UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

July 29, 2021

Everard Baker
U.S. Army Corps of Engineers
New Orleans District
Project Management
CEMVN–PMR, Room 331
7400 Leake Avenue
New Orleans, Louisiana 70118

Dear Mr. Baker:

The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the U.S. Army Corps of Engineers (USACE) St. Tammany Parish Louisiana Draft Feasibility Report (DIFR) and Environmental Impact Statement (EIS), CEQ No. 20210071. The DIFR-EIS was reviewed pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations (40 CFR Parts 1500 – 1508), and by our NEPA review authority under Section 309 of the Clean Air Act.

The purpose of the study is to determine the feasibility of flood risk management and coastal storm surge risk reduction in St. Tammany Parish, Louisiana. The study area encompasses all of St. Tammany Parish, which is approximately 1,124 square miles and located in southeastern Louisiana. St. Tammany Parish has complex hydrology and experiences repeated damages from various types of flood events, including, but not limited to, storm surge, wave action, rainfall, riverine, and high tide. The Recommended Plan includes the construction and operation of approximately 16.3 miles of a hurricane and storm damage risk reduction levee and floodwall from west Slidell to south Slidell, five pump stations, 5 floodgates, ramps, channel improvements to Bayou Patassat in Slidell, channel improvements to Mile Branch in Covington, and nonstructural home elevations and floodproofing of eligible structures.

EPA's primary concerns are potential impacts to water quality, wetlands and implementation of mitigation measures and committing to mitigation for the potential impacts on the adjacent environmental justice community. We have provided the following detailed comments for your consideration.

Water Quality

EPA recommends the USACE follow EPA's promulgated "Construction and Development Effluent Guidelines" that instruct construction site owners and operators that disturb one or more acres to use best management practices to ensure that soil disturbed during construction activity does not pollute nearby water bodies and comply with verifiable pollution limits (https://www.epa.gov/eg/construction-and-development-effluent-guidelines).

EPA recommends the USACE determine and address all impaired waterbodies within the project scoping area that will be potentially impacted by the levee construction project. EPA notes several waters in the projected impact area are impaired due to depressed dissolved oxygen,

bacteria, pH, copper and mercury. The identification of waterbodies not supporting the state's water quality standards is required by CWA §303(d). Louisiana's list of impaired waters can be found in Louisiana's most recently published 2020 Integrated Report (https://www.deq.louisiana.gov/page/2020-water-quality-inventory-integrated-report-305b303d).

EPA recommends the USACE address the long-term effects and sustainability of their proposed alterations to various channels within this project's scope (especially in regards to streambank degradation, increased erosion, and impacts to fish and invertebrate communities). We also recommend that USACE consider following EPA's published soil and sediment control practices when conducting alterations to streams and channels in order to prevent nonpoint source pollution (https://www.epa.gov/sites/production/files/2015-09/documents/chapter_5_erosion_web.pdf).

Wetlands

EPA recommends the USACE continue to collaborate with Dr. Raul Gutierrez (gutierrez.raul@epa.gov) of the Region 6 NPDES and Wetlands Review Section to continue development of a compensatory mitigation plan that will fully offset adverse impacts to wetlands. The plan should be located within the watershed where impacts will occur and should be implemented in a timely manner so as to minimize any potential temporal impacts.

Environmental Justice (EJ) and Impacted Communities

USACE states in Section 3.2.2.1.5, "The largest city in the parish is Slidell, which is home to about 11 percent of the parish population. The majority of the parish is white with 83 percent identifying as white and 17 percent identifying as minority. The largest minority in the parish is Black/African American. Hispanic ethnicity is between 3 and 7 percent of the parish's population. The Federal Interagency Working Group's "Promising Practices for EJ" document recommends using a 50 percent threshold to identify communities with EJ concerns. None of the communities shown in Table 3-9 meet the minority threshold of 50 percent. However, there may be pockets of neighborhoods with EJ concerns within these larger communities and those will be identified once the project alternatives are assessed later in the report. The majority of the population lives above the poverty threshold, as shown in Table 3- 10. In 2017, eleven percent of parish residents had a poverty status below the poverty threshold of $25,094 for a family of four. As detailed in the "Promising Practices" document, 20 percent or more of residents with incomes below poverty is a threshold used to identify communities with EJ concern. None of the places shown in Table 3-10 meet this EJ threshold; however, there may be neighborhoods, near project alternatives, within these communities that may be communities with EJ concern.

EPA recommends the Lead Federal Agency revise the terminology mentioned in its Draft EIS as shown below to coincidence with EPA's Office of Environmental Justice. USACE is recommended to revise the following terms every place it is mentioned in the Draft EIS.

1. "EJ communities" to "communities with EJ concerns";
2. "EJ neighborhoods" to neighborhoods with EJ concerns";
3. "Environmental Justice communities" (see #1 above), and;
4. "EJ community" to "community with EJ concern."

EPA recommends the USACE uses all resources available to identify all Environmental Justice communities communities with EJ concerns potentially impacted by the proposed project, (e.g. census, EJSCREEN, NEPAssist, area knowledge, etc.).

EPA recommends the USACE define and discuss concisely each EJ Community, community with EJ concern near, adjacent to or within the parameter of proposed Action(s).

EPA recommends the USACE addresses the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster meaningful public participation by these populations. An assessment of the proposed action impact on minority and low-income populations should reflect coordination with those affected populations. It would be advantageous to the adversely impact community if USACE solicits the assistance of service organizations such as the National Association for the Advancement of Colored People, Sierra Club, Deep South Center for Environmental Justice and the Louisiana Environmental Action Network. The leadership of these organizations could provide vital information about the community, assist in educating the community about the project and help in the development of the EIS.

EPA recommends the USACE use comprehensive communication strategy in various forms of media such as community's preferred radio stations, local television channels, library, food establishments as well as school and religious institutions to inform the communities with EJ concerns of information regarding the proposed project.

We recommend the USACE incorporate a discussion or rationale in the EIS to show how particular mitigation measures might offset specific impacts to the degree that the impacts would no longer be disproportionately high and adverse and clearly show a commitment to implement those measures.

EPA recommends the USACE complies with the Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Population; the Interagency Memorandum of Understanding; and the Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.

EPA appreciates the opportunity to provide comments on this document. We look forward to the receipt of your Final EIS. EPA asks that you submit the Final EIS review using eNEPA at https://www.epa.gov/nepa/e-nepa-guide-registration-and-preparing-eis-electronic-submission. If you have any questions, please contact Gabe Gruta the project review lead, at 214-665-2174 or gruta.gabriel@epa.gov.

Sincerely,

Polk, Jonna

Digitally signed by Polk, Jonna
DN: cn=Polk, Jonna,
email=Polk.Jonna@epa.gov
Date: 2021.08.02 16:11:16 -05'00'

Jonna Polk
Director
Office of Communities, Tribes and
Environmental assessment