

Appendix P
Public Comments

Four of the following Comments were received:

We strongly encourage the Army Corps to consider using the construction of the Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project as mitigation for the loss of bottomland hardwood and swamp habitat that will occur through the construction of the West Shore Lake Pontchartrain levee (WSLP).

As you are likely aware, the River Reintroduction into Maurepas Swamp is a widely supported project that will provide sediment and fresh water to existing wetlands in East Maurepas swamp, benefitting over 45,000 acres of swamp that are currently in a state of rapid decline. The project will aid the prevention of further wetland loss and the conversion of swamps to marshes, as well as helping to offset future increases in salinity throughout the western Pontchartrain Basin due to subsidence and sea level rise. The fine grain sediment may also help increase elevation to a point where there are periods without inundation so that seeds can germinate, perpetuating the forest into the future.

The River Reintroduction into Maurepas Swamp project will be built directly adjacent to the United States Army Corps of Engineers' West Shore Lake Pontchartrain levee project. Our reasoning for the Army Corps' selection of this project as mitigation for the WSLP are as follows:

- * We believe that the long-term ecosystem benefits of the River Reintroduction into Maurepas Swamp project would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the West Shore Lake Pontchartrain project.
- * There will be cost savings and efficiencies by doing the projects in tandem.
- * The River Reintroduction project will help build land which will provide a critical line of defense against storm surge that will benefit the WSLP project. This protection will reduce long term maintenance costs for WSLP and help protect the levee system.
- * Army Corps investment in the River Reintroduction into Maurepas Swamp project will alleviate pressure on a shortage of mitigation credits from mitigation banks in the area.
- * Army Corps investment in the restoration project will free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration projects across the coast instead of using their agency funding on the balance of funds needed to complete the swamp restoration project.

Additionally, the restoration project will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. This will prevent the two lakes from merging, a situation that would be devastating and could send storm surge to communities from the River Parishes into the Greater Baton Rouge area.

The WSLP project presents a common-sense opportunity to reap multiple benefits by linking the levee project to the adjacent swamp restoration project. Providing funds to help construct the restoration project as mitigation for the loss of adjacent wetlands due to levee construction is a sound investment in coastal restoration and community protection. Choosing to use the River Reintroduction into Maurepas Swamp project as mitigation for WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss crisis.

Commenters: Ben Taylor, Rev. Joseph M Clavijo, Harry Shearer, James L. Nelson MD

USACE Response: Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.

115 of the following Comments were received:

I am writing as a member of the Coalition to Restore Coastal Louisiana who understands the great need for urgent action and innovative approaches to restore the Maurepas Swamp. CRCL has conducted habitat restoration in this area for the past decade, planting nearly 8,400 trees and enhancing just under 60 acres. I was very disappointed to not see the proposed Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project included as a mitigation option for the West Shore Lake Pontchartrain levee project (WSLP). I believe that this is the only option for properly restoring bottomland hardwood and swamp habitat that will be lost through the construction of the West Shore Lake Pontchartrain levee.

The River Reintroduction into Maurepas Swamp is a widely supported project that will benefit over 45,000 acres of swamp that are in a state of rapid decline. The project will minimize further wetland loss and the conversion of swamps to marshes, as well as help to offset future increases in salinity throughout the western Pontchartrain Basin due to subsidence and sea level rise.

The River Reintroduction into Maurepas Swamp project will be constructed adjacent to the Corps' WSLP project. Land built by this project will mitigate land lost through the construction of WSLP without using all of the mitigation bank credits in the Mississippi Alluvial Plain. This will help other Corps stakeholders who need to purchase bank credits to mitigate their projects.

The River Reintroduction into Maurepas Swamp project is designed to be built directly adjacent to the Army Corps of Engineers West Shore Lake Pontchartrain Levee project (WSLP). The first 1.5 miles of the eastern guide levee of the Maurepas project will be integrated with the WSLP. CPRA and the Corps will have cost savings and efficiencies by doing the projects in tandem. Additionally, Corps investment in this restoration project will free up precious restoration dollars so that CPRA can move forward on other critical restoration projects across the coast. The Corps should also consider that the Maurepas diversion will rebuild swamp and bottomland hardwood habitat, which will protect the WSLP and decrease maintenance needs of the levee over time. This is a multiple-lines-of-defense approach and a win-win solution!

I believe it is a common-sense, win-win solution to use the River Reintroduction into Maurepas Swamp project as mitigation for the West Shore Lake Pontchartrain levee project. Choosing to use the Maurepas project as mitigation for WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss situation. The Corps should not pass up this major opportunity.

Commenters:

Tanvi Shah
Richard Waller
Wesley Gillen
Jeanne Stangle
Elizabeth Nehrbass
Edward Behan
Robert Hastings
Courtney Forbes
Joshua Moore
Steve Nosacka
Stacie Pelegrinis
Mary Giardina
Karen Hayward
Megan Biven
Pam Gremillion
Shawn Hall
Dory Anna Anderson
Brad LaBauve
Luis Williams
Emmaline Brown
Erin Demastes
Sean McDowell
Matthew Vidrine
Richard Waller
William Forbes
Kerry Hanley
Jeffery Biss
Madeline Trosclair
John Morello
Rachelle McAndrew
Charlotte Clarke
Nathalie Camus
Sandy Rosenthal
Don Hauber
Grayton Spoon Bruno
Robert Gorman
Jeanne Stangle
Mike Dever

Brad LaBauve
Jenny Ramoni
Dana Brown
Kim Nehrbass
Christine Tippens
Russell S Harris Jr
Kelly Guilbeau
Josef Schuster
Chris Washington
Roy Beeson
Lillian Miller
Sara Crosby
Helene Cerise
Debasri Roy
Elizabeth Nehrbass
Edward Behan
Chere Coen
Gretchen Becnel
Giancarlo D'Agostaro
Jesse Berryhill
Susan Wright
Kim Powell
Susan Wright
Pam Pelafigue
Gary Shaffer
Debbie Busch
David White
Robert Hastings
Katie Routh
Matthew Monguillot
Bonnie Slaton
Jeff Wilson
Brett Ryan
Laura Perez
Robin Keegan
Lana Dessauer
Sherry Foret
Elizabeth Ramoni

Ruth Salvaggio
Rachel Rhode
Anthony Nicolau
Stephen Scarbrough
Mary Giardina
Karen Hayward
Megan Biven
Pam Gremillion
Shawn Hall
Kaitlyn Tabor
Robert Landreneau
Andrea Nasca
Taylor Laurent
Leanne Sarco
Sara Breaux
Courtney Forbes
Matthew Horney
Joshua Moore
Rob Marvin
Theresa Dardar
James Wiltenmuth
Robert Gardiner
Thomas Trenchard
Charles Daigle
Bonita Giles
Jennifer Weaver-Neist
Heather Margolis
P.W. Reily
Carmen Marinelli
Carol Wilson
Gwen Duthu
Margaret Bucklin
Denise Bonner
Denise Bonner
Amanda McFillen
ANNE MOORE
Marc Weller
Lynn Wilbur
Justine Whitaker

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130 of the following Comments were received:

I am writing as a coastal resident who understands the great need for urgent action and innovative approaches to restore our coastal wetlands and protect our communities. I was very disappointed to see the proposed Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project not included as a mitigation option for the West Shore Lake Pontchartrain levee project (WSLP). I believe that this is not only the best, but the only option for properly restoring bottomland hardwood and swamp habitat that will be lost through the construction of the West Shore Lake Pontchartrain levee.

The River Reintroduction into Maurepas Swamp is a widely supported project that will benefit over 45,000 acres of swamp and critical migratory bird habitat that are currently in a state of rapid decline. The project will aid the prevention of further wetland loss and the conversion of swamps to marshes, as well as helping to offset future increases in salinity throughout the western Pontchartrain Basin due to subsidence and sea level rise.

The River Reintroduction into Maurepas Swamp project will be constructed adjacent to the Army Corps' West Shore Lake Pontchartrain levee project. Land built by this diversion will mitigate land lost through the construction of WSLP without using all the mitigation bank credits in the Mississippi Alluvial Plain.

CPRA and the Army Corps will also have cost savings and efficiencies by doing the projects in tandem. Additionally, Army Corps investment in this restoration project will free up precious restoration dollars so that CPRA can move forward on other critical restoration projects across the coast.

I believe it is a common sense, win-win solution to use the River Reintroduction into Maurepas Swamp project as mitigation for this massive levee project adjacent to the swamp. Choosing to use the Maurepas Diversion as mitigation for WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss situation. The Army Corps should not pass up this major opportunity.

Commenters:

Piper Burch	Daneene Postell	Andrea Alexander
Alan Hart	Vicki Peters	Marta Robertson
Thomas Rippolon	Lynn Peters	Effie Michalos
Deb Bechtel	James York	John Morris
Pamela S Caillouet	Nancy Camel	Morris Brum
Sharon Vedenhaupt	Leah Foster	Debbi Coltharp
Leslie Elliottsmith	Joseph Guillory	Kristin Isenberg
John Daniel	Kathryn Lemoine	Teri Gegenheimer
GERARD F. GAUDIN	Jordan Burton	Marie Bossard
Angelle Bradford	Wendy Prather	Kevin Del Castillo
Diane Pittman	Frances Rogers	Lauren Bourg
Winnie Darphin-Bacque	Julia Earl	Richard Barbalace
Lola Cuadrado	Theresa Burke	Sarah Rountree
Becky Andrews	Patrick Judge	Kay Bray
Jacob Louviere	Dave Saze	Donna Migues
Janice Pinner	Sam Simeone	Evelyn Moore

Laura Jones
Scott Jennings
Cynthia Schmidt
Keith Horn
Becky Russell
Gwen Hulse
Marnie Genre
Katie Percy
John Carpenter III
Connie David
Kelby Ouchley
Damon Franke
Johanna Gundlach
Jeanne Stulb
Patty Meehan
Emily Harville
S. Brinkman
Brittany Maldonado
Dalton Guillory
Holly Napier
Barney Fortier
Annette Daughdrill
Tony Chase
Jacques Hebert
Susan Miller
Noelle Ramsey
Michon Shinn
Jane Patterson

Ryan Chauvin
Gail Walker
Kathleen Kaminski
Laura Perez
Charles Cason
Bonnie Andrus
Kristin Samuelson
Ashley Henry
Mary Horn
Rob Soroe
Tyra Pellerin
Ed Billeaud
Brenda Leboeuf
Lydia Hecker
Alice Bradley
James Bradley
Cindy Thompson
Ken Kudelchuk
Harriett Pooler
Sarah Friedlander
Christie Ruppel
Deborah Harrington
Austin Ellois
Emma Schachner
Mary Kay Hartman
Russell Rodriguez Jr
Valerie P Gray
Ryan Hanson

Kay M
Brian Hayes
Maria Allaire
Jane Piraro
Ronald Doofe
B. Shannon Andres
James Wattler
Danielle Tolbird
Kathy Cavalier
Kathryn Jacobus
Elaine Grant
Shawn Patrick
Alice Ducote
Lisa Brehm
Jennifer O Coulson
Robert Hill
Hazel Champagne
Julie Butera
Julie Schwam Harris
Michael Vickers
Madilyn Fox
Richard Soubeyroux
Eddie Blancher
Andrew Richard
Melissa Collins
Marta Calleja

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CPRA and the Army Corps will also have cost savings and efficiencies by doing the projects in tandem. Additionally, Army Corps investment in this restoration project will free up precious restoration dollars so that CPRA can move forward on other critical restoration projects across the coast. The Army Corps should also consider that the Maurepas diversion will rebuild swamp and bottomland hardwood habitat, which will protect the WSLP and decrease maintenance needs of the levee over time. This is a multiple lines of defense approach and a win-win solution!

Additionally, the Maurepas diversion will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. If these two lakes merge it would be devastating and could send storm surge into communities in the River Parishes all the way into the Greater Baton Rouge area. Protection of this landbridge is critical for protecting WSLP as well as the other BBA18 projects.

I believe it is a common sense, win-win solution to use the River Reintroduction into Maurepas Swamp project as mitigation for this massive levee project adjacent to the swamp. Choosing to use the Maurepas Diversion as mitigation for WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss situation. The Army Corps should not pass up this major opportunity.

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Commenters:

Mr. Eric Bajon	Ms. Sherry Olds	Mr. Evan Hauge
Mr. Gordon Linge	Ms. Jenaphur Krantz	Ms. Sandy Rhein
Ms. Suzanne Bartlett	Ms. Lyn Hassenboehler	Ms. A G
Mr. Joseph Pierfax	Dr. Hele Um	Mr. Brian Gingras
Mrs. Kelli Richard	Dr. Hector Douglas	Mrs. Antoinette Theriot- Heim
Ms. Rita Tate	Mr. Roger Crawley	Ms. Sadie Heim
Ms. Susan Lloyd	Mrs. Linda England	Mr. Doug Wilson
Mr. Tony Bagala	Dr. Anna Davis	Mr. Jeffery Biss
Ms. Susanna Stone	Mrs. Robin Priest	Mr. James Kilburn
Ms. Marianne Glass	Mr. Philipe Bernard	Mr. Charles Stone
Miss Elizabeth Smith	Mr. Caleb Soileau	Ms. Susan Siniard
Mr. Ken Kudelchuk	Mrs. Milda Owens	Mr. Dwayne Roberts
Mr. Nicholas Muscarello	Ms. Tami Mccready	Mr. Buz Leininger
Dr. Julie Butera	Mr. Richard Cryar	Mrs. Simone Maloz
Mr. Clarence Thomas	Mr. Lance Duplantis	Mr. Ben Swift
Mr. Al Aubin	Mr. Holden Hoggatt	Mr. Mike Fountain
Ms. Susan Lemm	Mrs. Lauree Akinola- Massaquoi	Ms. Romona Czichos- Slaughter
Ms. Ivy Mathieu	Mrs. Daniell Love	Mr. Ursin Abbate
Ms. Charlotte Clarke	Ms. Jamie Radley	Ms. Sue Dean
Mr. Mike Dianda	Mr. Stephen Tschirn	Mr. Allister Layne
Ms. Ann Manuel	Ms. Ann Romeero	Mr. Daniel McKeighen
Mr. Alfred Landry	Ms. Christine Nagel	Ms. Christa Russell
Mr. David C. Bell Jr.	Ms. Bridget Thomas	Ms. Terron Harrison
Mr. Earl Boswell	Mr. Thomas Motichek	Mr. Wes Bollinger
Mr. John Hebert	Mrs. Stevie Bach	Mr. Ricard Webre
Mrs. Emily Bryan	Mrs. Marta Calleja	Ms. Ze daLuz
Mr. Dennis Formento	Mr. Larry White	Mr. Andrew Lyall
Ms. Leanne Sarco	Mr. Shawn Tassin	Ms. Kat Loomis
Mr. Justin Theriot	Mr. Pete Wolf	Ms. Natalie Snider
Mr. John Morello	Mr. William G Gonzalez	Ms. Alice Henderson
Ms. Elizabeth Robinson	Ms. Dana Brown	Ms. Nikki Dingle
Mr. Neal Richard	Ms. Diana Talbott	Mr. Patrick Hopkins
Ms. Sarah Dearie	Ms. Michelle Gaudin	Mr. Hank Marc
Mr. Kelty Readenour	Ms. Nathalie Camus	Mr. Raymond Serpas
Mr. Louis Guidry	Ms. Katie Percy	Ms. Nancy Scott
Mr. Gerald Siber	Ms. Gertrude Brown	Miss Emmaline Brown
Mrs. Catherine Robichaux	Mr. Rene Pastorek	Mrs. Na Nit
Mr. Oscar Bird	Ms. Linda Delaney	Ms. Taylor Samsel
Ms. Vivian Cardriche	Ms. Sherry Byers	Mrs. Brenda Myers
Mr. Beau Brock	Mr. AJ Heine	Mr. Albert Bordes
Mr. Stephen Hatch	Mr. Virgil Pauls	Mrs. Debb Bordes
Mrs. Dixie Nihsen	Mr. Brad Brisken	Mr. Stacey Sharer
Mrs. Marissa Turner	Mrs. Melissa Landry	Ms. Darlene Angelle
Mr. Timothy Bond	Ms. Sue Lampton	Ms. Tanvi Shah
Mrs. Blair Schilling	Ms. Jody Boudreaux	
Mr. Farrel Weil		

Ms. Brooke Randolph
Miss Sara Peppers
Mr. Richard Domangue
Mrs. Jeannie Finlay-
Kochanowski
Mrs. Joni Hammons
Mr. Billy Marchal
Mrs. Jo Baxter
Ms. Harriett Pooler
Mrs. Amy Kirk
Ms. Sheila Ward
Mr. Edd Manges
Mr. Joseph Clavijo
Mr. Paul Buras
Mrs. Joyce Coe
Mrs. Kandice Wells
Ms. Susan Dupont
Ms. Loe Spurlock
Mr. Micah Fremin
Mr. James Donnelly
Mr. Dennis Bickford
Mrs. Deborah Cundiff

Mr. Chad Moncrief
Ms. Elizabeth Peterson
Mr. T Russo
Ms. Patricia Hayes
Dr. Mark Forshag
Mr. Jordan Guidry
Mr. Ryan Chauvin
Mr. Matthew Mims
Mr. Daniel Henling
Miss Katie gruzd
Dr. Jann Johnson
Mr. Randall Griswold
Ms. Janet Ponte
Mrs. Toi Carter
Mr. Steve Cochran
Mrs. Rosemary Goodell
Mr. Troy Sadler
Mr. Marc Denha
Mr. Leif Remo
Mr. Kevin Curtis
Mrs. Kathy McManus
Ms. Temi Poythress

Mr. Darrell Trombley
Mr. George Bond
Mrs. Anne Marchal
Ms. Melanie Feder
Mr. Jacques Hebert
Ms. Katherine Phillips
Mrs. P Nunez
Ms. Kelly Riley
Ms. Rachel Rhode
Mrs. Gayleanan Camus
Mr. Kevin Vicknair
Miss Michele Hogan
Mrs. Annie Davidson
Mr. Thomas Wenhold
Mr. Robert Gardiner
Mr. Hammie Donato
Mr. Mark Cain
Mrs. Donna Toncrey
Mrs. Marlene Swift
Mr. Cortland Marix
Dr. Ellen Blue

USACE Response: Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.

65 of the following Comments were received:

Urgent action and innovative approaches are needed to restore our coastal wetlands and protect our communities. I am writing you to strongly encourage the Army Corps of Engineers to consider using the construction of the Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project as mitigation for the loss of bottomland hardwood and swamp habitat that will occur through the construction of the West Shore Lake Pontchartrain levee (WSLP).

The River Reintroduction into Maurepas Swamp is a widely supported project that will provide sediment and fresh water to existing wetlands in East Maurepas swamp, benefitting over 45,000 acres of swamp that are currently in a state of rapid decline. The project will aid the prevention of further wetland loss and the conversion of swamps to marshes, as well as helping to offset future increases in salinity throughout the western Pontchartrain Basin due to subsidence and sea level rise. The fine grain sediment may also help increase elevation to a point where there are periods without inundation so that seeds can germinate, perpetuating the forest into the future.

The River Reintroduction into Maurepas Swamp project will be built directly adjacent to the U.S. Army Corps of Engineers' WSLP levee project. The Maurepas project would repair much more bottomland hardwood and swamp habitat than would be lost due construction of the WSLP project and serve as a critical line of defense against storm surge for the levee project, helping reduce long-term maintenance costs. Using the Maurepas project as mitigation would also alleviate pressure on a shortage of mitigation credits from mitigation banks in the area.

The cost savings from constructing these projects in tandem would allow CPRA to use those precious dollars on other projects that are critically needed to help protect coastal Louisiana. The State is already grappling with the question of how it will fully fund its \$50 billion Master Plan - it's absolutely vital to take advantage of every opportunity to save money on projects.

The WSLP project presents a common-sense opportunity to reap multiple benefits by linking the levee project to the adjacent swamp restoration project. Providing funds to help construct the restoration project as mitigation for the loss of adjacent wetlands due to levee construction is a sound investment in coastal restoration and community protection. Choosing to use the River Reintroduction into Maurepas Swamp project as mitigation for WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss crisis.

Our state (and nation) would benefit from working and spending smarter. We have neither time nor money to waste.

Commenters:

Buford M Myers III
Mr. Robert Gardiner
Charles Cason
Robert Pitre
John Hannon
Eric Kittok
Nancy Menasco
Saheba Cuccia

Clint Elliott
Aldric Poirier
Ronald Rauber
John Morello
Andrea Alexander
Stephen Shurtz
Greg Poche

Aimee Bajoie
Richard Oubre
Sean Turner
Marissa Turner
Priscilla Head
Kelly Young
Troy Schexnayder
Guy Denney

Glen Fenasci
Buddy Webre
William Herke
Stacy Ortego
Tom Hirth
Tim Babin
Charles Williams
Don Shumaker
Shawn Tassin
Veni Harlan
Frank Frederic
Lyndia Stokley
William Kerek
Peter Smith
Dale Aydell

Skeet Hodgkins
Andrew Lopez
Verna Turner
Travis Lee
William Broussard
Sam Dragna
Grant Rhodes
Elizabeth Black
Belinda Ortego
Alisha Renfro
Natalie Matherne
Aimee Bajoie
Ryan Schaefer
Cody Kyser

Kyle Motty
Sydney Finn
Jessica Vasterling
John Gibby
Janna Wisniewski
Bryan Cooley
Jacqueline Doe
John Miller
Alexis Carney
Charles Corkern
Avery Lemoine
Josephine Engelman
Charles Parker
Steve Pitre

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TRINITY MITIGATION SERVICES, LLC
331 GIROD STREET
MANDEVILLE, LOUISIANA 70448

TELEPHONE: 985.778.0888

FACSIMILE: 985.778.0999

March 2, 2020

BY ELECTRONIC DELIVERY & U.S. MAIL

Ms. Tammy H. Gilmore
U.S. Army Corps of Engineers
Regional Planning & Environmental Division South, PDS-C
7400 Leake Avenue
New Orleans, LA 70118-3651

Re: Environmental Assessment #576; Mitigation for BBA 18 Projects.

Dear Ms. Gilmore:

Based on the referenced environmental assessment the U.S. Army Corps of Engineers is having difficulty finding sufficient (on-site, in-kind, in the Louisiana Coastal Zone and within the Lake Pontchartrain Basin) mitigation projects to mitigate for the unavoidable wetland impacts associated with BBA 18 projects (West Shore Lake Pontchartrain, Comite River Diversion & East Baton Rouge Flood Risk Management).

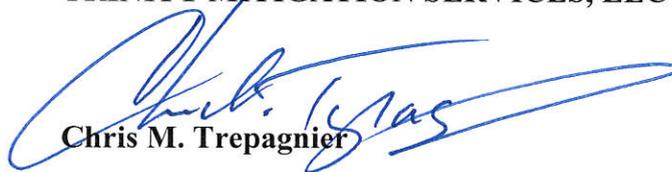
Accordingly, Nature Land Company, LLC is proposing to mitigate for some of the impacts associated with the West Shore Lake Pontchartrain hurricane protection levee as detailed in the enclosed mitigation prospectus.

If you have any questions or require any additional information, please contact me.

With best regards, I remain

Sincerely,

TRINITY MITIGATION SERVICES, LLC


Chris M. Trepagnier

CMT/mb
enclosure
cc: Nature Land Company, LLC

MITIGATION PROSPECTUS

FOR

THE PROPOSED BBA 18 CONSTRUCTION PROJECTS

West Shore Lake Pontchartrain (WSLP), Comite River Diversion
(Comite) and East Baton Rouge Flood Risk Management (EBR)

ST. JOHN THE BAPTIST PARISH, LOUISIANA

MARCH 2, 2020



SUBMITTED BY:

NATURE LAND, LLC
203 N. AIRLINE AVE.
GRAMERCY, LA 70052

INTRODUCTION

Nature Land Company, LLC (Nature Land) owns approximately 5,000 acres of cypress swamp wetlands near the western shore of Lake Pontchartrain and the southern shore of Lake Maurepas in St. John the Baptist Parish in the area known as the Maurepas Swamp. The proposed West Shore Lake Pontchartrain (WSLP) hurricane protection levee, as designed, will be constructed across approximately 27,000 linear feet (over 5 miles) of these wetlands resulting in the direct/permanent loss of over 380 acres of cypress swamp wetlands owned by Nature Land (Figure 1).

To mitigate for these losses, Nature Land proposes to enhance approximately 3,613 acres of existing cypress swamp wetland habitat in the Maurepas Swamp within lands that it owns on the unprotected side of the proposed WSLP hurricane protection levee. This proposed project is intended to provide mitigation for the WSLP hurricane protection levee, but may also provide mitigation for other BBA 18 projects if determined applicable/feasible by the U.S. Army Corps of Engineers (USACE).

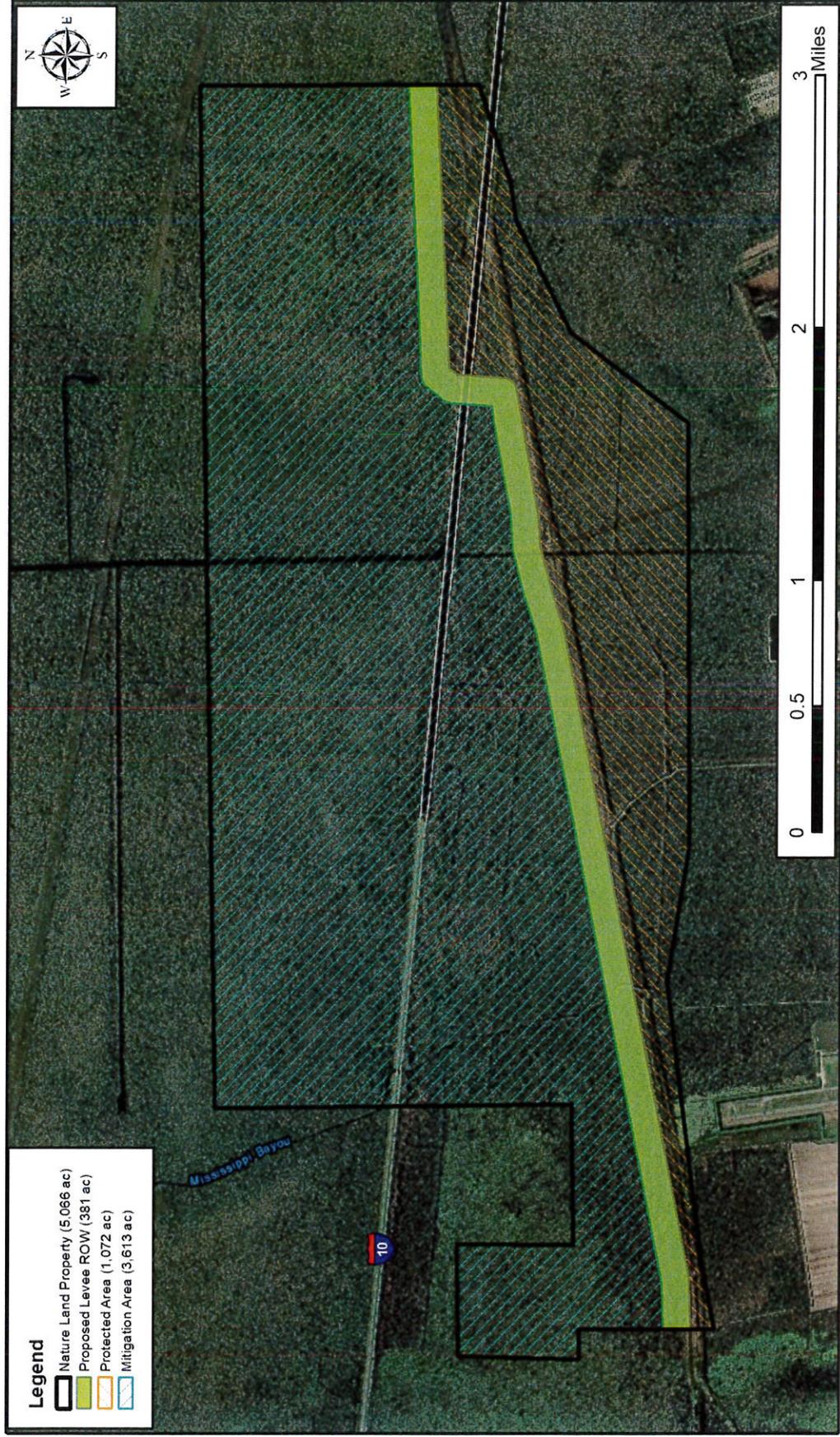
The proposed enhancement mitigation project would be a turn-key project, that is, Nature Land would be responsible for implementing the mitigation plan and conducting monitoring as described in this document. Thereafter, Nature Land proposes to donate all mitigation lands (approximately 3,613 acres) to the Louisiana Department of Wildlife and Fisheries (LDWF) for inclusion in the adjacent Maurepas Swamp Wildlife Management Area (MSWMA) and/or to the non-federal sponsor.

As stated in the USACE's recent Environmental Assessment #576 (EA) addressing mitigation for BBA 18 projects, including WSLP, *the preferred hierarchy for mitigating the unavoidable wetland impacts associated with BBA 18 projects would be: on-site, in-kind and within the Louisiana Coastal Zone in the Lake Pontchartrain Hydrologic Basin. Proposed mitigation sites within the Lake Pontchartrain Basin (LPB) and Mississippi River Basin (MSRB) would be implemented first, as compensation for lost habitats within the watersheds of impact is environmentally preferred. Only once all options within the LPB and MSRB have been utilized to the extent practicable would mitigation sites outside of the basins, but within the Mississippi Alluvial Plain be implemented. Any impacts to LDWF lands from this project would be mitigated on or adjacent to LDWF lands to the extent practicable. Depending on the projects implemented, Louisiana Department of Natural Resources (LDNR) may determine that, in its view, such projects do not mitigate for coastal zone impacts. If deemed necessary, additional mitigation for coastal zone impacts may be required.*

The mitigation project proposed herein meets all of the preferred criteria as defined in the USACE's EA for mitigating the unavoidable wetland impacts associated with construction of the WSLP hurricane protection levee. The proposed mitigation is:

- ✓ On-site Mitigation
- ✓ In-kind Mitigation
- ✓ Located within the Louisiana Coastal Zone in the Lake Pontchartrain Basin
- ✓ Immediately adjacent to Louisiana Department of Wildlife and Fisheries lands

Figure 1. Proposed Mitigation Area and WSLP Hurricane Protection Levee ROW



Nature Land Company, LLC.

Date: February 27, 2020

OVERVIEW

The proposed mitigation project area is located within the Maurepas Swamp which is adjacent to the southern shore of Lake Maurepas. Historically the area was healthy cypress/tupelo gum swamp. In the early 20 century much of this historic swamp habitat was logged. A number of factors including subsidence, saltwater intrusion and herbivory by nutria has affected regeneration of the area. Currently the area is comprised of degraded swamp habitat with second-growth swamp species.

The proposed enhancement mitigation project would consist of planting cypress trees and other suitable fresh swamp species in an effort to reforest and stabilize this area that has been impacted recently by high salinity levels and historically by logging. Enhancement of cypress swamp wetlands in the area has been successfully undertaken in the past and should similarly be successful in this instance. In fact, the USACE has proposed a very similar enhancement project on the Joyce Wildlife Management Area (WMA) as part of its proposed mitigation for the unavoidable wetland impacts associated with the BBA 18 projects. The EA states that the proposed mitigation projects at Joyce *performed better than all other proposed projects under the Risk and Reliability, Time, and Project Cost Considerations criteria and was therefore the highest ranked project based on AE results.* Based on similarity to the proposed mitigation project at Joyce WMA, this proposed mitigation project should rank similarly high.

PROPOSED PLANTING

Planting would be conducted during the non-growing season which is defined as December 15th through March 15th. Cypress swamp would be restored using a combination of canopy and midstory species from the lists below in the appropriate percentages as listed. Final canopy and midstory species and composition would be determined by site conditions and commercial availability. Additionally, adjustments to planting density would be made in the field depending on current on-site conditions. Due to the variations in site conditions inherent in enhancement type mitigation projects and the unknown commercial availability of proposed species, the final planting protocol will be developed in concert with the USACE.

Table 1. Proposed Planting List for Canopy Species

Common Name	Scientific Name	Composition
Baldcypress	<i>Taxodium distichum</i>	80%
Tupelogum	<i>Nyssa aquatica</i>	20%
Green Ash	<i>Fraxinus pennsylvanica</i>	5%-10%
Bitter Pecan	<i>Carya x lecontei</i>	5%-10%
Drummond Red Maple	<i>Acer rubrum var. drummondii</i>	5%-10%

Table 2. Proposed Planting List for Midstory Species

Common Name	Scientific Name	Composition
Buttonbush	<i>Cephalanthus occidentalis</i>	TBD
Roughleaf dogwood	<i>Cornus drummondii</i>	TBD
Swamp privet	<i>Forestiera acuminata</i>	TBD
Possumhaw	<i>Ilex decidua</i>	TBD
Virginia willow	<i>Itea virginica</i>	TBD
Wax myrtle	<i>Myrica cerifera</i>	TBD
Swamp rose	<i>Rosa palustris</i>	TBD
American snowbell	<i>Styrax americanus</i>	TBD

Prior to planting, the site would be prepared as needed to facilitate planting and would be in accordance with accepted scientific guidelines. Resultant ground elevations must be appropriate for the establishment of the specific wetland species proposed in this plan.

Application of appropriate/approved herbicides, control burning and/or mowing would be conducted as necessary prior to planting activities to eradicate or reduce competition from non-target woody and herbaceous vegetation that could adversely affect seedling/tree survival and/or growth. The site would be maintained by mechanical controls, approved chemical controls, or a combination thereof on an as needed basis. An area approximately three (3) to four (4) feet in diameter around the base of each seedling/tree would be cleared of vegetation as needed during the first two (2) growing seasons. Any chemicals required would be applied according to label and in a manner that insures survival of the planted seedlings/trees. To prevent herbivory each planted seedling would have a tree guard installed.

Seedlings would be planted on 18-foot centers with a density of 134 trees per acre. As each hole is excavated, a measured amount of fertilizer would be placed in the hole below the tree. Fertilizer shall be applied according to label. Plantings would consist of two-year-old seedlings, or large one-year-old seedlings of Baldcypress and the other species identified in Tables 1 and 2.

A minimum of seventy-five percent (75%) of the seedlings must survive through the end of the first growing season to meet success criteria. If that percentage is not attained, all dead and/or missing seedlings would be replaced during the next growing season. Re-planting would continue until at least seventy-five percent (75%) survival is obtained through the end of the growing season following planting. Dead and/or missing seedlings would be replaced on an annual basis until the seventy-five percent (75%) survival rate is achieved through one complete growing season. A minimum of seventy-five percent (75%) of seedlings must survive through the end of the second growing season following successful attainment of the one (1) year survivorship criterion described above. Seedlings established through natural recruitment may be included in the tally.

Nature Land would provide the USACE with monitoring reports documenting survival, growth rates, and species composition for each planting until the one (1) year survivorship criterion described above is achieved. A subsequent survey would be conducted one year after attainment

of the above survival criterion to verify the presence of the seventy-five percent (75%) survival rate. Thereafter, the land would be transferred to the LDWF for inclusion in the adjacent MSWMA and/or to the non-federal sponsor for continuing operation.

If any portion of the site is destroyed or adversely impacted by activities and/or occurrences, other than by Acts of God, the USACE would be so advised in writing by Nature Land and restoration would be made to the affected area.

Nature Land would record a Louisiana Conservation Servitude to ensure that the area is maintained in perpetuity. The servitude would be filed in the conveyance records of St. John the Baptist Parish, Louisiana.

PERFORMANCE

In order for the proposed mitigation to be considered acceptable for mitigating wetland impacts, the property would be restored such that it meets wetland criteria as described in the 1987 Corps of Engineers Wetland Delineation Manual (the 1987 Manual) as well as the November 2010 Regional Supplement for the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region Version 2.0. Performance standards (success criteria) used to measure the success of the mitigation area are provided below.

Initial Success Criteria:

- Hydrology: Ground surface elevations must be conducive to establishment and support of hydrophytic vegetation, and re-establishment and/or maintenance of hydric soil characteristics.
- Vegetation: A minimum of 100 planted seedlings per acre must survive through the end of the second spring following the planting (i.e., Year 1). The surviving seedlings must be representative both in species composition and percentage developed between Nature Land and the USACE.

Interim Success Criteria:

- Hydrology: Ground surface elevations must be conducive to establishment and support of hydrophytic vegetation, and re-establishment and/or maintenance of hydric soil characteristics.
- Vegetation: For a given planting, a minimum of 100 seedlings/saplings per acre must be present at the end of the second year (i.e. Year 2) following successful attainment of the one-year survivorship criteria. Trees established through natural recruitment may be included in this tally; however, no less than 100 seedlings per acre must be present

INVASIVE SPECIES CONTROL

Invasive and exotic flora such as Chinese tallow will be controlled by either cutting, herbicide treatment or a combination of these methods. Exotic fauna such as nutria (*Myocastor coypus*) may be controlled by legal methods such as trapping, shooting, etc., if necessary.

MONITORING

Nature Land agrees to perform all work necessary to monitor the mitigation area to demonstrate compliance with the success criteria established in this prospectus. Nature Land will monitor the mitigation area in the spring of each monitoring year using the guidelines as proposed herein.

Permanent Monitoring Stations:

Immediately following initial planting of the mitigation area, Nature Land would randomly establish a permanent circular monitoring station for every 100 acres included in the mitigation area. Each station would have a minimum area of 1/50th acre. Stations would be identified with a permanent marker (e.g., an 8-foot PVC pipe anchored with a metal post at plot center) and GPS coordinates will be recorded for each station. A map would be provided to the USACE that depicts the location of the monitoring stations as well as a list containing the geographic coordinates for each station. A document providing seedling information would be presented for each monitoring station identifying the species (by scientific and common name), height, diameter, wetland rating, hard mast or soft mast categorization, and general condition of each stem. Surveys of permanent monitoring stations would occur immediately following planting to establish baseline information and after achieving initial success criteria.

The survey of the permanent monitoring stations will collect data to evaluate the survival rate of planted vegetation; number, species and growth rates (average heights and diameter). In addition to planted seedlings, surveys will include the number by species of volunteering trees, shrubs and woody vines. Surveys will also collect information regarding colonizing plant species, the wetland plant status (scaled from obligate (OBL) to upland (UPL) of each and the number by species of exotic/noxious specimens. Digital photographs would be taken at each monitoring station and throughout the mitigation area to document overall conditions.

If monitoring for any given year determines that the planted area is not progressing as expected, monitoring would continue on an annual basis until the planted area successfully meets or exceeds established success criteria goals.

Floristic Survey:

As part of the monitoring requirements, a complete a comprehensive floristic survey would be conducted to document the progress of the mitigation area towards long-term success. The floristic survey should be comprehensive over the entire site, and should be conducted using systematic field techniques. This survey should provide a list of plants and communities existing on the site. The monitoring report will discuss any issues that have impacted the plantings such as disease, drought, predation, or herbivory, etc.

Nature Land would evaluate the entire extent of the mitigation area and provide observations concerning overall seedling survivorship, colonization of the mitigation area by volunteer plant species, presence of invasive/noxious species, wildlife utilization and any other information that is pertinent to achievement of initial and long-term success.

Hydrologic Conditions:

A description of the condition of any applicable hydrology altering features (culverts, ditches, plugs, etc.) and a general discussion of hydrologic conditions at monitoring stations would be provided.

REPORTING

Nature Land will provide timely reports and data to the USACE as required. The various reports will follow the guidelines listed below:

As-Built Report:

An As-Built Report would be submitted to the Corps within 60 days following completion of any required work. The As-Built Report would describe in detail the work performed and provide a list of species planted, the number of each species, the hard or soft mast categorization, and the wetland rating for each species planted. At a minimum, the report shall provide the following:

- Schematic showing plantings with written documentation, plan view and cross-sectional drawings of all construction and establishment work implemented throughout the mitigation area, if any.
- Detailed descriptions of site preparation, planting procedures, etc.
- Description of the condition of any applicable hydrology altering features (culverts, ditches, plugs, etc.) and a general discussion of hydrologic conditions throughout the mitigation area.

Initial Success Criteria Report:

Nature Land will monitor the planted areas in the spring (March 15-May 31) following initial planting and provide an Initial Success Criteria Report by July 31st of that year. The report shall include the following:

- Initial success determination. Brief description of any anticipated maintenance and/or management work to be conducted prior to attainment of interim success criteria.
- Details on any maintenance/management work conducted throughout the mitigation area after submission of the as-built report.
- Survey data collected from the permanent monitoring stations. Plot data should be included in tabular form on all planted seedlings falling within each permanent circular monitoring plot.
- Description of the condition of any applicable hydrology altering features (culverts, ditches, plugs, etc.) and a general discussion of hydrologic conditions at each permanent monitoring station.
- Maps showing the location of all permanent monitoring stations, and a table that provides the geographic coordinates of each permanent monitoring station.
- Digital photographs at each permanent monitoring station and throughout the mitigation area.

Monitoring Reports:

The monitoring reports would include data sufficient for comparison to the performance standards. Nature Land would also include, in these reports, a discussion of all activities which have taken place on the mitigation area. Nature Land would submit monitoring reports documenting efforts on the mitigation area to the USACE by July 31st of the year monitoring occurs. The monitoring reports shall provide the following:

- Interim success determination. Brief description of any anticipated maintenance and/or management work needed to maintain success.
- Survey data collected from the permanent monitoring stations. Plot data should be included in tabular form on all planted seedlings falling within each permanent circular monitoring plot. A description of the general condition of the seedlings, including the number and species of surviving seedlings in each permanent circular monitoring plot and a discussion of likely causes of mortality for the non-survivors shall be provided.
- Survival rate of planted and volunteer vegetation; number, species and growth rates (average heights and diameter).
- Information regarding colonizing plant species, the wetland plant status (scaled from obligate (OBL) to upland (UPL) of each.
- An estimate (by species) of exotic/invasive species, including a description of the generalized degree of distribution and whether they are predominately seed-bearing trees or seedlings should be provided.

- Description of the condition of any applicable hydrology altering features (culverts, ditches, plugs, etc.) and a general discussion of hydrologic conditions at each permanent monitoring station.
- Maps showing the location of all permanent monitoring stations, and a table that provides the geographic coordinates of each permanent monitoring station.
- Digital photographs would be taken at each permanent monitoring station and throughout the mitigation area to document overall conditions.

ADAPTIVE MANAGEMENT

An adaptive management strategy, contingency and remedial responsibilities would be developed and implemented in the event that monitoring reveals that certain success criteria have not been met or other changes to the mitigation area are necessary to meet continued success criteria. In the event of a deficiency, Nature Land shall notify the USACE and provide an analysis of the possible reasons for the deficiency and an analysis of remedial measures necessary and adaptive management options available to maintain compliance.

For any other component of the proposed project that requires adaptive management, Nature Land would develop an adaptive management plan that identifies the problem, presents possible reasons for the problem and proposes solutions for resolving the problem. The adaptive management plan would be presented to the USACE for review and recommendations.

The most important component necessary to the success of this proposed project is the establishment of wetland vegetation. In the event that this component is unsuccessful the following remedial measures would be implemented. If seedling survival standards are not met as specified, Nature Land would take appropriate remedial action, as recommended by the USACE, to address the causes of mortality and shall replace seedlings of the appropriate species during the following planting season. Replanting, monitoring and reporting, as described elsewhere in this document, shall occur as needed to achieve and document the required survival rate. If the performance standards are not met after three unsuccessful attempts, the USACE will convene a meeting with Nature Land to decide if replanting should continue.

WETLAND VALUATION ASSESSMENT (WVA)

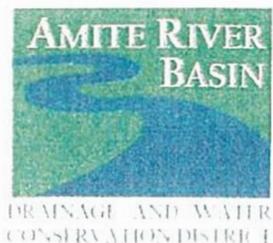
The Habitat Suitability Index (HSI) factors used by the USACE for the WVA at Joyce WMA were used in this analysis since the projects are very similar. Based on these factors, the model estimates that Nature Land's proposed mitigation project would replace approximately 624.0 Average Annual Habitat Units (AAHUs) lost through the direct impacts from construction of WSLP hurricane protection levee.

CONCLUSION

It is difficult to find enough scientifically defensible compensatory mitigation areas to mitigate for all of unavoidable wetland impacts associated with the proposed BBA 18 projects, including WSLP hurricane protection levee, in the Lake Pontchartrain Hydrologic Basin. The mitigation project proposed herein would provide on-site, in-kind compensatory mitigation for the unavoidable wetland impacts within the Louisiana Coastal Zone in the Lake Pontchartrain Basin.

There would be a beneficial impact to wetlands as approximately 3,600 acres of degraded swamp would be enhanced by planting with high quality swamp species. When added to other past, present, and reasonably foreseeable ecosystem restoration and mitigation projects in the study area, implementation of this project would help retard the loss of wetlands, prevent the net loss of forested wetland functions and overall decline of wildlife species within the basin. It would be beneficial in both preserving the species bio-diversity and combating the current trend of conversion of coastal wetlands to open water, which could be accelerated due to sea level rise. The enhancement of the existing swamp would increase spawning, nursery, forage and cover habitat for fisheries and aquatic species that currently utilize the surrounding area. A project of this magnitude serves to impact the region in a positive way by contributing renewed natural scenery and wildlife habitat and promote recreation opportunity.

Thank you for your review of and comments on Draft EA #576. The USACE appreciates the proposal from Nature Land Company, LLC to mitigate some of the impacts associated with the West Shore Lake Pontchartrain hurricane protection levee. There are two ways the USACE could utilize the lands being offered by the Nature Land Company, LLC. 1) Through the USACE Regulatory 404 process, Nature Land Company, LLC could establish a mitigation bank with bottomland hardwoods, LDNR approved swamp, or LDNR bottomland hardwood credits for sale. If Nature Lands receives a credit release by the time the USACE is ready to implement the mitigation discussed in EA #576, the USACE could consider buying such credits through a solicitation process, through which any mitigation bank meeting eligibility requirements and having the appropriate resource type of credits could submit a proposal to sell credits. Purchase of credits would be dependent on receipt of an acceptable proposal and total purchase cost. 2) Nature Land Company, LLC could offer to sell the land, in fee, to the USACE in the name of the Non-Federal Sponsor for the USACE to consider constructing a mitigation project on. If you have any questions or concerns, feel free to contact Elizabeth Behrens at 504-862-2025.



February 28, 2020

John Bel Edwards

Governor

Dietmar Rietschier
Executive Director

Board of Commissioners

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Jerry Thibeau
Ascension Parish
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St. Helena Parish

Lionel L. Bailey, Sr.
St. James Parish

Richard St. Pierre
St. James Parish

Donald E. Thompson
Member-at-Large

Toni B. Guitrau
Executive Secretary

Dear Ms. Tammy H. Gilmore
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South
New Orleans Environmental Branch. CEMVN-PDS-C
7400 Leake Ave
New Orleans La. 70118

Ref: Review Comments. Environmental Assessment # 576. (AE-576)

Dear Ms. Gilmore:

This letter is in response to your Notice of Availability of the above referenced document and seeking comments. This response is specifically regarding the Comite River Diversion Canal Project. This project was authorized many years ago and has been under construction for the last 19 years. As indicated in the AE-576 this project has also gone through two previous Environmental Assessments , EA-222 (1995) and EA-426 (2012).

Under these two Environmental Assessments, the Louisiana Department of Transportation & Development (LADOTD) and the Amite River Basin and Water Conservation District (ARBC) has acquired mitigation lands from mitigation banks and private owners, specifically flanking remnants of properties crossed by the canal Right of Way.

The AE-576 acknowledges the acquisition of 385.62 AAHU but is not specific about their source.

We want to make sure that the " mitigation lands" flanking the Comite River Diversion Canal right of way that have been acquired be included in the AAHU's calculations.

Specifically:

- 1) Flanking lands on ARBC Tract 477. See attached map 1
- 2) Flanking lands in the McHugh Rd. vicinity. Tracts 41, 42, 43, 44, ME-80 and Me-115. See attached map 2.
- 3) Flanking lands on ARBC tract 46. See attached map 3

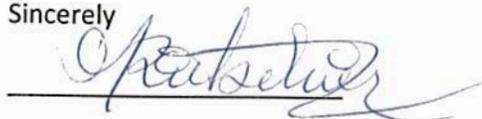
The aggregate acreage of all of these mitigation areas is approximate 740 acres.

Please note that the maps are at different scales due to the map sources.

We are also asking that other potential lands with large flanking land remnants along the Comite River Diversion Canal Right of Way be considered for mitigation purposes. Such a strategy will result in cost savings and substantial credits in AAHU's.

Thank you for your consideration. I am reachable by phone at 225-296-4900 or email drietschier@amitebasin.org.

Sincerely

A handwritten signature in black ink, appearing to read "Drietschier", written over a horizontal line.

Dietmar Rietschier / Executive Director

Attachments

MAP 1

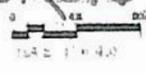
TRACT 477 (CARMENA)



1 inch = 472 feet

MAP-2

COMITE RIVER DIVERSION CANAL PROJET



ONS:

1. The proposed canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

2. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

3. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

4. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

5. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

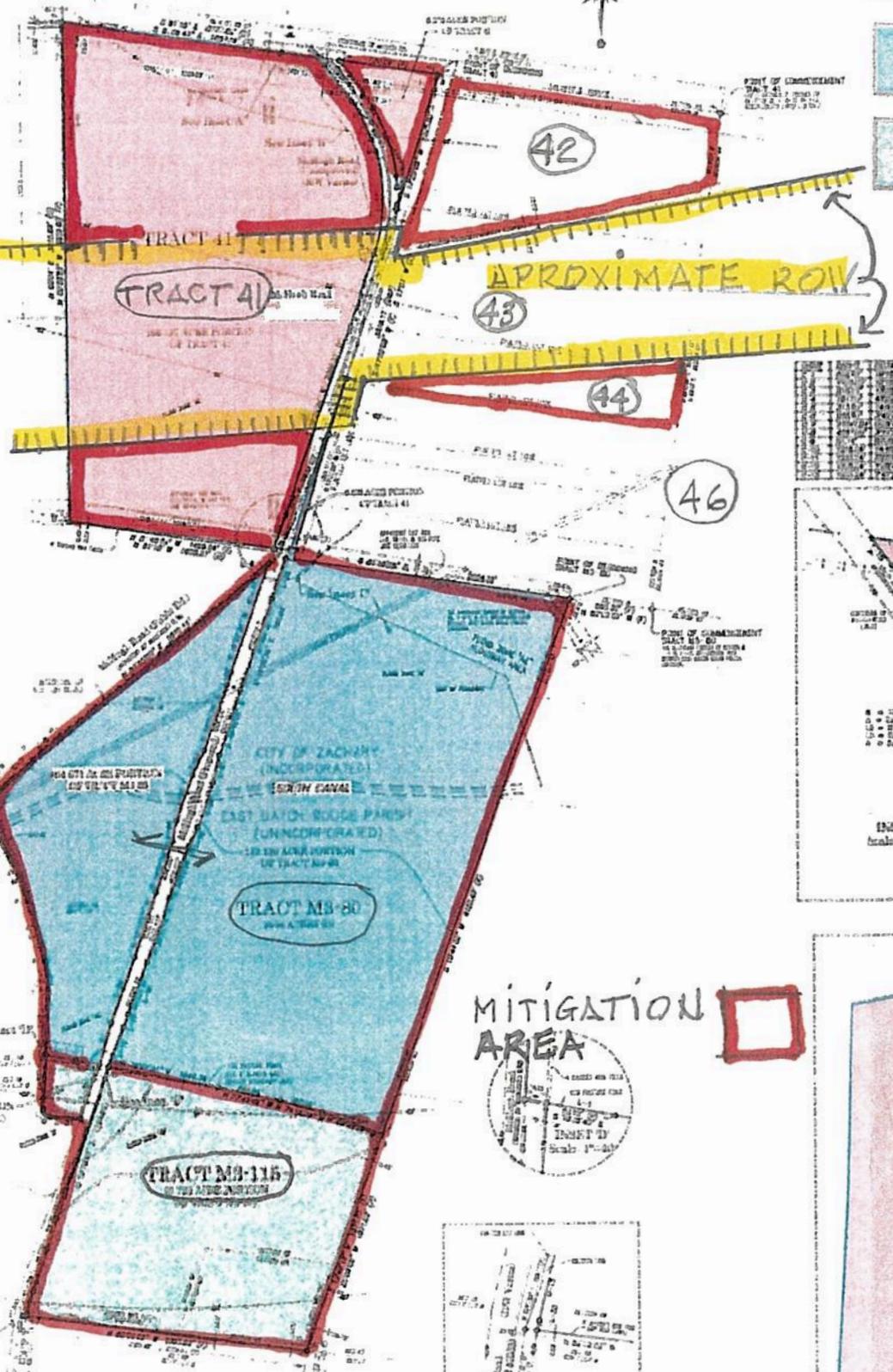
6. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

7. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

8. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

9. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

10. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.



RAI NOTES:

1. The proposed canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

2. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

3. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

4. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

5. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

6. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

7. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

8. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

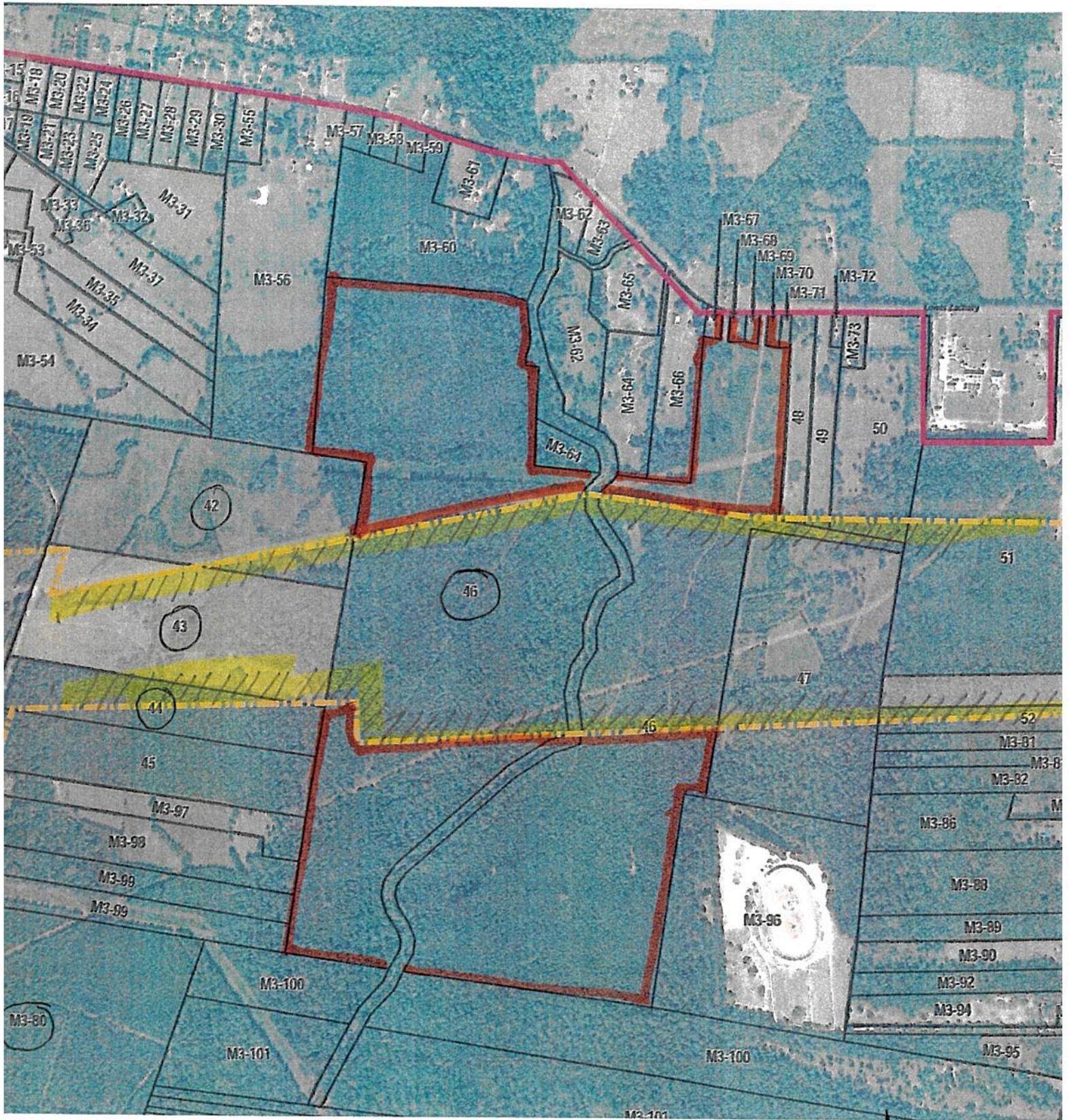
9. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

10. The canal is shown in yellow and is approximately 100 feet wide. It is located in the center of the map, running north-south.

MITIGATION AREA



MAP 3



MITIGATION AREA. 



Thank you for your comment letter on the Draft EA #576. The USACE appreciates your suggestion to utilize the lands included in your letter to mitigate the impacts incurred from the Comite project. As EA #576 states, the USACE previously satisfied 385.62 AAHUs of necessary mitigation for the Comite project leaving 319 AAHUs of remaining mitigation needs. The 385.62 AAHUs were satisfied through the construction of the Carmena tract (33.15 AAHUs/75 acres) and the purchase of mitigation bank credits (218.47 AAHUs). The other lands that were included on your letter do not meet the criteria for mitigation. Most are completely forested already and, under our current policy, consistent with the 404 Regulatory Program, preservation cannot be utilized to mitigate direct impacts. Others are too fragmented and do not meet the screening criteria for BBA 18 mitigation.



February 19, 2020

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U.S. Army Corps of Engineers
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South; PDS-C
7400 Leake Ave, New Orleans, Louisiana 70118-3651
Via Email: mvnenvironmental@usace.army.mil

RE: Comments regarding Draft EA #576: Bipartisan Budget Act Construction Projects; West Shore Lake Pontchartrain (WSLP), Comite River Diversion (COMITE), and East Baton Rouge Flood Risk Management (EBR) BBA Construction Mitigation

Dear U.S. Army Corps of Engineers,

DIRECTORS

Michael Bagot
Carl Britt
Benjamin Caplan
Amy Cohen
Frank Cole
Justin Gremillion
John Kinabrew
Suzanne Terrell
LaVerne Toombs
Zoila Osteicoechea
David Waggonner

The Lake Pontchartrain Basin Foundation (LPBF) strongly supports the Mississippi River Reintroduction into the Maurepas Swamp. The recent acquisition of \$130,000,000 of RESTORE funding by the State of Louisiana’s Coastal Protection and Restoration Agency is an important step in the right direction toward achieving this vitally important goal. The science shows that this project will not only restore ecologically important habitat through providing nutrient rich, fresh water to degraded swamp forest, it will also work in tandem with the West Shore Lake Pontchartrain Levee Project as “Multiple Lines of Defense” to protect coastal communities from storm surge.

Unfortunately, the recently released Environmental Assessment for the levee project does not include funding for the Maurepas reintroduction in the proposed mitigation plans. We are of the opinion that this would be a huge missed opportunity on behalf of the Army Corps of Engineers to both provide additional protection for the new levee and restore an estimated 45,000 acres of degraded swamp.

Kristi Trail
Executive Director

As one of the largest remaining contiguous tracts of cypress tupelo swamp in the gulf region, this 63,000 acre swamp is a critical resource for the state of Louisiana. Historically, this expansive swamp provided habitat for culturally important wildlife species for hunting, fishing, and ecotourism. However, in recent decades the lack of Mississippi River connection has resulted in low oxygen water with little nutrients and stagnant water that has limited growth and regeneration of dominant cypress trees. Significant reductions in fresh water input after nearly a century of Mississippi River disconnection have allowed for salt water intrusion via connections with Lake Pontchartrain, resulting in visible tree mortality. Overall, the mighty swamp is only a semblance of the great forest that it once was. However, the Reintroduction of the Mississippi River is the best opportunity to alter this trajectory and restore the swamp.

Prior to the closure of the Mississippi River Gulf Outlet (MRGO) in 2009, drought conditions during the late 20th century combined with storm surges from tropical storm events caused widespread mortality of cypress trees around the Lake Pontchartrain and Lake Maurepas perimeter. The benefits of Mississippi River influence on the swamp ecosystem are clearly visible by comparing the healthy swamp forests within the Bonnet Carré spillway and the ghost

forests adjacent to the spillway when driving on Interstate 10. It is clear from this example that Mississippi River reintroduction into the Maurepas Swamp can provide an important source of fresh water to coastal swamp forests during droughts and help flush out salt water after storm surges to help prevent tree mortality.

The Lake Pontchartrain Basin Foundation is actively restoring the Manchac land bridge that lies between Lakes Maurepas and Pontchartrain as a part of our “Multiple Lines of Defense” Strategy. A forested Manchac land bridge can reduce storm surge intensity for communities surrounding Lake Maurepas. Reduced salinities in this area from the closure of the MRGO are paving the way for swamp restoration and reforestation. LPBF has planted approximately 39,000 cypress, swamp maple, and tupelo trees in an attempt to bring forest back to areas that converted to open marsh. Seedlings planted in Maurepas swamp have a slower growth rates as compared to seedlings planted within the Caernarvon diversion area of influence south of New Orleans. The reintroduction of the Mississippi River into Maurepas Swamp will act to decrease salinities during drought and increase nutrient input, improving the growth rate of trees and thus the chances of successful land bridge restoration.

We strongly encourage the Army Corps of Engineers to reconsider the reintroduction of the Mississippi River into Maurepas Swamp as a mitigation strategy for the West Lake Pontchartrain Levee Project. The continuing restoration of the Maurepas Swamp relies on funding of this project. Given the synergistic nature of the Maurepas diversion with the levee project and the enormous potential to restore degraded swamp habitat within the same basin while providing additional flood protection for surrounding communities, we see this allocation of mitigation funding as a win for all parties involved.

Sincerely,



Kristi Trail
Executive Director

CC: John Lopez, LPBF

Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.



LOUISIANA WILDLIFE FEDERATION

"... conserving our natural resources and your right to enjoy them since 1940."

337 S. Acadian Thruway, Baton Rouge, LA 70806
P.O. Box 65239, Baton Rouge, LA 70896-5239

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

February 28, 2020

Submit to: mvnenvironmental@usace.army.mil

RE: BIPARTISAN BUDGET ACT (BBA) CONSTRUCTION PROJECTS; WEST SHORE LAKE PONTCHARTRAIN (WSLP), COMITE RIVER DIVERSION, AND EAST BATON ROUGE (EBR) FLOOD RISK MANAGEMENT, BBA CONSTRUCTION MITIGATION EA #576

Dear U.S. Army Corps of Engineers,

Louisiana Wildlife Federation (LWF) has worked to increase awareness in the River Parishes about coastal restoration projects. LWF's outreach efforts have been focused on educating citizens, community leaders and elected officials on the importance of restoring the Maurepas Swamp region. Of particular focus are diversion projects in the area that would reconnect the Mississippi River to these sinking wetlands – projects such as the River Reintroduction into Maurepas Swamp.

Urgent action and innovative approaches are critical to restore our coastal wetlands and protect our communities. LWF strongly encourages the Army Corps to consider using the construction of the Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project as mitigation for the loss of bottomland hardwood and swamp habitat that will occur through the construction of the West Shore Lake Pontchartrain levee (WSLP).

As you are likely aware, the River Reintroduction into Maurepas Swamp is a widely supported project that will provide sediment and fresh water to existing wetlands in East Maurepas swamp, benefitting over 45,000 acres of swamp that are currently in a state of rapid decline. The project will aid the prevention of further wetland loss and the conversion of swamps to marshes, as well as helping to offset future increases in salinity throughout the western Pontchartrain Basin due to subsidence and sea level rise. The fine grain sediment may also help increase elevation to a point where there are periods without inundation so that seeds can germinate, perpetuating the forest into the future.

The River Reintroduction into Maurepas Swamp project will be built directly adjacent to the United States Army Corps of Engineers' West Shore Lake Pontchartrain levee project. Our reasoning for the Army Corps' selection of this project as mitigation for the WSLP are as follows:

- The long-term ecosystem benefits of the River Reintroduction into Maurepas Swamp project would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the West Shore Lake Pontchartrain project.
- There will be cost savings and efficiencies by doing the projects in tandem.
- The River Reintroduction project will help build land which will provide a critical line of defense against storm surge that will benefit the WSLP project. This protection will reduce long term maintenance costs for WSLP and help protect the levee system.
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- Army Corps investment in the restoration project will free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration projects across the

coast instead of using their agency funding on the balance of funds needed to complete the swamp restoration project.

Additionally, the restoration project will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. This will prevent the two lakes from merging, a situation that would be devastating and could send storm surge to communities from the River Parishes into the Greater Baton Rouge area.

The WSLP project presents a common-sense opportunity to reap multiple benefits by linking the levee project to the adjacent swamp restoration project. Providing funds to help construct the restoration project as mitigation for the loss of adjacent wetlands due to levee construction is a sound investment in coastal restoration and community protection. Choosing to use the River Reintroduction into Maurepas Swamp project as mitigation for WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss crisis.

Louisiana Wildlife Federation is a statewide, nonprofit organization that represents 21 affiliate organizations and more than 5,400 members dedicated to the conservation of Louisiana's wildlife and natural resources. Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca Triche". The signature is written in a cursive, flowing style.

Rebecca Triche
Executive Director

Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.

February 21, 2020

Submit to: mvnenvironmental@usace.army.mil

RE: BIPARTISAN BUDGET ACT (BBA) CONSTRUCTION PROJECTS; WEST SHORE LAKE PONTCHARTRAIN (WSLP), COMITE RIVER DIVERSION, AND EAST BATON ROUGE (EBR) FLOOD RISK MANAGEMENT, BBA CONSTRUCTION MITIGATION EA #576

Dear U.S. Army Corps of Engineers,

We represent over one-hundred coastal stakeholders and community leaders who understand the great need for urgent action and innovative approaches to restore our coastal wetlands and protect our communities. We strongly encourage the Army Corps to consider using the construction of the Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project as mitigation for the loss of bottomland hardwood and swamp habitat that will occur through the construction of the West Shore Lake Pontchartrain levee (WSLP).

As you are likely aware, the River Reintroduction into Maurepas Swamp is a widely supported project that will provide sediment and fresh water to existing wetlands in East Maurepas swamp, benefitting over 45,000 acres of swamp that are currently in a state of rapid decline. The project will aid the prevention of further wetland loss and the conversion of swamps to marshes, as well as helping to offset future increases in salinity throughout the western Pontchartrain Basin due to subsidence and sea level rise. The fine grain sediment may also help increase elevation to a point where there are periods without inundation so that seeds can germinate, perpetuating the forest into the future.

The River Reintroduction into Maurepas Swamp project will be built directly adjacent to the United States Army Corps of Engineers' West Shore Lake Pontchartrain levee project. Our reasoning for the Army Corps' selection of this project as mitigation for the WSLP are as follows:

- We believe that the long-term ecosystem benefits of the River Reintroduction into Maurepas Swamp project would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the West Shore Lake Pontchartrain project.
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projects across the coast instead of using their agency funding on the balance of funds needed to complete the swamp restoration project.

Additionally, the restoration project will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. This will prevent the two lakes from merging, a situation that would be devastating and could send storm surge to communities from the River Parishes into the Greater Baton Rouge area.

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Sincerely,

*Adam Adkisson
Triton Boats*

*Adam Knapp
Baton Rouge Area Chamber*

*Alan Ranson
Strike King Lure Company*

*Albertine Kimble
Vanishing Paradise Sporting Council
Plaquemines Parish Landowner*

*Alex Posorske
Ride NOLA*

*Allen Hughes
Avery Outdoors
Branded Brands
Greenhead Gear*

*Angela Chalk
Healthy Community Services*

*Arthur Johnson
Lower 9th Ward Center for Sustainable
Engagement and Development*

*Barbara Johnson
The Great Delta Tours*

*Ben Johnson
New Orleans Chamber of Commerce*

*Bill Buckley
Bill Buckley Outdoor Photography*

*Blaine Jones
Cajun Catch Seafood*

*Blaine Salter
Salter's Jiggin Poles*

*Brent Roy
Venice Charters Unlimited*

*Brian Chandler
Key Corner Sportsman's Club*

*Burton Angelle
Louisiana Sportsman Magazine
Concerned Louisiana Sportsman*

*Butch Davis
Godfather Manufacturing*

*Captain Anthony Buquoi
Spot On Fishing Charters*

*Captain Chad Biliot
Marsh Rat Guide Service*

*Cassie Reeves
Grow Dat Youth Farm*

*Chris Brown
Anglerschannel.com*

*Chris Haines
The Arlene and Joseph Meraux Charitable
Foundation*

*Chris Hill
Premier Custom Calls
Premier Turning*

*Chris Macaluso
Teddy Roosevelt Conservation Partnership*

*Clay Conner
Xpress Boats*

*Cynthia Sarthou
Healthy Gulf*

*Chef Dana Honn
Carmo*

*Deacon Charmaine Kathmann
All Saints' River Ridge*

*Deacon Joey Clavijo
Saint George's Episcopal Church*

*Doug Karpicke
Riverview Appraisal*

*Mayor Edwin M. "Ed" Reeves, Jr
City of Plaquemine*

*Elton Rodrigue
Catch Dat Charters*

*Erik Guggenheim
Delta Structural Technology*

*Fred Zink
Zink Calls
Avian-X Decoys*

*Garry Mason
Legends of the Outdoors Hall of Fame*

*Gary Rispone
Paradise Louisiana TV*

*Gene Gilliland
Bass Anglers Sportsman Society (BASS LLC)
BASS Fishing Hall of Fame*

*Greg Gasparecz
Lakeview resident, New Orleans*

*Harry Shearer
Entertainer*

*Chef Isaac and Amanda Touns
Touns' Meatery*

*Jackie VanCleave
Blackley VanCleave Fishing*

*President Jaclyn Hotard Gaudet
St. John the Baptist Parish*

*Jake Latendresse
Latendresse Media*

*Jay Addison, DVM
Land Trust for Louisiana*

*Jeffrey Goodman
Krewe D'Ensit 
The Urban Conservancy*

*Jennifer Coulson
Orleans Audubon Society*

*Jessica Dandridge
Water Collaborative*

*Jim Ronquest
Good Guy Productions
RNT Calls*

*Jimmy Rabin
Creative Cajun Cooking*

*Jon Dijkhuizen
NOLA Woodworks*

*Ken Naquin
Louisiana Association of General
Contractors*

*Kent Saxon
Gator Trax Boats*

*Kevin Paulsen
Huntinglife.com*

*Kirk Rhinehart
Royal Engineering & Consultants, LLC*

*Larry Rea
Outdoors with Larry Rea*

*Chef Leighann Smith
Piece of Meat*

*Linda Stone
Global Green USA*

*Liz Williams Russell
Foundation for Louisiana*

*President Matthew Jewell
St. Charles Parish*

*Marcus Campo
NOLA Build*

*Marissa Turner
Turner House Productions & Digital Media*

*Marty Mayer
Coalition for Coastal Resilience and the
Economy (CCRE)*

*Michael Fleeman
Black Ops Duck Calls*

*Michael Hecht
Greater New Orleans, Inc. (GNO, Inc.)*

*Mickey Graham
MG Structures*

*Mike Boyd
Beaver Dam Hunting Services*

*Mike Gorman
Gorman Brothers Appliances*

*Mike McNett
United States Angling Confederation
USA Ice Team*

*Mike Robertshaw
First Grace United Methodist Church Green
Team*

*Mike Smith
Louisiana Marsh Guide Service*

*Chef Nathan Richard
2019 King of Louisiana
American Seafood*

*Parish Council
St. Charles Parish*

*Pastor Shawn Moses Anglim
First Grace United Methodist Church*

*Pat Pitt
LLDC Sportsman's Club
The Waterfowler Taxidermy*

*Rabbi Todd Silverman
Touro Synagogue*

*Randy Fertel
Fertel Foundation*

*Chef Rebecca Wilcomb
Gianna Restaurant*

*Rick Allison
Capital Heavy Equipment*

*Rockey LeFlore
Ducksouth*

*Rod Haydel
Haydel's Game Calls Inc.*

*Russ Allison
Allison Contracting*

*Captain Ryan Lambert
Cajun Fishing Adventures
Grand Ridge Golf Course*

*Chef Ryan Prewitt
Peche*

*Sandy Rosenthal
Levees.org*

*Sarah Mack, PhD
Tierra Resources, LLC*

*Scott Gordon
Take 'Em Magazine*

*Scott Kirkpatrick
Coast Builders Coalition*

*Steve McCadams
Hunting & Fishing with Steve McCadams*

*Mayor Steven T. Nosacka
Town of Gramercy*

*Stuart Swanson
Red River Cold Storage*

*Teddy Nathan
NetWork Volunteers*

*The Rev. Cannon John Kellogg
Saint Mark's Episcopal Church*

*The Rev. Dana Krutz
Louisiana Interchurch Conference*

*The Rev. Dr. Seamus Doyle
Saint John's Kenner*

*The Rev. Frederick Devall
Saint Martin's Episcopal Church*

*The Rt. Rev'd Morris King Thompson, Jr
Episcopal Diocese of Louisiana*

*The Very Rev. AJ Heine
Episcopal Diocese of Louisiana*

*Tommy Akin
Akin Promotions*

*Topher Rieth
Mid-City Construction*

*Travis Thompson
Cast & Blast Florida*

*Warren Coco
Go-Devil Manufacturers*

*Wendy Billiot
Wetland Tours and Guide Service, LLC
Wetlands Media, LLC
Camp Dularge, LLC*

*Wendy Rihner
Caring for Creation Committee of Rayne
Memorial United Methodist Church*

*Wes Higgins
Bill Lewis Fishing (Rat-L-Trap)*

*Foster A. Creppel
Plaquemines Parish Coastal Zone
Committee
Plaquemines Parish Tourism Commission
Woodland Plantation - Innkeeper*

Cc:
R.D. James, Assistant Secretary of the Army
(Civil Works)

Major General Mark Toy, Mississippi Valley
Division Commander, USACE

Colonel Stephen Murphy, New Orleans
District Commander, USACE

Chip Kline, Executive Assistant to the
Governor for Coastal Activities, Louisiana

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February 20, 2020

Submit to: mvnenvironmental@usace.army.mil

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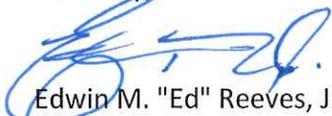
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Sincerely,

A handwritten signature in blue ink, appearing to read "Edwin M. 'Ed' Reeves, Jr.", is written over the typed name.

Edwin M. "Ed" Reeves, Jr.
Mayor
City of Plaquemine

CC:

R.D. James, Assistant Secretary of the Army (Civil Works)
Major General Mark Toy, Mississippi Valley Division Commander, USACE
Colonel Stephen Murphy, New Orleans District Commander, USACE
Chip Kline, Executive Assistant to the Governor for Coastal Activities, Louisiana

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RESTORE

THE MISSISSIPPI RIVER DELTA



MississippiRiverDelta.org

 /MississippiRiverDelta



@RestoreDelta

Comments regarding Draft EA #576: Bipartisan Budget Act Construction Projects; West Shore Lake Pontchartrain (WSLP), Comite River Diversion (COMITE), and East Baton Rouge Flood Risk Management (EBR) BBA Construction Mitigation

Dear U.S. Army Corps of Engineers,

The Restore the Mississippi River Delta Campaign is a coalition of Environmental Defense Fund, National Audubon Society, the National Wildlife Federation, the Coalition to Restore Coastal Louisiana and Lake Ponchartrain Basin Foundation, representing thousands of Louisiana members and supporters. We work together to advocate for science-based restoration of coastal Louisiana. We are writing to express our disappointment that the draft environmental assessment to mitigate for the construction of the West Shore Lake Pontchartrain Levee (WSLP) did not include the construction of the Louisiana Coastal Protection and Restoration Authority River Reintroduction into Maurepas Swamp project (to be referred to thereafter as the “Maurepas Diversion” or the “Diversion”) into this EA for consideration. We believe that this is not only the best, but the only viable option for mitigating WSLP construction impacts, and we strongly urge reconsideration.

The Maurepas Diversion has been many decades in the making. It was previously included in the New Orleans’ District LCA program as the *Small Diversion at Hope Canal*. In this iteration it was extensively studied by the Army Corps and was included as one of the five near-term critical restoration features in the Louisiana Coastal Area Study and recommendation to Congress in 2004. The diversion is now being advanced for construction by the Louisiana Coastal Protection and Restoration Authority (CPRA) with money from oil settlement funds. The diversion is projected to benefit more than 45,000 acres of bottomland hardwood and swamp habitat in the Pontchartrain basin. The diversion is being built in close coordination with the Army Corps to achieve efficiencies, including coordinating on land rights and access issues. The first 1.5 miles of the guide levee will be shared between the two projects.

These two projects will produce greater efficiencies together than either could produce alone. Land built by the Maurepas Diversion will provide protection for the WSLP which will decrease maintenance needs on the levee system over time.

We have serious concerns that the proposed action for this mitigation is *“a combination of mitigation bank credits purchases and Corps constructed projects”* despite the Corps’ admission that *“mitigation banks capable of supplying the credits needed to meet the BLH-Wet and swamp mitigation requirements at the time of solicitation is uncertain at this time. Banks currently able to meet the mitigation requirements may not be able to do so at the time of solicitation.”* It is our understanding that there are not currently enough credits available to meet the needs of the Corps, and by purchasing these credits the Corps will essentially be using all available credits within the basin, leaving little left for mitigation of other projects. We believe that using banks as the mitigation option is unacceptable when the Maurepas Diversion is a clearly superior option. Using the Maurepas



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@RestoreDelta

Diversion will benefit a large, contiguous swamp rather than fragmented parcels distributed throughout southeast Louisiana.

The Pontchartrain basin wetlands protect the most populous and economically important region in coastal Louisiana. Continued wetland loss threatens the viability of this region. As the Corps has long recognized, a suite of solutions will be necessary to address the crisis, and river reintroduction will be a critical component. As land disappears and swamp forest converts to marsh or open water, more pressure will be put on the WSLP system. The basin needs synergistic solutions that combined together will protect communities from flooding and increase the ecological resilience of the coast which is exactly what the WSLP and Maurepas diversion, together, will provide.

Additionally, the Maurepas diversion will use more robust monitoring than what is necessary for mitigation banks, due to its projected participation in the state's SWAMP program. This will offset risk associated with using the project as mitigation and provide a blueprint for future mitigation alternatives of other coastal infrastructure projects.

The Corps also asserts in its plan that *“the decision points and timing for mitigation projects should be earlier than for construction (as mitigation should occur prior to or at least not later than construction) and will likely be the same or similar for all the BBA 18 Construction projects.”* Obviously, this standard has been relaxed for numerous New Orleans District levee projects, including the HSDRRS system (West Bank and Vicinity and Lake Pontchartrain and Vicinity projects).

The Maurepas Diversion project offers a better value at a cost of \$24,781 per AAHU versus \$36,340 per AAHU estimate from the WSLP feasibility study (TSP alternative C; indirect mitigation cost (15%) = \$54 million/1504 AAHU of swamp needed).

In conclusion, we believe that mitigating the West Shore Levee Ponchartrain project by providing construction funds for the River Reintroduction to Maurepas Swamp project is the best and only viable option. Please include the Maurepas project in your mitigation plan for West Shore Lake Pontchartrain.



RESTORE

THE MISSISSIPPI RIVER DELTA



MississippiRiverDelta.org

 /MississippiRiverDelta



@RestoreDelta

Sincerely,

Brian Moore
Legislative Director,
National Audubon Society

Kim Reyher,
Executive Director
Coalition to Restore Coastal Louisiana

Natalie Snider,
Senior Director, Coastal Resilience
Environmental Defense Fund

John Lopez, Ph.D.,
Director, Coastal Sustainability Program
Lake Pontchartrain Basin Foundation

David Muth
Director, Gulf Restoration
National Wildlife Federation



Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.



February 28, 2020

RE: BIPARTISAN BUDGET ACT (BBA) CONSTRUCTION PROJECTS; WEST SHORE LAKE PONTCHARTRAIN (WSLP), COMITE RIVER DIVERSION, AND EAST BATON ROUGE (EBR) FLOOD RISK MANAGEMENT, BBA CONSTRUCTION MITIGATION EA #576

Dear U.S. Army Corps of Engineers,

We are writing as coastal stakeholders who understand the great need for urgent action and innovative approaches to restore our coastal wetlands and protect our communities. We strongly encourage the Army Corps to consider using the construction of the Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project as mitigation for the loss of bottomland hardwood and swamp habitat that will occur through the construction of the West Shore Lake Pontchartrain levee (WSLP).

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Sincerely,

*Chassity McComack, IOM
River Region Chamber of Commerce
Executive Director*

CC:

R.D. James, Assistant Secretary of the Army (Civil Works)
Major General Mark Toy, Mississippi Valley Division Commander, USACE
Colonel Stephen Murphy, New Orleans District Commander, USACE
Chip Kline, Executive Assistant to the Governor for Coastal Activities, Louisiana

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ST. JOHN THE BAPTIST PARISH

From the Office of Parish President Jaclyn Hotard

February 26, 2020

U.S. Army Corps of Engineers
Regional Planning and Environmental Division South; PDS-C
7400 Leake Ave., New Orleans
New Orleans, LA 70118-3651

RE: BIPARTISAN BUDGET ACT (BBA) CONSTRUCTION PROJECTS; WEST SHORE LAKE PONTCHARTRAIN (WSP), COMITE RIVER DIVERSION, AND EAST BATON ROUGE (EBR) FLOOD RISK MANAGEMENT, BBA CONSTRUCTION MITIGATION EA #576

To the U.S. Army Corps of Engineers:

As Parish President of St. John the Baptist Parish, I am writing to support the provision of using the River Reintroduction into Maurepas Swamp project (Maurepas Diversion) as the option to mitigate impacts to coastal resources from the construction of the West Shore Lake Pontchartrain levee project. This option is a unique opportunity to leverage federal and state needs into one solution that will nourish one of our Parish's most valued natural resources. Moreover, the Maurepas Swamp is one of the largest forested wetlands in the country which provides an essential habitat for many animal species and serves as a crucial storm buffer for residents in St. John Parish and the surrounding Lake Maurepas Basin.

Although the RESTORE Council recently voted to approve construction funding for the Maurepas Diversion, the project still lacks \$60 million to begin construction. Considering that the West Shore Lake Pontchartrain levee project is in the direct vicinity of the Maurepas Swamp, selecting the Maurepas diversion project for mitigation is a rational and justifiable decision. It will also give Louisiana the opportunity to spend its own precious restoration dollars on other needed projects along the coast.

The River Reintroduction into Maurepas Swamp has long been seen as an important coastal restoration project. Now that we are steps away from its construction, I urge the U.S. Army Corps of Engineers to seize this opportunity to help restore a needed resource that will further the completion of a "multiple lines of defense" strategy for protection of thousands of coastal residents.

Sincerely,

Jaclyn Hotard
Parish President

Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.



Town of Gramercy

"THE BEST LITTLE TOWN FOR MILES AROUND."

120 North Montz Street

P. O. Drawer 340

Gramercy, Louisiana 70052

Phone 225-869-4403 • FAX 225-869-4195



Aldermen

Barbara C. Woods
District 1

Darren Brack
District 2

Theron Louque
District 3

Craig Calcagno
At Large

Claude "Clyde" Wiggins
At Large

Robert Fauchaux, Jr.
Town Attorney

Steven T. Nosacka
Mayor

Brent Dicharry
Police Chief

February 20, 2020

US Army Corps of Engineers

Via Email mvnenvironmental@usace.army.mil

***RE: BIPARTISAN BUDGET ACT (BBA) CONSTRUCTION PROJECTS;
WEST SHORE LAKE PONTCHARTRAIN (WSLP), COMITE RIVER DIVERSION,
AND EAST BATON ROUGE (EBR) FLOOD RISK MANAGEMENT,
BBA CONSTRUCTION MITIGATION EA #576***

Dear U.S. Army Corps of Engineers,

I am writing on behalf of the Town of Gramercy LA as a coastal stakeholder who understand the great need for urgent action and innovative approaches to restore our coastal wetlands and protect our communities. We strongly encourage the Army Corps to consider using the construction of the Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project as mitigation for the loss of bottomland hardwood and swamp habitat that will occur through the construction of the West Shore Lake Pontchartrain levee (WSLP).

As you are likely aware, the River Reintroduction into Maurepas Swamp is a widely supported project that will provide sediment and fresh water to existing wetlands in East Maurepas swamp, benefitting over 45,000 acres of swamp that are currently in a state of rapid decline. The project will aid the prevention of further wetland loss and the conversion of swamps to marshes, as well as helping to offset future increases in salinity throughout the western Pontchartrain Basin due to subsidence and sea level rise. The fine grain sediment may also help increase elevation to a point where there are periods without inundation so that seeds can germinate, perpetuating the forest into the future.

The River Reintroduction into Maurepas Swamp project will be built directly adjacent to the United States Army Corps of Engineers' West Shore Lake Pontchartrain levee project. Our reasoning for the Army Corps' selection of this project as mitigation for the WSLP are as follows:

- We believe that the long-term ecosystem benefits of the River Reintroduction into Maurepas Swamp project would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the West Shore Lake Pontchartrain project.

- There will be cost savings and efficiencies by doing the projects in tandem.
- The River Reintroduction project will help build land which will provide a critical line of defense against storm surge that will benefit the WSLP project. This protection will reduce long term maintenance costs for WSLP and help protect the levee system.
- Army Corps investment in the River Reintroduction into Maurepas Swamp project will alleviate pressure on a shortage of mitigation credits from mitigation banks in the area.
- Army Corps investment in the restoration project will free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration projects across the coast instead of using their agency funding on the balance of funds needed to complete the swamp restoration project.

Additionally, the restoration project will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. This will prevent the two lakes from merging, a situation that would be devastating and could send storm surge to communities from the River Parishes into the Greater Baton Rouge area.

The WSLP project presents a common-sense opportunity to reap multiple benefits by linking the levee project to the adjacent swamp restoration project. Providing funds to help construct the restoration project as mitigation for the loss of adjacent wetlands due to levee construction is a sound investment in coastal restoration and community protection. Choosing to use the River Reintroduction into Maurepas Swamp project as mitigation for WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss crisis.

Sincerely,


Steven T. Nosacka, Mayor

CC:

R.D. James, Assistant Secretary of the Army (Civil Works)
Major General Mark Toy, Mississippi Valley Division Commander, USACE
Colonel Stephen Murphy, New Orleans District Commander, USACE
Chip Kline, Executive Assistant to the Governor for Coastal Activities,
Louisiana

Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.



State of Louisiana
Department of Health and Hospitals
Office of Public Health

February 21, 2020

Ms. Tammy H. Gilmore
U.S. Army Corps of Engineering; Regional Planning and Environment Division South
New Orleans Environmental Branch, CEMVN-PDS-C
7400 Leake Avenue
New Orleans, Louisiana 70118

**Re: Environmental Assessment (EA #576)
Bipartisan Budget Act (BBA) Construction Projects: West Shore Lake Pontchartrain
(WSLP), Comite River Diversion (Comite) and East Baton Rouge (EBR) Flood Risk
Management, BBA Construction Mitigation EA #576**

This office is in receipt of a Solicitation of Views regarding the above referenced project(s).

Based upon the information received from your office we have no objection to the referenced project(s) at this time. The applicant shall be aware of and comply with any and all applicable Louisiana State Sanitary Code regulations (LAC 51, as applicable). Furthermore, should additional project data become available to this office that in any way amend the information upon which this office's response has been based, we reserve the right of additional comments on the referenced project(s).

In the event of any future discovery of evidence of non-compliance with the Louisiana Administrative Code Title 51 (Public Health-Sanitary Code) and the Title 48 (Public Health-General) regulations or any applicable public health laws or statutes which may have escaped our awareness during the course of this cursory review, please be advised that this office's preliminary determination on this Solicitation of View of the project(s) shall not be construed as absolving the applicant of responsibility, if any, with respect to compliance with the Louisiana Administrative Code Title 51 (Public Health-Sanitary Code) and the Title 48 (Public Health-General) regulations or any other applicable public health laws or statutes.

Sincerely,

A handwritten signature in blue ink, appearing to read "Yuanda Zhu".

Yuanda Zhu, P.G., Ph.D.
Louisiana Department of Health and Hospitals, Office of Public Health
Engineering Services
Telephone: (225) 342-7432
Electronic mail: yuanda.zhu@la.gov

Thank you for your review of EA #576. The Corps appreciates your support of the proposed mitigation projects. The corps is aware of and will comply with all applicable Louisiana State Sanitary Code regulations. In addition, the Corps will solicit additional review should any project changes come about.

February 20, 2020

Submit to: mvnenvironmental@usace.army.mil

RE: BIPARTISAN BUDGET ACT (BBA) CONSTRUCTION PROJECTS; WEST SHORE LAKE PONTCHARTRAIN (WSLP), COMITE RIVER DIVERSION, AND EAST BATON ROUGE (EBR) FLOOD RISK MANAGEMENT, BBA CONSTRUCTION MITIGATION EA #576

Dear U.S. Army Corps of Engineers,

We are writing as coastal stakeholders who understand the great need for urgent action and innovative approaches to restore our coastal wetlands and protect our communities. We strongly encourage the Army Corps to consider using the construction of the Coastal Protection and Restoration Authority (CPRA) River Reintroduction into Maurepas Swamp project as mitigation for the loss of bottomland hardwood and swamp habitat that will occur through the construction of the West Shore Lake Pontchartrain levee (WSLP).

As you are likely aware, the River Reintroduction into Maurepas Swamp is a widely supported project that will provide sediment and fresh water to existing wetlands in East Maurepas swamp, benefitting over 45,000 acres of swamp that are currently in a state of rapid decline. The project will aid the prevention of further wetland loss and the conversion of swamps to marshes, as well as helping to offset future increases in salinity throughout the western Pontchartrain Basin due to subsidence and sea level rise. The fine grain sediment may also help increase elevation to a point where there are periods without inundation so that seeds can germinate, perpetuating the forest into the future.

The River Reintroduction into Maurepas Swamp project will be built directly adjacent to the United States Army Corps of Engineers' West Shore Lake Pontchartrain levee project. Our reasoning for the Army Corps' selection of this project as mitigation for the WSLP are as follows:

- We believe that the long-term ecosystem benefits of the River Reintroduction into Maurepas Swamp project would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the West Shore Lake Pontchartrain project.
- There will be cost savings and efficiencies by doing the projects in tandem.
- The River Reintroduction project will help build land which will provide a critical line of defense against storm surge that will benefit the WSLP project. This protection will reduce long term maintenance costs for WSLP and help protect the levee system.
- Army Corps investment in the River Reintroduction into Maurepas Swamp project will alleviate pressure on a shortage of mitigation credits from mitigation banks in the area.
- Army Corps investment in the restoration project will free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration

projects across the coast instead of using their agency funding on the balance of funds needed to complete the swamp restoration project.

Additionally, the restoration project will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. This will prevent the two lakes from merging, a situation that would be devastating and could send storm surge to communities from the River Parishes into the Greater Baton Rouge area.

The WSLP project presents a common-sense opportunity to reap multiple benefits by linking the levee project to the adjacent swamp restoration project. Providing funds to help construct the restoration project as mitigation for the loss of adjacent wetlands due to levee construction is a sound investment in coastal restoration and community protection. Choosing to use the River Reintroduction into Maurepas Swamp project as mitigation for WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss crisis.

Sincerely,

Board of directors for the East Ascension Sportsman League

Barney J Callahan,

barney.callahan07@gmail.com

CC:

R.D. James, Assistant Secretary of the Army (Civil Works)

Major General Mark Toy, Mississippi Valley Division Commander, USACE

Colonel Stephen Murphy, New Orleans District Commander, USACE

Chip Kline, Executive Assistant to the Governor for Coastal Activities, Louisiana

Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.

JOHN BEL EDWARDS
GOVERNOR



JACK MONToucET
SECRETARY

PO BOX 98000 | BATON ROUGE LA | 70898

February 28, 2020

SENT VIA E-MAIL: Tammy.F.Gilmore@usace.army.mil & mvnenvironmental@usace.army.mil

Attn: Ms. Tammy H. Gilmore
United States Army Corps of Engineers
Regional Planning and Environment Division South
New Orleans Environmental Branch
7400 Leake Avenue
New Orleans, LA 70118

RE: *Application Number: Draft EA #576*
Applicant: U.S. Army Corps of Engineers-New Orleans District
Notice Date: January 31, 2020

Dear Ms. Gilmore:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the above referenced Draft Environmental Assessment (EA) 576 entitled "Bipartisan Budget Act (BBA) Construction Projects; West Shore Lake Pontchartrain (WSLP), Comite River Diversion (Comite) and East Baton Rouge (EBR) Flood Risk Management, BBA Construction Mitigation EA #576. Based upon this review, the following has been determined:

General Comments:

LDWF understands that the U.S. Fish and Wildlife Service (the Service) has not been fully engaged by the U.S. Army Corps of Engineers (USACE) on BBA mitigation planning thus far. We believe that the Service, LDWF and other natural resource agencies, should be fully coordinated with to better ensure that mitigation projects are appropriate and successful in providing necessary compensation.

Compensation mitigation must be commensurate with the amount and type of aquatic resource impacts associated with actions (33 CFR 332 et seq.). Due to the nature of many of the BBA impacts, mitigation alternatives must include projects which provide ecological lift to streams. In addition to channel restoration, these alternatives should include reclamation of abandoned sand and gravel sites along the Amite River and other impacted streams within the basin. Mitigation could also include restoration and protection of stream buffer and riparian wetlands throughout the impacted basins (Comite and Amite). Sites adjacent to the impacted basins' streams should be given highest priority. If there is indeed a lack of feasible projects in those basins, we are amenable to a portion of the mitigation occurring outside of the planning area; however, mitigation must remain in proximity to the planning area, i.e., within the Pontchartrain Basin. We strongly encourage USACE to follow the mitigation hierarchy and conservation recommendations enumerated within the Service's Fish and Wildlife Coordination Act Report.

LDWF does not support the creation of wetlands where it would entail the removal of soil to lower an area down to wetland elevation unless said technique is being utilized to reclaim

abandoned sand and gravel mines on impacted basin streams or as part of stream/riparian habitat restoration.

Wildlife Management Area (WMA) Comments:

Any impacts occurring on LDWF owned and managed property shall only be mitigated on LDWF owned and managed property. In this case, impacts occurring on Maurepas Swamp WMA shall be mitigated on the WMA. Adequate and appropriate mitigation shall be planned and approved in conjunction with LDWF staff. Therefore, LDWF insists that the following statement be incorporated into EA 576:

The Joyce WMA mitigation proposal is representative of mitigation that will be accomplished on Department of Wildlife and Fisheries (LDWF) property, including Maurepas Swamp WMA. The exact location of the planting and hydrologic modifications will be coordinated with and approved by LDWF and will fully offset any adverse impacts to Maurepas Swamp WMA resulting from WSLP construction.

The proposed BBA Mitigation, Joyce WMA Swamp Enhancement project is located on LDWF's Joyce WMA. This mitigation project has been planned without prior consultation with LDWF staff. LDWF needs to be consulted in order to determine whether or not the project is appropriate and acceptable mitigation.

Furthermore, the WSLP levee crosses four separate tracts of Maurepas Swamp WMA (i.e., Mellon, MC Davis, Rogers 1, Rogers 2). Each individual Act of Sale or Act of Donation requires property alienated by WSLP levee construction to be exchanged for other property of equal or greater wetland ecological function and value.

LDWF requests that the River Reintroduction into Maurepas Swamp (PO-0029) be considered for compensatory mitigation of required swamp habitat impacts associated with construction of WSLP, Comite and EBR projects.

Inland Fisheries Comments:

When considering mitigation for unavoidable losses of fish and wildlife habitat, as reflected by loss of Average Annual Habitat Units (AAHUs) and the conservation of migratory and federally listed species, projects throughout the basin that afford the greatest positive impact to Inflated Heelsplitter, should be prioritized.

LDWF submits these recommendations to USACE in accordance with provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and as property owners affected by the proposed construction projects. Please do not hesitate to contact Matthew Weigel at 985-543-4931 should you need further assistance.

Sincerely,



Randell S. Myers
Assistant Secretary

c: CPRA
LDNR/OCM
EPA, Marine & Wetlands Section
USFWS Ecological Services



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

Regional Planning and Environment
Division South

Randell S. Myers, Assistant Secretary
Louisiana Department of Wildlife and Fisheries

Dear Mr. Myers,

Thank you for your review of and comments on Draft EA #576.

Reclamation of abandoned sand and gravel sites along the Amite River is one of the proposed projects that fall within the Bipartisan Budget Act 18 (BBA 18) final array for mitigating bottomland hardwoods (BLH) impacts. Although, the Amite project did not rank high enough during the planning process to make it into the Tentatively Selected Alternative (TSA) for mitigating BLH impacts, it is a fallback project that would be considered for implementation in the event that projects within the TSA cannot satisfy the BLH mitigation need. It is the Corps' priority to mitigate within the basins in which impacts were incurred. However, lack of feasible projects within these basins may require out of basin projects be utilized. Only once all options within the affected basins have been utilized to the extent practicable, would mitigation projects outside of the basins, but within the Mississippi Alluvial Plain, be utilized.

The USACE understands that LDWF does not support the creation of wetlands that entail the removal of soil to lower an area down to wetland elevation. However, due to lack of available lands, there are few other options to satisfy the mitigation requirement and this method has proven successful in the past.

To ensure impacts to LDWF land are impacted appropriately, the following language has been added to the project description for the proposed Joyce project:

The Joyce WMA mitigation project is representative of type of mitigation that would be accomplished on Department of Wildlife and Fisheries (LDWF) property, including Maurepas Swamp WMA. The exact location of the planting and hydrologic modifications (if needed) would be coordinated with and approved by LDWF and would fully offset any adverse impacts to Maurepas Swamp WMA resulting from WSLP construction.

We understand that that for LDWF lands, "Each individual Act of Sale or Act of Donation requires property alienated by WSLP levee construction to be exchanged for other property of equal or greater wetland ecological function and value".

CEMVN will continue to coordinate with LDWF and the NFS regarding fragmentation, isolation, and alienation of MSWMA property as a result of the WSLP Project. CEMVN requests input from LDWF regarding adjacent properties LDWF would be interested in receiving

as a donation for CEMVN's consideration in mitigating impacts to their property from the WSLP project.

In reference to the State's River Reintroduction into Maurepas Swamp project, the CEMVN is currently evaluating the project to determine its viability as a potential mitigation project for WSLP swamp impacts. If the River Reintroduction into Maurepas Swamp is determined to be a viable mitigation project, a supplemental NEPA document evaluating the impacts associated with the project, and any other reasonable alternatives, would be prepared. Coordination with the resource agencies would occur during the NEPA process.

The USACE appreciates LDWF's desire to prioritize projects throughout the basin that afford the greatest positive impact to Inflated Heelsplitter. However, none of the parent projects had impacts on the Inflated Heelsplitter. That being said, the USACE will work to accommodate the ESA Section 7(a)(1) to the extent practicable.

Sincerely,

Marshall K. Harper
Chief, Environmental Planning Branch



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services
200 Dulles Drive
Lafayette, Louisiana 70506



March 2, 2020

Colonel Stephen Murphy
District Commander
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118-3651

Dear Colonel Murphy;

The U.S. Army Corps of Engineers, New Orleans District (USACE) has prepared Environmental Assessment (EA) #576 titled “Bipartisan Budget Act (BBA) Construction Projects; West Shore Lake Pontchartrain (WSLP), Comite River Diversion, and East Baton Rouge (EBR) Flood Risk Management, BBA Construction Mitigation.” The EA evaluates mitigation alternatives to compensate for unavoidable impacts associated with construction of the BBA 2018 flood control projects. The U.S. Fish and Wildlife Service (Service) offers the following comments in accordance with the National Environmental Policy Act (NEPA) of 1969.

In previous letters to the USACE, our primary recommendation as a mitigation alternative was to restore sand and gravel mines along the Amite River. For decades, the mining industry has eliminated forested habitat along the Amite River. Sediment has been removed from the system which affects river morphology downstream. Meanders have been lost due to mine capture by the river, resulting in a straighter and shorter river. The mitigation needs for the BBA 18 construction projects provide a rare opportunity to regain forested habitat along the Amite River that was lost to the mining industry. Those riverine forests would help stabilize that river system and minimize future impacts within its watershed.

The EA states that the proposed action would be a combination of mitigation bank credit purchases and USACE constructed projects. It describes the alternative comparison process, but is lacking details explaining how each evaluation criteria were scored. For scoring the environmental and watershed/ecological criteria, the USACE could have solicited input from the resource agencies such as the Service. Although the Amite restoration projects made it into the Final Array for consideration, they were not included as part of the Tentatively Selected Alternative (TSA).

The Service also recommended that stream mitigation be provided because all of the projects being mitigated for are associated with flood control projects that had varying degrees of impact to water bodies. In response to this recommendation, the EA states that stream impacts would not occur (page 7-2). The introduction section of the EA (page 1-1), however, describes the Comite River Diversion project as needing multiple in-water structures and the East Baton

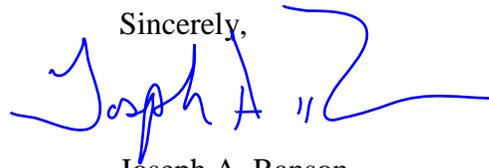
Rouge Flood Risk Management project as improving 66 miles of channels through in-water activities. The Service maintains our recommendation that stream mitigation be provided to offset impacts associated with those activities.

In addition to the comments provided above, please see our January 31, 2020, Draft Fish and Wildlife Coordination Act report (attached). That letter further explains our position on the mitigation alternatives proposed in the Draft EA as well as recommendations to further protect fish and wildlife resources.

The legislatively mandated schedule of the mitigation analysis has curtailed time available for a full investigation into mitigation alternatives. During a more typical project planning study sufficient time to conduct detailed impact analyses would have been allowed and the Service would have likely been more involved in the mitigation planning as provided for in the Fish and Wildlife Coordination Act. Therefore, while selection of a TSA has occurred, changes to the TSA and/or the TSA features should be warranted based on further planning efforts and better inclusion of resource agencies. The Service does not currently support signing the FONSI until the USACE meets with our agency in an effort to develop a more adequate mitigation alternative. We also recommend the USACE coordinate with the Louisiana Department of Wildlife and Fisheries before signing the FONSI to ensure adequate mitigation for impacts that would occur on Wildlife Management Areas.

The Service recognizes the efforts that have been undertaken to meet the mandated schedule, however, we believe that alternatives that would more fully mitigate impacts have not yet been examined. We look forward to working with USACE to ensure that mitigation is achieved in a timely manner.

Sincerely,



Joseph A. Ranson
Field Supervisor
Louisiana Ecological Services

cc: Louisiana Department of Wildlife and Fisheries, Baton Rouge, LA



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services
200 Dulles Drive
Lafayette, Louisiana 70506



January 31, 2020

Colonel Stephen Murphy
District Commander
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118-3651

Dear Colonel Murphy;

The Bipartisan Budget Act of 2018 provided appropriations to the U.S. Army, Corps of Engineers, New Orleans District (USACE) to complete construction of the Comite River and Tributary Project (i.e., Comite River Diversion), the East Baton Rouge Parish Flood Control Project and the Westshore of Lake Pontchartrain Storm Risk Reduction Project. Mitigation of those projects impacts to fish and wildlife resources is part of those overall projects. This report addresses proposed mitigation for those projects.

This draft FWCA letter report has been provided to the Louisiana Department of Wildlife and Fisheries (LDWF) for comment. Their comments will be incorporated into the final FWCA report. This report is submitted in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e) and when finalized would constitute the report of the Secretary of Interior as required by Section 2(b) of the FWCA.

The USACE, Mississippi Valley Division, New Orleans District (CEMVN), is preparing National Environmental Policy Act (NEPA) documents to evaluate alternatives to compensate for unavoidable impacts to significant resources associated with the construction of the West Shore Lake Pontchartrain (WSLP), Comite River Diversion (Comite), and East Baton Rouge Flood Risk Management (EBR) projects; also known collectively as the Bipartisan Budget Act of 2018 (BBA) Construction Projects.

The WSLP project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes in Southeast LA. Construction of the WSLP was authorized as part of the Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322) in 2016. Construction of the WSLP Project was funded by the Bipartisan Budget Act of 2018 (BBA 2018, Public Law 115-123). The project, as described in the 2016 Environmental Impact Statement (EIS), is approximately 18.3 miles in length and includes 17.3 miles of levee, one mile of T-wall, four pumping stations with associated drainage structures, two additional drainage structures, one gated road crossing, two gated railroad crossings, and approximately 35 utility relocations. Shifts in the approved alignment are currently being considered as further engineering and design of the project continues. If these changes are shown to be necessary a supplemental NEPA document would

be prepared to address them. Based on the possible changes to date, the project could impact as much as 10,875 acres of swamp and 4,893 acres of wetland bottomland hardwoods (BLH-Wet) in the Louisiana (LA) Coastal Zone (CZ). This equates to a mitigation need of approximately 1,504 average annual habitat units (AAHUs) of CZ swamp and 343 AAHUs of CZ BLH-Wet. Some swamp impacts would occur within the Maurepas Swamp Wildlife Management Area operated by the LA Department of Wildlife and Fisheries (LDWF). Impacts to LDWF wildlife management areas should be mitigated on the impacted area or on adjacent lands selected by LDWF that are purchased by USACE and incorporated into the managed area.

The Comite project is located in East Baton Rouge Parish in the southern portion of the Comite River Basin. The project was authorized by Section 101(11) of the Water Resources Development Act of 1992 (Public Law 102-580), as amended and reauthorized by Section 301(b)(5) of the Water Resources Development Act of 1996 (Public Law 104-303), and as amended by Section 371 of the Water Resources Development Act of 1999, Public Law 106-53, with technical corrections to Section 371 contained in Section 6 of Public Law 106-109. The primary project features include a control structure at the Comite River; a control structure at Lilly Bayou; three control drop structures at the intersections of the diversion channel with White, Cypress and Baton Rouge Bayous; a drop control structure in the vicinity of McHugh Road; two railroad bridges; four highway bridges; and one parish road bridge. Based on the currently approved plan, approximately 891 acres and 704.6 AAHUs of BLH-Wet would be impacted by the construction of this project. Construction of some project features was previously completed and compensation for those earlier construction impacts was also previously completed. To date, 385.62 AAHUs have been mitigated, leaving 319 AAHUs of remaining mitigation.

The EBR project is located in East Baton Rouge Parish and is intended to reduce flooding throughout East Baton Rouge Parish by improving approximately 66 miles of channels in 5 sub-basins including: Jones Creek and tributaries, Ward Creek and its tributaries, Bayou Fountain, Beaver Bayou, and Blackwater Bayou and its main tributary. Construction of the Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed flood risk management project within the parish of East Baton Rouge, Louisiana was authorized by Section 101(21) of the Water Resources Development Act of 1999, Public Law 106-53, as modified by Division D, Section 116 of the Consolidated Appropriations Resolution of 2003, Public Law 108-7, and Section 3074 of the Water Resources Development Act of 2007, Public Law 10-114. Based on the currently approved plan, the project would impact approximately 293 acres of BLH-Wet which would require approximately 383 AAHUs of BLH mitigation.

USACE solicited input into the development of mitigation measures via the scoping process. In addition, they also searched for measures beyond what was submitted during their Industry Day. In an effort to expedite implementation of the mitigation projects and ensure mitigation occurs concurrent with construction of the BBA Construction Projects (WRDA 1986, Section 906), the other sources utilized to obtain additional measures included:

- Measures identified for Hurricane & Storm Damage Risk Reduction System (HSDRRS) Mitigation (thorough investigations in the LPB and Barataria Basins were made under this study). Includes expansion of those project areas or projects that were not implemented by that program.

- Publicly owned properties inside the Lake Pontchartrain (LPB) Basin, Mississippi River Basin (MSRB) (which included BBA Construction Project lands), and the southern Mississippi Alluvial Plain.
- Measures identified by the resource agencies.

USACE approved mitigation banks with perpetual conservation servitudes within the Lake Pontchartrain Basin (LPB), Mississippi River Basin (MSRB), and the larger watershed currently in compliance with their mitigation banking instrument (MBI) and able to service the habitat types impacted by the BBA Construction Projects were also considered as potential mitigation measures.

USACE provided the U.S. Fish and Wildlife Service (Service) 11 mitigation sites for bottomland hardwood (BLH) and/or swamp impacts (Table 1 and Figure 1).

Table 1. Summary of Mitigation Projects and the General Construction Elements Needed

Habitat Type being Mitigated	Agriculture Land/Low Quality Habitat to Forest (0.5 -1.0 feet Degrading required)	Agriculture Land/Low Quality Habitat to Forest (No Degrading)	Open Water to Forest by Fill Placement	Enhancement of Existing Forest (Planting Only)
BLH-Wet CZ	St. John (LPB)			
	Albania South (OB)			
	Albania North (OB)			
	Cote Blanche (OB)			
BLH-Wet Non-CZ	St. James (LPB)	Ascension (LPB)		
	Feliciana (LPB)	GBRPC (LPB)		Amite (LPB)
	Gravity (OB)	Krotz (OB)		
	TPSB (OB)	Sunset Ridge (OB)		
	Rosedale (OB)			
Swamp CZ	Albania South (OB)		Pine Island (LPB)	Joyce (LPB)
	Albania North (OB)			
	Cote Blanche (OB)			

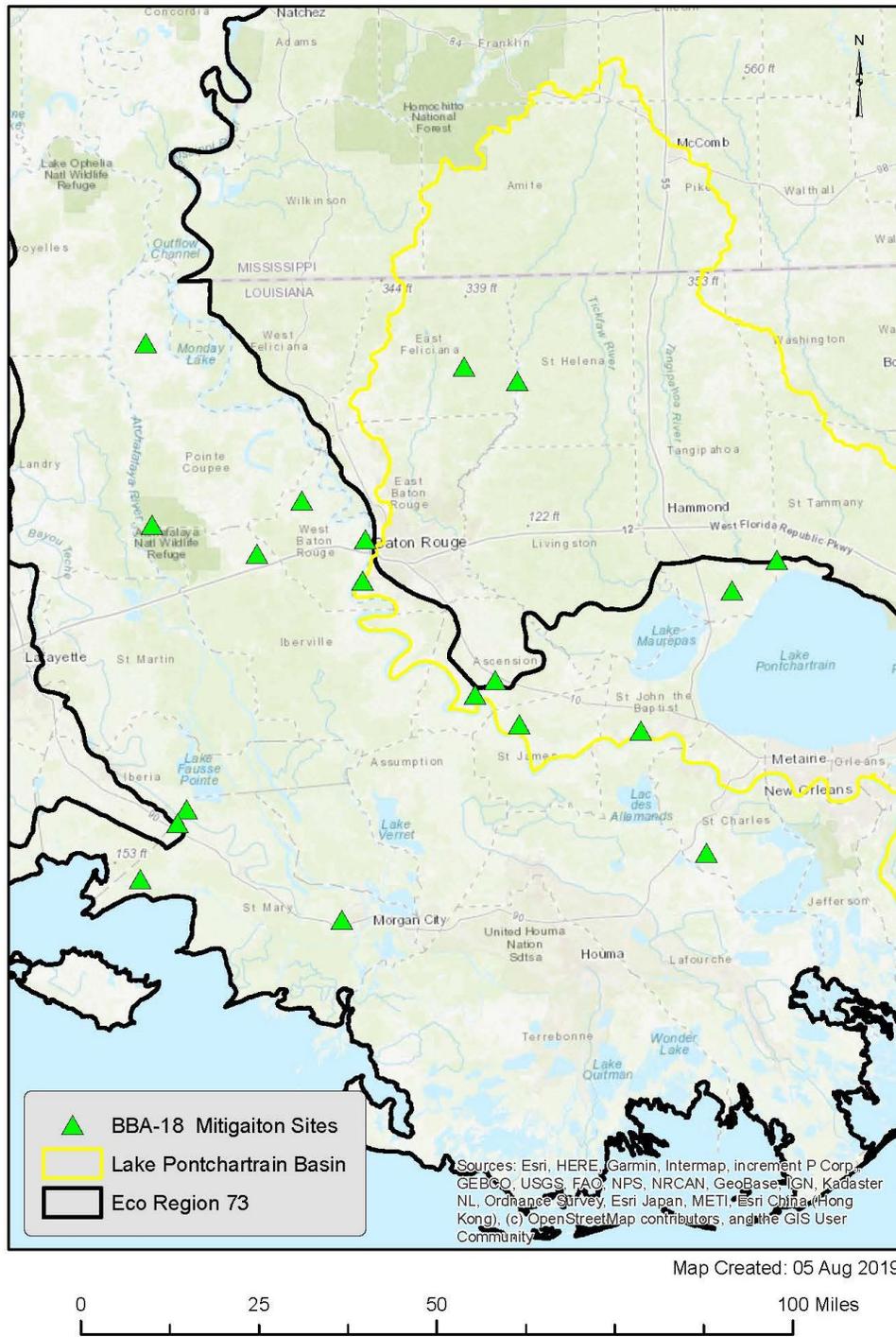
LPB – In Lake Pontchartrain Basin. MSRB – Mississippi River Basin. OB – Outside of Basin.

Proposed mitigation (both credit purchases and Corps-constructed mitigation sites) within the LPB and MSRB would be implemented first. Only once all options within the LPB and MSRB have been implemented to the extent practicable would mitigation features outside of the basin but within the Mississippi Alluvial Plain be implemented.

If USACE solicits the purchase of bank credits, mitigation banks wishing to sell credits to satisfy the BBA Construction Projects' mitigation obligations would be encouraged to submit competitive bids. However, if, based on cost and considering other factors, the CEMVN determines the purchase of mitigation bank credits is not cost effective or would not be

appropriate, the next ranked project for that habitat type would become the tentatively selected plan for that habitat type.

Figure 1. BBA 18 Mitigation Sites



SERVICE POSITION AND RECOMMENDATIONS

Proactive coordination via NEPA and the FWCA should be undertaken to improve the efficiency of mitigation planning efforts. The Transfer Fund Agreement of 2003 states, “. . . FWCA activities means FWS involvement early and throughout the Corps process of project development and implementation. . . “ and that “[t]he FWS participates as an active planning team member to conduct studies and investigation on fish and wildlife aspects of Corps water resources projects . . .” Service participation in the BBA 18 mitigation planning process was limited, therefore, future development, evaluation and refinement of any mitigation alternative should be fully coordinated with the Service and other natural resource agencies. All WVAs prepared by the Service for BBA 18 mitigation alternatives should be considered preliminary drafts and this should be indicated in all text referencing those WVAs. Refinement of those WVAs should be undertaken as project details are developed.

The projects being mitigated are associated with flood control projects that had varying degrees of impact to water bodies (of varying quality). To fully mitigate all impacts, all mitigation alternatives should provide some benefits to lotic habitat or include some form of stream restoration, if feasible.

Section 7(a)(1) of the ESA mandates the proactive participation of all Federal agencies in the conservation of listed species. Mitigation that would restore former sand and gravel mines along the Amite River would help reduce the ongoing adverse effects of those areas to aquatic resources. Utilization of this authority to help develop and locate mitigation plans could aid in the recovery of the threatened inflated heelsplitter. The lack of any meaningful recovery actions in the Amite River since its listing has resulted in reduction in the species range. Continued decline in the population or range could eventually result in a change in the species listing status. Future water resource projects (local, state, or federal) could be limited (temporally and/or spatially) if there is a potential to further impact the declining population.

Service mitigation policy states that first priority for placement of mitigation lands will occur within the planning area and the second priority is within the proximity to the planning area within the same ecoregion. Based on this policy the Service first supports location of mitigation lands within the Comite and Amite River basins (i.e., planning area) and secondly within the Lake Pontchartrain Basin (i.e., proximity to the planning area).

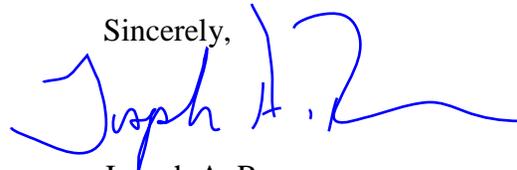
Prior to locating mitigation in the Lake Pontchartrain Basin or beyond the Service first recommends examining private lands currently for sale or those that could potentially be purchased adjacent to the Amite River, and second within the Amite and Comite River basins with those being adjacent to the river or within the floodplain given a higher priority. Those adjacent to the river should be given the highest priority. The Service recognizes that condemnation may not be used to acquire mitigation lands, but acquisition of private lands does not guarantee the need to use that acquisition method; thus, total elimination of private lands as a mitigation option should not occur.

The Service does not object to providing mitigation for water resource development projects provided the following fish and wildlife conservation recommendations are incorporated into future project planning and implementation:

1. The Service recommends that USACE utilize Section 7(a)(1) of the ESA in concert with mitigation planning to develop mitigation that would aid in the recovery of the threatened inflated heelsplitter.
2. The Service recommends that future development, evaluation and refinement of any mitigation alternative be fully coordinated with the Service and other natural resource agencies, especially those projects where earthwork/degrading would be required.
3. Because the projects being mitigated were associated with flood control projects that impacted water bodies (of varying quality) the Service recommends that, if feasible, all mitigation alternatives provide some benefits to lotic habitat or include some form of stream restoration.
4. The Service recommends that compensation should be provided for any unavoidable losses of stream habitat, wetland habitat, and non-wetland forest caused (directly or indirectly) by project features. All mitigation should be developed/coordinated with the Service and other natural resource agencies. Only after all forest restoration opportunities along the Amite River (abandoned sand and gravel mines) have been implemented to the maximum extent practicable should other mitigation opportunities be pursued.
5. Regardless of ownership the Service recommends the following hierarchy be used to located mitigation lands for the BBA 18 planning efforts:
 - a) Adjacent to the Amite River.
 - b) Adjacent to the Comite River
 - c) Within the Amite River floodplains
 - d) Within the Comite River floodplain
 - e) Within the Lake Pontchartrain Basin
6. All WVAs prepared by the Service for BBA 18 mitigation alternatives should be considered preliminary drafts and this should be indicated in all text referencing those WVAs. Those WVAs should be refined in future planning documents.
7. Of the alternatives proposed the Service does not oppose the use of Feliciana and/or GBRPC for the projects located in the Comite and Amite River Basins.
8. The Service would not oppose the use of Pine Island, St James, St. John and Joyce to mitigate impacts from the Westshore of Lake Pontchartrain project.
9. The use of any public lands, e.g., Louisiana Department of Wildlife and Fisheries, should be coordinated with the agency owning those lands. This coordination should continue through all planning, construction and operation stages.

10. Boundaries of the mitigation area should be designed such that uneconomic remnants are minimized and management of the area is taken into consideration.
11. Impacts to LDWF wildlife management areas should be mitigated on the impacted area or on adjacent lands selected by LDWF that are purchased by USACE and incorporated into the managed area.
12. The Environmental Protection Agency and USACE recently finalized the Navigable Waters Protection Rule to define “waters of the United States”. That rule will become effective 60 days after publication in the Federal Register. The USACE should ensure that all of the proposed “wetland” mitigation projects, especially those that would require grading, would be constructed in a location and manner that satisfies the jurisdictional definitions presented in that rule.

Sincerely,



Joseph A. Ranson
Field Supervisor
Louisiana Ecological Services

cc: Louisiana Department of Wildlife and Fisheries, Baton Rouge, LA



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

Regional Planning and Environment
Division South

Joseph A. Ranson, Field Supervisor
US Fish and Wildlife Services, Louisiana Ecological Services

Dear Mr. Ranson,

Thank you for your review of and comments on Draft EA #576. USACE appreciates the Service's recommendation of the Amite mitigation project. The Amite mitigation project, along with multiple other mitigation projects, was considered during the alternative evaluation plan selection process for Bipartisan Budget Act 18 (BBA18) mitigation. This evaluation compared and scored the projects in relation to each other using multiple plan selection criteria (Appendix D). The end result was a ranking of the mitigation projects. Only the highest ranked projects were selected to become part of the Tentatively Selected Alternative (TSA) for that habitat type. The Amite project did not rank high enough to make it into the bottomland hardwoods (BLH) portion of the TSA. However, it is one of the highest ranking fallback projects in the final array and could be utilized in the event that projects within the TSA cannot satisfy the BLH mitigation need.

We understand that the Service recommends that stream mitigation be provided because all of the projects being mitigated for are associated with flood control projects that had varying degrees of impact to water bodies. Some of the proposed mitigation sites in the TSA, are located on the banks of open water bodies or rivers. As such, some benefits to lotic habitat may occur with implementation of the mitigation projects, depending on what projects ultimately get implemented.

The Service provided a Draft Fish and Wildlife Coordination Act report on January 31, 2020. The responses to the fish and wildlife conservation recommendations provided in the report can be found in section 7 of EA #576. In addition to the recommendations, the Service also provided their position. See below the USACE's responses to the Service's position.

The USACE understands that all WVAs prepared by the Service are preliminary drafts and this has been indicated in the document text.

The Service encourages utilization of Section 7(a)(1) of the ESA which mandates the proactive participation of all Federal agencies in the conservation of listed species. The USACE will apply the ESA Section 7(a)(1) to the extent practicable.

Service mitigation policy states that first priority for placement of mitigation lands will occur within the planning area and the second priority is within the proximity to the planning area within the same ecoregion. The proposed mitigation projects are within the Mississippi Alluvial Plain, ecoregion 73, which is the same ecoregion as the majority of the impacts. The LPB and MSRB mitigation opportunities would be implemented to the extent practicable prior to use of mitigation sites or credit purchases outside those basins.

The USACE appreciates the Service's preference in private lands currently for sale or those that could potentially be purchased adjacent to the Amite River. However, in recent history, the USACE has not been successful at acquiring land for mitigation from private owners. That being said, the project description for the Amite project will be revised so that the option could be implemented if possible. See suggested language below.

"The proposed Amite mitigation project is representative of mitigation that could be accomplished adjacent to the Amite River. The exact locations of the plantings could change based on availability of lands at the time of implementation."

The USACE has met with the Service staff and resolved the comment made recommending that the FONSI not be signed. The Service agreed to provide a Final CAR and now does not object to the signing of the FONSI. The USACE also met with Louisiana Department of Wildlife and Fisheries on March 2, 2020 and agreed to adding additional language into the SEA to adequately address their concern about mitigation for impacts that would occur on Wildlife Management Areas.

Sincerely,

Marshall K. Harper
Chief, Environmental Planning Branch

From: [Gilmore, Tammy F CIV USARMY CEMVN \(USA\)](#)
To: [Aaron Landry](#)
Cc: [Behrens, Elizabeth H CIV USARMY CEMVN \(USA\)](#)
Subject: RE: [Non-DoD Source] Request to speak to Tammy Gilmore
Date: Friday, March 6, 2020 11:01:00 AM

Mr. Landry,

Appendix Q includes the justification for going out of basin and the process by which that would be pursued. Basically, all in basin projects would be pursued first. Once those are exhausted we would begin moving out of basin but within the noted ecoregion beginning with the banks and projects closest to the basin in which the impacts occurred and then moving further out.

The document and its associated FONSI must be approved and signed by the Col. before implementation of any action. We cannot provide a timeframe at this time as it is the Col's discretion on whether or not the project gets approved. What I can tell you is that, Consistent with WRDA 1986, Section 906, as amended, mitigation projects should be implemented during construction of the parent project to the maximum extent practicable. The parent project deadlines are currently 2021, 2023, and 2024.

Sincerely,

Tammy Gilmore
Biologist/Environmental Resource Specialist
US Army Corps of Engineers, New Orleans District
7400 Leake Avenue, New Orleans, LA 70118
(504)862-1002

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

From: Aaron Landry [<mailto:aaron@jmbcompanies.com>]
Sent: Friday, March 6, 2020 10:45 AM
To: Gilmore, Tammy F CIV USARMY CEMVN (USA) <Tammy.F.Gilmore@usace.army.mil>
Subject: Re: [Non-DoD Source] Request to speak to Tammy Gilmore

Tammy, thanks for replying. I was at the Mitigation Meeting back in 2018, but at the time all impacts were listed as being in the Barataria and Pontchartrain basins, of which we didn't have any banks so I wasn't following too close. When reviewing the public notice data I see how they want to expand their mitigation service area to include ecoregions instead of just the Corps Ribits service areas. When the time comes and you search available credits are you going to use the Ecoregion boundary? The ecoregion boundary covers Terrebonne watershed and parts of the Vermillion Teche. We have banks with Coastal credits in both of those service areas: Cedar Grove MB, Cypremort Teche MB, and Kilgore MB, which have over 750 acres of forested coastal credits and over 150 acres of coastal fresh marsh. We also have non-coastal credits at Cedar Gove and Big Darbonne mitigation banks. It seems like if the Corps mitigation sites can be in those areas our banks in those areas should be used first instead of a PRM type project.

I'll have someone in my office monitor the websites you listed, is there some kind of timeframe? This year, next, or farther out?

Aaron C. Landry
Regulatory Manager
JMB Companies, Inc.
Mobile: 337-962-0077

Office: 337-205-6285

aaron@jmbcompanies.com <<mailto:aaron@jmbcompanies.com>>
jmbcompanies.com <Blockedhttp://jmbcompanies.com>

Certified Natural Resources Professional

On Thu, Mar 5, 2020 at 5:03 PM Gilmore, Tammy F CIV USARMY CEMVN (USA)
<Tammy.F.Gilmore@usace.army.mil <<mailto:Tammy.F.Gilmore@usace.army.mil>> > wrote:

Good afternoon Aaron,

In theory, the purchase of mitigation bank credits would be the most cost effected alternative. If that is in fact the case (based on bids that come in during solicitation), the purchase of available credits would be the first choice for implementation.

Available credits are checked on RIBITS and applicable banks would receive a solicitation. You need to be registered in the System for Award Management (SAM) and check the Federal Business Opportunities Website (FedBizOpps) regularly.

Feel free to give me a call if you need further clarification.

Tammy Gilmore
Biologist/Environmental Resource Specialist
US Army Corps of Engineers, New Orleans District
7400 Leake Avenue, New Orleans, LA 70118
(504)862-1002

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

From: Aaron Landry [<mailto:aaron@jmbcompanies.com> <<mailto:aaron@jmbcompanies.com>>]
Sent: Wednesday, March 4, 2020 9:43 AM
To: MVN Environmental <MVNEnvironmental@usace.army.mil
<<mailto:MVNEnvironmental@usace.army.mil>> >
Subject: [Non-DoD Source] Request to speak to Tammy Gilmore

I would like to ask Tammy Gilmore a question so that I can understand the Draft EA 576. Please provide a phone number I can contact her on or please call my number below.

I would like clarification on the order of the Corps purchasing existing credits versus implementing the projects in the EA. Also, I want to know how to be insured to be informed when Request for Proposals are sent out for existing credits.

Aaron C. Landry
Regulatory Manager
JMB Companies, Inc.
Mobile: 337-962-0077

Office: 337-205-6285
aaron@jmbcompanies.com <<mailto:aaron@jmbcompanies.com>> <<mailto:aaron@jmbcompanies.com>> >
[jmbcompanies.com](mailto:aaron@jmbcompanies.com) <Blockedhttp://jmbcompanies.com> <Blockedhttp://jmbcompanies.com
<Blockedhttp://jmbcompanies.com>>

Certified Natural Resources Professional

From: [Gilmore, Tammy F CIV USARMY CEMVN \(USA\)](#)
To: [Gregg Fell](#)
Subject: RE: BBA-18
Date: Friday, March 6, 2020 10:18:00 AM

Thank you Mr. Fell,

As stated in the EA, the CEMVN will explore the options discussed in the document following the process described in appendix Q. The document, and the associated FONSI, must be approved and signed by the Col. Prior to the implementation of any action.

Sincerely,

Tammy Gilmore
Biologist/Environmental Resource Specialist
US Army Corps of Engineers, New Orleans District
7400 Leake Avenue, New Orleans, LA 70118
(504)862-1002

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

From: Gregg Fell [<mailto:gfell@nrpllc.com>]
Sent: Monday, March 2, 2020 5:31 PM
To: MVN Environmental <MVNEnvironmental@usace.army.mil>
Subject: [Non-DoD Source] BBA-18

Dear Sir/Madam:

The purpose of this email is to provide comments to the Draft Environmental Assessment #576 for BBA-18, which includes West Shore Lake Pontchartrain (WSLP), Comite River Diversion (Comite) and East Baton Rouge (EBR) Flood Risk Management, BBA Construction Mitigation.

We have reviewed the mitigation plans for CEMVN Mitigation Projects (Appendix G), as well as the Out of Basin Justification Document (Appendix Q). We appreciate the statement in Appendix Q that securing appropriate mitigation at mitigation banks within the Lake Pontchartrain Basin and Mississippi River Basin would be the preferred alternative, as this would comply with the 2008 Mitigation Rule and the Watershed Approach.

We also note that CEMVN is considering “project specific” and CEMVN sponsored mitigation projects within “Eco-Region73” (Mississippi Alluvial Plain), and that sites as far west as the Vermillion-Teche River Basin are being considered.

We propose the use of the Avoca Island Mitigation Bank (AIMB) as partial mitigation for the BBA-18 impacts. The AIMB is located in the western Terrebonne Basin but is also heavily influenced by Atchafalaya/Mississippi River processes. We are currently in process of submitting a Final MBI and expect approval shortly. Please find the attached mitigation features maps which illustrated both coastal and non-coastal credit availability. We anticipate that 30% of restoration and enhancement credits and 100% of preservation credits would be available as early as summer 2020, and intend to have a total 50% of restoration and enhancement credits available by summer/fall 2021. As an approved mitigation bank, securing credits at the AIMB would be preferable to project specific mitigation options as discussed in the 2008 Mitigation Rule

We appreciate the opportunity to comment. Please do not hesitate to contact me with any questions or if any additional information is required.

Sincerely,

Gregg Fell

Senior Technical and Regulatory Analyst

Natural Resource Professionals, LLC

Blockedwww.nrpllc.com <Blockedhttp://www.nrpllc.com/>

7330 Highland Road, Suite B-1

Baton Rouge, Louisiana 70808

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From: [Linda \(Brown\) Piper](#)
To: [MVN Environmental](#); [Gilmore, Tammy F CIV USARMY CEMVN \(USA\)](#)
Cc: [Yasoob Zia](#); [Keith Horn](#); [Regina Philson](#); [Al Hindrichs](#); [Chuck Berger](#); [Aimee Preau](#)
Subject: [Non-DoD Source] DEQ SOV #200218/0100 Draft EA & FONSI Bipartisan Budget Act Construction Projects:
Date: Friday, March 6, 2020 1:36:32 PM

March 6, 2020

Marshall K. Harper, Chief, Environment Branch

US Army Corps of Engineers

New Orleans District

7400 Leake Avenue

New Orleans, LA 70118

mvnenvironmental@usace.army.mil <<mailto:mvnenvironmental@usace.army.mil>>

RE: 200218/0100

Draft EA & FONSI Bipartisan Budget Act Construction Projects: West Shore Lake Pontchartrain, Comite River

Diversion, & EBR Flood Risk Management EA#576

USACE FUNDING

Ascension, E Feliciana, St. James, St. John, St. Mary, St. Tammany, St. Helena and Tangipahoa Parishes

Dear Mr. Harper:

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.

* Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.

* 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.

* 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.

* 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) 219-9371 to determine if your proposed project requires a permit.

* If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit is required. An application or Notice of Intent will be required if the sludge management practice includes preparing biosolids for land application or preparing sewage sludge to be hauled to a landfill. Additional information may be obtained on the LDEQ website at [Blockedhttp://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx](http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx) <Blockedhttp://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 9371.

* 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.

* All precautions should be observed to protect the groundwater of the region.

* 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.

* The LDEQ UST Division has not identified any UST sites that may be within or impact the outlines of the project area. If any underground storage tanks are encountered during the project, they must be managed in accordance with LAC Title 33:Part XI of the Environmental Regulatory Code.

[Blockedhttp://deq.louisiana.gov/resources/category/regulations-lac-title-33](http://deq.louisiana.gov/resources/category/regulations-lac-title-33)
<Blockedhttp://deq.louisiana.gov/resources/category/regulations-lac-title-33> .

* If the project will involve any soils which may have contaminant concentrations that exceed the Screening Option Standards established by the LDEQ Risk Evaluation/Corrective Action Program (RECAP) Regulation, these materials may be considered a waste and disposed of at a permitted facility, or might be managed as part of a Solid Waste Beneficial Use or Soil Reuse Plan in accordance with LAC 33:VII.Chapter 11. Alternately, a site-specific RECAP Evaluation might be conducted and submitted to the LDEQ.

* Additionally, the proposed activities must not cause or contribute to the impairments in the respective watersheds. Any activities conducted within the watersheds should benefit the flood mitigation, hydrology, water quality, and ecological characteristics of the respective watersheds. LDEQ recommends that instream base flows be considered and maintained under any proposed project, minimizing any potential impacts to permitted point source discharges or the designated uses within the respective watersheds. All proposed activities, if allowed and

conducted, should be monitored to document any benefits or impacts to water quality, protect the water quality and aquatic life in the respective watersheds, as well as ensure the usability of this resources for industry, agriculture, and the public. Monitoring should include the collection of dissolved oxygen, dissolved oxygen percent saturation, total suspended solids, and turbidity at 3-5 stations located upstream and downstream of the project area, as well as within the project area. Wetland mitigation projects should be opportunistically used to link streams to the natural floodplains in order to augment co-benefits of habitat restoration, flood mitigation, and water quality improvement. Using wetland mitigation to help restore the natural functions of the channel and floodplain by restoring hydrologic characteristics such as stream sinuosity, cross sectional area, length, and slope can both reduce flood elevation and duration as well as improve water quality, ecological, and economic conditions. The benefits and costs of all mitigation projects should be evaluated on a cumulative, watershed, or regional basis. Disposal of dredge material may be an issue, particularly if the sediment is contaminated.

Currently, Ascension, E Feliciana, St. James, St. John, St. Mary, St. Tammany, St. Helena and Tangipahoa Parishes are classified as a maintenance area with the National Ambient Air Quality Standards. However, since your general conformity determination shows that the proposed VOC and NOx emissions will be less than the de minimis levels, the Department has no objections to implementation of this project.

Please send all future requests to my attention. If you have any questions, please feel free to contact me at (225) 219-3954 or by email at linda.piper@la.gov <<mailto:linda.piper@la.gov>> .

Sincerely,

Linda (Brown) Piper

Louisiana Dept. of Environmental Quality

Office of the Secretary

Phone: (225) 219-3954

Email: linda.piper@la.gov <<mailto:linda.piper@la.gov>>

From: [Gilmore, Tammy F.CIV.USARMY.CEMVN \(USA\)](mailto:Gilmore_Tammy.F.CIV.USARMY.CEMVN@USA)
To: [Brad Miller](mailto:Brad.Miller)
Subject: RE: Draft BBA Mitigation EA #576
Date: Thursday, April 2, 2020 8:17:00 AM

Good morning Brad,

Thank you for your review of and comments on Draft EA #576. The Corps is currently evaluating the River Reintroduction into Maurepas Swamp project to determine its viability as a potential mitigation alternative for the WSLP swamp impacts. If it is determined that the River Reintroduction project is viable as a mitigation alternative, a supplemental National Environmental Policy Act document will be prepared to evaluate the associated impacts of this and other mitigation alternatives.

Thanks again!

Tammy Gilmore
Biologist/Environmental Resource Specialist
US Army Corps of Engineers, New Orleans District
7400 Leake Avenue, New Orleans, LA 70118
(504)862-1002

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

From: Brad Miller [<mailto:Brad.Miller@LA.GOV>]
Sent: Friday, January 31, 2020 11:55 AM
To: Erwin, Patrick J CIV USARMY CEMVN (USA) <Patrick.J.Erwin@usace.army.mil>
Cc: Holley, Soheila N CIV USARMY CEMVN (US) <Soheila.N.Holley@usace.army.mil>; Gregory Grandy <Gregory.Grandy@la.gov>; Bren Haase <Bren.Haase@LA.GOV>; Maury Chatellier <Maury.Chatellier@la.gov>
Subject: [Non-DoD Source] RE: Draft BBA Mitigation EA #576

Patrick,

CPRA is in receipt of EA #576. The River Reintroduction Into Maurepas Swamp (PO-0029) project is not included. CPRA would like to formally request that the River Reintroduction into Maurepas Swamp (PO-0029) Project be considered for implementation for all of the required swamp habitat to mitigate for unavoidable impacts to significant resources associated with the construction of the West Shore Lake Pontchartrain (WSLP), Comite River Diversion (Comite), and East Baton Rouge Flood Risk Management (EBR) projects; also known collectively as the Bipartisan Budget Act of 2018 (BBA 18) Construction Projects.

We are continuing to review EA #576 and will submit more detailed and formal correspondence.

If you have any questions please contact me at your earliest convenience.

Thank you,

Brad

Brad Miller
Coastal Protection and Restoration Authority Project Manager | Project Management Division The Water Campus | 150 Terrace Avenue | Baton Rouge, LA 70802
o: 225.342.4122
Blockedwww.coastal.la.gov

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

From: Erwin, Patrick J CIV USARMY CEMVN (USA) <Patrick.J.Erwin@usace.army.mil>
Sent: Friday, January 31, 2020 8:05 AM
To: Brad Miller <Brad.Miller@LA.GOV>
Cc: Holley, Soheila N CIV USARMY CEMVN (US) <Soheila.N.Holley@usace.army.mil>
Subject: Draft BBA Mitigation EA #576

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good morning Brad,

On behalf of Soheila Holley, please see below for a link to the Draft BBA Mitigation EA #576 for Public Review:

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This a 30-day Public Review, and comments are due on March 2, 2020.

Thanks,

Patrick J. Erwin
Project Manager
U.S. Army Corps of Engineers, New Orleans District
Work: (504) 862-1948
Fax: (504) 862-2109