

BOBBY JINDAL
GOVERNOR



SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL RESTORATION AND MANAGEMENT

April 14, 2009

Joan M. Exnicios
Acting Chief, Environmental Planning and Compliance Branch
U. S. Army Corps of Engineers, New Orleans District
P. O. Box 60267
New Orleans, Louisiana 70160-0267

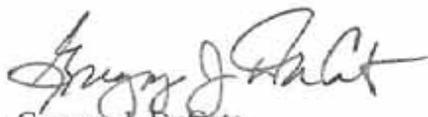
RE: **C20080324, Coastal Zone Consistency**
U. S. Army Corps of Engineers, New Orleans District
Direct Federal Action
IER #16, West Bank and Vicinity, Western Tie-In, **St. Charles and Jefferson Parishes,**
Louisiana

Dear Ms. Exnicios:

The above referenced project has been reviewed for consistency with the approved Louisiana Coastal Resource Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. The project, as proposed in the Corps submittal of March 19, 2009, is consistent with the LCRP, provided direct and indirect impacts to wetlands are avoided to the maximum extent practicable; that the USACE takes actions to retain wetland function in the 2,485 acre area above Highway 90 and incorporates other features to benefit other wetland areas newly segmented by project construction. The USACE shall incorporate features into the project design at Highway 90 that will retain cross section/water exchange to the large wetland area above Highway 90 and provide equivalent cross section with the parameter of the project area.

If you have any questions concerning this determination please contact Brian Marcks of the Consistency Section at (225) 342-7939 or 1-800-267-4019.

Sincerely yours,



Gregory J. DuCote
Acting Administrator
Interagency Affairs/Field Services Division

GJD/JDH/bgm

Attachments

cc: Dave Butler, LDWF
Norwyn Johnson, OCPR
Beth Nord, COE-NOD
Richard Hartman, NMFS
David Walther, USFWS
Earl Matherne, St. Charles Parish
Marnie Winter, Jefferson Parish
Frank Cole, CMD, FI

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April 14, 2009

Beth Nord
Environmental Planning and Compliance Branch
Corps of Engineers- New Orleans District
P.O. Box 60267
New Orleans, LA 70160-0267

RE: **C20080324, Coastal Zone Consistency
New Orleans District, Corps of Engineers
Direct Federal Action
IER #16 West Bank and Vicinity, Western Tie-In project, St. Charles and Jefferson
Parish, Louisiana**

Dear Ms. Nord:

This office has received and reviewed your email of April 8, 2009, in response to comments from LDWF, USFWS, and this agency that would include conditions to preclude induced development in the 2400 acre wetland that would be inside the new Federal levee.

We would like to know what rules or policies the Corps has that disallows the Corps from obtaining conservation easements where induced development is a probability in the implementation of their projects. This would seem, pursuant to the provisions of the National Environmental Policy Act, an appropriate topic to address regarding secondary and cumulative, foreseeable consequences. More importantly, what specific rules, mechanisms, and/or policies does the Corps have to restrict or otherwise address induced development that would otherwise come at the expense of wetlands?

The control of induced development of wetlands is a significant concern of this agency as well as, based on the comments received, other regulatory and commenting agencies. Any possible mechanisms or rules that the Corps has to deal with this problem would be much appreciated. If you have any questions regarding this issue, please call Brian Marcks of the Consistency Section at (225) 342-7939.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Gregory DuCote".

Gregory DuCote
Acting Administrator

Interagency Affairs/Field Services Division

GJD/ JH/bgm

cc: Louis Buatt, DNR
Joan Exnicios, COE-NOD
Cynthia Duet, OCPR
Jimmy Anthony, LDWF
Michele Deshotels, LADOTD
Heather Finley, LDWF

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April 14, 2009

Jimmy L. Anthony
Assistant Secretary
Louisiana Dept. of Wildlife and Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

RE: **C20080324**, Coastal Zone Consistency
New Orleans District, Corps of Engineers
Direct Federal Action
IER #16 West Bank and Vicinity, Western Tie-In project, **St. Charles and Jefferson Parish, Louisiana**

Dear Mr. Anthony:

The Office of Coastal restoration and Management (OCRM) has received responses from the NOD-COE to your comment letter on the above referenced consistency project IER #16, dated February 17, 2009. Most of the issues addressed in your comment letter will be met by the Corps, but they have objected to language that refers to induced development on the inside of the new levee system. Such concerns about "induced development" could most appropriately be dealt with by a three step approach. An interim method for the short term would be the extant permitting processes that OCRM, the COE, and the Parish have in place that pertain to conservation and balancing competing uses. Secondly, the Parish should develop comprehensive land use planning and zoning that addresses the development of wetland areas inside and outside of levees. Thirdly, and going hand in hand with comprehensive land use planning is effective use of public/private partnerships to effect such practices as conservation easements that address our concerns. In addition the Corps will maintain regulatory authority over wetlands in the area under its Section 404 permitting authority.

We wish to work towards a suitable and equitable solution to this potential problem of induced development of wetlands behind levees. We believe it can be solved to the satisfaction of most stakeholders and governmental agencies and would like to partner to that end with the regulatory community, local government and other private partnerships.

If you have any questions please call Brian Marcks of the Consistency Section at (225) 342-7939.

Sincerely yours,



Gregory DuCote
Acting Administrator
Interagency Affairs/Field Services Division

GJD/ JH/bgm

cc: Heather Finley, LDWF
Louis Buatt, Assistant Secretary, DNR
Cynthia Duet, OCPR
Michele Deshotels, LADOTD
David Walther, USFWS
Jon Ettinger, USEPA
Earl Matherne, St. Charles Parish
Marnie Winter, Jefferson Parish