



## United States Department of the Interior



NATIONAL PARK SERVICE  
Jean Lafitte National Historical Park and Preserve  
New Orleans Jazz National Historical Park  
419 Decatur Street  
New Orleans, Louisiana 70130-1035

IN REPLY REFER TO:

L7619

February 7, 2011

Sandra Stiles  
U.S. Army Corps of Engineers  
Regional Planning and Environmental Division South  
New Orleans Compliance Branch  
CEMVN  
P.O. Box 60267  
New Orleans, LA 70160-0267

Dear Ms. Stiles:

The National Park Service (NPS) has reviewed Draft Individual Environmental Report Supplemental 15.a (IERS 15.a) titled "Lake Cataouatche Levee, Plaquemines Parish, Louisiana." We understand that draft IERS 15.a was completed primarily to address a pipeline relocation that has the potential to adversely impact resources within Jean Lafitte National Historical Park and Preserve's Barataria Preserve Unit. We received a copy of the notice of availability for draft IERS 15.a on January 18, 2011. We understand that time is a factor in the U.S. Army Corps of Engineers, New Orleans District (CEMVN) decision-making process for IERS 15.a. However, we would like to bring to your attention several deficiencies we noted in our review of that document, and the fact that the proposed action described in draft IERS 15.a would require a permit from the NPS.

We have been working with CEMVN and the utility company for some time now to ensure that impacts to resources, especially wetlands, within the park are avoided if possible, minimized to the maximum extent practicable, and mitigated for in ways that benefit the park. However, our review of draft IERS 15.a indicates that there is little specific information regarding the avoidance, minimization, or mitigation of adverse impacts to wetlands in the park included in the document. We anticipate that the utility company will be applying for a special use permit to access the park and relocate the pipeline in the near future. The NPS has compliance responsibilities under the National Environmental Policy Act of 1969, as amended (NEPA), and other applicable laws and regulations when considering whether or not to take action by issuing such a permit. Based on the description of the proposed alternative in draft IERS 15.a, we anticipate that we would need to complete an environmental assessment level compliance process in order to comply with NEPA and other laws. Regardless of the NEPA compliance pathway, we anticipate that we would need to complete a wetland statement of findings in accordance with NPS policy regarding Executive Order 11990. Typically, this document would need to be made public for a minimum of 30 days. We cannot begin our compliance process without a permit application from the utility company.

Draft IERS 15.a does not include discussion or analysis of alternatives that could reduce or eliminate impacts within the park and overall. Compared to the potential impacts associated with construction of a concrete floodwall with a sleeve through which the pipeline could pass, the proposed alternative would result in avoidable impacts to wetlands within the park. IERS 15.a should include a detailed analysis of the effects of all feasible alternatives on the human environment. If alternatives such as a floodwall and sleeve are not feasible, a discussion of why they were eliminated from detailed consideration should be included in the document. Variations of the proposed alternative like using barges to store dredged material instead of stockpiling it next to excavations in the park should also be considered.

We appreciate CEMVN's commitment to minimizing impacts within the park through coordination with us and the utility company. However, the results of the multiple meetings between the parties described on page 5 of the draft IERS are not detailed. This information should be included in the document. Coordination with the NPS is described in this context, and with regard to the consistency determination for the project that CEMVN is seeking from the State of Louisiana. However, the NPS is not listed in the coordination section of the draft IERS. We suggest that the NPS or the park should be added to the list of agencies in final IERS 15.a.

We also appreciate CEMVN's commitment to restoring construction sites in the park through backfilling excavations, replanting, and other measures deemed necessary by the NPS. This is an example of the specific information we would like to see included in IERS 15.a when discussing other aspects of the proposed alternative.

Similarly, we appreciate CEMVN's commitment to mitigating for impacts that would occur in the park as a result of the proposed alternative within the park. However, details regarding potential mitigation projects within the park are not included in draft IERS 15.a. We suggest that compensatory mitigation for impacts resulting from the project not only be undertaken within the park, but within similar wetland communities near the project area if possible, and that specific information regarding mitigation projects be included in the IERS. Details regarding compensatory mitigation are a required element of wetland statements of findings in addition to discussions of avoidance and minimization of adverse impacts to wetlands, as well as restoration.

CEMVN has indicated to us that deadlines for completion of the compliance process for the pipeline relocation and the improvements to the Lake Cataouatche Levee are rapidly approaching. We would like to point out that environmental compliance for the proposed action would not be achieved after the list in the second paragraph under the heading Status of Individual Environmental Report Supplemental (IERS) and Other Environmental Documents on page 7 of draft IERS 15.a is complete. The proposed action would also require a permit from the NPS to proceed. The utility company has not yet demonstrated to us that their property rights allow them to relocate the pipeline in the manner described in the proposed alternative, or applied for a permit to complete the work. We cannot begin our compliance process without an action to analyze, but draft IERS 15.a anticipates much of the project that would be proposed to us and our own analysis of the potential effects. Therefore, we suggest that improvements to IERS 15.a could save time for CEMVN, the utility company, and the NPS.

Thank you for your commitment to the resources and values of Jean Lafitte National Historical Park and Preserve. If you have any questions, or to begin the special park uses permitting process, please contact Dusty Pate of my staff at 504 589-3882 x119, or by email at [haigler\\_pate@nps.gov](mailto:haigler_pate@nps.gov).

Sincerely,



Carol A. Clark  
Superintendent

Cc: Jeff Harris, LA DNR OCM Consistency Section