

SECTION 5.0

CONSULTATION AND COORDINATION

5.1 PUBLIC INVOLVEMENT AND COMMENTS

The CEMVN has made the Draft EIS available for public review and comment, published a notice of availability of the Draft EIS in the *Federal Register*, and sent copies of the Draft EIS to individuals who requested copies and to state and federal cooperating agencies. In addition, CEMVN will provide copies of the Draft EIS to local and statewide libraries (Table 1-3). Agencies, organizations, and individuals are invited to review and comment on the document. The Draft EIS will be available for a period of 45 days for comments on the proposed action, the alternatives, and the adequacy of the analysis. During the 45-day comment period, CEMVN will hold a public hearing to receive comments on the Draft EIS. CEMVN will advertise in local newspapers the time and place of the meeting.

5.2 ENVIRONMENTAL COMPLIANCE

This section documents the coordination and compliance efforts regarding statutory authorities including: environmental laws, regulations, executive orders, policies, rules, and guidance. Consistency of the Tentatively Selected Plan (TSP) with other Louisiana coastal restoration efforts is also described.

5.2.1 Clean Water Act – Section 401 Water Quality

Under provisions of the Clean Water Act (33 U.S.C. § 1251), any project that involves placing dredged or fill material in waters of the United States or wetlands, or mechanized clearing of wetlands would require a water quality certification from the Louisiana Department of Environmental Quality (LDEQ), Office of Environmental Services. Along with a copy of this draft EIS, an application for water quality certification has been provided to the LDEQ stating that the proposed placement of fill material into waters of the state will not violate established water quality standards.

5.2.2 Clean Water Act – Section 404 (b)(1)

The USACE is responsible for administering regulations under Section 404(b)(1) of the Clean Water Act. Potential project-related impacts subject to these regulations have been evaluated as in compliance with Section 404(b)(1) of the Clean Water Act. This evaluation is included in the EIS as Appendix K.

5.2.3 Endangered Species Act of 1973

Compliance with the ESA (7 U.S.C. 136; 16 U.S.C. 460 *et seq.*) has been coordinated with the USFWS for those species under their respective jurisdiction. Field surveys of all the alternatives were conducted to look for the presence of threatened or endangered species. The findings from the field survey can be found in the Threatened and Endangered Species Report (Appendix C). Based on results of the field surveys, implementation of the alternative alignments would not be expected to directly impact any federally-listed Threatened and Endangered species or critical habitats in the project area. LDWF and USFWS agreed with the findings of the Threatened and Endangered Species Report on March 11, 2011 and April 4, 2011, respectively.

5.2.4 Louisiana State Threatened and Endangered Species and Rare and Unique Habitats Coordination

The USACE-MVN reviewed the database maintained by the Louisiana Natural Heritage Program part of the LDWF that provides the most recent listing and locations for threatened and

1 endangered species and rare unique habitats within the State of Louisiana. The proposed action
2 would not adversely impact threatened or endangered species or rare and unique habitat.

3 **5.2.5 Clean Air Act**

4 Compliance with the Clean Air Act (42 U.S.C.A. §§7401) has been fully coordinated with the Air
5 Quality Section of the LDEQ. As required by *Louisiana Administrative Code*, Title 33 (LAC
6 33:III.1405 B), an air quality applicability determination was made for the TSP. This will include
7 consideration of the proposed action for the category of general conformity, in accordance with
8 the Louisiana General Conformity, State Implementation Plan (LDEQ 1994). An air quality
9 determination has been calculated, based upon direct and indirect air emissions. Generally, since
10 no other indirect Federal action, such as licensing or subsequent actions would likely be required
11 or related to the restoration construction actions, it is likely that indirect emissions, if they would
12 occur, would be negligible. Therefore, the air applicability determination analysis was based
13 upon direct emission for estimated construction hours. Considering that total emissions for each
14 work item separately (or even when all work items are summed) generally do not exceed the
15 threshold limit applicable to Volatile Organic Compounds (VOC) for parishes where the most
16 stringent requirement (50 tons per year in serious non-attainment parishes) is in effect, (see
17 General Conformity, State Implementation Plan, section 1405 B.2), the VOC emissions for the
18 proposed construction would be classified as *de minimus* and no further action would be required.

19 **5.2.6 National Historic Preservation Act of 1966**

20 Section 106 of the National Historic Preservation Act of 1966, as amended, and under its
21 promulgating regulation 36CFR Part 800, requires the head of any Federal agency having direct
22 or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and
23 the head of any Federal department or independent agency having authority to license any
24 undertaking shall, prior to the approval of the expenditure of any Federal funds on the
25 undertaking or prior to the issuance of any license, as the case may be, take into account the effect
26 of the undertaking on any district, site, building, structure, or object that is included in or eligible
27 for inclusion in the National Register. The head of any such Federal agency shall afford the State
28 Historic Preservation Officer a reasonable opportunity to comment with regard to such
29 undertaking.

30 **5.3 FINAL STATEMENT RECIPIENTS**

32 **5.4 PUBLIC COMMENTS AND RESPONSES**

34 **5.5 PUBLIC HEARING COMMENTS**

36 **5.6 PUBLIC COMMENTS CORRESPONDENCE**