



State of Louisiana

JOHN BEL EDWARDS
GOVERNOR

August 23, 2021

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

RE: Request Implementation of Maurepas Swamp Project as WSLP Compensatory Mitigation for Swamp Habitat

Dear Colonel Murphy,

The State of Louisiana through the Coastal Protection and Restoration Authority (CPRA) is in receipt Mr. Troy Constance's letter (enclosed) dated August 12, 2021 in response to our January 31 2020, comment on EA #576. That comment requested the U.S. Army Corps of Engineers (USACE) to consider the Maurepas Swamp Project (MSP) for implementation to mitigate for unavoidable impacts to significant resources associated with the construction of the West Shore Lake Pontchartrain (WSLP) project, as part of the Bipartisan Budget Act of 2018 Construction Projects. At our request, the USACE assembled a Project Delivery Team (PDT) to assess the viability of the MSP as a potential compensatory mitigation alternative for WSLP. The PDT-developed wetland value assessment found that the MSP alternative would provide sufficient benefits to compensate for WSLP swamp impacts.

Mr. Constance's letter indicates that although the MSP would compensate for the WSLP project swamp impacts, the MSP implementation costs are higher than the Tentatively Selected Alternative (TSA) identified in EA #576 and therefore would not likely meet USACE compensatory mitigation cost requirements. CPRA acknowledges that implementing the MSP will be more costly than the EA #576 TSA and will agree to be responsible for that increased cost over and above that of the TSA. We believe the MSP is the best option for mitigating unavoidable WSLP swamp impacts in part because it integrates the implementation of the two projects saving time and money, provides mitigation that is in-basin and immediately adjacent to the impacts, and will restore the ecosystem around the WSLP project increasing its resiliency.

Executive Division

We look forward to continuing to work with you on the WSLP project and identifying and implementing the best mitigation option for its impacts and the citizens of Louisiana.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chip Kline". The signature is fluid and cursive, with the first name "Chip" written in a larger, more prominent script than the last name "Kline".

Kyle R. "Chip" Kline, Jr.
Coastal Protection and Restoration Authority Board
150 Terrace Avenue
Baton Rouge, Louisiana 70802
Phone: (225) 342-7669

Enclosure

cc via email:

Col. Stephen Murphy, Commander, New Orleans District, USACE
Mark Wingate, Deputy District Engineer, New Orleans District, USACE
Bren Haase, CPRA Executive Director
Greg Grandy, CPRA Deputy Director
Brian Lezina, CPRA Administrator
Carol Parsons Richards, CPRA Coastal Resources Scientist Manager
Brad Miller, CPRA Project Manager



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651

August 12, 2021

Mr. Bren Haase
Coastal Protection and Restoration Authority
150 Terrace Avenue
Baton Rouge, LA 70802

Dear Mr. Haase:

The following is a response to your January 31, 2020 comment on the draft Environmental Assessment (EA) 576.

Compensatory mitigation to offset habitat impacts due to construction of the West Shore Lake Pontchartrain (WSLP) Project was described previously in the 2014 WSLP Environmental Impact Statement (EIS) and in EA 576 completed in 2020. EA 576 addressed compensatory mitigation for habitat impacts associated with each of the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN) Bipartisan Budget Act (BBA) of 2018-funded flood risk reduction projects (WSLP Project, Comite River Diversion Project, and the East Baton Rouge Parish Watershed Flood Risk Management Project). The Finding of No Significant Impact for EA 576 was signed by the CEMVN District Commander on April 4, 2020. EA 576 recommended purchase of mitigation bank credits and construction of new swamp habitat to compensate for swamp habitat that will be lost due to construction of the WSLP Project. The WSLP Project compensatory mitigation plan approved through EA 576 and its FONSI is CEMVN's current WSLP Approved Plan (AP) to compensate for WSLP Project swamp impacts.


On January 31, 2020, the Coastal Protection and Restoration Authority (CPRA) submitted a letter to the CEMVN requesting that the Maurepas Swamp Project (MSP) be considered as a compensatory mitigation project to mitigate for unavoidable impacts to swamp habitat from construction of the WSLP Project. The CEMVN assembled a Project Delivery Team (PDT) to assess the viability of the MSP as a potential compensatory mitigation alternative for the WSLP Project. The PDT included CEMVN, CPRA, U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service, U.S. Environmental Protection Agency, U.S. Geological Survey, Louisiana Department of Wildlife and Fisheries, and the Louisiana Department of Natural Resources. On February 6, 2020, the PDT began work to align the MSP's components with Federal mitigation laws and policies to determine whether it could be considered a viable mitigation alternative.

In a letter dated July 2, 2020, the USFWS stated that rough-draft Wetland Value Assessments (WVAs) indicated that the MSP Alternative would be able to provide sufficient benefits to compensate for WSLP Project swamp impacts. On March 2, 2021, the USFWS completed a

more thorough WVA that also indicated that the MSP Alternative would be able to compensate for WSLP Project swamp impacts.

USACE policy requires an incremental cost analysis for the different mitigation alternatives and requires identification of the least cost plan. As of the date of this letter, there are three alternatives being considered: No Action Alternative (BBA Alternative; herein called EA 576 AP), Alternative 1 (MSP-1: Public and Private Lands), and Alternative 2 (MSP-2: Public Land Only). To compare the MSP Alternatives against the EA 576 AP, costs for the MSP Alternatives and the previously identified EA 576 AP were assessed. During this process, anticipated costs for the various components of the MSP Alternatives were estimated and were compared against the EA 576 AP anticipated costs. The state's preferred alternative (Alternative 2) costs are much higher than the anticipated costs to implement the No Action Alternative.

Consequently, the state's preferred alternative (Alternative 2) is unlikely to meet USACE compensatory mitigation cost requirements compared to EA 576 AP in spite of being able to provide sufficient benefits to compensate for WSLP Project swamp impacts. If you have further questions regarding this matter, please do not hesitate to contact Mr. Constance.



Troy G. Constance
Chief, Regional Planning and
Environment Division South
U.S. Army Corps of Engineers