



United States Department of the Interior

FISH AND WILDLIFE SERVICE

646 Cajundome Blvd.
Suite 400

Lafayette, Louisiana 70506
November 28, 2007

Ms. Elizabeth Wiggins
Chief, Environmental Planning and Compliance Branch
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Ms. Wiggins:

TRANSMITTAL		# of pages ▶ 3
Agency	From	David W
	Phone #	337/291-3122
Fax #	Fax #	

NSN 7540-01-317-7308 5089-101 GENERAL SERVICES ADMINISTRATION

The U.S. Fish and Wildlife Service (Service) has reviewed the information provided in your October 26, 2007, letter and attached figures for the proposed Levee and Floodwall Replacement Projects Individual Environmental Report (IER) 15, 16, 17, St. Charles and Jefferson Parishes, Louisiana. That letter and attachments provide a general description of the proposed West Bank and Vicinity levee and floodwall replacement (i.e. IER 15, 16, 17) and requests information regarding threatened and endangered species or their critical habitat and information on fish and wildlife resources in the project area. The following comments are provided in accordance with provisions of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d), the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.) and the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

This Planning-aid Report supplements the Services November 26, 2007, draft Coordination Act Report that provided a description of fish and wildlife resources found throughout the project area (i.e., IER 1 through 17) and provided recommendations to ensure fish and wildlife resources received equal consideration during the planning phase. Descriptions of the fish and wildlife resources contained in that report are incorporated herein by reference. This report does not constitute the report of the Secretary of the Interior as required by Section 2(b) of the FWCA.

At this time the Service is unaware of any known threatened or endangered species in the proposed project area of IER 15, 16, and 17. However, if the scope or design of the project changes, or the project is not implemented within one year from the date of this letter, the Corps should contact this office for further coordination.

The project area is located where colonial nesting waterbirds may be present. LDWF currently maintains a database of these colonies locations. That database is updated primarily by monitoring the colony sites that were previously surveyed during the 1980s. Until a new, comprehensive coast-wide survey is conducted to determine the location of newly-established

nesting colonies, we recommend that a qualified biologist inspect the proposed work sites for the presence of undocumented nesting colonies during the nesting season (e.g. February through September depending on the species). If colonies exist, work should not be conducted within 1,000 feet of the colony during the nesting season.

Forested habitat in the project-area may provide nesting habitat for the bald eagle, which has officially been removed from the List of Endangered and Threatened Species as of August 8, 2007. Although the bald eagle has been removed from the threatened and endangered species list, it continues to be protected under the MBTA and the BGEPA. The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations regarding how to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. Those guidelines recommend maintaining: (1) a specified distance between the activity and the nest (buffer area); (2) natural areas (preferably forested) between the activity and nest trees (landscape buffers); and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees. On-site personnel should be informed of the possible presence of nesting bald eagles within the project boundary, and should identify, avoid, and immediately report any such nests to this office. A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>. If after consulting those guidelines you need further assistance in determining the appropriate size and configuration of buffers or the timing of activities in the vicinity of a bald eagle nest, then please contact this office.

Located within the project area of IER 17 is the Bayou Segnette State Park, which is operated by the Louisiana Department of Culture, Recreation and Tourism, Office of State Parks. Please contact Mr. John Lavin at 1-888-677-1400 regarding work on those areas. Impacts to public lands should be avoided, whenever feasible.

The following recommendations supplement those previously provided in our November 2007 Coordination Act Report and should be taken to assure that fish and wildlife receive equal consideration during further project planning, design and implementation:

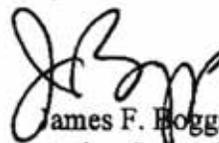
1. Expansion of all levees should be towards the protected side, wherever feasible.
2. To the greatest extent possible, situate flood protection features so that destruction of wetlands and non-wet bottomland hardwoods are avoided or minimized.
3. Avoid or minimize the enclosure of wetlands with new levee alignments. Alternatives presented in Figures 4 and 5 for IER 15 and the South Kenner Avenue alignment for IE 16 as presented in Figure 3 appear to best achieve this recommendation.
4. When enclosing wetlands is unavoidable, acquire non-development easements on those

wetlands, or maintain hydrologic connections with adjacent, un-enclosed wetlands to minimize secondary impacts from development and hydrologic alteration.

5. Forest clearing associated with project features should be conducted during the fall or winter to minimize impacts to nesting migratory birds, when practicable.

We appreciate the opportunity to provide planning assistance to the Corps and look forward to continued cooperation. If you or your staff have any questions, please contact David Walther (337/291-3122) of this office.

Sincerely,



James F. Hoggs
Acting Supervisor
Louisiana Field Office

cc: National Marine Fisheries Service, Baton Rouge, LA
EPA, Dallas, TX
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources, CMD, Baton Rouge, LA
LA Office of State Parks