UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
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https://www.fisheries.noaa.gov/region/southeast

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225-380-0081

Mr. Marshall K. Harper, Chief
Environmental Planning Branch
Regional Planning and Environment Division South
U.S. Army Corps of Engineers
New Orleans Environmental Branch, CEMVN-PDS-C
7400 Leake Avenue
New Orleans, Louisiana 70118

Dear Mr. Harper:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Revised Draft Integrated Feasibility Report (DIFR) and the revised draft of the Environmental Impact Statement (DEIS), for the St. Tammany Parish Louisiana, Feasibility Study, transmitted by your letter dated July 21, 2023. Your letter indicates the revised DEIS represents the U.S. Army Corps of Engineers (USACE) initiation of essential fish habitat (EFH) consultation under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The revised DIFR and DEIS have been prepared in response to the Bipartisan Budget Act of 2018, H. R. 1892 - 13, Title IV, Corps of Engineers - Civil, Department of the Army, Investigations, which authorized the expenditure of funds necessary for the completion, or initiation and completion, of flood and storm damage risk reduction projects or studies in multiple southeast Louisiana parishes. The NMFS has agreed to serve as a cooperating agency for this project under provisions of the National Environmental Policy Act. The following is provided in accordance with provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and 600.920 of the Magnuson-Stevens Act. Upon review of the engineering design, the USACE determined there was a need to undergo a second public review due to an estimated 350 acres of additional environmental impacts associated with the project. However, the direct impacts to EFH did not change from the first DEIS to the revised DEIS.

Upon the release of the first DIFR and DEIS, the USACE conducted additional engineering, economic, and environmental investigations on the individual features of the draft Tentatively Selected Plan (TSP) to form the Optimized TSP. The Optimized TSP proposes to construct and operate approximately 18.5 miles (97,700 feet) of hurricane and storm damage risk reduction levee and floodwall sections in west and south Slidell. The levee and floodwall are a combination of 15 miles (79,500 feet) of levees and 3.5 miles (18,200 feet) of floodwall. The levee alignment would impact 521 acres of permanent right-of-way and it would require approximately 7,239,000 cubic yards of fill, including fill material required for future levee lifts (estimates include a 30 percent contingency). The hurricane and storm damage risk reduction implementation would include eight pump stations, thirteen culvert/sluice gates/lift gates, eighteen vehicular floodgates, one pedestrian gate, one railroad gate along the Norfolk Southern

Railroad, and six ramps. The USACE also proposes Mile Branch channel improvements in Covington, as well as nonstructural home elevations and flood proofing for approximately 6,684 structures in the project area.

The Optimized TSP will impact 123 acres of EFH of tidal fresh/intermediate marsh from the construction of the levee footprint and three acres of estuarine water bottoms and water column impacts to EFH associated with dredging activities. Upon further evaluation, USACE determined there were no indirect impacts to EFH. In a letter to USACE dated July 22, 2021, the NMFS provided three EFH conservation recommendations under provisions of the Magnuson-Stevens Act in response to the first DEIS. Based on the information provided in the revised DEIS, revisions to the EFH assessment will be required to further refine and quantify EFH impacts to determine the mitigation required for the final EFH assessment and EIS. A complete final EFH assessment should be provided to the NMFS incorporating all activities associated with this project, including a description of measures to avoid, minimize, mitigate, or offset the adverse impacts of the proposed activities on EFH. Avoidance and minimization of direct wetland impacts should be pursed to the greatest extent practicable. The final EIS should include in the EFH Section 5.1.1.5, details delineating and quantifying impacts to EFH by habitat type, as well as differentiating between the flood side EFH and the protected side of all structures.

The NMFS supports hurricane protection to reduce risk to life or property, however we are concerned direct wetland losses from construction of project features and water control structures would adversely impact EFH and associated marine fishery resources. Based upon the information provided in the revised DIFR and DEIS, the proposed construction and operation of the west and south Slidell levee and floodwall system would result in impacts to EFH, while the Mile Branch channel improvements is located within a non-tidal area. The NMFS recognizes the USACE's efforts to avoid and minimize proposed impacts to EFH by providing the requested operational plans for all proposed structures. However, the NMFS continues to be concerned the proposed levee alignment and all remaining gate structures may reduce tidal drainage/exchange in the Pontchartrain Basin. Impediments to drainage may increase inundation stress of wetlands and could increase wetland loss. The NMFS recommends the final EFH assessment and EIS should include final operation plans, which assess potential structures related to fisheries access impacts in the Pontchartrain Basin.

Construction of the levee system could also potentially induce flooding internally and externally to the levee alignment due to heavy rainfall events and high tides. The NMFS recommends conducting additional hydrologic modeling on project features to mitigate for any potential to reduce water exchange and increased hydroperiod of the Pontchartrain Basin. The USACE should provide hydrological modeling results for all structures justifying: 1) how particular locations were selected for each structure, 2) why each structure is needed, and 3) how the size and type of each structure was determined. The final EFH assessment and EIS should include the results of the assessment and associated mitigative measures.

The revised DEIS included an EFH mitigation and monitoring plan, which states mitigation measures will be considered in the following order: 1) potential USACE constructed marsh mitigation sites in approximately 221 acres of open water, and/or 2) purchase of mitigation bank credits to offset impacts to tidal fresh/intermediate marsh. If the purchase of wetland credits

from an USACE approved mitigation bank within the appropriate watersheds is not available, then the USACE should work with NMFS develop an appropriate plan to fully compensate for all EFH impacts. The proposed mitigation and monitoring plan should be presented to NMFS for review prior to release of the final EFH assessment and EIS. To avoid additional mitigation for temporal impacts, NMFS recommends implementation of the mitigation plan concurrent with the construction of the development. The preliminary mitigation analysis, approximate total acres, and Average Annual Habitat Units of impacts to tidal fresh/intermediate marsh provided in the revised DEIS should be refined to verify: 1) the final assessment of acres of impacts to EFH, 2) the final WVA analysis, 3) the types of mitigation required, and 4) the final project design. Open water should also be included among the habitat types requiring mitigation. Estimates of all direct and indirect project related impacts to tidally influenced habitat should be refined for inclusion in the project's final EFH assessment and EIS.

The NMFS looks forward to USACE providing the final EFH assessment including final quantities of EFH impacts and a final mitigation and monitoring plan. We anticipate continued coordination with your office on the EFH consultation and we appreciate your consideration of our comments. If you wish to discuss this project, further or have questions concerning our recommendations, please contact Alexis Rixner at (225) 380-0081 or by e-mail at Alexis.Rixner@noaa.gov.

Sincerely,

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

c:
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