

State of Louisiana



M.J. "MIKE" FOSTER, JR.
GOVERNOR

JACK C. CALDWELL
SECRETARY

DEPARTMENT OF NATURAL RESOURCES
March 3, 1997

Mr. R. N. Schroeder, Jr.
U.S. Army Corps of Engineers
New Orleans District
P. O. Box 60267
New Orleans, LA 70160-0267

RE: C970090, Coastal Zone Consistency
New Orleans District, Corps of Engineers
Direct Federal Action
Proposed new lock on the Inner Harbor-Navigation Canal,
connecting the Mississippi River with the Mississippi River-
Gulf Outlet (MRGO) and the Inner Harbor-Harbor Navigation
Canal (IHNC), Orleans and St. Bernard Parishes, Louisiana

Dear Mr. Schroeder:

The above referenced project has been reviewed for consistency with the approved Louisiana Coastal Resource Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. The project, as proposed in the application, is consistent with the LCRP. If you have any questions concerning this determination please contact Brian Marcks of the Consistency Section at (504)342-7939 or 1 (504) 267-4019.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry W. Howey".

Terry W. Howey,
Administrator

TWH/JDH/bgm

cc: Richard Boe, NOD-COE
Fred Dunham, LDWF
Tim Killee, CMD/FC
Harvey Stern, Orleans Parish
Mike Hunnicutt, St. Bernard Parish



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267
February 25, 1997

REPLY TO
ATTENTION OF:

Planning Division
Environmental Analysis Branch

Mr. Gregory J. Ducote
Program Manager, Interagency Affairs
Coastal Management Division
Office of Coastal Restoration and Management
P.O. Box 44487
Baton Rouge, Louisiana 70804-4487

Dear Mr. Ducote:

By letter of February 5, 1997, your office informed us that our tentatively selected plan for replacing the navigation lock on the Inner Harbor Navigation Canal (C960539) was not consistent with the Louisiana Coastal Resources Program. We have met with Mr. Brian Marcks of your office, as well as representatives of the U.S. Fish and Wildlife Service (USFWS) and the Louisiana Department of Environmental Quality (LDEQ), concerning this matter. We have refined our dredged material disposal plan in response to your concerns. The following information revises and supplements the Consistency Determination contained in Appendix D of the Mississippi River-Gulf Outlet, New Lock and Connecting Channels, feasibility report/Environmental Impact Statement, previously submitted to your office.

The disposal area for the 1,364,000 cubic yards of material from the top 5 feet of the north bypass channel and the canal bottom sediments would be a tract of about 240 acres between Bayou Bienvenue and the hurricane protection levee as shown on the enclosed photo. This site, previously used for disposal of material from the Mississippi River-Gulf Outlet, is bounded by old retention dikes on the east and west sides. Rainwater runoff from this area enters Bayou Bienvenue directly through a break in the bank of Bayou Bienvenue and indirectly through a break in the retention dike along the east side of the site. The elevation of the site, and its location within a hurricane protection system, prevents tidal inundation during high tidal conditions. Therefore, the site does not provide habitat for estuarine fish or shellfish.

The site contains jurisdictional wetlands. However, the vegetation occurring there limits its value for wildlife resources. The dominant species are Chinese tallow and black

willow, with sparse ground cover over most of the site. The USFWS considers this habitat type to be of low value for most wildlife species found in the area.

We believe that the proposed site is the most logical location for disposal of the dredged material, and we propose to use the 240-acre site for confined disposal of the dredged material. The retention dikes would be upgraded as necessary to retain the material within the site. Effluent from the dredging operation would pass through spill boxes constructed in the dikes. All runoff would flow either directly or indirectly into the upper reach of Bayou Bienvenue, also known as the Main Outfall Canal.

Your letter also contains concerns about the contaminants in the dredged material. We have applied for State Water Quality Certification with the LDEQ, and they are currently reviewing our report. We will abide by any conditions and constraints which the LDEQ requires for State Water Quality Certification to ensure that coastal waters are not degraded.

We submit that our Inner Harbor Navigation Canal lock replacement plan, as revised in this letter, is consistent, to the maximum extent practicable, with the State of Louisiana's approved Coastal Resources Program. We request an expedited reply to this consistency concurrence request. We intend to finalize our report by the middle of March 1997, and we want to include your response. Any questions may be addressed to Mr. Richard Boe at (504) 862-1505.

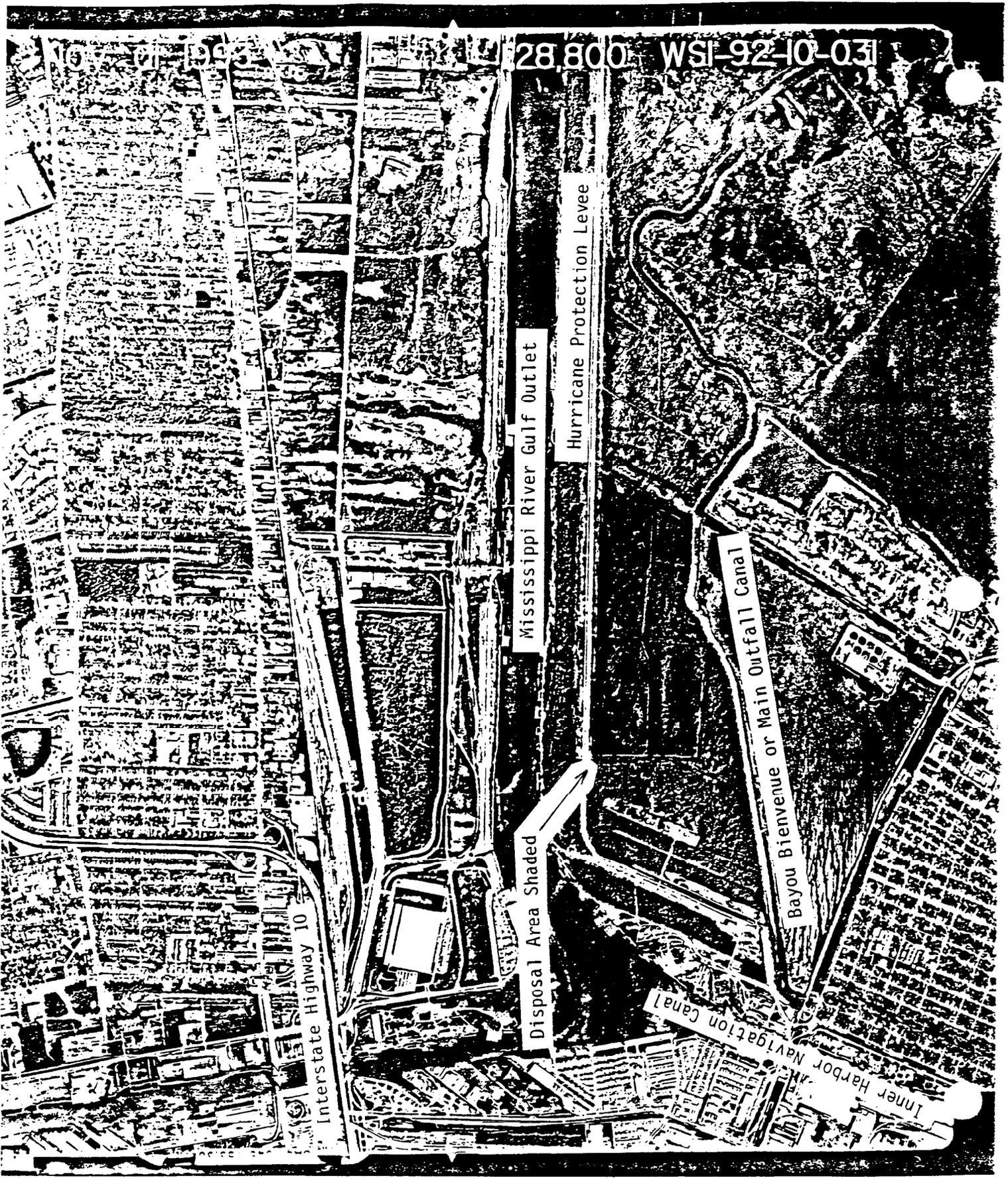
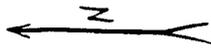
Sincerely,


R. H. Schroeder, Jr.
Chief, Planning Division

Enclosure

Copies Furnished w/enclosure:

Mr. Fred Dunham, LDWF
Ms. Jane Ledwin, USFWS
Mr. James Little, LDEQ



Mississippi River Gulf Outlet

Hurricane Protection Levee

Disposal Area Shaded

Bayou Bienvenue or Main Outfall Canal

Inner Harbor Navigation Canal

Interstate Highway 10

ED-01-26-ISM 008 82

ENCLOSURE

State of Louisiana



M.J. "MIKE" FOSTER, JR.
GOVERNOR

JACK C. CALDWELL
SECRETARY

DEPARTMENT OF NATURAL RESOURCES February 5, 1997

Mr. R. H. Schroeder, Jr.
Department of the Army
New Orleans District, Corps of Engineers
New Orleans, Louisiana 70160-0267

RE: **C960539, Coastal Zone Consistency**
New Orleans District, Corps of Engineers
Direct Federal Action
Proposed new lock on the Inner Harbor Navigation Canal,
connecting the Mississippi River with the Mississippi River-
Gulf Outlet (MRGO) and the Inner Harbor Navigation Canal
(IHNC), Orleans and St. Bernard Parish,
Louisiana

Dear Mr. Schroeder:

This office has received the above referenced federal application for consistency review with the approved Louisiana Coastal Resources Program in accordance with Section 307(c) of the Federal Coastal Zone Management Act of 1972, as amended.

A field trip to the project site on February 4, 1997, indicates that the containment levee for the proposed spoil disposal area between the MRGO and Bayou Bienvenue is breached at several points along Bayou Bienvenue and is thus tidally connected with coastal wetlands. Also, there are numerous shallow ponded wetlands in this proposed disposal site. In order to be consistent with the LCRP, if this site is to be used as a spoil area for contaminated spoil from the Inner Harbor Navigation Canal as proposed in the project, suitable mitigation must be proposed.

Further, we are concerned that contaminated spoil that is to be deposited in this area does not leach into coastal wetlands, and that the contaminated spoil does not exceed State water quality standards or degrade the water quality of coastal waters as required by Coastal Use Guidelines 1.7 m, 4.1, and 6.13. In light of the non-compliance with State mitigation policy and the above referenced Coastal use Guidelines, we find the above referenced project is not consistent, to the maximum extent practicable, with the LCRP.

By copy of this letter, this division will notify the Assistant Administrator of the National Oceanic and Atmospheric Administration (NOAA) that your project, as proposed, is not

consistent with the Louisiana Coastal Resources Program (LCRP). Please note that in accordance with the regulations set forth at 15 CFR Subpart C, Section 930.42 and Subpart H, Section 930.125, you have the right to appeal this decision within 30 days of its receipt to the Secretary of the U.S. Department of Commerce. We look forward to the opportunity to assist in resolving this issue.

If you have any further questions please call Brian Marcks of the Consistency Section at (504) 342-7591 or 1-800-267-4019.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry W. Howey" with a stylized flourish at the end.

Terry W. Howey
Administrator

TWH/JDH/bgm

cc: Fred Dunham, LDWF
Tim Killeen, CMD/FC
Harvey Stern, Orleans Parish
Chris Andry, St. Bernard Parish
Richard Boe, NOD-COE
Assistant Administrator, NOAA