



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

April 23, 2009 F/SER46/RH:jk
225/389-0508

Mr. Gib Owen
Environmental Planning and Compliance Branch
Planning, Programs, and Management Division
New Orleans District, U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Mr. Owen:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the draft **Individual Environmental Report (IER) #10** transmitted by letter from Ms. Joan Exnicios dated April 13, 2009. The draft IER evaluates and quantifies the impacts associated with providing 100-year level of hurricane protection by upgrading portions of the Lake Pontchartrain and Vicinity (LPV), Chalmette Loop Levee in St. Bernard Parish, Louisiana.

NMFS staff have reviewed the document and are concerned that project impact estimates to essential fish habitat (EFH) are overstated. EFH is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." In general, an area has to be tidally influenced and of a sufficiently low elevation to be inundated by normal tidal events to be categorized as EFH. General categories of EFH include emergent marsh, submerged aquatic vegetation, water bottoms and water column. Based on our knowledge of the project area, NMFS believes that portions of levee reaches LPV 146, 147 and 148 have been inaccurately identified as EFH. Specifically, the EFH section of the document suggests that 21 acres of open water and 46 acres of marsh classified as EFH would be impacted by the construction of levee reach LPV 146. Some open water portions of the Mississippi River-Gulf Outlet (MRGO) adjacent to reach LPV 146 would be impacted by the proposed project and those areas are categorized as EFH. The remaining impact area consists of supratidal scrub-shrub wetlands separated from the MRGO by a rock dike. That area should not be classified as EFH. Based on our knowledge of the LPV 147 reach, NMFS does not believe any of the wetlands potentially impacted by that portion of the project are tidally influenced marsh. As such, any discussion regarding EFH for reach LPV 147 should be deleted from the text. Finally, only open water and lower elevation marsh on the flood side of the LPV 148 reach should be categorized as EFH. Based on previous coordination on this project, that consists of approximately 53 acres of intermediate marsh and 10 acres of open water vegetated with submerged aquatic vegetation. NMFS recommends the EFH section of the document be revised to correctly identify and quantify impacts to that resource.

In addition, Section 7 titled "Mitigation" indicates that project implementation would adversely impact up to 503 acres of wetlands, most of which was categorized as brackish marsh. As with the previous paragraph, NMFS believes most of the wetlands impacted are actually scrub-shrub



supratidal habitat and not the typical brackish marsh. Considering that mitigation to offset adverse wetland impacts of a civil works project is a sensitive and complex issue, NMFS recommends this section be revised to more accurately identify and quantify the wetlands to be impacted by project construction.

We appreciate the opportunity to review and comment on the draft IER.

Sincerely,



for Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette
EPA, Dallas
LA DNR, Consistency
F/SER46, Swafford
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