair. When i moved here some 10 years ago we were told that highway 435 was going to be widened and the bridges were going to be rebuilt to handle the traffic that we have now. Well that has never happened. I believe that if you were to repair and widen this highway you will find it be more then sufficient. I truly think that if you can not keep up with fixing the highways we have now how can you help me believe you can maintain another super highway. I also under stand that certain politicians were and still are in position to make a lot of money on the sale of certain parcels of land that they have bought or sold to the state this should be looked into and if hat is the case then they should be held accountable for fraud in that they knew about the super highway and this is why this whole super highway idea came about in the first place. let me end my letter to you with this sir if you were to come out this way you would see what i am talking about in respect to the natural beauty of this area. The nights are beautiful with all the stars you can see and in the days the wild life that roams into your yard. but with this super highway it would do away with that also to mention the quiet that we all searched for when we all moved here. Thank You for your time.

Yours Truly  
Richard Flick  
28041 Oak Knoll

Rd

La. 7042

Abita Springs,

(985) 875-9837

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From Wall Street to Main Street and everywhere in between, stay up-to-date with the latest news <<http://aol.com?ncid=emlcntaolcom00000023>> .

6.1.3 Mr. Jerry Davis

**JERRY F. DAVIS**

ATTORNEY AT LAW

4607 BLUEBONNET BOULEVARD, SUITE A  
BATON ROUGE, LOUISIANA 70809-9633

TELEPHONE (225) 810-4450  
TELECOPIER (225) 810-4455

E-MAIL [JDAVIS@JERRYFDAVIS.COM](mailto:JDAVIS@JERRYFDAVIS.COM)

Tuesday, January 20, 2009

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By email to Dr. James A. Barlow, Jr. at:

[James.A.Barlow@usace.army.mil](mailto:James.A.Barlow@usace.army.mil)

Hard copies via USPS  
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**To:**

**United States Army Corps of Engineers**

New Orleans District, Regulatory Branch

ATTN: Dr. James A. Barlow, Jr., Project Manager

Post Office Box 60267

New Orleans, Louisiana 70160-0267

RE:

Public Scoping Meeting to be held January 22, 2009

Permit Application No. MVN 2005-00037-MJ

Applicant Name Louisiana Department of Transportation  
and Development c/o Burk-Kleinpeter, Inc., 4176

Canal Street, New Orleans, Louisiana 70119

Project Name STATE HIGHWAY 3241 IN ST.

TAMMANY PARISH (I-12 to Bush Corridor)

Dear Dr. Barlow:

This is a letter of comment regarding the captioned application for permits and is submitted in anticipation of the Scoping Meeting to be held Thursday, January 22, 2009 (6:00-9:00 PM) at the Abita Springs Town Hall, Abita Springs, LA.

I represent and write on behalf of Mr. and Mrs. James E. Orth. Mr. & Mrs. Orth own property that will be drastically affected by the

captioned project if it is finally aligned as suggested by the Preferred Alignment and route shown on Map 4 of the 7 maps prepared by DOTD in October 2006 And referred to in that Joint Public Notice dated November 10, 2006.

When this matter was open for public comment in late 2006 we timely sent a comment letter to Mr. Obiol dated December 8, 2006. In short, that letter pointed out several deficiencies in the “preferred alignment”. That having occurred over two years ago, we felt it appropriate to renew and update those remarks. Hence, this letter.

The Orth property is described as follows:

The East ½ of the SE ¼ of Section 11, T 7 S, R 12 E, St. Tammany Parish, LA; *less and except* 20 acres in the S ½ of the SE ¼ of Section 11;

and,

the East ½ of the SE ¼ of the NE ¼ of Section 11, T 7 S, R 12 E, St. Tammany Parish, LA;

The Orth property encompasses 81.99 acres as shown on a survey made by Land Surveying, Inc. (Jeron R. Fitzmorris, R.L.S.) dated December 3, 2004. A copy of that survey is attached as **Attachment A**.

**Attachment B** is a copy of Map 4 of the 7 maps dated October 2006 and prepared by DOTD as a part of its Corridor Study. **Attachment C** is an enlargement of a portion of Attachment B. On Attachments B & C we have outlined the Orth property and indicated the location of the residence.

**Attachment D** is a wide-view GoogleEarth photo showing the region surrounding the Orth property. **Attachment E** is a medium-view photo that more clearly shows the physical features of and improvements on the Orth property and the nearby surroundings. **Attachment F** is a closer view that better illustrates the Orth’s cleared and improved pasture and constructed improvements.

The primary improvement on the Orth property is a country residence built in the late 1800s and located in the approximate center of the property. Other improvements consist of a barn, a tack house, a stable and fencing. One pasture is located south of the house, and another is north of the house.

The Orth property is about 4 ½ miles East of Abita Springs along LA

Highway 36, and is about 1,300 feet north of Highway 36. Access is provided by Oak Ridge Road, a gravel-surfaced public road. A significant portion of the Orth property lies on a low ridge that is generally oriented in a NNE/SSW alignment. The residence is approximately centered on the ridge. That ridge is home to numerous mature native live oaks which obviously inspired the historic roadway name, “Oak Ridge Road”. In addition, several mature native magnolias also occupy the ridge. There are a few small magnolias west of the ridge that are understory to the farmed pines, but all of the large magnolias are on the ridge.

In contrast to the live oak and magnolia population on and along this ridge, much of the surrounding area (particularly the area west of the Orth property) is loblolly pine “tree farms”. Particularly we point out the large loblolly pine plantation to the west and northwest of the Orth property. That pine plantation is seen on Attachment E, and includes the area west of Log Cabin Road and that area within 500 – 1,000 feet east of that road.

The present Preferred Alignment ROW crosses the Orth property in a NNE to SSW orientation. That alignment ROW includes a significant portion of the Orth’s pasture and several live oak and magnolia groves. It will divide their single tract into three separate tracts, two of which will be on the other side of the new controlled access highway and will have no access to any public road.

Jim and Kay Orth have two separate types of concerns related to the proposed alignment.

### **The First Type of Concerns –**

The first type of concerns is very important to the Orths, but may not involve considerations that the Corps is *primarily* concerned with. These concerns deal with the loss of the peace and isolation that is a real and perceptible benefit afforded by their 82 acre tract. Attachment D shows that the Orth’s property is virtually centered in a large area that is relatively undeveloped. It is no accident that they located in the heart of this under-developed area. They deliberately sought out this isolated and quiet area.

The farmhouse is the white roof in the center of a circle of trees at the approximate North-South middle of the pastures (see Attachments E and F). The property lines extend well beyond the pastures (see Attachments B & C for an approximate idea).

The present Preferred Alignment will place a new four-lane limited access highway very near their home (within approximately 200 feet) and will have an enormous adverse impact upon what has been, until now, a tranquil country estate.

While these concerns are significant and real, we understand that these concerns may not be the primary matters that your permit application reviews are directed toward. Nevertheless, we ask that you give at least some consideration to the detrimental effect of placing a new highway facility along new alignment through the heart of an area that is relatively undeveloped.

### **The Second Type of Concerns**

The second type of concerns more directly addresses what your permit application reviews are concerned with, and involve various environmental and ecological factors. The ecological findings mentioned below are based on a survey made by a biologist from Baton Rouge.

First, there are mature oak and magnolia stands on the ridge north and west of the Orth's residence. Dominant overstory species in this area include live oak (*Q. virginiana*), southern magnolia (*Magnolia grandiflora*), sweetbay magnolia (*M. virginiana*), and diamondleaf oak (*Quercus laurifolia*).

There is an enormous population of farmed pines in this general area. For example Log Cabin Road (approximately 2,000 feet west of the Orth property, and shown on Attachment E) services very large tracts of farmed loblolly pines. The population of farmed pines in this local region far exceeds the relatively more rare mature native live oaks and magnolias, many of which are situated on the Orth property. The timber on the pine plantations is, after all, destined by its owners to be harvested.

We believe that when compared to a crop of pine timber that is intended to be temporary in nature, the relatively more permanent and more desirable mature native live oaks and magnolias should be preserved where it is reasonable and possible to do so. Shifting the alignment slightly to the west (perhaps to the general area of Log Cabin Road) would preserve all or almost all of the oaks and the mature magnolias on the ridge.

Secondly, there is a transitional area of mixed pine and hardwood

between the pine plantation (west of the Orth property) and the live oak and magnolia stands near and on the Orth property. This transitional area is along the west edge of the ridge and is within the estimated proposed ROW of the Preferred Alternative. It contains understory species present in pitcher plant bogs. Species found in this transitional area include a significant population of yellow pitcher plants (*Sarracenia alata*) very near the western edge of the ridge. Several other species were found in common habitat with the pitcher plants, including ladies' hat pins (*Eriocaulon decangulare*), yellow-eyed grass (*Xyris* sp.), club moss (*Lycopodium* sp.) and sphagnum moss (*Sphagnum* sp.). Additional understory species in the transitional area were switchcane (*Arundinaria gigantea*), St. John's wort (*Hypericum* sp.) and netted chainfern (*Woodwardia areolata*).

These understory species were not found further west in the pine plantation. Again, shifting the alignment west to the general location of Log Cabin Road would preserve the pitcher plants and the other species found in the transitional area.

The area shortly west of the Preferred Alternative ROW does not contain any inhabited dwellings or other structures that would be disturbed if the alignment were shifted slightly to the west. There are no indications that that area contains any populations of relatively rare or endangered species which would be disturbed if the alignment were shifted slightly to the west.

For all of these reasons, we request that any permits granted to DOTD be conditioned upon shifting this area of the alignment to the west approximately 2,000 feet.

We understand both the enormity and the significance of the task before you, and we particularly appreciate your consideration of these environmental issues. We would also appreciate you passing these comments along to any other individual or agency that might also have oversight of matters such as raised herein.

Thank you very much.

Sincerely,

*Jerry F. Davis*

Jerry F. Davis

JFD/hs

encls: Attachment A: Survey of Orth property made by Land  
Surveying, Inc. (Jeron R. Fitzmorris, R.L.S.)  
dated December 3, 2004

Attachment B: Map 4 of the 7 maps prepared October 2006  
as a part of DOTD's I-12 to Bush Corridor  
Study..

Attachment C: Enlarged portion of Attachment B

Attachment D: GoogleEarth photo – wide view

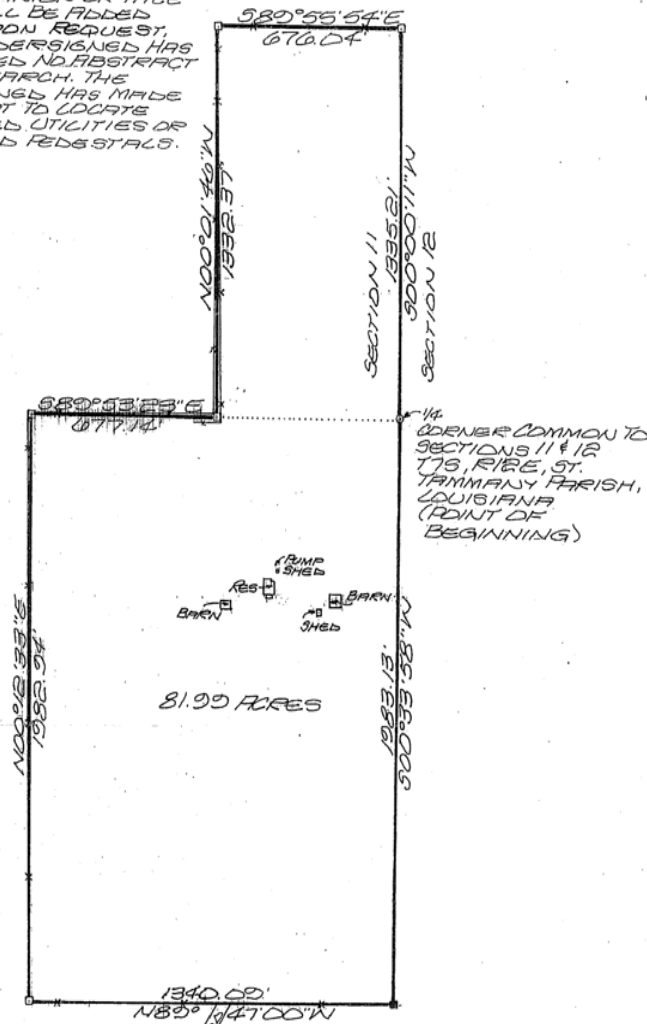
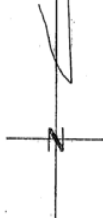
Attachment E: GoogleEarth photo – medium view

Attachment F: GoogleEarth photo – close view

cc: Mr. & Mrs. James E. Orth (via email)

Roy E. Blossman (via email)

ARE NOT NECESSARILY EXCLUSIVE.  
 EVIDENCES OF RECORD AS SHOWN  
 ON TITLE OPINION OR TITLE  
 POLICY WILL BE ADDED  
 HERETO UPON REQUEST.  
 AS THE UNDERSIGNED HAS  
 PERFORMED NO ABSTRACT  
 OR TITLE SEARCH, THE  
 UNDERSIGNED HAS MADE  
 NO ATTEMPT TO LOCATE  
 ANY BURIED UTILITIES OR  
 ASSOCIATED PEGS STAKES.



THIS PROPERTY IS  
 LOCATED IN FLOOD  
 ZONE 0, AS PER  
 FEMA FIRM, COMM.  
 PANEL NO. 225205  
 D275 C, MAP  
 DATED 10-17-1980.

THIS MAP IS CERTIFIED TO FIRST  
 AMERICAN TITLE INSURANCE  
 COMPANY, CRAVER, DARLEN,  
 KORETZKY, TITESSIER, FINN,  
 BOSSMAN & FREAU, LLC.

THIS MAP IS IN ACCORDANCE WITH THE  
 MINIMUM STANDARD DETAILED REQUIREMENTS  
 PURSUANT TO THE ACCURACY STANDARDS  
 OF A D SURVEY AND THE APPLICABLE  
 STANDARDS OF PRACTICE CITED IN LAC  
 40:441.

ANGLE IRON FOUND  
 CON. MON. FOUND  
 WOOD FOUND

MAP PREPARED FOR **RAY MORALES** WIFE OF AND **ATTMT A**  
**JAMES E. ORTH**  
 SHOWN A SURVEY MADE OF PROPERTY LOCATED IN SECTION 11 TOWNSHIP 7 SOUTH,  
 RANGE 12 EAST, ST. TAMMANY PARISH, LOUISIANA

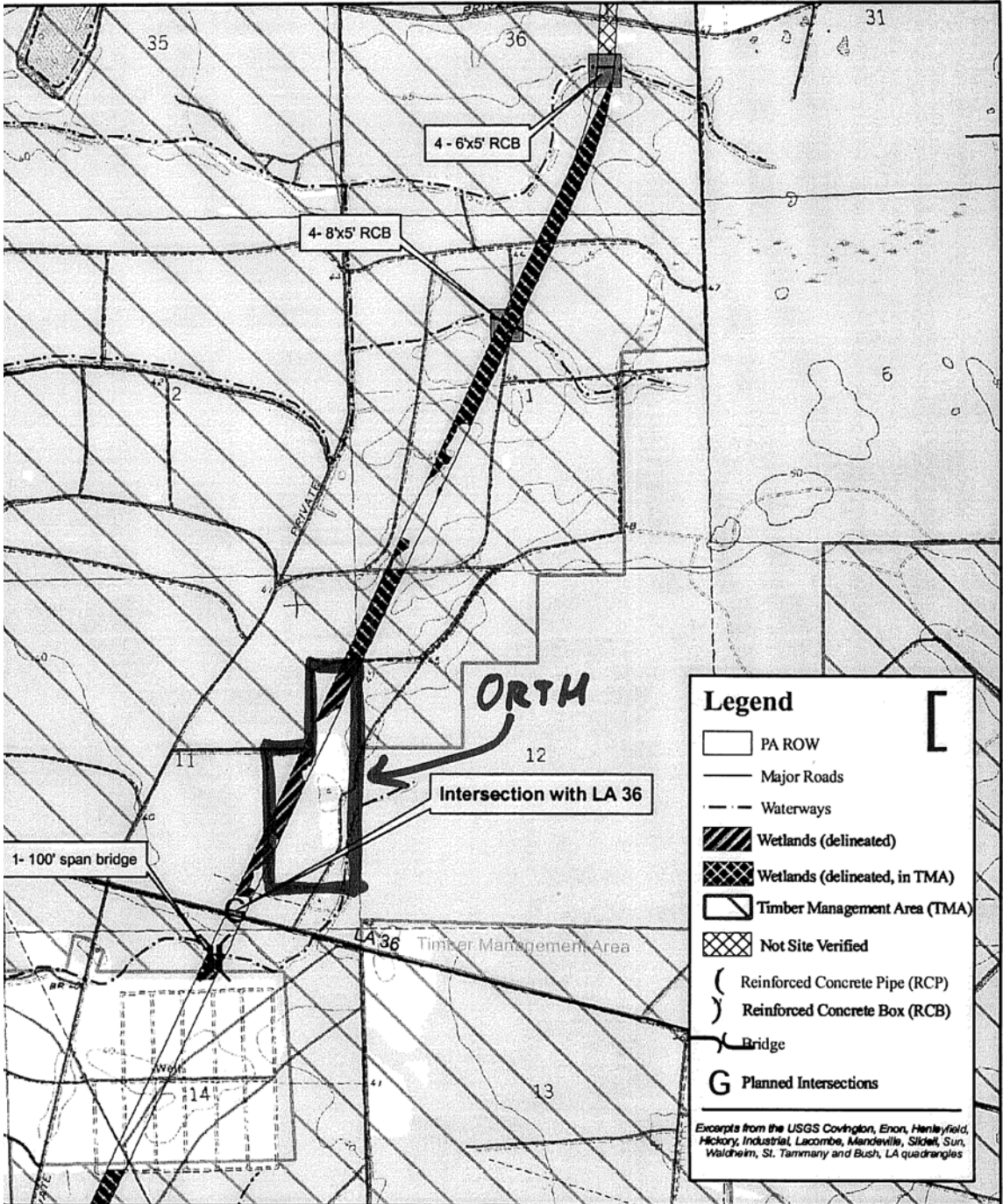
THIS MAP IS IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE SUPERVISION OF THE UNDERSIGNED:  
 SIGNATURE AND STAMPED SEAL MUST BE IN RED OR THIS PLAT IS NOT A TRUE COPY.

**LAND SURVEYING Inc.**  
 COVINGTON, LOUISIANA

CERTIFIED CORRECT  
  
 LOUISIANA REGISTERED LAND SURVEYOR

SCALE: 1" = 400'      DATE: December 3, 2004      NUMBER: 11012



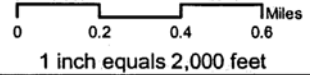


**I-12 to Bush Corridor Study**  
 State Project No. 700-52-0124 (TIMED)

**BKI BURK-KLEINPETER, INC.**  
 PROFESSIONAL ENGINEERS, PLANNERS, ENVIRONMENTAL SCIENTISTS

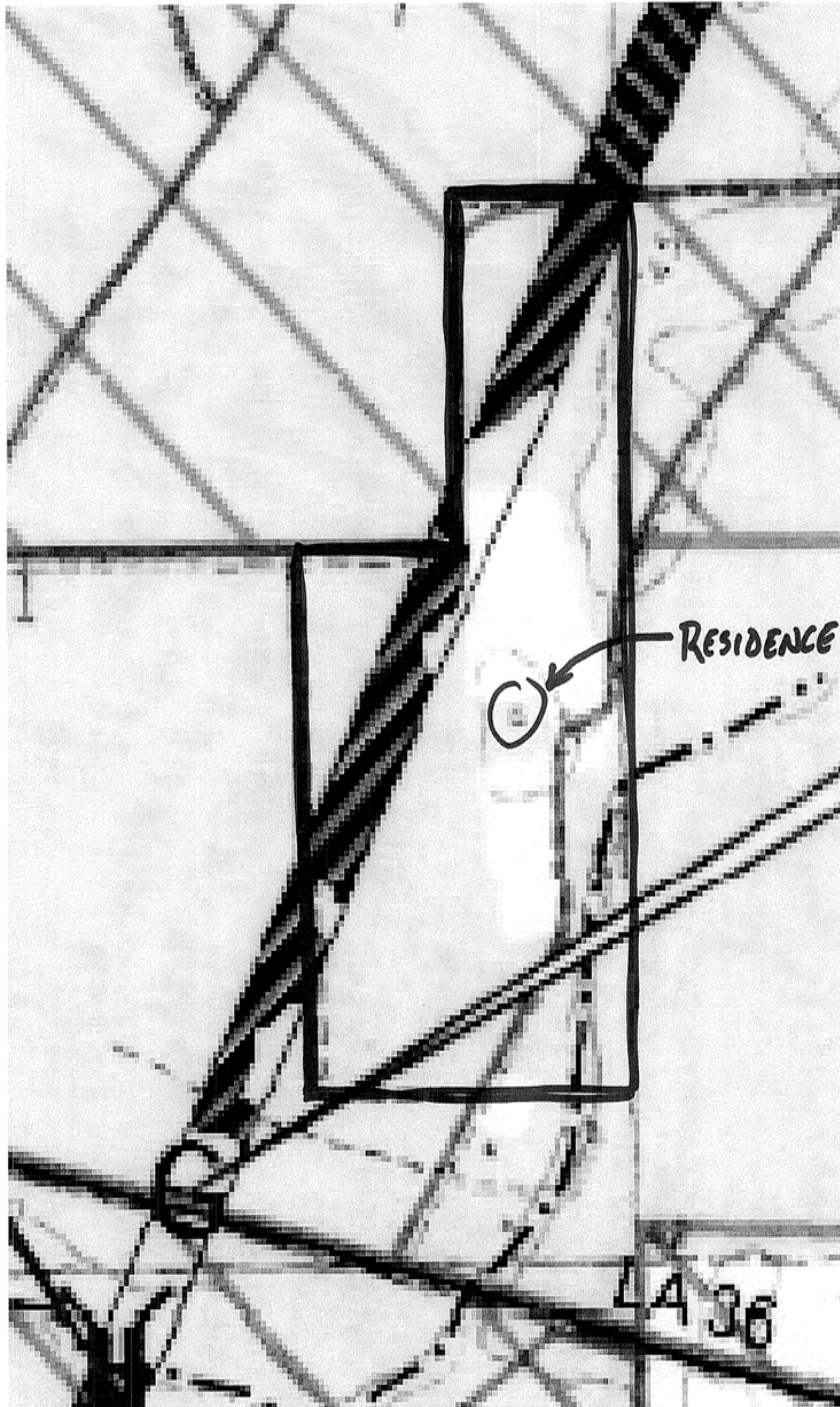
BKI Job No. 10090-06/07  
 October 2006

**Map 4 of 7**  
 Detailed Corridor Maps

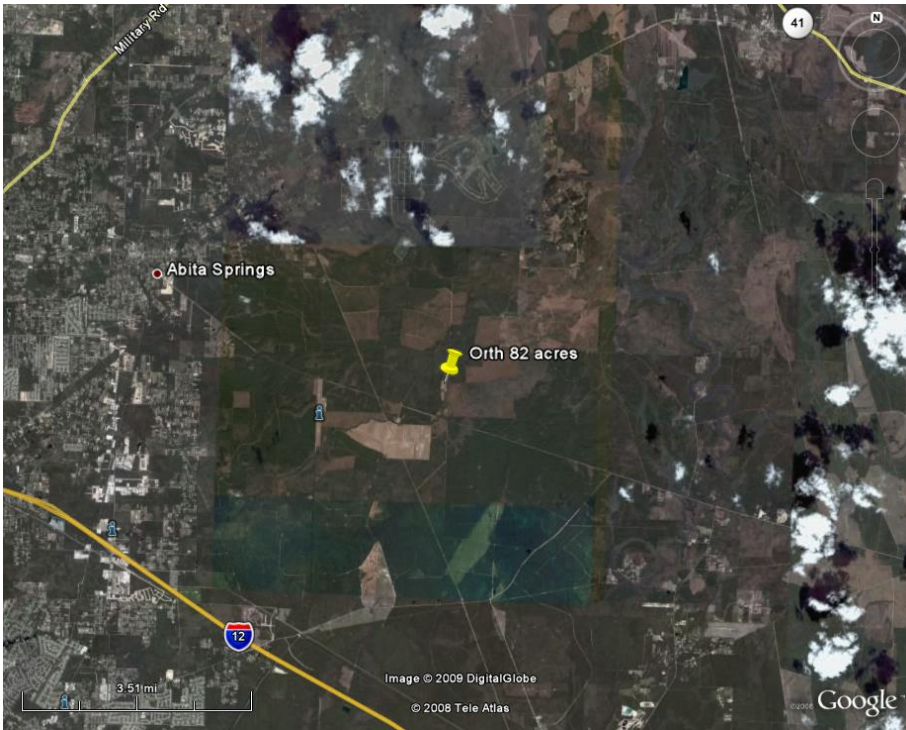


*ATTMT B*

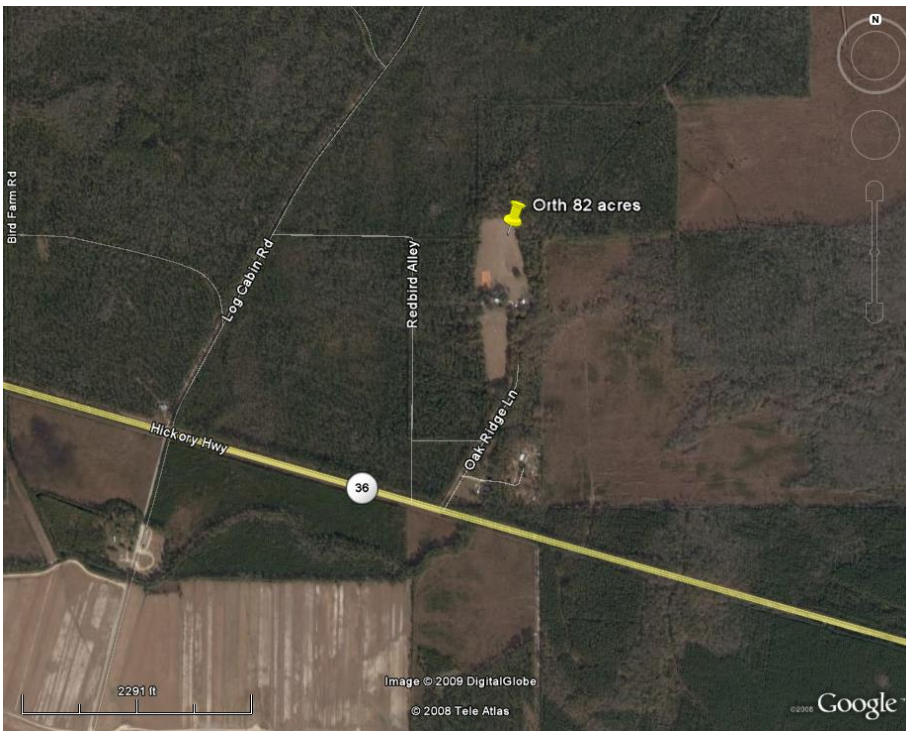
Enlarged Portion of Map 3



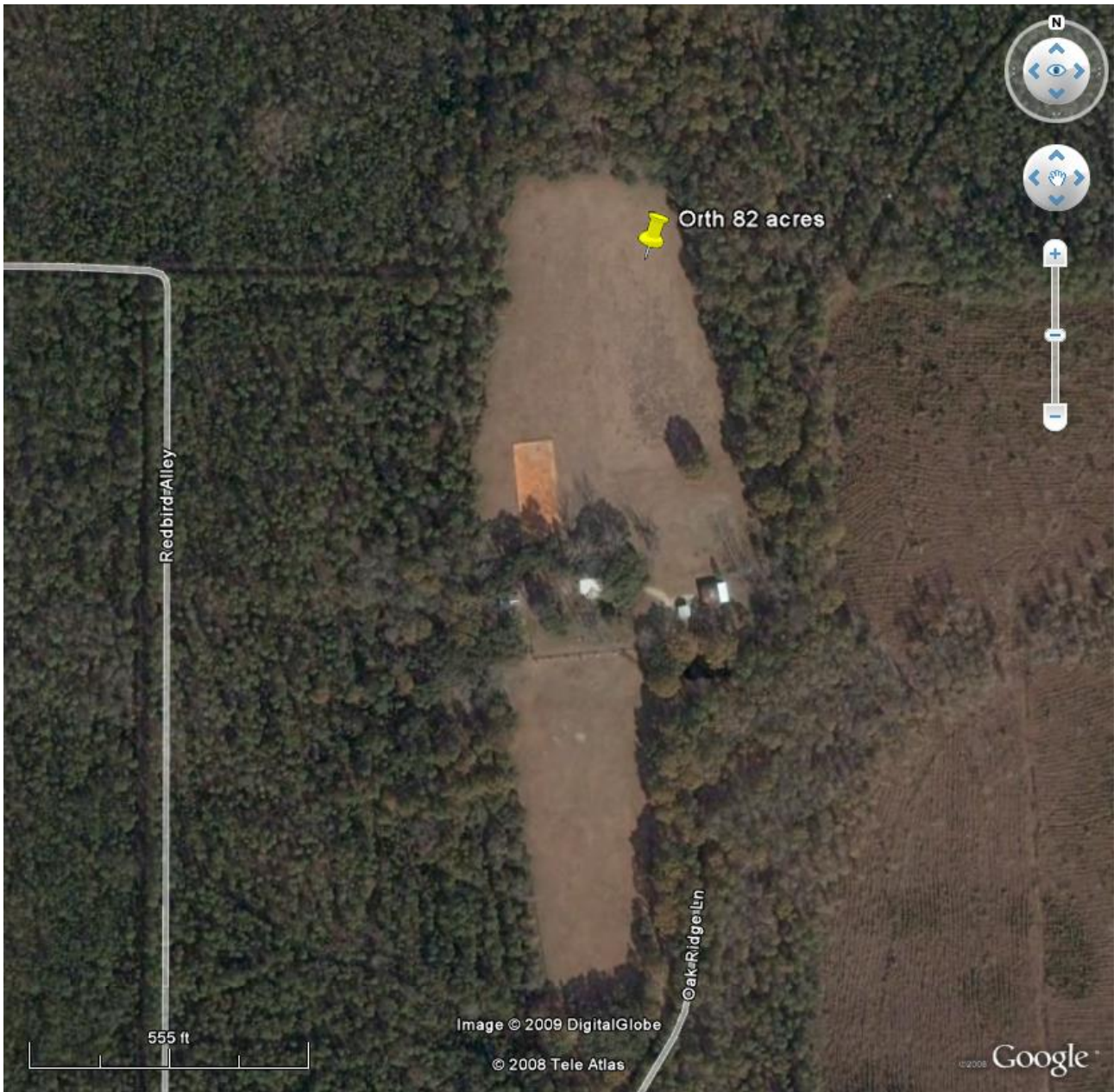
ATTMT C



Attachment D



Attachment E



Attachment F

## 6.1.4 Lake Pontchartrain Foundation

### Barlow, James A MVN

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**From:** Rebecca Cope [rebecca@saveourlake.org]  
**Sent:** Friday, February 20, 2009 2:35 PM  
**To:** Barlow, James A MVN  
**Subject:** Hwy 3241 EA  
**Attachments:** Hwy 3241 EA.doc



Hwy 3241 EA.doc  
(103 KB)

Mr. Barlow -

The Lake Pontchartrain Basin Foundation appreciates the opportunity to review and comment on the EA for the Hwy 3241 proposal. Attached are our comments regarding the project. A return reply acknowledging receipt would be much appreciated. Thanks, Rebecca Cope

Rebecca Weatherall Cope  
Environmental Specialist  
Lake Pontchartrain Basin Foundation

rebecca@saveourlake.org  
(504) 836-7208



February 20, 2009

James A. Barlow  
US Army Corps of Engineers  
Regulatory Branch  
P.O. Box 60367  
New Orleans, LA 70160

Dear Mr. Barlow,

I am writing on behalf of the Lake Pontchartrain Basin Foundation (LPBF) concerning the environmental assessment (EA ) conducted for the proposed Highway 3241 from Bush, LA to Interstate 12. After careful review of the environmental assessment it is clear that none of the alternatives examined are suitable. LPBF can only recommend the Corp's "No Build" alternative.

LPBF has many concerns regarding the environmental impacts of this project, which we have voiced many times over the lifetime of this proposal. The recent environmental assessment only confirms these concerns, giving real values to the potential environmental damage. LPBF sees no justification for the loss of hundreds of acres of wetlands, the adverse impacts to water quality, and the subsequent impacts on wildlife. The reduction in travel time provided by the various DOTD alternatives is negligible, and the actual benefits to the economic development of the Bogalusa community are uncertain. Overall, as stated many times throughout the EA, adverse impacts outweigh any benefits of this project.

Outlined below are our specific concerns regarding this project:

**1) Substantial impacts to wetlands will result.**

This project will directly affect between 327.2 and 472.9 acres of wetlands. It will secondarily impact between 7,900 and 10,300 acres of wetlands. Wetland habitat is an invaluable natural resource for the State of Louisiana and to the nation as a whole. Wetlands provide many vital functions, such as providing flood storage and protection, water quality enhancement, and vital wildlife habitat. The loss of our wetlands on a scale of such magnitude will have severe consequences.

As discussed in the EA, the majority of the project area consists of pine flatwoods and savanna. Most of the flora found in pine savannas cannot exist in any other habitat. Moreover, many endangered plant and animal species are reliant on the pine savanna ecosystem, and consequently are also in jeopardy as it slowly disappears.

**2) The project is incompatible with on-going coastal restoration efforts, and does not comply with Governor Jindal's Executive Order BJ2008-7.**

Governor Jindal's Executive Order BJ 2008-7, released January 23, 2008, on activity and permit consistency with Louisiana's Comprehensive Master Plan for A Sustainable Coast, directs state agencies to support the expediting of hurricane and coastal protection projects and to ensure sustainable practices in the coastal zone. Clearly, this proposal does not reflect this directive. The direct destruction of and subsequent secondary impacts to wetland habitat resulting from this project will only weaken an already vulnerable coastline. It is the duty of the Corps to deny permits for such projects. Furthermore, the applicant, the Louisiana Department of Transportation and Development, is a state agency that is applying for a state project and should therefore adhere to Governor Jindal's Executive Order.

**3) Substantial impacts to water quality will result.**

The proposed alternatives cross anywhere from three to thirteen waterways. The dredging and filling of wetlands, ditching, and culvert construction for the creation of a new highway will modify existing hydrological regimes and introduce tremendous amounts of sediment to the associated waterways. Additionally, the potential for

contaminants to be introduced into the waterways continually from highway traffic once construction is complete is very high, as the impervious surface will allow for stormwater to flow straight into ditches and thence into surrounding waters. There is also the potential for contamination resulting from the use of hauled-in materials.

Several of the rivers which could be directly impacted by this project are included in Louisiana's Natural and Scenic Rivers System. These include Ten Mile Creek, Bayou Lacombe, the Bogue Falaya, the Abita River, and the Ponchitolawa (a tributary of the Tchefuncte). As stated in the Louisiana Scenic Rivers Act (Title 56), these rivers were selected to be a part of the Scenic Rivers "for the purposes of preserving, protecting, developing, reclaiming, and enhancing the wilderness qualities, scenic beauties, and ecological regime[s]" and for "preserving aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features and resources found along these streams or segments thereof." In short, these rivers are important natural resources with intrinsic value which should be maintained. LPBF has worked for many years to protect and preserve the water quality of several of these Scenic Rivers, along with several others in the project area. We have made much progress, however this project has the potential to cause many setbacks.

#### **4) Hydrological modeling is not sufficient.**

The applicant failed to provide hydrological models for all of the alternatives except for the one they found most suitable for their needs. This makes it almost impossible to adequately review any of the other possible alternatives. While LBBF maintains its opposition to the construction of any new highway through this sensitive environment, hydrological modeling must be completed for all alternatives of interest. The alteration of the natural hydrology of the project area will have many environmental consequences and the failure to include such models in the descriptions of the possible routes shows a disregard for the potential implications of this project.

#### **5) The planned interchange at I-12 must be considered in conjunction with this proposal.**

The applicant has assumed in several of the alternatives that the LA 1088/I-12 interchange will indeed be constructed. Specifically, Alternative "P", the applicant's preferred route, assumes the existence of this interchange. As stated in the EA, "[t]he applicant has decided to seek separate authorization for the proposed interchange as there are Federal Funds involved through a demonstration project at this site. An application for work in wetlands associated with this interchange has not been submitted to the Corps."

As discussed in previous comments LPBF has submitted regarding this project, the interchange is a federally-funded project, while the highway is a state-funded project. LPBF believes that these two projects are not mutually exclusive of one another and, regardless of their funding, should be considered together as a single project by the regulatory permitting agencies. In comments submitted to the Corps dated September 27,

1996, LPBF noted that “one could conclude the [LA DOTD] chose to omit the interchange because by including it in the application would trigger NEPA, and require LA DOTD to complete an EIS for the project. IF LA DOTD comes back at a later date and constructs the interchange after the highway is constructed, the agency would not have to complete an EIS or EA on the interchange itself. The damage would have already been done.”

**6) Vital habitat for several endangered species will be destroyed or compromised.**

As previously mentioned, the loss of pine savanna habitat found within the project area will mean the loss of many endangered plant and animal species linked to it. Throughout the project area, however, and not just in this one habitat type, endangered plants, reptiles, amphibians, and birds will be imperiled. These include the eastern diamondback rattlesnake, the flatwoods salamander, the gopher frog, the pine snake, the southern hognose snake, the gopher tortoise, Bachman’s sparrow, and the red-cockaded woodpecker. These animals are already on the brink of survival, mostly due to the loss of habitat due to development. The loss many more acres of vital habitat will only hasten the demise of their populations.

**7) Cumulative impacts of induced development will cause further environmental degradation.**

The creation of a new highway will inevitably open the entire corridor for new development. This will cause further damage to wetlands and waterways. The unprecedented development boom on the northshore of Lake Pontchartrain in recent years has already destroyed acre upon acre of wetland habitat and had severe impacts on water quality. By opening yet another corridor for development, the cumulative impacts of this proposed project will be significant.

**8) Travel times will not be decreased significantly.**

It is stated that the alternatives deemed practicable by the applicant will decrease the time for commuting between Bogalusa and I-12 by four to twenty minutes. Additionally, if any of the alternatives serve to reduce traffic congestion at all, it will be minimal. The Corps must weigh the cost of the habitat loss presented by this project to the benefit of a possible four minute savings in travel time. Even if twenty minutes of travel time are saved, is this worth the loss? We must take into account the implications of impacting up to 10,000 acres of wetland from an already compromised coastal zone. Not only will we be losing important wildlife habitat, but we will be losing our natural storm protection. The mere idea of destroying such vast areas of wetland for a road that might save someone an average of twelve minutes absolutely goes against current efforts to restore and preserve our coast.

**9) Economic benefits to the community of Bogalusa are uncertain.**

There is no way of knowing whether or not a new highway would spur economic



development in Bogalusa. LPBF agrees with the statement made in the EA that “improved transportation access provided by a new 4-lane highway alone would not be the sole driving force needed to bring new economic development and growth opportunities.” The applicant surmises that the more direct access to the I-12 corridor would enable economic growth, with respect to wholesale trade, transportation and warehousing. The applicant is assuming that the expansion in these sectors seen in St. Tammany parish in the last twenty years will be repeated in Washington parish if this new highway is constructed. St. Tammany parish has two major interstates running through it, which is what has allowed for this expansion. Washington parish, unfortunately, is located away from such interstates. Providing a new highway may increase accessibility, but this by no means ensures an economy-stimulating effect. Even if a new road were constructed and reduced the travel time from I-12 to Washington parish by 20 minutes, trucks would still have to make a 25 minute trip off the highway to get there.

The Lake Pontchartrain Basin Foundation maintains its opposition to this project as a whole based on the substantial and significant adverse impacts it could have on our natural resources. As we have stated many times in the past, the direct, secondary and cumulative impacts from the construction of Highway 3241 could make this the single largest, most significant project seen in decades on Lake Pontchartrain’s northshore. We vehemently recommend the “No Build” alternative.

We appreciate the opportunity to review and comment on the Highway 3241 Environmental Assessment, and request to be notified immediately of any EIS findings.

Sincerely,  
Rebecca Cope  
Environmental Specialist

6.2 Letters:

6.2.1 Jo Ann & Joseph Hanson;

P.O. Box 154  
Box Bar Ranch  
(Hwy 435 3 miles Aluta  
Springs)  
ABITA Springs, Louisiana  
70420 (985-892-3215)  
Feb. 10<sup>th</sup> 2009

Dear Mr. James Barlow  
and  
Corp. of Engineers  
and  
Louisiana Dept. of Transportation

Thank you for coming to Aluta Town  
Hall Meeting on Jan. 22, 2009 6 PM  
I-12 to Bush EIS  
Corp. of Engineers MVN-2005-00037-MJ  
State Project # 700-52-0198 (TIMED)

JO ANN & JOSEPH HANSON  
HANSON FAMILY

Next time will you please be sure  
your meeting is published in all local  
newspapers

I have a beautiful 32 acre old century  
farm in heart of St. Tammany Parish  
with abundance of wildlife & more --  
we took direct hit from Katrina --  
But, we're coming back strong & alive --  
I raise cattle, timber, etc...

Please do not put the road  
thru my farm -- <sup>enough</sup> <sup>can</sup> <sup>stop</sup> <sup>change!</sup>  
Thank you -- Jim & Jo Hanson

6.2.2 The League of Women Voters of St. Tammany



FEB 18 2009  
THE LEAGUE  
OF WOMEN VOTERS  
OF ST. TAMMANY  
www.lwvst.info

February 14, 2009

US Army Corps of Engineers  
Regulatory Branch  
P.O. Box 60267  
New Orleans, LA 70160



Attention: James Barlow, Project Manager  
Project: I-12 to Bush (Bogalusa) EIS  
COE: MVN-2005-00037-MJ

LA Project No. 600-52-0198 (TIMED) Hwy. 3241 (Act No. 16 - 1<sup>st</sup> Extraordinary Session 1989)  
(Act No. 64 - Regular Session 1998)

LWV St. Tammany Comments - EIS Scoping Meeting January 22, 2009

Dear Mr. Barlow,

The League of Women Voters of St. Tammany has been involved with this project for many years. We appreciate the fact that the USCOE is undertaking this study. We also appreciate the opportunity to once again comment on this proposed highway.

This roadway was conceived more than 20 years ago as a conduit for manufactured goods to travel to and from Bogalusa. (Act No. 16-1989) Conditions have changed considerably in Washington Parish since then. Many of the industries that once dominated the Bogalusa area are no longer there, mostly due to changing international economic trends.

We have also learned the importance of wetlands when it comes to protecting the more urbanized areas. We cannot afford to continue making the mistakes we made twenty years ago. The time has come to recognize the true costs of destroying our wetlands and to change the way we make decisions.

The "DOTD Preferred route" of this highway will impact the Pearl River and Tchefuncte River Basins and destroy 328 acres of wetlands. There are numerous streams and wetlands areas the road will have to cross if it is built where "preferred". The destruction of these 328 acres of wetlands will have severe consequences on the adjoining landowners. Of course one solution might be to build many sections of elevated roadway... a very expensive proposition.

The road, as planned, will directly impact two subdivisions, Oak Knoll and Golden Oaks, essentially subdividing the neighborhoods with the proposed four lane divided highway. This project also abuts land that is managed by The Nature Conservancy (Talisheek Pine Wetlands and the Abita Creek Flatwoods) and the Bayou Lacombe Mitigation Bank. This highway and the ensuing development will destroy a significant amount of habitat in St. Tammany Parish and will forever change the character of St. Tammany.

Post Office Box 8, Covington, LA 70434

There are many additional considerations to factor in to concerns and objections to building this roadway on the "preferred route" among which are the following:

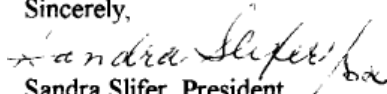
1. Will ensure Urban Sprawl. This will add to energy use, increase our carbon footprint, and will dump people/trucks in middle of parish (Highway 1088 Interchange) without adequate north and south roadways, resulting in traffic congestion and dangerous encounters on narrow roads for which there are no improvement plans.
2. Will destroy eco-systems by bisecting the natural patterns of drainage, animals and birds, upsetting balances of predation and subsistence.
3. Will destroy habitat /wildlife by fracturing flyway patterns for migrating birds (St. Tammany is part of the Central Flyway), disturbing areas inhabited by the Gopher Tortoise, Red Cockaded Woodpecker and rare flora not within Nature Conservancy boundaries.
4. Will damage silviculture, an established industry that is vital to parish drainage and which contributes to parish revenue.
5. Will destroy quality of life of citizens already living in center of parish for rural qualities by damaging air quality (vehicle exhaust); impacting the water quality of streams from heavy roadway run-off; and create noise pollution where there has been only natural sounds.
6. Will cause more congestion at exit off Hwy.190/I-12 putting additional burdens on Highway 190 and the Lake Pontchartrain Causeway, adding to this area's air, water and noise pollution.
7. Will need to have limited access on the entire route to its intersection with the Interstate.
8. The cumulative impacts brought by building this roadway on the "preferred" route will far exceed the one-half mile and one mile distances that were discussed at the scoping meeting. Long term, detrimental impacts on water quality, air quality and drainage will ultimately destroy far more than the above described impacts.

According to survey results published in the St. Tammany Parish government-Parish President newsletter from January 2009, residents have identified increasing the capacity of current roads as a much higher priority than building new roads. In fact, the top two priorities were increasing storm water drainage and maintaining current ditches and laterals.

The League of Women Voters of St. Tammany believes that if a roadway must be built, LA Highway 41/train tracks would be a more efficient use of already damaged eco-systems. Vehicles would be able to exit on I-12 with better choices for distribution of traffic. This exit point would enable travel either east to Mississippi, west to Tangipahoa or south to New Orleans without "doubling back". It would be a direct path to New Orleans via the twin spans across Lake Pontchartrain to access employment, for instance or to Slidell for physicians or shopping.

If this highway is indeed required to be built, let us build it with common sense.

Sincerely,

  
Sandra Slifer, President  
985-875-9388  
[sandraslifer@gmail.com](mailto:sandraslifer@gmail.com)

  
Barbara Dodds  
985-892-8671  
[barb35@bellsouth.net](mailto:barb35@bellsouth.net)

### 6.2.3 Louisiana Department of Wildlife and Fisheries;



Bobby Jindal  
Governor

State of Louisiana

Robert J. Barham  
Secretary

Department of Wildlife and Fisheries  
Office of Wildlife

Jimmy L. Anthony  
Assistant Secretary

May 5, 2009

Mr. Pete J. Serio, Chief  
Regulatory Branch  
United States Army Corps of Engineers  
P. O. Box 60267  
New Orleans, LA 70160-0267

RE: *Application Number: MVN-2005-37*  
*Applicant: Louisiana Department of Transportation and Development*  
*Public Notice Date: December 22, 2008*

Dear Mr. Serio:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the above referenced Public Notice for the Scoping Analysis Meeting for developing a Draft Environmental Impact Statement (EIS) on a proposed highway between Bush, Louisiana and I-12, in Saint Tammany Parish. LDWF staff recommends that the Draft EIS consider the following when developing, evaluating, and comparing alternative highway alignments:

- Adverse impacts to plant species, animal species, and natural communities that are listed as rare, imperiled or critically imperiled within Louisiana;
- Direct impacts to wetlands, natural waterways, and other fish and wildlife resources;
- Indirect impacts including altering hydrology of adjacent wetlands, habitat fragmentation, reduction of flood flow attenuation of affected wetlands, reduction of water quality enhancement functions of affected wetlands, potential for increased development pressure, and creation of dispersal corridors for exotic invasive species;
- Adverse impacts to protected areas such as Wildlife Management Areas, state designated Natural and Scenic Rivers, National Wildlife Refuges, National Forests, State Forests, State Parks, wetlands mitigation banks, The Nature Conservancy lands, etc.

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to contact Kyle Balkum of our Habitat Section at 225-765-2819 should you need further assistance.

Sincerely,

Jimmy L. Anthony  
Assistant Secretary

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## 6.2.4 U.S. Fish and Wildlife Service;



### United States Department of the Interior

FISH AND WILDLIFE SERVICE  
646 Cajundome Blvd.  
Suite 400  
Lafayette, Louisiana 70506



December 16, 2008

Dr. James A. Barlow  
Project Analyst  
New Orleans District Corps of Engineers  
Post Office Box 60267  
New Orleans, Louisiana 70160-0267

Dear Dr. Barlow:

The U.S. Department of the Interior, Fish and Wildlife Service (Service) has reviewed the November 19, 2008, Federal Register Notice (our reference number ER 08/1203) announcing a Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for a proposed highway between the town of Bush and Interstate Highway 12, in St. Tammany Parish, Louisiana. That notice provides the Service an early opportunity to submit technical assistance input to the DEIS scoping process. In response to that request, we offer the following comments in accordance with the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321-4347).

#### Impacts to Federally Listed Species

Four threatened and endangered species, including the Louisiana quillwort, gopher tortoise, red-cockaded woodpecker and ringed mapped turtle occur within the proposed project area. A brief description of those species and their habitat requirements are described below.

#### Louisiana Quillwort

Federally listed as an endangered plant species, the Louisiana quillwort (*Isoetes louisianensis*) grows on sand and gravel bars on the accreting sides of streams and moist overflow channels within riparian forest communities in Washington and St. Tammany Parishes, Louisiana, as well as 10 counties in Mississippi and 2 counties in Alabama. The Louisiana quillwort is a small, semi-aquatic, facultative evergreen plant with spirally arranged leaves (sporophylls) arising from a globose, two-lobed corm. The hollow leaves are transversely septate, and measure approximately 0.12 inches wide and up to 16 inches long. Major threats to this species are habitat loss through hydrologic modifications of stream habitat, and land use practices that significantly alter stream water quality and hydrology. Apparently, it is dependent on a special hydrologic regime resulting from the presence of small springs scattered at the base of banks or bluffs. The Louisiana quillwort may be directly or indirectly impacted by construction activities that destroy their colonies, or that reduce their habitat via water quality degradation or changes in stream



morphology. Should direct or indirect project impacts occur in streams containing this species, further consultation with this office will be required.

### **Gopher Tortoise**

The gopher tortoise (*Gopherus polyphemus*), which is federally listed as a threatened species, is known to inhabit the Ben's Creek Wildlife Management Area (WMA), as well as pipeline rights-of-way (ROWs) and powerline ROWs in Washington Parish, Louisiana. The gopher tortoise is associated with areas that have well-drained, sand or gravel soils appropriate for burrow establishment, ample sunlight for nesting, and understory vegetation suitable for foraging (i.e., grasses and forbs). Gopher tortoises prefer "open" longleaf pine-scrub oak communities that are thinned and burned every few years. The gopher tortoise is the only native tortoise found in the southeastern United States. Habitat degradation (lack of thinning or burning on pine plantations) and conversion to agriculture or urbanization have contributed to the decline of that species. That habitat decline has generally concentrated remaining gopher tortoise populations along pipeline and powerline rights-of-way within their range in Louisiana.

Please note that the Corps has an affirmative responsibility to consult with the Service regarding the project effects to federally listed threatened or endangered species and their habitat. A qualified biologist should conduct a survey for the exact locations of gopher tortoises and/or their burrows. We recommend that you provide this office with a copy of the survey report, which should include the following information:

1. survey methodology including dates, qualifications of survey personnel, size of survey area, and transect density (preferably every 10 meters);
2. general soil type, understory conditions, percent canopy cover, and species composition (several representative photographs should be included);
3. number of gopher tortoise burrows observed and signs of activity (i.e., fresh dirt around the burrow entrance, trails leading to and from the burrow, etc);
4. presence or absence of gopher tortoises outside the burrow; and
5. topographic quadrangle maps which illustrate areas of adequate gopher tortoise habitat, burrow sites, and individual and colony locations relative to proposed construction activities.

The Corps should also provide this office with a Biological Assessment (BA) of project effects to the gopher tortoise and its habitat. At a minimum, that BA should include:

1. A detailed description of the proposed project. That description should include a plat depicting the precise location and dimensions of all project-related activities.
2. A detailed description of the specific area and habitats that would be affected by the proposed project. That description should include a plat depicting the precise location of the proposed project features in relation to gopher tortoise burrow locations and suitable habitat, particularly those within the immediate project area.

3. A detailed description of the secondary or indirect project impacts. That description should include a plat depicting the dimensions of the proposed project features in relation to gopher tortoise burrow locations and suitable habitat, as well as a complete description of any monitoring plans that would be implemented before, during, and after construction.

### **Red Cockaded Woodpecker**

The endangered red-cockaded woodpecker (RCW, *Picoides borealis*) nests in open, park-like stands of mature (i.e., greater than 60 years of age) pine trees containing little hardwood understory or midstory. RCWs can tolerate small numbers of overstory hardwoods or large midstory hardwoods at low densities found naturally in many southern pine forests, but they are not tolerant of dense hardwood midstories resulting from fire suppression. RCWs excavate roost and nest cavities in large living pines (i.e., 10 inches or greater in diameter at breast height). The cavity trees and the foraging area within 200 feet of those trees are known as a cluster. Foraging habitat is defined as pine and pine-hardwood (i.e., 50 percent or more of the dominant trees are pines) stands over 30 years of age that are located contiguous to and within one-half mile of the cluster.

If the proposed project area does not contain suitable nesting and/or foraging habitat as defined above, further consultation with the Service for this project will not be necessary. If suitable nesting and/or foraging habitat does exist, however, all suitable nesting habitat within a one-half mile radius from the project boundary should be carefully surveyed by a qualified biologist for the presence of RCW clusters in accordance with the RCW Recovery Plan (2003) survey protocol. We recommend that you provide this office with a copy of the survey report, which should include the following details:

1. survey methodology including dates, qualifications of survey personnel, size of survey area, and transect density;
2. pine stand characteristics including number of acres of suitable nesting and/or foraging habitat, tree species, basal area and number of pine stems 10 inches or greater per acre, percent cover of pine trees greater than 60 years of age, species of dominant vegetation within each canopy layer, understory conditions and species composition (several representative photographs should be included);
3. number of active and inactive RCW cavity trees observed and the condition of the cavities (e.g., resin flow, shape of cavity, start-holes);
4. presence or absence of RCWs; and
5. topographic quadrangle maps which illustrate areas of adequate RCW nesting and/or foraging habitat, cluster sites, and cavity tree locations relative to proposed construction activities.

If no RCW clusters are found within a one-half mile radius of the project boundary, a request for our concurrence with your “not likely to adversely affect” determination, as well as the basis for



your determination, should be included with the survey report. If we concur with that determination, no further consultation with this office will be necessary. If RCW clusters are found in the surveyed areas, however, then further consultation with this office will be required.

### **Ringed Map Turtle**

The threatened ringed map (=sawback) turtle (*Graptemys oculifera*) is endemic to the Pearl River system. In Louisiana, it occurs in the Bogue Chitto River south of Franklinton, and in the Pearl River north of Louisiana Highway 190 in St. Tammany and Washington Parishes. It is found in riverine habitats with moderate currents, channels wide enough to permit sunlight penetration for several hours each day, numerous logs for basking, and large, sandy banks that are used for nesting. Habitat loss (i.e., loss of exposed sandbars, basking areas) and water quality degradation (which decreases food supply) have contributed to the decline of this species. Should the proposed project directly or indirectly affect the ringed sawback turtle or its habitat, further consultation with this office will be necessary.

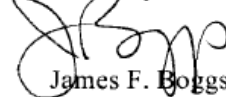
### Impacts to Wetland and Sensitive Habitat Impacts

The proposed highway project has the potential to impact from 75 to 475 acres, depending on which alignment is ultimately chosen. The project alternative analysis should address measures to avoid, minimize, and compensate for wetland impacts. In addition, substantial secondary and cumulative wetland impacts would likely occur should the proposed highway be constructed on an alignment that is not an upgrade of an existing highway. As such, the EIS should thoroughly address secondary and cumulative impacts.

Several existing Wetland Mitigation Banks occur within the project vicinity (i.e., Bayou Lacombe, Tallisheek, Abita Creek, and Lake Ramsey) and several more banks are being currently being evaluated for wetland mitigation purposes in St. Tammany Parish. The EIS should address measures to avoid and minimize impacts to those banks. All of the St. Tammany Parish banks rely on fire management to obtain their habitat objectives. Construction of a highway in close proximity to one of those bank sites could reduce or disrupt necessary fire management practices. The EIS should address potential secondary impacts resulting from the highway's potential to effect fire management practices on wetland mitigation bank sites.

We appreciate the opportunity to provide these comments. If you have any questions pertaining to our comments or require further information, please contact Patti Holland of this office (337/291-3121).

Sincerely,



James F. Boggs  
Supervisor

Louisiana Field Office

cc: EPA, New Orleans Co-location Office, New Orleans, LA  
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA  
BCPA (ERT), Washington DC  
OEPC, Washington DC  
FWS, Region 4, Atlanta, GA

#### **Literature Cited**

U.S. Fish and Wildlife Service. 2003. Recovery plan for the red-cockaded woodpecker (*Picoides borealis*): second revision. U.S. Fish and Wildlife Service, Atlanta, GA. 296 pp.