



State of Louisiana

BOBBY JINDAL
GOVERNOR

May 10, 2012

Mr. Theodore A. Brown, P.E.
Chief, Planning and Policy Division
Directorate of Civil Works
Headquarters
U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, VA 22315-3860

Dear Mr. Brown:

Please reference your letter requesting the position of the State of Louisiana regarding the proposed report of the Chief of Engineers and report of the district engineer on the Louisiana Coastal Area (LCA) Barataria Basin Barrier Shoreline Restoration Project. The Coastal Protection and Restoration Authority (CPRA) is pleased to offer its continuing support of the LCA Barataria Basin Barrier Shoreline Restoration Project as authorized in the Water Resources Development Act of 2007 (WRDA 2007). This project is a critical part of the overall LCA Program and a vital component in rehabilitating the natural system of coastal Louisiana that serves to protect the economic and energy security of both the state and nation, the safety of more than 2 million Louisiana residents, the ecological balance of the Gulf region, and the survival of a unique culture. The appropriate agencies of the State have reviewed the report and its recommendations are generally consistent with State laws and policies and are in general agreement with the goals of CPRA as set forth in the agency's annual plan and 2012 Comprehensive Master Plan for a Sustainable Coast.

This letter, while not legally binding on the State as an obligation of future funds appropriated by the State Legislature, declares our full support for the LCA Barataria Basin Barrier Shoreline Restoration Project described in the proposed report of the Chief of Engineers and report of the district engineer, with cost sharing as required in WRDA 2007. Accordingly, the State acknowledges that the project requires the non-Federal sponsor to contribute 35% of the total project costs, including all lands, easements, rights-of-way, relocations, and any improvements on lands, easements, and rights-of-way required for disposal of dredged material. CPRA also acknowledges that it will be required to operate, maintain, rehabilitate, repair and replace the projects at the non-Federal sponsor's expense. The CPRA fully supports these projects and will make diligent efforts to secure all necessary funding, including asking the State Legislature for additional appropriations if necessary.

Nevertheless, the CPRA believes there is a need for further discussions and modifications related to the standard cost sharing requirements as described in the report and the United States Army Corps of Engineer's (USACE) position that section 7007 of WRDA 2007 does not authorize credit for work carried out after the date of execution of a project partnership agreement for LCA projects. Therefore, the CPRA reserves the right to and intends to continue to seek a correction

of the Corp's interpretation of Federal law that would allow in-kind contribution credit for work carried out after the date of a project partnership agreement, that would allow for such in-kind contributions credit to carry over between LCA Program components (i.e., "excess credit for work undertaken after signing of the project partnership agreement for one project may be carried over for credit to another project), and that would reduce the non-Federal cost share. Even so, while the CPRA is of the opinion that its view is consistent with the authority and Congressional intent under WRDA 2007, the CPRA fully intends to proceed with the project under the Corp's interpretation of current law and to meet all non-Federal financial and other obligations outlined by the USACE in this report until such time as the interpretation is corrected.

Similarly, renourishment of the recommended plan is currently included as an operations and maintenance responsibility of the non-Federal sponsor. The CPRA reserves the right to and intends to seek a modification to this responsibility. However, the CPRA fully intends to proceed with the project and obligations as written until such modification is approved.

The CPRA supports implementation of the Barataria Basin Barrier Shoreline Restoration Project and we look forward to working with the Corps to achieve this goal.

Respectfully,



Garret Graves, Chairman
Coastal Protection and Restoration Authority of Louisiana

From: [Bee, Patricia L HQ02](#)
To: [Marlowe, Beth A HQ02](#)
Cc: [Fox, Eric L MVK](#)
Subject: FW: LCA, Barataria Project (UNCLASSIFIED)
Date: Wednesday, May 02, 2012 2:37:50 PM
Importance: High

Classification: UNCLASSIFIED
Caveats: NONE

Beth-

DOI response.

Trish

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

From: Sutton, Loretta B [mailto:Loretta_Sutton@ios.doi.gov]
Sent: Wednesday, May 02, 2012 2:18 PM
To: Bee, Patricia L HQ02
Subject: RE: LCA, Barataria Project (UNCLASSIFIED)

Trish,

The Department of the Interior has no comments, no objections.

Thank you,

Loretta Boldin Sutton
Program Analyst
U.S. Department of the Interior
Office of Environmental Policy and Compliance (MS-2462)
1849 C Street NW
Washington, DC 20240
Tel: 202-208-7565; Fax: 202-208-6970
Loretta_Sutton@ios.doi.gov

Classification: UNCLASSIFIED
Caveats: NONE



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

April 24, 2012

F/SER46/PW:jk
225/389-0508

Mr. Theodore A. Brown, Chief
Planning and Policy Division
Directorate of Civil Works
Headquarters, U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, Virginia 22315-3860

Dear Mr. Brown:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Final Environmental Impact Statement (FEIS) and Final Integrated Construction Report titled "Louisiana Coastal Area (LCA) Louisiana – Barataria Basin Barrier Shoreline Restoration." These documents were transmitted for our review by your letter dated March 29, 2012.

The Army Corps of Engineers, New Orleans District (COE) evaluated various alternatives for restoration of the Caminada Headland in Lafourche Parish and Shell Island in Plaquemines Parish, Louisiana. The National Ecosystem Restoration (NER) Plan and Recommended Plan include the restoration of 1,197 acres of dune and supratidal habitats on Caminada Headland and Shell Island as well as an additional 1,652 acres of intertidal habitats, which is estimated to net approximately 1,684 total acres of habitats gained after the 50 year project life. The estimated fully funded cost of the Recommended Plan is \$448,351,000. The Recommended Plan also utilizes approximately 650,000 cubic yards of sediment generated every 1.5 to 2 years during federal maintenance dredging of Bayou Lafourche to maintain the projects by placing the dredged material into the littoral drift near Bayou Moreau. This is the non-federal sponsor's operation and maintenance requirement and consists of paying the incremental cost over the federal standard for sediment disposal. The Recommended Plan also includes the renourishment of Shell Island at 20 year intervals. The NER Plan cannot be constructed within the maximum authorized project cost, therefore the Caminada Headland was selected as a subset for construction and would provide a net of 990 acres of total island-headland habitats.

By letter dated August 2, 2011, NMFS provided comments and recommendations for revisions to the Draft Environmental Impact Statement for this project. In addition, NMFS provided four EFH conservation recommendations designed to ensure impacts to EFH are minimized and adequately offset. Those EFH conservation recommendations stated:



1. During the Preliminary Engineering and Design phase of project implementation, means to minimize adverse impacts to existing intertidal habitats on both the Caminada Headland and Shell Island should be evaluated, in coordination with NMFS and other interested natural resource agencies.
2. To ensure the development of functional habitat heterogeneity, project designs for the created marsh platform should include the creation of tidal creeks and ponds.
3. Containment dikes for the marsh platforms on both the Caminada Headland and Shell Island should be degraded or gapped in an acceptable manner to be developed through coordination with NMFS.
4. The sand fencing plan and species to be planted should be developed during the Preliminary Engineering and Design phase of project implementation, in coordination with NMFS and other natural resource agencies.

Based on our interpretation of Appendix E to the FEIS, the COE has concurred with EFH conservation recommendations #1 and #4. Regarding inclusion of constructed creeks and ponds requested in conservation recommendation #2, NMFS acknowledges there potentially could be inadvertent risk to project construction and performance caused by such features. The COE's response to the EFH conservation recommendation #3 is unclear. NMFS recommends the Record of Decision (ROD) stipulate containment dikes for the marsh platforms on both Caminada Headland and Shell Island be gapped or degraded in an acceptable manner to be developed through coordination with NMFS during the preliminary engineering and design (PED) phase. Gapping or degrading should occur no later than three years after construction if containment dikes are not naturally breached in an amount deemed acceptable through coordination with NMFS.

Use of hopper dredges is planned to mine and transport Ship Shoal sands for construction on Caminada Headland. Pumping directly from the hopper dredge to the beach may be the most cost effective construction method. However, if hopper dredges would be used to dump sediment in the nearshore to then be mined and transported to the shoreline by a cutterhead dredge, the potential environmental impacts of a specific dump site should be included in a supplemental EFH assessment. The additional EFH assessment would be needed because open water dredged material placement has been demonstrated to: 1) smother benthic infauna; 2) increase turbidity, total suspended solids, and total organic material; 3) increase water column nutrients such as phosphorus, nitrogen and ammonia; 4) release metals from dredged sediments; and 5) decrease dissolved oxygen throughout the water column. This can directly or indirectly impact ichthyoplankton, post-larval and juvenile fishery species under management by the Gulf of Mexico Fishery Management Council, as well as have long term food web impacts to managed species through bioaccumulation and biomagnification of contaminants. NMFS acknowledges the extent of adverse impacts, both long-term and short term, is influenced by many factors such as quantity and quality of the sediments, tidal transport, disposal rate, water depths, the area's biological productivity, water quality conditions, and the time of year of disposal. Additionally, nearshore coastal processes (e.g., wave climate or sediment transport) may be altered, but not necessarily adversely.

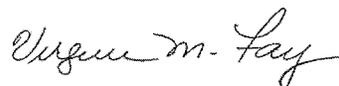
The Empire borrow area is being used by the Pelican Island project presently being constructed under the auspices of the Coastal Wetlands Planning, Protection and Restoration Act. It is recommended the ROD commit to supplemental National Environmental Policy Act and EFH documents to assess potential adverse environmental impacts if other borrow sites are later determined during PED to be necessary for project construction.

In light of the documented adverse impacts of the Empire jetties on adjacent shoreline erosion, NMFS continues to question the overall need for the Empire jetties. Rather than remove the jetties, the COE proposes additional analyses of connecting the western jetty by extending the Shell Island restoration feature, despite the likelihood that doing so would induce accelerated erosion of the area proposed to be restored. NMFS understands the jetties are subject to a separate navigation authority; however, we believe the breadth of considered alternatives is lacking. We note that pursuant to Section 1502.14 (c) of National Environmental Policy Act, reasonable alternatives not within the jurisdiction of the lead agency should be included to provide a clear and comparative basis of choice. Therefore, NMFS advocates the COE examining the statutory authorities during the PED phase of project implementation to determine if it is possible to remove the jetties and extend the longevity of Shell Island

In our August 2, 2011, comment letter, NMFS described the procedures that should be followed to ensure fulfillment of coordination requirements pursuant to Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act and NMFS' implementing regulation at 50 CFR 600.920(k). Those procedures require the COE to provide a written response to our EFH conservation recommendations within 30 days of receipt. If the COE was unable to provide a substantive response within 30 days, the COE should have provided an interim response to NMFS, to be followed by the detailed response. To date, NMFS has not received an interim response and does not consider the submittal of the FEIS for our review to fulfill the detailed EFH response requirement. Based on the responses appended to the FEIS, gapping or degrading containment dikes is the one EFH conservation recommendation we find requiring further attention. As indicated above, NMFS recommends the ROD commit to the breaching of the containment dikes within three years following construction, if they are not naturally breached prior to that time. The COE should provide a detailed response to our EFH conservation recommendations at least 10 days prior to signing a ROD. That response should describe how each EFH conservation recommendation was addressed, and if not incorporated into project revisions, the response should provide justification for that decision.

NMFS appreciates the opportunity to review the FEIS. If you have questions regarding the above or attached comments, please contact Richard Hartman or Patrick Williams at 225-389-0508, for assistance.

Sincerely,



Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

c:

USACE, NOD, Klein, Jr.

FWS, Lafayette, Walther

EPA, Dallas, Ettinger

LA DNR, Consistency, Lovell

F/SER46, Swafford

F/SER4, Dale

F/SER PRD, Bernhart

NOAA PPI, Reid

Files

From: [Bee, Patricia L HQ02](#)
To: [Matusiak, Mark HQ02](#)
Cc: [Marlowe, Beth A HQ02](#); [Fox, Eric L MVK](#)
Subject: FW: LCA Barataria Project (UNCLASSIFIED)
Date: Tuesday, May 22, 2012 8:25:36 AM

Classification: UNCLASSIFIED
Caveats: NONE

Mark-

Comments from USCG.

Trish

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

From: Timothy.J.Wendt@uscg.mil [<mailto:Timothy.J.Wendt@uscg.mil>]
Sent: Tuesday, May 22, 2012 7:54 AM
To: Bee, Patricia L HQ02
Cc: Kohn, Marcie LCDR; Sullivan, Brandon J LCDR; Wendt, Timothy CDR; Vawters, Joe; Ledet, David
Subject: RE: LCA Barataria Project (UNCLASSIFIED)

Trish, do you need a letter or will email suffice? My read of this project is that this will not adversely impact navigation safety but will require close coordination of dredging with the Coast Guard for inclusion in the Local Notice to Mariners. The permittee will also be required to obtain approval for any Coast Guard required Private Aids to Navigation (PATON). The Coast Guard asks that USACE include the following language in any permits issued for this project:

"The permittee must install and maintain, at the permittee's expense, any safety lights, signs and signals required by the U.S. Coast Guard, through regulations or otherwise, on the permittee's fixed structures. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, at no later than 30 days prior installation of any fixed structures in navigable waters, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, (504)671-2328 or via email to: D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at:
<http://www.uscg.mil/d8/waterways/PATON.Home.asp>"

Coast Guard Sector New Orleans is also reviewing the project and will respond separately.

CDR Tim Wendt
Acting Chief, Prevention Division (dp)
Chief, Waterways Management Branch (dpw)
CG District 8
500 Poydras St.
New Orleans, LA 70130
(504) 671-2106

Classification: UNCLASSIFIED
Caveats: NONE

From: [Bee, Patricia L HQ02](#)
To: [Matusiak, Mark HQ02](#)
Cc: [Marlowe, Beth A HQ02](#); [Fox, Eric L MVK](#)
Subject: FW: LCA, Barataria (UNCLASSIFIED)
Date: Monday, May 07, 2012 12:42:01 PM

Classification: UNCLASSIFIED
Caveats: NONE

Mark-

USDA response.

Trish

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

From: Guillory, Charles - NRCS, Alexandria, LA [<mailto:charles.guillory@la.usda.gov>]
Sent: Monday, May 07, 2012 12:36 PM
To: Bee, Patricia L HQ02
Cc: Lindsey, Michael - NRCS, Alexandria, LA
Subject: RE: LCA, Barataria (UNCLASSIFIED)

Patricia,

The Louisiana NRCS Soils Section has reviewed the Louisiana Coastal Area Barataria Project report. The report addresses the National Environmental Policy Act (NEPA) requirements dealing with the Soil Resources in sections 4.3 and 4.3.1 and the Farmland Protection Policy Act in section 7.1.9. We do not have additional comments or recommendations to add to the report.

Charles Guillory
State Soils Scientist
USDA - NRCS
3737 Government Street
Alexandria, Louisiana 71302
Office: 318-473-7789

Cell: 318-880-7407

email: charles.guillory@la.usda.gov <<mailto:charles.guillory@la.usda.gov>>

Classification: UNCLASSIFIED
Caveats: NONE

Rec'd 5/31



Choctaw Nation of Oklahoma

P.O. Box 1210 • Durant, OK 74702-1210 • (580) 924-8280

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

May 24, 2012

Chief Joan M. Exnicios
Headquarters
U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, VA 22315-3860

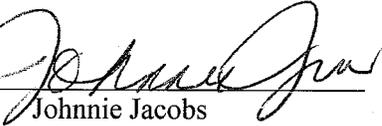
RE: Proposed Report of the Engineers and the report of the district Engineer on the Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration Project, LaFouche and Jefferson Parishes, Louisiana.

Dear Chief Exnicios,

Thank you for your correspondence regarding Proposed Report of the Engineers and the report of the district Engineer on the Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration Project, LaFouche and Jefferson Parishes, Louisiana. LaFouche and Jefferson Parishes and coastline are within the historic area of interest to the Choctaw Nation of Oklahoma. The Choctaw Nation of Oklahoma, concurs that work should proceed as planned. However, as the project is located in an area that is of general historic interest to the Tribe, we request that work be stopped and our office contacted immediately if any Native American cultural materials are encountered. This stipulation should be placed on the construction plans to insure contractors are aware of it. Please feel free to contact me with any further questions or concerns.

Sincerely,

Dr. Ian Thompson
Director, Historic Preservation Department
Tribal Archaeologist, NAGPRA Specialist, THPO
Choctaw Nation of Oklahoma
PO Drawer 1210
Durant, OK 74701

By: 
Johnnie Jacobs
Section 106 Coordinator
jjacobs@choctawnation.com

From: [Bee, Patricia L HQ02](#)
To: [Fox, Eric L MVK](#)
Cc: [Marlowe, Beth A HQ02](#)
Subject: LCA Barataria (UNCLASSIFIED)
Date: Wednesday, May 02, 2012 2:40:49 PM

Classification: UNCLASSIFIED
Caveats: NONE

Eric-

I received a no comment response from EPA Region 6 via phone; message forwarded to Beth.

Trish

Classification: UNCLASSIFIED
Caveats: NONE

From: [Bee, Patricia L HQ02](#)
To: [Matusiak, Mark HQ02](#)
Cc: [Marlowe, Beth A HQ02](#); [Fox, Eric L MVK](#)
Subject: FW: Louisiana Coastal Area, Barataria Shoreline (UNCLASSIFIED)
Date: Thursday, May 10, 2012 8:25:58 AM

Classification: UNCLASSIFIED
Caveats: NONE

FEMA response.

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

From: Zimmerer, Gary [<mailto:Gary.Zimmerer@fema.dhs.gov>]
Sent: Wednesday, May 09, 2012 12:06 PM
To: Bee, Patricia L HQ02
Subject: Re: LCA, Barataria Shoreline (UNCLASSIFIED)

No comments.

Thanks,

Gary

Gary Zimmerer
Chief, Risk Analysis Branch
Sent from my blackberry wireless device.

U.S. Department of Homeland Security
FEMA Region 6
800 N. Loop 288
Denton, TX 76209
Office: 940-898-5161
Cell: 940-230-3952

Classification: UNCLASSIFIED
Caveats: NONE