APPENDIX C
IER IMPACT DISCREPANCY MEMOS

CEMVN-PDN-CEP Date: 28 January 2013

MEMORANDUM FOR RECORD

SUBJECT: Discrepancies in public disclosure of LPV HSDRRS impact acreages and AAHUs

1. Reference the construction of the Lake Pontchartrain and Vicinity (LPV) Hurricane and Storm Damage Risk Reduction System (HSDRRS) projects which began in March 2007. During the NEPA process, a number of documents were released disclosing the acres and Average Annual Habitat Units (AAHUs) anticipated to be impacted by construction of the HSDRRS projects [ie. Individual Environmental Reports (IERs) and USFWS Coordination Act Reports (CAR)]. It should be noted that acreages and AAHUs in the IERs are estimates of anticipated impacts based on early conceptual designs. In some cases, there were noted discrepancies in the impact numbers disclosed within and among these documents. This memo identifies those discrepancies and states the correct impact numbers to be reported (attachment 1) from the date of this memorandum when referencing the HSDRRS IERs.

2. A forthcoming Mitigation IER will disclose the updated impacted acreages and AAHUs, based on 100% project plans and as-built drawings (if available). In addition, an analysis of aerial imagery will be conducted on the footprints identified in these plans to verify the HSDRRS construction impacts have been correctly quantified. Once As-Builts for the whole HSDRRS are available, this process will be repeated to determine the final mitigation requirement for the HSDRRS work.

3. The discrepancies, and their respective resolutions, are provided below:

Project	Discrepancy	Resolution
IER 1	Decision Record (DR) states 302 acres wetland impacts.	IER Conclusion provides correct number of 307 acres wetland impacts (3 acres of forested wetland assumed to be swamp, 276 acres of cypress swamp, 11 acres of BLH, and 17 acres of open water).
IERS 1a	IER noted the final CAR was received 23 June 2011.	LDWF letter was received on this date. Final CAR was received 03 May 2011.
IER 2	Final CAR, 15 July 2008 and 09 Sept 2009, stated impacts to intermediate marsh. ********** IER stated temp impacts to lake Pontchartrain 39 acres.	Corrected to brackish marsh in final CAR, 07 May 2010. ********** Temp impacts to lake Pontchartrain should be 59 acres.
IERS 2.a	Final CAR, 15 July 2008 and 09 Sept 2009, stated impacts to intermediate marsh. ********** IER noted impacts to 22 acres of brackish marsh and swamp. ********** DR stated 13 AAHUs of mitigation.	Corrected to brackish marsh in final CAR, 07 May 2010. ********** Should be impacts to 22 AAHUs of brackish marsh and swamp. ********** Should state 13 AAHUs of impacts (11.45 AAHUs of brackish marsh and 1.55 AAHUs of swamp).

Project	Discrepancy	Resolution
IER 7	IER mistakenly stated impacts to floodside intermediate marsh. ********** IER cited acreages and AAHUs from draft CAR. ********** DR stated 7.2 acres open water impacts with proposed action. ********** IER "Fisheries" section stated 351.2 acres impacts.	Final CAR, 15 June 2009, correctly classified floodside marsh as brackish. *** ********** Final CAR, 15 June 2009, provides correct acreages and AAHUs. ********** 7.2 acres open water impacts would occur with no action alternative. ********** Final CAR, 15 June 2009, provides correct acres of impacts as 352.1.
IERS 7	IERS 7 and the DR stated 106.9 acres impacts to wetlands and waters of the U.S. with 100.13 acres of that being wetlands. ********** IER 7 and IERS 7 misstated the total proposed wetland impact throughout impact discussion. ********** IERS 7 inaccurately stated 1.43 acres of impacts due to levee tie-ins.	The final CAR, 07 May 2010, provides the correct acres of 101.66 and 94.9 respectively. ********** The final CAR, 07 May 2010, provides the correct impacts of 447 acres. ********** Final CAR provides correct acres of impacts as 1.57.
IER 9	DR, 08 Feb 2010, states inaccurate acres of wetland impacts. ********** IER "Conclusions and Final Decision" section is not specific enough in stating acres impacted. ********** IER "Conclusions and Final Decision" section and the DR did not capture the non-wet BLH impacts. ********** CAR did not include the temporary impacts to 1.8 acres of water.	CAR provides the correct number of acres impacted. ********** Should state 5.2 acres of wetlands and waters of the U.S. would be impacted. ********** IER "Mitigation" section, IER non-wet impact discussions, and final CAR, 25 Jan 2010, include impacts to 10 acres of non-wet BLH. ********** The correct water impacts were stated in the IER and the DR.
IER 10	DR states 64.67 AAHUs of intermediate marsh impacts. ********** DR only identifies impacts in AAHUs IER only identifies impacts by acres DR and IER did not designate impacts by protected side/flood side. ********** IER "Cumulative Impacts" Table 16 shows BLH flood side impacts as 14.22. ********** IER includes AAHUs from the draft CAR.	Total should be 64.76 AAHUs of intermediate marsh impacts. ********** CAR provides overall AAHU and acreage impact totals by protected side/flood side. ********** BLH flood side impacts should be 15.22 AAHUs. ********** Final CAR, 19 May 2009, provides the correct AAHUs.

Project	Discrepancy	Resolution
IER 11 Tier 1	DR does not include 39 acres BLH wet impacts. ********** DR and USFWS letter do not include 56 acres of upland habitat impacts. ********** DR and USFWS letter do not include 301 acres of open water impacts.	IER and USFWS letter include the 39 acres of impacts to BLH wet. ********** IER discusses the 56 acres of upland habitat impacts. ********** Open water impacts are discussed in the IER.
IER 11 Tier 2	IER includes preliminary impact values of 18.12 AAHUs brackish marsh/water impacts and 20.71 AAHUs total impacts. ********** The discussion within the IER and the "habitat impact estimates" in Table 6 of the IER used different methodologies and data to determine habitat impacts resulting in slight differences in marsh classification.	Final CAR and DR include the correct impact values of 24.33 AAHUs and 26.92 AAHUs respectively. ********** The correct impacts using standard FWS methodology are stated in the final CAR dated October 9, 2008.
IER 11.c Tier 2	DR and IER state the proposed action will incur an additional 22 acres of impact to brackish marsh but do not explain how the total impact to 122 acres of brackish marsh from all Tier 2 actions (including the proposed increase of 22 acres) would result in an a overall reduction in impacts to 80.84 acres. Also, a reduction in BLH-Wet impacts is not stated in either document.	The majority of the decrease in brackish marsh impacts (acres) was a result of the removal of major waterways and large open water areas from WVA analysis. A change in footprint location also contributed to a reduction in the impact acreage (brackish marsh and BLH-Wet) BUT resulted in an increase in AAHUs impacted (+10.37 brackish marsh) due to the higher quality habitat in the revised footprint.

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CEMVN-PDN-CEP Date: 28 Jan 2012

MEMORANDUM FOR RECORD

SUBJECT: Discrepancies in public disclosure of Government and Contractor Furnished Borrow HSDRRS impact acreages and AAHUs

1. Reference the construction of the Lake Pontchartrain and Vicinity (LPV) Hurricane and Storm Damage Risk Reduction System (HSDRRS) projects which began in March 2007. During the NEPA process, a number of documents were released disclosing the acres and Average Annual Habitat Units (AAHUs) anticipated to be impacted by construction of the HSDRRS projects [ie. Individual Environmental Reports (IERs) and USFWS Coordination Act Reports (CAR)]. It should be noted that acreages and AAHUs in the IERs are estimates of anticipated impacts based on early conceptual designs. In some cases, there were noted discrepancies in the impact numbers disclosed within and among these documents. This memo identifies those discrepancies and identifies the correct impact numbers to be reported from the date of this memorandum when referencing the HSDRRS IERs.

2. A forthcoming Mitigation IER will disclose the updated impacted acreages and AAHUs from use of borrow pits covered in the government furnished IERs. Mitigation incurred by the use of contractor furnished borrow areas is the responsibility of the land owner and must be completed before the CEMVN will utilize these areas.

3. The discrepancies, and their respective resolutions, are provided below:

Project	Discrepancy	Resolution
IER 25	IER states impact to 942.1 acres bottomland hardwoods (BLH).	DR, IER "Mitigation" section and final CAR, 15 Nov 2010, provide the correct amount of impacts as 933 acres.
IER 29	DR, 19 Sept 2009, noted impacts to dry non-jurisdictional BLH as 51.50 AAHUs in "Mitigation" section and 48.6 AAHUs in Table 1. ********** DR, Table 1 notes 24.1 AAHUs impacts for Willow Bend Phase II BLH.	Correct number is 48.6 AAHUs of impacts which is disclosed in IER and final CAR, 3 Sept 2009. ********** IER and final CAR, 3 Sept 2009, provide the correct impacts of 42.1 AAHUs.

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Attachment 1

LPV FINAL HABITAT IMPACTS from IERs																							
	Protected Side										Flood Side												
IER+	Fresh and Intermediate Marsh		Brackish Marsh		Swamp		BLH wet		BLH dry		Fresh and Intermediate Marsh		Brackish Marsh		Swamp		BLH wet		BLH dry		Open Water	TOTAL**	
	Acres	AAHUs	Acres	AAHUs	Acres	AAHUs	Acres	AAHUs	Acres	AAHUs	Acres	AAHUs	Acres	AAHUs	Acres	AAHUs	Acres	AAHUs	Acres	AAHUs	Acres	**Acres**	**AAHUs**
1	0	0	0	0	137.05	73.99	1.50	0.19	0	0	0	0	0	0	143.60	110.97	11.33	8.09	0	0	19.41	**293.48**	**193.24**
2	0	0	0	0	0	0	0	0	0	0	0	0	31.50	20.45	2.00	1.55	0	0	0	0	78.00	**33.50**	**22.00**
3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	417.00	**0**	**0**
4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**
5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6.90	**0**	**0**
6	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	68.80	**0**	**0**
7	119.00	42.90	0	0	0	0	169.00	89.20	0	0	0	0	126.00	67.40	0	0	32.80	12.20	0	0	6.76	**446.80**	**211.70**
8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2.30	**0**	**0**
9	0	0	0	0	0	0	0	0	0	0	1.90	1.20	0	0	0	0	1.20	0.66	10.02	4.65	1.80	**13.12**	**6.51**
10	106.47	57.26	0.08	0.05	0	0	38.32	16.44	0	0	53.20	31.26	269.84	178.68	0	0	35.31	15.22	0	0	50.00	**503.22**	**298.91**
11	0	0	0	0	0	0	0	0	2.46	0.41	0	0	80.84	34.70	0	0	0	0	9.48	1.59	45.00	**92.78**	**36.70**
18	0	0	0	0	0	0	0	0	44.00	14.65	0	0	0	0	0	0	0	0	0	0	0	**44.00**	**14.65**
27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0.00**	**0.00**
Total	**225.47**	**100.16**	**0.08**	**0.05**	**137.05**	**73.99**	**208.82**	**105.83**	**46.46**	**15.06**	**55.10**	**32.46**	**508.18**	**301.23**	**145.60**	**112.52**	**80.64**	**36.17**	**19.50**	**6.24**	**695.97**	**1426.90**	**783.71**