

**LOUISIANA COASTAL AREA
BARATARIA BASIN BARRIER SHORELINE RESTORATION
FINAL CONSTRUCTION REPORT
AND
FINAL ENVIRONMENTAL IMPACT STATEMENT**

**PUBLIC COMMENTS AND RESPONSES
APPENDIX E**

SUMMARY

This document presents the public's comments and the US Army Corps of Engineers, New Orleans District responses regarding the Louisiana Coastal Area (LCA), Barataria Basin Barrier Shoreline Restoration Integrated Construction Report Draft Environmental Impact Statement. This document also presents comments and responses of the Independent External Peer Review (IEPR), as required by the Water Resources Development Act (WRDA) of 2007, which was conducted to ensure the quality, credibility, and reliability of the scientific and engineering analyses contained within the documents.

In accordance with the National Environmental Policy Act (NEPA) of 1969, the District issued a Notice of Availability (NOA), dated June 23, 2011, inviting public participation to comment on the draft Integrated Construction Report and Draft Environmental Impact Statement for the Barataria Basin Barrier Shoreline Restoration. The US Environmental Protection Agency issued in the *Federal Register* Volume 76, Number 122, page 37112 dated June 24, 2011. The Draft Integrated Report and Draft Environmental Impact Statement were posted on the study web site at <http://www.lca.gov>.

Comments on the Integrated Draft Construction Report and Draft Environmental Impact Statement were requested during the 45-day comment period from June 24, 2011, to August 8, 2011. In addition, written comments on the Integrated Draft Construction Report and the Draft Environmental Impact Statement (Draft Integrated Report) were requested by letter postmarked not later than August 8, 2011. Distribution of the Draft Integrated Report for review and comment included mailing the document to Federal, state, and local agencies; Tribes; libraries; and other interested parties. During the public comment period, two public meetings were held. A total of 58 people attended the public hearings with a total of 23 individuals offering oral comments. The District received 17 written comment emails, faxes, and letters postmarked within the comment period. A few of the comments had several attachments.

All substantive comments received on the Draft Integrated Report are included in this report whether or not the comment is thought to merit individual discussion in the text of the Final Integrated Construction Report and Final Environmental Impact Statement.

The oral testimonies were reviewed by the Planning Development Team (PDT) and were considered in the study process, in preparation of the Final Integrated Construction Report and Final Environmental Impact Statement. Salient comments, questions, and concerns expressed in both the written and oral comments were identified. Several comments warranted revisions to the Final Integrated Report. Although no major changes to the document content were warranted or conducted as a result of the public review, revisions to the text included clarifications and inclusion of updated and additional information. None of the changes made to the Final Integrated Report are believed to have any profound effect on the findings and conclusions that were presented in the Draft Integrated Construction Report and Draft Environmental Impact Statement.

All registered comment meeting participants, as well as those providing written comments, will be provided a copy of the Final Integrated Report and Final Environmental Impact Statement. In addition, the Final Integrated Report and Final Environmental Impact Statement will be posted on the study web site at <http://www.lca.gov>.

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ACRONYMS AND ABBREVIATIONS

BOMER

BTEP Barataria-Terrebonne Estuary Program
CCA Coastal Conservation Association
CCMP Comprehensive Conservation Management Plan
CFR Code of Federal Regulations
CWPPRA Coastal Wetland Planning, Protection, and Restoration Act
CZM Coastal Zone Management
DEIS Draft Environmental Impact Statement
FEMA Federal Emergency Management Agency
FEIS Final Environmental Impact Statement
GIWW Gulf Intracoastal Waterway
LCA Louisiana Coastal Area
LDNR Louisiana Department of Natural Resources
LDWF Louisiana Department of Wildlife and Fisheries
NEPA National Environmental Policy Act
NGO Non-Government Organization
NMFS National Marine Fisheries Service (Department of Commerce)
NRCS Natural Resources Conservation Service
PDT Project Delivery Team
TSP Tentatively Selected Plan
USACE U.S. Army Corps of Engineers
USDA U.S. Department of Agriculture
USEPA U.S. Environmental Protection Agency
USFWS U.S. Fish and Wildlife Service
WRDA Water Resources Development Act

1.0 INTRODUCTION

The National Environmental Policy Act (NEPA) (40 CFR 1503.1) established The National Environmental Policy Act (NEPA) (40 CFR 1503.1) established a nationwide policy that after preparing a draft environmental impact statement (EIS) and before preparing a final EIS the agency shall:

- Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.
- Request the comments of:
 - Appropriate state and local agencies which are authorized to develop and enforce environmental standards;
 - Indian tribes, when the effects may be on a reservation; and
 - Any agency which has requested that it receive statements on actions of the kind proposed.
- Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

An agency may request comments on a final environmental impact statement before the decision is finally made. In any case, other agencies or persons may make comments before the final decision unless a different time is provided under Sec. 1506.10.

This document describes the public comments and the District's responses regarding the Draft Integrated Construction Report and Draft Environmental Impact Statement for the Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration. In accordance with NEPA, the USEPA issued in the Federal Register Volume 76, Number 122, page 37112 dated June 24, 2011, a Notice of Availability inviting public participation to comment on the Draft Integrated Construction Report and Draft Environmental Impact Statement for the Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration. The 45-day comment period for accepting written comments extended from June 24, 2011, to August 8, 2011. Distribution of the DPEIS for review and comment included mailing the document to Federal, state and local agencies, Tribes, and other interested parties. The full distribution mailing list is available from the USACE, New Orleans District upon request. Copies of the Draft Integrated Report were mailed to the following public libraries.

News releases announcing public hearings were distributed via VOCUS to 240 media outlets. News Release and Calendar Event were posted to www.lca.gov and www.mvn.usace.army.mil, as well as a post on MVN Facebook page. Ads for meetings placed in the following newspapers: Baton Rouge Advocate, Daily Comet, Plaquemines Gazette, and the Times-Picayune. Emails, with meeting notifications, were sent to non-governmental organizations (NGOs) that are actively involved in coastal restoration. Public hearings were also coordinated with Plaquemines Parish and Lafourche Parish President's Office and Coastal Zone Managers.

As an additional measure for providing public access to the document, the District made the DPEIS available for view and downloading from the world wide web at: <http://www.lca.gov>. No reports of user difficulty were reported to the webmaster for the site. The dates, locations and attendance of the public meetings are listed in Table 2. Nine public meetings were conducted by the USACE in July 2011. The meetings provided a forum for public expression of verbal statements regarding the proposed action and the content of findings of the Draft Integrated Construction Report and Draft Environmental Impact Statement. Each meeting also provided an opportunity for attendees to ask questions of USACE representatives regarding the Barataria Basin Barrier Shoreline Restoration Study.

Table 1. Public Hearings Information		
Date	Location	Attendees
July 26, 2011	Woodland Plantation 21997 Hwy 23, Port Sulphur, LA 70083	XX attendees signed in; 5 individuals offered comments
July 28, 2011	South Lafourche High School 16911 East Main St, Galliano, LA 70354	XX attendees signed in; 18 individuals offered comments

A court reporter recorded (using stenography and tape recorder) each of the public meetings and provided USACE with a written transcript of each meeting record. Those transcripts were summarized into meeting minutes. The comments taken from the minutes for each public meeting with USACE responses are provided in sections 2.1 through 2.2.

The public meetings format included an Open House from 6:00 to 6:30 pm where general information about the proposed Barataria Basin Barrier Shoreline Restoration effort and process was provided. From 6:30 to 7:00 pm, an overview of the proposed LCA Barataria Basin Barrier Shoreline Restoration Plan was presented. This was followed by a question and answer session. From about 7:30 pm until completion of the meeting, formal public comments on the Draft Integrated Report were received. The hearings provided a forum for public expression of verbal statements regarding the proposed action and the content and the findings of the Draft Integrated Construction Report and Draft Environmental Impact Statement for the Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration. Provisions were also made so that comments could be written on comment cards and provided to the USACE during or following the meeting. A total of 23 meeting attendees provided verbal comments at the two public meetings.

Written comments on the Draft Integrated Report were requested by letter to be postmarked not later than August 8, 2011. A total of 17 comment letters, some with several attachments, were received by letter postmarked by the close of the comment period. A few comments were emailed, hand delivered, and/or faxed.

The NEPA also provides guidance (40 CFR 1503.4) on responding to comments. An agency preparing a FEIS shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

- Modify alternatives including the proposed action.
- Develop and evaluate alternatives not previously given serious consideration by the agency.
- Supplement, improve, or modify its analyses.
- Make factual corrections.
- Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

All substantive comments received on the Draft Integrated Report are included in this report whether or not the comment is thought to merit individual discussion in the text of the statement. The oral testimonies and letters were reviewed by the LCA PDT and considered both in the study process and in preparation of the Final Integrated Report. Salient comments, questions and concerns were identified. Several comments warranted revision to the Draft Integrated Report in order to complete the Final Integrated Report. Although no major changes to the document content were warranted or conducted as a result of the public review, revisions to the text included minor clarifications and inclusions of updated and additional information. None

of these changes that were made to the text are believed to have any profound effect on the findings and conclusions that were presented in the Draft Integrated Report. All registered comment meeting participants, as well as those providing written comments, will be provided a copy of the Final Integrated PEIS. In addition, the Final Integrated Report will be posted on the study web site located at <http://www.LCA.gov>.

Verbal and written comments and USACE responses are presented in sections 2.0 and 3.0, respectively.

2.0 PUBLIC HEARING COMMENTS ON THE DRAFT INTEGRATED CONSTRUCTION REPORT AND DRAFT EIS

This section contains the oral comments and responses received at the two public meetings held for the Draft Integrated Construction Report and Draft Environmental Impact Statement for the proposed Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration. Public hearings were held on July 26, 2011, at Woodland Plantation, 21997 Hwy 23, Port Sulphur, LA 70083; and on July 28, 2011, at South Lafourche High School, 16911 East Main St, Galliano, LA 70354.

The following five individuals provided comments on the Integrated Draft Construction Report and Draft EIS at the Woodland Plantation public hearing on July 26, 2011. A copy of the transcript of each comment and the USACE response is presented in Section 2.1.

Ms Marnie Winter
Mr. P.J. Hahn
Mr. Foster Creppel
Mr. Scott Eustis
Mr Larry Rousselle

The following individuals provided comments on the Integrated Draft Construction Report and Draft EIS at the South Lafourche High School public hearing on July 28, 2011. A copy of the transcript of each comment and the USACE response is presented in Section 2.2.

Mr. Rickey Cheramie
Mr. Nick Cheramie
Mr. Lorraine
Mr. Rodney Ducet
Ms Cathy Norman
Mr. Curtis Cotillion
Mr. Greg St. Amant
Mr. Rickey Plaisance
Mr. Adomitis
Mr. Gus Adomitis
Mr. Jerry Gisclair
Mr. Harry Gisclair
Mr. Jimmy Cantrelle
Ms Cathy Norman
Ms Margaret Curole
Mr. Wayne Martin
Mr. Adomitis
Mr. Jack Rodrigue
Mr. Dick Cheramie
Mr. Caillouet
Mr. Kevin Curole

2.1 Oral Comments from Public Hearing on July 26, 2011 at Woodland Plantation, 21997 Hwy 23, Port Sulphur, LA 70083

Marnie Winter (MW)

Marnie Winter, Jefferson Parish. We support both projects. We think they are great projects, much needed projects. We thank the Corps and the state for the study, and we urge that you move to the final and get it to congress and the President as soon as possible so we get funding. Thank you.

RESPONSE

MW 01: Thank you for your comment.

P.J. Hahn (PJH)

P.J. Hahn, representing Plaquemines Parish, and we, too, support this project very much, and we hope that we can get the funding to keep this thing going further into the construction phase because it means a lot to the marsh, the levees that the marsh protects, and so we are definitely in favor of this project and we think it's a wonderful project. Thank you.

RESPONSE

PJH 01: Thank you for your comment.

Foster Creppel (FC)

I am Foster Creppel, and I completely approve and support this project as well. I think it's a wonderful project and if we can get the support and the money to go forward with it it will help us a lot in wetland restoration in the future.

RESPONSE

FC 01: Thank you for your comment.

Scott Eustis (SE)

My name is Scott Eustis from the Gulf Restoration Network, and we fully support this project as a lines -- a line of defense, the first line of defense for coastal Louisiana. We will submit some language on hopefully advancing job creation within the area, but we support this project and we support allocating earlier restoration, moneys for this project as well as the future -- any futric [sp] in water I could find.

RESPONSE

SE 01: Thank you for your comment.

Larry Rousselle (LR)

My name is Larry Rousselle. I'm the Chairman of Plaquemines Water Conservation District for Plaquemines. I firmly support this project, but the only thing is it's 40 years too late.

UNIDENTIFIED AUDIENCE MEMBER:
Never too late.

RESPONSE

LR 01: Thank you for your comment.

2.2 Oral Comments from Public Hearing on July 28, 2011 at and on July 28, 2011, at South Lafourche High School, 16911 East Main St, Galliano, LA 70354.

Rickey Cheramie (RC)

Rickey Cheramie, South Lafourche Beachfront Development District Chairman. Many of the people in the audience here have heard the age-old question "If a tree falls in the forest and nobody is there to hear it fall, does it make any sound at all?" Well, I'm going to compare the development to that and say if we build this big, beautiful, white-sand beach with tax payers' dollars and nobody can get to it and see if and enjoy it, will it even exist? I've been authorized by my board to -- well, before I get into that, let me thank you all for coming here tonight. We really appreciate y'all coming down here. We appreciate the interest in our area, and it's not often that we get some of our tax dollars back, so it's really nice to see that finally this area will be treated, you know, this way. And again, I want to thank y'all for making the trip down here. For years and years and years the beach was open with unrestricted access to the beach. People would go down to the beach, drive on the beach, crab, fish scrimp. It became part of our culture, and you see the interest here tonight. If it wouldn't have been the first night of Tarpon Rodeo, you probably would have triple the people in here because so many people contacted me and said "Man, I want to go, but I've got a party tonight," or "I've got a business on Grand Isle" or a business in Leesville and it's their busiest time of the year. So it's kind of a bad night to have it, but I'm really impressed with the amount of people that showed up. My board authorized me to request that y'all consider not limiting public access to the beach and also that y'all make attempts to acquire the property. We with the Beachfront Commission have tried. We've negotiated for three years with the landowners, and we've had limited success with one landowner and no success at all with the other landowner. So it's going to be a very difficult process getting the people on the beach once this big, beautiful area is open. So if we can get y'all to consider, you know, acquisition of the property through -- whether it be the State or the Corps. I don't guess the Corps can. Maybe the Federal Government can, but that's what we're going to ask that y'all do for us. And those are my comments. Thank you.

RESPONSE

RC 01: Real estate-- The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects. Any activity that could be allowed would have to be consistent with the project authorization and function.

Recreation --Recreation facilities may be authorized at water resources projects under authority of Section 4 of the Flood Control Act of 1944, as amended. Recreation features may be developed at ecosystem restoration projects if they are appropriate in scope and scale to the opportunity provided by the ecosystem restoration projects. The recreation should be compatible with the ecosystem restoration purpose of the project, but also enhance the visitation experience by taking advantage of the natural values. The social, cultural, scientific and educational values should be considered within the framework of the ecosystem restoration project purpose. For example, while educational values, i.e., nature study and interpretive signs, can be an integral part of ecosystem restoration projects, this does not mean it is appropriate to build recreation/visitor facilities that overwhelm the natural values.

Rickey Cheramie (RC)



RESPONSE

RC 01 (continued): The recreation experience should build upon the ecosystem restoration objective and take advantage of the restored resources rather than distract from them. Standard designs should be consistent with the natural environment of the surrounding area and should not include embellishments such as decorative stone work planters, elaborate designs or be ostentatious. Recreation development at ecosystem restoration projects should take advantage of the education and recreation potential that the project is creating while not diminishing the ecosystem restoration purpose. The following excerpt is from the Corps' Principles and Guidelines Engineering Regulation (ER) 1105-2-100, Section VII and Recreation and Policy Guidance Letter No. 59, Recreation Development at Ecosystem Projects, CECW-AG, 11 June 1998: "Recreation development at an ecosystem restoration project should be totally ancillary. Recreation facilities may be added to take advantage of the education and recreation potential of the ecosystem project, but the project cannot be specifically formulated for a recreation purpose. The recreation potential may be satisfied only to the extent that recreation does not diminish the ecosystem restoration purpose. Where an ecosystem restoration project provides critical habitat for a federally listed threatened or endangered species, recreation facilities at that project should be precluded in the critical habitat and limited to only those facilities needed for minimum health and safety and/or natural resources interpretation. Where appropriate, recreation at ecosystem restoration projects should be designed for day use only, precluding the need of extensive night lighting. Whenever conflicts occur between the ecosystem restoration purpose and recreation, ecosystem restoration shall have priority. Plans should seek to optimize public use in harmony with the objectives of the restoration project over the period of analysis. Without a non-Federal sponsor to cost share recreation, ecosystem restoration projects should not encourage public use." The development of facilities for access, health and safety should not involve extensive structural modification of the terrain and may include rest areas and picnic facilities. Ideally these facilities would be a part of a larger non-Corps recreation plan such as a regional trail system or provide access to other non-Federal recreation facilities or areas.

Rickey Cheramie (RC)



RESPONSE

RC 01 (continued): The Corps presents a limited checklist of recreation facilities that may be cost-shared, at new Corps ecosystem restoration projects, or that may be constructed by others at non-Federal expense at ecosystem projects. This check list may be found in ER 1105-2-100, Appendix E, Exhibit E-3, and includes access and circulation, shelters and bathrooms, utilities, park furniture, interpretive signage and health and safety features (gates, cattle guards, fencing, entrance station, etc.)."

Nick Cheramie (NC)

My name is Nick Cheramie. I own Fourchon Beachside RV Park. It's right in the foot of the Port Commission's Bridge, and I'm owner and operator. My wife and I do 100 percent of the maintenance on it, you know, that's allowable by law. And in the summertime, I bring my kids with me to my park and every time I bring my kids to the park, it's within a half of a mile to the beach and they ask to go the to beach and I got to tell me no. I don't lie to my kids when they ask me why they can't go on the beach. I tell them because of two greedy landowners. Period. Because I'm not going to lie to my kids. And this kid wants to go swimming on that beach. He wants to go fishing and crabbing on that beach, and he can't. And any landowner that can just decide that this kid doesn't have the right to be on that beach shouldn't even be belt with. You should just take their land and give us access. And that's pretty much all I have to say. And, I mean, I think the public needs to be on that beach. If our tax dollars are going to build it, I don't think it should even be an option that we're not allowed.

RESPONSE

NC 01: Thank you for your comment. Please see response under Rickey Cheramie (RC 01) on previous pages.

Mr. Lorraine (ML)

I just want to give a background of the whole situation with the Parish and the Port Commission and the landowners. I won't be long. I want to thank the Corps for giving the people the opportunity to speak on this issues. As I said, this is probably one of the biggest projects that ever hit Lafourche. I'm 58 years old, and I can remember when I was a kid when I used to go to the beach and get on the seashore and do crabbing and fishing and swimming and it was an enjoyment for us. This is the culture. This is our culture and this is extremely important for this parish because you can get a lot of revenue if we have public access to that beach. You have two landowners to work with: The Caillouet Land Company and the Wisner Foundation. Five years ago, the Lafourche Parish Council created a Beachfront Commission and it was done through the council. The State allows you to do it. Okay? They had meetings with the Caillouets and the Wisners and they drew up long-range plans at their meetings and presented it to the two landowners. The Wisners are a lot easier to work with than the Caillouets. Whether they like it or not, that's what it is. And it's getting to the point where the Wisners are not working as good as they used to.

This is what the Commission done: The Wisners let us use the beach in the summertime a few times. Unfortunately, we got hit by the oil spill and that killed everything for this year, but they did let us use a section of the beach on the west side. So the Port Commission policed the beach for the Commission at no expense to the landowners. They policed it, and let me tell you, I think there was only one that went on those dunes and tore them up and they caught them and they threw them out and they never went back and the people listened. The prisoners every Monday went there and cleaned that beach. The Port Commission put the liability insurance to use for the landowners. The Commission itself put a dumpster and put a port-o-let. Now, let me tell you, this is what the Port Commission got done over the years since I've been a kid: They're the ones that established the barges and the rocks. When you get to end of the beach and you see them barges and rocks, protected a lot of this land. They did that. They poured the cement pillars to protect the land. They filled in the old Fourchon Pass with permission from the State.

RESPONSE

ML 01: Please see response under Rickey Cheramie (RC 01) on previous pages.

Mr. Lorraine (ML) (continued)

The pass to get to the Gulf was once right there where Chevron -- by that bridge to the right side, not where it's at today. They filled that in, and that's still State property. And I think the landowners are trying to claim it, but that's another story for another day. The Lafourche Parish Council paved the road along with Chevron. I told you that a while ago, 160,000, each 80,000. We have a 2,500 foot right-of-way that was done in 1971. I don't have a copy with me, but I'll get you one. I couldn't find it in my coat boxes.

The landowners done very little. What I just told you was done over the years, and I never seen the landowners do too much so that's a concern to me. And I believe in the nesting of the birds. You can always rope that off or block it and not let people go or whatever. I would like to see the Corps -- of course, she said they couldn't do it -- acquire the property from the landowners for recreation purposes. And also I would like to thank you, the Corps, and everybody that was involved and all of the people that came in from the public, thank you for coming and God bless you and God bless America.

RESPONSE

ML 01 (continued): Please see response under Rickey Cheramie (RC 01) on previous pages.

ML 02: The CEMVN will ensure compliance with the Migratory Bird Treaty Act of 1918, as amended (MBTA). The MBTA, which provides protections for all colonial nesting wading and water birds, prohibits "Take" of these species. "Take" is defined as "means to pursue, hunt, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect" (50 CFR 10.12). The FWS provided the following guidance for advising the public on the MBTA as it relates to migratory bird nest destruction. "...while destruction of nests independently are not prohibited under the MBTA, harassment or nest destruction which results in the unpermitted take of migratory birds or their egg's, is illegal and fully prosecutable under the MBTA. Due to the biological and behavioral characteristics of some migratory bird species, destruction of their nests entails an elevated degree of risk of violating the MBTA. For example, colonial nesting birds are highly vulnerable to disturbance; the destruction of unoccupied nest during or near the nesting season could result in a significant level of take." USFWS Migratory Bird Permit Memorandum, 15 Apr 2003). In addition to the MBTA, the Endangered Species Act of 1973, as amended (ESA), provides protection for the piping plover and its critical habitat, which is a wintering resident of Louisiana. Protected critical habitat (unit LA 5) stretches from Timbalier Island to East Grand Terre Island. This habitat encompasses 2,321 ha(5,735 ac) of the beach habitat in Terrebonne, Lafourche, Jefferson, and Plaquemines Parishes. Under the provisions of the ESA, it is unlawful to "take" a threatened and endangered species. "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound kill, trap, capture, or collect or attempt to engage in any such conduct." Excessive vehicular or pedestrian usage of protected areas, can cause piping plovers to spend less time roosting or foraging and more time in alert postures or fleeing from the disturbances. -----See continued response on following page.

ML 03: Please see response under Rickey Cheramie (RC 01) on previous pages.

Mr. Lorraine (ML) (continued)



RESPONSE

ML 02 (continued): Off-road vehicles, used to access beaches, can significantly degrade the piping plover's habitat or disrupt the birds' normal behavior patterns (Zonick 2000). Finally, Executive Order 13186 of 2001 (Responsibilities of Federal Agencies to Protect Migratory Birds) requires that actions of Federal agencies be designed to avoid and minimize impacts to migratory birds. The BBBS project, has been developed to ensure that it is in compliance with the before mentioned statutes and executive orders.

Rodney Doucet (RD)

I have something to say. First of all, it's going to be a comment. Rodney Doucet, Lafourche Parish Councilman, District 8. The first thing I have to say is, I think it's very rewarding to see that the Corps and the Federal Government and the State wants to come here and do this project for Caminada Headland because they realize the value of Port Fourchon. Are y'all aware of that? All of a sudden now, wait a minute, we need to protect this revenue engine that builds this country at Belle Pass. We need to do something to protect it because we're going to wind up losing it. So I don't know if you realize that, but that's what I just saw and that's what I'm hearing here. And I just really cannot see the emphasis of putting this much money and not letting public access. I just can't see it because it's public tax dollars that's doing this. And, look, the Federal Government should be funding this completely to protect that engine, and I really think that one day when this engine closes off the valve for about two weeks, that this country will say "What do you want, Louisiana? What do you want? Because we'll give you everything you want because you need to open the engine and open the valve." And my comment is, I want the Federal Government to realize this economic engine because I think they felt it with the moratorium. But really, the beach should be open to every person in the United States, not just this community because it is their money rebuilding it back. And that's what I have to say.

RESPONSE

RD 01: The importance of Port Fourchon and its facilities in relation to the rest of the nation is addressed in Section 4.19.3 of the main report. Although this project is an ecosystem restoration project and not a hurricane protection or flood risk reduction project, there will be impacts to infrastructure as well as to oil, gas, and mineral. Pertaining to Port Fourchon there will be both indirect and cumulative impacts, and these impacts are noted in sections 5.15.2.3.2, 5.15.2.3.3, 5.15.7.3.2, and 5.15.7.4.2.

The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

Cathy Norman (CN)

I'm Cathy Norman. I represent the Edward Wisner Donation, and I just want to clarify a few points. We have never denied access to this beach until a year ago with the oil spill hit and it has been closed since that time for public safety reasons and for public health reasons. And we continue to encourage people to stay off the beach. It's dangerous. There's still work going on to clean up after the spill. Prior to that, we have never denied access. Ever. We've denied vehicular access, which is what this group is interested in, not just access. At no time there has ever been a time when we've told people they couldn't go down to the beach.

RESPONSE

CN 01: Thank you for your comment.

Curtis Cotillion (CC)

My name is Curtis Cotillion from Raceland. I don't live down here. I went to Lafourche maybe twice in my whole life. My concern is, we get this Federal money, I'm not worried about recreation. I'm worried about flood protection for the parish. I'm not for Wisner. I'm not for Caillouet. I'm not for -- I'm for the recreation. I would love to see kids have their recreation on the beach, but we're losing our site here. Sixty years ago, that's the island that protected us from flooding with these hurricanes. Without rebuilding these islands, we won't have nothing. These beautiful levees we have in this State, the Gulf waves will be slapping against it in 20 more years because we need these islands build for coastal restoration. That's the main point of spending this Federal money. Thank you.

RESPONSE

CC 01: Thank you for your comment. The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Hurricane and flood risk damage (e.g., “protection”) may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions.

Greg St. Amant (GSA)

Greg St. Amant. I'm just a citizen. I've used the beach all of my life. I went fish, I went crabbing, the whole works, and I appreciate whoever owned the property for letting us use that property. In my opinion, a boundary needs to be set. You have to have a solid boundary. I own property and I let people use 30 feet of my property for many, many years. Well, now, I need my 30 feet, and I'm making my own recreational area for me and for people to use and for my business. I don't expect those people to say "You have always let us use this, so let us still use it." It's mine. What's mine is mine, and what's theirs is theirs, but if you set the boundary and you decide what is that land boundary before that is added in, like you say, before that -- it's not the object of a beach. We're not making a beach. We're making a protection. We're making the estuaries better. We're bringing in land. I don't consider it just being a beach. I would love to be able to use it, but where are those boundaries? I need to know where those boundaries are. And if that boundary is here and you add 20 feet, then that should be State property and we should be allowed to get onto it. If that's State boundary and that boundary says, no, that 20 feet you're adding is still going to be part of their boundary, that's where their boundary was, then fine with that too. I'm good with that also. As long as I know that this actually belonged to them. A friend of mine in Donaldsonville, he built this house right over his land. Okay? They turned around and said "That is not your land." The boundary 20 feet first further inside than what you built your house over. He said, "I didn't know that." Well, you need to know where your boundary is. His house was cut off and not a dime was given to him to redirect that water down here. And he's rebuilding that other portion of his house right now. He did not know his boundary and the State said, "It is not yours. It is ours." Same thing here, what is the Wisner or the Caillouet boundary? That's what I want to know. And if we add 20 feet and it's theirs, well, let's make it theirs. And if they let us use it, let's make a deal. If it's that valuable to us, we need to buy it. And if they ask an outrageous price, they got \$15,000 an acre in North Louisiana for gas rights, 160 acres, people became millionaires overnight. Do we say, "That's not right. That was under the ground. That's ours"? No, it's not. If it's under the water, if it's theirs and it's under the water, it's still theirs. If it's under water and it's ours, it's ours. Set the boundaries.

RESPONSE

GSA 01: Thank you for your comment. The Corps cannot make a determination on what the State's position is on an exact boundary line between its waters and private lands. Please refer to Louisiana statutory provisions La. C.C. Art 451 (definition of seashore); La. R.S. 41:1136 (official determination of boundary); and La. R.S. 41:1702 (reclamation of lands lost through erosion, compaction, subsidence, and sea level rise) which may address your comment.

Rickey Plaisance (RP)

My name is Rickey Plaisance. We all liked going to the beach and all and we got to preserve all of that, but unless we let some freshwater come and feed the whole system and all of the marsh dies, the beach ain't going to do us no good because everything is else going to be dead around us. We going to let some water come down and feed the marsh. That's it.

RESPONSE

RP 01: Thank you for your comment. The existing Davis Pond Freshwater Diversion and the ongoing, proposed LCA Medium Diversion at Myrtle Grove with Dedicated Dredging, and the LCA Small Bayou Lafourche Reintroduction studies, if implemented, would address freshwater introduction into the region.

Mr. Adomitis (MA)

I just have a couple of comments. I enjoyed some of the things like the Wisner Foundation because I do use the Wisner Wildlife Mansion area and have for years and Fourchon Beach and hope y'all stay open-minded and work with us so we can continue to use it and appreciate it and thank you for all of the good times I had before.

RESPONSE

MA 01: Thank you for your comment.

Gus Adomitis (GA)

Gus Adomitis from Golden Meadow. In regard to what the lady said about the construction and put it to Bayou Lafourche, which is going to be more nutrient rich and, like you said, about 25 percent sand and putting it offshore off the beach, all of the particular matter is going to just be washed away and is not going to serve anything, maybe just send it to the west. Keep in mind, you may want to consider putting that behind on the north part of the beach and put those nutrients through the rain and the water flow seep into the marsh and you get a total recovery of what you put there in expenses. You can't afford it from Ship Shoal where you might have 75 percent sand, triple the amount, you get to utilize all of the nutrients, all of the sand and it will be where it's not going to get wasted. I know from East Timbalier Island, which after Hurricane Andrew hit, what was called the Penthouse, they could have gone in there with two barges and excavators, pushed rock from the end, blocked off about a 50-yard gap from the north side and about a 100-yard gap on the south side. They didn't do that. The Corps of Engineers and the State let a gem disappear. It could have been real cheap to take care of it. Now, we have nothing. What comes out of there is sand on the tide and drew from between the rocks. It went into the Gulf never to be recovered again because it's deeper, just as she was saying. They dump that sand in and all of that particular matter out there, it's not going to make a difference. And then you about only 25 percent. Put that part of it to the bank and get the nutrients in the sand. Whenever the tide would go in, what little bit of sand is a slower flow, it could get the positive on the north part of Timbalier Island. So we did get some usage of it. Anything that went south of the tide had zero impact. It was just a total loss, and then all of the rocks sunk because of that. But that might help you on that part. Don't pump it out there on the Gulf. It's not going to benefit the beach at all.

RESPONSE

GA 01: The models utilized were STWAVE and GENESIS and they were applied to an array of current data from recent studies and 19 years of hindcast wave data from the nearest WIS buoy. The mean size of the material dredged from Belle Pass is 0.06 mm, which is fine sediment. In contrast, the Ship Shoal material that will be placed on the Headland by the Barataria Basin Barrier Shoreline Restoration Project has a mean grain size of 0.18 mm, which is fine sand. The historical dredging records provided by the U.S. Army Corps of Engineers indicate that the average volume of the maintenance dredging events is 620,000 cubic yards. Considering cross-shore and long-shore winnowing of this volume yields a final fill volume of 135,000 cubic yards. Placing this material along 6,800 feet of shoreline at the nodal point will result in shoreline advancement of 125 feet. If that renourishment is repeated on a two-year cycle the modeling predicted that over 40,000 feet of Headland beach will benefit by the end of the 50-year period of analysis. It should be remembered that the initial restoration will place coarser sediment (Ship Shoal sand) over the existing beach and that normal coastal processes, including post-construction equilibration/profile adjustment, will transport some of that sand laterally into Belle Pass. Depending upon the Pass maintenance dredging interval and the strength of the longshore transport, the sediment placed in the feeder beach template each renourishment event will be a blend of finer and coarser sediments, which will evolve and become coarser over time. The majority of that sediment is native beach sand and silt that has been carried into Belle Pass by wave action, littoral drift, and overwash. Maintenance dredging has hitherto placed it on the shoreline to the west of the Pass. This Project proposes to place that material along the Headland shoreline from the Mean High Water Line to a depth of 2 to 3 meters, which is still very much a part of the active beach system, which means it is not lost offshore and whatever nutrient value it has is retained in the system. It is important to understand that one of the goals of the agencies involved in the Louisiana Coastal Area projects is cost-effectiveness. Re-use of Belle Pass dredged material to enhance the longevity of the Headland restoration is much more cost-effective than mining additional sand from Ship Shoal and transporting it a long distance to the Caminada Headland.

Gus Adomitis (GA)



RESPONSE

GA 01 (continued): As to the concern about the need for continued placement of dredged material on the beach to the west of Belle Pass, that area is the subject of an active Coastal Wetlands Planning, Protection, and Restoration Act project, the West Belle Pass Barrier Headland Restoration (TE-52), which proposes to restore about 9,300 feet of beach/dune and about 150 acres of marsh by placement of about 2 million cubic yards of sand and 1 million cubic yards of marsh-compatible sediment.

Jerry Gisclair (JG)

Jerry Gisclair, private citizen and a State representative, District 54. Whenever a levee district constructs a levee system for the protection of the people, they actually buy the land and the landowners normally retain all royalties and perpetuity. I feel that this Headland project is going to be obviously a levee system or protection system for an estuary system on the inside, but also protecting Port Fourchon. If we're going to develop this levee system, this Headland project, I think that the State should own the property. I want to protect the landowners' rights as far as their royalties are concerned, but we are going to have to continuously improve on the system in decades to come, and I think the State needs to own this property versus allowing the landowners to have this big improvement at tax payers' expenses. And also, public access. I did my own fishing with my family in the Gulf from Elmer's Island all the way to Belle Pass, and it would be a shame not to have access for the public. Thank you.

RESPONSE

JG 01: The LCA BBBS study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

Harry Gisclair (HG)

Harry Gisclair, concerned citizen and member of the Greater Lafourche Port Commission. Danny has more or less said what the Port has done and we plan on doing more, but tonight, I'm talking as a concerned citizen and, actually, I'm just one of nine members on the board. Recreation is a necessity as far as I'm concerned in that area. It's a heritage. It's been there. I don't have any use for vandals or people who tear up private property, but at the same time, I think we need recreation in that area. I would also like to -- and I'm sure Rickey would -- put in written comments of what the Beachfront Development has as far as their goals, objectives and their future plans. They have it mapped out. It's written down, and I wish you would take that into consideration. And since the State is going to start their project first, the way it looked, that hopefully on a State level that we look at either a right-of-way, easement or purchase property in that area to assure recreation in that area. Secondly, in written comments, due to the Greater Lafourche Port Commission, I'm sure that I will make sure that you have all of the statistics on Port Fourchon with the percentages of natural gas imported and domestic oil coming through that oil corridor and the importance it is to the State of Louisiana and the United States of America because everything is coming through there, 50 percent. I will see that I get that done at their request and give that to you. And, Charlotte -- I don't know if she's still here, but the State does recognize in putting that 70 and 70, the 140 million dollars, the importance of Port Fourchon, and I hope the Federal Government at the same time recognizes by looking at the statistics and what's coming through there the importance of Port Fourchon and the importance of not only putting a barrier restoring our shoreline, but at the same time, it protects that economic engine that's running there. And at the same time, please, again, I ask you to recognize a recreation access to that area. Thank you.

RESPONSE

HG 01: The importance of Port Fourchon and its facilities in relation to the rest of the nation is addressed in Section 4.19.3 of the main report. Although this project is an ecosystem restoration project and not a hurricane protection or flood risk reduction project, there will be impacts to infrastructure as well as to oil, gas, and mineral. Pertaining to Port Fourchon there will be both indirect and cumulative impacts, and these impacts are noted in sections 5.15.2.3.2, 5.15.2.3.3, 5.15.7.3.2, and 5.15.7.4.2.

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Jimmy Cantrelle (JC)

My name is Jimmy Cantrelle. I think the concerns of the people here are trying to establish what we are really concerned about. Public access to the beach has to be a must, but also we use tax dollars to do this over here and we're going to also benefit -- I'm a large landowner, and we're going to benefit landowners too by doing this over here, so everybody needs to work together and look at the big picture and not the selfish interest in what's going on. I mean, we're going to protect the port. We've got flood protection. We have a levee system, but we also would like -- just as the man said, we need to make sure the landowners get their mineral rights and don't lose their mineral right. But they're also going to benefit from this over here. We're all going to benefit, so I think if we can all work together, I'm hoping that we could achieve to goal we set out to achieve, which is to build this beach, build it nice. Make sure the public can use it and make sure the landowners get some activity or some benefits from it also. So that's my comment, and I would like to see that we continue using the beach and everybody has a good, jolly time, but everybody do what we have to do.

RESPONSE

JC 01: The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects. It is the policy of the Corps of Engineers to exclude mineral interests from acquisition of real estate rights. Therefore, regardless of whether fee interest or a permanent easement is acquired for this project, mineral rights will not be acquired.

Cathy Norman (CN2)

Cathy Norman again. Under State law Act Number 734 2010, both levees and newly-created coastal restoration projects do not allow vehicular traffic on them, so riding and hauling on levees, prohibited. Both newly-created coastal restoration project on our levees. So what this basic issue, I know it's the elephant in the room, is cars on the beach, and I keep saying we don't want it. The other landowners keep saying we don't want it, and, unfortunately, access in the minds of South Lafourche Beachfront Development District is cars on the beach. It's prohibited by State law.

RESPONSE

CN2 01: The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, USACE regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

Margaret Curole (MC)

Margaret Curole, private citizen. I think the one thing that everybody here is sidestepping and it needs to go on the record is that there seems to be a discrepancy as to where the landowners feel State seashore is and where it actually is or where the Beachfront Development and everybody else's survey that was recently done by BDO says the State seashore is. And I think that before the project moves any further, that that would have to be established to where both parties agreed and it would be a formal recognized survey as to where the State seashore actually is. And I would also like to make one more comment, and that as somebody who spends a lot of time on Fourchon Beach and has worked very closely with the Beachfront Development, I think everybody, at least the majority of people who spend time at Fourchon Beach, has no interest in putting cars on the beach. We actually want just a place we can park and we want access to walkways. We saw an improvement when there was no cars on the beach and we actually saw more people go to the beach. And we want that recognized and we also want to recognize that fact that the Beachfront Development did a great job in patrolling with lifeguards and with fire and rescue and with Harbor Patrol and that I felt safer on that beach than I've ever felt in my life. And I think that those two things are major matters that need to be taken into consideration, but mainly the establishment of exactly where that seashore is before one grain of sand of tax payer money is put on that beach.

RESPONSE

MC 01: The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

Wayne Martin (WM)

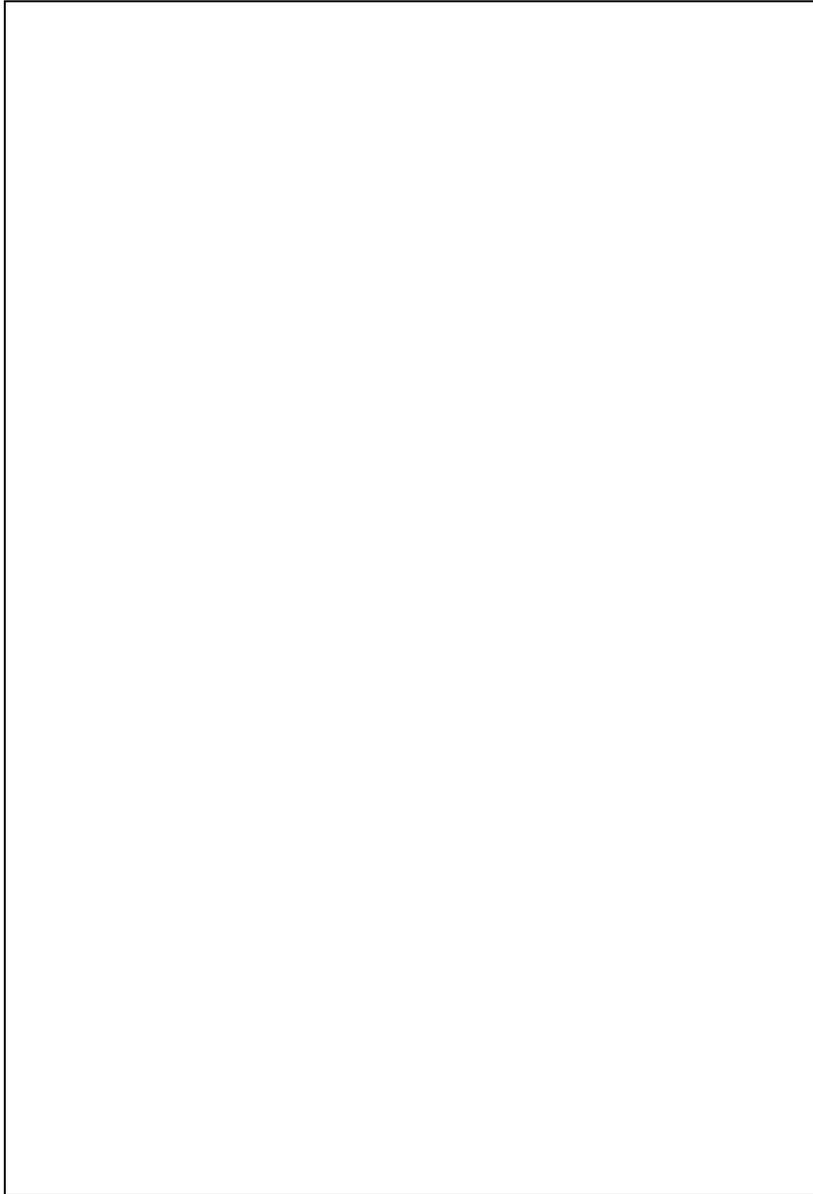
Wayne Martin, South Lafourche Beachfront Development District. I would like to thank you all for coming here today and all of the people here as well. The board has been established for three years and we worked diligently to create a master plan and we have about four phases that breaks down that particular plan. We made this plan with the assumption that we would have access to this property. We had to just put aside all land issues, legal issues and all of those things. We've had this plan put together and we would like to get a copy to you guys so that y'all would be able to see what our master plan looks like. We're not going to be destroying the environment. We're not looking to ride on sand dunes. The plan incorporates routes that we would pass on and stay on and would bypass any bird habitat. We had a resolution in our last meeting to honor all archeological sites, all the laws regarding that as well as any nesting areas for birds. We would be able to rope off and project these areas from any human encroachment. What we're trying to do, and understand this, we have one entry point to a 14-mile stretch of - well, a 10-mile stretch of beach, in essence, without being able to traverse along the shoreline and wet sand like we've done for scores of years. We are not causing any damage. I mean, there were times we weren't policing it may be they drove up on the sand dunes, but today, we've incorporated almost all parish services. Thanks to everybody from the DA to the Port Commission, providing enforcement of all ordinances. The fire district, who provided open water rescue. They've got 20 guys that operate. They're not considered lifeguards, but they're out there looking out for the public. We've made a lot efforts and we've met the landowners', at least the one who would work with us, all of the obligations that they've asked of us with the exception of one, and that was a liability issue. They asked for us to have insurance to protect them or hold them harmless. One of the requirements were so high, we knew that we couldn't meet them we couldn't meet it. The Parish couldn't meet it. The insurance company didn't even know how to quote it. In fact, the requirement had us, if have had a policy in place, we would have been responsible for everyone that was on the beach for the cleanup from the oil spill, any pipeline survey work and anything else that would have gone on the beach. It was a ridiculous requirement of us. There was no way we could have met it, but we met every other requirement.

RESPONSE

WM 01: Approximately 13 miles of beach separate access between Port Fourchon and Elmer's Beach entry points.

Recreation facilities may be authorized at water resources projects under authority of Section 4 of the Flood Control Act of 1944, as amended. Recreation features may be developed at ecosystem restoration projects if they are appropriate in scope and scale to the opportunity provided by the ecosystem restoration projects. The recreation should be compatible with the ecosystem restoration purpose of the project, but also enhance the visitation experience by taking advantage of the natural values. The social, cultural, scientific and educational values should be considered within the framework of the ecosystem restoration project purpose. For example, while educational values, i.e., nature study and interpretive signs, can be an integral part of ecosystem restoration projects, this does not mean it is appropriate to build recreation/visitor facilities that overwhelm the natural values. The recreation experience should build upon the ecosystem restoration objective and take advantage of the restored resources rather than distract from them. Standard designs should be consistent with the natural environment of the surrounding area and should not include embellishments such as decorative stone work planters, elaborate designs or be ostentatious. Recreation development at ecosystem restoration projects should take advantage of the education and recreation potential that the project is creating while not diminishing the ecosystem restoration purpose. The following excerpt is from the Corps' Principles and Guidelines Engineering Regulation (ER) 1105-2-100, Section VII and Recreation and Policy Guidance Letter No. 59, Recreation Development at Ecosystem Projects, CECW-AG, 11 June 1998: "Recreation development at an ecosystem restoration project should be totally ancillary. Recreation facilities may be added to take advantage of the education and recreation potential of the ecosystem project, but the project cannot be specifically formulated for a recreation purpose. The recreation potential may be satisfied only to the extent that recreation does not diminish the ecosystem restoration purpose.

Wayne Martin (WM) (continued)



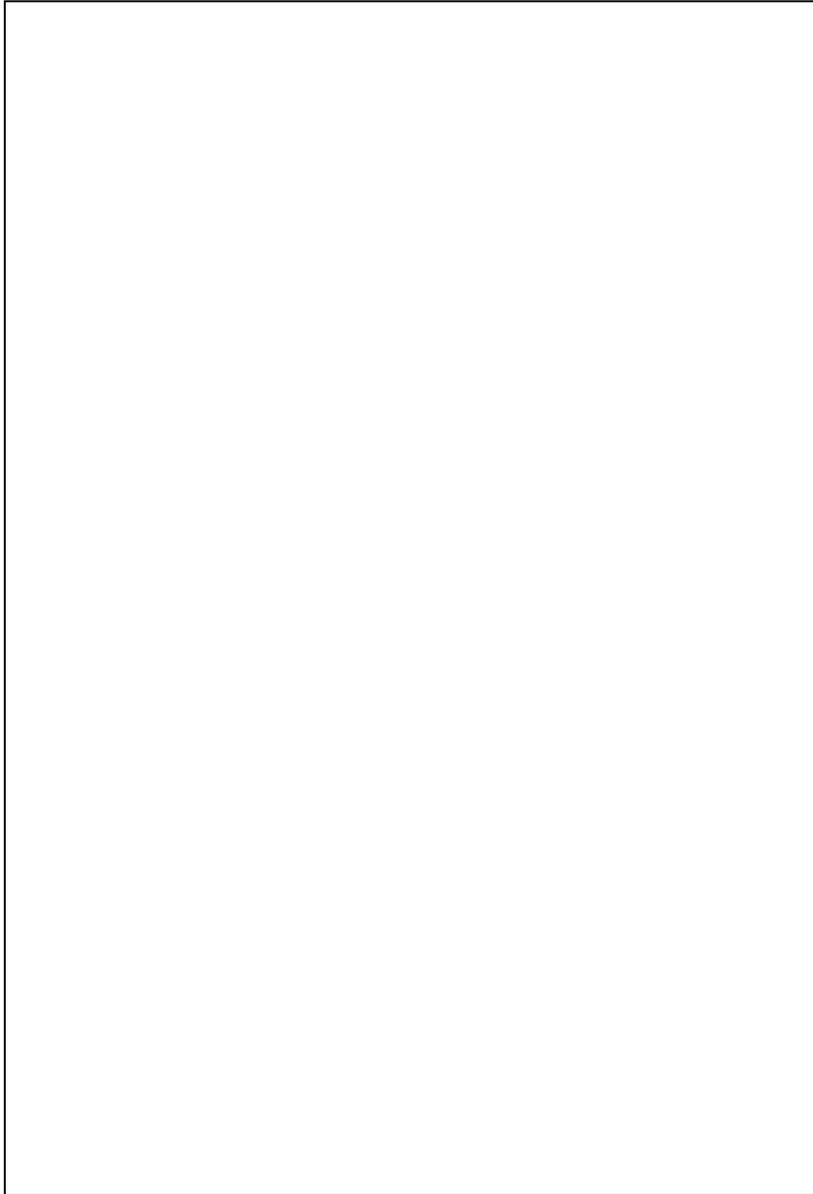
RESPONSE

WM 01 (continued):

Where an ecosystem restoration project provides critical habitat for a federally listed threatened or endangered species, recreation facilities at that project should be precluded in the critical habitat and limited to only those facilities needed for minimum health and safety and/or natural resources interpretation. Where appropriate, recreation at ecosystem restoration projects should be designed for day use only, precluding the need of extensive night lighting. Whenever conflicts occur between the ecosystem restoration purpose and recreation, ecosystem restoration shall have priority. Plans should seek to optimize public use in harmony with the objectives of the restoration project over the period of analysis. Without a non-Federal sponsor to cost share recreation, ecosystem restoration projects should not encourage public use.” The development of facilities for access, health and safety should not involve extensive structural modification of the terrain and may include rest areas and picnic facilities. Ideally these facilities would be a part of a larger non-Corps recreation plan such as a regional trail system or provide access to other non-Federal recreation facilities or areas. The Corps presents a limited checklist of recreation facilities that may be cost-shared, at new Corps ecosystem restoration projects, or that may be constructed by others at non-Federal expense at ecosystem projects. This check list may be found in ER 1105-2-100, Appendix E, Exhibit E-3, and includes access and circulation, shelters and bathrooms, utilities, park furniture, interpretive signage and health and safety features (gates, cattle guards, fencing, entrance station, etc.).

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Wayne Martin (WM) (continued)



RESPONSE

WM 01 (continued):

In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

Mr. Adomitis (MA)

There's an old Cajun band, I don't know the name of it, but Fourchon Beach is the name of the song. Y'all have heard it I'm sure on Ragin' Cajun.

RESPONSE

MA 01: Thank you for your comment.

Jack Rodrigue (JR)

Jack Rodrigue, Larose, Louisiana. I've been to several of these meetings, and I say it every time and I'm going to say it again tonight, we do have a lot of things in place considering Davis Pond that changes the salinity of our water, which changes your pH and we saw when it was opened up for the oil spill that it made an improvement on the marsh lands. Particularly back here in the South Lafourche area, I witness it myself in the back of Cloverleaf Farms coming down the Barataria area place. Even spoke with an oysterman, I said that last time, how the freshwater got his oysters, and I personally will tell you I thought it was good thing because the water got that far down. Utilize the things that we have in place. That's very important. A lot of people talking tonight about access to the beach, and, yes, I would love to see access to the beach, but either way, the project needs to take place because you've got the truck welders at Fourchon. I'm a landscaper. I'm a horticulturist. I don't work in the Fourchon Oyster Industry, but I do work for -- 90 percent of my people are directly related to owning boats or whatever that does it. But you have your fishermen, you have your trucker welders, you have your forklift operators, all of these thousands and thousands of people that live on a 105 by 105 lot that make their living at Fourchon that wants it more protected for them to continue to make their living than worrying about if we're going to get on the beach or what. Now, that is important and I hear it's important to a lot of people for the tax payers' dollars, and I'm just going to sit here and say on behalf of all of these blue-collar men and woman who work down there at Fourchon to do whatever we can to save the place, not only for the oil and economic development throughout country, but for the people in our community that's making a living.

RESPONSE

JR 01: The importance of Port Fourchon and its facilities in relation to the rest of the nation is addressed in Section 4.19.3 of the main report. Although this project is an ecosystem restoration project and not a hurricane protection or flood risk reduction project, there will be impacts to infrastructure as well as to oil, gas, and mineral. Pertaining to Port Fourchon there will be both indirect and cumulative impacts, and these impacts are noted in sections 5.15.2.3.2, 5.15.2.3.3, 5.15.7.3.2, and 5.15.7.4.2.

The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

Dick Cheramie (DC)

Dick Cheramie. You know, we keep hearing about these nesting shorebirds. You know, one of the landowners has probably a 50 to a 75-acre oil field company directly on the beach. What happens if one of those shorebirds flies over that fence and nests in that parking lot? Are they going to tell Chevron, "Y'all get out of here, y'all can't operate on our land anymore" because there's a nesting shorebird in their parking lot? I've lived in that port. Those birds nest everywhere. They don't nest in one small location. They nest on the coast. You know, the nesting shorebird deal is just a joke to me. You know, yes, we need to care about the shorebird, but there's a huge Chevron facility sitting directly on that beach and a bird doesn't know that that's Chevron and he can't nest there.

RESPONSE

DC 01: Thank you for your comment. The Corps of Engineers, New Orleans District will ensure compliance with the Migratory Bird Treaty Act of 1918, as amended (MBTA). The MBTA, which provides protections for all colonial nesting wading and water birds, prohibits "Take" of these species. "Take" is defined as "means to pursue, hunt, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect" (50 CFR 10.12). The USFWS provided the following guidance for advising the public on the MBTA as it relates to migratory bird nest destruction. "...while destruction of nests independently are not prohibited under the MBTA, harassment or nest destruction which results in the unpermitted take of migratory birds or their egg's, is illegal and fully prosecutable under the MBTA. Due to the biological and behavioral characteristics of some migratory bird species, destruction of their nests entails an elevated degree of risk of violating the MBTA. For example, colonial nesting birds are highly vulnerable to disturbance; the destruction of unoccupied nest during or near the nesting season could result in a significant level of take." USFWS Migratory Bird Permit Memorandum, 15 Apr 2003)

In addition to the MBTA, the Endangered Species Act of 1973, as amended (ESA), provides protection for the piping plover and its critical habitat, which is a wintering resident of Louisiana. Protected critical habitat (unit LA 5) stretches from Timbalier Island to East Grand Terre Island. This habitat encompasses 2,321 ha (5,735 ac) of the beach habitat in Terrebonne, Lafourche, Jefferson, and Plaquemines Parishes. Under provisions of the ESA, it is unlawful to "take" a threatened and endangered species. "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound kill, trap, capture, or collect or attempt to engage in any such conduct." Excessive vehicular or pedestrian usage of protected areas, can cause piping plovers to spend less time roosting or foraging and more time in alert postures or fleeing from the disturbances. Off-road vehicles, used to access beaches, can significantly degrade the piping plover's habitat or disrupt the birds' normal behavior patterns (Zonick 2000).

Mr. Caillouet (MRC)

Mr. Caillouet just wants to make his presence known.

RESPONSE

MRC 01: Thank you for your comment.

Kevin Curole (KC)

Kevin Curole, born and raised in Lafourche Parish, and I really think it's great that they got this project to help save the beach and the communities. Since I was a little boy, I could remember my grandparents use to bring us to the beach and we would get to crab and fish and just play in the water and to us, they were like gods for bringing us there, you know. And that's such a jewel for the whole world really. If you don't live by the coast, that's your dream in life is to make it there and see the ocean. But people who don't live near here, that's their goal in life is when they see the ocean to go play. Even if you're too scared to swim, you just put your feet in, you know. I think it would be horrible if we would lose that access and not allow our parish to continue enjoying playing on the beach. Thank you.

RESPONSE

KC 01: Thank you for your comment. The following excerpt is from the Corps' Principles and Guidelines Engineering Regulation (ER) 1105-2-100, Section VII and Recreation and Policy Guidance Letter No. 59, Recreation Development at Ecosystem Projects, CECW-AG, 11 June 1998: "Recreation development at an ecosystem restoration project should be totally ancillary. Recreation facilities may be added to take advantage of the education and recreation potential of the ecosystem project, but the project cannot be specifically formulated for a recreation purpose. The recreation potential may be satisfied only to the extent that recreation does not diminish the ecosystem restoration purpose. Where an ecosystem restoration project provides critical habitat for a federally listed threatened or endangered species, recreation facilities at that project should be precluded in the critical habitat and limited to only those facilities needed for minimum health and safety and/or natural resources interpretation.

Where appropriate, recreation at ecosystem restoration projects should be designed for day use only, precluding the need of extensive night lighting. Whenever conflicts occur between the ecosystem restoration purpose and recreation, ecosystem restoration shall have priority. Plans should seek to optimize public use in harmony with the objectives of the restoration project over the period of analysis. Without a non-Federal sponsor to cost share recreation, ecosystem restoration projects should not encourage public use." The development of facilities for access, health and safety should not involve extensive structural modification of the terrain and may include rest areas and picnic facilities. Ideally these facilities would be a part of a larger non-Corps recreation plan such as a regional trail system or provide access to other non-Federal recreation facilities or areas. The Corps presents a limited checklist of recreation facilities that may be cost-shared, at new Corps ecosystem restoration projects, or that may be constructed by others at non-Federal expense at ecosystem projects. This check list may be found in ER 1105-2-100, Appendix E, Exhibit E-3, and includes access and circulation, shelters and bathrooms, utilities, park furniture, interpretive signage and health and safety features (gates, cattle guards, fencing, entrance station, etc.).

3.0 WRITTEN COMMENTS AND RESPONSES ON THE DRAFT INTEGRATED CONSTRUCTION REPORT AND DRAFT EIS

This section contains the written comments and responses received during the 45-day public comment period from June 24, 2011, to August 8, 2011, regarding the Draft Integrated Construction Report and Draft Environmental Impact Statement (EIS) for the proposed Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration. In accordance with the NEPA, the USEPA issued in the Federal Register Volume 76, Number 122, page 37112 dated June 24, 2011, a Notice of Availability inviting public participation to comment on the Draft Integrated Construction Report and Draft Environmental Impact Statement for the Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration.

Distribution of the Draft Integrated Construction Report and Draft EIS for review and comment included mailing the document to Federal, state and local agencies, Tribes, and other interested parties. The full distribution mailing list is available from the USACE, New Orleans District upon request. Copies of the Draft Integrated Report were mailed to the following public libraries.

A total of 17 written comments were received during the comment period for the Integrated Draft Construction Report and Draft EIS. A few of the comments had several attachments:

- Caillout Land Corporation fax and letter (CLC faxltr)
- Edward Wisner Donation fax and letter August 8, 2011 1 (EWD faxltr)
- Edward Wisner Donation attachment (EWD at)
- Edward Wisner Donation public meeting comments (EWD pm)
- Edward Wisner Donation attachment 1 (EWD at1)
- Edward Wisner Donation attachment 2 (EWD at2)
- Edward Wisner Donation attachment 3 (EWD at3)
- Edward Wisner Donation attachment 4 (EWD at4)
- Gulf Restoration Network (GRN)
- Larry Campisi Memo of Conversation (LC moc)
- Larry Campisi letter with Aqua Dam Attachment (LC ltr ada)
- Larry Campisi Aqua Dam attachment (LC ada)
- Loulan J. Pitre, Jr. (LJP)
- Loulan J. Pitre, Jr. attachment (LJP at)
- Louisiana Department of Environmental Quality email (LDEQ email)
- Louisiana Department of Wildlife and Fisheries (LDWF ltr)
- Louisiana Department of Wildlife and Fisheries (LDWF fax)
- Mississippi River Delta Campaign (MRDC)
- National Marine Fisheries Service (NMFS)
- Tim Dantin email (TD email)
- Tim Dantin postcard (TD pc)
- Restore or Retreat (ROR)
- U.S. Department of the Interior (DOI)
- U.S. Environmental Protection Agency (EPA)

**3.1 WRITTEN COMMENTS AND RESPONSES ON THE DRAFT
INTEGRATED CONSTRUCTION REPORT AND DRAFT EIS**

Caillouet Land Corporation fax and letter (CLC faxltr)

CAILLOUET LAND CORPORATION

August 8, 2011

Mr. Bill Klein
CEMVN-PM-RS
U. S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
P. O. Box 60267
New Orleans, LA 70160-0267
Fax (504) 862-2088
William.P.Klein.Jr@usace.army.mil

RE: Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration Project (BBBSR), Lafourche and Jefferson Parishes, LA; Draft Environmental Impact Statement (EIS)

Dear Mr. Klein:

Caillouet Land Corporation (CLC), a landowner of beach front property in Section 24, T23S, R22E which comprises a portion of the project area in Lafourche Parish, respectfully submits the following comments regarding this project.

Land Rights

According to the BBBSR Real Estate Plan, typical land rights plans, used by the U. S. Army Corps of Engineers (COE) for ecosystem restoration projects, include fee title acquisition of all lands within a given project footprint. Justification for the acquisition of full ownership of project area lands is based on the COE's belief that direct ownership will provide tighter control/enforcement and reduce risks against uses/actions that could possibly compromise the integrity of the project after its implementation. We understand that the real estate plan currently in place for BBBSR, is consistent with, and adheres to, this policy.

However, the BBBSR Real Estate Plan mentions that the NOD has proposed a deviation from fee title acquisition of affected properties through use of a non-standard perpetual Wetland Creation and Restoration Easement. As noted in the real estate plan, the NOD believes the easement (servitude) approach will provide sufficient rights that will allow the project to be constructed and the government's interests protected. Accordingly, the NOD submitted a request to COE Headquarters (HQ) to substitute fee title land

P. O. Box 292, Thibodaux, LA 70302-0292 (985) 447-1932 Fax (985) 448-0834

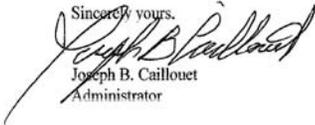
RESPONSE

CLC faxltr 01: Thank you for your comment. The LCA BBBS Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, USACE regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

Caillouet Land Corporation fax and letter (CLC faxltr)

<p>Mr. Bill Klein CEMVN-PM-RS U. S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT August 8, 2011 Page 2</p> <p>acquisitions with this type of non-standard perpetual easement (servitude). A favorable consideration by HQ would allow for the use of the non-standard perpetual Wetland Creation and Restoration Easement; however, until that time or unless it is rejected, the fee title approach currently remains in place.</p> <p>The NOD's recommendation to use non-standard perpetual Wetland Creation and Restoration Easements (servitudes) for the Mississippi River Gulf Outlet Ecosystem Restoration appears to lay out a foundation of precedence and strengthens its use for the BBBSR. According to the real estate plan associated with the MRGO project, most of the lands should be secured with perpetual Wetland Creation and Restoration Easements. The total non-temporary MRGO project area contains 75,876 acres of which less than one percent of the project footprint has been proposed to be obtained in fee with the remaining to be managed through Wetland Creation and Restoration Easements.</p> <p>CLC strongly supports the NOD's recommended use of a non-standard perpetual Wetland Creation and Restoration Easement (servitude) over fee title acquisition of land for BBBSR. We believe the use of easements (servitudes), which costs the government and taxpayers less, is a more favorable approach because it is more cost effective and allows landowners to retain rights in minerals and other aspects of property rights. The purchase of private lands, contained in BBBSR, as well as other Louisiana Coastal Area Ecosystem Restoration project areas, will diminish cost effectiveness. Moreover, easements/servitudes are preferable to the potential establishment of a large scale program where the government obtains privately owned lands for the sake of coastal restoration when full ownership is not necessary.</p> <p>CLC has one request regarding the utilization of non-standard perpetual Wetland Creation and Restoration Easements/servitudes for BBBSR if its use is indeed adopted. Should the project never be constructed or is abandoned by the NOD and/or its assigns after implementation, for whatever reason, CLC requests inclusion of language in the servitude agreement that would allow all of the vested rights to return to the current fee title owners. Because none of us can see into the future, CLC believes this is a legitimate request, is in keeping with the law and asks for your fair consideration of same.</p> <p><i>Recreational Use</i></p> <p>While CLC continues to fully support development of public facilities that would provide parking and pedestrian access to public beach</p>	<p>RESPONSE</p> <p>CLC faxltr 01 (continued): see response on previous page.</p>
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Caillouet Land Corporation fax and letter (CLC faxltr)

<p>Mr. Bill Klein CFMVN-PM-RS U. S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT August 8, 2011 Page 3</p> <p>areas, we remain adamantly opposed to vehicular traffic on Fourchon Beach.</p> <p>Thank you for the opportunity to make these comments.</p> <p>Sincerely yours,  Joseph B. Caillouet Administrator</p> <p>cc: Mr. Brad Miller, OCP Ms Fay Lachney, fay.v.lachnev@usace.army.mil</p>	<p>RESPONSE</p> <p>CLC faxltr 01 (continued): see response on previous page.</p>
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Edward Wisner Donation fax and letter August 8, 2011 (EWD faxltr)

EDWARD WISNER DONATION ADVISORY COMMITTEE

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Wisner

REPRESENTING
CHARITY HOSPITAL / MEDICAL CENTER
OF LOUISIANA
CITY OF NEW ORLEANS
THE SALVATION ARMY
TULANE UNIVERSITY
THE WISNER FAMILY

August 8, 2011

U.S. Army Corps of Engineers, New Orleans District
Attn: Mr. William P. Klein, Jr.
P. O. Box 60267
New Orleans, La. 70160-0267

Re: DEIS LCA Barataria Basin Barrier Island Shoreline Restoration

The following comments relate to the U. S Army Corps of Engineers proposed Barataria Basin Barrier Island Restoration Project. My name is Cathy Norman and I am the Secretary Treasurer/Land Manager of the Edward Wisner Donation. The Donation owns and oversees over 35,000 acres in lower Lafourche Parish including a majority of the 9 miles of the Caminada Headlands component of the proposed Triple BS Project.

The Edward Wisner Donation is a land-holding Complex Trust created in 1914 by philanthropist Edward Wisner. The Trust's beneficiaries include the Wisner family, the City of New Orleans, Tulane University, the Medical Center of Louisiana and the Salvation Army. The Trustee of the Wisner Donation is the Mayor of New Orleans. The Trustee acts with the advice and consent of the Edward Wisner Donation Advisory Committee, which is composed of a representative of each of the aforementioned beneficiaries. The Trustee and the Committee are responsible under Louisiana law to administer the trust as prudent persons, and to take reasonable steps to manage, control, protect and preserve the trust property.

Over the past decade, the Wisner Donation has actively supported the State and the Corps in furtherance of this project. Wisner has provided field trips, access and cooperative science as well as attempting to partner as best we can with our limited resources to further restoration of this critical headland area. Wisner stands ready to assist the Corp and the other sponsors of this vital project.

Wisner contributed a quarter of a million dollars for the \$800,000 NOAA Lafourche Parish Community Based Wisner Restoration Project. This project created and vegetated 50

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RESPONSE

EWD faxltr 01: Thank you for your comment, your assistance in providing access and field trips to the Wisner Donation lands, and your efforts at partnering and providing science-related assistance in the coastal geomorphic dynamics and ecological aspects of the Caminada Headland system.

Edward Wisner Donation fax and letter August 8, 2011 (EWD faxltr)

acres of marsh and restored hydrology to 1800 acres of marshland in this area. The beach component included planting 2500 black mangroves and constructing 6860 feet of sand fencing along the Gulf of Mexico in the foot print of this project. This is an example of the commitment that the Donation has to the protection and restoration of this area.

Additionally, Wisner has participated in dozens of other beach projects, research projects and efforts to protect this fragile shoreline, and partnered with the Greater Lafourche Port Commission, Chevron, LOOP and Shell to form the Fourchon Region Restoration Initiative. This group contributed towards additional scientific studies shared with State and Federal Agencies in hopes of jump starting this project.

Timely Completion of the Caminada Headlands Component is Critical to Protection of Resources and Infrastructure

The DEIS provides an accurate and detailed accounting of the importance of the Triple B project, including the Caminada Headlands Component. The DEIS accurately assesses the causes and volume of land loss at the Caminada Headland over the past century. The Caminada Headland is the only barrier shoreline between the City of New Orleans and the Gulf of Mexico. This buffer is the last natural line of defense for this entire region and protects the fragile but prolific marshes behind it. LA 1 to Grand Isle is predicted to be under water within 10 years if this shoreline is not restored. On a national level, this shoreline protects oil and gas infrastructure and Port Fourchon which cumulatively supply nearly a quarter of the nation's domestic and imported oil. The DEIS accurately recounts each of these facts.

Just as important, however, the DEIS correctly states that "[n]ear term restoration of the Caminada Headland and Shell Island is essential to prevent the need for significantly more difficult and costly restoration efforts in the future, or irretrievable loss of the ecosystem habitats."

The Donation notes, however, that the Caminada Headlands portion of this project was first proposed over ten years ago. The Caminada shoreline loses an average of 46 feet a year in coastal retreat. Over a decade of waiting has resulted in the loss of hundreds of feet of protective beach and marsh. Every year that projects such as this are delayed, it is estimated to cost our State \$1 billion dollars.

There is no time to delay the building of this project any further.

Ownership of the Project Area and Access to Fourchon Beach

As noted the Wisner Donation owns approximately nine miles of Fourchon beach, as well as wetland, waterbottom and upland areas directly adjoining the beach to the north. The DEIS states at page xi of the Executive Summary that "the shoreline and the beach area south of Bay Champagne are claimed as state lands by the State of Louisiana . . ." The Donation assumes that

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RESPONSE

EWD faxltr 02: Concur on the importance of implementing the LCA BBBS project to restore the Caminada Headland as well as Shell Island components of the Barataria Basin barrier shoreline system.

EWD faxltr 03: with regard to boundaries between the State and landowners, per Article 451 of the Louisiana Civil Code, seashore is the space of land over which the waters of the sea spread in the highest tide during the winter season (Acts 1978, No. 728, §1).

Edward Wisner Donation fax and letter August 8, 2011 (EWD faxltr)

this means that the State claims those areas delineated by the Louisiana Civil Code as belonging to the public. This area does not include portions of the beach above the mean high tide line, which are owned by the Wisner Donation.

Section 3.8.10 of Chapter 3 indicates that:

It is the opinion of the Non-Federal Sponsor and MVD that construction of this project can be accomplished through the acquisition of easements rather than fee. MVD has proposed acquisition of the following non-standard estates: Wetland Creation and Restoration Easement and Perpetual Dune Restoration and Creation Easement. Deviation from fee acquisition and the non-standard estates has been sent to HQUSACE for approval but at the time of this report, the approval has not been given.

The non-Federal sponsor, through its Office of Coastal Protection and Restoration (OCPR) would acquire all land rights.

The Wisner Donation concurs that the appropriate course with respect to the Donation's property would be negotiation of an appropriate servitude under Louisiana law. The Donation's governing documents provide for alienation of Donation property only in extremely limited circumstances and through a process involving the Governor and the Chief Justice of the state of Louisiana. The Donation will cooperate with the Corps and the State to craft an appropriate servitude allowing the project to proceed and protect the interests of all parties.

Motorized Access to the Project Area Would Undermine Project Benefits

The Wisner Donation believes that some discussion of the impacts of motorized use on project components may need to be included in the DEIS. As the DEIS notes, the South Lafourche Beachfront Development District and certain other interests have advocated for access to the Fourchon beach area by motor vehicles. Access to this area has been allowed in the past under terms intended to protect resources and the environment, however, the SLBDD advocates for vehicle access and development of this area. The District's plans for development include everything from roads to power lines on the beach. The District has also lobbied and worked for a State Seashore concept, in which our property would be acquired by the State for development for recreational use.

The Donation has had extensive experience with motor vehicles on the beach, and based on this experience believes it is critical that the project area be off limits to development and general motorized use. As noted below, there is existing infrastructure crossing in the project area which will require limited motorized use, and the Donation requires limited motorized access for monitoring and management of the property. However, unrestricted motorized use would run directly counter to the objectives of this project.

As the DEIS notes, the Wisner Donation has permitted pedestrian access to the beach area. Despite signage and enforcement efforts, motor vehicles have nonetheless trespassed on

3

RESPONSE

EWD faxltr 03 (continued): see response on previous page.

EWD faxltr 04: Concur that existing infrastructure in project area will require limited motorized access for operations and maintenance activities. However, the USACE believes that unrestricted motorized access would not be consistent with ecosystem restoration goals and objectives or with maintaining ecosystem viability of the restored project area.

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Donation property. Four wheel drive vehicles and UTV's have routinely gone "joy riding" in coastal dunes, damaging and sometimes destroying these delicate systems. Joyriding of this kind has also damaged nesting habitat for numerous species of birds, including the endangered piping plover. An example of the impact of a trespassing vehicle is shown below:



As the Donation appreciates it, the Caminada Headlands project as proposed would not allow motorized access or development. If this is the case then discussion of the impact of allowing motor vehicle access would not be required. However, to the extent that any motorized access is contemplated, the consequences of such access, and the corresponding decrease in project benefits, should be discussed in the EIS.

The Donation notes that Act 734 was passed in 2010 prohibiting riding or hauling on integrated coastal protection projects. Wisner views this as imperative for future protection of the beach. There is currently a Parish right of way (road) that ends at the Gulf of Mexico. Local government and organizations believe that the continuation of this servitude, which is currently in the water, still exists and will be resurrected when this project is built. If this right of way/road is rebuilt, it will continue to allow vehicular access to and on the beach, which based on our experience will lead to substantial damage to the project itself. The Donation believes that

RESPONSE

EWD faxltr 04 (continued): see response on previous page.

Edward Wisner Donation fax and letter August 8, 2011 (EWD faxltr)

appropriate action should be taken to acquire or extinguish the claimed servitude in order to prevent vehicles driving on the project area.

There is existing pipeline infrastructure which crosses the Donation's Fourchon Beach property, including the LOOP pipeline. Some limited motorized access will be necessary for required inspections, monitoring and maintenance of this infrastructure.

In addition, the Wisner Donation will require limited access for monitoring, maintenance and prevention of trespass on its property. The Donation will under any circumstances continue to own wetland, upland and waterbottom areas adjacent to the beach to the north. Trespass for hunting and fishing in these areas by parties accessing the property from the beach has been a continuing problem for the Donation. The Donation will continue to require reasonable motorized access to the beach for enforcement purposes.

Impacts of the Deepwater Horizon Oil Spill and Remaining Contamination

Finally, the Donation would like to emphasize the impact that the BP oil spill has had on this area, and the importance of taking into account the fact that contamination remains in the area.

The DEIS states that "[i]f at any time petroleum or crude oil is discovered on project lands, all efforts will be taken to seek clean up by the responsible parties, pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

It is important to understand the background of the Deepwater Horizon spill response in order to understand the assessment of the current state of contamination on the Donation's Fourchon Beach property.

The Deepwater Horizon spill response is in part set out in a "Transition Plan," between BP, the Coast Guard and the State of Louisiana (referred to as "Unified Incident Command" or "UIC."). This Transition Plan provides four basic response levels: Level I, All Zone Response; Level II, Nearshore and Shoreline Assessment and Cleanup; Level III, Detailed Cleanup to Achieve Completion; and Level IV, Maintenance and Monitoring.

During Phase III of the response, characterization of the MC 252 oil contamination was determined by a method called "Shoreline Cleanup Assessment Technique" or "SCAT." The SCAT process is a non-regulatory emergency response framework developed in large part by oil spill response contractors. E.g., *The SCAT Manual-A Field Guide to the Documentation of and Description of Oiled Shorelines*, Environment Canada (2000). The process relies heavily on visual observation and best professional judgment in describing the amount of oil remaining and whether the cleanup endpoint for a particular phase of the response has been met. The SCAT process is not structured to relate contamination levels to a particular regulatory or legal standard, but is generally described as an "operational standard" which is used to guide the response effort.

The SCAT process used in the MC252 response for the Fourchon beach area are set out in documents called Shoreline Treatment Plans as well as other documents tiered to those plans.

5

RESPONSE

EWD faxltr 04 (continued): see response on previous page.

EWD faxltr 05: Before the project can be implemented the USACE must confirm that the area is free of oil contamination pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*).

Edward Wisner Donation fax and letter August 8, 2011 (EWD faxltr)

For example, the SCAT process for the Louisiana coast in 2010 was set out in the MC252 Stage III SCAT-Shoreline Treatment Implementation Framework for Louisiana (September 9, 2010). Appendix A contains the methodology to be used by the SCAT teams.

The 2010 Shoreline Treatment Implementation Framework specified the “no further treatment,” or “NFT,” standards which the SCAT teams would utilize to determine when the active phase of the removal would be completed. When this standard is reached, the response shifts to Phase IV or “Maintenance and Monitoring.”

The 2010 NFT standard for surface oil was “<1% distribution of visible surface oil and oiled debris.” For subsurface oil, the 2010 standard was “no subsurface oil exceeding 1-3 cm in thickness and patchy (10- 50% distribution) that is greater than Oil Residue.”

Although the Donation has received no formal notification, it appears that Unified Command has found that the entirety of Fourchon Beach meets the 2010 NFT standards, and is now in Stage IV, or maintenance and monitoring. The Donation recommends that the Corps obtain direct confirmation of what the Unified Command asserts is the level of remaining contamination on Fourchon Beach.

The Donation has conducted its own assessment and monitoring of the beach at Fourchon, and this information has been shared with the Corps. In contrast to the UIC’s NFT finding, the Donation’s research has shown that oil remains in a number of forms remain on the beach. These include surface “tar balls,” buried oil, and offshore oil mats. Some of this oil is readily visible to the casual observer, while other forms require careful sampling and testing. Oil continues to reappear on the beach as buried areas are uncovered. Tar balls from offshore oil mats come onshore after heavy seas.

Accurate information regarding the existing level of contamination, the need for additional oil removal or treatment, and the projected timeframe for removal is important to insure that construction is not delayed further. Some degree of contamination from the Deepwater Horizon incident is likely to be present as of the projected April 2013 start date for construction of the Caminada Headlands project. Based on the Donation’s sampling and monitoring, the degree of contamination is greater than that being reported by UIC.

The Donation is very concerned that if substantial oil contamination is discovered in the project area after construction commences, it could lead to substantial delays in construction. These delays will result in additional land and monetary loss. The Donation does not wish for concerns about oil contamination to delay this project, but it is necessary to have a realistic appreciation of the amount of oil remaining.

It is also important to obtain accurate information regarding the physical impacts of the response effort on the project footprint. As the DEIS notes, a number of hard structures such as

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RESPONSE

EWD faxltr 05 (continued): see response on previous page.

Edward Wisner Donation fax and letter August 8, 2011 (EWD faxltr)

sheet piling dams and rock bridges have been associated with the response effort. These hard structures have altered the shoreline on the Donation's property.

In addition, a substantial amount of contaminated sediment has been removed from the beach. Large areas have been excavated with heavy equipment to remove mats of oil. The Donation's observations to date are that the digging and heavy equipment associated with removal of tar mats have exacerbated erosion of the beach in specific areas, and have altered the beach.

Wisner has every intension of supporting the Barataria Basin Barrier Shoreline Project in every way possible. We very much look forward to continuing to work with the Corps to get this project built as soon as possible.

Sincerely,



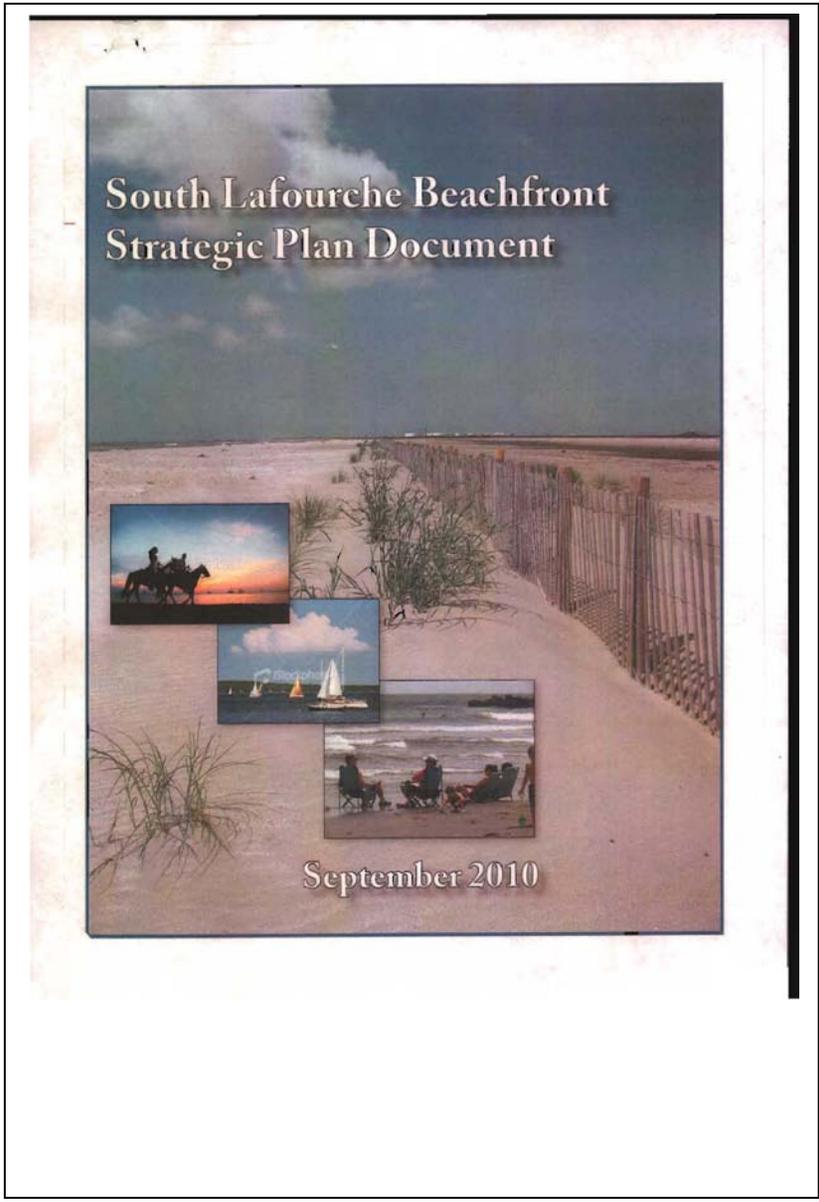
C. Cathy Norman
Secretary Treasurer/Land Manager

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RESPONSE

EWD faxltr 05 (continued): see response on previous page.

Edward Wisner Donation fax/letter attachment (EWD at)



South Lafourche Beachfront Strategic Plan

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Edward Wisner Donation attachment (EWD at)



South Lafourche Beachfront Strategic Plan

General Purpose

Historically, the beach was accessible from Hwy 3090, a Lafourche Parish road that begins at LA Hwy 1 and extends through Port Fourchon and then to the Gulf of Mexico. The public traditionally accessed the beach at the end of the public road with uncontrolled vehicular traffic. Increased littering and random vandalism have caused adjacent landowners to attempt to block vehicular access.

The creation of the South Lafourche Beachfront Development District is partly a reaction to limitations in public access. Negotiations among landowners, the Port and the Parish have been "in progress" since the mid-90's.

Since the inception of the Beachfront Development District, more progress has been made due to the respect and attention paid to landowners of both camps (*Wisner and Calhoust*). The best way to further the goal of assuring access is to continue establishing a respectful communication and demonstrating sincere actions as guardians of the land and

also by assuring that any recreational development does not stop or delay beach restoration and nourishment.

The main objective of the South Lafourche Beachfront Development District shall be to maintain and preserve beaches for use and enjoyment of the citizens. The district aims to facilitate the development, operation and maintenance of recreational facilities while promoting outdoor activities and water sports on beaches within the District for the residents and visitors to enjoy.

While the District encompasses an area roughly equal to the southern end of Lafourche Parish, the scope of the initial Strategic Plan is the area otherwise known as Fourchon



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Edward Wisner Donation attachment (EWD at)

South Lafourche Beachfront Strategic Plan



Beach.

Fourchon Beach covers approximately 10 miles along the 14-mile Caminada Headland which stretches into Jefferson Parish. The Jefferson Parish portion of the Caminada Headland is also referred to as Elmer's Island.

Commissioners have decided to propose development in phases. Phasing will cover smaller sections of the overall beach and in some instances consider separately primitive and advance stages of development.

This project aims to develop Fourchon Beach and promote it as one of Louisiana's recognized public destinations for recreational activities such as camping, picnicking, fishing, swimming and surfing.

The South Lafourche Beachfront Development District sees the potentials of Fourchon as a relaxing spot where local residents and tourists alike can spend quality fun and recreation. Discussions on the proposed development are made with sheer recognition that they will only be materialized in coordination with planned restoration efforts.

The District asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed **ONLY** in coordination with and then subject to the Caminada Headland Project. The development team is looking into collaborative efforts with government and non-government entities to actualize plans.

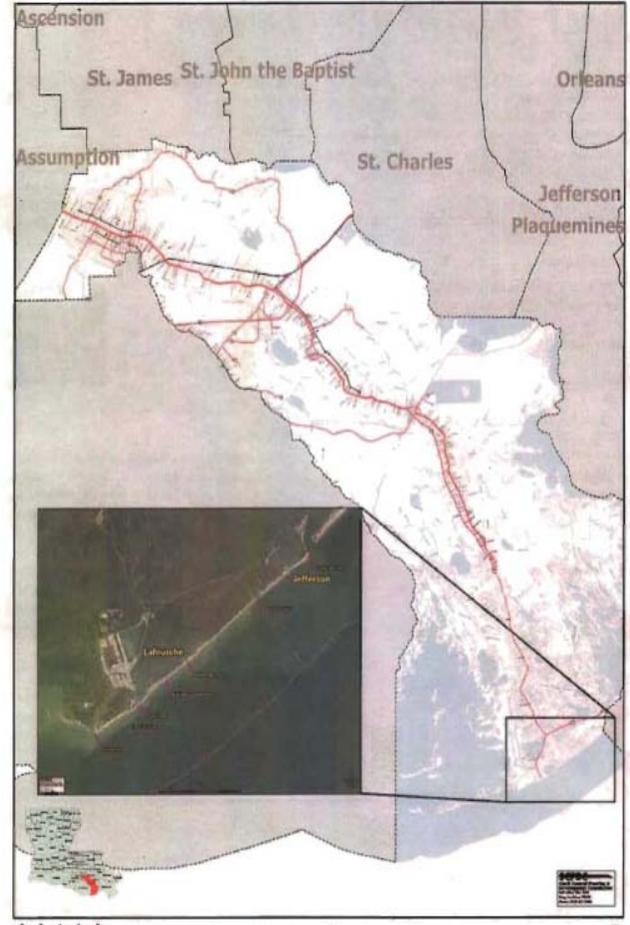
A level of trust has been established between the land-owners in collaboration with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish's Fire District #3 and Lafourche Parish Government. Rules on sanitation, security, safety and beach facility usage will be outlined and enforced by the property management team along with the above-mentioned entities and including the Lafourche Parish Sheriff's Office and the Lafourche Parish District Attorney's Office. Security patrols and rescue services shall be made available at any given time when the district has sanctioned public use of the beach and its facilities. Similarly, proper garbage disposal services will be provided in all premises of the beach.

The District asserts that any and all discussion, planning and design of proposed development for a public park at Four-



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South Lafourche Beachfront Strategic Plan



Lafourche Parish, Louisiana

3

Edward Wisner Donation attachment (EWD at)

South Lafourche Beachfront Strategic Plan

Phase 1 - Hwy. 3090 to Bay Champagne

The first phase of the proposed development will be from Hwy 3090 to the eastern rim of Bay Champagne. A natural setting with minimal infrastructure is initially planned. Advancement will follow whenever funding is made available at a later date. More remote usage will be allowed beyond Bay Champagne through Bayou Thunder (the Parish Line).

Proposed Actions

Access Roads

Partnering with the Parish and potentially the Port, an access road is proposed beginning at Hwy 3090 and heading east at the site of a former access road within the dune area north of Hwy 3090's end at the Gulf of Mexico. The proposed road will be constructed using compacted sand and gravel (perhaps with matting) kept within the dunes limiting vehicular access to the beach. An access road will fork (right) immediately west of the Caillouet-Wisner boundary with the first vehicular access site comprised of a roadbed to the shore. The left fork will continue eastward on the beach side of the beach-and-dune interface. This widened access road will extend across Wisner property through to the edge of Bay Champagne and

include another vehicular route to the shore. (See orange line of Map on next page.)

- 1. Parking**
While vehicular access will be allowed in limited locations, parking will be provided for the convenience of the public and to discourage private vehicles on the beach. Parallel parking will be encouraged on the section of roadway between the two vehicular access points (see widened roadway). An actual parking lot will be constructed at the end of the public roadway near the western edge of Bay Champagne. (See blue markings.)
- 2. Beach Entrance**
A customized trailerable guard-house is strategic and practical to be constructed at the main entrance. In that way, it can be driven away when impending storms threaten. (Green Line)
- 3. Bathrooms**
Due to funding restraints, Port-o-Lets will be the first option for public bathrooms. Port-o-Lets will be placed in strategic locations across the Hwy 3090 to Bay Champagne area for public convenience. When funding can be identified, the District will consider the procurement of larger trailerable bathrooms customized to be more like public restrooms in other public facilities. The trailerable nature of these restrooms will again allow for portability when impending storms threaten. Portable sewerage systems will be considered depending on location and suitability for more permanent structures.
- 4. Fishing Pier**
A walkway jutting into the bay will start from the beach itself and extend into Bay Champagne. It is envisioned that the pier will begin in the vicinity and provide handicapped access from the larger parking lot.)



The South Lafourche Beachfront Development District (District):
 Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with, and then subject to the Canineade Headland Project.
 Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other nearby entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities.
 Asserts that the District will partner with Lafourche Parish Government (or some private disposal service), to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use.
 Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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South Lafourche Beachfront Strategic Plan

Phase 1 - Hwy 3090 to Bay Champagne



Legend

- Proposed Beach Fill
- Proposed Marsh Fill
- Proposed Ridge Fill
- Enhanced Boardwalk
- Ridge Fill & Enhanced Boardwalk
- Roads
- Parking
- Boardwalk
- Campsite

1

South Lafourche Beachfront Strategic Plan

Phase 2 - Belle Pass to Hwy 3090



Legend

- Proposed Beach Fill
- Proposed Marsh Fill
- Proposed Ridge Fill
- Enhanced Boardwalk
- Ridge Fill & Enhanced Boardwalk
- Roads
- Parking
- Boardwalk
- Campsite

A beachfill area or offshore in Chrono Tank Area could provide seasonal opportunities and beach lease (as in Chrono Employees).

A Boardwalk near the Western end of Fourchon Island adjacent and similar to existing boardwalk would provide a unique opportunity for bird viewing.

As a defense the proposed Canineade Headland Project will enhance beachfront opportunities and permit single island administration.

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Edward Wisner Donation attachment (EWD at)

South Lafourche Beachfront Strategic Plan

5. Pavilion

District Commissioners propose the construction of a permanent concrete pavilion designed to withstand minimal hurricanes. It will be situated on the north end of the larger parking area and adjacent to the fishing pier. This structure will be the centerpiece of the park facility. *(Red Dot)* Smaller trailerable covered table area(s) will be designed and constructed so that they could be moved within the park for private use by patrons and moved to safety when impending storms threaten.



6. Overnight Camping

Camping will be allowed in designated areas at the edge of the beach and away from fragile vegetation. Tenting will be encouraged and limited utilities will be available adjacent to the noted access roads. Self-contained Recreational Vehicle (RV) camping will be allowed but not encouraged as they will be restricted to designated parking areas and prohibited on the beach.



7. Selling/Vending

The District will consider allowing private vendors to provide limited products and services. Prior to this policies and standards shall be developed to ensure the consistency with the park's intended natural setting. Policies may initially require trailerability consistent with other park facilities.

The South Lafourche Beachfront Development District (District)

Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project;

Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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8. Boardwalks/Trails

In association with wetland and dune areas, the District will consider the construction of boardwalks and trails to promote awareness of unique and fragile flora and fauna while protecting these areas from excessive traffic. Yellow lines are only for example. The locations would have to be surveyed and engineered to maximize the experience and minimize the wetland impact.



9. Utilities

Water and underground electricity are proposed to follow along the roadway through to Bay Chauvagne.

10. Other Activities and Services.

a. Golf carts and/or all terrain vehicles may be rented if it can be determined that it would discourage vehicular traffic on the beach. If allowed, these vehicles would be prohibited in dune and wetland areas and speed limits would be stringently enforced.

b. Horseback riding will be allowed and perhaps promoted in a controlled manner. Again, if allowed, horses would be prohibited in dune and wetland areas.

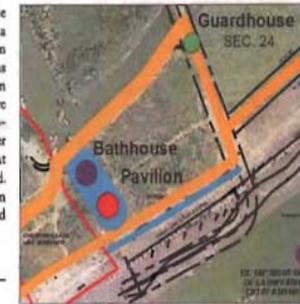
c. Kayaking, canoeing and bird watching are to be promoted and allowed in designated areas. If arrangements can be made, kayaks and canoes may be rented for day use.



South Lafourche Beachfront Strategic Plan

Phase 2 - Belle Pass to Hwy. 3090

The second phase of the proposed development will be from Hwy 3090 to the jetty at Belle Pass. Currently the area is a natural setting with the exception of Chevron's tank farm facility. The area is known as Fourchon Island. It serves as a buffer zone for the rest of Port Fourchon. While erosion has taken its toll, the island's beaches are broader and more stable. With more beach available, the Beachfront Development District envisions room for RV Camping and the larger camper trailers and motor homes. The challenge here is that the Port also has future expansion slated for Fourchon Island. The following plan is a proposal that finds opportunities within the challenges of competing interests for limited real estate and enhanced protection for vulnerable coastal infrastructure.



Proposed Actions

1. Access Roads

Partnering with the Parish and the Port, a two-lane access road is proposed beginning at Hwy 3090 and heading west along the current road to the Chevron facility. At the Chevron gate the road jogs southward, parallels the Chevron facility fencing and then veers northwest to the proposed port expansion area at the center of Fourchon Island. This two-lane roadway will serve as the access route to the port expansion, provide an exit route for Fourchon Island campers and be constructed to accommodate both recreational and industrial traffic. Beachgoers will access the recreation area from the single point guard house at Hwy 3090 and travel along a single lane one way road that will be built along the beach/dune interface. As funding will allow the road will be raised to serve as a barrier or levee. Engineers will be called in to design a roadbed that takes into consideration numerous pipelines entering from the Gulf of Mexico.

A no-stop zone shall be designated in the area south of the Chevron Facility and at all pipeline crossings to best ensure the safety of the public and the security of pipelines and the storage facility.

The South Lafourche Beachfront Development District (District)

Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project;

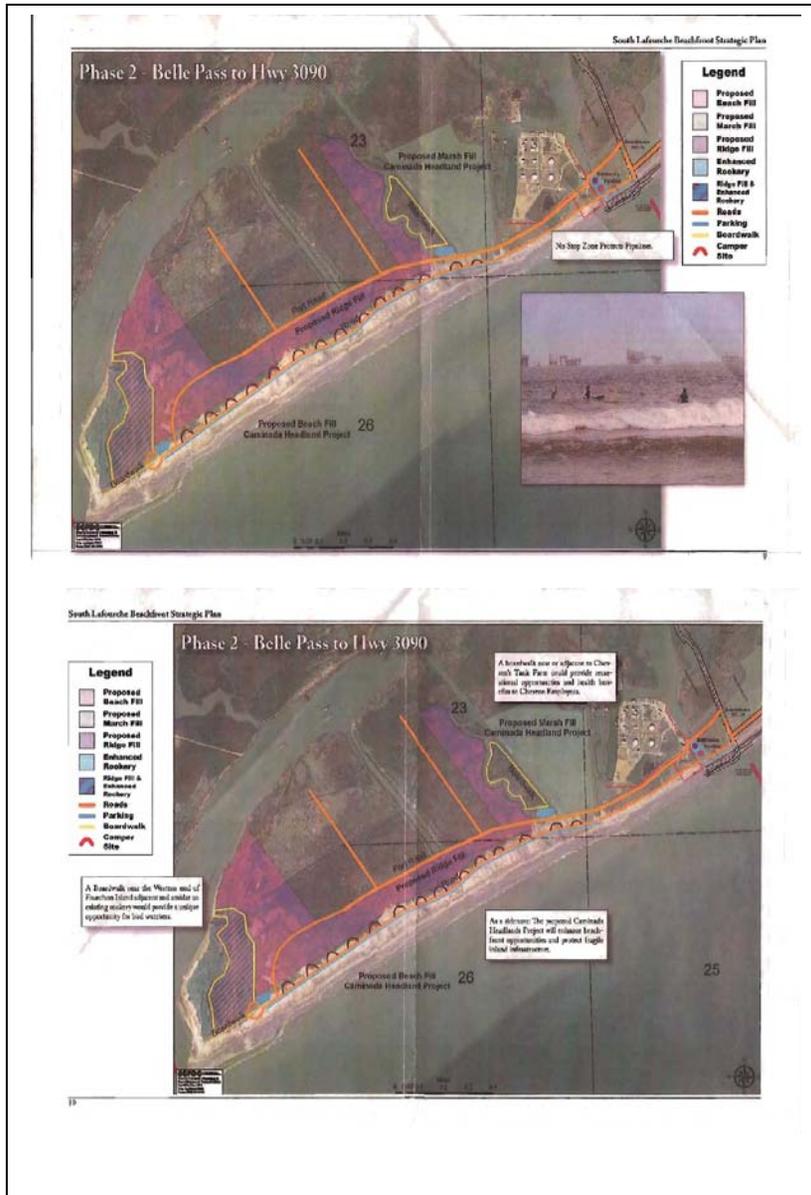
Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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Edward Wisner Donation attachment (EWD at)



South Lafourche Beachfront Strategic Plan

trailerable nature of these restrooms will again allow for portability when impending storms threaten. A portable sewerage systems and/or a dump station will be considered for restrooms and for RVs.

5. Pavilion
A second concrete pavilion designed to withstand minimal hurricanes is proposed at Pass Fourchon for public purposes. (Red Dot) Smaller trailerable covered table area(s) will be designed and constructed so that they could be moved within the park for private use by patrons and moved to safety when impending storms threaten.

6. Overnight Camping
While allowed in other areas, the western end of the Hwy 3090 to Belle Pass area will be the primary camping area. Tenting will be encouraged and limited utilities will be available adjacent to the noted access roads. Specific sites will be designated for self-contained Recreational Vehicle (RV) to best protect fragile vegetation. Camping sites will include roadway loops (in red) to provide safe entry and exit of recreational vehicles.

7. Selling/Vending
The District will consider allowing private vendors to provide limited products and services. Prior to this policies and standards shall be developed to ensure the consistency with the park's intended natural setting. Policies may initially require trailer ability consistent with other park facilities.

8. Boardwalks/Trails
In association with wetland and dune areas and a rookery located on the western end of Fourchon Island, the District will consider the construction of boardwalks and trails to promote awareness of unique and fragile flora and fauna while protecting these areas from excessive traffic.

In coordination with the creation of the maritime ridge, the District plans to improve native habitat to expand and enhance the rookery. Wildlife officials will be consulted to help locate the proper distance from the rookery to best assure birders a view without harming the wildlife.

9. Utilities
Water and underground electricity are proposed to follow along the roadway through to Belle Pass.

10. Other Activities and Services.

- In partnership with the port and landowners, the District proposes that a maritime ridge be created with fill (purple) from proposed port slips on the northern portion of Fourchon Island. The ridge would complement the raised access road serving as an enhanced dune/levee system across the length of Fourchon Island and serve as a buffer between the industrial and recreational areas. The maritime ridge would be planted with salt-tolerant trees and wetland vegetation in a way similar to the Port's Maritime Ridge Forest proposed north of the existing port.
- Golf carts and/or all terrain vehicles may be rented if it can be determined that it would discourage vehicular traffic on the beach. If allowed, these vehicles would be prohibited in dune and wetland areas and speed limits would be stringently enforced.
- Horseback riding will be allowed and perhaps promoted in a controlled manner. Again, if allowed, horses would be prohibited in dune and wetland areas.
- Kayaking, canoeing and bird watching are to be promoted and allowed in designated areas. If arrangements can be made, kayaks and canoes may be rented for day use.

The South Lafourche Beachfront Development District (District):
Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headlands Project.

Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities.

Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage services for all areas of the Fourchon Beach that are opened for public use.

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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Edward Wisner Donation attachment (EWD at)

South Lafourche Beachfront Strategic Plan

Phase 3 - Bay Champagne to Bayou Moreau

The third phase of the proposed development will be from Bay Champagne to Bayou Moreau. The natural setting consists of a saline marsh fronting the Gulf of Mexico with a beach shoreline. The interior contains a series of canals both natural and man-made with recreational camps managed by the Wisner Foundation. Behind the beach head wetland marsh has opened up shallow lagoons. With the variety of water bodies present, the Beachfront Development District envisions this area as a prime place for water sport activities. The challenge is balancing the promotion of recreational activities and the protection of the environment. Concentrating these recreational activities into a defined area will best ensure that water patrol officers can patrol and monitor these activities reducing the chance for accidents and damage to the natural environment. The following plan is a proposal that finds opportunities within the challenges to obtain a balance between the use and protection of this coastal resource.

Map

- Access Roads**
Partnering with the Parish and potentially the Port, an access road is proposed in Phase 1 beginning at Hwy 3090 and heading east at the interface of the beach and dune area providing access to the Phase 3 area. Bay Champagne separates the Phase 1 roadway and a continuation of this roadway through to Bayou Moreau. To cross the beach that fronts Bay Champagne, the District proposes a more substantial structure. Whether this would be an actual bridge or roadway, engineers and hydrologist would be called upon to design something that would be best suited to fit the crossing. The compacted sand and gravel roadway would extend beyond the bay crossing accessing planned recreational and commercial sites. At a site designated for vendors and park facilities an additional roadway would head north to provide an inland access point to Bayou Moreau. *(Roadways are designated by orange lines on Map)*
- Parking**
While vehicular access will be allowed in limited locations, parking will be provided for the convenience of the public and to discourage private vehicles on the beach. Parallel parking will be encouraged on both sides of the roadway. *(See blue lines on beachfront roadway).* Additional parking will be provided at the Bayou Moreau Pavilion and Vendor area. *(See blue markings.)*
- Beach Entrance**
While guests may enter via boat at Bayou Moreau, there are no additional formal entrances within the Phase 3 area.
- Bathrooms**
Initially Port-o-Lets will be the first option for public bathrooms. Port-o-Lets will be placed in strategic locations from Bay Champagne to Bayou Moreau for public convenience. When additional funding can be identified, the District will consider the procurement of larger trailerable bathrooms.

The South Lafourche Beachfront Development District (District):
Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caninada Headland Project;
Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office *(or some other security entity)* and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;
Asserts that the District will partner with Lafourche Parish Government *(or some private disposal service)* to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;
Asserts that the District will partner with Lafourche Fire District #3 *(or some other rescue service)* to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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South Lafourche Beachfront Strategic Plan

Phase 3 - Bay Champagne to Bayou Moreau

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South Lafourche Beachfront Strategic Plan

Phase 3 - Bay Champagne to Bayou Moreau

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Edward Wisner Donation attachment (EWD at)

South Lafourche Beachfront Strategic Plan

customized to be more like public restrooms in other public facilities. The trailerable nature of these restrooms will again allow for portability when impending storms threaten. Long-term plans include replacing the trailerable bathrooms with a fully functioning bathroom (*Purple Dot*).

5. Pavilion

A third concrete pavilion designed to withstand minimal hurricanes is proposed at Bayou Moreau for public purposes. (*Red Dot*) Smaller trailerable covered table area(s) will be designed and constructed so that they could be moved within the park for private use by patrons and moved to safety when impending storms threaten.

6. Overnight Camping

To maximize the beach area for recreational activities, no tent or RV Camping will be allowed in this area.

7. Selling/Vending

The District will consider allowing private vendors to provide limited products and services. An area near the mouth of Bayou Moreau will be designated for vendors. The expectation of the District is that along with food and other conveniences this area would house rental areas for canoes, kayaks, wave runners and other water sport related activities. Prior to the development of this area policies and standards shall be developed to ensure the consistency with the park's intended natural setting. Policies may initially require trailer ability consistent with other park facilities.

8. Boardwalks/Trails

In association with wetland and dune areas, the District will consider the construction of boardwalks to promote awareness of unique and fragile flora and fauna while protecting these areas from excessive traffic.

9. Utilities

Water and underground electricity are proposed to follow along the roadway through to Bayou Moreau.

10. Other Activities and Services

a. The Bay Champagne to Bayou Moreau Phase of

Development will be designed to concentrate water sport activities. Motorized activities will be allowed on the beach, in the Gulf waters, in Bayou Moreau and in the navigable canals. These activities may include but are not limited to parasailing, skiing and boating. If it can be arranged, the rental of wave runners and other watercraft may be made available.

b. Non-motorized activities will be encouraged within Bay Champagne, the pond area behind the dunes and in the interconnecting canals. Again if arrangements can be made, kayaks, canoes, paddleboats and other non-motorized vehicles may be made available. As the inland waterways connect, policies will be developed to promote safety where both motorized and non-motorized activities are allowed.

c. On hand golf carts and/or all terrain vehicles may be rented if arrangements can be made and if it can be determined that it would discourage vehicular traffic on the beach. If allowed, these vehicles would be prohibited in dune and wetland areas and speed limits would be stringently enforced.

d. Horseback riding will be allowed and promoted in a controlled manner. Horses would be prohibited in dune and wetland areas.

e. While not prohibited, swimming, fishing, crabbing, surfing and bird watching will be discouraged in this area.



The South Lafourche Beachfront Development District (District):
 Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminala Headland Project;
 Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (*or some other security entity*) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;
 Asserts that the District will partner with Lafourche Parish Government (*or some private disposal service*) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;
 Asserts that the District will partner with Lafourche Fire District #3 (*or some other rescue service*) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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South Lafourche Beachfront Strategic Plan

Phase 4 - Bayou Moreau to Bayou Thunder

The fourth phase of the proposed development will be from Bayou Moreau through to the parish line at Bayou Thunder. The natural setting consists of a saline marsh fringing the Gulf of Mexico with a beach shoreline. The nearly four (4) mile stretch is remote environmentally and for purposes of Homeland Security. Similar to Phase 3, the challenge is balancing the use and protection of this sensitive area. The vision of this area is the primitive use of a natural environment with limited access and limited amenities. Private vehicles will be prohibited from traveling across this stretch of beachfront. Traffic will be limited to park vehicles to transport guests to their destination, service vehicles to maintain and patrol the area and emergency vehicles. The following plan is a proposal that finds opportunities and unique methods to provide access amidst a sensitive and natural environment.

Proposed Actions:

1. Access Roads

Partnering with the Parish and potentially the Port, a trail will be constructed in a manner similar to the access road proposed in Phases 1 & 3. Somewhat narrower than the roadways of Phases 1 & 3, the trail will extend through to Bayou Thunder with bends and turns finding unique areas and vistas. For emergency purposes the trail will have turn arounds, rest stops, and be open to the beach. While private vehicles will be prohibited, the trail will be designed to accommodate emergency, service and park vehicles. Engineers will be consulted to determine the best method to cross Bayou Moreau addressing the hydrology and necessity for access and to cross the Loop Pipeline ensuring that any trail (*or roadway*) meets any and all security and structural measures necessary to protect the pipeline.

2. Parking

With private vehicles prohibited, parking will be provided at Bayou Moreau for the convenience of the public and to discourage private vehicles on the beach. Parallel parking will be encouraged on both sides of Bayou Moreau. (*See blue markings*).

3. Beach Entrance

There are no additional formal entrances within the Phase 4 area.

4. Bathrooms

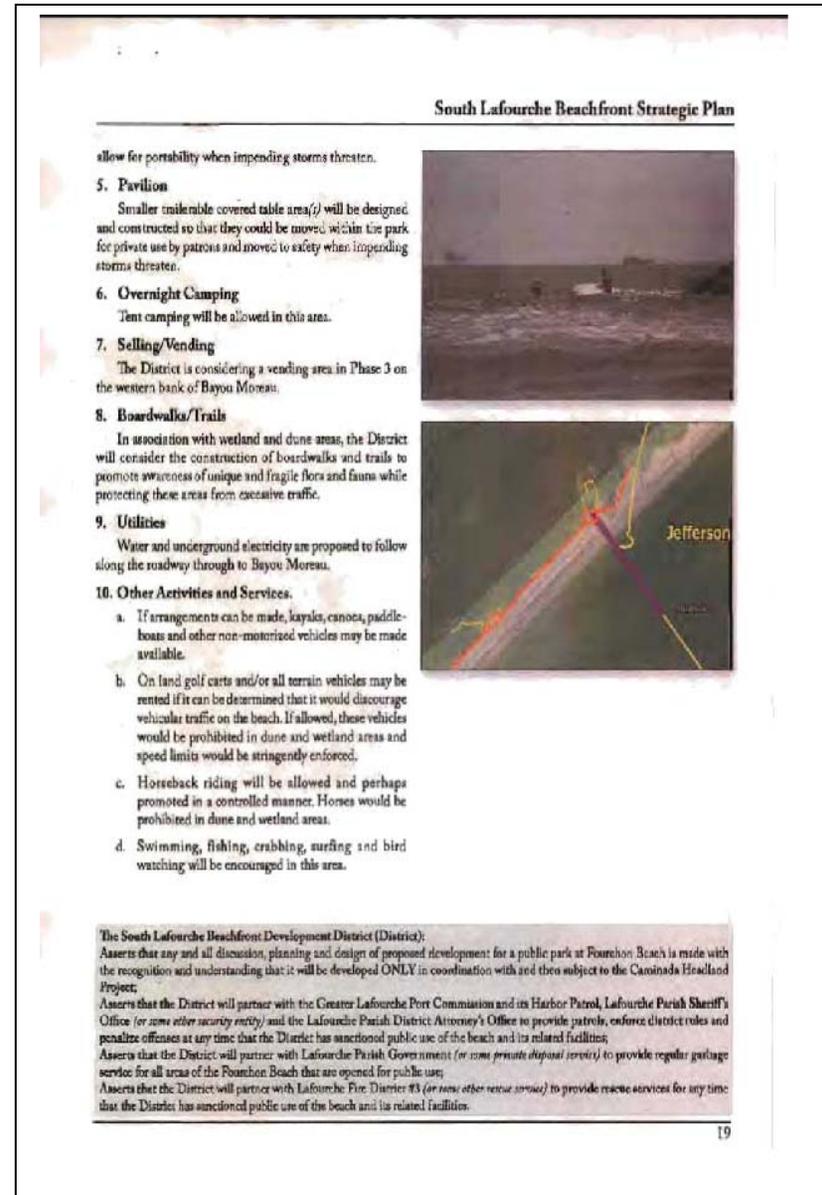
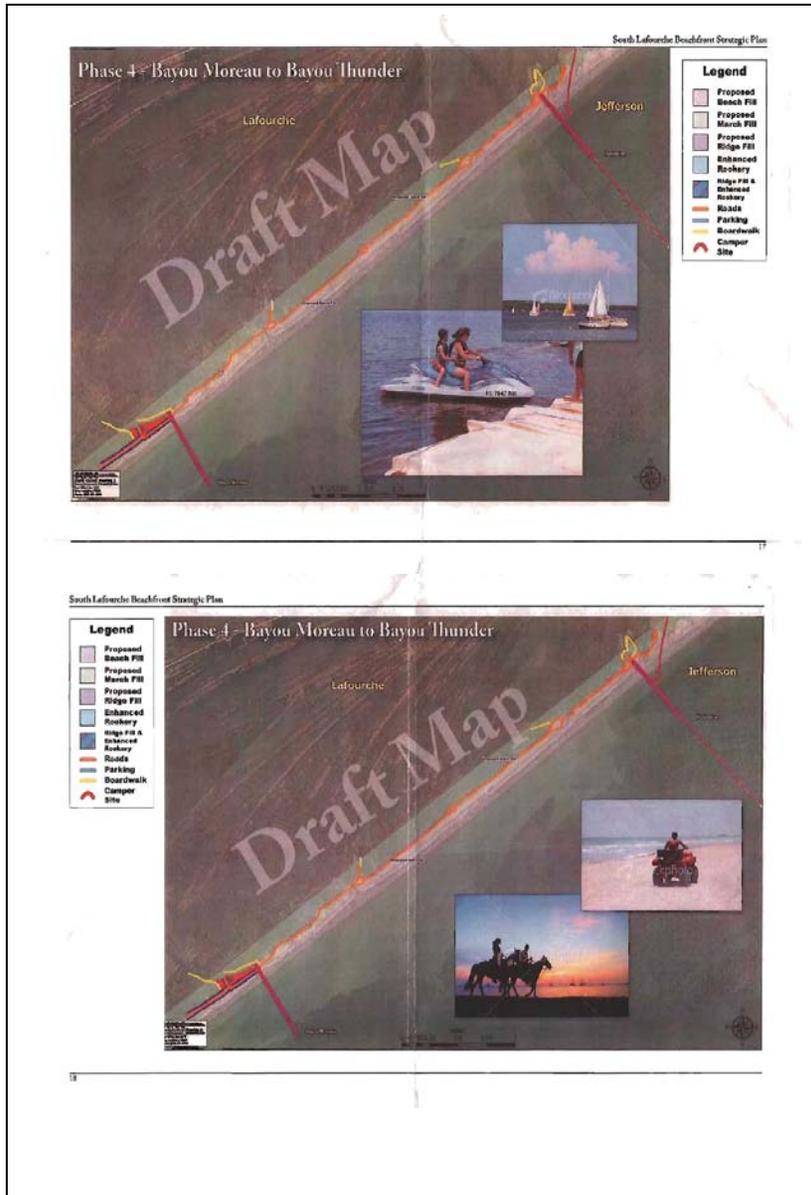
Initially Port-o-Lets will be the first option for public bathrooms. Port-o-Lets will be placed in strategic locations from Bayou Moreau to Bayou Thunder for public convenience. When additional funding can be identified, the District will consider the procurement of larger trailerable bathrooms customized to be more like public restrooms in other public facilities. The trailerable nature of these restrooms will again



The South Lafourche Beachfront Development District (District):
 Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminala Headland Project;
 Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (*or some other security entity*) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;
 Asserts that the District will partner with Lafourche Parish Government (*or some private disposal service*) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;
 Asserts that the District will partner with Lafourche Fire District #3 (*or some other rescue service*) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

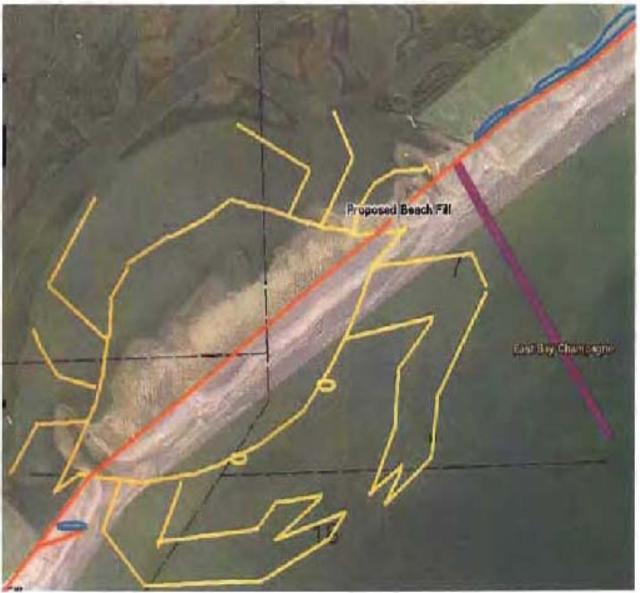
16

Edward Wisner Donation attachment (EWD at)



Edward Wisner Donation attachment (EWD at)

South Lafourche Beachfront Strategic Plan



Proposed Beach Fill

East Bay Channel

Alternate Boardwalk Configuration

The South Lafourche Beachfront Development District (District):
 Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project.
 Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities.
 Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use.
 Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

20

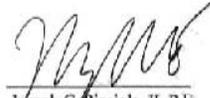


PICCIOLA & ASSOCIATES, INC.
 CIVIL ENGINEERS • LAND SURVEYORS • NAVAL ARCHITECTS • MARINE ENGINEERS

J.C. PICCIOLA, II, P.E., L.S.

**South Lafourche Beach Front Development Commission
 Strategic Plan Phase I
 Construction Cost Estimate
 July 20, 2011**

1. Aggregate Roadway Construction & Engineering	\$ 965,000.00
2. Waterline Construction & Engineering	\$ 116,000.00
3. Electrical Construction & Engineering	\$ 172,500.00
4. Fencing Construction & Engineering	\$ 45,540.00
5. Pavilion Construction & Engineering	\$ 120,750.00
6. Fishing Pier Construction & Engineering	\$ 483,000.00
7. Signage Construction & Engineering	\$ 5,750.00
8. Guardhouse Construction & Engineering	\$ 28,750.00
Total Phase I	\$ 1,937,290.00

Submitted by: 
 Joseph C. Picciola, II, P.E.

P.O. BOX 887 - C/JT OFF. LOUISIANA 70345 - 115 PICCIOLA PARKWAY - PICCIOLA COMPLEX
 PHONE (985) 632-5788 - FAX (985) 632-2407 - E-MAIL: picciola@cajturnet.com

Edward Wisner Donation public meeting comments (EWD pm)

EDWARD WISNER DONATION ADVISORY COMMITTEE

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Wisner

REPRESENTING
CHARITY HOSPITAL / MEDICAL CENTER
OF LOUISIANA
CITY OF NEW ORLEANS
THE SALVATION ARMY
TULANE UNIVERSITY
THE WISNER FAMILY

My name is Cathy Norman and I am the Secretary/Treasurer of the Edward Wisner Donation. The Donation owns and oversees over 35,000 acres in lower Lafourche Parish including a majority of the 9 miles of the Caminada Headlands Barrier Shoreline.

Over the past decade, Wisner has actively supported the State and the Corps in furtherance of this project. Wisner has provided field trips, access, cooperative science and has made every effort to partner as best we can with our limited resources to further this project.

Wisner contributed a quarter of a million dollars for the \$800,000 NOAA Lafourche Parish Community Based Wisner Restoration Project. This project created and vegetated 50 acres of marsh and restored hydrology to 1800 acres of marshland. The beach component included planting 2500 black mangroves and constructing 6860 feet of sand fencing along the Gulf of Mexico.

Additionally, Wisner has participated in dozens of other beach projects, research projects and efforts to protect this fragile shoreline, and partnered with the Greater Lafourche Port Commission, Chevron, LOOP and Shell to form the Fourchon Region Restoration Initiative. This group contributed towards additional scientific studies that have been shared with State and Federal Agencies in hopes of jump starting this project.

The importance of restoring this headland area cannot be emphasized enough. As a resident of New Orleans, this is the only barrier shoreline between the City and the Gulf of Mexico. This buffer is the last natural line of defense for this entire region and protects the fragile but prolific marshes behind it. LA 1 to Grand Isle is predicted to be under water within 10 years and will be if this shoreline is not restored.

On a national level, this shoreline protects oil and gas infrastructure and Port Fourchon which cumulatively supply nearly a quarter of the nation's domestic and imported oil.

Wisner cannot emphasize enough how important it is to get this project built, for the good of the region, the state and the nation. But after over a decade of waiting, what have we lost. Every year that projects to restore our coast are delayed, it is estimated that it cost our State 1 billion dollars.

RESPONSE

EWD pm 01: Thank you for your comment.

Edward Wisner Donation public meeting comments (EWD pm)

The Caminada shoreline loses an average of 46 feet a year in coastal retreat. There is no time to delay the building of this project any further

I am proud to say that Wisner has been an active steward of the environment in protecting this area. Our hopes are that once built this headland will remain in a primitive state and be afforded protection that it has not received in the past in spite of our efforts.

Act 734 was passed in 2010 prohibiting riding or hauling on integrated coastal protection projects. Wisner views this as imperative for future protection of the beach.

My concern for this area relates to the South Lafourche Beachfront Development District which was formed in 2007 in furtherance of providing access to this privately owned beach. Access to this area has been allowed in the past, however, the SLBDD wants vehicle access and development of this area. I have included a copy of the development plans and a quote for costs to construct everything from roads to power lines on this beach. The District has lobbied and worked for a State Seashore concept that they hope will afford them the power and resources to do as they wish on this piece of property. They currently support the Triple B project as they hope the land will be expropriated from the current landowners giving them control for their agenda.

I am amazed that the people of South Lafourche seem to be continually putting recreation over restoration when in fact they are the ones most at risk. I don't know what the political or economic reasons are for their short sightedness in this regard, but clearly, I strongly doubt that there is a commitment to an environmental only project for this area. Their support has a large hidden agenda.

Finally, I want to emphasize the impact that the BP oil spill has had on this area. The beach remains in a damaged, contaminated condition. Hard structures have altered the shoreline. Oil continues to reappear on the beach as buried areas are uncovered. Tar balls from offshore oil mats come onshore after heavy seas. The entire area is ravaged from digging and heavy equipment that has exacerbated erosion and altered the beach.

Where is BP? When will they complete the task of returning this area to what it was before the spill. Will the remaining contamination impact or delay the Caminada Headlands and Triple B projects? These are very important questions that need to be addressed. Wisner has spent hundreds of thousands of dollars participating in the clean up response and documenting it with science. BP left in April and we have great concerns that they will not return.

To conclude I think it is important for all residents of coastal Louisiana to do everything they can to support projects like this one. Without them, there will be nowhere left to live or work in this area, much less a beach for recreation.

RESPONSE

EDW pm 02: Thank you for your comment. The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

Edward Wisner Donation attachment 1 (EWD at1)

ENROLLED
ACT No. 734

Regular Session, 2010
HOUSE BILL NO. 1090
BY REPRESENTATIVE DOVE AND SENATOR CHABERT

AN ACT

1
2 To amend and reenact R.S. 30:2459(A) and (D) and 2460(A)(14), R.S. 36:351(B), R.S.
3 38:111, 112, 213, 221, and 226, R.S. 39:366.3(1) and 1482(A)(1)(a), R.S.
4 41:1701.1(D) and 1702(D)(1), and R.S. 49:214.61(A) and to enact R.S. 39:14(7) and
5 R.S. 49:214.5.2(F), 214.6.3(B)(5), and 214.6.10(C), relative to the Office of Coastal
6 Protection and Restoration, to provide relative to the role of the Coastal Protection
7 and Restoration Authority and the Office of Coastal Protection and Restoration in
8 response to oil spills; to provide relative to responsibilities of the office with coastal
9 levees; to provide relative to immunity for cooperating landowners; to provide for
10 the responsibilities of the office in reclamation of land; to provide certain terms,
11 conditions, and procedures; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 30:2459(A) and (D) and 2460(A)(14) are hereby amended and
14 reenacted to read as follows:

15 §2459. State oil spill contingency plan

16 A. The coordinator shall develop and distribute to the public a state oil spill
17 contingency plan of response for actual or threatened unauthorized discharges of oil
18 and clean up of pollution from such discharges. In addition, the Department of
19 Environmental Quality, in cooperation with the coordinator, shall recommend
20 provisions of the plan relating to unauthorized discharges of oil. The Department of
21 Wildlife and Fisheries, in cooperation with the coordinator, shall recommend
22 provisions of the plan providing for protection, rescue, and rehabilitation of aquatic
23 life and wildlife and appropriate habitats on which they depend under its jurisdiction.
24 The director of the Office of Coastal Protection and Restoration, in cooperation with

Page 1 of 11

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are additions.

RESPONSE

EDW at1 01: Thank you for your comment.

Edward Wisner Donation attachment 1 (EDW at1)

HB NO. 1090 ENROLLED

1 the coordinator, shall recommend provisions of the plan for providing for the
2 protection and restoration of the coastal areas of the state. The Department of
3 Natural Resources, in cooperation with the coordinator, shall recommend provisions
4 of the plan providing for protection and rehabilitation of appropriate resources under
5 its jurisdiction. The Department of Public Safety and Corrections, in cooperation
6 with the coordinator, shall recommend provisions of the plan providing for
7 emergency response coordination to protect life and property, excluding prevention,
8 abatement, containment, and removal of pollution from an unauthorized discharge.
9 * * *

10 D. Prior to adopting the state oil spill contingency plan, the coordinator shall
11 adopt a fully delineated inland boundary for coastal waters as defined in this Chapter,
12 which boundary shall be based upon data provided by, including but not limited to
13 the United States Army Corps of Engineers, United States Department of the
14 Interior, Minerals Management Service, the Coastal Protection and Restoration
15 Authority, the Louisiana Department of Natural Resources, and the oil and gas
16 industry. The coordinator shall be authorized to amend the boundary by rule as
17 conditions may warrant. The boundary, as adopted, shall be clearly marked on large
18 scale maps or charts, official copies of which shall be available for public inspection
19 in the Office of Coastal Protection and Restoration, the office of coastal restoration
20 ~~and~~ management in the Department of Natural Resources, in each agency comprising
21 the interagency council, and in the parish seat of each parish located within the
22 boundary.

23 §2460. Contingency plan provisions

24 A. The plan shall include all of the following:
25 * * *

26 (14) Procedures established in cooperation with the Department of
27 Environmental Quality, Department of Wildlife and Fisheries, the Coastal Protection
28 and Restoration Authority, and Department of Natural Resources for assessment of
29 natural resources damages and plans for mitigation of damage to and restoration,
30 protection, rehabilitation, or replacement of damaged natural resources. Pursuant to

Page 2 of 11

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are additions.

RESPONSE

Edward Wisner Donation attachment 1 (EWD at1)

HB NO. 1090 ENROLLED

1 R.S. 49:214.1 et seq., the Coastal Protection and Restoration Authority is responsible
2 for integrated coastal protection in the coastal area of the state, therefore, the Coastal
3 Protection and Restoration Authority and the Office of Coastal Protection and
4 Restoration shall assist the coordinator in a primary role in assessing natural resource
5 damages in the coastal area.
6 * * *

7 Section 2. R.S.36:351(B) is hereby amended and reenacted to read as follows:
8 §351. Department of Natural Resources; creation, domicile; composition, purposes
9 and functions
10 * * *

11 B. The Department of Natural Resources, through its offices and officers,
12 shall be responsible for the conservation, management, and development of water,
13 minerals, and other such natural resources of the state, including coastal restoration
14 ~~and~~ management, except timber and fish and wildlife and their habitats.
15 * * *

16 Section 3. R.S. 38:111, 112, 213, 221, and 226 are hereby amended and reenacted
17 to read as follows:
18 §111. Contracts by drainage districts, levee boards, and political subdivisions with
19 Department of Public Works ~~or the Office of Coastal Protection and~~
20 ~~Restoration~~
21 Any drainage or subdrainage district, gravity drainage, or gravity subdrainage
22 district, levee board, or political subdivision may contract with the Department of
23 Public Works ~~or, for projects in the coastal area as defined in R.S. 49:214.2(3), the~~
24 ~~Office of Coastal Protection and Restoration,~~ upon any terms for the payment of the
25 cost of the drainage and reclamation projects within the confines of the district or
26 districts involved proportionately by the Department of Public Works, ~~or the Office~~
27 ~~of Coastal Protection and Restoration,~~ and the districts as may be agreed upon
28 between the Department of Public Works, ~~or the Office of Coastal Protection and~~
29 ~~Restoration,~~ and the governing authorities of the districts entering into any contract.

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are additions.

RESPONSE

Edward Wisner Donation attachment 1 (EWD at1)

HB NO. 1090 ENROLLED

1 §112. Cooperation with federal government and ~~State~~ state of Mississippi in
2 building levees

3 By and with the concurrence and approval of the local levee authorities in
4 interest in Louisiana, and of the Department of Public Works, ~~or, for levees in the~~
5 ~~coastal area as defined in R.S. 49:214.2(3), the Office of Coastal Protection and~~
6 ~~Restoration, the state of Mississippi and the United States Government, or either of~~
7 ~~them, jointly or severally, may construct and have entire charge and control of, both~~
8 ~~in construction and maintenance, and for protection and preservation, all levees~~
9 ~~which may be deemed necessary by the grantees, or by either of them, for protection~~
10 ~~against overflow from the Mississippi River, through and over all parts of the State~~
11 ~~state of Louisiana which by the changes of the channel of the Mississippi River have~~
12 ~~been separated from other parts of the state of Louisiana, and which are now on the~~
13 ~~east side of the present channel of the river, and attached to the mainland of the state~~
14 ~~of Mississippi. The levees shall be of the dimensions and shall be located, and built~~
15 ~~from adjacent soil, along the lines, and for the distances, determined by the engineers~~
16 ~~in charge of levee construction either for the United States or for the State state of~~
17 ~~Mississippi, or for both.~~

18 * * *

19 ~~§213. Riding or hauling on levees prohibited.~~

20 ~~A. No person shall ride, drive, or haul upon the public levees or integrated~~
21 ~~coastal protection projects except where, in the judgment of the levee commissioners~~
22 ~~of a district and the Department of Public Works, or, for levees or integrated coastal~~
23 ~~protection projects in the coastal area as defined in R.S. 49:214.2(3), the Office of~~
24 ~~Coastal Protection and Restoration, ample provision has been made to guard against~~
25 ~~any damage to which the levees or integrated coastal protection projects may thereby~~
26 ~~be exposed from wear, tear, and abuse.~~

27 ~~B. Whoever violates this Section shall be fined not more than fifty dollars~~
28 ~~or imprisoned for not more than thirty days, or both.~~

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RESPONSE:

EWD at1 02: Thank you for your comment.

Edward Wisner Donation attachment 1 (EWD at1)

HB NO. 1090 ENROLLED

1 Section 4. R.S. 39:366.3(1) and 1482(A)(1)(a) are hereby amended and reenacted
2 and R.S. 39:14(7) is hereby enacted to read as follows:

3 §14. Exceptions

4 The following shall not be subject to the provision of R.S. 39:11 and 12 but
5 shall be subject to the provisions of R.S. 39:13:

6 * * *

7 (7) Any interest in immovable property, with the exception of the acquisition
8 of full ownership, including but not limited to temporary easements, rights-of-way,
9 rights-of-entry, predial servitudes, and personal servitudes acquired by the state for
10 the purposes of integrated coastal protection as defined in R.S. 49:214.2(4).

11 * * *

12 §366.3. Definitions

13 In this Part, the following words and terms shall have the meanings ascribed
14 in this Section unless the context clearly requires otherwise:

15 (1) "Cooperative endeavor" means any agreement including one of
16 cooperative financing, other than a competitive bid or competitively negotiated
17 contract, whether contracted pursuant to Chapter 10 of Title 38 or Chapter 16 or 17
18 of Title 39 of the Louisiana Revised Statutes of 1950 or pursuant to a request for
19 proposals, request for qualifications, solicitation for offers, or other recognized
20 process for competitively seeking qualified contractors, to which the state is a party
21 and pursuant to which the state has obligated state resources, whether funds, credit,
22 property, or things of value of the state to a nonpublic person for the accomplishment
23 of a public purpose or in the public interest, but shall not include projects contained
24 in the comprehensive state capital outlay budget, projects pursuant to the Governor's
25 Economic Development Rapid Response Program, and coastal restoration projects
26 administered by the Department of Natural Resources integrated coastal protection
27 programs and projects authorized in the annual coastal protection and restoration
28 plan and administered by the Office of Coastal Protection and Restoration.

29 * * *

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RESPONSE

Edward Wisner Donation attachment 1 (EWD at1)

HB NO. 1090 ENROLLED

1 §1702. Reclamation of lands lost through erosion, compaction, subsidence, and sea
2 level rise; land acquisition for certain coastal projects; requirements
3 * * *

4 D. In all cases in which a definitive boundary may be arrived at by mutual
5 consent or through the procedures applicable to contested boundaries, the
6 administrator of the State Land Office, as provided in Paragraph (1) of this
7 Subsection, or the secretary of the Department of Natural Resources, as provided in
8 Paragraph (2) of this Subsection, may allow reclamation.

9 (1) The administrator of the State Land Office may issue a permit for the
10 carrying out of the work necessary to implement the recovery of the land lost through
11 erosion, compaction, subsidence, or sea level rise; however, no such permit shall be
12 issued until plans and specifications for such work have been first submitted to the
13 governing authority of the parish in which the proposed project is located, the
14 Department of Transportation and Development, the Department of Wildlife and
15 Fisheries, ~~the Office of Coastal Protection and Restoration~~, and the Department of
16 Natural Resources for review and comment not less than sixty days prior to the
17 issuance of such permit. No permit shall be required for projects to facilitate the
18 development, design, engineering, implementation, operation, maintenance, or repair
19 of coastal or barrier island restoration projects by the ~~Department of Natural~~
20 ~~Resources Office of Coastal Protection and Restoration~~ under R.S. 49:214.1 et seq.
21 or other applicable law or projects for the Atchafalaya Basin Program. Within sixty
22 days of completion of the reclamation project, the riparian owner shall submit to the
23 State Land Office proof of the extent of the land area actually reclaimed in the
24 manner provided in Subsection C of this Section for showing the submerged area,
25 which map or plat shall be employed for fixing the definitive boundary between the
26 reclaimed land area and the state water bottoms. Permits issued pursuant to these
27 provisions shall be effective for a period not to exceed two years from the date of
28 issuance and shall thereupon expire. All work remaining or any additional work may
29 be completed only by application in the manner provided by this Section.
30 * * *

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are additions.

RESPONSE

Edward Wisner Donation attachment 1 (EWD at1)

HB NO. 1090 ENROLLED

1 Section 6. R.S. 49:214.61(A) is hereby amended and reenacted and R.S.
2 49:214.5.2(F), 214.6.3(B)(5), and 214.6.10(C) are hereby enacted to read as follows:
3 §214.5.2. Functions and responsibilities; Coastal Protection and Restoration
4 Authority
5 * * *
6 E. Notwithstanding any law to the contrary, upon approval by the authority,
7 the state or any political subdivision thereof, may use its own employees or
8 equipment for satisfying any mitigation requirements resulting from or related to an
9 integrated coastal protection project.
10 * * *
11 §214.6.3. Functions and responsibilities; hurricane protection and flood control
12 * * *
13 B. Office of Coastal Protection and Restoration duties and responsibilities
14 regarding hurricane protection and flood control:
15 * * *
16 (5) No funds of the state nor of any political subdivision or political
17 corporation of the state shall be used nor provided to the United States or any of its
18 agencies, by contract, agreement, a required contribution of a project cost-share or
19 otherwise, for the expropriation of property for the purpose of compensatory
20 mitigation of wetlands or other natural habitat, as authorized or required by state or
21 federal law, to offset, compensate, or replace actual or anticipated damages to or loss
22 of wetlands or other natural habitat caused by the Comite River Diversion Project,
23 Amite River and Tributaries, Louisiana. However, the provisions of this Section
24 shall not apply where such funds are to be used to obtain property voluntarily offered
25 for compensatory mitigation purposes, including but not limited to mitigation
26 banking.
27 * * *

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RESPONSE

Edward Wisner Donation attachment 1 (EWD at1)

HB NO. 1090 ENROLLED

1 §214.6.10. Hold Harmless and cooperative landowner immunity
2 * * *

3 C. Landowners or persons holding an interest in property who, without cost
4 to the state or its political subdivisions, provide the land, property, access rights,
5 servitudes, easements, or other property interests necessary for a project conducted
6 pursuant to the authority of R.S. 49:214.5.2(A)(7), shall be immune from premise
7 liability, loss, damage, or injury to any third party resulting from or caused by the
8 construction, operation, or maintenance of that integrated coastal protection project.
9 * * *

10 §214.61. Department of Natural Resources Office of Coastal Protection and
11 Restoration; acquisition of property prior to judgment; definitions
12 A. When the state Department of Natural Resources Office of Coastal
13 Protection and Restoration cannot amicably acquire property in the coastal zone
14 needed for barrier island preservation, restoration, or creation for coastal wetlands
15 purposes, it may acquire the same by expropriation and may acquire the property
16 prior to judgment in the trial court as provided in this Part.
17 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

Page 11 of 11

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RESPONSE

EWD at1 03: Thank you for your comment.

Edward Wisner Donation attachment 2 (EWD at2)

Regular Session, 2011
SENATE CONCURRENT RESOLUTION NO. 96
BY SENATOR MCPHERSON

ENROLLED

A CONCURRENT RESOLUTION

To urge and request the Governor's Office of Coastal Activities and the office of coastal protection and restoration to support the establishment of a state seashore and the restoration of the habitat of Elmer's Island, Fourchon Beach, and Caminada Headland, as recompense for damages to natural resources caused by the Deepwater Horizon oil spill, and requests that such recompense be taken under consideration by the National Oceanic and Atmospheric Administration in developing the programmatic environment impact statement for the national resources damage assessment.

WHEREAS, Louisiana has one of the longest shorelines of any coastal state in the nation, and is unsurpassed in value for fish and wildlife resources; and

WHEREAS, Louisiana's coastline is a mecca for recreational fishing, hunting, and bird watching, and has nurtured culture, cuisine, and heritage for which the state is widely recognized and admired; and

WHEREAS, on Louisiana's coast, recreational and commercial fishing, energy developments, ports, shipping, and leisure options present a unique convergence of commercial and recreational opportunities; and

WHEREAS, many coastal states have designated state seashores which are managed for public use and enjoyment, but despite Louisiana's long shoreline and its attraction for commercial and recreation opportunities, Louisiana does not have a state seashore; and

WHEREAS, potentially the best occasion to experience Louisiana's unique mix of coastal wildlife, recreation, and commerce is afforded by the barrier beachfront of the Caminada Headland, an approximate fourteen mile stretch of shoreline between Caminada Pass in Jefferson Parish and West Belle Pass in Lafourche Parish, that is accessible via Highway 3090 and Elmer's Island Road; and

WHEREAS, with Elmer's Island on the east and Fourchon Beach on the west, these

Page 1 of 3

Why the State should not own this property

RESPONSE

EWD at2 01: Thank you for your comment.

Edward Wisner Donation attachment 2 (EWD at2)

SCR NO. 96 ENROLLED

gateways to the Caminada Headland have historically provided a venue to some of the best surf fishing, crabbing, and bird watching, and beach combing in the state; and

WHEREAS, the Caminada Headland is the shoreline most impacted by the April 20, 2010, Deepwater Horizon oil spill, and was closed to the public for more than one year, with some portions still closed while damages are remediated; and

WHEREAS, beyond the tragic loss of eleven human lives caused by the Deepwater Horizon oil spill, damages to natural and recreational resources are still being evaluated through the natural resources damage assessment process, established pursuant to the federal Oil Pollution Act of 1990; and

WHEREAS, the National Oceanic and Atmospheric Administration, the lead federal trustee, is assessing damages and losses related to the Deepwater Horizon oil spill and has invited public input, for suitable mitigation for such damages and losses; and

WHEREAS, the Governor's Office of Coastal Activities and the office of coastal protection and restoration should study the full restoration of the habitat of Elmer's Island and the Caminada Headland, including review of the acquisition of additional portions of Elmer's Island from willing sellers to include in the Elmer's Island Wildlife Refuge, development and implementation of a habitat inventory, and a habitat conservation, enhancement, and public use plan for Elmer's Island Wildlife Refuge, all as part of the recompense necessary to re-establish the public and natural resources damaged by the Deepwater Horizon oil spill.

THEREFORE, BE IT RESOLVED that the legislature does hereby request the Governor's Office of Coastal Activities and the office of coastal protection and restoration to support the establishment of a state seashore and the restoration of the habitat of Elmer's Island, Fourchon Beach, and Caminada Headlands, as recompense for damages to natural resources caused by the Deepwater Horizon oil spill, and requests that such recompense be taken under consideration by the National Oceanic and Atmospheric Administration in developing the programmatic environment impact statement for the natural resources damage assessment.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Governor's Office of Coastal Activities, the executive director of the office

Page 2 of 3

RESPONSE

Edward Wisner Donation attachment 2 (EWD at2)

SCR NO. 96 ENROLLED

of coastal protection and restoration, and the National Oceanic and Atmospheric Administration.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

Page 3 of 3

RESPONSE

Edward Wisner Donation attachment 3 (EWD at3)



LOUISIANA WILDLIFE FEDERATION
"...conserving our natural resources and your right to enjoy them."



Dear Coastal Advocate:

The Louisiana Wildlife Federation was formed in 1940 and is the state affiliate of the National Wildlife Federation. The Federation was among the first conservation organizations in the state to respond to the need to manage coastal wetlands and abate the accelerating rates of erosion and subsidence through participation in the development of the Louisiana Coastal Resources Management Program (Coastal Zone Management) in the 1970s. Later, as the dramatic rate of land loss became more widely recognized, LWF consistently supported legislation and other state efforts to introduce freshwater into coastal marshes and to develop plans for more comprehensive strategies to combat coastal wetland loss.

Recognizing the need to mount a concerted and focused effort to address Louisiana's coastal land loss problem, LWF was one of the organizers of the Coalition to Restore Coastal Louisiana (CRCL), along with Tulane University law Professor Oliver Houck, EDF counsel Jim Tripp, Rob Gorman with Houma-based Catholic Social Services, and Sierra Club leader Harold Schoeffler. The LWF's executive director collaborated in the drafting of the CRCL's first "manifesto" articulating the problem, the challenges and the actions needed to save the coast and LWF was among the first to make a major financial contribution to get the fledgling CRCL started. In addition to its early financial support, a steady stream of CRCL directors and executive committee members have come from the leadership ranks of the LWF.

As CRCL has emerged as the leading coastal advocacy organization in Louisiana, LWF has maintained its involvement in coastal issues through advocacy of coastal protection and restoration strategies as well as related issues of particular interest to its outdoor-oriented membership. LWF continues to advocate for a state "policy of prevention" when it comes to managing the uses of the coastal zone. It continues to advocate that wildlife conservation and public use opportunities be integrated with the state's coastal protection and restoration plan, including the establishment of a "State Seashore" along the Caminada Headland consistent with the implementation of the LCA/CIAP Caminada Headland Ecosystem Restoration Project.

(Over) *with 14
South Lafourche
Beach front
Development District*

17 S. Acadian Thruway, Baton Rouge, LA 70806
O. Box 65239 Audubon Station, Baton Rouge, LA 70896-5239

Phone/Fax: (225) 344-6707
www.lawildlifefed.org

RESPONSE

EWD at3 01: Thank you for your comment.

Edward Wisner Donation attachment 3 (EWD at3)

Coastal Advocate, Page 2

LWF was a primary advocate of a state coastal forest reserve program that is now in the early stages of implementation via the CIAP-funded Coastal Forest Conservation Initiative. It has been a major advocate of restoring the whooping crane to the coastal wetlands of Southwest Louisiana. A formal proposal to do just that is expected to be announced by the US Fish & Wildlife Service in the coming days. LWF has recently advocated the integration of a “no net loss of oyster growing capacity” with the state’s coastal protection and restoration plan and is ramping up a new effort to recruit and focus the advocacy of Louisiana sportsmen for coastal restoration.

LWF is dedicated to conserving the still-vast and remarkably productive (though rapidly shrinking) habitats of the Louisiana coast, and to fairly and practically restore what has been lost to achieve sustainable coastal living for people and wildlife. Please contribute to this effort by making a tax-deductible contribution. Donations may be made online at www.lawildlifefed.org or by mailing a check to LWF at P. O. Box 65239; Baton Rouge, LA 70896-5239. Thanks for your consideration and support. If you have any questions you are welcome to call the LWF office at 225-344-6762 or email us at lwfi@lawildlifefed.org.

Yours in conservation,



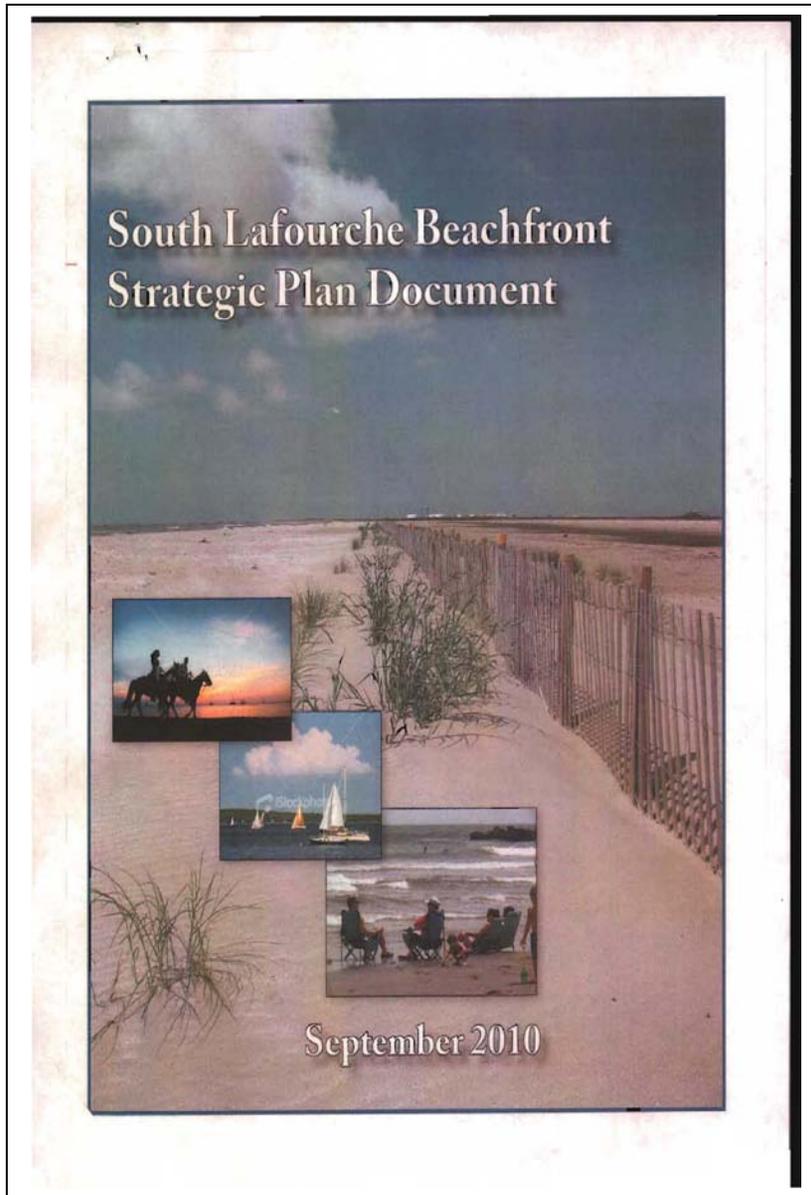
Ken Dancak, LWF President



Barney Callahan, Chairman
LWF Coastal Restoration & Protection Committee

RESPONSE

Edward Wisner Donation attachment 4 (EWD at4)



EWD at4: Thank you for your comment. This document was included in previous comment submitted by the Edward Wisner Donation.

Gulf Restoration Network (GRN)

RESOLUTION ADOPTING A POLICY ENCOURAGING LOCAL HIRING

WHEREAS, the State of Louisiana has suffered serious economic loss due to three direct hits by hurricanes Katrina and Rita and the BP Oil Spill; and

WHEREAS, the U.S. Congress is preparing legislation on utilizing civil fines from the BP Deepwater Horizon disaster for Gulf Coast ecosystem restoration, including restoring critical natural flood protection across south Louisiana; and

WHEREAS, a new report by Oxfam America and the Center for American Progress estimates Gulf Coast restoration legislation could create tens of thousands of new jobs and a tremendous opportunity for Gulf Coast workers and businesses; and

WHEREAS, improving the economic health of our parish and the economic wellbeing of our citizens also improves the overall resiliency of our parish to future disasters; and

WHEREAS, the Parish Council believes residents of coastal parishes who are most impacted by environmental, economic and social consequences of coastal landloss and environmental degradation from the BP disaster and previous impacts should be both involved in planning for projects to sustain their communities and assisted in benefiting from livelihood opportunities created by these projects.

WHEREAS, The Coast is in the midst of recovery and as part of its ongoing efforts to articulate a vision of economic development and vitality, this council wishes to broaden, strengthen and stimulate the Gulf's economic base; and

WHEREAS, Louisiana has both a high concentration of talented and skilled persons in various trades and industries who are competent to perform work in the supply chain of coastal restoration throughout southern Louisiana; and a high concentration of persons who can be trained to perform such work, including those workers who have been adversely impacted by the BP Deepwater Horizon disaster; and

WHEREAS, the Parish Council wishes to encourage the training and employment of local Orleans Parish residents and businesses in conjunction with coastal restoration projects; and

WHEREAS, the Parish Council values the creation of training opportunities and technical and career education, particularly for the economically disadvantaged, hard-to-hire, and unskilled worker, in new and emerging industries including coastal restoration projects, in reality no local hire policies currently exist to encourage good faith efforts to hire residents even when such training has been received;

NOW, THEREFORE BE IT RESOLVED, that the Gulf Restoration Network expresses its commitment to promoting contracting opportunities to local service providers, small

RESPONSE

GRN 01: Thank you for your comment. The Federal Acquisition Regulations details the rules on competition in Part 6: <https://www.acquisition.gov/far/05-30/html/FARTOCP06.html>. Here is the Unites States Policy:

Subpart 6.1—Full and Open Competition

6.100 Scope of subpart.

This subpart prescribes the policy and procedures that are to be used to promote and provide for full and open competition.

6.101 Policy.

(a) 10 U.S.C. 2304 and 41 U.S.C. 253 require, with certain limited exceptions (see Subpart 6.2 and 6.3), that contracting officers shall promote and provide for full and open competition in soliciting offers and awarding Government contracts.

(b) Contracting officers shall provide for full and open competition through use of the competitive procedure(s) contained in this subpart that are best suited to the circumstances of the contract action and consistent with the need to fulfill the Government's requirements efficiently (10 U.S.C. 2304 and 41 U.S.C. 253).

6.102 Use of competitive procedures.

The competitive procedures available for use in fulfilling the requirement for full and open competition are as follows:

(a) Sealed bids. (See 6.401(a).)

(b) Competitive proposals. (See 6.401(b).) If sealed bids are not appropriate under paragraph (a) of this section, contracting officers shall request competitive proposals or use the other competitive procedures under paragraph (c) or (d) of this section.

(c) Combination of competitive procedures. If sealed bids are not appropriate, contracting officers may use any combination of competitive procedures (e.g., two-step sealed bidding).

Gulf Restoration Network (GRN)

ABSENT: _____

ABSTAIN: _____

CLERK _____

COUNCIL MEMBERS: _____

COUNCIL MEMBERS: _____

RESPONSE

Larry Campisi Memo of Conversation (LC moc)

Memo of Conversation

August 1, 2011

Mr. Larry Campisi telephoned regarding LCA Barataria Basin Barrier Shoreline Restoration study with recommendation to use Aqua Dams. Mr. Campisi provided brief history of use of aqua dams in flood fighting and suggested may be able to use aqua dams for ecosystem restoration such as restoring mud flats and as containment dikes. Mr. Campisi indicated he would provide written information and requested I present his information to Engineering Department for consideration. Mr. Campisi indicated to include his comments as formal comments on the LCA BBBS draft EIS. Mr. Campisi provided a follow-up email with specific information on Aqua Dams used to control water movement in wetlands. Both this memo of conversation and Mr. Campisi's email and attachment will be included in the formal comments for the draft EIS for the LCA BBBS.

William P. Klein, Jr.

RESPONSE

LC moc: Thank you for your comment and the information on Aqua Dams. The USACE will consider use of these, as well as other products, during the detailed design/plans and specifications (PED) phase of the project.

Larry Campisi letter with Aqua Dam Attachment (LC ltr ada)

-----Original Message-----
From: Larry Campisi [mailto:larry@gulfrim.com]
Sent: Monday, August 01, 2011 5:03 PM
To: Klein, William P Jr MWV
Cc: 'Gary Parker'
Subject: Aqua Dams
Importance: High

Good Afternoon Bill. Thank you for taking time to speak with me this afternoon. As we discussed I sincerely feel there may be a place for Aqua Dams in Wetland Management and Coastal Restoration work planned by the USACE. I enjoyed the meeting in Galliano, LA concerning the Barataria Basin Barrier Shoreline Restoration Project. I can envision Aqua Dams possibly being used for a small segment of that project in the marshes.

I have attached above some information on existing work being done on the east coast with an explanation of Aqua Dams history. Our company has partnered with Aqua Dams as the sole distributors for the Gulf of Mexico Region of the US. We are anxious to explore possible uses of Aqua Dams with the USACE. As I mentioned Aqua Dams have a proven history for use in marsh restoration projects, including Containment Dikes.

Please forward to your Engineering Departments and should you or they need any additional information please contact me. In addition at the request of General Landreanu of the LA National Guard, we will be doing a live Aqua Dam deployment demonstration at Twin Lakes inside Camp Beauregard, Pineville, LA later this month. Once we have a firm date and time, I will contact you with the information and possibly someone from the Corps could be present.

Thanks again for your time and discussion and I hope that together we can help save one of most valuable resources, our wetlands and coastline. Best regards,
Larry

Larry J. Campisi
President
Gulfrim Navigation
Aviation & Marine Navigation Aids
1401 South State Street
Abbeville, LA 70510

RESPONSE

LC ltr ada: Thank you for the information on Aqua Dams. The USACE will consider use of these, as well as other products, during the detailed design/plans and specifications (PED) phase of the project.

Larry Campisi letter with Aqua Dam Attachment (LC ada)

337-893-0789 Local
877-893-0789 Toll Free
337-278-2159 Cell
337-893-6256 Fax
larry@gulfrim.com
www.gulfrim.com

RESPONSE

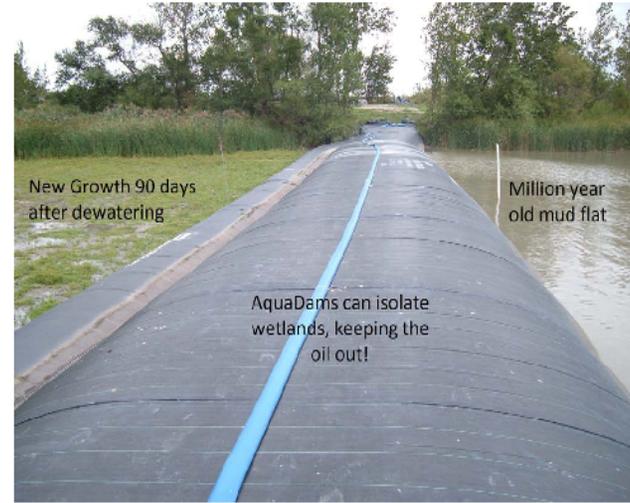
Larry Campisi Aqua Dam attachment (LC ada)

AquaDam used to control water movement in wetlands

Gulf Coast Aqua Dams
1401 S. State Street
Abbeville, LA 70510
1-877-893-0789
1-337-893-0789
<http://aquadam.gulfrim.com>

Larry Campisi
Sales
larry@gulfrim.com

Water-Filled AquaDams
Water Controlling Water



How AquaDams can help protect wetlands

Water-filled AquaDams can help on-shore protection efforts by isolating wetlands and beaches from oil-contaminated waters. Thousands of feet of AquaDam can be installed in a single day. AquaDams are environmentally friendly, and can be reused, and when no longer needed, can be easily and inexpensively disposed of. AquaDams are basically two water-tight tubes wrapped in a larger geotextile fabric tube. When filled, the weight of the contained water forms a seal against the ground. The AquaDam can rise several feet or more above the surrounding water, which gives it enough mass to control the height of the water being retained, making an instant cofferdam that can be dewatered behind and which can overcome wave and wind action, and is much superior to a Styrofoam booms. Vehicles can drive on top of AquaDams 3' and higher. They are very strong and durable.

How AquaDams are constructed

AquaDams are made with two water-tight extruded polyethylene interior tubes, surrounded by one or more layers of 300lb/sq in. burst strength geotextile fabric. Tube diameter determines height, and length is usually hundreds of feet. AquaDams can be connected to each other to form miles of continuous AquaDam cofferdam protection. One end of the AquaDam is closed, the other has fill tubes extending past the geotextile fabric used to connect one unit to another. Water pumped into the AquaDam provides weight and mass, sealing against the underlying soil.

History of AquaDams

AquaDams were first used in the early 1980's and were invented by David Doolaege. At that time, concern over environmental damage was in the public spotlight. Sandbagging was the method of choice to control floodwater, but sandbags also presented many problems

Larry Campisi Aqua Dam Attachment (LC ada)

to anyone trying to implement them. Sandbagging was slow, costly, and labor intensive. There had to be a modern solution to flooding, one of mankind's' oldest dilemmas.

Doolaege realized that all sandbags represent is weight and mass. So why not fill a bag with water? It weighs a lot too, and there is plenty of it in any flood situation. Why not use the on-site water that is causing the problem and make it part of the solution?

He created the first water structure out of three long party balloons in his bathtub. Two balloons were placed inside a third balloon. The two inner balloons were then filled with water. They stretched from one side of the tub to the other, and effectively blocked one side off until the water level rose above it's height (4 in) and spilled over the top to the other side. This was the first structure ever to use water to control water.

Since then AquaDams have been improved, resulting in the worlds largest water-filled cofferdams being produced by Aqua Dam Inc.

Equipment needed to place AquaDams

Sand berms require heavy equipment, which may cause as much damage as the oil spill they're meant to protect against. AquaDams only require water pumps, and a few men to direct the AquaDam as it fills and unrolls. AquaDams are stored and shipped as rolls. Because AquaDams are buoyant (or close to buoyant), they can be floated into place in wetlands during high tide still rolled up, then deployed. When one is deployed, it is unrolled a short distance, then water pumps are used to fill it with water. The internal water pressure does the hard work of unrolling the AquaDam over vegetation and across the wetlands. Vegetation should be at least partially removed, to facilitate a good seal between the bottom of the AquaDam and the wetlands. No equipment except for pumps is needed. AquaDams can be rerolled and removed by hand.

Use of AquaDams

AquaDams have been used in all 50 states in the US, Africa, Australia, England, Canada, and many other locations. AquaDams are preferred for working in environmentally delicate areas, because they do not contaminate either contained or surrounding water. After use, AquaDams can be decontaminated and recycled, or disposed of in an ecologically-conscious manner. AquaDams have been used in Everglades National Park, Lacassine National Park, South Lake Tahoe wetlands remediation, and in other national parks and wildlife refuges. www.aquadam.net has an extensive amount of photo and video documentation of AquaDams in use on hundreds of different job sites.

Past projects include Everglades Nat'l Park, Yosemite Nat'l Park, Smoky Mts. Nat'l Park, Glacier Nat'l Park, Lacassine National Wildlife Refuge, Ottawa Nat'l Wildlife Refuge, and others. A complete list of projects can be found on our website: <http://www.aquadam.net/Construction/pictorials.html>

RESPONSE

Loulan J. Pitre, Jr. (LJP)

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

From: Loulan J. Pitre Jr. [mailto:LPitre@gordonarata.com]
Sent: Monday, August 01, 2011 10:17 AM
To: Klein, William P Jr MVN
Cc: Lachney, Fay V MVN; Hicks, Billy J MVN; rtcheramie@gmail.com; Julia C. Mayet;
Jane A. Jackson; Wendy W. Frohwerk
Subject: Caminada Headlands Project/South Lafourche Beachfront Development
District

Dear Mr. Klein,

Please treat my email to Ms. Lachney (which is reproduced below) and the attached copy of the Strategic Plan adopted by the South Lafourche Beachfront District as comments to the Draft Environmental Impact Statement for the Louisiana Coastal Area Barataria Basin Barrier Shoreline Restoration Project.

Please confirm by reply email that you have received this and will treat it as comments to the Draft EIS in accordance with 40 CFR 1503.4.

Thank you.

Loulan J. Pitre, Jr.

<http://www.gordonarata.com/index.cfm?t=3&A=281&format=xml>

Gordon, Arata, McCollam, Duplantis & Eagan, LLC

201 St. Charles Ave., 40th Floor

New Orleans, LA 70170-4000

Switchboard 504-582-1111

Direct 504-679-9803

Cell 985-696-6728

Fax 504-582-1121

RESPONSE

LJP 01: Thank you for your comment. Receipt of email was confirmed by William P. Klein, Jr., per your request on 1 August 2011.

Loulan J. Pitre, Jr. (LJP)

The information contained in this electronic mail is privileged and confidential information intended solely for the use of the addressee identified above and no one else. If you are neither the intended recipient nor a person responsible for delivering this message to the intended recipient, please do not use this mail or its contents in any way. Please delete it from your e-mail system and from your recycle bin, and contact the sender by telephone at 504-679-9803.

From: Loulan J. Pitre Jr.
Sent: Monday, August 01, 2011 9:38 AM
To: Fay.V.Lachney@usace.army.mil
Cc: rtcheramie@gmail.com; Julia C. Mayet; Jane A. Jackson; Wendy W. Frohwerk
Subject:

Dear Ms. Lachney:

I am the attorney for the South Lafourche Beachfront Development District ("the Beachfront District"). The Beachfront District was created by Lafourche Parish Government pursuant to La. R.S. 33:7571 et seq. to maintain and preserve the Gulf Beaches of Lafourche Parish for the use and enjoyment of the citizens and to development, operate, and maintain recreational facilities and provide for related activities to promote recreation, outdoor activities, and water sports on beaches within the district for the residents of the parish or parishes and visitors to the district. The Beachfront District has adopted the attached Strategic Plan articulating its conceptual aspirations for recreational use and development of Fourchon Beach.

The Beachfront District is very supportive of the Caminada Headlands components of the Barataria Basin Barrier Shoreline project. The Beachfront District is likewise keenly interested in seeing this project implemented in a manner that is consistent with the Beachfront District's Strategic Plan.

RESPONSE

LJP 02: Thank you for your comment.

Loulan J. Pitre, Jr. (LJP)

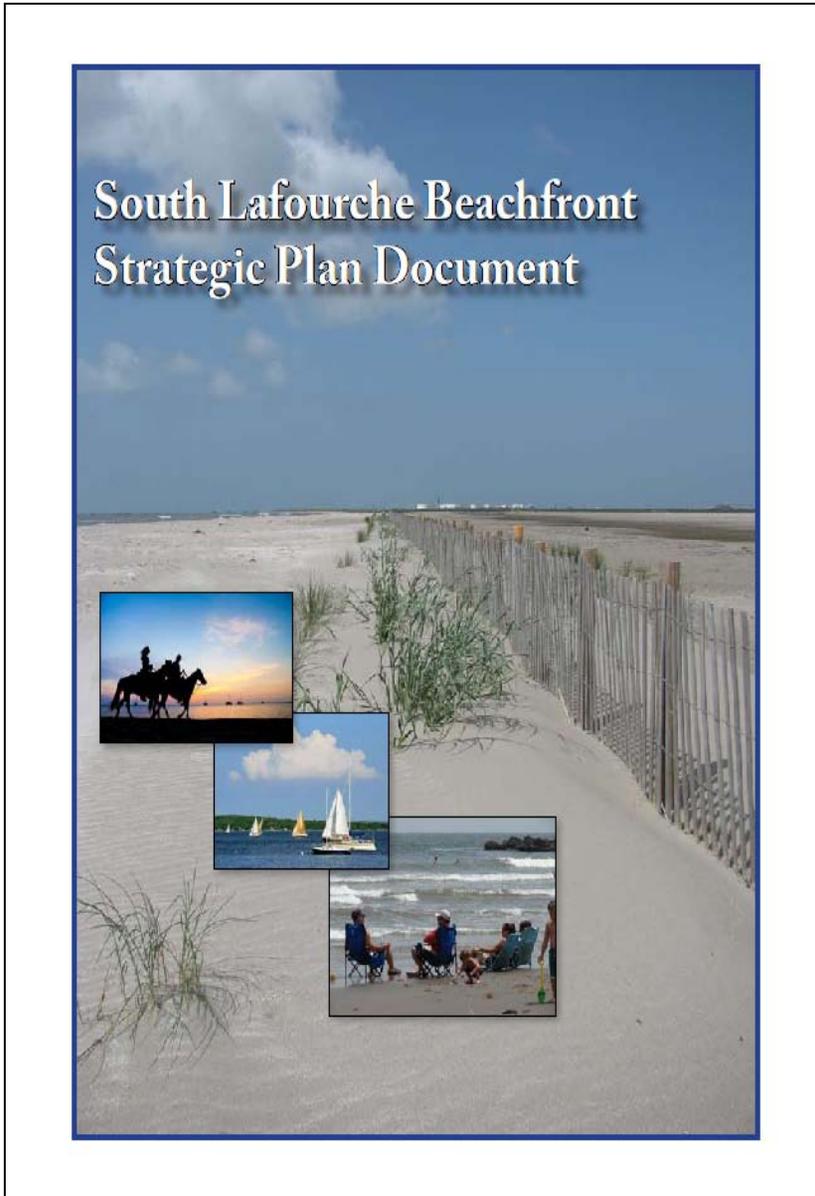
<p>The Beachfront District has requested that I ask to be kept advised of all developments that may affect future recreational use and development of Fourchon Beach, and in particular that I be invited and allowed to participate in meetings at which the acquisition and scope of land rights for the Caminada Headlands project will be addressed.</p> <p>Please let me know as soon as possible by reply email that you have received this request. Also, if there is another person that I should be in contact with regarding my request, please let me know who that is. I look forward to discussing this in more detail at the earliest feasible time.</p> <p>Thank you very much.</p> <p>Loulan J. Pitre, Jr.</p> <p>http://www.gordonarata.com/index.cfm?t=38A=281&format=xml</p> <p>Gordon, Arata, McCollam, Duplantis & Eagan, LLC 201 St. Charles Ave., 40th Floor New Orleans, LA 70170-4000</p> <p>Switchboard 504-582-1111 Direct 504-679-9803 Cell 985-696-6728 Fax 504-582-1121</p> <hr/>	<p>RESPONSE</p> <p>LJP 03: Thank you for your comment and interest in the planning and real estate process for the Barataria Basin Barrier Shoreline Restoration project. Due to Army regulations, we are unable to honor your request to participate in meetings regarding real estate acquisition for this project. Ms Judy Gutierrez with the Real Estate Division of the New Orleans District, USACE will work as your point of contact for these matters and will provide you with timely information throughout the process. Please feel free to contact Ms Gutierrez; she may be reached at telephone: 504-862-2575 and email: Judith.Y.Gutierrez@usace.army.mil</p> <p>LJP 04: Receipt of email was confirmed by William P. Klein, Jr., per your request on 1 August 2011.</p>
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Loulan J. Pitre, Jr. (LJP)

The information contained in this electronic mail is privileged and confidential information intended solely for the use of the addressee identified above and no one else. If you are neither the intended recipient nor a person responsible for delivering this message to the intended recipient, please do not use this mail or its contents in any way. Please delete it from your e-mail system and from your recycle bin, and contact the sender by telephone at 504-679-9803.

RESPONSE

Loulan J. Pitre, Jr. attachment (LJP at1)



RESPONSE

LJP at1: Thank you for your comment. Project induced impacts to recreation are addressed in section 5.17 Recreation Resources. Recreation facilities may be authorized at water resources projects under authority of Section 4 of the Flood Control Act of 1944, as amended. Recreation features may be developed at ecosystem restoration projects if they are appropriate in scope and scale to the opportunity provided by the ecosystem restoration projects. The recreation should be compatible with the ecosystem restoration purpose of the project, but also enhance the visitation experience by taking advantage of the natural values. The social, cultural, scientific and educational values should be considered within the framework of the ecosystem restoration project purpose. For example, while educational values, i.e., nature study and interpretive signs, can be an integral part of ecosystem restoration projects, this does not mean it is appropriate to build recreation/visitor facilities that overwhelm the natural values. The recreation experience should build upon the ecosystem restoration objective and take advantage of the restored resources rather than distract from them. Standard designs should be consistent with the natural environment of the surrounding area and should not include embellishments such as decorative stone work planters, elaborate designs or be ostentatious. Recreation development at ecosystem restoration projects should take advantage of the education and recreation potential that the project is creating while not diminishing the ecosystem restoration purpose. The following excerpt is from the Corps' Principles and Guidelines Engineering Regulation (ER) 1105-2-100, Section VII and Recreation and Policy Guidance Letter No. 59, Recreation Development at Ecosystem Projects, CECW-AG, 11 June 1998: "Recreation development at an ecosystem restoration project should be totally ancillary. Recreation facilities may be added to take advantage of the education and recreation potential of the ecosystem project, but the project cannot be specifically formulated for a recreation purpose. The recreation potential may be satisfied only to the extent that recreation does not diminish the ecosystem restoration purpose."

See following page for continued response to LJP at01.

Loulan J. Pitre, Jr. attachment (LJP at1)

South Lafourche Beachfront Strategic Plan

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Phase 2 - Belle Pass to Hwy. 3090 8

Phase 3 - Bay Champagne to Bayou Moreau12

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Future Phasing

Bayou Thunder to Jefferson Parish Line

Without the construction of a bridge or boardwalk, the area between Bayou Thunder and the Parish Line is accessible only from Elmers Island. The District will discuss and determine how to address and access this remote section of Fourchon Beach at a later date.

West Belle Pass

CWPPRA will be rebuilding the beachhead dunes and back bay wetlands at West Belle Pass. The District will address this island-like beach area for future development at a later date.

The Beachfront Development District is comprised of five board members:

Chairman, Al Danos

Vice Chair, Rickey Cheramie

Board Members:

Wayne Martin

Randy Chiasson (*replaced Doug Cheramie in March 2010*)

Sammy Rebstock (*Replaced Edmond Cheramie in August 2010*)

i

RESPONSE

LJP at1 (Continued): Where an ecosystem restoration project provides critical habitat for a federally listed threatened or endangered species, recreation facilities at that project should be precluded in the critical habitat and limited to only those facilities needed for minimum health and safety and/or natural resources interpretation. Where appropriate, recreation at ecosystem restoration projects should be designed for day use only, precluding the need of extensive night lighting. Whenever conflicts occur between the ecosystem restoration purpose and recreation, ecosystem restoration shall have priority. Plans should seek to optimize public use in harmony with the objectives of the restoration project over the period of analysis. Without a non-Federal sponsor to cost share recreation, ecosystem restoration projects should not encourage public use.” The development of facilities for access, health and safety should not involve extensive structural modification of the terrain and may include rest areas and picnic facilities. Ideally these facilities would be a part of a larger non-Corps recreation plan such as a regional trail system or provide access to other non-Federal recreation facilities or areas. The Corps presents a limited checklist of recreation facilities that may be cost-shared, at new Corps ecosystem restoration projects, or that may be constructed by others at non-Federal expense at ecosystem projects. This check list may be found in ER 1105-2-100, Appendix E, Exhibit E-3, and includes access and circulation, shelters and bathrooms, utilities, park furniture, interpretive signage and health and safety features (gates, cattle guards, fencing, entrance station, etc.).

Loulan J. Pitre, Jr. attachment (LJP at1)

South Lafourche Beachfront Strategic Plan

General Purpose

Historically, the beach was accessible from Hwy 3090, a Lafourche Parish road that begins at LA Hwy 1 and extends through Port Fourchon and then to the Gulf of Mexico. The public traditionally accessed the beach at the end of the public road with uncontrolled vehicular traffic. Increased littering and random vandalism have caused adjacent landowners to attempt to block vehicular access.

The creation of the South Lafourche Beachfront Development District is partly a reaction to limitations in public access. Negotiations among landowners, the Port and the Parish have been "in progress" since the mid-90's.

Since the inception of the Beachfront Development District, more progress has been made due to the respect and attention paid to landowners of both camps (*Wister and Caillout*). The best way to further the goal of assuring access is to continue establishing a respectful communication and demonstrating sincere actions as guardians of the land and

also by assuring that any recreational development does not stop or delay beach restoration and nourishment.

The main objective of the South Lafourche Beachfront Development District shall be to maintain and preserve beaches for use and enjoyment of the citizens. The district aims to facilitate the development, operation and maintenance of recreational facilities while promoting outdoor activities and water sports on beaches within the District for the residents and visitors to enjoy.

While the District encompasses an area roughly equal to the southern end of Lafourche Parish, the scope of the initial Strategic Plan is the area otherwise known as Fourchon



South Lafourche Beachfront Strategic Plan





Beach.

Fourchon Beach covers approximately 10 miles along the 14-mile Caminada Headland which stretches into Jefferson Parish. The Jefferson Parish portion the Caminada Headland is also referred to as Elmer's Island.

Commissioners have decided to propose development in phases. Phasing will cover smaller sections of the overall beach and in some instances consider separately primitive and advance stages of development.

This project aims to develop Fourchon Beach and promote it as one of Louisiana's recognized public destinations for recreational activities such as camping, picnicking, fishing, swimming and surfing.

The South Lafourche Beachfront Development District sees the potentials of Fourchon as a relaxing spot where local residents and tourists alike can spend quality fun and recreation. Discussions on the proposed development are made with sheer recognition that they will only be materialized in coordination with planned restoration efforts.

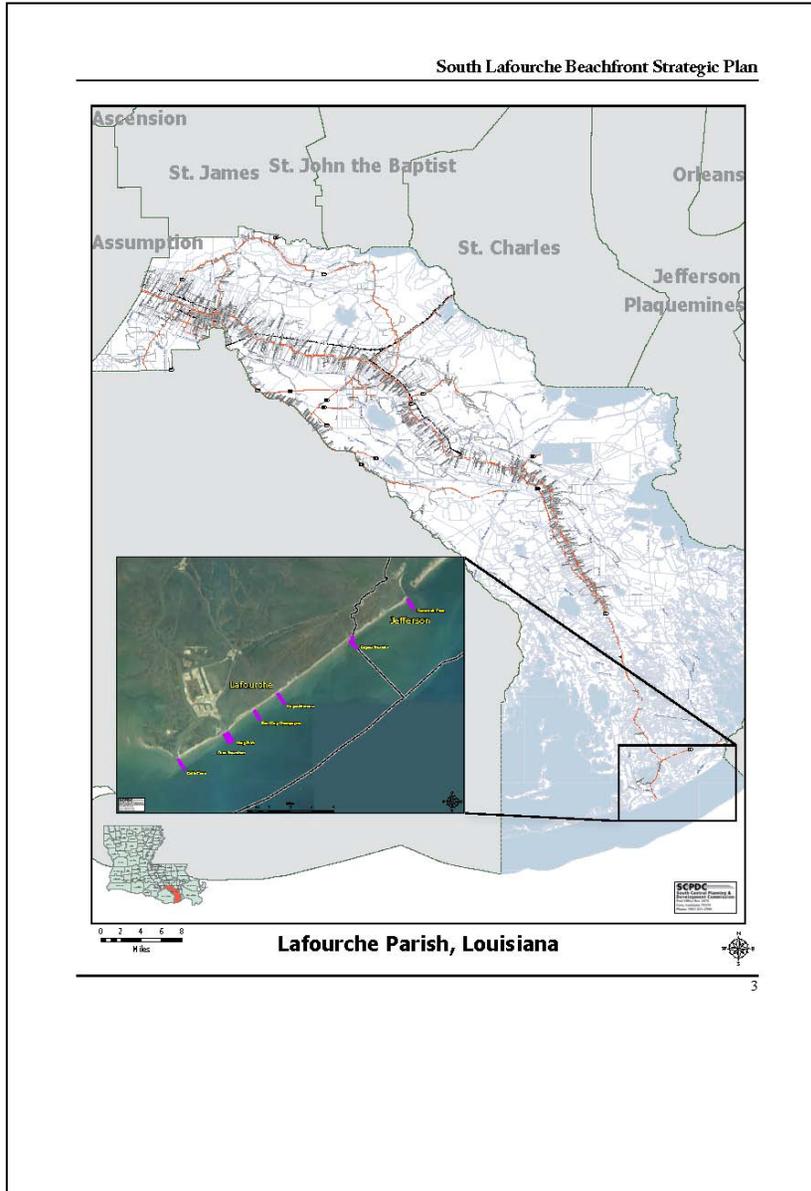
The District asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project. The development team is looking into collaborative efforts with government and non-government entities to actualize plans.

A level of trust has been established between the landowners in collaboration with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish's Fire District #3 and Lafourche Parish Government. Rules on sanitation, security, safety and beach facility usage will be outlined and enforced by the property management team along with the above-mentioned entities and including the Lafourche Parish Sheriff's Office and the Lafourche Parish District Attorney's Office. Security patrols and rescue services shall be made available at any given time when the district has sanctioned public use of the beach and its facilities. Similarly, proper garbage disposal services will be provided in all premises of the beach.



2

Loulan J. Pitre, Jr. attachment (LJP at1)



South Lafourche Beachfront Strategic Plan

Phase 1 - Hwy. 3090 to Bay Champagne

The first phase of the proposed development will be from Hwy 3090 to the eastern rim of Bay Champagne. A natural setting with minimal infrastructure is initially planned. Advancement will follow whenever funding is made available at a later date. More remote usage will be allowed beyond Bay Champagne through Bayou Thunder and the Parish Line.

include another vehicular route to the shore. *(See orange line of Map on next page.)*

1. Parking

While vehicular access will be allowed in limited locations, parking will be provided for the convenience of the public and to discourage private vehicles on the beach. Parallel parking will be encouraged on the section of roadway between the two vehicular access points *(see widened roadway)*. An actual parking lot will be constructed at the end of the public roadway near the western edge of Bay Champagne. *(See blue markings.)*

2. Beach Entrance

A customized trailerable guardhouse is strategic and practical to be constructed at the main entrance. In that way, it can be driven away when impending storms threaten. *(Green Dot)*

3. Bathrooms

Due to funding restraints, Port-o-Lets will be the first option for public bathrooms. Port-o-Lets will be placed in strategic locations across the Hwy 3090 to Bay Champagne area for public convenience. When funding can be identified, the District will consider the procurement of larger trailerable bathrooms customized to be more like public restrooms in other public facilities. The trailerable nature of these restrooms will again allow for portability when impending storms threaten. Portable sewerage systems will be considered depending on location and suitability for more permanent structures.

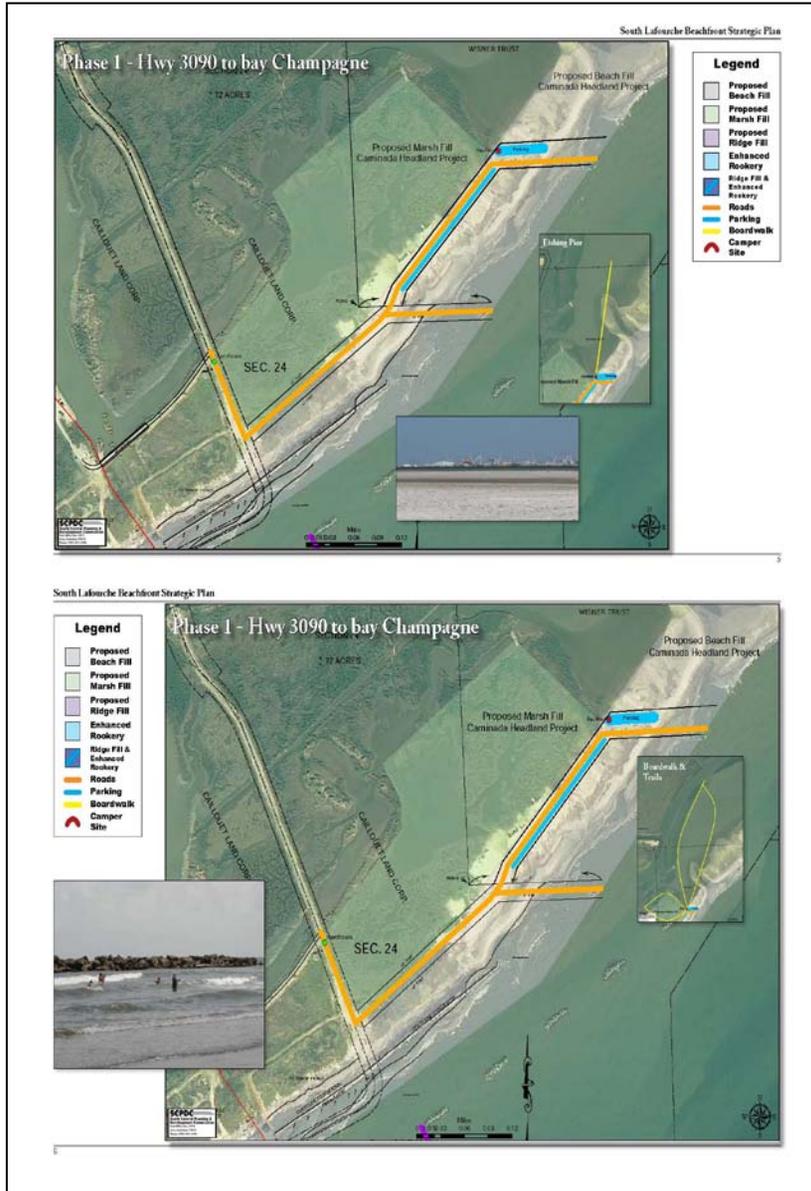
4. Fishing Pier

A walkway jutting into the bay will start from the beach itself and extends into Bay Champagne. It is envisioned that the pier will begin in the vicinity and provide handicapped access from the larger parking lot.)

The South Lafourche Beachfront Development District (District):
 Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project;
 Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office *(or some other security entity)* and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;
 Asserts that the District will partner with Lafourche Parish Government *(or some private disposal service)* to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;
 Asserts that the District will partner with Lafourche Fire District #3 *(or some other rescue service)* to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

4

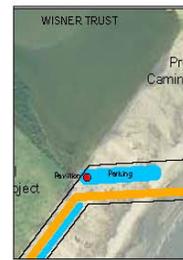
Loulan J. Pitre, Jr. attachment (LJP at1)



South Lafourche Beachfront Strategic Plan

5. Pavilion

District Commissioners propose the construction of a permanent concrete pavilion designed to withstand minimal hurricanes. It will be situated on the north end of the larger parking area and adjacent to the fishing pier. This structure will be the centerpiece of the park facility. (Red Dot) Smaller trailerable covered table area(s) will be designed and constructed so that they could be moved within the park for private use by patrons and moved to safety when impending storms threaten.



8. Boardwalks/Trails

In association with wetland and dune areas, the District will consider the construction of boardwalks and trails to promote awareness of unique and fragile flora and fauna while protecting these areas from excessive traffic. Yellow lines are only for example. The locations would have to be surveyed and engineered to maximize the experience and minimize the wetland impact.



9. Utilities

Water and underground electricity are proposed to follow along the roadway through to Bay Champagne.

10. Other Activities and Services.

- Golf carts and/or all terrain vehicles may be rented if it can be determined that it would discourage vehicular traffic on the beach. If allowed, these vehicles would be prohibited in dune and wetland areas and speed limits would be stringently enforced.
- Horseback riding will be allowed and perhaps promoted in a controlled manner. Again, if allowed, horses would be prohibited in dune and wetland areas.
- Kayaking, canoeing and bird watching are to be promoted and allowed in designated areas. If arrangements can be made, kayaks and canoes may be rented for day use.



6. Overnight Camping

Camping will be allowed in designated areas at the edge of the beach and away from fragile vegetation. Tenting will be encouraged and limited utilities will be available adjacent to the noted access roads. Self-contained Recreational Vehicle (RV) camping will be allowed but not encouraged as they will be restricted to designated parking areas and prohibited on the beach.

7. Selling/Vending

The District will consider allowing private vendors to provide limited products and services. Prior to this policies and standards shall be developed to ensure the consistency with the park's intended natural setting. Policies may initially require trailerability consistent with other park facilities.

The South Lafourche Beachfront Development District (District):

Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project;
 Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;
 Asserts that the District will partner with Lafourche Parish Government (or some private disposal services) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;
 Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue services) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

Loulan J. Pitre, Jr. attachment (LJP at1)

South Lafourche Beachfront Strategic Plan

Phase 2 - Belle Pass to Hwy. 3090

The second phase of the proposed development will be from Hwy 3090 to the jetty at Belle Pass. Currently the area is a natural setting with the exception of Chevron's tank farm facility. The area is known as Fourchon Island. It serves as a buffer zone for the rest of Port Fourchon. While erosion has taken its toll, the island's beaches are broader and more stable. With more beach available, the Beachfront Development District envisions room for RV Camping and the larger camper trailers and motor homes. The challenge here is that the Port also has future expansion slated for Fourchon Island. The following plan is a proposal that finds opportunities within the challenges of competing interests for limited real estate and enhanced protection for vulnerable coastal infrastructure.



Proposed Actions

1. Access Roads

Partnering with the Parish and the Port, a two-lane access road is proposed beginning at Hwy 3090 and heading west along the current road to the Chevron facility. At the Chevron gate the road jogs southward, parallels the Chevron facility fencing and then veers northwest to the proposed port expansion area at the center of Fourchon Island. This two-lane roadway will serve as the access route to the port expansion, provide an exit route for Fourchon Island campers and be constructed to accommodate both recreational and industrial traffic. Beachgoers will access the recreation area from the single point guard house at Hwy 3090 and travel along a single lane one way road that will be built along the beach/dune interface. As funding will allow the road will be raised to serve as a barrier or levee. Engineers will be called in to design a roadbed that takes into consideration numerous pipelines entering from the Gulf of Mexico.

A no-stop zone shall be designated in the area south of the Chevron Facility and at all pipeline crossings to best ensure the safety of the public and the security of pipelines and the storage facility.

The South Lafourche Beachfront Development District (District):

Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project;

Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

8

2. Parking

While vehicular access will be allowed in limited locations, parking will be provided for the convenience of the public and to discourage private vehicles on the beach. Parallel parking will be encouraged on the roadway except at the no stop zones. (See blue lines on beachfront roadway). An actual parking lot will be constructed at Pass Fourchon and at the entry to any and all boardwalks. (See blue markings.)

3. Beach Entrance

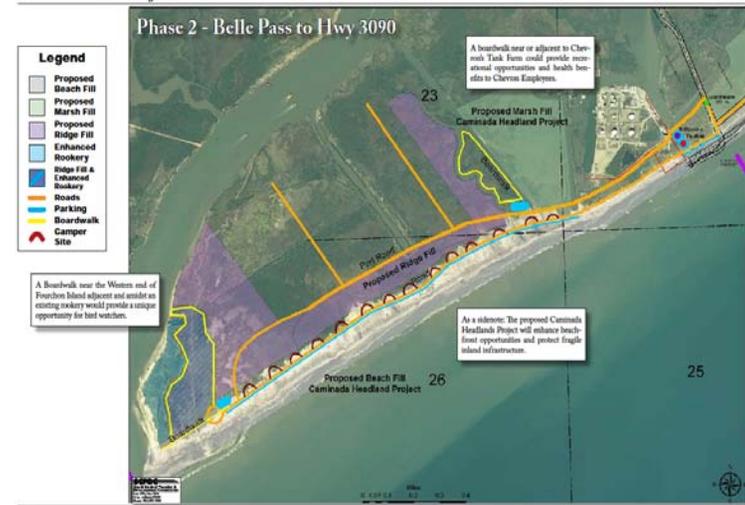
The customized trailerable guardhouse (Green Dot) will serve as the main entrance for the Fourchon Island recreational area.

4. Bathrooms

Initially Port-o-Lets will be the first option for public bathrooms. Port-o-Lets will be placed in strategic locations from Hwy 3090 to Belle Pass for public convenience. When additional funding can be identified, the District will consider the procurement of larger trailerable bathrooms customized to be more like public restrooms in other public facilities.



South Lafourche Beachfront Strategic Plan



Loulan J. Pitre, Jr. attachment (LJP at1)

South Lafourche Beachfront Strategic Plan

trailerable nature of these restrooms will again allow for portability when impending storms threaten. A portable sewerage system and/or a dump station will be considered for restrooms and for RVs.

5. Pavilion

A second concrete pavilion designed to withstand minimal hurricanes is proposed at Pass Fourchon for public purposes. (Red Dot) Smaller trailerable covered table area(s) will be designed and constructed so that they could be moved within the park for private use by patrons and moved to safety when impending storms threaten.



6. Overnight Camping

While allowed in other areas, the western end of the Hwy 3090 to Belle Pass area will be the primary camping area. Tenting will be encouraged and limited utilities will be available adjacent to the noted access roads. Specific sites will be designated for self-contained Recreational Vehicle (RVs) to best protect fragile vegetation. Camping sites will include roadway loops (in red) to provide safe entry and exit of recreational vehicles.

7. Selling/Vending

The District will consider allowing private vendors to provide limited products and services. Prior to this policies and standards shall be developed to ensure the consistency with the park's intended natural setting. Policies may initially require trailer ability consistent with other park facilities.



The South Lafourche Beachfront Development District (District):

Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project;

Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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8. Boardwalks/Trails

In association with wetland and dune areas and a rookery located on the western end of Fourchon Island, the District will consider the construction of boardwalks and trails to promote awareness of unique and fragile flora and fauna while protecting these areas from excessive traffic.

In coordination with the creation of the maritime ridge, the District plans to improve native habitat to expand and enhance the rookery. Wildlife officials will be consulted to help locate the proper distance from the rookery to best assure birders a view without harming the wildlife

9. Utilities

Water and underground electricity are proposed to follow along the roadway through to Belle Pass.

10. Other Activities and Services.

a. In partnership with the port and landowners, the District proposes that a maritime ridge be created with fill (purple) from proposed port slips on the northern portion of Fourchon Island. The ridge would complement the raised access road serving as an enhanced dune/levee system across the length of Fourchon Island and serve as a buffer between the industrial and recreational areas. The maritime ridge would be planted with salt-tolerant trees and wetland vegetation in a way similar to the Port's Maritime Ridge Forest proposed north of the existing port.

b. Golf carts and/or all terrain vehicles may be rented if it can be determined that it would discourage vehicular traffic on the beach. If allowed, these vehicles would be prohibited in dune and wetland areas and speed limits would be stringently enforced.

c. Horseback riding will be allowed and perhaps promoted in a controlled manner. Again, if allowed, horses would be prohibited in dune and wetland areas.

d. Kayaking, canoeing and bird watching are to be promoted and allowed in designated areas. If arrangements can be made, kayaks and canoes may be rented for day use.

South Lafourche Beachfront Strategic Plan

Phase 3 - Bay Champagne to Bayou Moreau

The third phase of the proposed development will be from Bay Champagne to Bayou Moreau. The natural setting consists of a saline marsh fronting the Gulf of Mexico with a beach shoreline. The interior contains a series of canals both natural and man-made with recreational camps managed by the Wisner Foundation. Behind the beach head wetland marsh has opened up shallow lagoons. With the variety of water bodies present, the Beachfront Development District envisions this area as a prime place for water sport activities. The challenge is balancing the promotion of recreational activities and the protection of the environment. Concentrating these recreational activities into a defined area will best ensure that water patrol officers can patrol and monitor these activities reducing the chance for accidents and damage to the natural environment. The following plan is a proposal that finds opportunities within the challenges to obtain a balance between the use and protection of this coastal resource.

Map)

2. Parking

While vehicular access will be allowed in limited locations, parking will be provided for the convenience of the public and to discourage private vehicles on the beach. Parallel parking will be encouraged on both sides of the roadway. (See blue lines on beachfront roadway). Additional parking will be provided at the Bayou Moreau Pavilion and Vendor area. (See blue markings.)



Proposed Actions

1. Access Roads

Partnering with the Parish and potentially the Port, an access road is proposed in Phase 1 beginning at Hwy 3090 and heading east at the interface of the beach and dune area providing access to the Phase 3 area. Bay Champagne separates the Phase 1 roadway and a continuation of this roadway through to Bayou Moreau. To cross the beach that fronts Bay Champagne, the District proposes a more substantial structure. Whether this would be an actual bridge or roadway, engineers and hydrologist would be called upon to design something that would be best suited to fit the crossing. The compacted sand and gravel roadway would extend beyond the bay crossing accessing planned recreational and commercial sites. At a site designated for vendors and park facilities an additional roadway would head north to provide an inland access point to Bayou Moreau. (Roadways are designated by orange lines on

3. Beach Entrance

While guests may enter via boat at Bayou Moreau, there are no additional formal entrances within the Phase 3 area.

4. Bathrooms

Initially Port-o-Lets will be the first option for public bathrooms. Port-o-Lets will be placed in strategic locations from Bay Champagne to Bayou Moreau for public convenience. When additional funding can be identified, the District will consider the procurement of larger trailerable bathrooms

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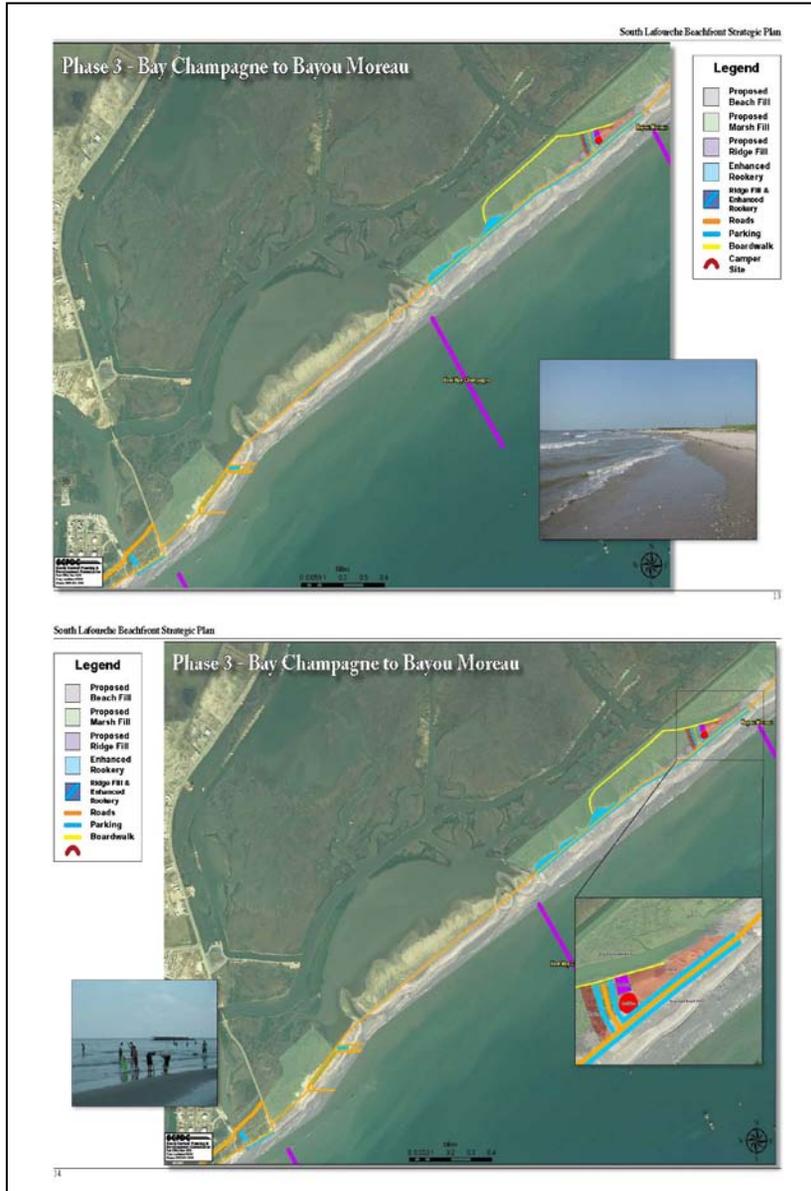
Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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Loulan J. Pitre, Jr. attachment (LJP at1)



South Lafourche Beachfront Strategic Plan

customized to be more like public restrooms in other public facilities. The trailerable nature of these restrooms will again allow for portability when impending storms threaten. Long-term plans include replacing the trailerable bathrooms with a fully functioning bathhouse (*Purple Dot*).

5. Pavilion

A third concrete pavilion designed to withstand minimal hurricanes is proposed at Bayou Moreau for public purposes. (*Red Dot*) Smaller trailerable covered table area(s) will be designed and constructed so that they could be moved within the park for private use by patrons and moved to safety when impending storms threaten.

6. Overnight Camping

To maximize the beach area for recreational activities, no tent or RV Camping will be allowed in this area.

7. Selling/Vending

The District will consider allowing private vendors to provide limited products and services. An area near the mouth of Bayou Moreau will be designated for vendors. The expectation of the District is that along with food and other conveniences this area would house rental areas for canoes, kayaks, wave runners and other water sport related activities. Prior to the development of this area policies and standards shall be developed to ensure the consistency with the park's intended natural setting. Policies may initially require trailer ability consistent with other park facilities.

8. Boardwalks/Trails

In association with wetland and dune areas, the District will consider the construction of boardwalks to promote awareness of unique and fragile flora and fauna while protecting these areas from excessive traffic.

9. Utilities

Water and underground electricity are proposed to follow along the roadway through to Bayou Moreau.

10. Other Activities and Services

- The Bay Champagne to Bayou Moreau Phase of

Development will be designed to concentrate water sport activities. Motorized activities will be allowed on the beach, in the Gulf waters, in Bayou Moreau and in the navigable canals. These activities may include but are not limited to parasailing, skiing and boating. If it can be arranged, the rental of wave runners and other watercraft may be made available.

- Non-motorized activities will be encouraged within Bay Champagne, the pond area behind the dunes and in the interconnecting canals. Again if arrangements can be made, kayaks, canoes, paddleboats and other non-motorized vehicles may be made available. As the inland waterways connect, policies will be developed to promote safety where both motorized and non-motorized activities are allowed.
- On land golf carts and/or all terrain vehicles may be rented if arrangements can be made and if it can be determined that it would discourage vehicular traffic on the beach. If allowed, these vehicles would be prohibited in dune and wetland areas and speed limits would be stringently enforced.
- Horseback riding will be allowed and promoted in a controlled manner. Horses would be prohibited in dune and wetland areas.
- While not prohibited, swimming, fishing, crabbing, surfing and bird watching will be discouraged in this area.



The South Lafourche Beachfront Development District (District):

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Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (*or some other's security entity*) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (*or some private disposal services*) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (*or some other's fire service*) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

Loulan J. Pitre, Jr. attachment (LJP at1)

South Lafourche Beachfront Strategic Plan

Phase 4 - Bayou Moreau to Bayou Thunder

The fourth phase of the proposed development will be from Bayou Moreau through Bayou Thunder. The natural setting consists of a saline marsh fronting the Gulf of Mexico with a beach shoreline. The nearly four (4) mile stretch is remote and includes the Loop Pipeline crossing which is sensitive environmentally and for purposes of Homeland Security. Similar to Phase 3, the challenge is balancing the use and protection of this sensitive area. The vision of this area is the primitive use of a natural environment with limited access and limited amenities. Private vehicles will be prohibited from traveling across this stretch of beachfront. Traffic will be limited to park vehicles to transport guests to their destination, service vehicles to maintain and patrol the area and emergency vehicles. The following plan is a proposal that finds opportunities and unique methods to provide access amidst a sensitive and natural environment.



Proposed Actions:

1. Access Roads

Partnering with the Parish and potentially the Port, a trail will be constructed in a manner similar to the access road proposed in Phases 1 & 3. Somewhat narrower than the roadways of Phases 1 & 3, the trail will extend through to Bayou Thunder with bends and turns finding unique areas and vistas. For emergency purposes the trail will have turn arounds, rest stops, and be open to the beach. While private vehicles will be prohibited, the trail will be designed to accommodate emergency, service and park vehicles. Engineers will be consulted to determine the best method to cross Bayou Moreau addressing the hydrology and necessity for access and to cross the Loop Pipeline ensuring that any trail (or roadway) meets any and all security and structural measures necessary to protect the pipeline.

2. Parking

With private vehicles prohibited, parking will be provided at Bayou Moreau for the convenience of the public and to discourage private vehicles on the beach. Parallel parking will be encouraged on both sides of Bayou Moreau. (See blue markings).

3. Beach Entrance

There are no additional formal entrances within the Phase 4 area.

4. Bathrooms

Initially Port-o-Lets will be the first option for public bathrooms. Port-o-Lets will be placed in strategic locations from Bayou Moreau to Bayou Thunder for public convenience. When additional funding can be identified, the District will consider the procurement of larger trailerable bathrooms customized to be more like public restrooms in other public facilities. The trailerable nature of these restrooms will again

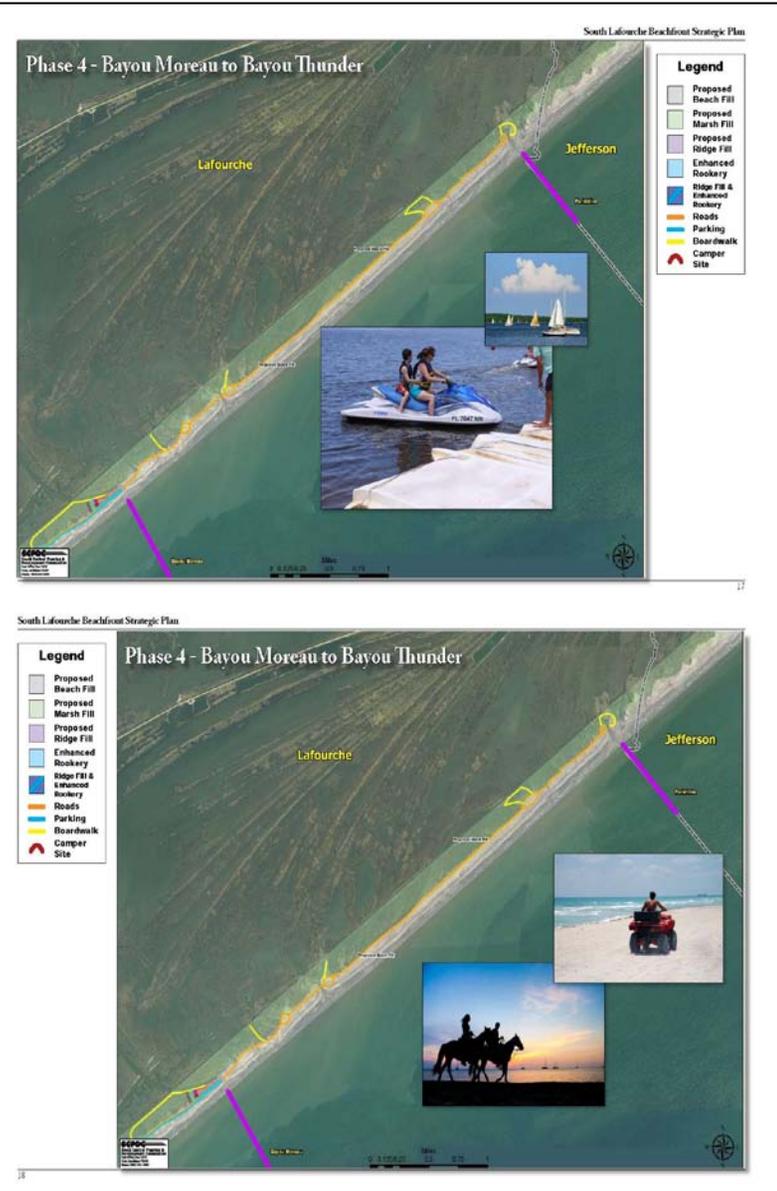
The South Lafourche Beachfront Development District (District):

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Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (or some private disposal services) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue services) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.



Loulan J. Pitre, Jr. attachment (LJP at1)

South Lafourche Beachfront Strategic Plan

allow for portability when impending storms threaten.

5. Pavilion

Smaller trailerable covered table area(s) will be designed and constructed so that they could be moved within the park for private use by patrons and moved to safety when impending storms threaten.

6. Overnight Camping

Tent camping will be allowed in this area.

7. Selling/Vending

The District is considering a vending area in Phase 3 on the western bank of Bayou Moreau.

8. Boardwalks/Trails

In association with wetland and dune areas, the District will consider the construction of boardwalks and trails to promote awareness of unique and fragile flora and fauna while protecting these areas from excessive traffic.

9. Utilities

Water and underground electricity are proposed to follow along the roadway through to Bayou Moreau.

10. Other Activities and Services.

- If arrangements can be made, kayaks, canoes, paddle-boats and other non-motorized vehicles may be made available.
- On land golf carts and/or all terrain vehicles may be rented if it can be determined that it would discourage vehicular traffic on the beach. If allowed, these vehicles would be prohibited in dune and wetland areas and speed limits would be stringently enforced.
- Horseback riding will be allowed and perhaps promoted in a controlled manner. Horses would be prohibited in dune and wetland areas.
- Swimming, fishing, crabbing, surfing and bird watching will be encouraged in this area.



The South Lafourche Beachfront Development District (District):

Asserts that any and all discussion, planning and design of proposed development for a public park at Fourchon Beach is made with the recognition and understanding that it will be developed ONLY in coordination with and then subject to the Caminada Headland Project;

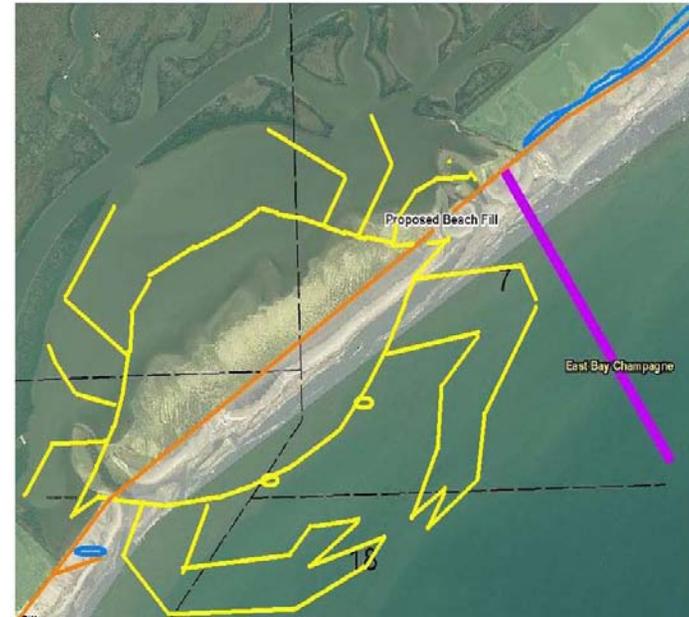
Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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South Lafourche Beachfront Strategic Plan



Alternate Boardwalk Configuration

The South Lafourche Beachfront Development District (District):

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Asserts that the District will partner with the Greater Lafourche Port Commission and its Harbor Patrol, Lafourche Parish Sheriff's Office (or some other security entity) and the Lafourche Parish District Attorney's Office to provide patrols, enforce district rules and penalize offenses at any time that the District has sanctioned public use of the beach and its related facilities;

Asserts that the District will partner with Lafourche Parish Government (or some private disposal service) to provide regular garbage service for all areas of the Fourchon Beach that are opened for public use;

Asserts that the District will partner with Lafourche Fire District #3 (or some other rescue service) to provide rescue services for any time that the District has sanctioned public use of the beach and its related facilities.

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Louisiana Department of Environmental Quality email (LDEQ email)

-----Original Message-----
From: Beth Altazan-Dixon [mailto: Beth.Dixon@LA.GOV]
Sent: Friday, July 01, 2011 9:23 AM
To: Klein, William P Jr MVN
Subject: DEQ SOV 110628/1755 DOA-Barataria Basin Barrier Shoreline

July 1, 2011

Joan M. Exnicios, Chief
USACE Environ. Planning Branch
P.O. Box 60267
New Orleans, LA 70160-0267

william.p.klein.jr@usace.army.mil
<mailto:william.p.klein.jr@usace.army.mil>

RE: 110628/1755
DOA-Barataria Basin Barrier Shoreline
On disk
Restoration-Draft Construction Report and Draft EIS Lafourche,
Jefferson and Plaquemines Parishes

Dear Ms. Exnicios:

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

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

RESPONSE

LDEQ 01: Thank you for your comment.

Louisiana Department of Environmental Quality email (LDEQ email)

<p>Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.</p> <p>* If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.</p> <p>* If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.</p> <p>* All precautions should be observed to control nonpoint source pollution from construction activities. LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permits Division at (225) 219-3181 to determine if your proposed project.</p> <p>If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit application or Notice of Intent must be submitted no later than June 1, 2011. Additional information may be obtained on the LDEQ website at http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx <http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 3181.</p> <p>* If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly regarding permitting issues. If a Corps permit is required, part of the application process may involve a water quality certification from LDEQ.</p> <p>* All precautions should be observed to protect the groundwater of the region.</p>	<p>RESPONSE</p> <p>LDEQ email 02: All appropriate steps and precautions, including best construction management practices, will be utilized.</p> <p>LDEQ email 03: The proposed action would not require a LPDES application.</p> <p>LDEQ email 04: The proposed action would not result in a discharge of wastewater to an existing wastewater treatment system.</p> <p>LDEQ email 05: All appropriate steps and precautions, including best construction management practices, will be utilized.</p> <p>LDEQ email 06: The proposed action would include a sanitary wastewater treatment facility.</p> <p>LDEQ email 07: the USACE does not issue itself a permit for work in jurisdictional waters or wetlands of the US. However, a section 404(b)(1) evaluation is included in appendix D.</p> <p>LDEQ email 08: the proposed action would not impact groundwaters of the region.</p>
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Louisiana Department of Environmental Quality email (LDEQ email)

* Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.

* Any renovation or remodeling must comply with LAC 33:III.Chapter 28, Lead-Based Paint Activities; LAC 33:III.Chapter 27, Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation); and LAC 33:III.5151, Emission Standard for Asbestos for any renovations or demolitions.

* If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

Currently, Lafourche, Jefferson and Plaquemines Parishes are classified as attainment with the National Ambient Air Quality Standards and have no general conformity determination obligations.

Please send all future requests to my attention. If you have any questions, please feel free to contact me at (225) 219-3958 or by email at beth.dixon@la.gov <<mailto:beth.dixon@la.gov>> .

Sincerely,
Beth Altazan-Dixon
Performance Management
LDEQ/Business and Community Outreach Division Office of the Secretary
P.O. Box 4301 (602 N. 5th Street)
Baton Rouge, LA 70821-4301
Phone: 225-219-3958
Fx: 225-325-8148
Email: beth.dixon@la.gov

RESPONSE

→ **LDEQ email 09:** the proposed action would not include water system improvement or the use of water softeners.

→ **LDEQ email 10:** the proposed action would not include any renovation or remodeling involving lead-based paint or asbestos.

→ **LDEQ email 11:** LDEQ's Single-Point-of-Contact will be contacted if any hazardous wastes or soils or ground water contaminated with hazardous constituents are encountered during construction of the project. All appropriate precautions will be taken to protect workers from these hazardous constituents. A Phase 1 Hazardous, Toxic and Radioactive Wastes assessment will be completed as described in Section 5.19.

→ **LDEQ email 12:** potential project-induced impacts to air quality are presented in section 5.20 Air Quality.

Louisiana Department of Wildlife and Fisheries (LDWF ltr)

 <p>BOBBY JINDAL GOVERNOR</p> <p>State of Louisiana DEPARTMENT OF WILDLIFE & FISHERIES</p> <p>ROBERT J. BARNHART SECRETARY</p> <p>July 22, 2011</p> <p>Keith Lovell, Administrator Louisiana Department of Natural Resources Office of Coastal Management P.O. Box 44487 Baton Rouge, LA 70804-4487</p> <p>RE: <i>Application Number: C20110034 (LCA BBBS Draft Construction Report and Draft EIS)</i> <i>Applicant: U.S. Army Corps of Engineers-New Orleans District</i> <i>Notice Date: June 28, 2011</i></p> <p>Dear Mr. Lovell:</p> <p>The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the construction report and EIS drafts referenced above. The following recommendations have been provided by the appropriate biologist(s):</p> <ul style="list-style-type: none">Any work or entry onto Elmer's Island should be coordinated with Julia Lightner (985-787-2164).The piping plover (<i>Charadrius melodus</i>) may occur within one mile of the project area. This species is federally listed as threatened with its critical habitat designated along the Louisiana coast. Piping plovers winter in Louisiana feeding at intertidal beaches, mudflats, and sand flats with sparse emergent vegetation. Primary threats to this species are destruction and degradation of winter habitat, habitat alteration through shoreline erosion, woody species encroachment of lake shorelines and riverbanks, and human disturbance of foraging birds. For more information on piping plover critical habitat, visit the U.S. Fish and Wildlife website: http://endangered.fws.gov.Our database indicates the presence of bird nesting colonies within one mile of the Caminada Headland portion of the proposed project. Please be aware that entry into or disturbance of active breeding colonies is prohibited by the Louisiana Department of Wildlife and Fisheries (LDWF). In addition, LDWF prohibits work within a certain radius of an active nesting colony.Nesting colonies can move from year to year and no current information is available on the status of these colonies. If work for the proposed project will commence during the nesting season, conduct a field visit to the worksite to look for evidence of nesting colonies. This field visit should take place no more than two weeks before the project begins. If no nesting colonies are found within 400 meters (700 meters for brown pelicans) of the proposed project, no further consultation with LDWF will be necessary. If active nesting colonies are found within the previously stated distances of the proposed project, further consultation with LDWF will be required. In addition, colonies should be <p>P.O. BOX 08000 • BATON ROUGE, LOUISIANA 70802-0000 • PHONE (225) 765-2800 AN EQUAL OPPORTUNITY EMPLOYER</p>	<p>RESPONSE</p> <p>LDWF ltr 01: Thank you for your comment. Concur, that any work or entry onto Elmer's Island will be coordinated with Julia Lightner.</p> <p>LDWF ltr 02: Concur that threatened piping plover and critical habitat exist within study area. The USACE has coordinated potential impacts of the piping plover and its critical habitat. The USACE has prepared a Biological Assessment regarding potential project-induced impacts to threatened and endangered species and their designated critical habitat within the study area. In their Biological Opinion, the USFWS concurs with the USACE findings.</p> <p>LDWF ltr 03: Concur. The USACE is aware of LDWF prohibition of entry into or disturbance of active breeding bird colonies. USACE is also aware that LDWF prohibits work within a certain radius of active nesting colony (400 meters of nesting colonies; 700 meters for brown pelicans). The USACE will conduct field visits and coordinate with LDWF as well as the USFWS.</p>
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Louisiana Department of Wildlife and Fisheries (LDWF ltr)

Page 2
Application Number: C20110034 (LCA BBBS Draft Construction Report and Draft EIS)
July 22, 2011

surveyed by a qualified biologist to document species present and the extent of colonies. Provide LDWF with a survey report which is to include the following information:

1. qualifications of survey personnel;
2. survey methodology including dates, site characteristics, and size of survey area;
3. species of birds present, activity, estimates of number of nests present, and general vegetation type including digital photographs representing the site; and
4. topographic maps and ArcView shapefiles projected in UTM NAD83 Zone 15 to illustrate the location and extent of the colony.

Please mail survey reports on CD to: Louisiana Natural Heritage Program
La. Dept. of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

- For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, roseate spoonbills, anhingas, and/or cormorants), all project activity occurring within 300 meters of an active nesting colony should be restricted to the non-nesting period (i.e., September 1 through February 15).

- For colonies containing nesting gulls, terns, and/or black skimmers, all project activity occurring within 400 meters (300 meters for brown pelicans) of an active nesting colony should be restricted to the non-nesting period (i.e., September 16 through April 1).

No other impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within ¼ mile of the proposed project.

The Louisiana Natural Heritage Program (LNHP) reports summarize the existing information known at the time of the request regarding the location in question. LNHP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. If at any time LNHP tracked species are encountered within the project area, please contact our biologist at 225-765-2643.

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 LDWF Permits Coordinator Dave Butler at 225-763-3595 should you need further assistance.

Sincerely,



Kyle F. Balkum
Biologist Program Manager

cd/cm/rb

RESPONSE

LDWF ltr 03: see previous page.

LDWF ltr 04: Concur. The USACE will take appropriate actions to avoid and minimize disturbance to colonial nesting birds.

LDWF ltr 05: Potential impacts to rare, threatened and endangered species or critical habitats are described in the USACE Biological Assessment (Appendix D) and have been coordinated with the USFWS (see their Biological Opinion in Appendix D) and the National Marine Fisheries Service. The recently designated LDWF Elmer's Island Wildlife Refuge would be directly impacted by the proposed restoration actions on the Caminada Headland. The USACE has been in coordination with Messrs Glen Thomas and Vaughn McDonald as well as with Ms Heather Finley and Julia Lightner. The USACE will continue coordination with the LDWF and its designated POC's Julia Lightner and Vaughn McDonald, as well as securing a Special Use Permit for work on the LDWF Elmer's Island Wildlife Refuge.

LDWF ltr 06: concur that if at any time LNHP tracked species are encountered within the project area, the USACE will contact LNHP biologist at 225-765-2643.

Louisiana Department of Wildlife and Fisheries (LDWF fax)

08/30/2011 15:4E 2257652575 DWF BU11R HAFB BU11



State of Louisiana
DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

BOBBY LINDAL
GOVERNOR

ROBERT J. BALTHAM
SECRETARY

JIMMY L. ANTHONY
ASSISTANT SECRETARY

August 3, 2011

Attn: Sandra Sales
Planning, Programs, and Project Management Division
Environmental Planning and Compliance Branch
United States Army Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267

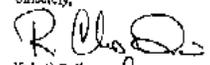
RE: *Application Number: Draft Environmental Impact Statement (EIS) - Barataria Basin Barrier Structure Restoration*
Applicant: U. S. Army Corps of Engineers
Public Notice Date: June 27, 2011

Dear Ms. Sales:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the Draft EIS referenced above. Based upon this review, the following has been determined:

- LDWF believes that operational flexibility should be incorporated into the operation plan and that the plan be modified as needed in response to monitoring and recommendations of regulatory and resource agencies.
- Portions of the proposed activity may impact LDWF Wildlife Management Areas. No activities shall occur on any LDWF Wildlife Management Area or Refuge without obtaining a Special Use Permit from LDWF. Please contact Vaughn McDonald at (504) 284-5267 for more information.
- LDWF recommends that all water control structures be designed to allow for fish passage using the best available science.

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 Habitat Section biologist Chris Davis at 225-765-2692 or Fisheries biologist Robert Bourgeois at 765-0765 should you need further assistance.

Sincerely,

 Kyle J. Balkum
 Biologist Program Manager

ed/nb

P.O. BOX 970000 • DATCH HOUSE, LOUISIANA 70009-0000 • PHONE: (225) 765-2600
AN EQUAL OPPORTUNITY EMPLOYER

RESPONSE

LDWF fax 01: Thank you for your comment. Concur, the proposed operational plan will be modified as needed in response to monitoring and recommendations of regulatory and resources agencies. USACE actions regarding this include:

LDWF fax 02: The recently designated LDWF Elmer's Island Wildlife Refuge would be directly impacted by the proposed restoration actions on the Caminada Headland. The USACE has been in coordination with Messrs Glen Thomas and Vaughn McDonald as well as with Ms Heather Finley and Julia Lightner. The USACE will continue coordination with the LDWF and its designated POC's Julia Lightner and Vaughn McDonald, as well as securing a Special Use Permit for work on the LDWF Elmer's Island Wildlife Refuge.

LDWF fax 03: The proposed action, restoration of the Caminada Headland and Shell Island, would not include any water control structures.

Mississippi River Delta Campaign (MRDC)

Mississippi River Delta Campaign
Partners:

Environmental Defense Fund
National Audubon Society
National Wildlife Federation
The Nature Conservancy



August 4, 2011

William P. Klein, Jr.
CEMVN-PM-RS
P.O. Box 60267
New Orleans, LA 70160-0267
William.P.Klein.Jr@usace.army.mil

Thank you for the opportunity to offer comments on the draft Environmental Impact Statement for the Louisiana Coastal Area (LCA) Barataria Basin Barrier Shoreline Restoration project.

We strongly support the implementation of this phase of a critical LCA project. Specific features of the proposed alternatives that are especially beneficial include:

- Obtaining source material for Caminada from Ship Shoal and for Shell Island from the Mississippi River;
- Closing Coupe Bob to create a one-island configuration for Shell Island; and
- Nourishing Caminada once constructed with beneficial use of sediments dredged from Belle Pass by placement into the littoral zone.

The following suggestions highlight opportunities to use the project to protect and enhance wildlife habitat, *and to reduce costs*. We ask that you analyze them for technical feasibility and to determine whether the changes proposed meet project requirements. These relate primarily to the design of the Caminada Headland segment and its impact on existing high quality wildlife habitat—open back beach, wash-over fans in back bays, and healthy marsh. The rigid design parameters proposed will bury or destroy nesting beach substrate for species of concern Least Tern and Wilson’s Plover; wintering substrate for endangered Piping Plover and many other shore, marine and wading birds; refueling habitat for trans-

RESPONSE

MRDC 01: Thank you for your comment. More detailed construction design and costs analysis, considering design with natural forces will be considered during PED phase. Potential impacts to existing wildlife habitats and resources are presented in Section 5.8 Wildlife Resources: Birds, Mammals, Amphibians and Reptiles. Potential impacts to threatened and endangered species, such as the piping plover, are presented in Section 5.13 Threatened and Endangered Species as well as in the Biological Assessment Appendix D. The USACE has coordinated with the USFWS and NMFS regarding potential impacts to threatened and endangered species and designated critical habitats. The USFWS Biological Opinion, presented in Appendix D, concurs with the USACE Biological Assessment. The USACE agrees with the terms and conditions provided by the USFWS Biological Opinion, as well as the NMFS regional Biological Opinion. The USACE will implement the reasonable and prudent measures recommended by the USFWS and NMFS beginning in PED.

Mississippi River Delta Campaign (MRDC)

gulf migratory shorebirds; and salt-marsh, nesting habitat for Clapper Rails, Marsh Wrens and Seaside Sparrows, and wintering habitat for other rails and Nelson's Sparrow.

We suggest instead that you analyze the possibility of a less rigid design, one that allows natural forces to gradually shape the replenished shoreline and provide substrate for marsh recruitment. These changes would also allow significant cost savings and could be the basis for a wildlife recovery plan.

Barrier Beach

The current plan proposes building a wide platform to a pre-determined height and slope that buries prime Least Tern and Wilson's Plover nesting substrate. In the spring of 2010 hundreds of Least Terns and dozens of Wilson's Plovers nested on the headland, largely upon habitat created by recent tropical storm events, perhaps especially Hurricane Gustav in 2008, which had flattened the dune field and widened the platform by spreading sand over the back marsh and open water. (pers. obs. David P. Muth, May 25, 2011, over 500 Least Terns and over 60 Wilson's Plovers recorded.)

We propose instead that you consider placement of the Ship Shoal material just behind the front beach in the fore-dune area in a narrower, higher strip. This fill need not be shaped beyond the requirements of moving the discharge pipe. Instead, natural forcing by wind, waves, and (eventually) surge will distribute the material gradually across the dune field and back beach.

Natural forces will redistribute this material in any case, which begs the question as to why precious funds should be spent in a futile effort to achieve a predetermined elevation, width and slope that will begin to change before the project is completed. Presumably, volume of sand is the critical variable in determining the potential increases in the longevity of the headland structure, not the shape of the placed material. Natural re-distribution should allow continued utilization of nesting substrate.

Project sand fencing and plantings could be used strategically behind this unconsolidated material to encourage future dune formation. Plantings and fencing should not be distributed in such a way as to speed the conversion of nesting substrate on the back beach to a fully vegetated state. Natural succession toward increased vegetative cover will continue to degrade the quality of nesting habitat (ideally bare firm sand pan with exposed shell and scattered vegetation forming isolated small dunes). Only a new wash-over event will interrupt this successional process, but the project need not speed up this process unnecessarily.

If for technical reasons, or because of failure to meet project requirements for surge attenuation, the proposed un-consolidated placement of fill volume is found to be unworkable, then the design of the raised fill platform should allow for the development of open nesting substrate. This might be accomplished by concentrating sand fencing and plantings near the beach, allowing the back of the platform to begin in the earliest successional state. Once wind has created areas of firm sand pan with exposed shell, terns and plovers might begin nesting.

RESPONSE:

MRDC 01 (continued): see response on previous page.

MRDC 02: Placement of dredged material will occur directly on the beach front.

Mississippi River Delta Campaign (MRDC)

<p>While the situation at Shell Island, which entails construction primarily in open water, will be quite different from placement on the Caminada Headland, coast can still be reduced by refraining from requiring the contractor to meet rigid elevation and slope requirements.</p> <p>In all of these efforts, we would welcome the opportunity to assist in project design so as to maximize both storm protection and protection and recovery of bird habitat. Numerous examples of USACE and NGO partnerships exist that might serve to model this cooperative approach. A notable success is the North Carolina Coastal Islands Sanctuary system in which Audubon North Carolina and the Wilmington District have shared a long history of management of islands for various successional stages and suites of species.</p> <p>Marsh Creation</p> <p>The proposed plan for marsh creation and nourishment is for pumping material into a linear parallel strip of marsh. This un-natural design ignores existing topography—bays, healthy marsh, and open mudflat will all be buried by several feet of new fill, while adjacent areas of subsided and eroded marsh will be ignored. Considerable effort and money will be expended on construction of retention dikes and on a futile effort to maintain a pre-determined elevation.</p> <p>First, Bay Champagne and the bay behind Elmer’s Island should not be artificially filled to create marsh where none has existed in the past century. Second, wash-over fans into these embayments, replenished by wind-blown sand and periodic surge events, provide important mud or sand-flat habitat for thousand of roosting birds—pelicans, gulls, terns, and shorebirds, including the highest winter densities of Piping Plovers found on the headland (David P. Muth, pers. obs.). Finally, surviving marsh immediately behind the sandy headland appears to be thriving, nourished by sand re-deposited from the beach and dune system. These marshes support healthy populations of salt-marsh dependent mammals, birds, and estuarine organisms, and would be buried by new fill. The project should avoid burying either healthy marsh or exposed flats.</p> <p>Retention dikes and target elevations appear to be unnecessary. In terms of system response and longevity, surely the volume of fill added to the system is important, not its placement. The presence of roads, spoil banks, and the subsided parallel cheniere ridges of the Caminada beach trend provide ample containment and create a series of more or less discrete cells that were formerly marsh. Material pumped in for marsh creation could be placed unconfined into these former marsh areas until the agreed upon volume has been discharged by the contractor. In the process it would tend to infiltrate and nourish adjacent degraded marsh while bypassing healthier, higher and denser marsh.</p> <p>Bayou Thunder</p> <p>Bayou Thunder forms a natural drainage and tidal exchange conduit through the headland, connecting the marshes and bays behind the headland with the gulf. It also provides a conduit for water movement through the cheniere ridges and under Highway 1 towards Caminada Bay. The opening through the headland is intermittent, usually clogged by a bar, and occasionally blocked completely at normal tide levels by temporary deposit of sand shifting naturally along the face of the headland. Even when closed, however, the opening is unimpeded by dune formation, and is re-occupied by water during exceptional</p>	<p>RESPONSE</p> <p>MRDC 02 (continued): see response on previous page.</p> <p>MRDC 03: These methods will be considered during PED phase of the project.</p> <p>MRDC 04: see response MRDC 03.</p> <p>MRDC 05: see response MRDC 03.</p>
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Mississippi River Delta Campaign (MRDC)

tides and surge events, forming a conduit for the movement of estuarine organisms and nutrients. (Bayou Moreau, an abandoned distributary channel now overtaken by the retreating headland, has occasionally formed a similar opening with similar estuarine function at its three conjunctions with the beach.)

We question the wisdom of closing the natural openings, especially at Bayou Thunder. It will remain the weak spot in the headland, and will likely eventually re-open, wasting a high volume of pumped in sand in the process. We also ask what effect on estuarine health and vigor the attempted permanent closure will have on the protected marshes. We recognize that the marshes behind the headland will remain connected to the gulf via various openings to Caminada Bay and Bayou Lafourche. Unless modeling definitively suggests that failure to close the openings would result in failure of the project for surge attenuation or headland protection, we recommend that the natural openings not be artificially filled.

Summary

We strongly support the project and commend the project planners and engineers for seeking innovative cost effective design solutions, and for proposing to bring new sediments into the two systems. We urge less design rigidity, less artificial interruption of natural processes and alteration of natural topography, and more reliance on natural processes to allow the re-nourished system to thrive. We believe our proposals could result in significant cost savings and enhanced ecosystem benefits.

We also urge that a closer look be taken at the effect of the project on vulnerable bird species, especially wintering Piping Plovers and nesting Least Terns and Wilson's Plovers. Indeed, we would welcome the opportunity to assist with a partnership among federal, state, and NGO entities to work toward an array of enhanced bird habitats along our coast. The same dollars and efforts of your plan could, with minor adjustments, provide a win-win for both storm protection and recovery of important and at-risk species.

Should you have any questions please do not hesitate to contact:

David Muth
Louisiana State Director
Mississippi River Delta Campaign
National Wildlife Federation
8222 Adams Street
New Orleans, Louisiana 70118
504.872-5993, muthd@nwf.org

RESPONSE

MRDC 05 (continued): see response on previous page.

MRDC 06: see responses MRDC 01-05

National Marine Fisheries Service (NMFS)



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

August 3, 2011 F/SER46/RH:jk
225/389-0508

Ms. Joan M. Exnicios, Chief
Environmental Planning and Compliance Branch
Planning, Programs, and Management Division
New Orleans District, U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Ms. Exnicios:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Draft Environmental Impact Statement (DEIS) for the Louisiana Coastal Area (LCA) Louisiana - Barataria Basin Barrier Shoreline Restoration project. This document was transmitted for our review by your letter dated June 22, 2011.

A number of alternatives were evaluated for the restoration of the Caminada Headland in Lafourche Parish and Shell Island in Plaquemines Parish, Louisiana. The Tentatively Selected Plan (TSP) consists of the restoration of more than 2,500 acres of dune, supratidal, and intertidal habitats on the Caminada Headland, and more than 780 acres of similar habitats on Shell Island. The fully funded cost of the TSP is approximately \$446,000,000. The TSP also includes the placement of approximately 650,000 cubic yards of sediment generated during Federal maintenance dredging of Bayou Lafourche every 1.5 to 2 years into the littoral drift near Bayou Moreau. According to the DEIS, the non-federal sponsor is responsible for paying the incremental cost over the federal standard for this use of the dredged sediment. The TSP also includes the renourishment of Shell Island at 20 year intervals.

NMFS has reviewed the DEIS and in general, finds it to be well written. However, some general issues of concern have been identified. In accordance with provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and Section 600.920 the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues are discussed in the attached enclosure. In addition, NMFS has identified some specific locations in the DEIS where statements should be revised to more accurately describe resources of concern, as well as potential project impacts. Those specific recommended revisions also are identified in the attached enclosure.

NMFS is very supportive of the implementation of the TSP. However, it should be understood that project implementation could result in at least temporary adverse impacts to some categories of EFH that are supportive of a variety of economically important marine fishery species.

1



RESPONSE

NMFS 01: Concur that implementation of proposed action could result in temporary adverse impacts to some categories of EFH that are supportive of a variety of important fisheries species. Potential project-induced impacts to EFH are described in section 5.10 "Essential Fish Habitat (EFH)."

National Marine Fisheries Service (NMFS)

<p>Section 305(b)(4)(A) of the Magnuson-Stevens Act requires that NMFS provide EFH conservation recommendations for any federal action that may result in adverse impacts to EFH. Therefore, NMFS recommends the following to ensure the conservation of EFH and associated marine fishery resources:</p> <p style="text-align: center;">EFH Conservation Recommendations</p> <ol style="list-style-type: none"> 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. <p>Consistent with Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Act and NMFS' implementing regulation at 50 CFR 600.920(k), the New Orleans District (NOD) is required to provide a written response to our EFH conservation recommendations within 30 days of receipt. If the NOD response is inconsistent with our EFH conservation recommendations, the NOD must provide a substantive discussion justifying the reasons for not implementing those recommendations. If it is not possible to provide a substantive response within 30 days, the NOD should provide an interim response to NMFS, to be followed by the detailed response. The detailed response should be provided in a manner to ensure that it is received by NMFS at least 10 days prior to the final approval of the action.</p> <p>NMFS appreciates the opportunity to review the DEIS. If you have questions regarding the above or attached comments, please contact Richard Hartman at 225-389-0508, (ext 203) for assistance.</p> <p style="text-align: right;">Sincerely, <i>Virginia M. Fay</i> Virginia M. Fay Acting Assistant Regional Administrator Habitat Conservation Division</p> <p>Enclosures</p> <p style="text-align: center;">2</p>	<p style="text-align: center;">RESPONSE</p> <p>NMFS 02: Concur; during PED phase additional means to minimize adverse impacts to existing intertidal habitats on both the Caminada Headland and Shell Island will be considered and coordinated with the NMFS and other natural resource agencies.</p> <p>NMFS 03: Do not concur that project design should include tidal creeks and ponds on restored Shell Island barrier island habitats or the Caminada Headland. Including such design features into barrier islands and the beach/dune/supratidal/intertidal erosional zone of the Caminada Headland fronting the Gulf of Mexico would initiate and rapidly increase barrier habitat fragmentation to restored areas in this high energy Gulf of Mexico barrier system. Such features will naturally develop over time due to the different natural sediment densities of the borrow material and differential settlement and consolidation of the borrow material over time, along with natural processes.</p> <p>NMFS 04: Concur. Consistent with previous ecosystem restoration efforts, containment dikes are anticipated to degrade and gap naturally.</p> <p>NMFS 05: Concur. Refinement, during the PED Phase, of the sand fencing plan and vegetative species to be planted will be further coordinated with the NMFS and other natural resource agencies.</p> <p>NMFS 06: Concur. The New Orleans District will provide a written response regarding the proposed EFH conservation recommendations in a manner to ensure that it is received by NMFS at least 10 days prior to the final approval of the action.</p>
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National Marine Fisheries Service (NMFS)

c:
FWS, Lafayette, Walther
EPA, Dallas, Ettinger
LA DNR, Consistency, Lovell
F/SER46, Swafford
F/SER4, Dale
F/SER PRD, Bernhart
NOAA PFI, Reid
Files

RESPONSE

National Marine Fisheries Service (NMFS)

ATTACHMENT 1
National Marine Fisheries Service Comments on the Draft Construction Report
and Draft Environmental Impact Statement for the
Louisiana Coastal Area (LCA) Barataria Basin Barrier Shoreline Restoration Project
Authorized by the 2007 Water Resources Development Act

Essential Fish Habitat (EFH) Consultation

We are viewing the submittal of the Draft Environmental Impact Statement (DEIS) to NMFS as the intent of the New Orleans District (NOD) to initiate EFH consultation as required by provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Our response is submitted in accordance with section 600.920(i)(4) of the Magnuson-Stevens Act.

Based on our review of the DEIS, we have determined that the document contains all required EFH assessment contents listed in section 600.920(e)(3) of the Magnuson-Stevens Act. Specific comments are provided where we believe clarification or additional information is needed concerning EFH and other environmental factors. Substantial temporal adverse impacts to EFH would result from dredging and filling to construct the Tentatively Selected Plan (TSP). NMFS concurs with the determination that project-related benefits would offset adverse impacts to EFH. However, to attain this, measures intended to avoid, minimize, and offset adverse effects must be implemented. Utmost of these measures with respect to the proposed action is the need to minimize adverse impacts to intertidal habitat to the maximum extent practicable and maximize the creation and maintenance of that habitat over the entire project life. Other measures include means to ensure created habitats develop natural habitat functions. These include, but are not limited to, continued coordination with the natural resource agencies during the preliminary engineering and design phase of project implementation to further refine project alternatives, incorporate design measures for habitat heterogeneity (e.g., tidal creeks and ponds) and function (e.g., degrading/gapping containment dikes), use of best management practices during project construction and operation, and implementation of proposed monitoring and adaptive management actions as needed to measure project related impacts and provide a framework for decision-making and needed change.

The EFH Assessment provided a basis and justification for implementing the TSP when the benefits for that effort are compared to the consequences of the no action alternative. However, we believe additional measures may be possible to avoid, minimize, and offset potential impacts to EFH. Accordingly, EFH conservation recommendations are offered in the transmittal letter for this attachment.

General comments

NMFS is concerned with the significant amount of temporal adverse impacts to intertidal habitat that would occur with restoration proposed under the TSP. Given both Caminada Headland and Shell Island components, according to the DEIS, 1,307 acres of existing marsh would be impacted by the placement of dredged material. While the DEIS appears not to quantify the acreage of marsh that would be converted to supratidal or dune elevations, it is likely that a

RESPONSE

NMFS 07: Concur. The draft EIS is provided, in part, as part of the EFH consultation as required by the Magnuson-Stevens Fishery Conservation Act. Additional appropriate measures to avoid, minimize and offset potential adverse short term effects related to construction of the proposed action would be further considered and developed during PED Phase, especially with regard to minimizing adverse impacts to intertidal habitats. In addition, the USACE will continue, during the PED Phase, to further refine, develop, and include, to the maximum extent practicable, measures to ensure created habitats develop natural habitat functions and that maximize the creation and maintenance of barrier habitats. The USACE also intends to implement proposed monitoring and adaptive management measures as needed to measure project related impacts and to provide a framework for decision-making and needed change.

NMFS 08: Concur. The following has been added to Section 5.10.2 Essential Fish Habitat (EFH):

“Table 5.7 presents the number of acres existing habitat types converted to other habitat types following implementation of the proposed action. For the Caminada Headland the number of acres of existing water bottoms converted to Gulf subtidal equals 223 acres, converted to beach equals 58 acres, converted dune equals 231 acres, converted to supratidal equals 0 acres, and converted to marsh equals 413 acres. The number of acres of existing marsh on the Caminada Headland converted to Gulf subtidal equals 0 acres, converted to beach equals 0 acres, converted dune equals 101 acres, converted to supratidal equals 103 acres, and converted to (remain) marsh equals 773 acres.

For Shell Island the number of acres of existing water bottoms converted to Gulf subtidal equals 0 acres, converted to beach equals 53 acres, converted dune equals 152 acres, converted to supratidal equals 164 acres, and converted to marsh equals 404 acres. The number of acres of existing marsh on Shell Island converted to Gulf subtidal equals 0 acres, converted to beach equals < 1 acre, converted dune equals < 1 acre, converted to supratidal equals 2 acres, and converted to (remain) marsh equals 8 acres.” See following page for continued response.

National Marine Fisheries Service (NMFS)

RESPONSE

NMFS 08 (continued):

The acreage of various EFH habitats expected to remain subaerial by 2050.

For the Caminada Headland the total number of acres equals 2,492 acres at TY0. These acres evolve to a total of 1,023 acres: comprised of 245 acres of gulf intertidal, 345 acres of supratidal, and 433 acres of marsh at 2050. For Shell Island the total number of acres equals acres at TY0. These acres evolve to a total of 469 acres: comprised of 48 acres of beach, 148 acres of supratidal, 0 acres of dune, and 273 acres of marsh.

RESPONSE

NMFS 08 (continued):

Table 5-7. Number of acres of existing habitats converted to other habitat types following implementation of the proposed action.

EFH Habitat Types	Caminada Headland	
	Existing Acres (TY 0)	Converted Acres (TY1)
Existing Open Water	925 ac	Gulf subtidal = 223 ac Beach (Gulf intertidal) = 58 ac Dune = 231 ac Supratidal = 0 ac Marsh = 413 ac
Existing Marsh	977 ac	Gulf subtidal = 0 ac Beach (Gulf Intertidal) = 0 ac Dune = 101 ac Supratidal = 103 ac Marsh = 773 ac
		Shell Island
Existing Open Water	773 ac	Gulf subtidal = 0 ac Beach (Gulf intertidal) = 53 ac Dune = 152 ac Supratidal = 164 ac Marsh = 404 ac
Existing Marsh	10 ac	Gulf subtidal = 0 ac Beach (Gulf intertidal) = < 1 ac Dune = <1 ac Supratidal = 2 ac Marsh = 8 ac

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<p>significant amount of the existing wetland acreage will be converted to higher elevations providing little functional habitat supportive of marine fishery resources. The Final Environmental Impact Statement (FEIS) should quantify the acreage of existing marsh that would be converted to uplands, as well as that acreage that will remain intertidal in nature. The FEIS also should discuss the temporal period of time between the initiation of construction activities and the likely period of time that the created marsh habitat would be fully supportive of marine fishery resources.</p> <p>The DEIS appears to be missing an evaluation of the potential impact dredging of the Caminada and Empire marsh borrow sites could have on wave elevations and wave energy impacting adjacent shorelines. Given their locations, NMFS believes the FEIS should include such an analysis. In addition, NMFS believes the Empire borrow site may be the same borrow site intended to be used to construct the Pelican Island project under the auspices of the Coastal Wetlands, Planning, Protection and Restoration Act (CWPPRA) program. Initiation of construction for that project is expected to begin this year. The FEIS may need to be revised to identify and evaluate an alternative borrow source for marsh fill on Shell Island.</p> <p>In addition, the DEIS does not discuss the likely dredging and construction methodology for Ship Shoal and the Caminada Headland. Given the distance between Ship Shoal and the Caminada Headland, hopper dredges may be the preferred dredging methodology. Hopper dredges have a much greater potential to adversely impact threatened and endangered sea turtles. The DEIS does not discuss this potential impact to those resources. In addition, hopper dredges may deposit their dredged material into open water adjacent to the Caminada Headland for subsequent dredging and placement into the fill template, or they could pump the dredged material directly onto the project area. The potential placement of dredged material into open water for later placement into the project area has not been identified or evaluated in the DEIS. NMFS believes the NOD should evaluate the likely construction methodologies and revise the FEIS to include all potential alternatives and their impacts.</p> <p>The following specific comments address sections in the DEIS where clarification or additional information is needed.</p> <p>Specific comments</p> <p>EXECUTIVE SUMMARY Project Description</p> <p>Page vii, paragraph 1. This paragraph provides a summary of the acres of each habitat type to be created for the Caminada Headland project, and quantifies the acres of existing beach/dune and marsh to be impacted by fill placement. However, it does not indicate how many acres of existing marsh would be converted to beach/dune habitat. This information should be provided in the FEIS.</p> <p>Page viii, paragraph 2. This paragraph provides a summary of the acres of each habitat type to be created for the Shell Island project component, and quantifies the acres of existing beach/dune</p>	<p>RESPONSE</p> <p>NMFS 08 continued: see response on previous page</p> <p>NMFS 09: The borrow sites were located at a distance sufficiently far enough away from the barrier shorelines so as not to significantly change or alter wave dynamics. With regard to use of Ship Shoal, any impacts of wave energy from project implementation would be temporary in nature and would not have lasting negative impacts on adjacent shorelines. Stone et al. (2004) indicates that removal of Ship Shoal sands for barrier/coastal restoration efforts would not significantly influence wave conditions in the nearshore because the expected increase in wave energy is limited to the leeward flank of the shoal.</p> <p>The Empire borrow site may have been used on previous CWPPRA projects. However, the USACE believes there will be enough material from here, as well as other borrow sources listed in the report that will accommodate the dredge material needs of this project. Additional analysis of marsh habitat will be conducted in PED phase of this project.</p> <p>NMFS 10: Concur. Detailed dredging and construction methodology regarding Ship Shoal, the potential for placement of dredged material into open water for later placement into the fill template have not been identified. Additional engineering design is required before the environmental impacts analysis may be conducted. Additional construction methodology will be considered in the PED phase of this project. Dredging and placement methodology can be found in the Engineering Appendix A.</p> <p>NMFS 11: Concur. See response to NMFS 08 comment.</p> <p>NMFS 12: Concur. See response to NMFS 08 comment.</p>
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<p>and marsh to be impacted by fill placement. However, it does not indicate how many acres of existing marsh would be converted to beach/dune habitat. This information should be provided in the FEIS.</p> <p>Recommendations</p> <p>Page xii, paragraph 4. This section of the document clearly states that fill quantities for the dune component on the Caminada Headlands is 5.1 million cubic yards (mcy). The remainder of the DEIS indicates that 5.1 mcy of sediment would be dredged from Ship Shoal to create the dune component. Such a dredging quantity assumes a 1:1 cut-to-fill ratio, which is extremely unlikely. For similar dune creation efforts associated with barrier island restoration projects designed under the CWPPRA program, NMFS has assumed a 1.5:1 cut-to-fill ratio. Using that number, the actual quantity of sediment necessary to be dredged from Ship Shoal to place 5.1 mcy on the Caminada Headland is 7.65 mcy. NMFS recommends the NOD re-evaluate the necessary fill and/or dredging quantities and revise the inaccurate numbers and the analysis of impacts in all appropriate sections of the FEIS.</p> <p>1.0 STUDY INFORMATION 1.5 Prior and Existing Projects</p> <p>Table 1-1, page 1-14. The East Grand Terre Island Restoration project was constructed using funding from the Coastal Impact Assistance Program. According to their web site, construction was completed in November 2010. The status of this project should be revised.</p> <p>This table includes the West Belle Pass project constructed by the Corps of Engineers under the CWPPRA program and indicates the project was completed in 1988. The project actually was completed in June of 1998. That information in this table should be revised. Given that this project is included in this table, NMFS believes that the West Belle Pass Barrier Headland Restoration project (TE-52), funded by the CWPPRA program and sponsored by NMFS, also should be included in this table. Information pertaining to this project is available from the www.lacoast.gov web site. Regarding project status, bids have been received and project implementation should be initiated this calendar year.</p> <p>The Cheniere Ronquille Barrier Island Restoration project (BA-76) was funded for engineering and design under the CWPPRA program. This barrier island restoration project is located in the Barataria basin and should be included in this table. Information pertaining to this project is available at the web site identified above.</p> <p>1.5.3.3 Deepwater Horizon Emergency Permit Requests</p> <p>Page 1-23, paragraph 3. This section of the document indicates that sediment would be dredged from a number of locations, including Ship Shoal, to create six sand berm reaches between Timbalier Island and the Chandeleur Islands. Ship Shoal has never been dredged to provide sediment to construct any berm reach. This section of the document should be revised to identify the actual locations of sediment that have been dredged to provide sand for berm construction.</p>	<p>RESPONSE</p> <p>NMFS 12 (continued): see response on previous page.</p> <p>NMFS 13: Appendix A provides description of the cut to fill ratios. The Caminada Headland cut to fill for beach is 1:13; marsh ratio is 1:6. For Shell Island the beach cut to fill ratio is 1:5 and marsh ratio is 2:1.</p> <p>NMFS 14: Concur. The West Belle Pass Barrier Headland Restoration Project (TE-52) and Cheniere Ronquille Barrier Island Restoration project (BA-76) will be included in Table 1-1.</p> <p>NMFS 15: Concur. This section will be updated with the following revision: <i>“Material to construct the berms would be dredged from the Mississippi River Offshore Disposal Site, Pass a Loutre, and Hewes Point.”</i></p>
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National Marine Fisheries Service (NMFS)

3.0 ALTERNATIVES
 3.2.1 Shoreline Restoration and Protection Measures

Page 3-5, paragraph 4. This section of the DEIS is intended to discuss modifications of the Empire Jetties to restore longshore transport of sediment to help nourish Shell Island. As is indicated in this section of the document, and demonstrated in Appendix A, Annex 2, the construction of the jetties has resulted in increased shoreline erosion rates of approximately 10 feet per year along 3,000 to 5,000 feet of the Shell Island shoreline. Information in Appendix A suggests that the creation of Coup Bob had a greater effect on shoreline erosion, with the suggestion being, therefore, that modification of the Empire jetties was not warranted. NMFS questions the continued need for the jetties to maintain the mouth of the Empire Waterway navigation channel. Given that more than \$320 million could be spent on restoring and maintaining Shell Island, any feature that would cause erosion of that island should be carefully evaluated. NMFS does not believe this section of the document fully evaluates the potential to modify or remove the Empire Jetties and recommends the FEIS more fully discuss such an action.

3.10.4 Environmental Commitments
 Item #6 indicates that the U.S. Fish and Wildlife Service had been consulted regarding avoidance of impacts to federally listed species. Considering the potential for impacts to occur to threatened and endangered sea turtles and marine mammals under the purview of NMFS, we recommend this bullet be revised to indicate that NMFS also will be consulted regarding avoidance of impacts to federally listed species.

Table 3-10, page 3-86. The EFH section of this table indicates that project implementation would increase potential EFH by more than 1,600 acres for the TSP, and 990 acres for alternative C5. In actuality, project implementation would convert some categories of EFH (water column and water bottom) to other categories of EFH (marsh). As indicated previously in our General Comments, project implementation would at least temporarily convert some categories of EFH (i.e., water column, water bottoms, and marsh) to habitats not supportive of marine fishery resources (dune). This section of the table should be revised to correctly quantify likely impacts to various categories of EFH. It should be noted that NMFS agrees that project implementation would help maintain for an extended period of time more productive categories of EFH, such as marsh, that would eventually erode without project implementation into less productive categories of EFH, such as shallow water bottoms.

4.0 AFFECTED ENVIRONMENT
 4.11 Fishery Resources
 4.11.1 Historic and Existing Conditions

RESPONSE

NMFS 16: Do not concur. The referenced section provides sufficient description of the planning considerations of removing and modifying the Empire jetties as a feature of the Shell Island restoration plan. However, due to the potential impacts of the Empire jetties on the proposed Shell Island restoration features additional detailed analysis and considerations of tying-in the eastern most portion of the Shell Island restoration features to the Empire jetties during the PED phase.

NMFS 17: Concur. Bullet item #6 will be revised to indicate that the NMFS will also be consulted regarding avoidance of potential adverse impacts to federally listed species under its jurisdiction.

NMFS 18: Concur. The following has been added to the table:
 C5/S5 (TSP/NER): The 1,698 acres existing water bottoms converted to Gulf subtidal = 223 acres, converted to beach = 111 acres, converted dune = 383 acres, converted to supratidal = 164 acres, and converted to marsh = 817 acres. The 987 acres of existing marsh on the converted to Gulf subtidal equals 0 acres, converted to beach equals <1 acre, converted dune equals 102 acres, converted to supratidal equals 105 acres, and converted to (remain) marsh equals 781 acres.
 C5: The 925 acres existing water bottoms converted to Gulf subtidal = 223 acres, converted to beach = 58 acres, converted dune = 231 acres, converted to supratidal = 0 acres, and converted to marsh = 413 acres. The 977 acres of existing marsh on the Caminada Headland converted to Gulf subtidal equals 0 acres, converted to beach equals 0 acres, converted dune equals 101 acres, converted to supratidal equals 103 acres, and converted to (remain) marsh equals 773 acres.

National Marine Fisheries Service (NMFS)

<p>Page 4-40, paragraph 7. This paragraph briefly describes fishery utilization of the Ship Shoal area and nearshore borrow sites. Research published in Gelpi et al. (2009)¹ suggest that Ship Shoal serves as an important spawning, hatching and foraging ground for blue crab. NMFS suggests this section of the FEIS be revised to identify the importance of Ship Shoal for blue crab and to discuss possible impacts of the dredging of at least 5.1 mcy of sediment from Ship Shoal on that fishery species.</p> <p>4.12 Essential Fish Habitat</p> <p>Page 4-41, paragraph 1. This section identifies “natural structural features in the proposed fill area” as a category of EFH to be potentially impacted by project implementation. That sentence also accurately identified estuarine emergent marsh as well as a number of other categories of EFH in the project area. “Natural structural features” are not a recognized category of EFH and NMFS recommends it be deleted from mention in this paragraph.</p> <p>In addition, in 2008, clarification has been provided on EFH for federally managed species. Based on that information, NMFS recommends Table 4-15 be replaced with the table provided in Attachment 2 of this document.</p> <p>5.0 ENVIRONMENTAL CONSEQUENCES</p> <p>Table 5.2, page 5-19. The EFH section of this table suggests that project implementation would result in a reduction in the loss of EFH. As indicated above in our comments on Table 3-10, project implementation will not result in a reduction in the loss of EFH and would actually convert some categories of EFH to supratidal or dune elevations. This table should be revised in the FEIS to accurately describe project implementation impacts on EFH.</p> <p>5.1 Soil Resources 5.1.2 Future With-Project Conditions</p> <p>Table 5-5, page 5-34. This table quantifies acres by habitat type to be created for each alternative. However, it does not quantify the acreage of each habitat type to be impacted by fill placement or how many acres of each habitat type would be converted to other habitats. This table should be revised to include such information. In addition, the title of the table suggests that the volume of fill material necessary for each alternative would be included in the data quantified in the table. It should be noted that there is no fill volume summarized in the table.</p> <p>5.2 Offshore, Nearshore and Riverine Sand Resources 5.2.2 Future With-Project Conditions</p> <p>¹ Gelpi, C.G., R.E. Condrey, J.W. Fleeger, and S.F. Dubois, 2009. Discovery and evaluation and implications of blue crab, <i>Callinectes sapidus</i>, spawning, hatching, and foraging grounds in Federal (US) waters offshore of Louisiana. Bulletin of Marine Science 85(3): 203-222.</p>	<p>RESPONSE</p> <p>NMFS 19: Concur in part. The following has been added to Section 4.11.1 describing fishery resources at Ship Shoal: <i>Recent study of the continental shelf sandy shoals located along Louisiana (Condrey and Gelpi, 2010; Gelpi et al., 2009; and Dubois et al., 2009) found that the Ship and Trinity Shoals support major shrimp fisheries and form an important offshore spawning/hatching/foraging ground for a large segment of the Gulf of Mexico blue crab fishery from at least April-October. These researchers found that mature female blue crabs appear to be in a continuous spawning cycle, producing new broods approximately every 21 days while actively foraging on the Shoals. These researchers conclude that sand mining on the Shoal is expected to result in some decline in blue crab fecundity and condition factor due to a reduction in food supply. In addition, increases in suspended sediments associated with sand mining may potentially increase the mortality of crab larvae. These researchers recommend that sand mining practices which minimize these potentially negative impacts should be carefully considered, along with regulations which will protect the contribution these crabs make to the stability of Louisiana’s traditional inshore fishery.”</i> Do not concur that section 4.11.1 is the appropriate place to describe the potential impacts of dredging 5.1 mcy of sediment from Ship Shoal on blue crab fishery. Rather, potential impacts to blue crab fishery will be presented in Section 5.9.2. See response to comment NMFS 26 for response regarding potential impacts of implementing the proposed action on blue crab fishery.</p> <p>NMFS 20: Concur. Table 4-15 will be replaced with updated table provided by the NMFS.</p> <p>NMFS 21: Concur. Table 5.2 will be revised to indicate conversion of EFH types see response to comment NMFS 18.</p> <p>NMFS 22: Do not concur. The table is a summary table; the requested detailed habitat type information is not readily available.</p>
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National Marine Fisheries Service (NMFS)

	RESPONSE
<p>Page 5-40. This section of the DEIS and Table 5-6 quantify the borrow quantity necessary from each borrow site for project completion. It is unclear from our review of the document if the dredging quantity incorporates a cut-to-fill ration different from 1:1. This section of the document should be revised to quantify the volume of sediment necessary to be dredged to fully implement each component of the project and discuss cut-to-fill ratios as they impact dredging quantities.</p>	<p>NMFS 23: Caminada Appendix A cut to fill for beach is 1:13, marsh is 1:6. For Shell Island beach is 1:5 and marsh is 2:1. The volumes of sediment necessary to implement each component of the project will be further refined during PED phase.</p>
<p>5.3 Barrier Systems: Barrier Shorelines, Headlands and Islands 5.3.1 No Action Alternative (Future Without-Project Conditions)</p>	<p>NMFS 24: Concur. The following information will be added to the text: <i>“For the Caminada Headland the total number of acres equals 2,492 acres at TY0. These acres evolve to a total of 1,023 acres: comprised of 245 acres of gulf intertidal, 345 acres of supratidal, and 433 acres of marsh at TY0. For Shell Island the total number of acres equals acres at TY0. These acres evolve to a total of 469 acres: comprised of 48 acres of beach, 148 acres of supratidal, 0 acres of dune, and 273 acres of marsh.”</i> The last sentence will be corrected and revised to reference Table 5-5 and not Table 5-2.</p>
<p>Page 5-42, paragraph 2. The DEIS indicates that without project implementation, 3,750 acres of the Caminada Headland and 386 acres of Shell Island would disappear by the year 2050. Information quantifying the amount of various habitats expected to remain subaerial by year 2050 should be provided to allow for a better understanding of the implications of not constructing this project. In addition, the last sentence references Table 5-2 as having information pertaining to the CWPPRA program and the Corps of Engineers beneficial use program. That information is actually in Table 5-5.</p>	<p>NMFS 25: Concur. The missing citations will be provided in the Section 9.0 References. 9.1 Literature Cited.</p>
<p>5.9 Fisheries Resources 5.9.1 No Action Alternative (Future Without-Project Conditions)</p>	<p>NMFS 26: Concur. The following information will be added to Section 5.9.2—<i>“For example, Palmer et al. (2008) reported significant sand-mining related declines in macrofaunal abundance, biomass, and diversity within coastal Louisiana. Condrey and Gelpi (2010) report that sand mining may have negative impacts on spawning blue crabs on Ship Shoal and that sand-mining disturbance and subsequent reduction in available macrofauna prey would result in negative effects on spawning blue crab health and fecundity. Specifically, Condrey and Gelpi (2010) indicate that sand mining on the Ship/Trinity/and Tiger Shoal Complex (STTSC) is expected to result in some decline in blue crab fecundity and condition factor through a reduction in food supply. In addition, increases in suspended sediments associated with sand mining may increase the mortality of crab larvae. ...”</i></p>
<p>Although cited in this section of the document, Minello et al. (1994), Browder et al. (1989), Caffrey and Schexnayder (2002), Browder et al. (1985), Minello et al. (2003) and Dow et al. (1985) are not listed in the Literature Cited section of the DEIS. These citations should be provided.</p>	<p>NMFS 27: see responses on the following page.</p>
<p>5.9.2 Future With-Project Conditions</p>	<p>NMFS 28: see response on the following page.</p>
<p>Pages 5-70 through 5-72. Little information is provided pertaining to the potential impacts of dredging at least 5.1 mcy from Ship Shoal on marine fishery resources. This section should discuss the potential impact to blue crabs associated with mining sand from Ship Shoal and identify and evaluate means to avoid and minimize those potential impacts. We encourage sponsors to evaluate the potential tradeoffs and risk of impacts to blue crabs through coordination with the natural resource agencies.</p>	
<p>Page 5-71, paragraph 5. This paragraph references Table 5-4 for a listing of other restoration efforts. That information is actually located in Table 5-5.</p>	
<p>5.10 Essential Fish Habitat (EFH)</p>	
<p>Page 5-73, paragraph 3. The third sentence should be rewritten for clarification of the type of EFH that would be more susceptible to erosion in the future. NMFS suggests the following <i>“As marsh, barrier islands and other EFH are directly lost, less protection would be available for the remaining subaerial categories of EFH.”</i></p>	

National Marine Fisheries Service (NMFS)

5.10.2 Future With-Project Conditions

Page 5-73 and 5-74. As is correctly identified in Table 4-15, shoals and sand bottoms such as Ship Shoal are EFH for a number of federally managed species. However, this section of the DEIS provides no discussion of the likely impacts of dredging at least 5.1 mc of sand from Ship Shoal on EFH. This section of the FEIS should include a discussion of the likely impacts of dredging from Ship Shoal on EFH.

RESPONSE

NMFS 26 (continued): “...*Condrey and Gelpi (2010) further indicate that sand mining practices which minimize these potentially negative impacts should be carefully considered, along with regulations which will protect the contribution these crabs make to the stability of Louisiana’s traditional inshore fishery. A continuance of the cautious approach to sand mining being exhibited by MMS for the STTSC is recommended by Condrey and Gelpi (2010), given the possibility that fecundity of blue crab on the STTSC becomes seasonally limited by prey abundance under prevailing natural conditions.*”

NMFS 27: Concur. The reference will be corrected in the text to “Table 5-5.”

NMFS 28: Concur. The third sentence will be revised per suggestion.

NMFS 29: the following information will be included in section 5.10. 2 .1.2 -- “*Potential impacts of small scale sand mining on biological and physical interactions, such as EFH, have been investigated by several researchers including Kobashi and Stone (2009); Gelpi et al., (2009); Dubois et al., (2009); and Stone et al. 2009. Kobashi and Stone (2009) indicate substantial scientific uncertainties still exist as to whether and how significant depth changes (i.e. sand mining), sediment size and composition affect shoal bio-physical interactions as well as benthic biological habitats. Kobashi and Stone (2009) and Kobashi et al. (2009) conclude that large-scale sand mining that causes abrupt changes in bathymetry would have a profound impact on shoal physical and biological processes and is not recommended. Whereas, small scale sand mining (e.g., removal of about 5 million cy of sands for restoration of the Caminada Headland) is expected not to cause significant adverse impacts on the physical or biological processes. These researchers caution, however, that post-mining monitoring is crucial as substantial scientific uncertainties still exist.*”

Tim Dantin email (TD email)

-----Original Message-----
From: tim dantin [mailto:timdantin@hotmail.com]
Sent: Sunday, July 31, 2011 8:08 PM
To: Klein, William P Jr MWV
Subject: comment barataria basin barrier

7-31-11

who are you fooling, on the caminada headland project the state will fund enough money to protect port fourchon{there interest} from belle pass to just east of bay champagne then the corps will study for years which will give you a job for years.no futher work on headland project will get done. you'll get to keep you'll job and we get to lose our wetlands. 30 years i've been following your studies but see no progress. move dirt ' you should let us dumb cajun be in charge of wetlands. we would protect our land. and save taxpayers money

RESPONSE

TD email 01: Thank you for your comment.

Tim Dantin postcard (TDpc)

LCA Barataria Basin Barrier Shoreline Restoration
July 28, 2011
NEPA Public Comment

Comment: who are you fooling the state will find enough money
to protect Belle Pass to just east of Bay Champagne. The
rest of the Headland project will be studied by
the Corps for years and will never get done. But
Don't worry it will give you'll work to study for years
you will keep your job while we lose wet lands
you people are useless let us protect ourself
leave us alone

Name Tim Dantin Affiliation citizen
Street 178 East 54 Phone 985-632-7174
City, State, Zip Cot LA 70345
E-mail _____

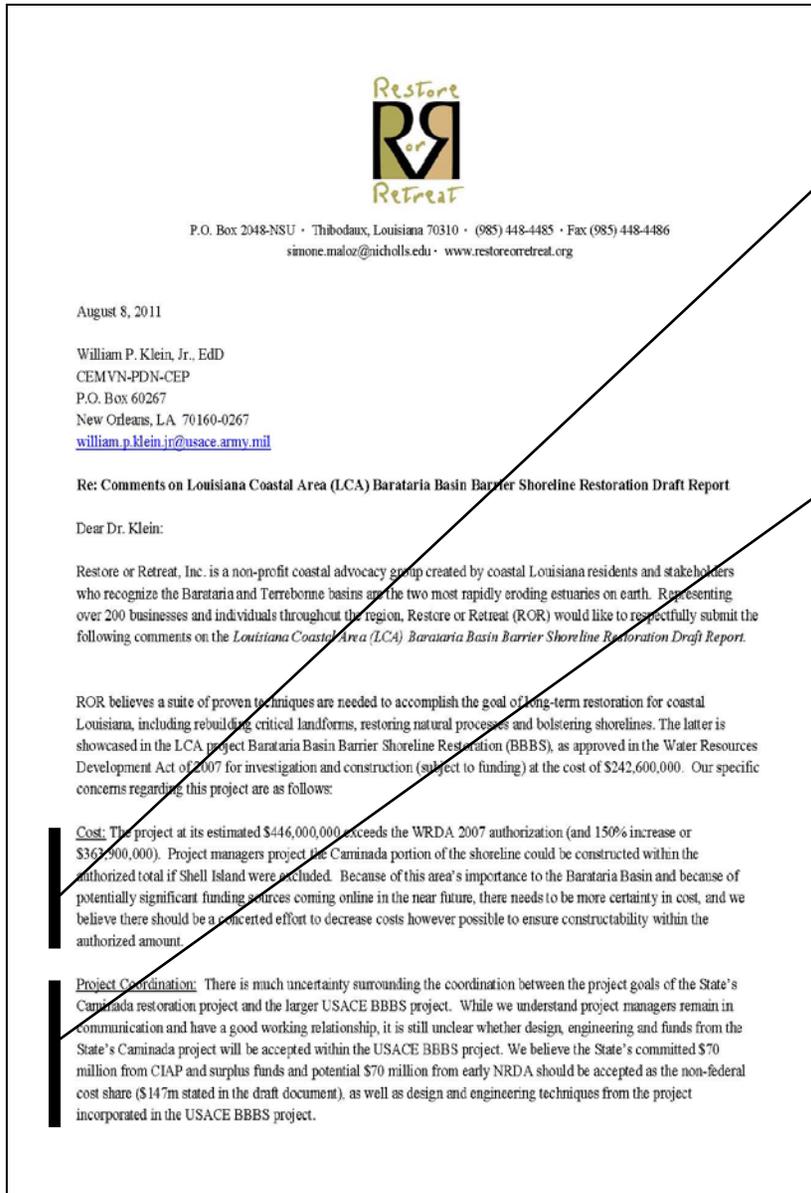
www.lca.gov

Comments may also be submitted via e-mail to William.P.Klein.Jr@usace.army.mil. Written comments must be postmarked by Aug. 8, 2011.

RESPONSE

TDpc 01: Thank you for your comment.

Restore or Retreat (ROR)



RESPONSE:

ROR 01: Thank you for your comment. The Caminada Headland is the recommended component of the NER Plan per Title VII of the WRDA of 2007, P.L. 110-114, Section 7006(c)(1)(C). However, the USACE considers Shell Island to also be a significant component for the NER Plan due to its contribution to the sustainability of the Barataria Basin barrier shoreline system. Therefore the PDT does not consider it a viable option to remove the Shell Island component from the recommended restoration plan. Project costs will be further refined during PED Phase. During detailed design we will investigate methods to reduce the construction cost.

ROR 02: Concur that there is uncertainty with regard to implementing the State's Caminada Headland Restoration CIAP project in conjunction with implementing the LCA BBBS project. The USACE cannot make a determination at this time on crediting the State's Caminada Headland Restoration CIAP project as part of the LCA BBBS study. Although the USACE may accept work-in-kind for feasibility studies (such as the LCA BBBS Feasibility Study), the USACE is prohibited (Title VII of the WRDA of 2007, P.L. 110-114, Section 7006(c)(1)(C)) from accepting construction work-in-kind.

Restore or Retreat (ROR)

Restore or Retreat, Inc
ROR Comments on LCA BBBS
Page 2

Areas of Controversy and Unresolved Issues: We acknowledge the unresolved issues as stated in the draft document, including access to beach areas. This complex issue should not deter project managers or governing authorities, but should be resolved with great care and concern by all parties involved.

We do not agree with the statements made within the draft concerning the competing goals of the economic and restoration communities, especially statements made pertaining to the Greater Lafourche Port Commission. The GLPC has been a leader in balancing environmental and economic goals, including, but not limited to, supporting restoration on the local, state and federal level by participating in and financially supporting restoration efforts for decades. This is not a mandated role of the Port Commission, but a responsibility they have taken on for the greater good of the community. Port Fourchon has been proven to be an economic engine which fuels not only the parish, region, and state, but the federal economy as well, and their protection and vulnerability should not be diminished by those with a singular environmental goal.

In conclusion, restoring the Lafourche/Barataria shoreline is a priority area for ROR because of its importance in protecting vital resources and infrastructure such as Port Fourchon and LA Highway 1, as well as being a first line of defense for the entire basin from encroaching storms and saltwater. With the potential for significant funding sources coming online within the foreseeable future, the project should be designed and engineered to fit within the 2007 WRDA authorized project costs. Several significant projects are currently under construction or will be constructed by 2012, and these projects absolutely need to be considered and incorporated within the LCA BBBS investigation.

Thank you for your time and for the opportunity to submit these comments. If you have any questions or need more information, please do not hesitate to contact me at (985) 448-4485.

Sincerely,
Restore or Retreat, Inc.

Simone Theriot Maloz
Executive Director

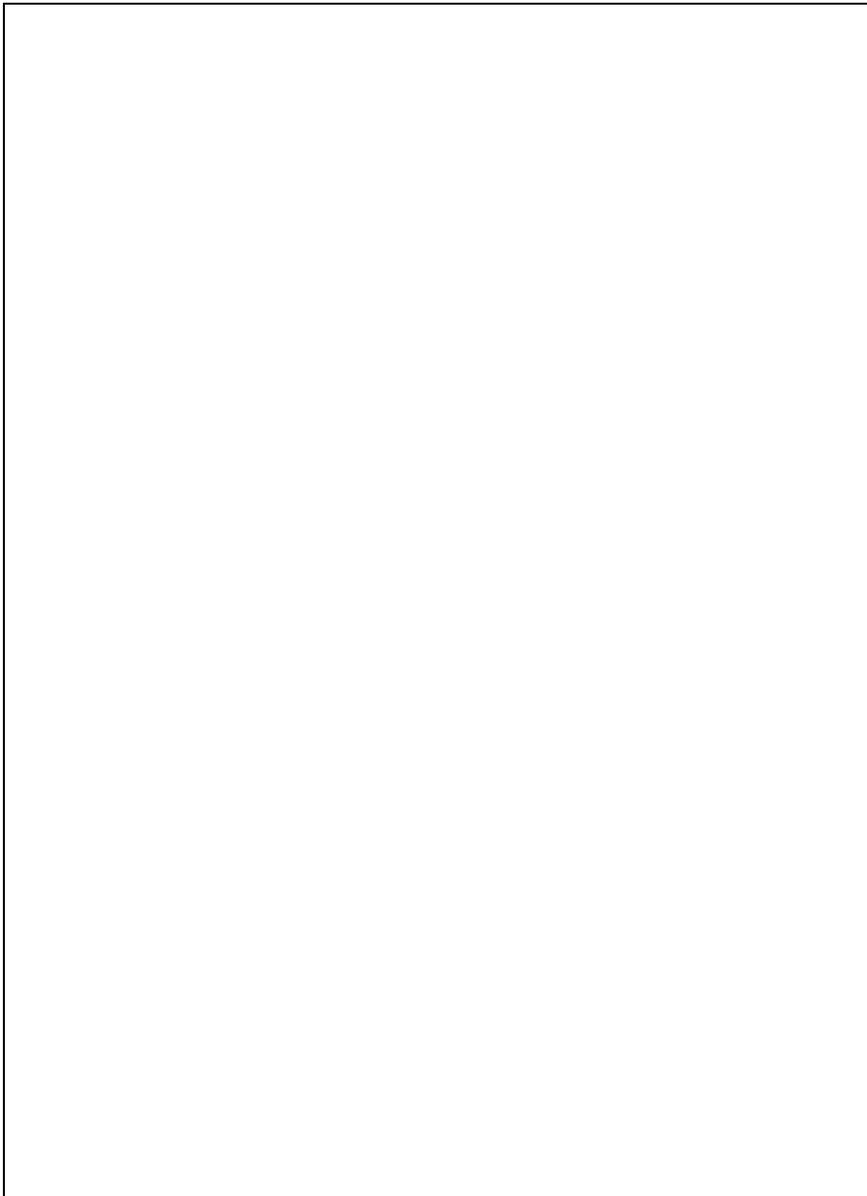
RESPONSE:

ROR 03: The Barataria Basin Barrier Shoreline Restoration study is authorized as an ecosystem restoration project. The purpose of a Civil Works ecosystem restoration project is to restore significant ecosystem function, structure, and dynamic processes that have been degraded. Protection may be included as part of Civil Works ecosystem restoration initiatives when such measures involve efforts to prevent future degradation of an ecosystem's structure and functions. The Government has the obligation to acquire sufficient real estate interests to construct the project and to protect the integrity of the project features. In order to ensure protection of project features, Corps of Engineers regulations indicate that fee title should be acquired for ecosystem restoration projects unless such protection can be accomplished through the acquisition of a lesser interest estate. At this time, a final decision has not been made as to whether fee interest or a permanent easement will be acquired for this project. However, regardless of which estate is acquired, the primary acquisition goal is to protect the project features. Any activity that could be allowed would have to be consistent with the project authorization and function. The possibility for public access to the project site will depend upon which real estate interest is acquired and will be dictated by State and Federal laws as they relate to ecosystem restoration projects.

ROR 04 Concur: The last paragraph on page 8-1 of the Final Integrated Report will be modified as follows:
“There is also controversy resulting from the competing goals of the economic, hurricane and storm damage risk reduction, and restoration special interest groups. Some parties are primarily concerned with hurricane and storm damage risk reduction and shoreline erosion. Other groups are primarily interested in environmental restoration, especially restoration of the Caminada Headland beach, dune, and marsh ecosystems. Some interested parties are primarily concerned with the economic goals such as recreation and oil and gas interests in the Port Fourchon area. ...”
 See response ROR 04 continued on following page.

ROR 05: see response on following page.

Restore or Retreat (ROR)



RESPONSE:

ROR 04 (continued): *"...Consequently, the economic (e.g., recreation and oil and gas interest) and hurricane and flood damage risk reduction goals sometimes conflict with the ecosystem restoration goals of the LCA BBBS to restore the Caminada Headland barrier shoreline, dune, and marsh habitats and associated essential fish and wildlife species."*

ROR 05: Concur that the Caminada Headland is an important component of the Barataria Basin barrier shoreline system. See response to comment ROR 02 regarding consideration of other funding sources and Title VII of the WRDA of 2007, P.L. 110-114, Section 7006(c)(1)(C) authorized funding. The USACE considers conceptual, proposed, and unauthorized studies as part of its alternative plan formulation. However, in our costs analysis the USACE only considers existing funded construction projects in the area.

US Department of the Interior (DOI)



ER 11/560
File 9043.1

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1001 Indian School Road NW, Suite 348
Albuquerque, New Mexico 87104



July 27, 2011

William P. Klein, Jr.
U.S. Army Corps of Engineers
New Orleans District
PO Box 60267
New Orleans, Louisiana 70160-0267

Subject: Draft Environmental Impact Statement (DEIS) for the Louisiana Coastal Area (LCA) Barataria Basin Barrier Shoreline (BBBS) Restoration, Lafourche, Jefferson, and Plaquemines Parishes, Louisiana

Dear Mr. Klein:

The U.S. Department of the Interior has reviewed the subject DEIS. The following comments are provided for your use as you prepare the final document.

The BBBS Restoration Study was identified as a critical near-term restoration project in the LCA, Louisiana Ecosystem Restoration Study Report (LCA Report 2004). As a component of this report, the project was recommended for conditional authorization by the Chief of Engineers on January 31, 2005. The Assistant Secretary of the Army for Civil Works (ASA-CW), after obtaining the concurrence of the Office of Management and Budget, provided his report on the LCA to Congress on November 18, 2005. Title VII of the Water Resources Development Act (WRDA) of 2007, P.L. 110-114, Section 7006(c)(1) authorizes construction of the BBBS project in accordance with the restoration plan in the Report of the Chief of Engineers dated January 2005, contingent on completion of a construction report documenting any modifications to the Chief's Report, approval of the Secretary of the Army, and submission to the House Transportation and Infrastructure Committee and Senate Environment and Public Works Committee. Section 7006(c)(4) of WRDA 2007 states that the cost of a project shall not exceed 150 percent of the cost of such project set forth in Section 7006(c)(1)(C) of WRDA 2007 which is listed as \$242,600,000. Therefore, as currently authorized, the BBBS alternatives are limited to a cost of \$363,900,000.

The Tentatively Selected Plan (TSP) is a combination of Caminada Headland Alternative 5 (restore the headland dune to +7 feet NAVD88 and the backbarrier marsh to +2 feet NAVD88) and Shell Island Alternative 5 (restore Shell Island as one island including dune and marsh

RESPONSE

US Department of Interior (DOI)

restoration). The initial construction of the barrier shorelines will restore or create 2,849 acres of beach, dune, and marsh habitats. Approximately 1,816 acres of severely degraded habitat will be restored while 1,033 acres of habitat will be created. The project will create an estimated 1,719 Average Annual Habitat Units (AAHUs). The fully funded cost of the TSP is \$446,000,000. The average annual cost of the Operations and Maintenance will be \$6,160,938 with a present value of \$129,564,864. The estimated cost exceeds the authorization. Additional authorization from Congress would be required to implement construction of this project.

Because the TSP plan cannot be constructed within the maximum project cost as authorized by WRDA 2007, a subset of the TSP, Caminada Headland Alternative 5, was selected as the recommended component of construction. The recommended component of construction represents an implementable and separable element of the TSP plan, is cost effective and incrementally justified, and within the cost and scope of the current authorization.

The following comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

U.S. Fish and Wildlife General Comments

The integrated Construction Report and DEIS provide a good description of fish and wildlife resources in the project area and project impacts on those resources. Barrier shoreline habitat in the project area provides important habitat for several Federal trust species including neotropical migrants, threatened piping plovers and their critical habitat, brown pelicans, terns and gulls, essential fish habitat and potentially sea turtles. The U.S. Fish and Wildlife Service agrees that the BBBS Restoration Plan would help restore the essential Barataria Basin barrier shoreline ecosystem. Specific comments are provided in the following section.

U.S. Fish and Wildlife Specific Comments

Page 4-47, Section 4.15.1 Threatened and Endangered Species, Historic and Existing Conditions – This section discusses threatened and endangered species in the project area. There is a table listing all Louisiana species followed by a discussion of all relevant species to the proposed project, except the pallid sturgeon. The FWS recommends inclusion of the pallid sturgeon in the discussion since the proposed Shell Island borrow source is the Mississippi River where pallid sturgeons may be present.

Page 5-22, Table 5-2, Comparison of Cumulative Impacts and Page 5-82, Section 5.13.2.1.1 Future with Project Conditions, C5/S5 (TSP/NER), Direct Impacts – The table on page 5-22 gives a brief summary of past actions, present actions, future without-project action and future with-project action impacts for the significant resources. The last column under Cumulative Impacts for Threatened and Endangered Species states the TSP “would not be likely to adversely impact brown pelican or piping plover or piping plover critical habitat.” However, on Page 5-82, the document states “Because of impacts from the Deepwater Horizon and because this project will be occurring concurrently with other restoration projects in the project area we believe the

RESPONSE

DOI 01: Thank you for your comment. Concur, Section 4.15.1 and the Biological Assessment have been revised to include a discussion on the pallid sturgeon. Following is the revision that has been made in the EIS: “... *Species that may be found in the study area include the piping plover which winters in coastal Louisiana, frequenting outer beaches and occasionally foraging on mudflats within the study area. The West Indian manatee has been reported in the Lake Pontchartrain system, during the summer months and may be a rare visitor in the study area. The pallid and shovelnose sturgeon are known to inhabit the lower Mississippi River, but recent sampling efforts conducted by ERDC have not been able to document their presence south of river mile 85 above Head of Passes. It is believed that their presence within the vicinity of the Mississippi River borrow area is rare.*”

DOI 02: Concur, Table 5-2 has been revised so that it is consistent with the impact assessment in Section 5.13.2.1.1, Threatened and Endangered Species, Cumulative Impacts. Following is the revision to reflect the anticipated impacts to piping plover at its critical habitat. “C5/S5 (TSP/NER): would be likely to adversely impact piping plover and/or piping plover critical habitat;.....”

US Department of Interior (DOI)

	RESPONSE
<p style="text-align: center;">3</p> <p>proposed action is <i>'likely to adversely affect' the species</i>" in reference to piping plover and their critical habitat. The FWS recommends revising the two sections for consistency in regards to impacts to piping plover and their critical habitat.</p>	<p>DOI 02: see previous page response.</p>
<p>In addition, the brown pelican is no longer federally listed. The FWS recommends removing brown pelican from the Threatened and Endangered Species section of this table and moving it to the migratory bird discussion in the Wildlife Resources Section. The discussion on migratory birds in relation to the TSP in this table should include mention of the restrictions on construction during non-nesting period, construction buffer zone during nesting season, and the possible need for a bird abatement plan (refer to Page 5-66, Section 5.8.2.1.1, Future With-Project Conditions, TSP, Direct Impacts).</p>	<p>DOI 03: Concur, discussion of the brown pelican has been removed from the Threatened and Endangered section and moved to the Wildlife Resources section. The following revisions have been made to Table 5-2 Wildlife Resources Section, Cumulative Impacts: <i>"To comply with the Migratory Bird Treaty Act of 1918, the implementation of the TSP would require that the Corp comply with restrictions on construction during non-nesting periods, implement construction buffer zones during nesting season, and the development of a Nesting Prevention Plan. A detailed discussion of these requirements can be found in Section 5.8.2.1.1."</i></p>
<p>Page 5-67 and 5-80 – In the last paragraph on page 5-67 and in the first paragraph on page 5-80, there are personal communication citations for USFWS, 2010a (pg 5-67), and USFWS, May 11, 2009 (pg 5-80) that are not in the References Section. The FWS recommends adding those references.</p>	<p>DOI 04: Concur, references have been added.</p>
<p>Page 5-69 Fisheries Resources, No Action Alternative, Page 5-72 Essential Fish Habitat, No Action Alternative, and Page 5-75 Water Bottoms and Benthic Resources, No Action Alternative – Each of these sections mentions the sand berm that was built to protect against the Deep Water Horizon Oil Spill and that it will provide a barrier island-like habitat usable by various fish species. The FWS recommends a discussion be included on the known potential effects of submerged oil and dispersant on fisheries and benthos in the project area. The FWS recommends using the description on pages 24 and 25 of the June 3, 2011, Biological Assessment.</p>	<p>DOI 05: Concur, Language from the BA has been added to section 5.9.1, Fisheries Resources, No Action Alternative (FWOP). The last paragraph been replaced by the following language: <i>"In response to the 2010 Deepwater Horizon oil spill the barrier berm project was initiated in an attempt to protect Louisiana's coastal marshes from being severely impacted by oil. In the vicinity of the Shell Island component; berm number W8 has currently received approximately 1.3 million cubic yards of sandy fill material. This material is placed in a linear fashion and is stacked with a slope of approximately 25:1. Impacts to the existing conditions are not known at this time. As this sandy berm is reworked by tidal forces impacts to water depth or sediment composition could result in the project area. It is believed that as this sand is reworked it will provide a barrier island-like habitat (sand spits) usable by various fish species."</i></p>
<p>Page 5-82, Section 5.13.2.1.2 Threatened and Endangered Species, Future With Project Conditions, Indirect Impacts – This section describes the potential indirect impacts from the renourishment operations. It states that "Renourishment operations would be conducted from 100 to 300 feet from the existing shoreline. Hence, there would be no impacts to benthic prey species located within 100 feet of the shoreline that is typically utilized by animals, such as the piping plover." The FWS recommends revising this description to reflect the more accurate description given in the June 3, 2011, Biological Assessment.</p>	
<p>Page 7-7, Section 7.1.4 Fish and Wildlife Coordination Act Report – This Section references the Fish and Wildlife Coordination Act Report and Supplemental Reports and provides the FWS's recommendations from those reports. Typically in this section, the Corps comments, concurs, or explains why if they don't concur with our recommendations. The FWS strongly recommends adding the Corps response to the FWS's recommendations.</p>	
<p>The FWS supports the measures proposed for the BBBS Restoration Plan and is pleased to see the changes to the project with the addition of renourishment to the Caminada Headland and the single island alternative plus renourishment for Shell Island. Those additional features would result in greater overall benefits. The FWS feels the new TSP represents a significant gain in habitat for fish and wildlife resources over the project life. If you have any questions regarding</p>	<p>See following pages for continued response to DOI 05.</p> <p>DOI 06: see following pages for response</p> <p>DOI 07: see following pages for response.</p> <p>DOI 08: see following pages for response.</p>

US Department of Interior (DOI)

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our comments, please contact Catherine Breaux of the FWS Ecological Services Field Office, Lafayette, LA, at (504) 862-2689.

U.S. Geological Survey Comments

Pages 4-94 and 5-62: Suggest that the Final EIS include a discussion of the criteria for selection of species for restoration. Information on mangrove dynamics, restoration, usefulness in sediment trapping and the impacts of no action alternatives can be found in the following references.

Kumara, M.P., L.P. Jayatissa, K.W. Krauss, D.H. Phillips, & M. Huxham. 2010. High density enhances sediment accretion, surface elevation and tree survival in mangrove stands. *Oecologia* 164: 545-553.

Doyle, T.W., K.W. Krauss, W.H. Conner & A.S. From. 2010. Predicting the retreat and migration of tidal forests of the northern Gulf Coast, USA, under sea-level rise. *Forest Ecology and Management* 259: 770-777.

Krauss, K.W., C.E. Lovelock, K.L. McKee, L. López-Hoffman, S.M.L. Ewe & W.P. Sousa. 2008. Environmental drivers in mangrove establishment and early development: a review. *Aquatic Botany* 89: 105-127.

Conner, W.H., T.W. Doyle & K.W. Krauss, Eds., 2007. *Ecology of Tidal Freshwater Forested Wetlands of the Southeastern United States*. Springer. 505 p.

Krauss, K.W. & J.A. Allen. 2003. Factors influencing the regeneration of the mangrove, *Bruguiera gymnorrhiza* (L.) Lamk., on a tropical Pacific island. *Forest Ecology and Management* 176: 49-60.

If you have any questions concerning USGS comments, please contact Gary LeCain, USGS Coordinator for Environmental Document Reviews, at (303) 236-1475 or at glecain@usgs.gov.

We appreciate the opportunity to provide comments on the Integrated Construction Report and DEIS.

Sincerely,



Stephen R. Spencer
Regional Environmental Officer

RESPONSE

DOI 08: see following pages for response.

DOI 05 (continued): “Other direct, indirect, and cumulative impacts related to the 2010 Deepwater Horizon oil spill are still being determined. It is likely that these impacts would be similar to previous oil spill impacts. For example, a study conducted on the Amoco Cadiz spill in 1978 revealed that “light oil” resulted in considerable detrimental impacts to the benthic communities. However, a separate study revealed that the benthic organisms were contaminated, but were not adversely impacted, from a spill of heavy crude (University of Delaware, 2010). In 2003, Donlan et al. assessed the impacts of the North Cape oil spill on communities of piping plover in Rhode Island. The study first examined the abundance of prey species on Moonstone Beach (the oiled island) and compared it to that of an adjacent, un-oiled beach (Goosewing). Although the abundance of benthic organisms was not significantly different between the two beaches, the species composition was considerably dissimilar. For example, only two *Amphiporeia* were found in the sampling station on Moonstone, compared to 456 at Goosewing. This reinforced the common belief that amphipods are the first group of organisms to disappear and one of the last to recolonize once exposed to oil. Between 1990 and 1995, Jewett et al. assessed the impacts of the Exxon Valdez oil spill on the benthic communities in Prince Williams Sound, Alaska. The metrics of the study included concentrations of hydrocarbons and benthic community composition, diversity, biomass, and abundance. These metrics were compared between a number of reference sites and oiled sites. The comparison was conducted in 1990 (approximately 16 months after the spill), 1991, 1993, and 1995. According to the authors, the “total abundance and biomass of epifauna were generally higher at oiled sites, primarily because of higher densities of epifaunal bivalves. Otherwise, there were few consistent community-wide responses to oiling in diversity, richness, total abundance, total biomass, or the abundances of major taxonomic groups (e.g. polychaetes or bivalves).” The lack of a stronger community-wide response was attributed to the varying sensitivities of benthic organisms.

(See following page for continued response to DOI 05.)

US Department of Interior (DOI)

RESPONSE

DOI 05 (continued): *“Other direct, indirect, and cumulative impacts related to the 2010 Deepwater Horizon oil spill are still being determined. It is likely that these impacts would be similar to previous oil spill impacts. For example, oil-sensitive amphipods such as Isaeidae and Phoxocephalidae were found in lower concentrations at the oiled sites. These impacts were evident throughout the duration of the study (i.e. 6 years after the spill). However, stress-tolerant and opportunistic organisms such as polychaetes were found in higher concentrations at the oiled sites due to organic enrichment. The study also revealed that hydrocarbon concentrations in the sediment were high (up to 15,300 ng/g) in eel grass beds immediately adjacent to the oiled shorelines, but sharply declined after 1990 (Jewett et al, 1999). Although the benthic organisms and habitat types within Prince Williams Sound vary from that of the Project Area (eelgrass beds versus sand beds and mud flats), the study does provide an indication of the resiliency and recovery rates of benthic communities as a whole. Furthermore, the results of the study indicate that the species composition of the benthic communities is expected to shift as a result of the Deepwater Horizon oil spill. Additional impact to water bottoms and benthic organisms within coastal Louisiana resulted from the construction of the 83,258 lf sand berm designed to protect against the BP Oil Spill (2010). The sand berm project required 19.7 million CY of material to be dredged primarily from Hewes Point and then placed at various re-handling sites further impacting Gulf waterbottoms and benthic resources.”*

DOI 06: Concur, Language from the BA has been added to Section 5.13.2.1.2, Threatened and Endangered Species, FWP, Indirect Impacts. The following section has been revised to read: *“Potential project-induced indirect impacts would consist of temporary displacement to nearby suitable habitats and temporary loss of benthic prey species within the project footprint. Renourishment operations would be conducted from 100 to 300 feet from the existing shoreline.*

(See following page for continued response to DOI 06.)

US Department of Interior (DOI)

RESPONSE

DOI 06 (continued): *Temporary indirect impacts to the piping plover and other species that forage in the intertidal zone, would include a reduction in the abundance and diversity of benthic prey species which would be smothered by renourishment sediments as they washed on to the shoreline. Benthic prey species smothered by restoration activities would naturally recolonize the area within 6 months to 2 years post-construction.*

These impacts would be offset, to some degree, by restoration of a net total of about 990 acres of barrier habitats on the Caminada Headland, thereby increasing critical wintering habitat for piping plovers as well as potential foraging and loafing habitat for other shore birds such as terns, gulls, skimmers, and pelicans over the 50 year period of analysis.”

DOI 07: Concur, the USACE responses to the USFWS’s recommendations in the FWCAR have been added to Section 7.1.4 Fish and Wildlife Coordination Act Report.

DOI 08: Do not concur that the Final EIS include a description of criteria for selection of species for restoration. EP 1165-2-502 “Ecosystem Restoration – Supporting Policy Information” (1999) specifies that ecosystem restoration in the Civil Works program use a systems view in assessing and addressing restoration needs and opportunities. Section 7 “Ecosystem Restoration and Philosophy” subsection f of the environmental policy states:
“f. System Context. Restoration projects should be conceived in a systems context, considering aquatic (including marine, estuarine and riverine), wetland and terrestrial complexes, as appropriate, in order to improve their potential for long-term survival as self-sustaining, functioning systems. Fish and wildlife resources are dependent on, and functionally related to, other ecosystem components and therefore interactions among all relevant ecosystem components need to be described and assessed during a ecosystem restoration study.”

(See following page for continued response to DOI 08.)

US Department of Interior (DOI)

RESPONSE

DOI 08 (continued): *“Rather than limiting objectives to habitat for a single species or resource commodity, such as mallard ducks or bass harvest, ecosystem restoration initiatives [s] will consider interrelationships of plant and animal communities and their habitats in a larger ecosystem context. This is a more systemic approach for addressing problems associated with disturbed and degraded ecosystem resources than focusing only on fish and wildlife habitat. When restoration planning focuses on optimizing habitat for a particular species, the framework for evaluating the natural system is limited to those aspects of the habitat for the species being considered.”*

US Environmental Protection Agency (EPA)



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

JBC
JPM
PD

AUG 02 2011

Colonel Edward R. Fleming
New Orleans District
U.S. Army Corps of Engineers
P.O. Box 60267
New Orleans, LA 70160-0267

Dear Colonel Fleming:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) Region 6 has reviewed the U.S. Army Corps of Engineers Draft Environmental Impact Statement (DEIS) for the Louisiana Coastal Area (LCA) Barataria Basin Barrier Shoreline Restoration Project, located in Lafourche, Jefferson, and Plaquemines Parishes, Louisiana.

Based on our analysis, EPA rates the DEIS as "LO" (Lack of Objections). However, EPA offers suggested recommendations and minor comments for preparation of the Final EIS (FEIS). EPA has enclosed detailed comments which more clearly identify those areas of informational needs and improvements for the development of the Final EIS (FEIS).

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the FEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004. Our classification will be published on the EPA website, www.epa.gov, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, please contact Michael Jansky of my staff at jansky.michael@epa.gov or 214-665-7451 for assistance.

Sincerely,

Rhonda M. Smith
Chief, Office of Planning
and Coordination

Enclosure:

RESPONSE

EPA 01: Thank you for your comment.

US Environmental Protection Agency (EPA)

<p style="text-align: center;">DETAIL COMMENTS ON THE U.S. ARMY CORPS OF ENGINEERS DRAFT ENVIRONMENTAL IMPACT STATEMENT LOUISIANA COASTAL AREA (LCA) BARATARIA BASIN BARRIER SHORELINE RESTORATION PROJECT JEFFERSON AND PLAQUEMINE PARISHES, LOUISIANA</p> <p>GENERAL COMMENT</p> <p>EPA continues to support the LCA program and remains committed to working with the Corps of Engineers (Corps) and our other partners to help expedite implementation of specific LCA restoration projects. We support measures to restore Louisiana's barrier islands and shorelines, including the Corps' "tentatively selected plan" which is comprised of Caminada Headland, Alternative 5 and Shell Island Alternative 5.</p> <p>EPA concurs with the Corps decision in this case not to use rocks or other hard structures as part of the proposed restoration project. EPA agrees that coastal restoration is most effective when it mimics natural structures and processes. Rocks and other hard structures are artificial measures, which are not consistent with the natural structure and processes associated with Louisiana's barrier islands and shorelines. As acknowledged in the subject DEIS, the use of rocks and other hard structures can result in adverse impacts, including increased erosion and disruption of sediment processes.</p> <p>EPA also concurs with the Corps decision to use external sediment sources for much of the proposed restoration project. Specifically, the use of sediments from Ship Shoal and the Mississippi River will increase the amount of sediments in the Barataria system, thereby helping address to some extent the systemic sediment deficit in this and other coastal basins in Louisiana.</p> <p>As the Corps DEIS acknowledges, the LCA program in general and this barrier shoreline project in particular represent critical near-term restoration measures which should not be mistaken for the larger and more comprehensive effort needed to address coastal wetland loss in Louisiana on the scale and scope warranted. Nevertheless, this and other LCA projects can be viewed as stepping stones towards larger and more aggressive projects, and offer valuable learning and adaptive management opportunities that will help in that regard.</p> <p>We would recommend that the Corps consider revising Table 5.3, which provides cumulative impact data pertaining to various on-going wetland restoration and protection programs. Specifically, inclusion of compensatory mitigation data for civil works projects and the Clean Water Act (CWA) Section 404 program in this table could be</p>	<p>RESPONSE</p> <p>EPA 01 (continued): see response on previous page.</p> <p>EPA 02: Concur. The title of Table 5-3 has been revised for clarification as follows: <i>"Table 5-3 Net Acres Created, Restored, and/or Protected by Other Federal, State, Local, and Private Restoration and Regulatory Permitting Mitigation Efforts."</i> Inclusion of net acres associated with Regulatory permits and associated mitigation is provided as part of the cumulative impacts assessment. The table provides cumulative impacts for not only restoration net acres created, restored and/or protected by other restoration actions, but also provides information about the number of acres regarding regulatory permits and associated mitigation efforts. In addition, Footnote #2 in the table clearly describes that it is not the intent to imply that compensatory mitigation acres contribute to no net wetland loss. Rather, the information is included as part of the cumulative impacts to wetland acres. <i>"²In the best-case scenario, compensatory mitigation (for civil works projects and regulatory permits) results in no net loss of wetlands. Hence, it is not the intent to imply that compensatory mitigation acreages would contribute to a net increase in wetlands as a result of the Clean Water Act Section 404 program. Rather, these figures represent an accounting of the various cumulative impacts to coastal wetlands from Federal, state, local, and private restoration efforts."</i></p>

US Environmental Protection Agency (EPA)

<p style="text-align: center;">2</p> <p>misinterpreted as suggesting that compensatory mitigation actions result in a net increase in wetlands. While a footnote clarifies that compensatory mitigation does not result in a net gain, including these numbers in a table entitled "Net Acres..." could nevertheless give the impression that these regulatory efforts produce a net gain. Additionally, the reader is not informed of the time period represented in this compensatory mitigation data. How many years of CWA Section 404 permitting data are included in the total of 15,228 acres of compensatory mitigation? In the absence of such information, the reader might erroneously assume that the CWA Section 404 program is authorizing impacts to an equivalent acreage on an annual basis.</p> <p>Finally, please note that schedule and resource constraints have affected EPA's ability to fully engage in the interagency development and review of this LCA project. EPA greatly respects the views of our state and Federal partner agencies with responsibilities and expertise pertaining to fish and wildlife impacts. We would defer to some extent to the recommendations of the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Louisiana Department of Wildlife and Fisheries on any additional information and analysis needed for resources within their purview. EPA encourages the Corps to fully address any such needs identified by these agencies.</p> <p>TRIBAL CONCERNS</p> <p>The DEIS explains that in the event that archeological discoveries or tribal relics/remains are found, the State Historical Preservation Office (SHPO) will be notified, as is required; however, there was no mention of the State-recognized coastal tribes of Louisiana. Within the coastal areas near the project area, reside many tribal people, such as the United Houma Tribe. They use the Louisiana coastal waters and estuaries for subsistence fishing and trapping. While consultation with these tribes is not required due to the non-federal recognition of these tribes, it seems important to engage in special outreach efforts to the Houma and others. The project may inconvenience the tribal people in their fishing, but the benefit will far outweigh any negativity. They will clearly benefit from the successful restoration of the barrier islands, since their lands are slowly and steadily receding. Nevertheless, they should also be engaged in public participation in this project.</p> <p>AIR QUALITY</p> <p>Any demolition, construction, rehabilitation, repair, dredging or filling activities have the potential to emit air pollutants and we recommend best management practices be implemented to minimize the impact of any air pollutants. Furthermore, construction and waste disposal activities should be conducted in accordance with applicable local, state and federal statutes and regulations.</p>	<p>RESPONSE</p> <p>EPA 02: Concur--see response on previous page.</p> <p>EPA 03: Concur, the USACE will continue to coordinate with the EPA as well as other Federal and State natural resource agencies.</p> <p>EPA 04: Your concerns regarding significant impacts are specifically addressed in the NEPA document pertaining to cultural resources (Section 5.14), essential fish habitat (section 5.10), wildlife resources (Section 5.8) and fisheries resources (section 5.9). In accordance with the regulations implementing Section 106 of the National Historic Preservation Act, as a state recognized tribe, the Houma Indians may participate as consulting parties (36 CFR 800.2(c)(5)). Under the NEPA process, your suggestion to engage in special outreach efforts to the Houma and others would necessitate an equal outreach effort to all interested parties. In accordance with NEPA, Federal, state, parish and local government agencies, Indian tribes, and interested parties were notified through the Federal Register (cite publication here). Any interested party may request a copy of the FEIS. Thank you for giving us the opportunity to address your comments.</p> <p>EPA 05: Concur, best construction management actions will be taken to avoid and minimize potential adverse impacts to air quality in accordance with applicable local, state, and federal statutes and regulations. Section 5.20 describes potential project-induced impacts on air quality.</p>
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