



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
7400 LEAKE AVENUE  
NEW ORLEANS, LOUISIANA 70118

REPLY TO  
ATTENTION OF

October 23, 2019

Regional Planning and  
Environment Division, South

**CLEAN WATER ACT, SECTION 404 PUBLIC NOTICE**

**BRACKISH MARSH AND SWAMP MITIGATION FOR THE NEW ORLEANS TO  
VENICE HURRICANE RISK REDUCTION PROJECT: INCORPORATION OF NON-  
FEDERAL LEVEES FROM OAKVILLE TO ST. JUDE AND NEW ORLEANS TO  
VENICE FEDERAL HURRICANE PROTECTION LEVEE, PLAQUEMINES AND ST.  
TAMMANY PARISHES, LOUISIANA**

Introduction. This Public Notice is issued in accordance with provisions of Title 33 CFR Parts 336.1(b)(1) and 337.1, which establish policy, practices, and procedures to be followed on federal actions involving the disposal of dredged or fill material into waters of the United States.

Project Authority. Congress approved a series of supplemental appropriations acts following Hurricanes Katrina and Rita to repair or improve Federal and non-Federal hurricane and storm damage reduction and flood damage reduction projects and related works in the affected area. USACE, New Orleans and Vicksburg Districts, conducted the study for this proposed mitigation project under the authorities described below.

Under these authorities, a total of \$671,000,000 was allocated for construction at full Federal expense to replace or modify the non-Federal levee (NFL) on the west bank in Plaquemines Parish from Oakville to St. Jude, and to incorporate these levees into the Federal levee system for the purpose of providing enhanced storm surge risk reduction and protection of the evacuation route.

The New Orleans to Venice (NOV), Louisiana Project is originally authorized in section 203, Title II, Flood Control, Lower Mississippi River Basin, P.L. 87-874, and was previously named "Mississippi River Delta At and Below New Orleans, Louisiana."

The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery of 2006 (4th Supplemental - Public Law 109-234, Title II, Chapter 3, Flood Control and Coastal Emergencies [120 STAT. 454-455]) provides: "For an additional amount for 'Flood Control and Coastal Emergencies,' as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, \$3,145,024,000, to remain available until expended: Provided, that the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; . . . \$215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; . . . ." The Flood Control and Coastal Emergencies Section of Title II, Chapter 3, of the Joint Explanatory Statement of the Committee of Conference, page 115,

states: “Funds totaling \$3,145,024,000 are recommended to continue repairs to flood and storm damage reduction projects . . . These projects are to be funded at full Federal expense . . . Additionally, the Conferees include: . . . \$215,000,000 for incorporation of non-Federal levees on the west bank of the Mississippi River in Plaquemines Parish in order to provide improved storm surge protection and to protect evacuations routes; . . . .”

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (5th Supplemental - Public Law 110-28, Title IV, Chapter 3, Flood Control and Coastal Emergencies [121 STAT. 153-154]) provides: “For an additional amount for ‘Flood Control and Coastal Emergencies,’ as authorized by Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, \$1,407,700,000, to remain available until expended: “Provided, . . . The Secretary of the Army is . . . to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property . . . .”

The Act Making Appropriations for Military Construction, the Department of Veterans Affairs, and Related Agencies for the Fiscal Year Ending September 30, 2008, and For Other Purposes (6th Supplemental – Public Law 110 252, Title III, Chapter 3, Flood Control and Coastal Emergencies [122 STAT. 2349-2350]) provides: “For an additional amount for ‘Flood Control and Coastal Emergencies,’ as authorized by Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$2,926,000,000, to become available on October 1, 2008, and to remain available until expended: Provided, That funds provided herein shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for the following: . . . \$456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; . . . .”

Location. The proposed action is located in St. Tammany Parish, Louisiana.

Project Description. The tentatively selected alternative (TSA) to mitigate for the 33.9 AAHUs of swamp and 106.9 AAHUs of brackish marsh (including intermediate marsh, saline marsh, and open water) impacts incurred during construction of the non-Federal Levee and Federal New Orleans to Venice (NFL-NOV) project includes the purchase of Swamp mitigation bank credits and the construction of the Fritchie Brackish Marsh project. The purchase of swamp credits from a mitigation bank incurs no new or additional impacts to wetlands or waters of the United States as only USACE permitted mitigation banks, currently in compliance with their mitigation banking instrument (MBI) would be considered for purchase of mitigation credits. As such, this 404(b) (1) will only evaluate impacts for the Fritchie brackish marsh creation project.

Fritchie FS Brackish Marsh. The proposed Fritchie FS brackish marsh project would involve the restoration of brackish marsh habitat from shallow open water within what has been identified as public land, more specifically, the Big Branch National Wildlife Refuge (NWR).

The proposed project is located in St. Tammany Parish on the north shore of Lake Pontchartrain east and north of Old Spanish Trail Road and west of Chef Menteur Highway. Figures 1 and 2 provides an illustration of the proposed FS brackish marsh restoration mitigation feature. The proposed feature would be up to approximately 350 acres.

The water bottom in the Fritchie marsh creation site is approximately -1.5 ft NAVD88. Marsh restoration would require approximately 2,630,000 CY of material hydraulically dredged from within a 258 acre borrow site in Lake Pontchartrain to construct a brackish marsh platform. Access to the proposed marsh creation area and transport of hydraulically dredged borrow material would be via Salt Bayou and unnamed waterways. Three previously utilized staging areas approximately 1.3 acres in size at the intersection of Salt Bayou Road and Rigolets Road/Highway 433 on the east and west side and one previously utilized additional access corridor/board road east of Chef Menteur Highway at the southeast corner of the Big Branch NWR would be utilized for equipment access and staging (Figures 3 and 4). Approximately 20,938 LF retention dikes would be constructed to elevation 4 ft NAVD88 with a 5 ft wide crown and 1:3 side slopes using approximately 150,000 CY of borrow obtained from within the marsh creation area. Once the construction of the retention dikes is complete, dredging of material from the Lake Pontchartrain borrow area would commence. The 258 acre borrow site would be dredged to a max elevation depth of -20 ft NAVD88 with assumed water bottom of -8 ft NAVD88, the material pumped via pipeline, and placed within the marsh creation area to a maximum elevation of 2.5 ft NAVD88 in an effort to achieve an initial fill elevation of 1.5 ft NAVD88. After one year, it is estimated that the initial 2.5 ft NAVD88 fill elevation would settle to an approximate elevation of 1.5 ft NAVD88. The target marsh elevation for brackish marsh habitat would range from 1.0 ft to 1.5 ft NAVD88. The construction duration would be approximately 160 days for dredging and 2 years for settlement and degrading of retention dikes.

During the OMRR&R phase of the project, prior to transfer of monitoring responsibilities to the NFS, the site would be monitored and surveyed to ensure the marsh creation area has met the initial success criteria. At a minimum, these actions would include periodic eradication of invasive/nuisance plants in the mitigation feature and mitigation monitoring and reporting as prescribed in Appendix J. Approximately one year after the construction of the marsh platform is complete, once dewatering and settlement of the marsh platform has occurred, the retention dikes would be degraded to the target marsh elevation. Degraded dike material would be placed within the marsh creation area and adjacent to the retention dikes by marsh buggies to a maximum elevation of 1.0 ft NAVD88. In conjunction with the degradation of the retention dikes, trenasses may be constructed by marsh buggy within feature if additional hydraulic conveyance is necessary. Trenasse width would be the width of a marsh buggy. If the resulting depression is not adequate for minimal water flow, the marsh equipment could excavate material along the proposed trenasse alignment, not to exceed a 5-foot bottom width by 1-foot deep channel. The marsh feature is not expected to require planting, since it was assumed that native brackish marsh plants would colonize the marsh naturally. If brackish marsh species do not colonize the site on their own, brackish marsh plant species would be planted. The construction duration for degrading the dikes would be approximately 2 months. Additional duration would be necessary if trenasse construction and brackish marsh plantings are required.

The proposed action itself consists of measures to minimize the adverse effects of storm water erosion and thus requires no separate measures or controls for compliance with CWA Section 402(p) and LAC 33:IX.2341.B.14.j.

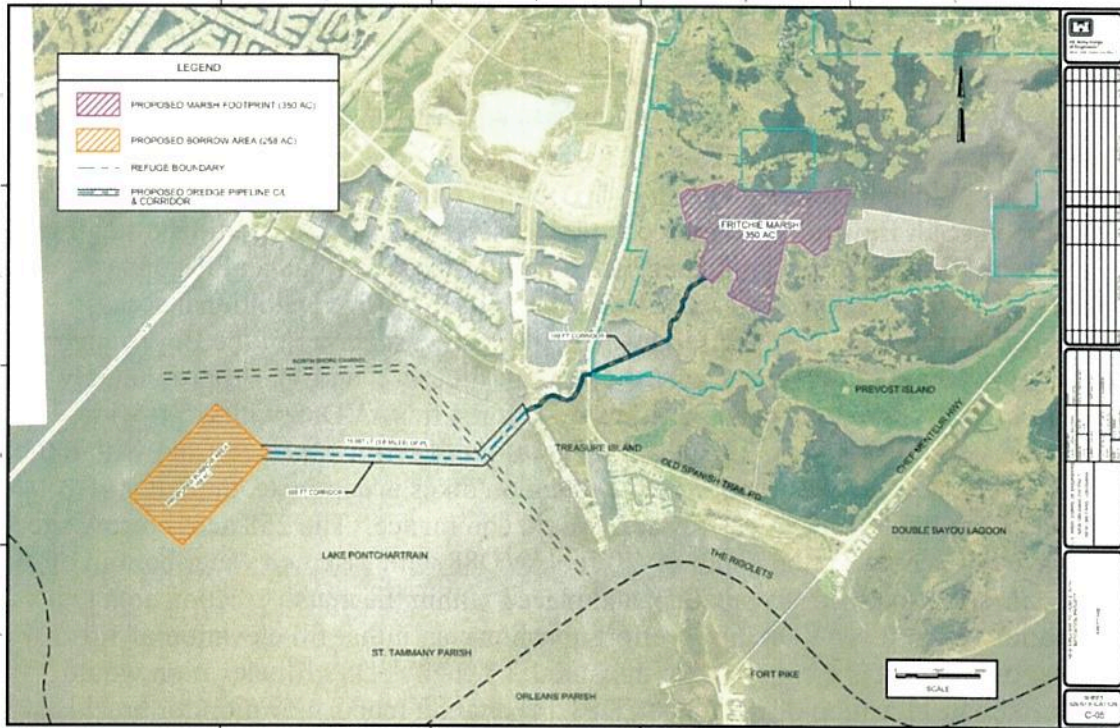


Figure 1: Proposed Marsh Footprint and Borrow Area

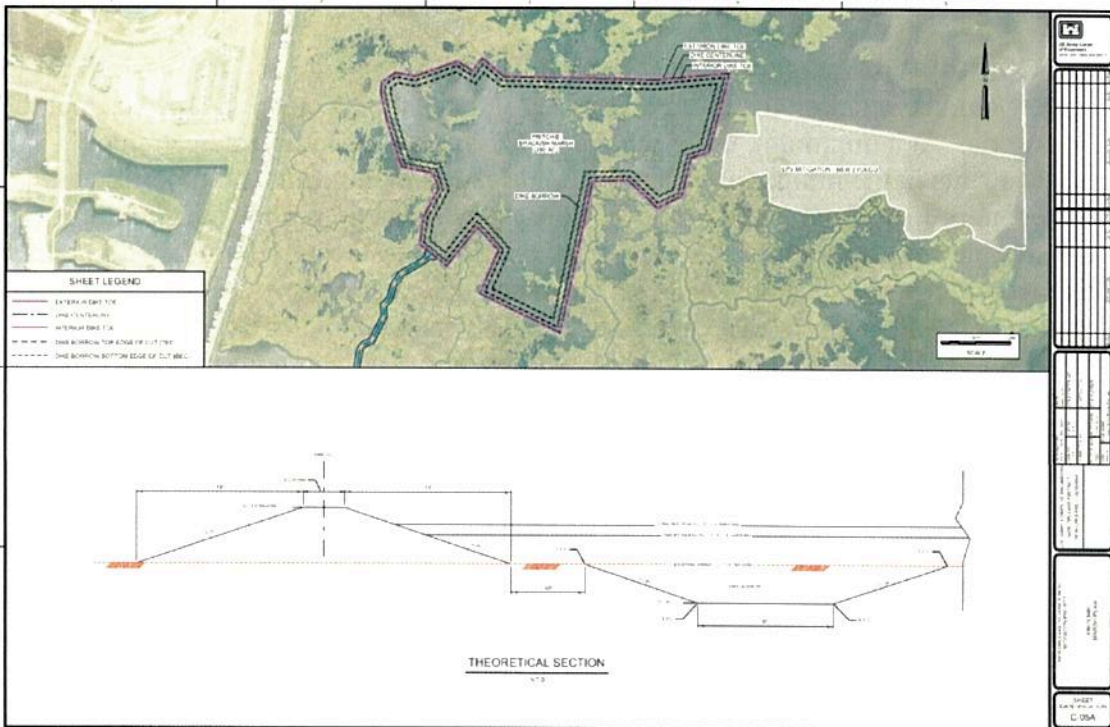


Figure 2: Marsh Plan and Dike Cross-section



**Figure 3: Staging Areas on Salt Bayou Road and Rigoletts/Highway 433**  
Additional Access Corridor (Southeast Corner of the Refuge) - For access into the marsh creation area.



**Figure 4: Staging Board Road Access Area east of Chef Menteur Highway**

Discharges by Others. No discharges are anticipated by others.

Other Information. On August 29, 2005, Hurricane Katrina caused major damage to the Federal and non-Federal flood control and storm damage risk reduction systems in Southeast Louisiana. Hurricane Rita followed this storm on September 24, 2005, and made landfall on the Louisiana-Texas state border, causing damage to the Hurricane Storm Damage Risk Reduction System (HSDRRS) in southern Louisiana. Since the storms, the U.S. Army Corps of Engineers (USACE) has been working with state and local officials to restore the Federal and non-Federal flood control and HSDRRS and related works in the affected area.

The impacts caused by NFL NOV projects were first assessed in “Final Environmental Impact Statement New Orleans to Venice, Louisiana Hurricane Risk Reduction Project: Incorporation of Non-Federal Levees from Oakville to St. Jude, Plaquemines Parish, Louisiana” (NFL FEIS); “Supplemental Environmental Assessment 537 New Orleans to Venice Hurricane Risk Reduction Project: Changes to the Non-Federal Levees Project, Oakville to St. Jude, Plaquemines Parish, Louisiana” with a FONSI signed March 25, 2016; and “Final Supplemental Environmental Impact Statement New Orleans to Venice Federal Hurricane Protection Levee Plaquemines Parish, Louisiana” (NOV SEIS) with a ROD signed October 31, 2011.

At the time draft EA 543 entitled "New Right of Way and Mitigation for the New Orleans to Venice Hurricane Risk Reduction Project: Incorporation of Non-Federal Levees from Oakville to St. Jude and New Orleans to Venice Federal Hurricane Protection Levee, Plaquemines Parish, Louisiana" was released for public review and comment, the Proposed Action included a plan to mitigate all habitat types impacted by the NFL NOV projects including swamp, intermediate, brackish, and saline marsh, and open water. Additional data obtained during a site visit in July 2017 to the project mitigating the marsh and open water impacts (Coleman) resulted in a downward adjustment of the mitigation potential for this project. This adjustment rendered the project, as designed and described in draft EA 543, unable to meet 100 percent of CEMVN's need for these habitat types. Also problematic was the lack of sufficient response to the solicitation to purchase compensatory mitigation bank credits to mitigate for 100% of the swamp impacts. As a result CEMVN reformulated a plan to mitigate for impacts to intermediate, brackish, and saline marsh, open water and swamp habitats, which is presented for public review and comment in this SEA 543a. Although the purchase of mitigation bank credits for the NFL NOV swamp impacts is again being considered as part of the proposed action in this SEA, additional projected credit releases for swamp are anticipated such that implementation of the TSP may now be successful.

Properties Adjacent to Disposal Sites. The proposed action is within the US Fish and Wildlife Service Big Branch National Wildlife Refuge, and adjacent to Salt Bayou and unnamed waterways, east and north of Old Spanish Trail Road and west of Chef Menteur Highway and north of Lake Pontchartrain.

Status of Environmental Assessment (EA) and Other Environmental Documents. SEA 543a, entitled “Brackish Marsh and Swamp Mitigation for the New Orleans to Venice Hurricane Risk Reduction Project: Incorporation of Non-Federal Levees from Oakville to St. Jude and New Orleans to Venice Federal Hurricane Protection Levee, Plaquemines and St. Tammany Parishes, Louisiana”, is currently under public review and was prepared to address the propose action and alternatives for this mitigation in accordance with the National Environmental Policy Act (NEPA) of 1969 and the President's Council on Environmental Quality's (CEQ) Regulations (40 CFR §1500-1508), as reflected in the USACE Engineering Regulation, ER 2002-2 was mailed to the public for a 45-day review on October 23, 2019. The associated draft Finding of No Significant Impact (FONSI) is also available for public review.

Environmental compliance for the proposed action would be achieved upon: coordination of this SEA and draft FONSI with appropriate agencies, organizations, and individuals for their review and comments; U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) confirmation that the proposed action would not be likely to adversely affect any endangered or threatened species; Louisiana Department of Natural Resources concurrence with the determination that the proposed action is consistent, to the maximum extent practicable, with the Louisiana Coastal Resources Program; receipt of a Water Quality Certificate from the State of Louisiana; public review of the Section 404(b)(1) Public Notice; signature of the Section 404(b)(1) Evaluation; receipt of the Louisiana State Historic Preservation Officer Determination of No Affect on cultural resources; receipt and acceptance or resolution of all USFWS Fish and Wildlife Coordination Act recommendations; receipt and acceptance or resolution of all Louisiana Department of Environmental Quality comments on the air quality impact analysis documented in the SEA; and receipt and acceptance or resolution of all NMFS Essential Fish Habitat recommendations. The draft FONSI would not be signed until the proposed action achieves environmental compliance with applicable laws and regulations, as described above.

Coordination. The following is a partial list of agencies to which a copy of this notice is being sent:

- U.S. Environmental Protection Agency, Region VI
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service
- U.S. Coast Guard, Eighth District
- Louisiana Department of Environmental Quality
- Louisiana Department of Natural Resources
- Louisiana Department of Wildlife and Fisheries
- Louisiana Department of Transportation and Development
- Louisiana State Historic Preservation Officer

This notice is being distributed to these and other appropriate Congressional, federal, state, and local interests, environmental organizations, and other interested parties.

Evaluation Factors. Evaluation includes application of the Section 404(b)(1) guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency, through 40 CFR 230.

Public Involvement. Interested parties may express their views on the disposal of material associated with the proposed action or suggest modifications. All comments postmarked on or before the expiration of the 45 day comment period for this notice will be considered.

Any person who has an interest that may be affected by deposition of excavated or dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by the proposed action.

You are requested to communicate the information contained in this notice to any parties who may have an interest in the proposed action.

For further information regarding the proposed action, please contact Ms. Laura Lee Wilkinson at (504) 862-1212, and her E-mail address is [laura.l.wilkinson@usace.army.mil](mailto:laura.l.wilkinson@usace.army.mil).



Marshall K. Harper  
Chief, Environmental Planning Branch

COMMENT PERIOD FOR THIS PUBLIC NOTICE EXPIRES: December 6, 2019