APPENDIX O: SCOPING REPORT AND PUBLIC INVOLVEMENT REPORT

Public Scoping Report

Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study Scoping Report

TABLE OF CONTENTS

I Introduction 2

II Background 2

III Scoping 4

Scoping Meetings 4

A. Public Notification 4

B. Meeting Process 4

C. Meeting Venues 5

D. Meeting Attendance 5

IV. Comments 5

Tables

Table 1. Number of Comments by Mode

Table 2. Themes by Percentage of Occurrence

Attached Sub-Sections

Meeting Notifications

- Federal Register Notice of Intent
- Public Notice (published on the WSLP website)

Meeting Materials

- PowerPoint Presentation

Meeting Transcripts

Written Comments

- Individual e-mails
- Form e-mail/List of Senders
- Public Comment on Notice of Intent
- Letters
- Social Media Comments

Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study Scoping Report

I Introduction

The U.S. Army Corps of Engineers, Mississippi Valley Division, New Orleans District (CEMVN) published a notice of intent to prepare a supplemental environmental impact statement (SEIS) to the 2014 West Shore Lake Pontchartrain (WSLP) environmental impact statement (EIS) in the Federal Register on August 13, 2021. This SEIS provides an assessment of proposed alternative projects to compensate for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project in St. Charles, St. James, and St. John the Baptist Parishes (WSLP Project) swamp impacts. The notice of intent begins a formal public scoping comment period, which will continue through Oct. 31, 2021. The purpose of the public scoping phase is to determine the scope of issues for analysis for the SEIS.

This Scoping Report outlines the project background and scoping process to date, and summarizes the key issues identified by members of the public during the initial scoping period, which began on August 13, 2021. Comments received after October 31, 2021, are not included in this report; however, they are considered in the development of alternatives to address swamp impacts and analysis of the SEIS. An analysis of the comments identified 20 themes that are detailed in Section IV. The top six themes represent 53 percent of the comments received:

1. Critical Line of Defense
2. Mitigation in-kind & in-basin
3. Restore Health and biodiversity of ecosystem
4. Mitigation bank credits
5. Mitigation need
6. Delays to WSLP levee construction

II Background

The WSLP Project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes. Part of the Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322) in 2016 authorized construction of the WSLP Project. The BBA of 2018 (BBA 2018, Public Law 115-123) funded construction of the WSLP Project.

The WSLP Project is described in the 2014 WSLP EIS; West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Structural Alignment Surveys and Borings Investigations St. Charles and St. John the Baptist Parishes, Louisiana Supplemental Environmental Assessment (SEA) 570; and West Shore Lake

Pontchartrain Hurricane and Storm Damage Risk Reduction Levee System, St. Charles and St. John the Baptist Parishes, Louisiana SEA 571. The WSLP Project is approximately 19 miles in length and includes approximately 18 miles of levee, one mile of T-wall, six pumping stations with associated drainage structures, one gated road crossing, two gated railroad crossings, and approximately 35 utility relocations. The Record of Decision (ROD) for the WSLP EIS was signed by the Assistant Secretary of the Army, Civil Works on September 14, 2016. SEA 570 investigated levee alignment shifts as well as the addition of five stockpile/staging areas for construction related activities. The FONSI associated with SEA 570 was signed by the CEMVN District Commander on May 13, 2019. SEA 571 evaluated additional changes to the WSLP levee alignment, the addition of four borrow areas, widening of the levee alignment, minor modifications to previously assessed access roads, and the addition of three access roads. The FONSI for SEA 571 was signed by the CEMVN District Commander on June 29, 2020.

Based on the changes to date, the WSLP Project could impact approximately 10,895 acres of swamp and 4,880 acres of wetland bottomland hardwoods (BLH-Wet) in the Louisiana (LA) Coastal Zone (CZ). This equates to a compensatory mitigation need of approximately 1,010 AAHU of CZ swamp [including direct impacts to swamp associated with construction of the Maurepas Swamp Project (MSP) (~55 AAHU), and direct (~600 AAHU) and indirect (~355 AAHU) impacts to swamp associated with the construction of WSLP] and approximately 295 AAHU of CZ BLH-Wet (BLH habitat impacted by the construction of the WSLP Project would be mitigated in accordance with EA 576).

This Supplemental EIS would provide an assessment of proposed alternatives to compensate for the WSLP Project's swamp impacts. When unavoidable impacts occur, the CEMVN is required to offset those impacts through compensatory mitigation by replacing the lost habitat's functions and services equally and in-kind. Compensatory mitigation is required by the Water Resources Development Act (WRDA) of 1986, Section 906, as amended, and by the Clean Water Act Section 404(b)(1) Guidelines. The MSP is a freshwater diversion that would reconnect the Mississippi River to the Maurepas Swamp, strategically delivering nutrient-laden river water to restore a degraded Cypress-Tupelo swamp. The proposed diversion has a 2,000 cubic foot per second (cfs) design flow. The freshwater intake structure and conveyance channel are located on the east bank of the Mississippi River in St. John the Baptist Parish, immediately west of Garyville, Louisiana, at River Mile 144 Above Head of Passes. The construction corridor for the conveyance channel extends from LA 44 (River Road) northwards for 5½ miles, terminating at the outfall structure, which is approximately 1,000 ft north of Interstate 10.

The SEIS will address a reasonable range of alternatives based on the proposed action's purpose and need. The SEIS will compare, at a minimum, the previously identified BBA Alternative for the WSLP Project in EA 576 to Alternative 1 (MSP-1: Public and Private Lands) and Alternative 2 (MSP-2: Public Land Only) by using the Alternatives Evaluation and Comparison (AEC) process. The results of the AEC process would be presented in the SEIS. The BBA Alternative would compensate for the WSLP

Project impacts of 955 AAHU of CZ swamp. The MSP Alternative would compensate for WSLP Project impacts of approximately 1,010 AAHU of CZ swamp.

III Scoping

NEPA affords all persons, organizations, and government agencies the right to review and comment on proposed major Federal actions that are evaluated by a NEPA document. This is known as the "Scoping Process." The scoping process is the initial step in the preparation of the SEIS. The scoping process is an early and open process to help determine the scope of issues to address and identify the significant issues related to the proposed action. Therefore, the scoping process will help identify (1) the range of actions (project, procedural changes), (2) Alternatives—both those to be rigorously explored and evaluated and those that may be eliminated, and (3) the environmental resources considered in the evaluation of potential environmental impacts.

A project kick-off meeting and two public scoping meetings were organized and hosted in accordance with NEPA to gather input from interested parties, agencies, and the public to reevaluate alternatives to compensate for unavoidable impacts to swamp habitat associated with the construction of the WSLP Project.

Public scoping meetings were held virtually on October 5 and 6, 2021 at the CEMVN District Office, to obtain potential compensatory mitigation measures from the general public.

Scoping Meetings

A. Public Notification

The public was notified of the scoping meetings using the following communication mechanisms. The meeting materials are included in Appendix A:

- A Notice of Intent published in the Federal Register on August 13, 2021.
- A Public Notice was mailed and/or e-mailed to the NEPA mailing list, which was comprised of the WSLP mailing and stakeholder list.
- A meeting notice was placed on the CEMVN Web sites and CEMVN social media sites (Twitter, Facebook, Instagram). A media advisory was provided to local Louisiana and regional media outlets.

B. Meeting Process

The virtual meetings were conducted according to the following agenda:

1. Opening remarks
2. PowerPoint presentation
3. Public Comments

A PowerPoint presentation was presented to the participants and narrated by Melanie Oubre. The PowerPoint presentation is included in Appendix B. A panel of subject matter experts were on hand during the virtual meeting to answer questions and clarify information presented.

Opening remarks were made by USACE representatives. During opening remarks, the scoping process was explained to the participants who were advised that comments would become part of the record of the meeting.

USACE representatives wrapped up the meeting by thanking participants for their attendance and contributions and encouraging them to submit comments for inclusion in the Scoping Report by October 31, 2021.

C. Meeting Venues

The virtual meetings were managed by CEMVN Office of Public Affairs staff at the CEMVN HQ building at 7400 Leake Ave, New Orleans, LA. 70118. The video presentation was shared live on WebEx and Facebook simultaneously. The scoping video was also posted on YouTube.

D. Meeting Attendance

On October 5, 2021, the WebEx scoping meeting included 23 participants. There were no questions or comments submitted.

On October 6, 2021, the WebEx scoping meeting included 13 participants

Live streaming of the meeting on Facebook was viewed by 1,134 participants. The reach of CEMVN posts on Facebook containing the video was 2,735 views.

Live streaming of the meeting on YouTube Video was 84 views.

IV. Comments

The following methods were available for the meeting participants and other members of the public to submit their comments on the WSLP Reevaluation of Mitigation Process:

- Oral and written comments could be presented during the live virtual meetings
- Text or voicemail: 318-604-9302
- E-mail comments: mvnenvironmental@usace.army.mil.
- Mail comments:

The number of comments received and the mode in which those comments were received is outlined in Table 1.

Table 1. Number of Comments by Mode

Comment Mode	Number of Respondents	Number of Comments
Facebook	2*	2
e-mail submitted Letter	12	48
e-mail submitted Form letters	56	10
Total:	***70***	***60***

* 1 respondent submitted comment via Facebook and email.

Within the 70 Facebook/e-mails received, there were 60 distinct comments from individuals and non-government organizations. One respondent submitted a comment via both Facebook and e-mail. One non-government entity (Spanish Lake Restoration (SLR; mitigation bank)) submitted an email letter on the Notice of Intent and the Scoping presentation. In total 3 email/letters were submitted from SLR. Two different form letters were submitted by e-mail 56 times by different respondents totaling 10 distinct comments. Since the form e-mails contained the same comments they were counted as a single e-mail/letter. All E-mails and letters received are in Appendix D.

A. Methodology for Reviewing and Summarizing Comments

For this report, a comment is defined as a distinct assertion, point, or opinion relating to the study. Therefore, an individual could have multiple comments per submittal. For example, one person's e-mail message may contain several comments. This preliminary report considered all comments received by 11:59 p.m. central standard time on Sunday, October 31, 2021. The comments were organized according to comment mode (Appendix D). This scoping report includes comments received via individual e-mail, form e-mail, letter, and comments posted as public comment on the Notice of Intent published in the National Register.

Comments were evaluated for recurring themes in order to gain an understanding of the key issues to be addressed in the draft SEIS. The theme categories are broad and encompassing in order to summarize the major issues that were identified. Twenty recurring themes were identified. Comments were categorized into one or more themes, and no comment was assigned to more than three themes. For example, the comment "This protection will reduce long term maintenance costs for the WSLP and help protect the levee system" is classified as *Theme 10: Operation and Maintenance* and *Theme 1: Critical line of defense.*

It should also be noted that the number of comments in Table 2 below, is greater than the total number of comments in Table 1 because some comments are associated with more than one theme and therefore are counted more than once in Table 2. The recurring themes and their percentage of occurrence are shown in Table 2.

Table 2. Themes by Percentage of Occurrence

Ranking	Theme	Number of Comments	Percent Occurrence
1.	Critical Line of Defense	6	10
2.	Mitigation in-kind & in-basin	6	10
3.	Restore health and biodiversity of ecosystem	5	8.33
4.	Mitigation bank credits	5	8.33
5.	Mitigation need	5	8.33
6.	Delays to WSLP construction	5	8.33
7.	Support MSP for WSLP mitigation	4	6.67
8.	NFS pay additional cost	4	6.67
9.	Cost efficiencies	4	6.67
10.	O&M of mitigation	3	5
11.	Recreational benefits	2	3.33
12.	Limited data	2	3.33
13.	Compliance with laws and regulations	2	3.33
14	Inconsistent with CEMVN mitigation policy	1	1.67
15.	High uncertainties and risk	1	1.67
16.	Better Communication	1	1.67
17.	WVA	1	1.67
18.	Funding model	1	1.67
19.	MSP is an innovative solution to as complex problem	1	1.67
20.	Impacts outside the study area	1	1.67
	Total:	***60****	***100%***

**Note: The number of occurrences is greater than the total number of comments received because a given comment can be associated. The percentages are based on dividing the number of occurrences of a given theme by the total number of comments and multiplying by 100.*

The top six recurring themes account for 53 percent of the comments and are more fully developed below.

Critical Line of Defense: Several comments were made regarding the positive benefits of the MSP as mitigation toward restoring the swamp habitat in front of the WSLP levee. They commented that the restored habitat would serve as a critical line of defense for storm surge and protect communities on the inside of the levee system,

Mitigation in-kind & in-basin: Positive comments were made regarding mitigation occurring in the same basin as the impacts and the restoration of the same habitat as that habitat adversely impacted by the WSLP levee construction.

Restore health and biodiversity of ecosystem: A few comments expressed support for the MSP as mitigation for the WSLP levee construction in that the MSP would increase primary productivity and ecosystem function while maintaining healthy populations and biodiversity. It was expressed that the MSP would restore important fish and wildlife habitat which in turn would benefit the economy through recreational activities.

Mitigation Bank Credits: There were both positive and negative comments regarding the use of mitigation bank credits. Some commented that the purchase of mitigation bank credits was the only option as the MSP as mitigation lacks data and would not meet the mitigation needed. Positive comments centered around the fact that utilizing mitigation bank credits for the WSLP mitigation need would utilize all the available credits and there would be no mitigation bank credits remaining for others to utilize.

Mitigation Need: Concern was expressed that the MSP was in the early planning stages and that there was insufficient baseline data to be confident that the mitigation need would be met. A comment expressed that the St. James mitigation site would not meet the requirement for mitigation of swamp habitat due to inadequate soils and elevation. Another comment expressed concern for the costs required to construct the Pine Island Mitigation Site that would render the site unsuitable for WSLP mitigation based on high project costs.

Delays to WSLP construction: Many expressed concerns over any delays that might be happening now or that could happen in the future with the identification of the MSP as mitigation for the WSLP construction impacts. Concern was expressed that construction of the WSLP levee was taking too long.

B. Form e-mails

Numerous e-mails were received in the format of “form e-mails.” Two form letters were created by “thesoftedge.com” and the “everyaction.org”

CEMVN received 56 individual form e-mails/letters with individual names and addresses. The e-mails were received from September 22, 2021 through October 31, 2021. The bulk of the emails arriving between October 22 – 31, 2021. A copy of the two

types of form e-mail/letter is included in Appendix D along with each individual respondent's email. The form e-mails received contained the same language, and therefore counted as a single occurrence and assigned themes accordingly for the purpose of this analysis.

In general, the comments from the form letters expressed support for the MSP as mitigation for the WSLP levee construction in that it would provide a critical line of defense to protect the levee and communities within the levee. Support was expressed for the non-federal sponsor to pay the additional costs required to utilize the MSP as mitigation for WSLP.

VI. Additional Opportunities for Public Input

The official deadline for receipt of comments for preliminary scoping was October 31, 2021. CEMVN will consider and continue to receive comments after this date as part of its ongoing planning activities. The draft SEIS is scheduled for completion in early February 2022. Additionally, the draft SEIS will be available for public review and comment for a 45-day period that is currently scheduled for early March 2022.

Federal Register Notice of Intent

Commissary Agency
NSN(s)—Product Name(s):
MR 3232—So Fabulous Monofiliment Brush
MR 3235—Ponytailers Girls
*Designated Source of Supply: A*ssociation for Vision Rehabilitation and Employment, Inc., Binghamton, NY
Contracting Activity: Military Resale-Defense Commissary Agency

Service(s)

Service Type: Medical Transcription
Mandatory for: Veterans Affairs Medical Center, Alexandria, LA
Designated Source of Supply: Lighthouse for the Blind of Houston, Houston, TX
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2021–17371 Filed 8–12–21; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Supplemental Environmental Impact Statement to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, St. Charles, St. James, and St. John the Baptist Parishes

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), is announcing its intent to prepare a Supplemental Environmental Impact Statement (SEIS) to reevaluate alternatives to compensate for unavoidable impacts to swamp habitat associated with the construction of the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project (hereafter WSLP Project). Compensatory mitigation for impacts due to construction of the WSLP Project was described previously in the 2014 WSLP Environmental Impact Statement (EIS) and in Environmental Assessment (EA) 576, which addressed mitigation for habitat impacts associated with each of CEMVN's Bipartisan Budget Act (BBA) of 2018 funded risk reduction projects (*i.e.,* the WSLP Project, Comite River Diversion Project, and the East Baton Rouge Parish Watershed Flood Risk Management Project). The Finding of No Significant Impact (FONSI) for EA 576 was signed by the CEMVN District Commander on April 4, 2020. Public comment on EA 576 included requests by the Louisiana's Coastal Protection Restoration Authority (CPRA) and others that the Mississippi River Diversion into Maurepas Swamp Project (hereafter MSP), a proposed ecological restoration project that shares construction features with the WSLP Project, be considered as a mitigation alternative for impacts to swamp habitat associated with the construction of the WSLP Project. Anticipated impacts to swamp habitat as a result of the construction of the MSP, estimated to be approximately 55 Average Annual Habitat Units (AAHU), would be self-mitigated by the operation of the diversion. Impacts to bottom land hardwood (BLH) habitat because of the MSP construction would be approximately 30 AAHU. These BLH impacts would be mitigated in accordance with EA 576.

ADDRESSES: U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN–PDC–C, 7400 Leake Avenue, New Orleans, Louisiana, 70118.

FOR FURTHER INFORMATION CONTACT: Questions and scoping comments regarding the proposed action should be directed to Mr. Landon Parr at U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN–PDC–C, 7400 Leake Avenue, New Orleans, Louisiana 70118, by phone (504) 862–1908, or by email at *Landon.Parr@usace.army.mil.* For additional information, including but not limited to a copy of 2014 WSLP EIS, and other associated documents, please visit the WSLP Project website at: *https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/.*

SUPPLEMENTARY INFORMATION:

1. Project Details. The WSLP Project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes. Part of the Water Infrastructure Improvement for the Nation Act (WIIN Act, Pub. L. 114–322) in 2016 authorized construction of the WSLP Project. The BBA of 2018 (BBA 2018, Pub. L. 115–123) funded construction of the WSLP Project. The WSLP Project is described in the 2014 WSLP EIS; West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Structural Alignment Surveys and Borings Investigations St. Charles and St. John the Baptist Parishes, Louisiana Supplemental Environmental Assessment (SEA) 570; and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Levee System, St. Charles and St. John the Baptist Parishes, Louisiana SEA 571. The WSLP Project is approximately 19 miles in length and includes approximately 18 miles of levee, one mile of T-wall, six pumping stations with associated drainage structures, one gated road crossing, two gated railroad crossings, and approximately 35 utility relocations.

The Record of Decision (ROD) for the 2014 WSLP EIS was signed by the Assistant Secretary of the Army, Civil Works on September 14, 2016. SEA 570 investigated levee alignment shifts as well as the addition of five stockpile/staging areas for construction related activities. The FONSI associated with SEA 570 was signed by the CEMVN District Commander on May 13, 2019. SEA 571 evaluated additional changes to the WSLP levee alignment, the addition of four borrow areas, widening of the levee alignment, minor modifications to previously assessed access roads, and the addition of three access roads. The FONSI associated with SEA 571 was signed by the CEMVN District Commander on June 29, 2020.

Based on the changes to date, the WSLP Project could impact approximately 10,895 acres of swamp and 4,880 acres of wetland bottomland hardwoods (BLH-Wet) in the Louisiana (LA) Coastal Zone (CZ). This equates to a compensatory mitigation need of approximately 1,010 AAHU of CZ swamp (if the MSP is selected) [including direct impacts to swamp associated with construction of the MSP (~55 AAHU), and direct (~600 AAHU) and indirect (~355 AAHU) impacts to swamp associated with the construction of WSLP] and approximately 295 AAHU of CZ BLH-Wet (BLH habitat impacted by the construction of the WSLP Project would be mitigated in accordance with EA 576).

This Supplemental EIS would provide an assessment of proposed alternative projects to compensate for the WSLP Project's swamp impacts and it would identify the Tentatively Selected Alternative. When unavoidable impacts occur, the CEMVN is required to offset those impacts through compensatory mitigation by replacing the lost habitat's functions and services equally and in-kind. Compensatory mitigation is required by the Water Resources Development Act (WRDA) of 1986, Section 906, as amended, and by the Clean Water Act Section 404(b)(1) Guidelines. The MSP is a freshwater diversion that would reconnect the

Mississippi River to the Maurepas Swamp, strategically delivering nutrient-laden river water to restore a degraded Cypress-Tupelo swamp. The proposed diversion has a 2,000 cubic foot per second (cfs) design flow. The freshwater intake structure and conveyance channel are located on the east bank of the Mississippi River in St. John the Baptist Parish, immediately west of Garyville, Louisiana, at River Mile 144 Above Head of Passes. The construction corridor for the conveyance channel extends from LA 44 (River Road) northward for 5½ miles, terminating at the outfall structure, which is approximately 1,000 ft north of Interstate 10.

2. Scoping Process. The CEMVN invites all affected federal, state, and local agencies, affected Native American Tribes, other interested parties, and the general public to participate in the National Environmental Policy Act (NEPA) scoping process during development of the SEIS. The purpose of the public scoping process is to provide information to the public, narrow the scope of analysis to significant environmental issues, serve as a mechanism to solicit agency and public input on potential alternatives and issues of concern, and ensure full and open participation in scoping for the SEIS. CEMVN requests input from interested parties regarding potential WSLP mitigation alternatives and information and analyses relevant to the proposed MSP. To ensure that all the issues related to the proposed MSP are addressed, the CEMVN will conduct virtual and, if permissible, in-person public scoping meeting(s) to which agencies, organizations, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the SEIS. Project and public scoping meeting information, including information as to where, when, and how to participate and submit scoping comments as well as other opportunities for public involvement, will be available on CEMVN's website at: *https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/*.

Notification of public scoping meetings will also be available via press releases, special public notices, and on CEMVN's social media platforms.

3. Federal Authority. The SEIS will disclose the context and intensity of environmental impacts, including focusing the analysis on those effects that are reasonably foreseeable and that have a reasonably close causal relationship to the proposed action as required under the Council of Environmental Quality's (CEQ) NEPA regulations at 40 CFR parts 1500–1508 and the Department of the Army's NEPA regulations at 33 CFR part 230. A reasonable range of alternatives will be determined, and significant issues related to the proposed action will be identified during public scoping.

The following agencies are being invited to participate as Cooperating Agencies on the SEIS: United States Environmental Protection Agency; United States Department of the Interior, Fish and Wildlife Service (USFWS); United States Department of Commerce, National Marine Fisheries Service (NMFS); United States Department of Agriculture, Natural Resources Conservation Service; Advisory Council on Historic Preservation (ACHP); State of Louisiana, Historic Preservation Office (SHPO), State of Louisiana Department of Natural Resources (LDNR), State of Louisiana Department of Wildlife and Fisheries (LDWF), and State of Louisiana, Coastal Protection and Restoration Authority (CPRA).

4. Alternatives. The SEIS will address a reasonable range of alternatives based on the proposed Project's purpose and need. The SEIS will compare, at a minimum, the previously identified BBA Alternative for the WSLP Project in EA 576 to Alternative 1 (MSP–1: Public and Private Lands) and Alternative 2 (MSP–2: Public Land Only) by using the Alternatives Evaluation and Comparison (AEC) process. The results of the AEC process would be presented in the SEIS. The BBA Alternative would compensate for the WSLP Project impacts of 955 AAHU of CZ swamp. The MSP Alternative would compensate for WSLP Project impacts of approximately 1,010 AAHU of CZ swamp.

5. Potentially Significant Issues. The SEIS will analyze the potential impacts on the human and natural environment resulting from the Project. The scoping, public involvement, and interagency coordination processes will help identify and define the range of potential significant issues that will be considered. Important resources and issues to be evaluated in the SEIS could include, but are not limited to, the reasonably foreseeable effects on tidal wetlands and other waters of the U.S.; aquatic resources; commercial and recreational fisheries; wildlife resources; essential fish habitat; water quality; cultural resources; geology and soils; hydrology and hydraulics; air quality; marine mammals; threatened and endangered species and their critical habitats; navigation and navigable waters; induced flooding; employment and incomes; land use; property values; tax revenues; population and housing; community and regional growth; environmental justice; community cohesion; public services; recreation; transportation and traffic; utilities and community service systems.

6. Environmental Consultation and Review and Authorizations. The proposed action is being coordinated with a number of federal, state, regional, and local agencies. In accordance with relevant environmental laws and regulations, CEMVN will consult with the following agencies: USFWS under the Fish and Wildlife Coordination Act; USFWS and NMFS under the Endangered Species Act; NMFS under the Magnuson-Stevens Fishery Conservation and Management Act; LDNR for Coastal Zone Consistency determination concurrence; and LDEQ for Clean Water Act, Section 401 Water Quality Certification; and, the ACHP, Louisiana SHPO, and the appropriate Tribal Historic Preservation Officers under the National Historic Preservation Act using an integrated NHPA Section 106/NEPA EIS process.

7. Availability. The SEIS is presently scheduled to be available for public review and comment in October 2021. A Final SEIS is scheduled for release in January 2022. A decision regarding implementation of the MSP is expected in 2022. All comments received throughout the review process will become part of the project file for the proposed Project and will be subject to public release.

Edward E. Belk, Jr.,

Programs Director, Mississippi Valley Division, U.S. Army Corps of Engineers.

[FR Doc. 2021–17313 Filed 8–12–21; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for Block IV VIRGINIA Class Submarines

AGENCY: Department of the Navy, DoD.

ACTION: Notice of issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for Block IV VIRGINIA Class Submarines. All Block IV VIRGINIA Class submarines are built to the same design. Due to the special construction and purpose of each submarine of this class, the Deputy Assistant Judge Advocate General

Public Notice

PRESS RELEASE

U.S. ARMY CORPS OF ENGINEERS
FOR IMMEDIATE RELEASE
September 30, 2021

BUILDING STRONG®
Contact: Rene Poche
504-862-1767
Rene.G.Poche@usace.army.mil

West Shore Lake Pontchartrain Public Scoping Meetings Scheduled

Work related to the West Shore Lake Pontchartrain Project (WSLP).

New Orleans – The U.S. Army Corps of Engineers, New Orleans District has scheduled two virtual public scoping meetings to gather input for the preparation of the Supplemental Environmental Impact Statement (SEIS) regarding the West Shore Lake Pontchartrain project.

This SEIS would provide an assessment of proposed alternative projects to compensate for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project (WSLP Project) in St. Charles, St. James, and St. John the Baptist Parishes and it would identify the Tentatively Selected Alternative.

Due to COVID-19, the meetings will be held via WebEx and simultaneously streamed on the district's Facebook page on:

Tuesday, Oct. 5, 2021 at 10 a.m.

- Toll Free by Phone: 1-844-800-2712
- Meeting Number: 2760 021 8500

Wednesday, Oct. 6, 2021 at 2 p.m.

- Toll Free by Phone: 1-844-800-2712
- Meeting Number: 2764 286 3221

Log in information for the public meetings, as well as all documents related to the SEIS, is available on the project website here: https://www.mvn.usace.army.mil/About/Projects/BBA-2018/West-Shore-Lake-Pontchartrain/

Compensatory mitigation for impacts due to construction of the WSLP Project was described in the 2014 WSLP EIS and in Environmental Assessment (EA) 576, which addressed mitigation for habitat impacts associated with each Bipartisan Budget Act of 2018 funded risk reduction projects. The Finding of No Significant Impact for EA 576 was signed by the District Commander on April 4, 2020. Public comment on EA 576 included requests that the Mississippi River Diversion into Maurepas Swamp Project be considered as a mitigation alternative for impacts to swamp habitat associated with the construction of the WSLP Project.

The general public, interested parties, and stakeholders are invited to submit comments in preparation of the SEIS. The draft report will contain a description of the project, an evaluation of the alternatives under consideration, and an analysis of potential environmental impacts. All public

comments received will be addressed and considered accordingly as part of the continued development of the SEIS into a more detailed recommended plan.

The New Orleans District will accept comments during these meetings via WebEx or Facebook, by text or voicemail to (318) 467-8350, or by email to mvnenvironmental@usace.army.mil.

Comments may also be mailed to:

U.S. Army Corps of Engineers
Regional Planning and Environmental Division South PDS-C
7400 Leake Ave, New Orleans, LA 70118

Supporting information will be available online at the U.S. Army Corps of Engineers, New Orleans District website: https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

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Public Presentation

US Army Corps of Engineers®

THANK YOU FOR JOINING US

Our broadcast will begin momentarily

SCOPING MEETING: RE-EVALUATION OF ENVIRONMENTAL MITIGATION FOR WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION SYSTEM PROJECT SWAMP IMPACTS

September 2021

U.S.ARMY

US Army Corps of Engineers®

MISSISSIPPI VALLEY DIVISION
U.S. ARMY CORPS OF ENGINEERS

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and Taking Care of People!

PRESENTATION AGENDA

- Meeting Purpose
- Project Introduction
- Objectives
- The NEPA Process
- SEIS
- Opportunities to Comment/Provide Input
- Conclusion

VIRTUAL SCOPING MEETING PURPOSE

Live Virtual Event Schedule

Tuesday
Oct. 5, 2021
10 a.m.

1-844-800-2712

Meeting Number:
2760 021 8500

Wednesday
Oct. 6, 2021
2 p.m.

1-844-800-2712

Meeting Number:
2764 286 3221

Scoping Meeting Participation

- Corps WSLP Webpage
- Submit Scoping Questions

Public Scoping Comments/Public Input

- Traditional Mail
  U.S. U.S. Army Corps of Engineers
  Regional Planning and Environmental Division South PDS-C
  7400 Leake Ave, New Orleans, LA 70118
- E-Mail
  mvnenvironmental@usace.army.mil
- Text or Voicemail
  (318) 604-9302

PROJECT INTRODUCTION

Who is proposing this project?

The non-Federal Sponsor Louisiana's Coastal Protection and Restoration Authority (CPRA) and the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN).

What is this project?

The Maurepas Swamp Project (MSP) is a 2,000 cfs freshwater diversion project that was brought to the Corps during public review of the Draft EA #576 by Louisiana's CPRA for consideration as a mitigation alternative to satisfy WSLP Project mitigation needs for swamp habitat impacted by the construction of the WSLP Project.

Where is this project located?

The WSLP Project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes.

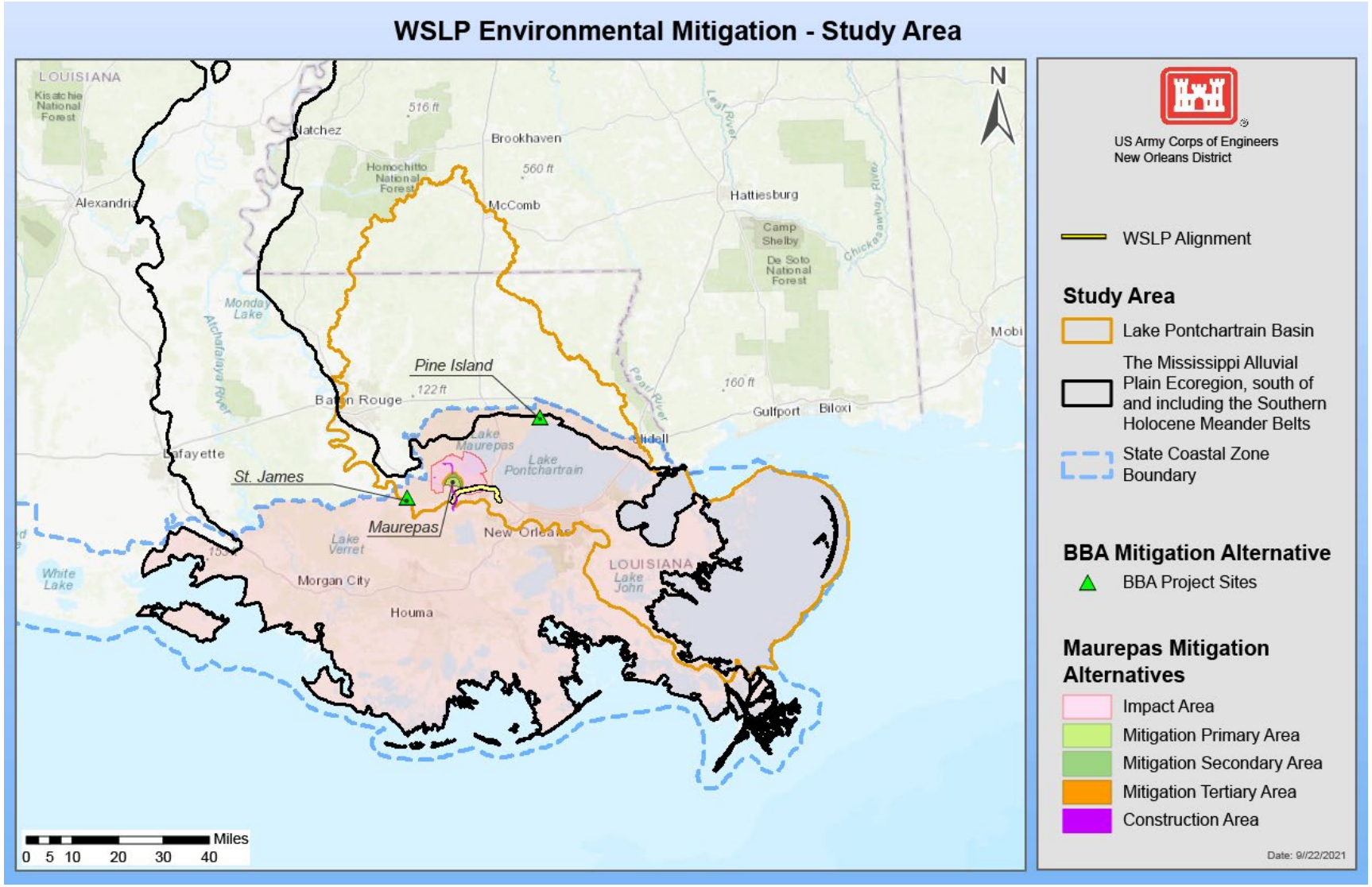
STUDY AUTHORITY

Construction of the WSLP Project was authorized as part of the 2016 Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322). Construction of the WSLP Project was funded by the Bipartisan Budget Act of 2018 (BBA 2018, Public Law 115-123).

Bipartisan Budget Act (BBA) of 2018

- (Public Law 115-123), Division B, Subdivision 1, H. R. 1892—13, TITLE IV, CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY, INVESTIGATIONS

STUDY AREA-WITH MSP DETAIL



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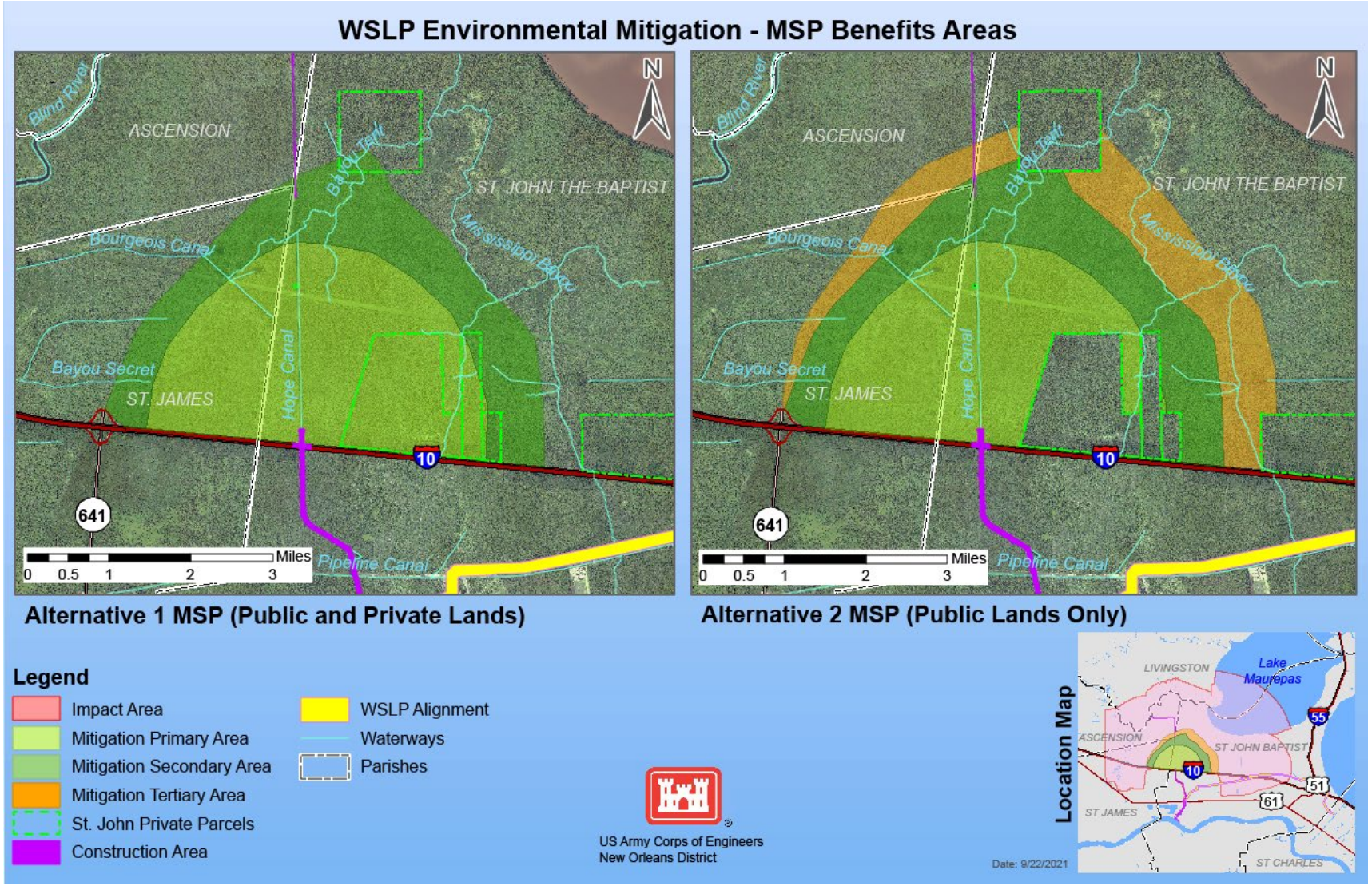
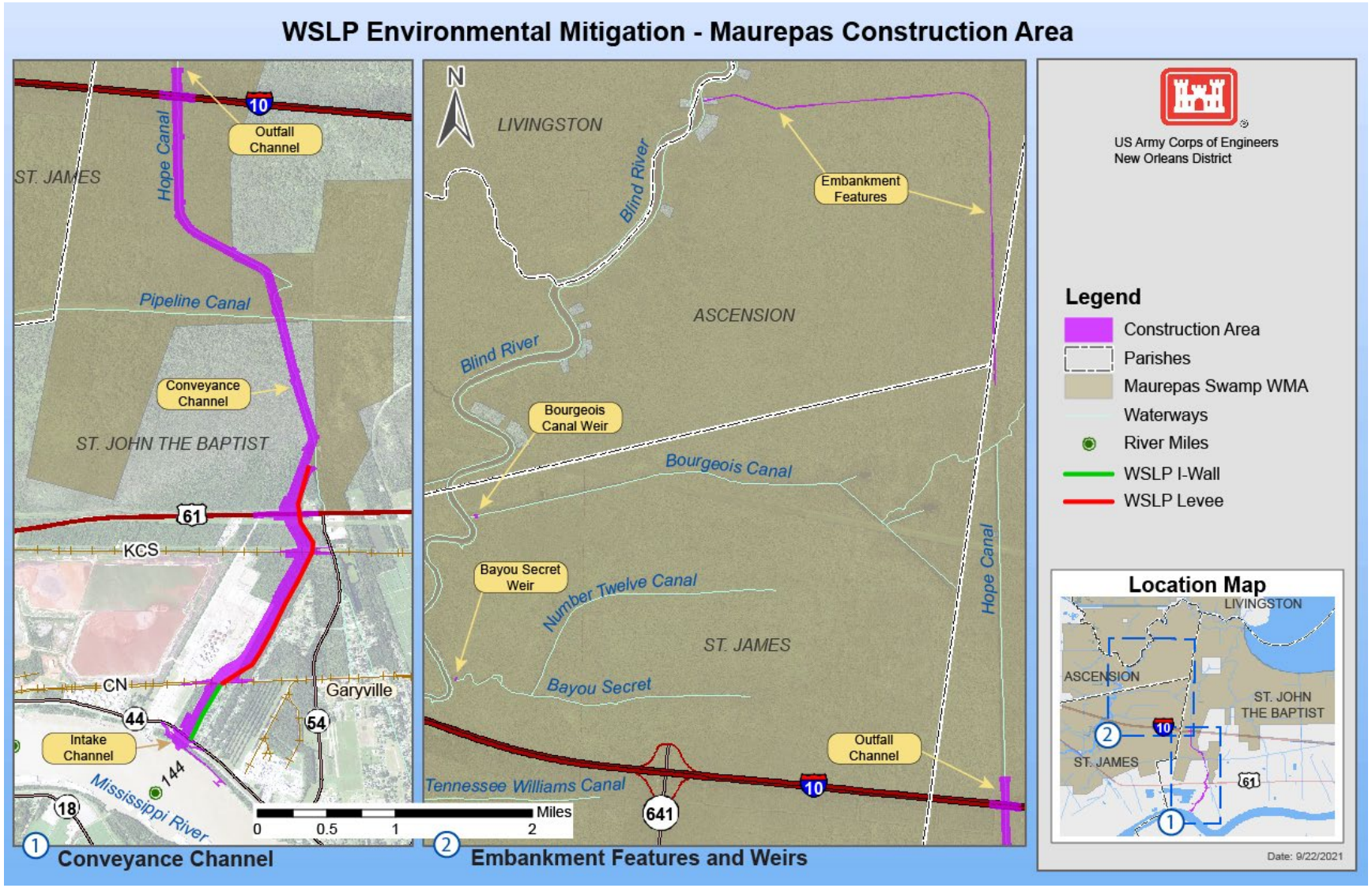
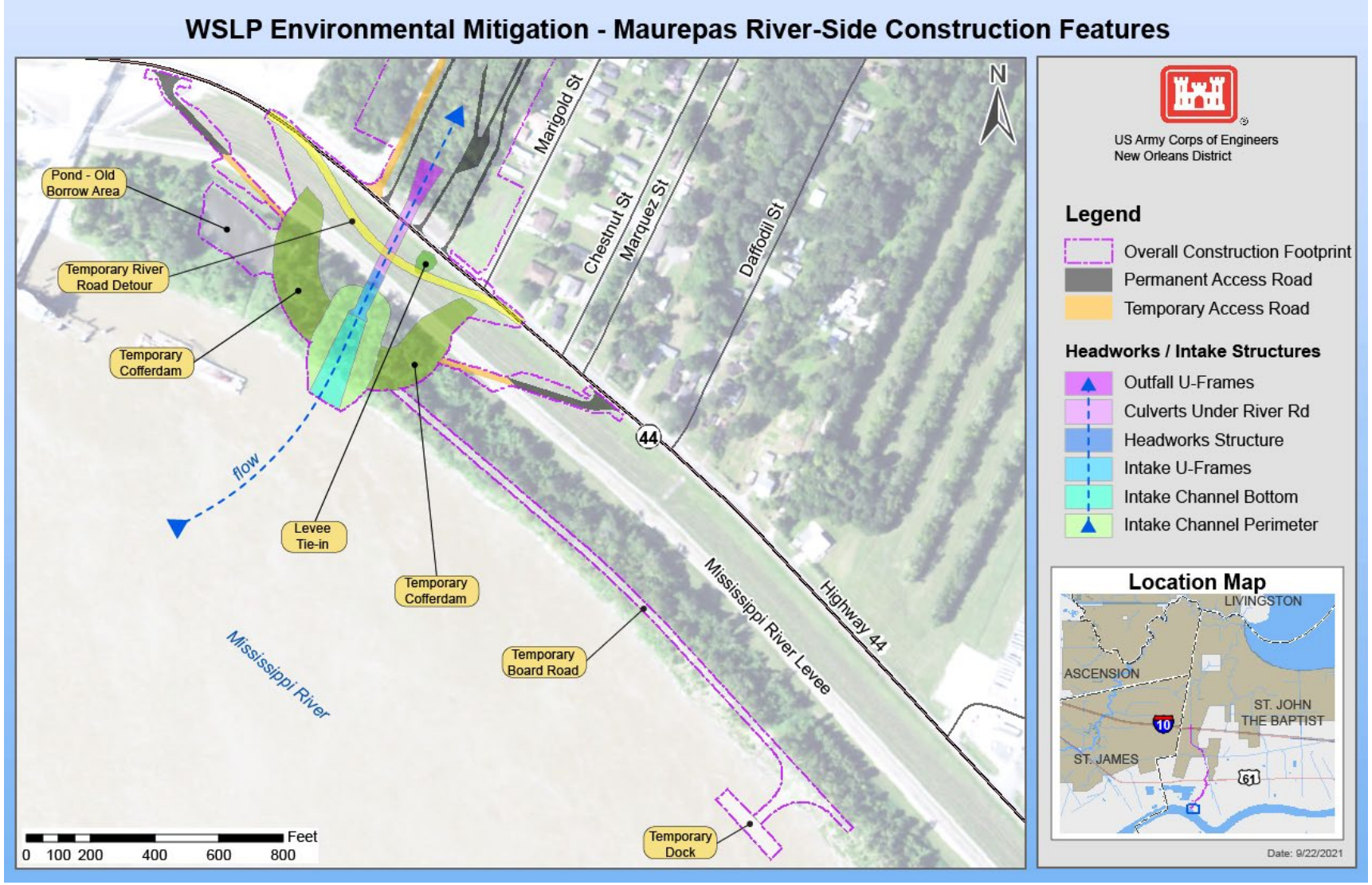
MSP ALTERNATIVES LOCATION



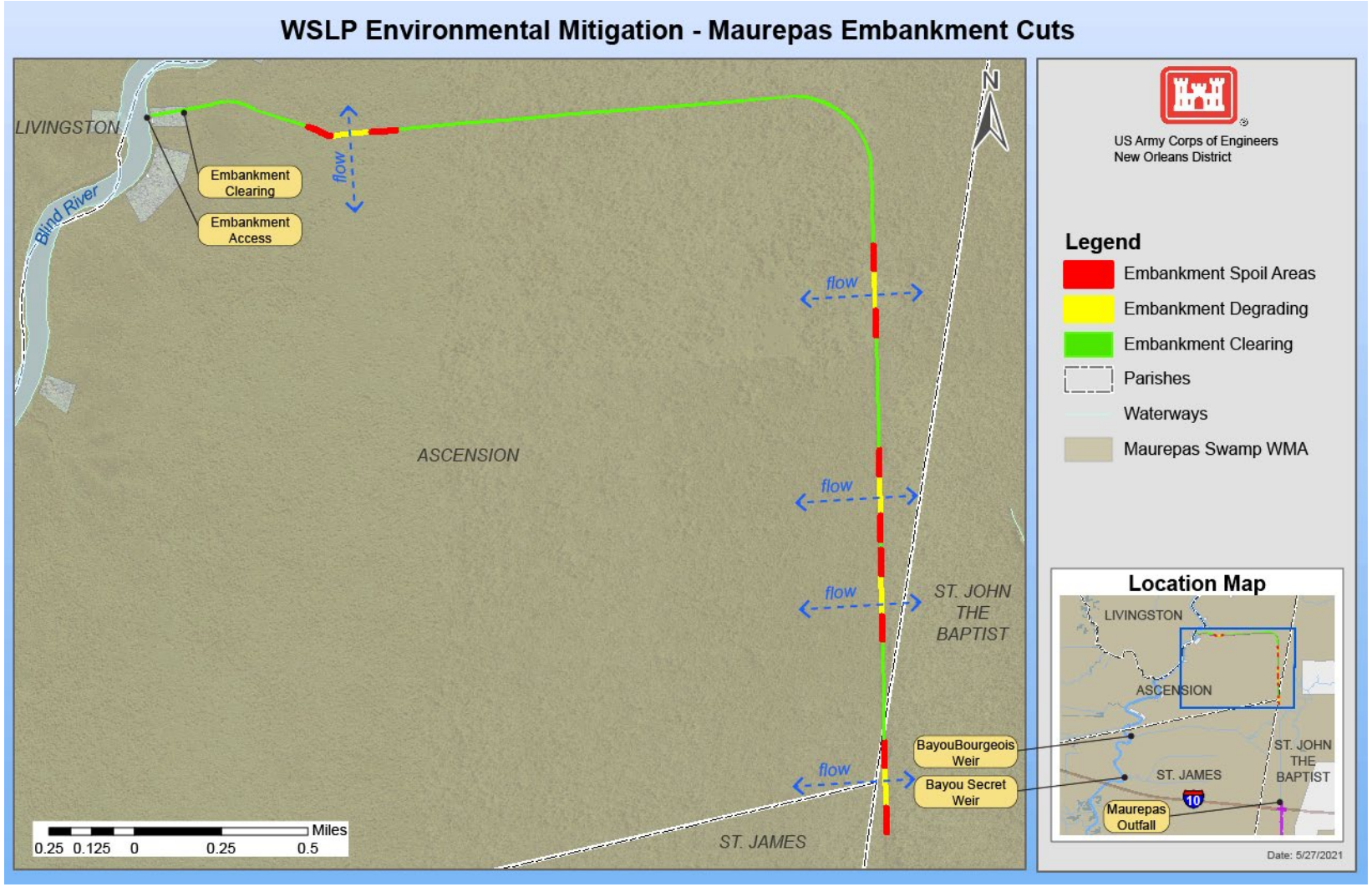
MSP ALTERNATIVE FEATURES



MSP ALTERNATIVE FEATURES



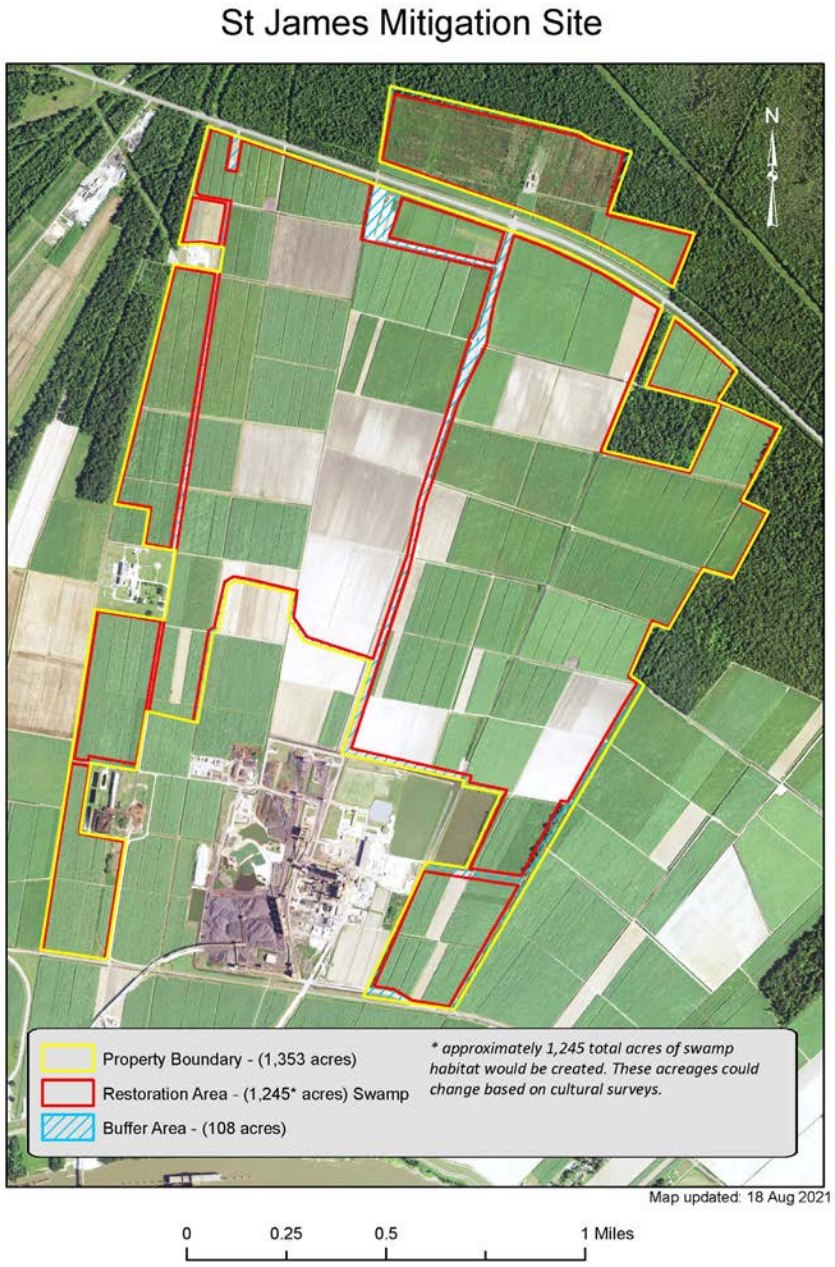
MSP ALTERNATIVE FEATURES



WSLP APPROVED PLAN

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. The WSLP AP would be a combination of mitigation bank credit purchases and Corps constructed projects in the Lake Pontchartrain Basin that would meet the compensatory mitigation need of approximately 955 AAHUs of CZ swamp for the WSLP Project. A brief description of the proposed Corps constructed projects follows.

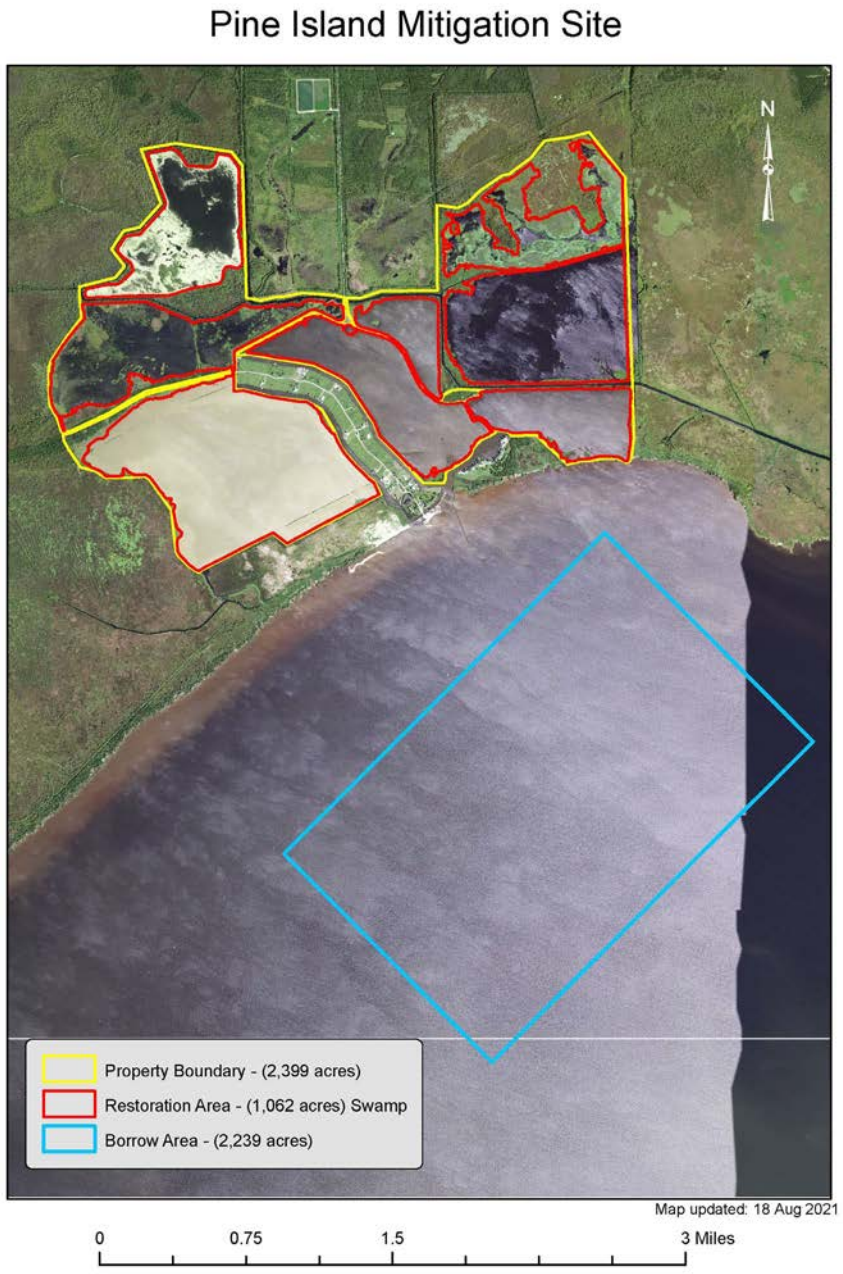
Impacts	Projects	AAHUs	Acres
~955 AAHUs of Coastal Zone Swamp	Mitigation Bank	TBD	TBD
	St. James	up to 511	up to 1,246
	Pine Island	up to 775	up to 1,965



PROJECT: BBA Mitigation, St. James, Swamp Restoration, St. James Parish, Louisiana

The proposed project involves restoration of up to approximately 1,247 acres of swamp habitat and provides up to approximately 511 AAHUs as compensatory mitigation for WSLP Project swamp impacts. The proposed mitigation acreage could change after cultural surveys are completed. The swamp mitigation area would be located in existing agricultural fields at the St. James mitigation site.

This site is located off the Mississippi River between the towns of Romeville and Union, LA around the Nucorp Plant in St. James Parish.



PROJECT: BBA Mitigation, Pine Island Swamp Creation/Restoration, St. Tammany Parish, Louisiana

The proposed project involves creation/restoration of up to a total of approximately 1,965 acres of swamp habitat and provides up to approximately 755 AAHUs as compensatory mitigation for WSLP Project swamp impacts. The swamp mitigation area would be located in shallow open water areas on the north shore of Lake Pontchartrain.

This site is located southwest of the town of Madisonville adjacent to the Tchefuncte River in St. Tammany Parish.

15

OBJECTIVE

- Main Objective: to provide ~955 Average Annual Habitat Units (AAHUs) of compensatory mitigation for swamp habitat impacted by the WSLP Project (i.e., ~600 associated with direct impacts and ~355 AAHUs associated with indirect impacts to swamp habitat).
- The BBA Alternative would provide ~955 AAHUs.
- The Maurepas Alternatives would each provide ~955 AAHUs. There would be an additional ~55 AAHUs of impacts to swamp habitat as a result of the construction of the MSP that would be self-mitigated by the operation of the diversion.

WHAT IS NEPA?

The National Environmental Policy Act (NEPA) is a law that requires Federal agencies to evaluate environmental impacts before making decisions on any major Federal action and solicit input from the public.

What are the key goals of NEPA?

- Assist Federal agency officials with making well-informed decisions
- Ensure public and other agency involvement in decision-making

How will USACE comply with NEPA?

- By acting as the lead Federal Agency in the drafting of a SEIS for the WSLP Project.

WHAT IS AN EIS?

Purpose and Need

- What is the purpose of this project? What is the goal trying to be achieved?
- Why is this project needed? Is there a reasonable, foreseeable need for the proposed project?

★

Alternatives

- What alternatives will be looked at in the EIS? No action alternative, proposed action, and a reasonable range of alternatives.
- Informed by the scoping process of the EIS

Affected Environment

- What are the baseline conditions of the human and natural environment that could potentially be affected?
- Informed by the scoping process of the EIS

Environmental Consequences

- How will building, operating, and maintaining this project affect those baseline conditions of the human and natural environment?

★★

★ The scoping process, which is covered in more detail on the next slide, generally takes place between the development of the purpose and need and the development of the Alternatives.

★★ The public will also be given an opportunity to respond to the Draft EIS.

PUBLIC SCOPING

- The public scoping process is an **early and open phase in the EIS process** intended to provide interested or affected parties **an opportunity to express concerns, ideas, and comments,** which will inform/identify the issues and alternatives analyzed in the EIS document.
- Your comments and input are **welcomed** and **encouraged**.
- This meeting is not the only opportunity for public involvement. Public scoping lasts from August 13, 2021 to October 31, 2021.
- Your feedback throughout public scoping will be incorporated into the SEIS scoping report.

Live Virtual Event Schedule

Tuesday
Oct. 5, 2021
10 a.m.

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- Traditional Mail
  U.S. U.S. Army Corps of Engineers
  Regional Planning and Environmental Division South PDS-C
  7400 Leake Ave, New Orleans, LA 70118
- E-Mail
  mvnenvironmental@usace.army.mil

POTENTIAL ISSUES

The SEIS will analyze the potential impacts on the human and natural environment resulting from the TSA. The scoping, public involvement, and interagency coordination processes will help identify and define the range of potential significant issues that will be considered. Important resources and issues to be evaluated in the SEIS could include, but are not limited to, the reasonably foreseeable effects on:

- tidal wetlands and other waters of the U.S.;
- aquatic resources;
- commercial and recreational fisheries;
- wildlife resources;
- essential fish habitat;
- water quality;
- cultural resources;
- geology and soils;
- hydrology and hydraulics;
- air quality;
- marine mammals;
- threatened and endangered species and their critical habitats;
- navigation and navigable waters;
- induced flooding;
- employment and incomes;
- land use;
- property values;
- tax revenues;
- population and housing;
- community and regional growth;
- environmental justice;
- community cohesion;
- public services;
- recreation;
- transportation and traffic;
- utilities and community service systems; and
- cumulative effects of related projects in the Study Area.

TO SUBMIT COMMENTS/ PROVIDE INPUT

Comments/input will be accepted through October 31, 2021

Email: mvnenvironmental@usace.army.mil
Address:
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South PDS-C
7400 Leake Ave, New Orleans, LA 70118

Text or Voicemail:
(318) 604-9302

Project Website:
https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

This Concludes our broadcast

Thank you For Joining Us

Staff will continue to monitor comments for approximately 30 minutes.

Public Presentation Transcript

Slide 1

Opening slide

Slide 2

Welcome everyone. Thank you very much for coming out on behalf of the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN) (hereafter the Corps) and the cooperating agencies assisting with the preparation of a Supplemental Environmental Impact Statement (SEIS) to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study (hereafter WSLP Project). Agencies assisting the Corps with this SEIS are: U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), multiple Tribes, Louisiana's Department of Natural Resources (LDNR), Louisiana's Department of Wildlife and Fisheries (LDWF), Louisiana's State Historic Preservation Office (SHPO), and Louisiana's Coastal Protection and Restoration Authority (CPRA). On behalf of the Corps and the above agencies, I want to say thank you for joining us in this important step in the National Environmental Policy Act (NEPA) process, public scoping.

Slide 3

During this meeting we are going to cover several main topics:

-meeting purpose,

-project introduction,

-objectives,

-the NEPA process,

-SEIS,

-opportunities to comment,

-and conclusion of the public scoping meeting.

Overall, as we move through the presentation it is important to understand that the goals of this public scoping meeting are to:

1. Provide brief details on the project;

2. Explain the NEPA process; and

3. Provide instructions on how you can submit your scoping comments.

Slide 4

Virtual Scoping Meeting Purpose: A Scoping Meeting is an early step in the NEPA process by which a Federal agency can request input from other agencies and the public to ensure their NEPA document is focused clearly on the issues of greatest concern. Essentially the Scoping process provides information about the project, the NEPA process, and it offers agencies and the public a simple platform to provide comments so that they can be reviewed and addressed properly.

The comments provided during this meeting will help determine the scope of issues that we consider and analyze as we move forward with the development of the SEIS. It is an opportunity for other agencies and the public to help develop a comprehensive range of actions, alternatives, and impacts that will be covered in the SEIS. At the end of this presentation, instructions will be provided on how to share your comments.

This presentation along with other information is available on the Corps of Engineers, New Orleans District, WSLP Project Webpage.

The number and access code for each live event is shown here. Additionally, participants using the internet can go to the Corps WSLP Project Webpage and click on the appropriate link to be directed to the web meeting. From there, questions can be submitted using the "chat" box in the WebEx on-line platform. The live event will be recorded and posted on the Corps WSLP Project Webpage.

Your participation in our scheduled live event is for informational purposes. Questions or comments provided during this live event do not count as your official scoping comment. Your scoping comments must be submitted by traditional mail, e-mail, or by phone as shown here.

Slide 5

Who is proposing this project?

The Corps is announcing their intent to prepare a SEIS to reevaluate alternatives to compensate for unavoidable impacts to swamp habitat associated with the construction of WSLP Project. Bipartisan Budget Act (BBA) of 2018 Environmental Assessment (EA) #576 identified a plan which included swamp

mitigation projects to satisfy WSLP Project mitigation needs. The EA was approved in April 2020 and therefore those swamp mitigation projects are approved for implementation. Cumulatively, those Corps constructed projects could mitigate up to approximately 1,286 average annual habitat units (AAHUs) (not including potential available mitigation bank credits) and would result in "no net loss of wetlands" as defined in 33 USC 2283, 33 USC 2317.

What is this project?

The Maurepas Swamp Project (MSP) is a 2,000 cfs freshwater diversion project that was brought to the Corps during public review of the Draft EA #576 by Louisiana's CPRA for consideration as a mitigation alternative to satisfy WSLP Project mitigation needs for swamp habitat impacted by the construction of the WSLP Project. The new "SEIS" will compare the two MSP Alternatives (Alternative 1 contains public and private land in the benefit area and Alternative 2 only contains public land in the benefit area) against the previously identified swamp mitigation BBA Alternative for the WSLP Project using the Alternatives Evaluation and Comparison (AEC) process. The results of the AEC process will be presented in the SEIS. If a MSP Alternative is selected as the Tentatively Selected Alternative (TSA), the SEIS will also serve to clear the construction, mitigation, impact, and study areas that may have impacts. From a NEPA standpoint, a MSP Alternative will be cleared just as any other civil works project in Studies.

Where is this project located?

The WSLP Project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes.

Slide 6

Study Authority: Construction of the WSLP Project was authorized as part of the 2016 Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322). Construction of the WSLP Project was funded by the Bipartisan Budget Act of 2018 (BBA 2018, Public Law 115-123).

Slide 7

Study Area: The Study Area includes the southern portions of the Lake Pontchartrain Basin and the Mississippi Alluvial Plain Ecoregion, south of and including the Southern Holocene Meander Belts, which fall below the State Coastal Zone Boundary. The WSLP Project, the BBA swamp projects that

comprise the BBA Alternative, and the MSP Alternatives all fall within the Study area.

Slide 8

The WSLP Project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes as shown by the yellow polygon in the previous slide. The newly proposed MSP Alternatives are located in St. John the Baptist, St. James, Livingston, and Ascension Parishes, Louisiana. The MSP Alternative analysis of potential impacts takes place at multiple spatial scales as detailed in the polygons shown on the map. Each significant resource is examined on the following scales below:

1. Study Area (as shown on the previous slide) - Diverted Mississippi River water is eventually dispersed throughout the Lake Pontchartrain Basin.

2. Impact Area (as shown in the small inset map in the bottom right-hand corner of this slide) – Diverted Mississippi River water was modeled using Delft3D model simulations. The resulting Impact Area estimates the maximum extent of the diversion's influence on parameters such as velocity, water levels, and nutrients.

3. Mitigation Area - USFWS' primary, secondary, and tertiary benefit areas comprise the Mitigation Area (these are the areas where compensatory mitigation benefits will accrue). Alternative 1 contains public and private lands in the benefit area and Alternative 2 only contains public land in the benefit area. In Alternative 2, expansion of the mitigation area to accommodate the movement off of private land onto solely public land required the identification of a tertiary benefit area beyond the currently identified secondary benefit area. The accrual of benefits in the tertiary area compensates for the removal of private lands and their associated benefits. It is important to note, that the likelihood of having measurable benefits that can be attributed to the MSP operation decreases as distance from the diversion outfall increases – this is a risk. Additionally, impacts from the operation of the MSP would occur on both public and private lands in the Impact Area, and it is possible some sort of real estate agreement (e.g., a flowage easement) would need to be considered with private land owners due to the water flowing over their land.

4. Construction Area – This purple polygon shows the extent of construction activity.

Slide 9

Now that we have looked at the larger Study Area, we will now zoom in and take a look at the MSP Alternative features that would be operated to optimize benefits to swamp habitat within the Mitigation Area. Construction of either MSP Alternative would include three main groups of features, the conveyance channel, embankment features, and weirs.

The **conveyance channel** would be located on the East Bank of the Mississippi River in St. John the Baptist Parish, immediately west of Garyville, Louisiana, at River Mile 144 Above Head of Passes (AHP). The construction corridor for the conveyance channel extends from LA 44 (River Road) northward. It extends northward for 5½ miles, terminating approximately 1,000 ft north of Interstate 10 (I-10) at the outfall channel. The majority of the open conveyance channel, excluding vehicular and railroad crossings, is a 40' to 60' excavated channel bottom tightly positioned between a guide levee on the west and the West Shore Lake Pontchartrain levee and I-wall system on the East. Both banks along the channel are compacted fill material and have a 1:4 slope.

Embankment cuts would be established north of the conveyance channel in the northern part of the swamp. The cuts would occur along an existing old, railroad embankment ridge. Water must be circulated throughout the swamp to reestablish the vitality of the wetland vegetation. Water movement into the northwest corner of the swamp is restricted by an embankment that was constructed decades ago to support a defunct Cypress logging railroad spur. To establish the cuts, approximately 7.5 acres along the old railroad embankment would be cleared for equipment access, 5 individual areas along the embankment would be excavated to existing grade to allow for water flow while all spoil would be placed in 20 individual areas along the embankment. It is anticipated that no material would be removed from the construction area.

To improve hydraulic retention time in the swamp, and thus improve the health of the severely distressed wetland vegetation in the northern portion of the swamp, **weirs** would be placed at Bayou Secret and Bourgeois Canal. The weirs are features that would serve to retain a portion of the flow for sufficient time to ensure water dispersion throughout the swamp.

Slide 10

Zooming in even more allows us to view the features associated with the **intake channel,** which would be roughly 400 ft long by 200 ft wide, with a bottom depth at EL (-) 4 ft NAVD88 excavated into the

batture to route flow from the Mississippi River into the diversion headworks. This channel would be lined with riprap to prevent scour. The diversion headworks structure would include a multi-cell box culvert with vertical lift gates (i.e., sluice gates). The primary function of the headworks structure is to convey flow from the intake channel underneath the Mississippi River Levee.

Slide 11

And finally, here is a closeup of the previously mentioned **Embankment Cuts,** which would be established north of the conveyance channel in the northern part of the swamp. As stated, the cuts would occur along the existing ridge of an old railroad embankment. Water must be circulated throughout the swamp to reestablish the vitality of the wetland vegetation.

Slide 12

Now we will review the projects that comprise the BBA Alternative. 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. The WSLP AP would be a combination of mitigation bank credit purchases and Corps constructed projects in the Lake Pontchartrain Basin that would meet the compensatory mitigation need of approximately 955 AAHUs of CZ swamp for the WSLP Project. A brief description of the proposed Corps constructed projects follows.

Slide 13

PROJECT: BBA Mitigation, St. James, Swamp Restoration, St. James Parish, Louisiana

The proposed project involves restoration of up to approximately 1,247 acres of swamp habitat and provides up to approximately 511 AAHUs as compensatory mitigation for WSLP Project swamp impacts. The proposed mitigation acreage could change after cultural surveys are completed. The swamp mitigation area would be located in existing agricultural fields at the St. James mitigation site. This site is located off the Mississippi River between the towns of Romeville and Union, LA around the Nucorp Plant in St. James Parish.

Slide 14

PROJECT: BBA Mitigation, Pine Island Swamp Creation/Restoration, St. Tammany Parish, Louisiana

The proposed project involves creation/restoration of up to a total of approximately 1,965 acres of swamp habitat and provides up to approximately 755 AAHUs as compensatory mitigation for WSLP Project swamp impacts. The swamp mitigation area would be located in shallow open water areas on the north shore of Lake Pontchartrain. This site is located southwest of the town of Madisonville adjacent to the Tchefuncte River in St. Tammany Parish.

Slide 15

Objective: The main objective is to provide ~955 AAHUs of compensatory mitigation for swamp habitat impacted by the WSLP Project (i.e., ~600 AAHUs associated with direct impacts and ~355 AAHUs associated with indirect impacts to swamp habitat). The SEIS will address a reasonable range of alternatives based on the purpose and need.

The SEIS will compare the previously identified BBA Alternative for the WSLP Project as described in EA 576 to the newly proposed MSP Alternatives by using the AEC process. The results of the AEC process would be presented in the SEIS.

The **BBA Alternative** would be a combination of mitigation bank credit purchases and Corps constructed projects that would meet the WSLP Project compensatory mitigation need of approximately 955 AAHUs.

The **MSP Alternatives** would compensate for WSLP Project impacts by each providing ~955 AAHUs. There would be an additional ~55 AAHUs of impacts to swamp habitat as a result of the construction of the MSP that would be self-mitigated by the operation of the diversion.

The approximately 295 AAHUs of CZ BLH-Wet impacted by the construction of the WSLP Project would be mitigated in accordance with EA 576. The approximately 30 AAHUs of CZ BLH-Wet impacted by the construction of the MSP would be mitigated in accordance with EA 576.

The SEIS would provide an assessment of the proposed alternatives (i.e., BBA Alternative and the two MSP Alternatives) to compensate for the WSLP Project's swamp impacts and it would identify a

Tentatively Selected Alternative. When unavoidable impacts occur, the CEMVN is required to offset those impacts through compensatory mitigation by replacing the lost habitat's functions and services equally and in-kind. Compensatory mitigation is required by the Water Resources Development Act (WRDA) of 1986, Section 906, as amended, and by the Clean Water Act Section 404(b)(1) Guidelines.

Slide 16

What is NEPA? The National Environmental Policy Act (NEPA) was signed into law by President Nixon on January 1, 1970. NEPA requires all Federal agencies to consider the environmental impacts of any proposed action by developing a range of alternatives, provide opportunities for the public to provide input, and document the decision-making process so that interested and affected stakeholders can understand how the agency came to a decision. Implementation requires the publishing of a Notice of Intent in the Federal Register for an Environmental Impact Statement, and sometimes Environmental Assessments. The National Environmental Policy Act is a law that requires Federal agencies to evaluate environmental impacts before making decisions on any major Federal action.

What are the key goals of NEPA?

-Assist Federal agency officials with making well-informed decisions

-Ensure public and other agency involvement in decision-making

How will USACE comply with NEPA? By acting as the lead Federal Agency in the drafting of a SEIS for the WSLP Project.

Slide 17

What is an EIS?

An EIS is a document required under NEPA for actions that could significantly affect the quality of the human environment. An EIS is also a tool for decision making. A SEIS is a NEPA document that supplements a previously approved NEPA document/decision. [Reminder, as mentioned in the intro, the Corps is preparing a SEIS to the previously approved 2014 WSLP EIS]. This is being done to evaluate the newly proposed MSP Alternatives.

An EIS is comprised of the following main components:

Purpose and Need

- What is the purpose of this project? What is the goal trying to be achieved?

- Why is this project needed? Is there a reasonable, foreseeable need for the proposed project?

★ The pubic scoping process, which is covered in more detail on the next slide, generally takes place between the development of the purpose and need and the development of the Alternatives.

Alternatives

- What alternatives will be looked at in the EIS? No action alternative, proposed action, and a reasonable range of alternatives.
- Informed by the public scoping process of the EIS

Affected Environment

- What are the baseline conditions of the human and natural environment that could potentially be affected?
- Informed by the public scoping process of the EIS

Environmental Consequences

- How will building, operating, and maintaining this project affect those baseline conditions of the human and natural environment?

★★ The public will also be given an opportunity to respond to the Draft SEIS once the above steps are complete.

Slide 18

Public Scoping

- The public scoping process is an early and open phase in the EIS process intended to provide interested or affected parties an opportunity to express concerns, ideas, and comments, which will inform/identify the issues and alternatives analyzed in the EIS document.

- Your comments are welcomed and encouraged.

- This meeting is not the only opportunity for public involvement. Public scoping lasts from August 13, 2021 to October 31, 2021.

- Your feedback throughout public scoping will be incorporated into the SEIS scoping report.

Slide 19

Potential Issues? The SEIS will analyze the potential impacts on the human and natural environment resulting from the TSA. The scoping, public involvement, and interagency coordination processes will help identify and define the range of potential significant issues that will be considered. Important resources and issues to be evaluated in the SEIS could include, but are not limited to, the reasonably foreseeable effects on:

tidal wetlands and other waters of the U.S.;

aquatic resources;

commercial and recreational fisheries;

wildlife resources;

essential fish habitat;

water quality;

cultural resources;

geology and soils;

hydrology and hydraulics;

air quality;

marine mammals;

threatened and endangered species and their critical habitats;

navigation and navigable waters;

induced flooding;

employment and incomes;

land use;

property values;

tax revenues;

population and housing;

community and regional growth;

environmental justice;

community cohesion;

public services;

recreation;

transportation and traffic;

utilities and community service systems;

and cumulative effects of related projects in the Study Area.

Slide 20

To Submit Comments:

Comments will be accepted through October 31, 2021

Email: mvnenvironmental@usace.army.mil

Address:
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South PDS-C
7400 Leake Ave, New Orleans, LA 70118

Text or Voicemail:
318-467-8350

Project Website:
https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

Slide 21

This concludes our broadcast.

Thank you For Joining Us

Staff will continue to monitor comments for approximately 30 minutes

Public Scoping Comments Received

WEST SHORE LAKE PONTCHARTRAIN EMAILS RECEIVED VIA MVNENVIRONMENTAL DURING PUBLIC COMMENT PERIOD

From:	Scott Nesbit
To:	Parr, Landon CIV USARMY CEMVN (USA); MVN Environmental
Cc:	"Murray Starkel (murray.starkel@ecoservicepartners.com)"
Subject:	[Non-DoD Source] Public Notice Response_2021-17313 NOI and Scoping Meeting for West Shore Lake Pontchartrain Project
Date:	Friday, October 29, 2021 1:59:26 PM
Attachments:	MSP Presentation Response_SLR_10-29-2021.pdf

Mr. Parr,

Please find attached supplemental comments to the West Shore Lake Pontchartrain Project NOI. These comments are in response to the Scoping Meeting: Re-evaluation of Environmental Mitigation for WSLP Hurricane and Storm Damage Risk Reduction System posted to YouTube on October 1, 2021.

Please contact me with any questions.

Thank you,

Scott Nesbit
Senior Wetland Ecologist
Natural Resource Professionals, LLC
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SPANISH LAKE RESTORATION, LLC

Wetland Mitigation Bank

7330 Highland Road Suite B-1, Baton Rouge, Louisiana 70808
Phone: 225.928.5333

October 29, 2021

Mr. Landon Parr
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
7400 Leake Avenue
New Orleans, Louisiana 70160

Dear Mr. Parr:

Re: Proposed WSLP Mitigation Alternative and Issues of Concern for the MSP Proposal Supplemental Comments

Notice of Intent to Prepare a Supplemental Environmental Impact Statement to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, St. Charles, St. James, and St. John the Baptist Parishes

Spanish Lake Restoration, LLC (SLR) is submitting this supplemental public comment letter in response to the Notice of Intent to Prepare a Supplemental Environmental Impact Statement to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, St. Charles, St. James, and St. John the Baptist Parishes (NOI). SLR previously submitted a public comment letter on September 29, 2021, the entirety of which is included as an attachment here for ease of reference.

1.0 Executive Summary

This supplemental letter provides a formal response to the "Scoping Meeting: Re-evaluation of Environmental Mitigation for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction System Project Swamp Impacts" video, which was posted to YouTube on October 1, 2021[1] (the "Presentation"). In the Presentation and through the NOI, the US Army Corps of Engineers, New Orleans District (CEMVN) is apparently evaluating the use of the Maurepas Swamp Project ("MSP") as compensatory mitigation for the West Shore Lake Pontchartrain Project (WSLP). SLR highlights certain fatal flaws with seeking to shackle the much-needed WSLP to protect critical infrastructure by tying it to the inchoate MSP.

1. The Presentation fails to identify that the WSLP has the ability to purchase mitigation credits from SLR sufficient for WSLP to break ground within days of state and Corps concurrence.
2. Rather than comply with applicable law, the Presentation purports to explore and analyze the inchoate MSP as a source of mitigation for WSLP. While MSP is an important project, tying

[1] https://www.youtube.com/watch?v=EAykRezJADI

WSLP to MSP will result in significant delays for WSLP measured in years. Thus, for the time being, MSP is simply not an "alternative" available to WSLP to aid in the beginning of construction on that project.

3. MSP is, at best, at a planning stage with years to go, and complicated engineering and legal challenges to consider and surmount. MSP would require the use of private lands that have not been identified or acquired, and would not, in any event, satisfy the relevant threshold for ecological benefit to generate the AAHUs needed for WSLP.
4. MSP has limited baseline data, which underscores its inability to provide mitigation for WSLP in the near term, or potentially at all.

2.0 Presentation Relevant Content Summary

2.1 Project Introduction/Background

The MSP is a 2,000 cfs freshwater diversion project that was brought to CEMVN during public review of the Draft EA #576 by the Louisiana CPRA for consideration as a mitigation alternative to satisfy the WSLP Project mitigation need for swamp habitat impacts by the construction of the WSLP.

The construction of the WSLP was authorized as part of the 2016 Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322). Construction of the WSLP Project was funded by the Bipartisan Budget act of 2018 (BBA-2018, Public Law 115-123).

2.2 Study Area

The presentation discusses and illustrates the location of the MSP and the WSLP, along with the location and extent of the Lake Pontchartrain Basin, the Mississippi Alluvial Plain Ecoregion, and the Louisiana Coastal Zone.

2.3 MSP Delays and Challenges

The Presentation provides a zoomed-in map of the "MSP Benefit Areas," which presumably contains enough AAHU's to offset the impacts of WSLP, over time. "Alternative 1"[2] illustrates the benefit area using both public and private lands, and "Alternative 2" illustrates the benefit area using public lands only. The presenter notes that Alternative 2 contains "Tertiary Mitigation Areas" which would be needed in addition to primary and secondary mitigation areas. The presenter states that the risk for ecological success increases the further away the "benefit area" is from the diversion outfall channel. Also shown in this map are construction features of the MSP, as well as properties labeled as "St. John Private Parcels," which are presumably private landowners who are not publicly disclosed as participating in the MSP/WSLP project. These private parcels are located north of the benefit area along Bayou Tent, which is one of the primary outfall/conveyance channels.

[2] SLR reiterates that using MSP as a source of mitigation for WSLP will effectively put the WSLP on ice for a matter of years. Thus, SLR respectfully notes that MSP simply is not an "alternative" at all. SLR only utilizes the word "alternative" as a matter of reference to the word used in the Presentation—even though that usage is misleading and inaccurate.

2.4 MSP Features

The Presentation illustrates and discusses the "Construction Area" of the MSP and features that would be installed to optimize the benefits of the MSP. These primary features include a conveyance channel, weirs, and embankment.

The conveyance channel begins at River Mile 144 and heads generally north until approximately 1000 feet north of I-10, into the Hope Canal. This channel will be 40-60 feet wide except at vehicular and railroad crossing locations. This channel would be tightly positioned between 2 levees on the west and east side, with portions of the eastern levee being shared with the western guide levee of the WSLP.

The weirs are located within Bayou Secret and the Bourgeois Canal, which will restrict natural western flow into Blind River. These weirs will be constructed to "improve retention time" in the swamp and will also help facilitate flow to the northern area of the larger benefit area.

Cuts will also be installed in an existing railroad embankment to the north to improve flow/hydrologic exchange.

2.5 Current CEMVN approved Sites

The Presentation also discusses currently proposed mitigation alternatives which include the purchase of mitigation banking credits, and utilizing the "St. James Mitigation Site," and the "Pine-Island Mitigation Site."

3.0 SLR Comments

The Presentation, if anything, further illustrates and reinforces SLR's point: the MSP will not—and cannot—provide compensatory mitigation for the WSLP within the next 2-3 years.

3.1 Lack of Long-Term Protection/Conservation Servitudes

The MSP does not have land that is suitable for compensatory mitigation based on the long-term protection requirements for such projects, and is, in any event, inconsistent with current CEMVN standards for every other known mitigation project.

Specifically, the MSP Benefit Areas are problematic because most of the land is publicly owned. The Presentation does not outline any workaround for its inability to place a ***perpetual*** conservation servitude on publicly owned property—which is a non-negotiable requirement of the 2008 Mitigation Rule. See Compensatory Mitigation for Losses of Aquatic Resources, 73 FR 19593 (2008), as amended and updated ("2008 Mitigation Rule").

For that reason, among others, allowing lands that are not permanently protected to provide mitigation would be inconsistent with other CEMVN mitigation solicitations. For example, CEMVN is currently soliciting mitigation credits for the WSLP (Coastal BLH), East Baton Rouge Parish (BLH), and the New Orleans to Venice (Coastal Swamp) projects. All three projects state that eligible mitigation sites must have a "duly recorded ***perpetual conservation servitude/easement***." (Emphasis added.) A review of prior CEMVN solicitations shows that this requirement has also been in place for every CEMVN solicitation for a period of years.

Without the use of public lands, the mitigation benefit area would have to expand well beyond the primary and secondary mitigation areas and into the tertiary mitigation areas. However, at that level as conceded in the Presentation itself, the likelihood of ecologic successes decreases as distance from the outfall channel increases. Therefore, even if enough private lands could theoretically be acquired in the future—a costly and chaotic process—these lands would be in the high-risk category and would likely not receive any measurable benefit from the MSP for many years, if at all.

3.2 MSP Funding, Costs, and Permit Status

The MSP is not fully funded and will ultimately cost ~$200 million to construct. Currently the purpose of the MSP is *not* to provide compensatory mitigation for the WSLP, therefore; this purpose would have to be revised. Should the purpose of MSP be changed through the regulatory process and funding were secured, the costs of mitigation for the WSLP would be ~$200 million, which is a 200-250% increase above current market prices for mitigation credits, and USACE recognizes this is not the most cost-effective means of valid compensatory mitigation.

3.3 MSP Project Baseline Data is *De Minimus*

The MSP has very limited baseline data that would most likely be considered insufficient under current mitigation standards used by CEMVN. This limited data has resulted in unreliable benefit calculations and assumptions. In addition, much of the baseline data relies on reports completed prior to the construction of the IHNC surge barrier and the Seabrook Floodgates, which largely have reduced salinity in the Maurepas Swamp area, and new studies need to be completed to establish a new baseline for the potential "benefits" of freshwater introduction at 2,000 cfs only when the MSP is flowing water from the Mississippi River. This operational manual demonstrating the amount of benefits has yet to be produced by the state or CEMVN.

According to the 2020 WVA Planning Aid Letter, prepared by the USFWS, the CPRA has determined a "Primary Benefit Area" and "Secondary Benefit Area," which total 2,880.9 acres. Within this benefit area there are 2 CRMS stations (0063 and 5414) that would presumably be used to establish baseline conditions for the site and then be used to calculate "with and with-out" conditions to determine the AAHU yield of the project. It could be interpreted that each site is representative of 1,440.45 acres.

However, according to the Swamp Community Wetland Value Assessment document prepared by the CPRA in June 2019, this benefit area is "Sub-Area 1," which is 1 of 11 other CRMS sites that were used to estimate the benefits of the entire MSP project. In this report, the author states that only CRMS Station Number 0063 was used for Sub-Area 1, which totals over 6700 acres. Therefore, for Sub-Area 1, only one baseline station was analyzed for 6700 acres, and within the CPRA's "Mitigation Area," only one baseline station was used for 2,880.0 acres.

SLR notes that the Presentation and publicly available materials do not establish how an adequate baseline analysis could be conducted with such limited sample sites across thousands of acres, or how these limited sample sites could then be used to generate a benefit analysis that would be considered reliable and accurate. The public record currently contains, at best, far too many assumptions to project and estimate the benefits of MSP, which is the first of its kind. The Presentation does not make clear how such a limited analyses could be utilized to validate that 955 AAHUs can be generated and transferred.

Within the Primary and Secondary Mitigation Areas, which correspond with Sub-Area 1. According to the 2019 document, Sub-Area 1 is a "throughput swamp," which is defined in the report as "sites receiving reliable nonpoint source sources of freshwater runoff, characterized by mature overstory and mid-story stands and little herbaceous cover."

The CPRA has selected the most-healthy portions of the larger Maurepas Swamp benefit area to be used as their mitigation area; areas that are already receiving reliable nonpoint source sources of freshwater runoff. The need to conduct any "enhancement" activities within this area is thus unclear, as the primary and secondary mitigation areas already appear to be a healthy cypress swamp.

3.4 MSP Wetland Value Assessment Needs to be Published for Public Review and Comment

The final Wetland Value Assessment (WVA) for the MSP must be publicly vetted. The most recent reference to the MSP WVA prepared by the USFWS as part of the CEMVN's Project Delivery Team (PDT) was March 2, 2021 (August 12, 2021 correspondence from Troy G. Constance, Chief Regional Planning and Environmental Division South, U.S. Army Corps of Engineers to Bren Haase, Coastal Protection and Restoration Authority) has not been publicly vetted.

The Wetland Value Assessment (WVA) is the functional assessment protocol employed by the CEMVN and CPRA to estimate both the ecological wetland impacts of the WLSP and the ecological wetland benefits of the MSP. As such, the final MSP WVA is the quantitative process that establishes the monetary value of the MSP's estimated wetland ecological benefit when used to compensate for unavoidable impacts to aquatic resources from the WLSP.

The WVA also serves as the basis for establishing and satisfying the regulatory requirements for the use of the potential MSP mitigation credits as defined in the Final Rule at 33 CFR §325 and §332. Specifically, the WVA provides the baseline information, credit determination, and greatly influences the ecological performance standards, monitoring requirements, long-term management plan, adaptive management plan and financial assurances. Thus, the final MSP WVA must be publicly vetted and produced as part of the draft Supplemental EIS for public review and comment.

3.5 MSP Project Features

The MSP has limited baseline data and constraints, which creates uncertainties that result in unreliable benefit calculations/assumptions. The level of risk that this presents to CEMVN and to the CPRA is well beyond what is typically allowed by CEMVN in other mitigation projects that have been approved under the 2008 Mitigation Rule, especially for a mitigation project that would total 955 AAHUs. The MSP is almost entirely dependent on man-made features and operational plans that would essentially create an "artificial environment" to achieve the goals and objectives of the MSP. To date, it is unclear who would be responsible for maintaining these features and how the operation and maintenance of these features would be assured through financial assurances.

3.6 St James Mitigation Site

The Presentation discusses the "St. James Mitigation Site," as a potential alternative for partial mitigation to the WSLP. According to the Presentation, this site would restore up to 1,247 acres of swamp habitat and would provide up to 511 AAHUs of swamp mitigation for WSLP.

Even a brief desktop analysis reveals, however, that this site is not suitable for swamp mitigation. It is located along the natural Mississippi River shoreline and includes lands that are commonly "non-wetland" soil types (Cancienne, Carville, and Vacherie).The site also only contains about 50% of "hydric soils" (Grammercy and Schriever) both of which are commonly associated with bottomland hardwood habitat. Much of the site is well above the 5-foot contour. Additionally, this site was previously advertised as a "BLH Site" in the EA 576, and even involved excavating over 600,000 cubic yards of soil to "help ensure satisfactory hydrology/hydroperiod for BLH-wet habitat." SLR is unsure the reason this site is now being presented as a coastal swamp site suitable for mitigation for WSLP. While it is likely that planted cypress trees would do well in this environment, this does not necessarily mean that a "swamp habitat" will have been restored, particularly when there is no evidence to support that a coastal swamp previously existed in most of this site with the River in its present course.

3.7 Pine Island Mitigation Site

According to the Presentation, the Pine Island Mitigation Site involves the creation/restoration of up to a total of approximately 1,965 acres of swamp habitat and provides up to approximately 755 AAHUs as compensatory mitigation for WSLP Project swamp impacts. A review of this project on the EA 576 shows that the project would require over 16 million cubic yards of hydraulic dredging to raise the surface elevations of this site to an elevation of +2.5 NAVD 88. Assuming a conservative estimate figure of $7/CY, this would result in a total project construction cost of $114 million, or $152,000/AAHU, with additional costs needed to maintain the site and ensure the 755 AAHUs are achieved. This site is likely unsuitable for WSLP mitigation based on high project costs.

3.8 Summary of Current WSLP Mitigation Approaches

The current mitigation approaches for the WSLP are either unsuitable or unlikely to be achieved due to ecological, legal, and financial constraints. The MSP is already a high-risk site from an ecological standpoint. The areas that are most likely to benefit from the freshwater diversion are public lands, for which the Presentation and advocates have not identified a solution to satisfy the 2008 Mitigation Rule. The MSP site is also not fully funded and even if it was, the $200 million cost would likely not be the least cost alternative. The "St. James Mitigation Site," is not a suitable swamp mitigation site, with only half of the site being suitable for BLH mitigation. The "Pine Island Mitigation Site" is simply too expensive due to the need for hydraulic dredging to achieve the desired AAHUs.

3.9 Use of SLR as Mitigation

The Spanish Lake Mitigation Bank, in combination with existing banks within the Pontchartrain Basin is the best possible solution for CEMVN to purchase up to 1/3 of its SWP mitigation need in a short period of time, which would then allow for the SWP component of the WSLP to proceed with construction. Following this initial step, SLR proposes that the CPRA officially propose the MSP as a mitigation area for WSLP and develop a mitigation plan in accordance with 33 CFR Parts 332 and other applicable regulations/guidance. Concurrently, SLR will also propose through 33 CFR Parts 332 additional lands within the Spanish Lake Basin that are below the 5-foot elevation and tidally influenced to be considered for WSLP mitigation. In this way, the MSP would be properly evaluated as a mitigation area without delaying the start of construction for the WSLP.

SLR is an approved mitigation bank, whose mitigation banking activities took place from 1999-2001 and has been in the "Long-Term Management Phase" since 2010. The ecological success of SLR is evident today with little risks from an ecological standpoint. CEMVN has already stated that the portions of SLR

properties and the additional properties in the Spanish Lake Basin meet the requirements for Coastal Zone and have determined through a jurisdictional determination that the SLR is within the Louisiana Coastal Zone. By CEMVN standards, SLR is appropriate as mitigation for the WSLP. According to a recent hydrologic analysis by Alex Ameen, PhD, the Spanish Lake Basin experiences tidal influence at least 49% of the time and up to 71% of the time.

The 2008 Mitigation Rule, specifically at 33 CFR Part 332, supports the use of SLR Bank as mitigation for WSLP, particularly due to the tidal influence and tidal correlation to Lakes Maurepas and Pontchartrain. §332.3 (b) discusses mitigation "type and location," and states that "Compensation for impacts to aquatic resources in coastal watersheds (watersheds that include a tidal water body) should also be located in a coastal watershed where practicable." Based on the location of the SLR Bank within the Lake Pontchartrain Basin and Amite River Watershed, SLR would be considered appropriate under this section, as both Lake Pontchartrain and the Amite River are considered tidal water bodies, and they both correlate with tidal signatures within the SLR Bank. §332.3 (e) discusses mitigation type, stating that "in-kind" mitigation projects are preferred. SLR contains approximately 1,209.6 acres of swamp credits that are below the 5-foot elevation and are tidally influenced and with expansion, an additional 2000 acres would qualify to provide 100% of the required credits for WSLP. This is similar to the swamp habitat that would be impacted by WSLP, further illustrating that the SLR Bank would be considered appropriate.

4.0 Conclusions

In conclusion, SLR reiterates that the use of the MSP as mitigation for the WSLP contributes unnecessary risk to the project and will greatly delay its construction. It is simply not a viable option. Alternatively, SLR can provide approved mitigation credits currently available that would allow WSLP to move forward as scheduled.

If you have any questions or require additional information, please contact SLR at 225.928.5333.

Sincerely,

Scott Nesbit
Chief Technical Advisor

From:	Newman, Brent
To:	MVN Environmental
Subject:	[Non-DoD Source] Comments on WSLP mitigation
Date:	Thursday, October 28, 2021 9:47:55 AM
Attachments:	Audubon Delta WSLP Comments 10-31.pdf

Good morning,

Enclosed please find the comments of Audubon Delta regarding mitigation for the West Shore Lake Pontchartrain project.

Thank you,

–

Brent Newman
Senior Policy Director
O: 504.708.5875
C: 303.681.8420
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October 31, 2021

U.S. Army Corps of Engineers
Regional Planning and Environmental Division
South PDS-C
7400 Leake Ave.
New Orleans, LA 70118

Via email: mvnenvironmental@usace.army.mil

Re: Comments on West Shore Lake Pontchartrain Project Mitigation

To whom it may concern:

Audubon Delta is the regional office of the National Audubon Society, encompassing the states of Arkansas, Louisiana, and Mississippi, and combining the former state office of Audubon Louisiana with two other state offices. The National Audubon Society protects birds and the places they need, today and tomorrow, throughout the Americas using science, advocacy, education, and on-the-ground conservation. Audubon has had a presence on the Gulf Coast for nearly a century and is invested thoroughly in the region. Audubon staff are working to advance habitat restoration, conservation, and stewardship with the goal of having healthy and resilient coastal and marine ecosystems that support populations of birds, fish, wildlife, and people throughout the Gulf's five coastal states.

On behalf of our members in Louisiana and across the Gulf Coast, we appreciate the opportunity to comment in the scoping period for the Supplemental Environmental Impact Statement (SEIS) for the West Shore Lake Pontchartrain (WSLP) project. In this SEIS, the Corps will be evaluating the River Reintroduction into Maurepas Swamp Project as a mitigation alternative for the WSLP Project, in accordance with the National Environmental Policy Act (NEPA).

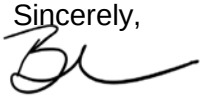
Audubon is supportive of the utilization of the Maurepas Swamp Project as mitigation for the West Shore Lake Pontchartrain Project, and would encourage the U.S. Army Corps of Engineers to adopt this as the preferred alternative. The Maurepas Swamp Project is a key element of Audubon's coastal strategy – helping birds on the Gulf Coast recover, not just from recent disasters like hurricanes and the Deepwater Horizon oil spill, but other stressors like coastal erosion, development, and the effects of climate change. The Maurepas Project will support and provide enhanced habitat for many species that rely on this Gulf ecosystem, from resident marsh birds like Snowy Egrets and Wood Ducks to migratory species such as American White Pelicans, Prothonotary Warblers, and Bald Eagles. Hurricane Ida drove home the importance of the WSLP project, and of comprehensive and holistic storm protection measures for South Louisiana.

Identifying the Maurepas Swamp Project as the preferred in-kind compensatory mitigation alternative in the SEIS is a way to achieve cost savings and efficiencies between the two projects. The construction of both projects will have benefits: for storm surge protection, habitat restoration, coastal resilience, and the responsible stewardship of available funding for project

implementation. Using Maurepas for mitigation allows these activities to take place in the same watershed, and within an adjacent ecosystem.

For these reasons, Audubon encourages the New Orleans District of the U.S. Army Corps of Engineers to identify the River Reintroduction into Maurepas Project as the preferred alternative for compensatory mitigation for the West Shore Lake Pontchartrain Project. Thank you for your consideration, and we look forward to continued work with the Corps in restoring the Gulf Coast for birds and people

Sincerely,



Brent Newman
Senior Policy Director
Audubon Delta

From: mailagent@thesoftedge.com on behalf of Paisleigh Kelley
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Wednesday, October 27, 2021 9:51:47 AM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

The habitat restoration resulting from the MSP will mitigate WSLP impacts without the need for using all mitigation bank credits in the Mississippi Alluvial Plain. This would provide the Coastal Protection and Restoration Authority (CPRA) with critically needed cost savings that could go towards other projects.

CPRA has offered to cover any excess cost that would occur over that of the Corps' current selected alternative. Therefore, using the MSP as mitigation would not cost the federal government any additional money.

The Corps should also consider that the MSP will rebuild swamp and bottomland hardwood habitat which will protect the WSLP. This protection will decrease maintenance needs of the levee over time. This is a multiple lines of defense approach and a win-win solution for both the state and federal government!

Piecemeal mitigation is not the most efficient way to restore our rapidly degrading delta. We need something bigger and better - the MSP will restore 45,000 acres in the same region as the impacts from the WSLP project, providing more than the required mitigation!

I believe it is a common sense, win-win solution to use the River Reintroduction into Maurepas Swamp project as mitigation for the adjacent WSLP project. Choosing to use the MSP as mitigation for the WSLP is just the kind of forward thinking, innovative solution needed to address a problem of the scale of coastal land loss in Louisiana. I urge the Corps to not pass up this opportunity.

Sincerely,

Paisleigh Kelley
[redacted]

From: mailagent@thesoftedge.com on behalf of Alexistori Gonzalez
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Monday, October 25, 2021 1:31:33 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

The habitat restoration resulting from the MSP will mitigate WSLP impacts without the need for using all mitigation bank credits in the Mississippi Alluvial Plain. This would provide the Coastal Protection and Restoration Authority (CPRA) with critically needed cost savings that could go towards other projects.

CPRA has offered to cover any excess cost that would occur over that of the Corps' current selected alternative. Therefore, using the MSP as mitigation would not cost the federal government any additional money.

The Corps should also consider that the MSP will rebuild swamp and bottomland hardwood habitat which will protect the WSLP. This protection will decrease maintenance needs of the levee over time. This is a multiple lines of defense approach and a win-win solution for both the state and federal government!

Piecemeal mitigation is not the most efficient way to restore our rapidly degrading delta. We need something bigger and better - the MSP will restore 45,000 acres in the same region as the impacts from the WSLP project, providing more than the required mitigation!

I believe it is a common sense, win-win solution to use the River Reintroduction into Maurepas Swamp project as mitigation for the adjacent WSLP project. Choosing to use the MSP as mitigation for the WSLP is just the kind of forward thinking, innovative solution needed to address a problem of the scale of coastal land loss in Louisiana. I urge the Corps to not pass up this opportunity.

Sincerely,

Alexistori Gonzalez
[redacted]

From: JAMES MATHERNE
To: MVN Environmental
Subject: [Non-DoD Source] West Shore Lake Pontchartrain Levee Project Comment
Date: Friday, October 22, 2021 4:16:49 PM

Pretty sure I could have built it myself with a shovel and a wheelbarrow in less than 40 years.

From:	Chris Macaluso
To:	MVN Environmental
Subject:	[Non-DoD Source] comment of support for use of Maurepas Swamp Project as mitigation for West Shore Lake Pontchartrain.
Date:	Friday, October 22, 2021 1:08:38 PM
Attachments:	TRCP support for use of MSP as mitigation for West Shore Lake Pontchartrain.docx

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Please see the attached letter in support of Alternative 2 of the SEIS, using the Maurepas Swamp Project as mitigation for the construction of the West Shore Lake Pontchartrain levee project

Thanks,

Chris Macaluso
Center for Marine Fisheries Director
Theodore Roosevelt Conservation Partnership
cmacaluso@trcp.org

His Vision – Our Mission

529 14th ST NW
SUITE 500
WASHINGTON, DC 20045
202-639-8727
WWW.TRCP.ORG

October 22, 2021

From: Chris Macaluso, Center for Marine Fisheries Director, Theodore Roosevelt Conservation Partnership

RE: Support for Use of Maurepas Swamp Project as Mitigation for Impacts of West Shore Lake Pontchartrain Levee Project

The Theodore Roosevelt Conservation Partnership is fully supportive of the use of the Maurepas Swamp project as mitigation for the impacts of the construction of the West Shore Lake Pontchartrain Levee Project and urges the selection of Alternative 2, the "Public Lands Only" option.

Our organization recognizes the need for both levee protection for the communities along the western shore of Lake Pontchartrain and the natural protection, wildlife and fisheries production and economic and cultural benefits of the recreational opportunities provided by the construction and operation of the Maurepas Swamp Project. The TRCP has been committed for the last decade to advancing this project and other efforts to reverse more than a century of coastal swamp, marsh and barrier island habitat degradation and loss in the Mississippi River Delta.

The TRCP has taken a particular interest in this project because of the immediate benefits to fish and wildlife habitat that will come from the reintroduction of fresh, oxygenated water and fine sediments into the Maurepas Swamp from the nearby Mississippi River, mimicking the historic processes that created the swamp.

Currently, the swamp is suffering and slowly degrading due to poor water quality, invasive vegetation that has choked off many canals and natural waterways, a lack of nutrients and fine sediments needed to encourage plant and tree growth, changes in hydrology from spoil banks and man-made canals and saltwater intrusion. What was a prime area for freshwater fisheries production and wintering waterfowl in the 20th century is becoming less productive with each year. Without efforts to improve water quality and revitalize the swamp by bringing in consistent, annual waterflows from the Mississippi River, the swamp's habitat and productivity will continue to decline and eventually completely collapse.

The proximity of the swamp to New Orleans and Baton Rouge and the large expanse of public lands in the Maurepas Swamp Wildlife Management Area mean improved habitats in the area will give thousands of hunters and anglers access to quality opportunities in the outdoors while stimulating economic activity. The improvements to habitat and the efforts to keep the expanses of cypress and tupelo-gum trees alive in the swamp will also provide storm surge and wind protection for local communities. We believe it's in the best interest of the swamp habitat, the adjacent communities and in the overall restoration and protection of the Mississippi River Delta that the mitigation for the construction of the West Shore Lake Pontchartrain project remain in the basin affected by levee construction.

Our organization, representing 60 diverse hunting, angling, habitat conservation and trade associations, urges you to give approval to the Louisiana Coastal Protection and Restoration Authority to move forward with project construction as soon as possible.

Sincerely,

Chris Macaluso

Center for Marine Fisheries Director

The Theodore Roosevelt Conservation Partnership

From: mailagent@thesoftedge.com on behalf of Randall Crews
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Friday, October 22, 2021 1:01:12 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

The habitat restoration resulting from the MSP will mitigate WSLP impacts without the need for using all mitigation bank credits in the Mississippi Alluvial Plain. This would provide the Coastal Protection and Restoration Authority (CPRA) with critically needed cost savings that could go towards other projects.

CPRA has offered to cover any excess cost that would occur over that of the Corps' current selected alternative. Therefore, using the MSP as mitigation would not cost the federal government any additional money.

The Corps should also consider that the MSP will rebuild swamp and bottomland hardwood habitat which will protect the WSLP. This protection will decrease maintenance needs of the levee over time. This is a multiple lines of defense approach and a win-win solution for both the state and federal government!

Piecemeal mitigation is not the most efficient way to restore our rapidly degrading delta. We need something bigger and better - the MSP will restore 45,000 acres in the same region as the impacts from the WSLP project, providing more than the required mitigation!

I believe it is a common sense, win-win solution to use the River Reintroduction into Maurepas Swamp project as mitigation for the adjacent WSLP project. Choosing to use the MSP as mitigation for the WSLP is just the kind of forward thinking, innovative solution needed to address a problem of the scale of coastal land loss in Louisiana. I urge the Corps to not pass up this opportunity.

Sincerely,

Randall Crews
[redacted]

From: mailagent@thesoftedge.com on behalf of Joshua Scalf
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Friday, October 22, 2021 1:00:56 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

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Sincerely,

Joshua Scalf

From: mailagent@thesoftedge.com on behalf of Charles Williams
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Friday, October 22, 2021 1:00:40 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

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Sincerely,

Charles Williams
[redacted]

From: mailagent@thesoftedge.com on behalf of Audrey Evans
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Friday, October 22, 2021 1:00:29 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

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Sincerely,

Audrey Evans
[redacted]

From: mailagent@thesoftedge.com on behalf of Leah Read
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Friday, October 22, 2021 12:59:41 PM

Dear Dear USACE:

The Maurepas Freshwater Diversion project has been in the works, in one form or another, for about two decades now (probably longer). My knowledge of it starts in 2007, when LA Dept of Natural Resources took up the project. In this time, we in Louisiana have watched as countless acres of land have been lost. Landscapes of hardwood forested swamps have become grassy marsh, and those older grassy marshes are just open water now.

The WSLP is an important project in its own right. Laplace and other communities with repeat losses need protection, help in raising their homes, or both. Ida is the most recent example of this, though Isaac and others have come before.

Marrying these two projects is the right thing to do, and it is also the most prudent. The USACE must mitigate its WSLP impacts. The CPRA has funds and desire to develop a keystone coastal restoration project directly adjacent. Everyone, including nature herself, benefits from joining these efforts. I would go further to say that every new flood control project should come with a coastal restoration effort, because we've learned all too well that we cannot rely solely on our levees, we need the marshes and other natural buffers around us to keep us safe and dry.

Sincerely,

Leah Read
[redacted]

From: mailagent@thesoftedge.com on behalf of Lillian Bacon
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Friday, October 22, 2021 12:59:32 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

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Sincerely,

Lillian Bacon
[redacted]

From: mailagent@thesoftedge.com on behalf of Dale Lowery
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Friday, October 22, 2021 12:59:31 PM

Dear Dear USACE:

I am writing to express support for use of the Maurepas Swamp Project as an offset to the projected impacts of the West Shore Lake Pontchartrain levee project. The comments below, while drafted by an organization I support rather than myself, express well my sentiments. As the saying has it, "couldn't have said it better myself!"

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

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Sincerely,

Dale Lowery
[redacted]

From:	Mark Trepagnier
To:	MVN Environmental
Subject:	[Non-DoD Source] Public comment period extended for West Shore Lake Pontchartrain Project - New Orleans District
Date:	Friday, October 22, 2021 8:35:55 AM

Ok first off this page makes difficult to send an email because you have to copy the address and past into address line just like everything the government does.

However, Mark Trepagnier is my name and I live at 2203 East Canterbury Dr Laplace LA. 70068. Aa a resident of St. John Parish., I attended meetings when Natalie Robottom was Parish President and it was my understand that the "west levee" was a project that was going to happen.. The money had been appropiated and work had begun. I saw the "scale" that was supposed weigh the "clay" coming out of the Bonnie Carrie Spillway but has been sitting for years and nothing happening. If I am uninformed it is because the Parish has not communicated where the project stands. If the status is "working" then where is the updates and communication to the people of St John Parish. This "levee" is vital for the "Salvation" hundreds of residents who will continue to flood if this levee is not built, which should be obvious to everyone. So even thought I will go anywhere to find out the latest information on the levee. Please tell me that this is a working project and not stuck in "government bureaucracy"? St John residents deserver this protection.

This has to be THE most pressing issue for this parish because of the negative ramifications that this parish has gone through and will continue to get more and more degradation of residents property values not to mention the out right exsodus of long term tax base residents. I have been told after hurricane IDA by five of my friends that they are "leaving, never to return. They say, "I have had enough" and who can blame them.

Mark Trepagnier
[redacted]

From:	Emily Vuxton
To:	MVN Environmental
Subject:	[Non-DoD Source] WSLP Scoping Comments
Date:	Thursday, October 21, 2021 1:12:24 PM
Attachments:	USACE Maurepas Comment Letter_Scoping.docx

Hello,

Please see attached for public comment from the Coalition to Restore Coastal Lousiana on WSLP scoping.

Thanks,

Emily

Coalition To Restore Coastal Louisiana
3801 Canal Street, Suite 400, New Orleans, LA 70119 • 504.264.6812 • 225.767.4181

October 21, 2021

United States Army Corps of Engineers, New Orleans District
mvnenvironmental@usace.army.mil

Re: West Shore Lake Ponchartrain (WSLP) Levee Project and Mississippi River Reintroduction into Maurepas Swamp project

Hello,

The Coalition to Restore Coastal Louisiana (CRCL) is the first state-wide non-profit organization in Louisiana dedicated to comprehensive coastal restoration. The mission of CRCL is to drive bold, science-based action to sustain a dynamic coast through engagement and advocacy. In alignment with this mission, and as articulated through previous correspondence with the U.S. Army Corps of Engineers (USACE), New Orleans District, we write, during the scoping period for WSLP mitigation, to again articulate our support for using the proposed Mississippi River Reintroduction into Maurepas Swamp (PO-0029, Maurepas Diversion) as mitigation for the West Shore Lake Pontchartrain (WSLP) Levee.

USACE policy and guidance specifies that the best standard for mitigation is in-kind, in-basin. It is our understanding that there are not adequate mitigation bank credits in the basin if the Corps would choose to go that route. The proposed Maurepas Diversion would enhance the forested wetland habitat that the construction of the levee will damage. Additionally, the diversion is in the same basin as the WSLP levee.

Since our previous correspondence with the Corps, the Coastal Protection and Restoration Authority (CPRA) sent a letter to the Corps (August 23, 2021) which stated that "although the [Maurepas Diversion] would compensate for the WSLP project swamp impacts, the [Maurepas] implementation costs are higher than the Tentatively Selected Alternative (TSA) identified in EA #576 and therefore would not likely meet USACE compensatory mitigation 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 agree with CPRA that the best available option for mitigating WSLP Levee construction, both in terms of ecological benefits and effective cost-sharing and cost savings, is by implementing the Maurepas Diversion. Mitigating for WSLP through mitigation banks is an unacceptable option that will fail to deliver adequate ecological benefits to Louisiana's most threatened wetland habitats.

We encourage the Corps to accept CPRA's offer to pay any increased costs over and above that of the TSA in order to utilize the Maurepas diversion as the best mitigation option for WSLP.

Sincerely,

Emily Upton

Policy Director

From: mailagent@thesoftedge.com on behalf of Christina Lehew
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Wednesday, October 20, 2021 11:54:30 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

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Sincerely,

Christina Lehew

From: mailagent@thesoftedge.com on behalf of hannah.coher[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Wednesday, October 20, 2021 1:07:20 PM

Dear Dear USACE:

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Sincerely,

Hannah Cohen
[redacted]

From: mailagent@thesoftedge.com on behalf of Robert Bass
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Wednesday, October 20, 2021 1:07:09 PM

Dear Dear USACE:

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Sincerely,

Robert Bass
[redacted]

From: mailagent@thesoftedge.com on behalf of rap1@[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 5:06:38 PM

Dear Dear USACE:

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Sincerely,

Robert Pitre Jr
[redacted]

From:	mailagent@thesoftedge.com on behalf of William Broussard
To:	MVN Environmental
Subject:	[Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date:	Tuesday, October 19, 2021 5:02:50 PM

Dear Dear USACE:

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Sincerely,

William Broussard
[redacted]

From: mailagent@thesoftedge.com on behalf of cave man
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:53:19 PM

Dear Dear USACE:

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Sincerely,

cave man
[redacted]

From: mailagent@thesoftedge.com on behalf of tommyhirth@[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:53:07 PM

Dear Dear USACE:

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Sincerely,

Tom Hirth Jr
[redacted]

From: mailagent@thesoftedge.com on behalf of Christian Hines
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:52:43 PM

Dear Dear USACE:

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Sincerely,

Christian Hines
[redacted]

From: mailagent@thesoftedge.com on behalf of stacy@[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:52:16 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

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CPRA has offered to cover any excess cost that would occur over that of the Corps' current selected alternative. Therefore, using the MSP as mitigation would not cost the federal government any additional money.

The Corps should also consider that the MSP will rebuild swamp and bottomland hardwood habitat which will protect the WSLP. This protection will decrease maintenance needs of the levee over time. This is a multiple lines of defense approach and a win-win solution for both the state and federal government!

Piecemeal mitigation is not the most efficient way to restore our rapidly degrading delta. We need something bigger and better - the MSP will restore 45,000 acres in the same region as the impacts from the WSLP project, providing more than the required mitigation!

I believe it is a common sense, win-win solution to use the River Reintroduction into Maurepas Swamp project as mitigation for the adjacent WSLP project. Choosing to use the MSP as mitigation for the WSLP is just the kind of forward thinking, innovative solution needed to address a problem of the scale of coastal land loss in Louisiana. I urge the Corps to not pass up this opportunity.

Sincerely,

Stacy Ortego
[redacted]

From:	mailagent@thesoftedge.com on behalf of Nancy Hillman
To:	MVN Environmental
Subject:	[EEMSG-SPAM: Suspect] [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date:	Tuesday, October 19, 2021 4:52:15 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects 7will produce greater efficiencies together than either could produce alone.

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Sincerely,

Nancy Hillman
[redacted]

From: mailagent@thesoftedge.com on behalf of mestay@[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:52:14 PM

Dear Dear USACE:

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Sincerely,

Michael P Estay
[redacted]

From: mailagent@thesoftedge.com on behalf of andrewmayer@[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:52:13 PM

Dear Dear USACE:

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Sincerely,

Andrew Mayer, MD
[redacted]

From:	mailagent@thesoftedge.com on behalf of Clint Elliott
To:	MVN Environmental
Subject:	[EEMSG-SPAM: Suspect] [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date:	Tuesday, October 19, 2021 4:52:12 PM

Dear Dear USACE:

Louisiana's River Reintroduction into Maurepas Swamp project (MSP) will be constructed directly adjacent to the Corps' West Shore Lake Pontchartrain (WSLP) levee project. These two projects will produce greater efficiencies together than either could produce alone.

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Sincerely,

Clint Elliott

[redacted]

From: mailagent@thesoftedge.com on behalf of john@[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:52:12 PM

Dear Dear USACE:

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Sincerely,

John Morello
[redacted]

From:	mailagent@thesoftedge.com on behalf of bluesfan1980@[redacted]
To:	MVN Environmental
Subject:	[EEMSG-SPAM: Suspect] [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date:	Tuesday, October 19, 2021 4:52:11 PM

Dear Dear USACE:

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Sincerely,

Robert Williamson
[redacted]

From: mailagent@thesoftedge.com on behalf of stacy@[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:52:10 PM

Dear Dear USACE:

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Sincerely,

Stacy Ortego
[redacted]

From: mailagent@thesoftedge.com on behalf of cahash@[redacted]
To: MVN Environmental
Subject: [Non-DoD Source] Use Maurepas restoration to mitigate impacts from West Shore levee project
Date: Tuesday, October 19, 2021 4:52:10 PM

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Sincerely,

Al Haase
[redacted]

From:	Stacy Ortego
To:	MVN Environmental
Subject:	[Non-DoD Source] LWF Scoping Comments on WSLP SEIS
Date:	Friday, October 15, 2021 6:05:56 PM
Attachments:	LWF Scoping Comments on WSLP_10.14.21.pdf

Dear USACE,
Attached are Louisiana Wildlife Federation's scoping comments RE: West Shore Lake Pontchartrain scoping and notice of intent to publish Supplemental Environmental Impact Statement (SEIS).

Thank you,

Stacy Ortego
Outreach Coordinator
Louisiana Wildlife Federation
PO Box 65239
Baton Rouge, LA 70896
225-344-6707
stacy@lawildlifefed.org
lawildlifefed.org

LOUISIANA WILDLIFE FEDERATION
The voice of Louisiana's wildlife and natural resources since 1940.

P.O. Box 65239, Baton Rouge, LA 70896-5239
337 S. Acadian Thruway, Baton Rouge, LA 70806

(225) 344-6707
lawildlifefed.org

October 14, 2021

U.S. Army Corps of Engineers
Regional Planning and Environmental Division South PDS-C
7400 Leake Ave, New Orleans, LA 70118
Via email: mvnenvironmental@usace.army.mil

RE: West Shore Lake Pontchartrain scoping and notice of intent to publish Supplemental Environmental Impact Statement (SEIS)

Dear U.S. Army Corps of Engineers,

Louisiana Wildlife Federation (LWF) has worked for several years to increase awareness in the River Parishes about coastal restoration projects, focusing outreach efforts on the importance of restoring the Maurepas Swamp region. Of particular focus are diversion projects in the area that would reconnect the Mississippi River to these sinking wetlands – like the River Reintroduction into Maurepas Swamp project (MSP).

Urgent action and innovative approaches are critical to restore our coastal wetlands and protect our communities. As has been our position since the beginning, LWF strongly encourages the USACE to use the MSP as mitigation for the loss of bottomland hardwood and swamp habitat that will result from the construction of the West Shore Lake Pontchartrain levee project (WSLP).

As stated in the Federal Register, the SEIS will "compare, at a minimum, the previously identified BBA Alternative for the WSLP Project in EA 576 to Alternative 1 (MSP–1: Public and Private Lands) and Alternative 2 (MSP–2: Public Land Only) by using the Alternatives Evaluation and Comparison (AEC) process."

LWF believes that the USACE should select Alternative 2 as compensatory mitigation for habitat impacts resulting from the construction of the WSLP for the following reasons:

- The MSP will be built adjacent to the WSLP. These two projects share construction features, offering an opportunity for cost savings and efficiencies by doing the projects in tandem.
- Utilizing the MSP would keep mitigation in-basin and directly adjacent to the impacts rather than relying on piecemeal mitigation in other areas.
- The long-term ecosystem benefits of the MSP would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the WSLP.
- The MSP will help build land which will provide a critical line of defense against storm surge that will benefit the WSLP. This protection will reduce long term maintenance costs for the WSLP and help protect the levee system.
- The Louisiana Coastal Protection and Restoration Authority (CPRA) stated in its August 23, 2021 letter to Colonel Murphey that they acknowledge that Alternative 2 is costlier than the USACE's Tentatively Selected Alternative (TSA) and "will agree to be responsible for that increased cost over and above that of the TSA".

- Even with CPRA covering the excess cost of Alternative 2, this option would still free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration projects across the coast.
- Utilizing the MSP will alleviate pressure on a shortage of mitigation credits from mitigation banks in the area.

Additionally, the restoration project will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. This will prevent the two lakes from merging, a situation that would be devastating and could send storm surge to communities from the River Parishes into the Greater Baton Rouge area.

The WSLP project presents a common-sense opportunity to reap multiple benefits by linking the levee project to the adjacent swamp restoration project. Choosing to use the MSP as mitigation for the WSLP is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss crisis.

Considering that the MSP would allow mitigation to occur directly adjacent the impacted area and the fact that CPRA is willing to take responsibility for excess costs, we believe that the River Reintroduction into Maurepas Swamp project is the preferred alternative for compensatory mitigation for the West Shore Lake Pontchartrain project.

Louisiana Wildlife Federation is a statewide, nonprofit organization that represents 18 affiliate organizations and more than 6,400 members dedicated to the conservation of Louisiana's wildlife and natural resources. Thank you for the opportunity to submit these comments for consideration.

Sincerely,

Rebecca Triche
Executive Director

From:	Faye Matthews
To:	MVN Environmental
Cc:	Kristi Trail; Moore, Brian; Steve Cochran; Kimberly Reyher; Devyani Kar; David Muth; Cathleen Breslin
Subject:	[Non-DoD Source] MRD Scoping Comment on WSLP
Date:	Monday, September 27, 2021 12:45:53 PM
Attachments:	image001.png WSLP SEIS NOI Letter.pdf

Dear USACE Representative,

Attached is Restore the Mississippi River Delta's (MRD) formal scoping comment for the West Lake Shore Pontchartrain project.

Thank you for considering.

Faye Matthews

emaillogo

Faye Matthews, Esq.
Legal Policy Advisor, Gulf Program
National Wildlife Federation
3801 Canal Street, Suite 400
New Orleans, Louisiana 70119
Office: 504-264-6844
www.nwf.org
Uniting all Americans to ensure wildlife thrive in a rapidly changing world

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September 27, 2021

U.S. Army Corps of Engineers
Regional Planning and Environmental Division South PDS-C
7400 Leake Ave, New Orleans, LA 70118
Via Email: mvnenvironmental@usace.army.mil

RE: West Shore Lake Pontchartrain scoping and notice of intent to publish Supplemental Environmental Impact Statement

We write this letter in response to the Corps' scoping comment request and the notice of intent published in the Federal Register informing the public that your agency will soon release a SEIS, which will address a reasonable range of alternatives based on the proposed West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project's (WLP) purpose and need.[1] It states that the Supplemental Environmental Impact Statement (SEIS) will compare, at a minimum, the previously identified "BBA Alternative for the WSLP Project in EA 576 to Alternative 1 (MSP–1: Public and Private Lands) and Alternative 2 (MSP–2: Public Land Only) by using the Alternatives Evaluation and Comparison (AEC) process."

Restore the Mississippi River Delta Campaign (MRD) has long advocated for the U.S. Army Corps of Engineers (Corps) to fund a portion of Louisiana's "River Reintroduction into Maurepas Swamp" (MSP) restoration project as wetlands mitigation for the Corps' separate but adjacent West Shore Lake Pontchartrain (WSLP) levee project. The Maurepas Swamp project, managed by the Louisiana's Coastal Protection and Restoration Authority (CPRA) and funded in large part by *Deepwater Horizon* settlement funds, will sustain and enhance the forested wetland habitat that the WSLP project construction will damage and, like the WSLP project, is in the Lake Pontchartrain basin. Thus, we believe that alternative 2 is the best compensatory mitigation alternative for mitigating unavoidable impacts for WSLP, both in-basin and in-kind, and will also render a host of benefits, including improved hydrology, resilience and saved time and money.

Compensatory Mitigation

Compensatory mitigation is the last step in the three-step approach to compensate for unavoidable impacts to wetlands. Pursuant to the Corps "no overall net loss" the goal of the § 404 regulatory program mitigation

[1]Federal Register. 2021 Notice of Intent to Prepare a Supplemental Environmental Impact Statement to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, St. Charles, St. James, and St. John the Baptist, Department of the Army Corps of Engineers' August 13, 2021. Volume 86, No 154, pp. 44700-44701.

has three components: avoidance, minimization, and compensatory mitigation.[2] Compensatory mitigation is used where appropriate to compensate for unavoidable adverse impacts after all avoidance and minimization measures have been taken.

Compensatory mitigation is defined as an action that results in the restoration, establishment, enhancement, and/or preservation of resources to address a residual impact to a resource elsewhere.[3] There are a variety of mechanisms for accomplishing wetland compensatory mitigation.[4]

The EPA and Corps' MOA of 1990 directs that the functional values lost should be carefully considered when determining compensatory mitigation, and that, generally, in-kind mitigation should be used.[5] Compensatory mitigation can include the restoration of existing wetlands or the creation of new wetlands and is to be done as close to the discharge site as possible ("on-site mitigation"). Thus, it must occur within some approved geographic area so as to ensure that the impacts are appropriately offset by the restoration or conservation activity. Where on-site mitigation is not possible, then off-site mitigation is permitted, but should take place in the same geographic area if possible. Under current rules for wetlands, all program types must use a watershed approach for compensation (33 CFR 332.3(c)(1)). The intent is to establish geographic proximity and thus functional similarity between the impacted and compensation sites.

Maurepas Swamp Project is Best Compensatory Mitigation Option for West Shore Lake Pontchartrain

We have designated the River Reintroduction into the Maurepas Swamp as a priority project for coastal Louisiana as this diversion would restore the flow of freshwater, nutrients and suspended sediment to the Maurepas swamp, mimicking natural spring overflow. MSP as the compensatory mitigation alternative could provide ecosystem benefits that increase over time, coordinate public resources effectively permit mitigation that is in-basin and immediately adjacent to the impacts as anticipated by policy, and will restore the ecosystem around the WSLP project increasing overall resiliency.

It would improve hydrology by increasing flow-through and decreasing salinities; improve resiliency and long-term sustainability against relative sea level rise by increasing growth rates and soil accumulation; and increase primary productivity and ecosystem function while maintaining healthy populations and

---

[2] 55 Fed. Reg. 9210 (Mar. 12, 1990).

[3] (3 CFR part 332.2/40 CFR 230.92).

[4] Under the Corps' CWA Guidelines, a § 404 permit cannot issue "unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge [of fill material] on the aquatic ecosystem." 40 C.F.R. § 230.10(d) (2008). This mitigation policy typically follows a hierarchy, where project developers must first avoid and minimize impacts, and then compensate for unavoidable impacts (40 CFR 1508.20).

[5] The MOA further instructs that restoration options should be considered before creation options.

biodiversity in one of the nation's largest swamps. The selection of the Maurepas Swamp project would also result in mitigation immediately adjacent to the WSLP project site, would conserve existing mitigation bank credits for other projects in the basin, and could serve as a funding model for future restoration.

Based on the location and overall benefits of the River Reintroduction into the Maurepas Swamp, we believe there are no other mitigation actions that would satisfy the mitigation regulations for the WSLP; therefore, we strongly encourage the USACE to select this project as mitigation for the WSLP project.

Thank you for considering this and we look forward to reviewing and providing comments on the SEIS.

Sincerely,

Brian Moore,
Vice President, Gulf of Mexico Policy
National Audubon Society

Kim Reyher,
Executive Director
Coalition to Restore Coastal Louisiana

Cathleen Berthelot,
Senior Manager, Coastal Resilience
Environmental Defense Fund

Kristi Trail,
Executive Director
Pontchartrain Conservancy

David Muth
Mississippi River Delta and Gulf Restoration
National Wildlife Federation

Steve Cochran,
Campaign Director,
Restore the MD

From:	Trail, Kristi
To:	MVN Environmental
Cc:	Murphy, Stephen F COL USARMY CEMVN (USA); Wingate, Mark R CIV USARMY CEMVN (USA); Belk, Edward E Jr SES USARMY HQDA ASA CW (USA); Chip Kline; Bren Hasse
Subject:	[Non-DoD Source] Mississippi River Reintroduction into Maurepas Swamp (PO-0029) and West Shore Lake Pontchartrain (WSLP) Levee Project Mitigation
Date:	Wednesday, September 22, 2021 3:04:00 PM
Attachments:	WSLP Mitigation Comment Ltr Sept_2021.pdf

Please see attached letter from Pontchartrain Conservancy.

Kristi L. Trail, P.E.

Executive Director

Pontchartrain Conservancy

kristi@scienceforourcoast.org

504-836-2215 (office)

504-352-8805 (mobile)

Pontchartrain Conservancy

SCIENCE FOR OUR COAST. SINCE 1989.

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Zoila Osteicoechea
David Waggonner
Robert Williamson

Kristi Trail
Executive Director

September 22, 2021

Colonel Stephen Murphy
Commander & District Engineer
United States Army Corps of Engineers, New Orleans District
7400 Leake Avenue
New Orleans, LA 70118
Stephen.F.Murphy@usace.army.mil

mvnenvironmental@usace.army.mil

Re: Mississippi River Reintroduction into Maurepas Swamp (PO-0029) and West Shore Lake Pontchartrain (WSLP) Levee Project Mitigation—new developments from August, 2021

Dear Colonel Murphy,

At Pontchartrain Conservancy (PC) our mission is to drive environmental sustainability and stewardship through scientific research, education, and advocacy. As a 501(c)(3) non-profit representing Pontchartrain basin parishes and the ecosystems that comprise them, we offer these comments on recent developments related to the Mississippi River Reintroduction into Maurepas Swamp.

We wrote to you back in July regarding our strong support of the proposed Mississippi River Reintroduction into Maurepas Swamp (PO-0029), and our support of using that project to mitigate for impacts from the West Shore Lake Pontchartrain (WSLP) levee project. We believe this is still the best available option—the only adequate option—for properly mitigating for the swamp and bottomland hardwoods that will be harmed by construction activities in the footprint of WSLP.

Subsequently, in a letter dated August 12, 2021 to the state of Louisiana Director of the Coastal Protection and Restoration Authority, the Regional Planning Chief of the New Orleans District Environmental Division offered a formal response to the state's January 2020 letter requesting that the Maurepas project (MSP) serve as mitigation for the WSLP levee project. The letter conceded that the Maurepas project provides the benefits necessary

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Coastal, Water Quality & GIS
3501 N. Causeway Blvd. Suite 220
Metairie, LA 70002

to mitigate for swamp impacts from WSLP, but that MSP "would not likely meet" the USACE cost requirements for compensatory mitigation.

The state responded by 1) acknowledging that implementation of the MSP would be more costly than the Tentatively Selected Alternative, EA #576, and 2) offering to pay for any increased cost for the implementation of that alternative. **We believe that this is a practical solution that will ultimately allow for the most beneficial result for the project area and the surrounding environment and communities of St. Charles, St. James and St. John the Baptist parishes.**

Hurricane Ida proved once again that the parishes that would benefit from WSLP and MSP are critically vulnerable to the effects of storm surge and flooding. The proximity and timing of the MSP and the WSLP bring an extremely unusual an unprecedented opportunity to create a very necessary levee system in tandem with a major swamp restoration project that will serve to protect our south Louisiana communities.

Once again, we urge you to utilize all the tools at your disposal to move the WSLP project forward as soon as possible utilizing Maurepas Swamp for mitigation. PC will continue to track the WSLP project, including the Supplemental Environmental Impact Statement (SEIS) (announced in a NOI from Federal Register Vol. 86, No. 154, Friday, August 13, 2021) presently underway. We stand ready to assist you in any way that we can.

Sincerely,

Kristi L. Trail, P.E.
Executive Director

Cc: Mark Wingate, Deputy District Engineer for Project Management, New Orleans District
Edward E. Belk, Jr., Programs Director, Mississippi Valley Division

Chip Kline, Executive Assistant to the Governor for Coastal Activities/Chairman, CPRA Board
Bren Haase, Executive Director, Louisiana Coastal Protection and Restoration Authority

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Education, Development & Outreach
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New Orleans, LA 70124

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P.O. Box 6965
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504.836.2215 | ScienceForOurCoast.org

[CORPORATE OFFICE]
Coastal, Water Quality & GIS
3501 N. Causeway Blvd. Suite 220
Metairie, LA 70002

From:	Trail, Kristi
To:	MVN Environmental
Cc:	Murphy, Stephen F COL USARMY CEMVN (USA); Wingate, Mark R CIV USARMY CEMVN (USA); Belk, Edward E Jr SES USARMY HQDA ASA CW (USA); Chip Kline; Bren Hasse
Subject:	[Non-DoD Source] Mississippi River Reintroduction into Maurepas Swamp (PO-0029) and West Shore Lake Pontchartrain (WSLP) Levee Project Mitigation
Date:	Wednesday, September 22, 2021 3:04:00 PM
Attachments:	WSLP Mitigation Comment Ltr Sept_2021.pdf

Please see attached letter from Pontchartrain Conservancy.

Kristi L. Trail, P.E.

Executive Director

Pontchartrain Conservancy

kristi@scienceforourcoast.org

504-836-2215 (office)

504-352-8805 (mobile)

Pontchartrain Conservancy

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Kristi Trail
Executive Director

September 22, 2021

Colonel Stephen Murphy
Commander & District Engineer
United States Army Corps of Engineers, New Orleans District
7400 Leake Avenue
New Orleans, LA 70118
Stephen.F.Murphy@usace.army.mil

mvnenvironmental@usace.army.mil

Re: Mississippi River Reintroduction into Maurepas Swamp (PO-0029) and West Shore Lake Pontchartrain (WSLP) Levee Project Mitigation—new developments from August, 2021

Dear Colonel Murphy,

At Pontchartrain Conservancy (PC) our mission is to drive environmental sustainability and stewardship through scientific research, education, and advocacy. As a 501(c)(3) non-profit representing Pontchartrain basin parishes and the ecosystems that comprise them, we offer these comments on recent developments related to the Mississippi River Reintroduction into Maurepas Swamp.

We wrote to you back in July regarding our strong support of the proposed Mississippi River Reintroduction into Maurepas Swamp (PO-0029), and our support of using that project to mitigate for impacts from the West Shore Lake Pontchartrain (WSLP) levee project. We believe this is still the best available option—the only adequate option—for properly mitigating for the swamp and bottomland hardwoods that will be harmed by construction activities in the footprint of WSLP.

Subsequently, in a letter dated August 12, 2021 to the state of Louisiana Director of the Coastal Protection and Restoration Authority, the Regional Planning Chief of the New Orleans District Environmental Division offered a formal response to the state's January 2020 letter requesting that the Maurepas project (MSP) serve as mitigation for the WSLP levee project. The letter conceded that the Maurepas project provides the benefits necessary

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The state responded by 1) acknowledging that implementation of the MSP would be more costly than the Tentatively Selected Alternative, EA #576, and 2) offering to pay for any increased cost for the implementation of that alternative. **We believe that this is a practical solution that will ultimately allow for the most beneficial result for the project area and the surrounding environment and communities of St. Charles, St. James and St. John the Baptist parishes.**

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Once again, we urge you to utilize all the tools at your disposal to move the WSLP project forward as soon as possible utilizing Maurepas Swamp for mitigation. PC will continue to track the WSLP project, including the Supplemental Environmental Impact Statement (SEIS) (announced in a NOI from Federal Register Vol. 86, No. 154, Friday, August 13, 2021) presently underway. We stand ready to assist you in any way that we can.

Sincerely,

Kristi L. Trail, P.E.
Executive Director

Cc: Mark Wingate, Deputy District Engineer for Project Management, New Orleans District
Edward E. Belk, Jr., Programs Director, Mississippi Valley Division

Chip Kline, Executive Assistant to the Governor for Coastal Activities/Chairman, CPRA Board
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3501 N. Causeway Blvd. Suite 220
Metairie, LA 70002

From: r.plauche@[redacted] on behalf of Roy Plauche
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Sunday, October 31, 2021 9:01:55 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Roy Plauche
[redacted]

From: jnvic0105@[redacted] on behalf of Couvillion Vicki
To: MVN Environmental
Subject: [Non-DoD Source] Create this for wildlife with the West Shore Lake Pontchartrain Project
Date: Wednesday, October 27, 2021 7:28:41 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Couvillion Vicki
[redacted]

From:	westbrookd68@[redacted] on behalf of andrew westbrook
To:	MVN Environmental
Subject:	[Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project. This has been so needed for so long!
Date:	Monday, October 25, 2021 3:41:55 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
andrew westbrook
[redacted]

From: tclement01@[redacted] on behalf of Travis Clement
To: MVN Environmental
Subject: [Non-DoD Source] Restore the flow
Date: Monday, October 25, 2021 2:54:22 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Restoring the flow is a great idea.

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Travis Clement
[redacted]

From:	griffin.a167@[redacted] on behalf of Griffin Kirk-Short
To:	MVN Environmental
Subject:	[Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date:	Wednesday, October 27, 2021 6:58:34 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
Griffin Kirk-Short
[redacted]

From: singingcara@[redacted] on behalf of cara artman
To: MVN Environmental
Subject: [Non-DoD Source] The lake
Date: Sunday, October 31, 2021 1:24:58 AM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

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Thank you for your consideration.

Sincerely,
cara artman
[redacted]

From: sparks707@[redacted] on behalf of Grace Silva
To: MVN Environmental
Subject: [Non-DoD Source] The West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 11:43:15 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

The Army Corps of Engineers and Louisiana Coastal Protection and Restoration Authority should proceed with the plan that would augment a levee project by rebuilding and improving wetlands in the same basin—creating two types of storm defense. Taking on both projects together will save time and money, and reconnecting critical habitat in the Maurepas Swamp to the restorative flows of the Mississippi River will solve multiple problems for fish and wildlife.

As a supporter of our natural heritage, please let me thank you for accepting my comments on this important issue.

Sincerely,
Grace Silva
[redacted]

From: Jduhon52@[redacted] on behalf of James Duhon
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Sunday, October 31, 2021 1:47:02 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
James Duhon
[redacted]

From: Patsnowy1339@[redacted] on behalf of Tricia D
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Saturday, October 30, 2021 11:52:08 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

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Thank you for your consideration.

Sincerely,
Tricia D
[redacted]

From: hellfireforge@[redacted] on behalf of Daniel Montgomery
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Saturday, October 30, 2021 9:12:44 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

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Thank you for your consideration.

Sincerely,
Daniel Montgomery
[redacted]

From: jcrm.psu@[redacted] on behalf of Joshua Miller
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Saturday, October 30, 2021 12:37:51 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
Joshua Miller
[redacted]

From: davih20@[redacted] on behalf of Davis Hugh
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Saturday, October 30, 2021 11:04:51 AM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
Davis Hugh
[redacted]

From: frankm85242@[redacted] on behalf of Frank Metzger
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Saturday, October 30, 2021 8:45:28 AM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
Frank Metzger
[redacted]

From: mjksrj@[redacted] on behalf of Stephen Johnston
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Saturday, October 30, 2021 7:51:16 AM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
Stephen Johnston
[redacted]

From: sparks707@[redacted] on behalf of Grace Silva
To: MVN Environmental
Subject: [Non-DoD Source] The West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 11:43:15 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

The Army Corps of Engineers and Louisiana Coastal Protection and Restoration Authority should proceed with the plan that would augment a levee project by rebuilding and improving wetlands in the same basin—creating two types of storm defense. Taking on both projects together will save time and money, and reconnecting critical habitat in the Maurepas Swamp to the restorative flows of the Mississippi River will solve multiple problems for fish and wildlife.

As a supporter of our natural heritage, please let me thank you for accepting my comments on this important issue.

Sincerely,
Grace Silva
[redacted]

From: stevenmccready@[redacted] on behalf of tami mccready
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 11:22:15 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
tami mccready
[redacted]

From: darlene.schenck[redacted] on behalf of Darlene Schenck
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 10:34:23 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
Darlene Schenck
[redacted]

From: aagraham48@[redacted] on behalf of Amy Tiger
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 9:52:28 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

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Thank you for your consideration.

Sincerely,
Amy Tiger
[redacted]

From: spikemaul1@[redacted] on behalf of William Randolph
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 9:07:57 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
William Randolph
[redacted]

From: walshkevink@[redacted] on behalf of Kevin Walsh
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 6:27:45 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Kevin Walsh
[redacted]

From: wjklock@[redacted] on behalf of William Klock
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 6:16:32 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
William Klock
[redacted]

From: lstark@[redacted] on behalf of Louise Stark
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 5:33:13 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Louise Stark
[redacted]

From: lrmlouisiana@[redacted] on behalf of Lee-Ellen Macon
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 5:27:42 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Lee-Ellen Macon
[redacted]

From: cstjohn915@[redacted] on behalf of Clayton St.John
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 4:56:43 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Clayton St. John
[redacted]

From: jwpinner1955[redacted] on behalf of Janice Pinner
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 4:51:55 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Janice Pinner
[redacted]

From: marcussen454@[redacted] on behalf of Paul Marcussen
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 4:28:50 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Paul Marcussen
[redacted]

From: sheba2sasha@[redacted] on behalf of Thomas Ohns
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 4:18:03 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Thomas Ohns
[redacted]

From: jamiebatt@[redacted] on behalf of Jamie Lurtz
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 4:03:49 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Jamie Lurtz
[redacted]

From: 20daisy09@[redacted] on behalf of Robert Moore
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 3:12:38 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Robert Moore
[redacted]

From: koi.woodson@[redacted] on behalf of Koi Woodson
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 2:23:53 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs. We need to do something now.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project. Waiting until later is not a good option.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Koi Woodson
[redacted]

From: donnajennings0904@[redacted] on behalf of donna jennings
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 2:08:34 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
donna jennings
[redacted]

From: dl54321@[redacted] on behalf of Harold D Lee
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 1:18:20 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Harold D Lee
[redacted]

From: salissac04@[redacted] on behalf of Salissa Chavez
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 1:13:08 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Salissa Chavez
[redacted]

From: eribolla1@[redacted] on behalf of Ellen Ribolla
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 1:06:13 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Ellen Ribolla
[redacted]

From: handsofgrassman@[redacted] on behalf of Michael Hinshaw
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 1:03:14 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit the state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Michael Hinshaw
[redacted]

From: armandleboeuf@[redacted] on behalf of Armand LeBoeuf
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Friday, October 29, 2021 5:30:07 AM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Armand LeBoeuf
[redacted]

From: charleyespo@[redacted] on behalf of Charlene Esposito
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Wednesday, October 27, 2021 11:23:16 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Charlene Esposito
[redacted]

From: ronwilli1@[redacted] on behalf of Albert Williams
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Wednesday, October 27, 2021 8:19:47 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Albert Williams
[redacted]

From: jnvic0105@[redacted] on behalf of Couvillion Vicki
To: MVN Environmental
Subject: [Non-DoD Source] Create this for wildlife with the West Shore Lake Pontchartrain Project
Date: Wednesday, October 27, 2021 7:28:41 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Couvillion Vicki
[redacted]

From: griffin.a167@[redacted] on behalf of Griffin Kirk-Short
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Wednesday, October 27, 2021 6:58:34 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Griffin Kirk-Short
[redacted]

From: beguem@[redacted] on behalf of mark begue
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Wednesday, October 27, 2021 3:04:23 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
mark begue
[redacted]

From: Lsmason2@[redacted] on behalf of Linda Mason
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Wednesday, October 27, 2021 3:35:09 AM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Linda Mason
[redacted]

From: faynhowze43@[redacted] on behalf of Fay Howze
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Tuesday, October 26, 2021 7:29:52 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Fay Howze
[redacted]

From:	errachou@[redacted] on behalf of Chouest Errol
To:	MVN Environmental
Subject:	[Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date:	Tuesday, October 26, 2021 6:01:43 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Chouest Errol
[redacted]

From: evuljoin@[redacted] on behalf of Ethan Vuljoin
To: MVN Environmental
Subject: [Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project
Date: Tuesday, October 26, 2021 11:20:43 AM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

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Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
Ethan Vuljoin
[redacted]

From:	westbrookd68@[redacted] on behalf of andrew westbrook
To:	MVN Environmental
Subject:	[Non-DoD Source] Create a win-win for wildlife with the West Shore Lake Pontchartrain Project. This has been so needed for so long!
Date:	Monday, October 25, 2021 3:41:55 PM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

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Thank you for your consideration.

Sincerely,
andrew westbrook
[redacted]

From: singingcara@[redacted] on behalf of cara artman
To: MVN Environmental
Subject: [Non-DoD Source] The lake
Date: Sunday, October 31, 2021 1:24:58 AM

Dear U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C,

Hurricane Ida demonstrated that we need more protection for our communities from levees and natural wetland barriers. There is no more time to wait to build the commonsense projects our state desperately needs.

The Army Corps of Engineers and the Louisiana Coastal Protection and Restoration Authority should move forward with the plan to reconnect the Maurepas Swamp to the Mississippi River to make it healthier in conjunction with the West Shore Lake Pontchartrain Project.

Since this project is built through wetlands, the required mitigation through the improvement of other wetlands can take place in the Maurepas Swamp by reconnecting it to the river. It just makes sense to rebuild the wetlands in the same basin as the one where the levee is being constructed. Plus, reconnecting the swamp to the river will improve hunting, fishing, and other outdoor recreation opportunities that boost our economy.

Building the two projects together will save time and money, freeing up precious funds the CPRA can use on additional wetland restoration projects in areas devastated by Hurricanes Ida and Laura and other storms that have hit our state over the last 20-plus years.

Thank you for your consideration.

Sincerely,
cara artman
[redacted]

WEST SHORE LAKE PONTCHARTRAIN COMMENTS RECEIVED VIA FACEBOOK DURING PUBLIC COMMENT PERIOD

From:	Oubre, Melanie E CTR (USA)
To:	Parr, Landon CIV USARMY CEMVN (USA); Roe, R Matthew (Matt) CIV USARMY CEMVN (USA)
Cc:	Brannon, Charles J CTR (US); Stiles, Sandra E CIV CPMS (USA)
Subject:	RE: WSLP SEIS scoping period ends
Date:	Tuesday, November 02, 2021 7:40:14 AM

Good Morning,

We had one come in the Facebook inbox from Michelle Stonecipher Sweeney but she said she also emailed her comment to mvnenvironmental@usace.army.mil. I'll include her comment below in case you didn't receive it.

The following was what I sent to this email address today to be included in the Army Corp of Engineers' environmental study comments section of their report:

I am a resident of St. John the Baptist Parish and just lost everything due to flood waters, from the lack of a levee system, from the lake storm surge waters of Hurricane Ida. This is the second time in nine years that the residents of LaPlace have been unprotected and have lost their homes, businesses and most of their precious and irreplaceable belongings to flood waters! I do not think there is another small community in the entire country that has had TWO sitting Presidents come to their home town to witness absolute devastation caused by (preventable) flooding due to a natural disaster. However, here in my hometown of LaPlace, I have seen both President Obama and President Biden come here to give their condolences within the last nine years!! I am outraged on the delays caused by environmentalists and the shear lack of urgency and empathy for our community! Why has it taken two years to study the levee that could have already been built? The parish of plenty, St. Charles Parish, as well as other wealthy communities are protected by both levee systems and pumping stations. I am here to tell you that the residents of LaPlace deserve no less than these wealthier parishes do! We are not the "spillway" for the wealthy communities and we will activate and our voices and be heard. All I am asking of all involved is for you to DO THE FAIR AND RIGHT THING! We have taken the storm surge waters here in LaPlace and lost everything twice for both Hurricane Isaac and Hurricane Ida! Locks could have been constructed to protect all of Lake Pontchartrain decades ago or the levee should have been totally completed around the lake by now. We should have been made a priority (not an environmental study) and the levee should have been completed immediately after President Obama came nine years ago after Hurricane Isaac! We have endured enough loss and people should always be made a priority over anything else! We NEED this 17.5 miles of levee completed ASAP! PLEASE STOP the delays and bureaucracy and build our Levee! This levee discussion and countless studies have been done for several decades and still no levee!! LEVEE LAPLACE!!!

From: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Sent: Monday, November 1, 2021 4:11 PM
To: Roe, R Matthew (Matt) CIV USARMY CEMVN (USA) <Robin.M.Roe@usace.army.mil>; Oubre, Melanie E CTR (USA) <Melanie.E.Oubre@usace.army.mil>

Cc: Brannon, Charles J CTR (US) <Charles.J.Brannon@usace.army.mil>; Stiles, Sandra E CIV CPMS (USA) <Sandra.E.Stiles@usace.army.mil>
Subject: WSLP SEIS scoping period ends

Hey Matt, Melanie,
Hope all is well. Just checking in to see if we received any more public scoping comments for WSLP on the FB site? I just collected all those that were submitted via the following email address: mvnenvironmental@usace.army.mil

Yesterday was the last day for public scoping. If you have any more stats to provide in addition to those in the attachment, please send these over when convenient (e.g., total number of presentation viewers via FB? via YouTube?).

Many Thanks,

Landon Parr, Biologist
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
504-862-1908

From: Roe, R Matthew (Matt) CIV USARMY CEMVN (USA) <Robin.M.Roe@usace.army.mil>
Sent: Tuesday, October 5, 2021 12:18 PM
To: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>; Oubre, Melanie E CTR (USA) <Melanie.E.Oubre@usace.army.mil>
Subject: RE: participant count for WSLP SEIS scoping meetings

Today we had 23 people total on the call and the Facebook video has reached 374 people so far.

Remind us again at the close of the comment period and we can pull the total social media numbers for the videos.

Thanks,

Matt

From: Parr, Landon CIV USARMY CEMVN (USA) <Landon.Parr@usace.army.mil>
Sent: Tuesday, October 5, 2021 12:15 PM
To: Roe, R Matthew (Matt) CIV USARMY CEMVN (USA) <Robin.M.Roe@usace.army.mil>; Oubre, Melanie E CTR (USA) <Melanie.E.Oubre@usace.army.mil>
Subject: participant count for WSLP SEIS scoping meetings

Hi Matt, Melanie,
Is it possible to provided me with the total number of participants for each scoping meeting? My leadership wants me to keep track of these values. I think we had a little over 20 participates today.

If you can provide me this info after tomorrow's scoping meeting, I would greatly appreciate it.

Many Thanks,

Landon Parr, Biologist
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
504-862-1908

WEST SHORE LAKE PONTCHARTRAIN EMAILS RECEIVED VIA PERSONAL EMAILS DURING PUBLIC COMMENT PERIOD

From:	Scott Nesbit
To:	Parr, Landon CIV USARMY CEMVN (USA)
Cc:	"Murray Starkel (murray.starkel@ecoservicepartners.com)"
Subject:	[Non-DoD Source] Public Notice Response_2021-17313 NOI for West Shore Lake Pontchartrain Project
Date:	Wednesday, September 29, 2021 11:42:37 AM
Attachments:	NOI Response_SLR_9-29-2021.pdf

Landon,

Please find attached Spanish Lake Restoration, LLC's comments on the NOI for the WSLP project.

Thank you,

Scott Nesbit
Senior Wetland Ecologist
Natural Resource Professionals, LLC
7330 Highland Road Ste B-1
Baton Rouge, LA 70808
(225) 928-5333 office
(225) 439-9205 mobile
www.nrpllc.com

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SPANISH LAKE RESTORATION, LLC

Wetland Mitigation Bank

7330 Highland Road Suite B-1, Baton Rouge, Louisiana 70808
Phone: 225.928.5333

September 29, 2021

Mr. Landon Parr
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
7400 Leake Avenue
New Orleans, Louisiana 70160

Dear Mr. Parr:

Re: Proposed WSLP Mitigation Alternative and Issues of Concern for the MSP Proposal

Notice of Intent to Prepare a Supplemental Environmental Impact Statement to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, St. Charles, St. James, and St. John the Baptist Parishes

First, Spanish Lake Restoration, LLC (SLR) fully supports the Mississippi River Diversion into Maurepas Swamp Project (MSP); however, due to insurmountable constraints, both practical and legal, MSP simply does not—and cannot—provide the mitigation needed for the West Shore Lake Pontchartrain project.

Second, in light of the need for the WSLP project to commence quickly to provide the protection that Hurricane Ida reminded us is so clearly needed and to avoid the delay from tying the WSLP Project and MSP together unnecessarily, SLR respectfully submits a viable, turnkey solution for the compensatory mitigation need as noted in the August 13, 2021, Department of the Army, Corps of Engineers Notice of Intent (NOI) to Prepare a Supplemental Environmental Impact Statement (SEIS) to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, St. Charles, St. James and St. John the Baptist Parishes (WSLP).

SLR's mitigation solution has two steps.

Step 1: Purchase existing, available swamp credits currently on the SLR Mitigation Bank ledger that are tidally influenced, along with existing coastal swamp credits at other mitigation banks also within the immediate Lake Pontchartrain Basin watershed. This allows the WSLP project to begin construction without further delay to provide the protection that Hurricane Ida underscores is clearly needed now, not years from now.

Step 2: Purchase the remaining swamp mitigation credits from the expansion of the SLR Mitigation Bank into properties also within the Spanish Lake Basin that are tidally influenced and/or partner with SLR and other state of Louisiana agencies to complete a comprehensive mitigation project in the Spanish Lake Basin.

SLR supports the intended goal of the Mississippi River Diversion into Maurepas Swamp Project (MSP) to provide a Mississippi River freshwater diversion to partially ameliorate the on-going decline of the Maurepas Swamp. However, a proposed use of MSP as compensatory mitigation for the WSLP would — at best— substantially delay construction of the WSLP Project. Also, using MSP as mitigation for the WSLP project is inconsistent with both MSP's stated goals and objectives, and is contrary to 33 CFR part 332 and other applicable law and regulation.

First, the MSP project expressly identifies numerous "constraints and uncertainties" in its Preliminary Operations, Maintenance, Monitoring, and Adaptive Management Plan (OMMAM) document. A selection of these "uncertainties" includes constraints associated with natural features, man-made features, future operational plans depending on river levels/flow, sea-level rise, drought and even the operation of the WSLP. Additionally, the OMMAM document acknowledges that the MSP will be the "first river reintroduction project targeting a coastal swamp in Louisiana," and will not "affect the entire project area identically due to its large size, topographic variability, and location-specific levels of swamp degradation." These and other uncertainties create a needless risk for the WSLP Project if the MSP is attempted to be used as mitigation, particularly since almost 1,000 AAHUs will be impacted by the WSLP Project. This would also represent a great risk to the State of Louisiana, as presumably the Louisiana Coastal Protection Restoration Authority (CPRA) would be responsible for ensuring the operation and success of the MSP as a "mitigation site" and the monitoring, maintenance, and management of the MSP area would be subject to strict federal regulations for perpetuity. Put simply, after the initial construction delays from tying the MSP project to the WSLP project will cause to the WSLP project, there can be other and further work stoppages caused by issues with the operation of MSP that would impact and delay the WSLP project.

Second, the utilization of available mitigation bank credits within the Lake Pontchartrain Basin and expansion of the SLR Mitigation bank and/or a comprehensive mitigation project in the Spanish Lake Basin is better suited to fulfill the WSLP mitigation need. SLR has prepared an evaluation of the following in support of this submission.

- Potential construction delays if the MSP is used as compensatory mitigation
- Regulatory analysis of using the MSP as currently documented for compensatory mitigation
- Justification for use of the SLR Mitigation Bank's existing credits and proposed credits within the expanded Spanish Lake Basin and/or combination of existing credits and mitigation project

1.0 Construction Delays Due to WRDA 2016

Applicable law and the implementing regulations require as follows:

> *The mitigation effort associated with the use of the bank, in-lieu-fee or other third-party arrangement must be capable of being implemented in a timely fashion,* ***i.e., prior to, or concurrent with****, the occurrence of adverse impacts of the project*[1]

[1] ¶16.f of Corps of Engineers Implementation guidance published March 15, 2019 (SUBJECT: Revised Implementation Guidance for Section 1162 of the Water Resources Development Act of 2016 and Section 1040 of the Water Resources Reform and Development Act of 2014, Fish and Wildlife Mitigation (Section 906 of the Water Resources Development Act of 1986, as Amended (33 U.S.C. 2283) (WRDA 2016).

Thus, even though the New Orleans District will consider allowing the State of Louisiana to use MSP as a "locally preferred alternative" to be the source of compensatory mitigation for WSLP impacts, the mitigation project must be initiated in advance or, ***at the latest***, concurrent with the project WSLP impacts.

As of the writing of this response, the initiation of the MSP is not expected to occur for at least 1-2 years, as there are numerous regulatory hurdles to cross. As of September 21, 2021, the Coastal-Use Permit (CUP) for the "River Reintroduction into Maurepas Project" (P20130675) is officially "on-hold." In fact, on March 24, 2021, the Louisiana Department of Natural Resources, Office of Coastal Management (OCM) wrote to the CPRA and stated, "we have determined that we are unable to continue the processing of the application" until they provide an "alternative analysis and an explanation of justification for the project as designed and in the proposed location." No response by the CPRA has, to date, been uploaded to the OCM CUP database.

On July 2, 2020, the US Fish and Wildlife Service (USFWS) provided a "Planning Aid Letter" (PAL), which conducted a WVA analysis for a "reduced primary benefit area," that was "drawn conservatively to reduce uncertainties." The reduced area (approximately 6,400) acres was calculated by the USFWS to produce sufficient AAHUs to compensate for the WSLP. However, the USFWS acknowledges that "hydrologic modeling work to date has been limited," and "additional modeling work is needed to better inform a robust environmental benefits assessment," and that "given these unknowns and uncertainties, it is difficult to estimate environmental benefits the diversion may provide."

According to the OCM CUP database, within the CUP Application, the official project purpose/need is:

> *The Maurepas Swamp has deteriorated to a point at which its viability is seriously threatened. The project is needed to convey freshwater, nutrients, and sediments to restore the health and essential functions of the swamp.*

On August 12, 2019, CEMVN posted the MSP on Public Notice. In this public notice, CEMVN states that "the applicant has designed this project as a hydrologic restoration project," and notes that the project is "self-mitigating."

Notably, the MSP project purpose is not "to provide compensatory mitigation" for the WSLP. Therefore, for the MSP to be used as mitigation for WSLP, the regulatory process for the MSP must be readvertised with the project being proposed as a "mitigation area" and its submittals, review, and analysis will follow 33 CFR Parts 332. Such an analysis is required to include a clear and well-defined "benefit area," site specific baseline data that is commensurate with the scale of the project, clear performance standards, monitoring/maintenance plans, and sufficient financial assurances. This required process would likely take at least 1-2 years and again would delay the construction of the WSLP.

Without following 33 CFR Parts 332 and allowing the MSP to be utilized as mitigation, the State and the CEMVN will be in clear violation of the law (WRDA 2016) and subsequent guidance memorandum. This potential violation of law and guidance will certainly result in avoidable but debilitating delays to the WSLP project.

2.0 MSP Cannot Fulfill WSLP's Compensatory Mitigation Needs

SLR opposes the use of the MSP's potential ecological benefits as compensatory mitigation for the WSLP. Specifically, the MSP as currently proposed, does not meet the following requisite compliance conditions stated in 33 CFR Part 332 - Compensatory Mitigation for Losses of Aquatic Resources.

§332.3 (a) - General Compensatory Mitigation Requirements. General Considerations

These regulations specify that any compensatory mitigation project must be designed for the "likelihood for ecological success and sustainability," whereas the MSP's project goal is "to reduce or minimize future loss of coastal forest habitat in the project area through the introduction of Mississippi River Water". The goals of the MSP do not address the objectives of the mitigation requirements.

For instance, the MSP project goal could be achieved within some subareas of the larger project footprint but not necessarily in all subareas due to uncertainties identified in the OMMAM (p. 10). This would reduce the credit value of the MSP and result in the demonstratable loss of estimated compensatory mitigation credits that would have been used to compensate for the WSLP impacts.

As such, the proposed use of the MSP project to fully compensate for unavoidable impacts to aquatic resources resulting from the WSLP represents a potential risk to the CEMVN.

§332.3(n)(1)- Financial Assurances

This section of the regulations states as follows:

> *The district engineer shall require sufficient financial assurance to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with applicable performance standards.*

For the MSP to be considered as a "mitigation site" and generate sufficient credits to offset the impacts associated with the WSLP project, significant financial assurances would be required as typically provided for mitigation projects such as the construction and establishment of the site along with other required activities such as monitoring, reporting, maintenance, site management, and adaptive management.

The numerous "constraints and uncertainties" associated with the MSP project include the operation of the diversion structures. Cost associated with maintaining, repairing, and replacing the structural features of the project should be included in the financial assurances as well.

The USFWS service has stated that "uncertainty exists regarding the benefits that might be achieved through operation of the diversion project," and due to "unknowns and uncertainties" associated with the hydrologic modeling of the project and the need for a "robust environmental benefits assessment" that has yet to be conducted, "it is difficult to estimate the environmental benefits the diversion may provide." Therefore, to accommodate these uncertainties and very preliminary benefit assessments, the financial assurances should also account for replacing credits (i.e., by credit purchases or other means) should the MSP fail to perform as a mitigation site.

§332.3 (l) (1), (2) and (3) - Party Responsible for Compensatory Mitigation.

DA permits require a responsible party be identified that will guarantee the implementation, performance, and long-term management of a compensatory mitigation project, and this party must be in place prior to commencing the permitted activity.

To date, it is unclear who will serve as the responsible party for the MSP's proposed use as a compensatory mitigation project for the WSLP. Without a designated, approved responsible party, the ability of the MSP to provide sustainable compensatory mitigation for the WSLP is at risk.

§332.4 (c) (12) Adaptive Management Plan

This section of the regulations states the following:

> *The adaptive management plan will guide decisions for revising compensatory mitigation plans and implement measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success.*

Adaptive Management as defined in the OMMAM (p. 28), will be utilized "to assist in achieving the desired project outcomes while reducing undesirable impacts." Thus, the MSP's intended use of adaptive management is inconsistent with the regulation and does not include ensuring "compensatory mitigation success." The OMMAM also does not address any potential conflicts of interest between adaptive management strategies designed to ensure credit release and those designed to accomplish the MSP's stated objectives, nor does it explain why no such conflict exists.

§332.7 (a) Site Protection

Site protection of a mitigation area is critical to its long-term success. These regulations clearly define the establishment of acceptable site protection methods for private and public mitigation projects. To date, it has not been defined how the MSP would comply with this mitigation project requirement.

Furthermore, in the WRDA 2016 guidance memo, acquisition of all lands for compensatory mitigation require "fee simple" acquisition of the lands and permanent protection. See extract below:

Paragraph 7 states:

> *In general, fee simple is required for mitigation lands, but the sufficiency of a lesser interest or estate may be evaluated and justified to the Assistant Secretary of the Army for Civil Works (ASA(CW)) on a case-by-case basis in accordance with paragraph 12-9 of chapter 12 of ER 405-1-12 (reference 1.j., above).*

§332.7 (b) Sustainability

This section states as follows:

> *Compensatory mitigation projects shall be designed, to the maximum extent practicable, to be self-sustaining.*

The MSP was not designed to be self-sustaining. The OMMAM, Appendix A, Pages 31-39, specifies all requisite maintenance operations needed to operate the MSP. These requisite maintenance activities clearly illustrate that the MSP is not self-sustaining and greatly exceed typical maintenance activities allowed for mitigation banks or permittee-responsible mitigation areas approved by the CEMVN.

Specific "constraints and uncertainties" cited in the OMMAM (p. 10) could also potentially impact the overall success, sustainability, credit value and overall costs needed to comply with compensatory mitigation regulations. These "constraints and uncertainties" include "accommodating existing man-made as well as natural hydrologic features and maintaining effective drainage throughout the project area."

The operational management of the diversion can reduce or shut off the volume of diverted flow by utilizing the variable control of the sluice gates. Whereas the operational management of the diversion will attempt to provide the seasonal and inter-annual variability of flows required to restore the health and function of the swamp, constraints including the current conditions of the swamp and natural limits of the diversion's influence area may reduce the overall ecological benefit of the project.

Project uncertainties may also reduce the effectiveness of the MSP project. Uncertainties that have been considered in developing this project and its OMMAM include future sea level rise rates, weather events (such as droughts, rainfall, local riverine floods, and tropical events), variability in timing and volume of river flow, interaction with new flood protection features including the WSLP itself, and other local drainage and protection projects.

Collectively, the requisite maintenance and operational needs of the MSP combined with stated design constraints and uncertainties represent an elevated risk regarding the generation and sustainability of any projected habitat credits. This elevated risk far exceeds the typical level of risk allowed by CEMVN for approval of mitigation banks and permittee responsible mitigation projects.

§**332.8 (o) (8) (i) Credit Release Schedule. General Considerations**

Credit availability and production must be tied to performance-based milestones with a significant share of the total credits available only after full achievement of ecological performance standards have been demonstrated. Performance-based milestones have not been provided for the proposed MSP. Due to the large-scale footprint of the project area, achieving such milestones may take over 5 years and perhaps as long as 15-20 years. Thus, release of all the estimated ecological benefits or credits of the MSP in advance for the WSLP introduces a considerable risk of nonperformance that would require additional future funding to replace the credits.

3.0 Use of SLR Mitigation Bank and Expansion within Spanish Lake Basin for WSLP Mitigation

As a first step, SLR proposes to utilize existing credits within the SLR Bank, along with other mitigation banks within the Lake Pontchartrain Basin, to meet the immediate need for WSLP mitigation so construction of the project can begin. With Step 2, SLR is also prepared to work with the State of Louisiana and CEMVN to provide the additional mitigation required as either credits or as a mitigation project to meet the entire compensatory mitigation need of WSLP. The SLR Bank and Spanish Lake Basin Expansion Project is appropriate in this case due to the following:

- SLR is an approved mitigation bank and, along with other approved banks in the Lake Pontchartrain Basin, could provide ~1/3 of the mitigation needs for WSLP with currently available credits
- SLR is preparing a submittal for an approximate 4,300-acre addition to the bank which could provide the additional credits needed
- Previous Determination by CEMVN established that the available portions of SLR are coastal
- SLR is tidally influenced with tidal signatures correlating to Lakes Maurepas and Pontchartrain
- The 2010 Spanish Lake/Alligator Bayou Drainage Agreement determined that the Alligator Bayou Floodgate will not impede the natural hydrology of SLR
- The use of SLR is supported by 33 CFR Part 332; and

- SLR and the Spanish Lake Basin provide in-kind mitigation, are located in close proximity to WSLP, and are supported by the WSLP 2020 FONSI

3.1 SLR Background, Approval Status and Available Credits

The SLR Bank was approved in 1999 as "Lago Español." SLR assumed sponsorship and ownership in 2009. As of September 15, 2021, the SLR Bank contains 1,315.5 acres of Swamp (SW) Credits that are within four individual "Units." Of this available acreage, approximately 1,209.6 acres are under the 5-foot elevation and considered "tidally influenced" (Figure 1).

SLR currently has a certified WVA score for its available units. However, more recently, SLR obtained enhancement upgrades within the Bank, which were officially recognized by CEMVN and the IRT in 2017 (Attachment A). As a result of these enhancement upgrades, CEMVN and the USFWS adjusted the certified WVA score in 2018 (Attachment B) for SLR's Unit I (now sold out).

SLR anticipates that the certified WVA scores for the remaining swamp units will likely be adjusted during any new formal WVA certification process. Also, SLR is currently negotiating with a permit applicant that may "surrender" a current CEMVN Permit, which would add swamp credits previously sold (140 acres) back to the SLR ledger. In total, SLR anticipates that the SLR Bank, along with other mitigation banks within the Lake Pontchartrain Basin, will ultimately generate approximately 1/3 of the total need of WSLP.

3.2 Spanish Lake Basin Mitigation Plan

SLR is preparing to submit a Prospectus to the CEMVN for an approximate 4,300-acre mitigation area in the Spanish Lake Basin, adjacent to the existing SLR Bank. This mitigation area will consist of a combination of cypress swamp, bottomland hardwood, and fresh marsh mitigation, and has the potential to provide all remaining mitigation required through traditional bank credits and/or a mitigation project as needed for the WSLP project. SLR anticipates an October 2021 submittal for the full Prospectus. A mitigation plan for a portion of the site is provided in Attachment C.

3.3 Previous CEMVN Coastal Determinations

In 2012, SLR received a Jurisdictional Determination (JD) from CEMVN (MVN-2011-02754-SB) for portions of the SLR Bank that include the currently available units. In this JD (Attachment D), CEMVN stated "Please be advised that this property is in the Louisiana Coastal Zone." Therefore, by CEMVN standards, SLR and its addition would be considered appropriate for mitigation for WSLP.

3.4 SLR Tidal Influence

SLR is tidally influenced as determined by Alex Ameen, PhD. As discussed in the "Tidal Influence of the Spanish Lake Basin" Report (Tidal Report, Attachment E), spectral analysis of historical water levels inside the Spanish Lake Basin at Alligator Bayou indicated periodic fluctuations with frequencies between 24 and 26 hours. Identical fluctuations were also detected in hydrographs of the tidally influenced lower Amite River, and at both locations these fluctuations match the dominant tidal harmonics of Lake Pontchartrain as reported by NOAA. This analysis indicates that tidal influence reflective of the lower Amite River is present inside the Spanish Lake Basin. Additional analyses are provided in the Tidal Report, which conclude that the Spanish Lake Basin is tidally influenced by Lakes Pontchartrain and Maurepas at least 49%, and up to 71% of the time.

3.5 2010 Spanish Lake/Alligator Bayou Drainage Agreement

In 2010, Iberville Parish officially approved the Spanish Lake/Alligator Bayou Drainage Agreement (Agreement, Attachment F) which was adopted by Resolution and filed for Registry with the Clerk of Court Office on March 22, 2010. It stated that the Alligator Bayou Floodgate would be maintained in the open position at all times except during extreme backwater flooding situations, with the goal of restoring and maximizing the natural historical flow of water. The Floodgate was to thereafter only be operated as it was initially intended—i.e., as a protective structure against severe backwater flooding events from the Amite River that course through Bayou Manchac and into the Spanish Lake Basin.

SLR, Iberville Parish, and 4 other large property owners in the Spanish Lake Basin were signatories to the Agreement, which states that that "no waiver, modification, or amendment of any of the provisions of this Agreement shall be binding unless it is in writing and signed by the duly authorized representatives of all parties." The Agreement was approved by the 23rd Judicial District Court in a Judgment rendered on January 25, 2013 and affirmed by the Louisiana 1st Circuit Court of Appeal on March 19, 2014.

As indicated in the Tidal Report, the change in operation of the floodgate increased the frequency of tidal connectivity to at least 49%, and up to 71% of the time. The change in operation of the floodgate and official ratification of the Drainage Agreement was also acceptable to CEMVN and the IRT to allow for the 2017 Enhancement Upgrade to SLR. In addition, the fact that SLR is a signatory to the Drainage Agreement provides confidence that the tidal connectivity to Lakes Maurepas and Pontchartrain will be present for the long-term.

3.6 2008 Mitigation Rule Mitigation Regulations

The 2008 Mitigation Rule (33 CFR Parts 332) supports the use of SLR Bank as mitigation for WSLP, particularly due to the tidal influence and tidal correlation to Lakes Maurepas and Pontchartrain. This tidal influence has been officially recognized by CEMVN and strongly supported by USGS data indicating that tidal connectivity occurs at least 49%, and up to 71%, of the time during the year.

- §332.3 (b) discusses mitigation "type and location," and states that "Compensation for impacts to aquatic resources in coastal watersheds (watersheds that include a tidal water body) should also be located in a coastal watershed where practicable." Based on the location of the SLR Bank within the Lake Pontchartrain Basin and Amite River Watershed, SLR would be considered appropriate under this section, as both Lake Pontchartrain and the Amite River are considered tidal water bodies, and they both correlate with tidal signatures within the SLR Bank.
- §332.3 (e) discusses mitigation type, stating that "in-kind" mitigation projects are preferred. Again, SLR contains approximately 1,209.6 acres of swamp credits that are below the 5-foot elevation and are tidally influenced. This is similar to the swamp habitat that would be impacted by WSLP, further illustrating that the SLR Bank would be considered appropriate as stated in this section.

3.7 Provides In-Kind Mitigation within the Lake Pontchartrain Basin

SLR and the Spanish Lake Basin are appropriate for use as mitigation for the WSLP, as this action has been already reviewed and recognized by CEMVN in the April 15, 2020, "Finding of No-Significant Impact" (FONSI) for EA 576. In this document CEMVN references "Mitigation Bank," either within the Lake Pontchartrain Basin (LPB) or Out of Basin (OB), and also references the Pine Island, Joyce, Albania North and South, and Cote Blanche as mitigation alternatives. Figure 2 illustrates the proximity of these

mitigation projects in relation to WSLP, as well as the proximity of SLR to WSLP. As illustrated, SLR is only 30 miles away from the WSLP, and is immediately adjacent to the Mississippi River with historical connection through Bayou Manchac, compared to Albania and Cote Balance which are 65-70 and 75 miles away, respectively. While the Joyce Project is relatively close (18 miles), this project would only yield 195 AAHUs. While the Pine Island Project (25 miles way) would potentially generate 774 AAHUs, this project is unlikely to be selected due to development costs associated with hydraulic dredging.

SLR is appropriate for WSLP mitigation since it is within the Pontchartrain River Basin, contains swamp habitat, and exhibits tidal signatures at least 49%, and up to 71%, of the time, which also correlate with the tidal signatures found in Lakes Maurepas and Pontchartrain.

4.0 Conclusions

In summary, the SLR mitigation alternative is able to provide available mitigation credits now which is critical to begin construction of the WSLP and has the potential to ultimately provide all the credits needed. In contrast, the use of the MSP's projected future ecological benefits as compensatory mitigation for the WSLP represents an unnecessary risk for both projects and is contrary to 33 CFR Parts 332. Modification of the MSP to mitigate such risk would require extending the WSLP's potential project schedule and increase costs for both projects.

If you have any questions or require additional information, please contact SLR at 225.928.5333.

Sincerely,

Scott Nesbit
Chief Technical Advisor

Encl.: Figures 1 and 2
Attachment A - SLR Enhancement Upgrade Letter from CEMVN
Attachment B - 2018 WVA Fact Sheet
Attachment C - Spanish Lake Basin Mitigation Plan
Attachment D - 2012 SLR Jurisdictional Determination
Attachment E - Hydrological Assessment of Tidal Influence and Connectivity at Spanish Lake, Iberville Parish, Louisiana
Attachment F - Spanish Lake/Alligator Bayou Drainage Agreement

Figures

Bayou Fountain

Bayou Manchac

Alligator Bayou

Unit II Spanish Lake
Swamp Enhancement
Total Available Acres: 310.12
Est. Available Acres <5 ft: 310.12

Unit II Bluff Swamp
Swamp Preservation
Total Available Acres: 707.34
Est. Available Acres < 5ft: 666

Spanish Lake

10

Unit III
Swamp Enhancement
Total Available Acres: 149.45
Est. Available Acres < 5 ft: 149.45

Bayou Braud

74

Unit VI
SWP Enhancement
Total Available Acres: 141.9
Est. Available Acres < 5 ft: 84

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

N

3,000 1,500 0 3,000
Feet

Legend

- SLR Boundary
- Unit II Bluff Swamp
- Unit II Spanish Lake
- Unit III
- Unit VI

Elevation (ft) NAVD88

- 5 ft and below

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.
3. Credit availability taken from RIBITS.

NRP

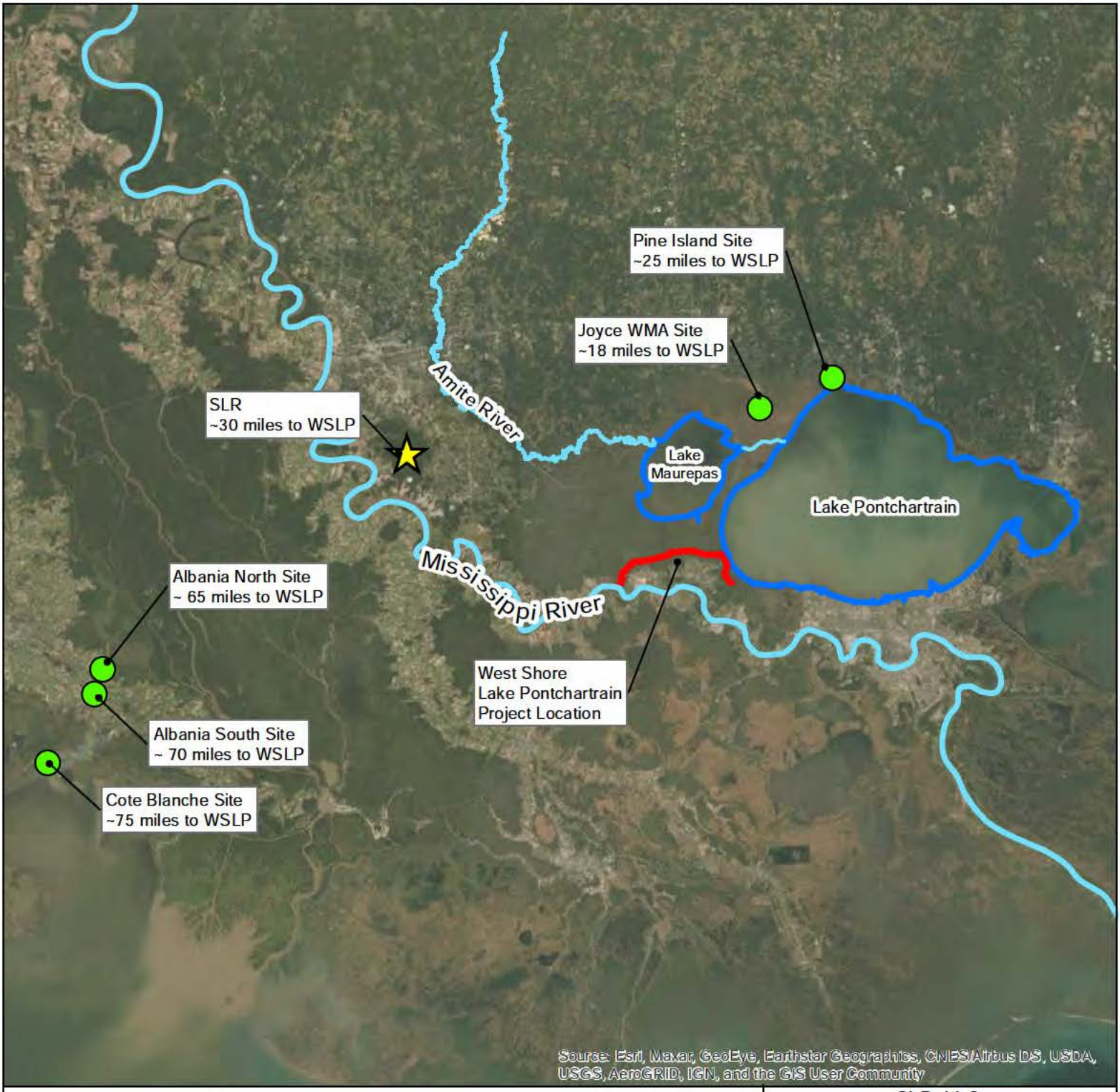
SLR, LLC

Baton Rouge, LA

SLR AVAILABLE ACREAGE BELOW 5FT LOUISIANA

Created By:	AGB/ArcView
Approved:	SPN
Date:	09/16/2021
Map No.:	

FIGURE 1



16.0 8.0 0 16.0 Miles

NRP

N

SLR, LLC

Baton Rouge, LA

WSLP
MITIGATION SITE LOCATION MAP
LOUISIANA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/21/2021
Map No. :	

FIGURE 2

Map Notes:
1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

Attachment A
SLR Enhancement Upgrade Letter from CEMVN

JUDEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118

REPLY TO
ATTENTION OF

July 28, 2017

Operations Division
Regulatory Branch

Subject: Spanish Lake Restoration mitigation bank
MVN-1999-01446

Spanish Lake Restoration, LLC
Mr. Stephen R Wallace
10621 N. Oak Hills Parkway, Suite A
Baton Rouge, Louisiana 70810

Dear Mr. Wallace:

As requested in your letter dated November 17, 2016, CEMVN has completed a re-evaluation of the Louisiana Wetland Rapid Assessment Method (LRAM) values used in the credit assessment of the Spanish Lake Restoration mitigation bank. The historical record and information provided on your behalf were reviewed in the LRAM re-assessment. The re-assessment was coordinated with the Interagency Review Team (IRT).

Section XII of the Interagency Agreement approved in 1999 allows for additional credit to be granted to Unit II acreage as a result of hydrologic improvements. The IRT recognizes the efforts of the landowner to affect change in the operation of the Alligator Bayou Floodgate which resulted in altering the operation such that the gate will remain in the 'open' position except during periods of backwater flooding situations. Operation of the structure in this manner should result in more natural hydrologic conditions and ecological improvements within the Spanish Lake sub-basin. However, this floodgate primarily affects acreage of the mitigation bank within the Spanish Lake sub-basin, not the acreage within the Bluff Swamp sub-basin. Therefore, CEMVN has determined that the Unit II acreage should be split accordingly and separate ledgers will be maintained. Thus, Unit II Spanish Lake sub-basin will be contain 380.55 acres and the Unit II Bluff Swamp sub-basin will contain 785.84 acres. The mitigation type variable for remaining unsold credits in the Unit II - Spanish Lake sub-basin Unit II has been changed from 'preservation' to 'enhancement'. Bank credits associated with the Unit II – Bluff Swamp sub-basin remain preservation. Previously sold Unit II preservation credits will be deducted from the Unit II – Bluff Swamp sub-basin ledger.

While the vast majority of credits associated with Unit I (bottomland hardwood habitat) are only nominally affected by the flood gate operational change, the IRT recognizes that some acreage of this habitat type will also be benefitted. Thus, while the 1999 Interagency Agreement does not directly allow for additional credit to be granted, the IRT has agreed to grant enhancement value to the remaining unsold Unit I

acreage/credits. This recognition applies solely to the unsold remaining credits as of the date of this letter and will not be applied retroactively to other sold Unit I acreage.

Regarding the request for changing the Site Management Factor variable from 'passive' to 'none', the IRT disagrees with your rationale for the request. The Alligator Bayou and Frog Bayou structures remain in place and will continue to be operated; therefore, the variable selection will remain 'passive'.

The revised LRAM assessments for Units I & II are attached. RIBITS will be updated accordingly.

If you have any further questions regarding this matter, please contact Mr. Brian W. Breaux at (504) 862-1938 or by email at brian.w.breaux@usace.army.mil.

Sincerely,

Martin S. Mayer
Chief, Regulatory Branch

cc:

Mr. Raul Gutierrez
gutierrez.raul@epa.gov

Mr. Kyle Balkum
kbalkum@wlf.la.gov

Attachment B
2018 WVA Fact Sheet

MEMORANDUM

DATE: 1 June 2018

TO: File; G:\FWS Program Files\Corps Projects\New Orleans District\IER Mitigation\LPV\Banks\Lago Espanol/2018 Revisions (Phase 1 only)

FROM: David Walther, USFWS, Louisiana Ecological Services Office

SUBJECT: BLH WVA assumptions for Spanish Lake (formerly Lago Espanol) mitigation bank Phase 1, Tract 17, Unit 1 (Formerly Units 8&9); 6 acres

Overview: The previous assumption document presents information already developed for use of the certified WVA for this mitigation bank; however, this assumption documents the update of the WVA hydrology variable based upon information presented to and accepted by the interagency mitigation team (IRT) to revise the crediting type in the MBI for a six acre parcel in Phase 1, Tract 17, Unit 1. In order to capture the correct timing of the improved hydrology a change in the Future-with project target years was required (TY15 was replaced with TY10) which resulted in a need to re-examine predictions regarding Variable 2 (Maturity). No other value changes were necessary. This memorandum presents information in a standard format as requested by USACE NOD.

V1: This variable is present in the uncertified model used in the MBI; therefore values from that model were used and remain unchanged from its previous usage in the certified WVA.

V2: This variable is present in the uncertified model used in the MBI; values from that model were used and remain unchanged from its previous usage in the certified WVA for future without project. However as previously mentioned to capture the timing of the improved hydrology the TY 15 was replaced with TY 10. To estimate the diameter at breast height (DBH) used in the previous model a linear growth rate was assumed to occur between TY 1 and TY 30 and the diameter at TY 10 was interpolated between those points. Based on that analysis it was determined that there was no change needed to the DBH.

V3: This variable is present in the uncertified model used in the MBI; therefore values from that model were used and remain unchanged from its previous usage in the certified WVA.

V4: LiDAR data (i.e., improved ground elevation data) and recent changes to the operational schedule of the Alligator Bayou Control structure were presented (see pages 3 – 5) as necessitating revisions to the type of mitigation in some areas to now include enhancement based on improved hydrology. The IRT agreed and the MBI was altered accordingly. Service examination of the previous WVA and assigned flow/exchange and flooding duration attributes and the information presented lead to the Service agreeing that changes to the variable were necessary to more accurately reflect recent hydrologic events and previous conditions. However, the Service examined LiDAR land elevation data by one foot increments between 2 and 6 feet with the exception of including a half-foot increment at 5 feet (i.e., 5.5 feet). Examination of this information supported the need to revise the hydrology variable attributes but did not support the purposed classifications (see pages 6-7). That examination revealed that most of the 6 acres appears to be in the 5.5 to 6 foot elevation. When a 5.5 foot elevation line is drawn on the hydrology information the frequency and duration of inundation does not appear to match the proposed assigned

classifications therefore adjustments were done. Current classifications are presented below.

Pre-Mitigation Project and Post-Mitigation Project for TY 0-10: Flooding Duration was assigned to Semi-permanent because the area was experiencing prolonged inundation but it was not covered by water throughout the year. The Flow/Exchange classification was assigned to low because of the operation of the structure.

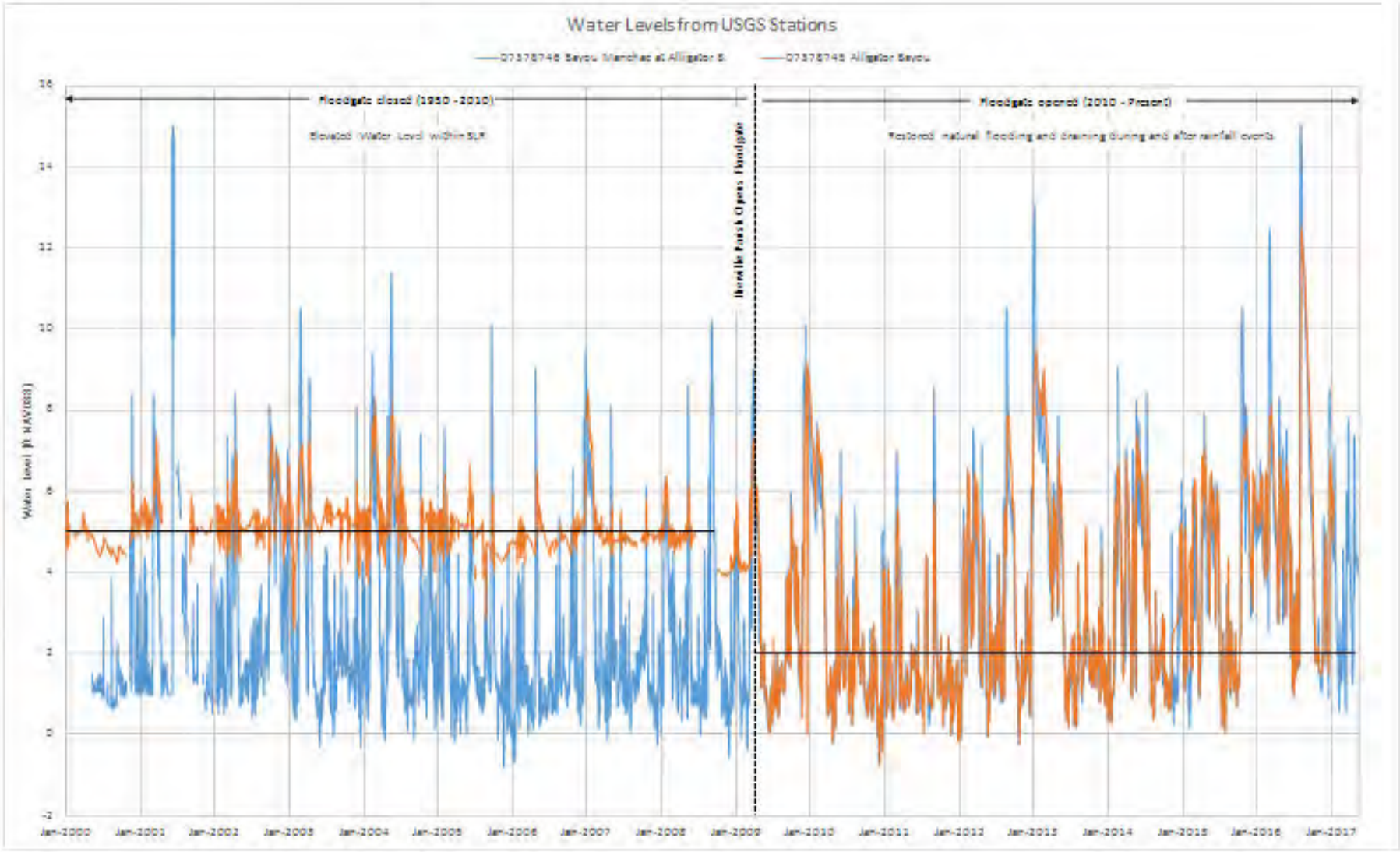
Post-Mitigation Project TY 10-50: Flooding Duration was assigned to Seasonal and Flow/Exchange was assigned to moderate as the area is still regulated by a structure.

V5: This variable is present in the uncertified model used in the MBI; therefore values from that model were used and remain unchanged from its previous usage in the certified WVA.

V6: This variable is present in the uncertified model used in the MBI; therefore values from that model were used and remain unchanged from its previous usage in the certified WVA.

NET CHANGE IN AAHUs DUE TO PROJECT	
A. Future Without Project AAHUs =	3.34
B. Future With Project AAHUs =	5.52
Net Change (FWP - FWOP) =	**2.18**

2.18 AAHUs/6 acres = 0.36 management potential


Water Levels from USGS Stations
07378746 Bayou Manchac at Alligator B
07378745 Alligator Bayou
Floodgate closed (1950 - 2010)
Elevated Water Level within SLF
Iberville Parish Opens Floodgate
Floodgate opened (2010 - Present)
Restored natural flooding and draining during and after rainfall events
Water Level (ft NAVD88)
16
14
12
10
8
6
4
2
0
-2
Jan-2000
Jan-2001
Jan-2002
Jan-2003
Jan-2004
Jan-2005
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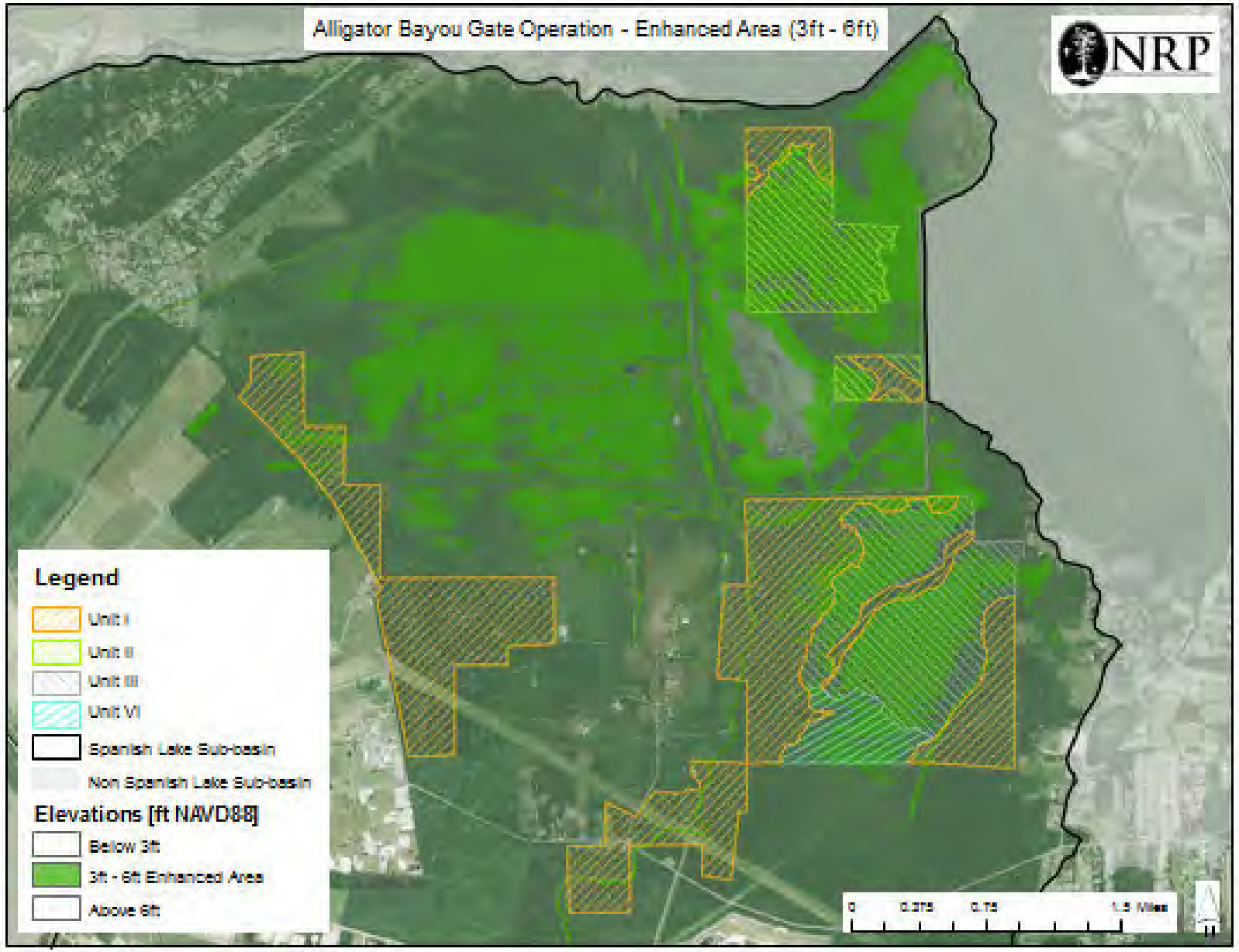
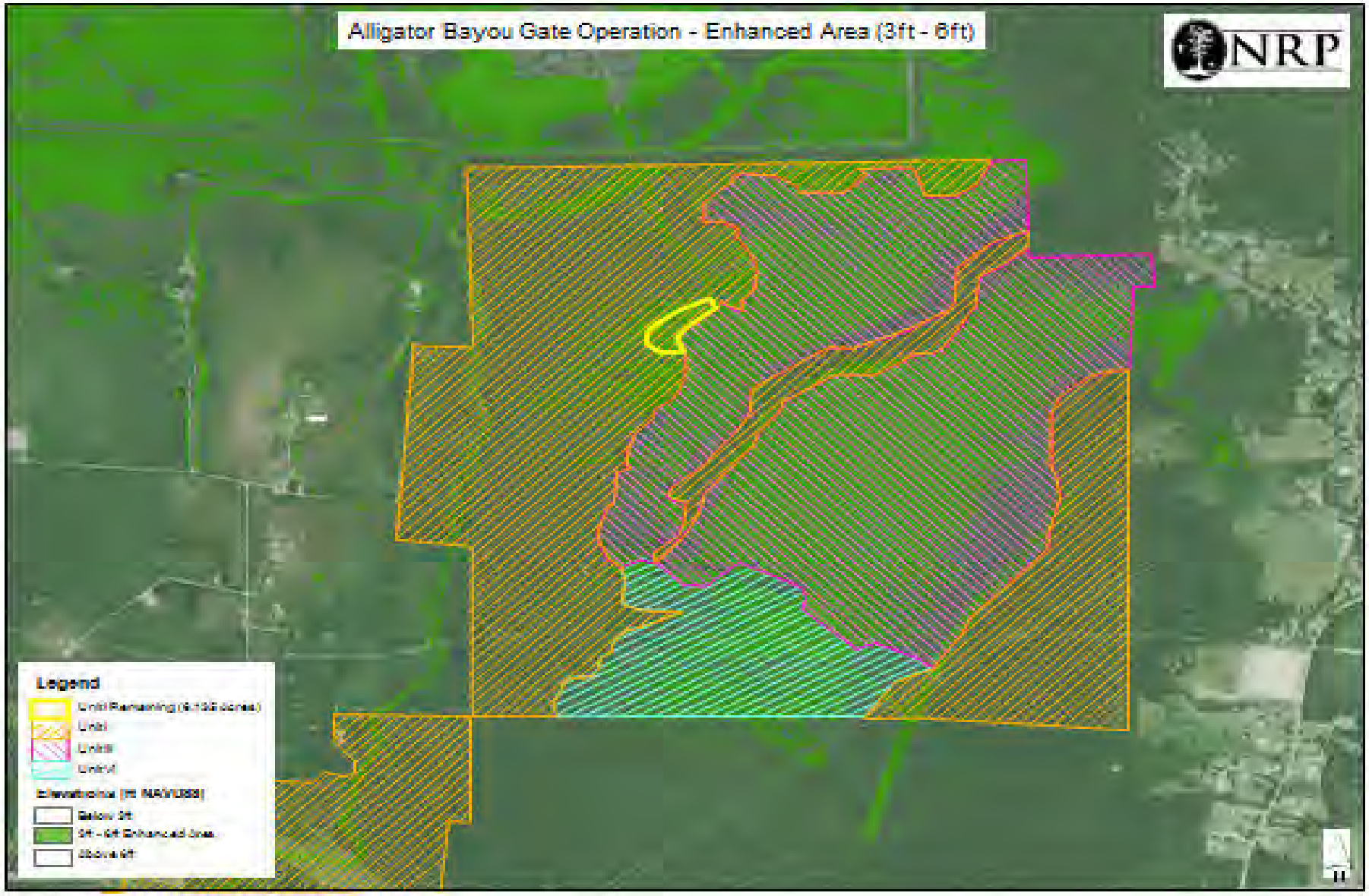
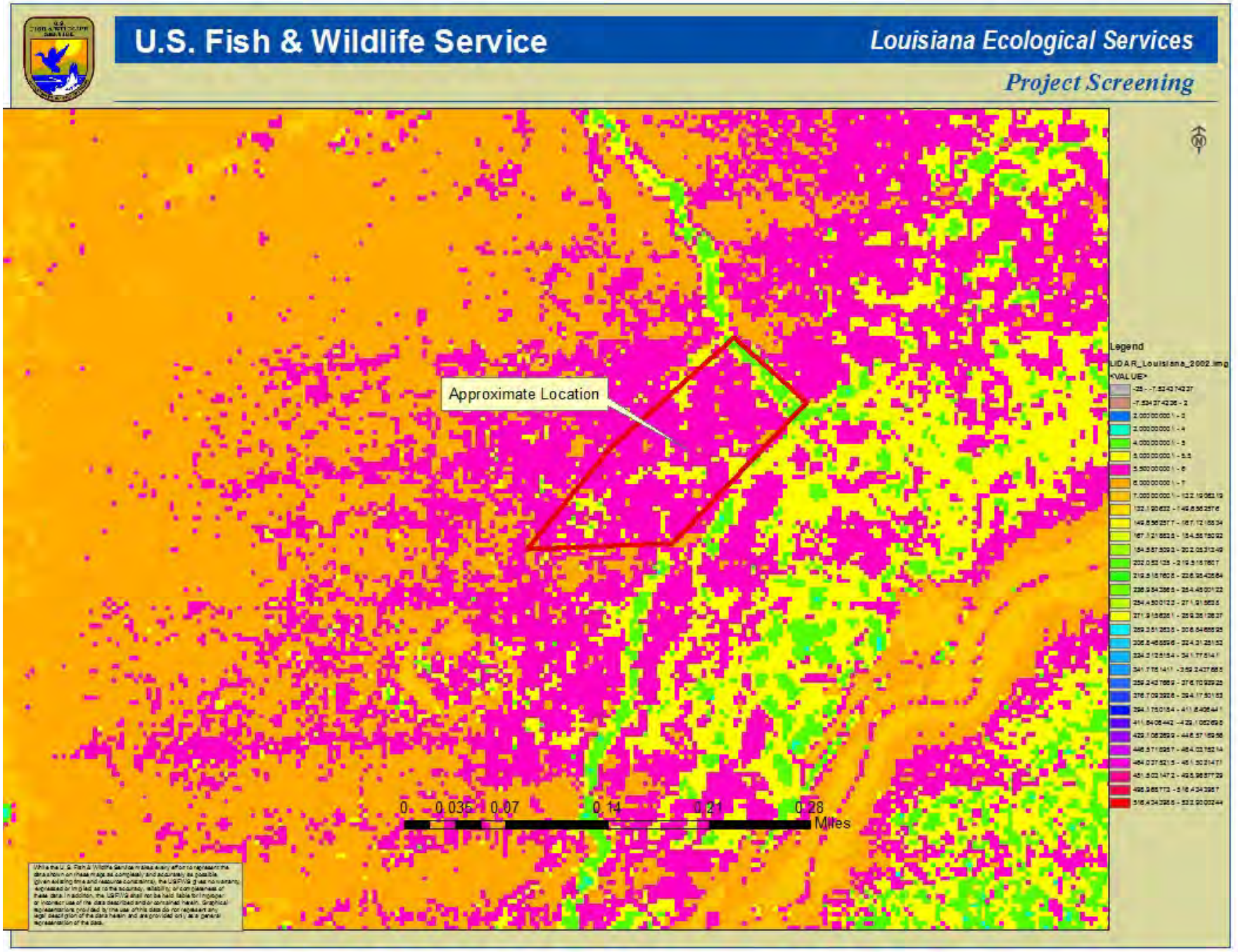
Jan-2016
Jan-2017


Alligator Bayou Gate Operation - Enhanced Area (3ft - 6ft)
NRP
Legend
Unit I
Unit II
Unit III
Unit VI
Spanish Lake Sub-basin
Non Spanish Lake Sub-basin
Elevations [ft NAVD88]
Below 3ft
3ft - 6ft Enhanced Area
Above 6ft
0
0.375
0.75
1.5 Miles


Alligator Bayou Gate Operation - Enhanced Area (3ft - 6ft)
NRP
Legend


U.S. Fish & Wildlife Service
Louisiana Ecological Services
Project Screening
Approximate Location
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0.035
0.07
0.14
0.21
0.28
Miles
Legend
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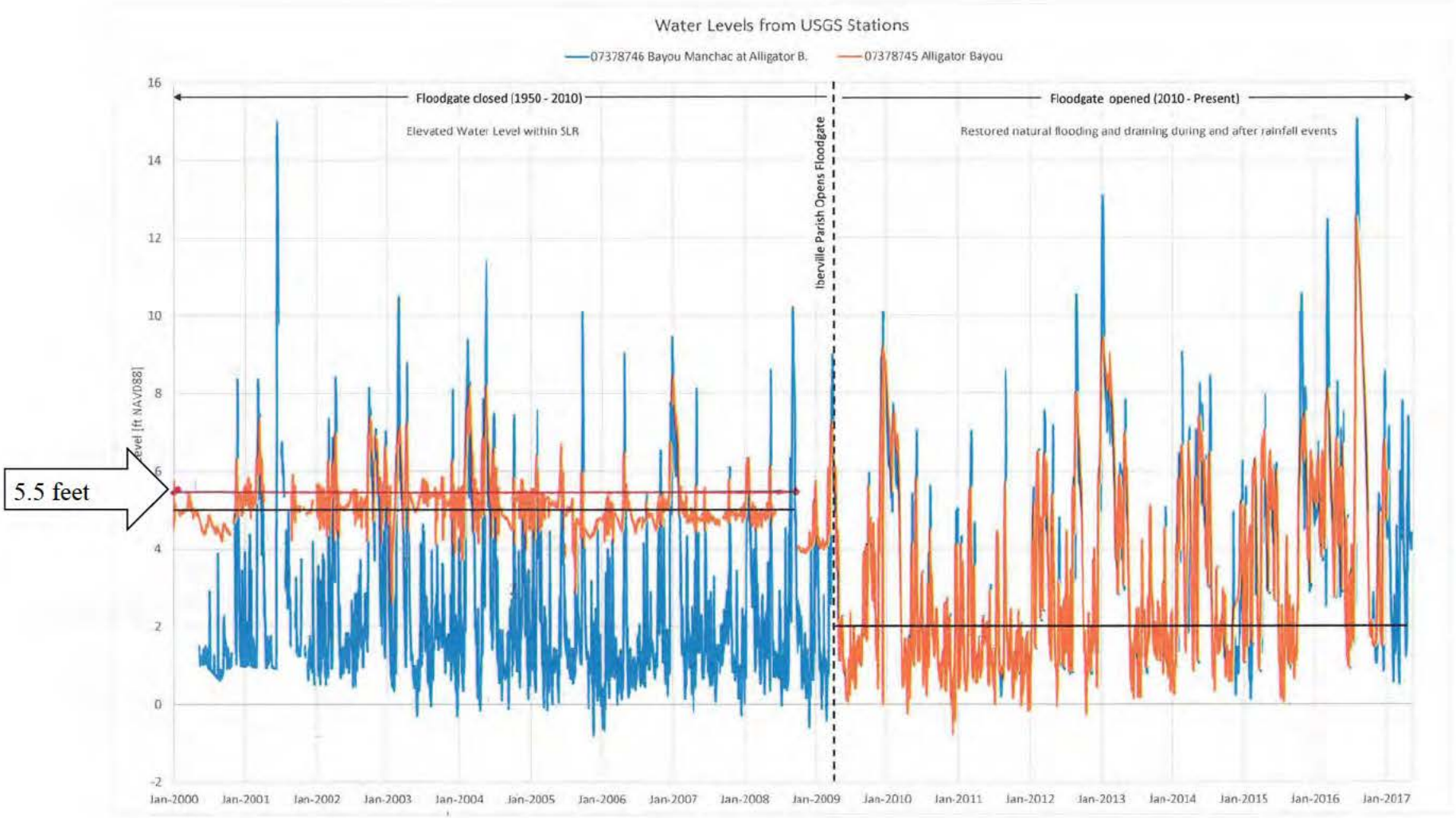
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07378745 Alligator Bayou
Floodgate closed (1950 - 2010)
Elevated Water Level within SLR
Iberville Parish Opens Floodgate
Floodgate opened (2010 - Present)
Restored natural flooding and draining during and after rainfall events
5.5 feet
16
14
12
10
8
6
4
2
0
-2
Jan-2000
Jan-2001
Jan-2002
Jan-2003
Jan-2004
Jan-2005
Jan-2006
Jan-2007
Jan-2008
Jan-2009
Jan-2010
Jan-2011
Jan-2012
Jan-2013
Jan-2014
Jan-2015
Jan-2016
Jan-2017

Attachment C
Spanish Lake Basin Mitigation Plan

Proposed Spanish Lake Basin

Mitigation Plan

September 24, 2021

Sponsor:

Spanish Lake Restoration, LLC

Agent:

Natural Resource Professionals, LLC

Table of Contents

Figure Index ii
1. Introduction 1
1.1 Site Location and Description 1
1.2 Spanish Lake Restoration Mitigation Bank 2
2. Project Goals and Objectives 2
2.1 Wetland Habitats to be Restored, Enhanced, and Preserved 3
2.1.1 Bottomland Hardwoods 3
2.1.2 Baldcypress Swamp 3
2.2 Aquatic Resource Functions 4
2.3 Aquatic Resource Values 4
3. Ecological Suitability of the Site/Baseline Conditions 5
3.1 Land Use 6
3.1.1 Historical Land Use 6
3.2 Hydrology 7
3.2.1 Contributing Watershed 7
3.2.2 Historical Hydrology and Drainage Patterns 8
3.2.3 Existing/Current Hydrology and Drainage Patterns 8
3.3 General Need for the Project in this Area 10
4. Site Restoration Plan 13
5. REFERENCES 14

Figure Index

Figure 1 Vicinity Map

Figure 2 Site Plan

Figure 3 Historic Land Use – 1936 Topo

Figure 4 Historic Land Use – 1998 Aerial

Figure 5 Historic Land Use – 2021 Current Aerial

Figure 6 Bayou Manchac/Amite River Watershed Map

Figure 7 Historic Hydrology

Figure 8 Spanish Lake Basin LiDAR

Figure 9 Five Ft Contour Map

Figure 10 Current Hydrology

Figure 11 Alligator Bayou Hydrograph

Figure 12 Existing Vegetation Types

Figure 13 Soils and Hydrology Work Plan

Figure 14 Post Construction Hydrology

Figure 15 Habitat Work Plan

Figure 16 Mitigation Work Plan

1. Introduction

Natural Resource Professionals, LLC (NRP), on behalf of Spanish Lake Restoration, LLC (SLR, Sponsor), presents this Mitigation Plan (MP) describing the proposed 3,404.7-acre addition to the Spanish Lake Restoration Mitigation Bank (SLR Bank), (Mitigation Area, Figure 1). The Mitigation Area will provide compensatory mitigation for unavoidable, permitted impacts to "Waters of the United States" and coastal wetlands if deemed appropriate per 33 CFR §332.3(a)(1) and 33 CFR §332.3 (b)(1). The details pertaining to the use of this Mitigation Area as a mitigation bank will be specified in the subsequent Prospectus and formal Mitigation Banking Instrument documents, which will ultimately be made part of the approved Interagency Agreement (IA) for SLR, in accordance with 33 CFR §332.8 (v)(1).

The Mitigation Area will further previous and ongoing wetland restoration activities within the Spanish Lake Basin (SLB) which is in the larger Lake Pontchartrain Basin. The SLB is a unique aquatic resource due to its ecological significance, size, and location within the Baton Rouge Metropolitan Area. The SLB is also unique in that it is tidally influenced and has strong correlation with tidal signatures found at Lake Maurepas and Lake Pontchartrain, with Bayou Manchac and the Amite River providing hydrologic connectivity. Additionally, the SLB acts as a backwater storage area for high rainfall events within the Amite River Watershed as well as a headwater storage area for the Bayou Manchac Watershed.

The Sponsor and landowner, Ecological Service Partners, LLC (ESP), are working to form a public-private partnership with the Louisiana State University (LSU) Board of Supervisors. Collectively, the SLR Team will develop, establish, and manage a successful bottomland hardwood and cypress swamp mitigation bank, and will develop an educational and research program through LSU. This program would utilize the lands within the Mitigation Area and SLR bank as an "outdoor classroom" for students, researchers, and professionals. The knowledge gained through this program would then be used to advance the science of wetland restoration and ultimately improve the lives of Louisianans.

The Sponsor intends to restore, enhance, and preserve approximately 800 acres of Bottomland Hardwoods (BLH), 2,500 acres of Cypress Swamp (SWP), and 40 acres of fresh marsh. As described in this MP, the Sponsor proposes to execute a perpetual conservation servitude, conduct wetland restoration and enhancement activities, facilitate the establishment of a self-sustaining ecosystem, and provide long-term management to maximize the wetland functional capacity of the Mitigation Area. Along with the research activities that will be coordinated and approved by CEMVN and IRT, the restoration of the SLB will have tremendous public benefits such as improved water quality, wildlife habitat, flood storage, drainage, recreation, and education.

1.1 Site Location and Description

The Mitigation Area is located in Sections 35, 36, Township 08S, Range 01E; Sections 1, 2, 12, Township 09S, Range 01E; Sections 31, 32, Township 08S, Range 02E; and Sections 5, 6, 7, Township 09S, Range 02E within east Iberville Parish and the SLB. The Mitigation Area is located approximately 2 miles south of Baton Rouge, with portions located within the City of St. Gabriel.

The Mitigation Area consists of 3,404.7-acre of existing BLH, SWP, and fresh marsh habitat with varying species composition and quality. The Mitigation Area is adjacent to the existing SLR Bank, which is comprised of several tracts throughout the SLB (Figure 2).

Surface water runoff within the Mitigation Area will ultimately reach Bayou Manchac after passing through the Alligator Bayou Floodgate Structure. This structure is kept in the "open" position under normal circumstances but is closed during backwater flood events. Within the Mitigation Area are a series of artificial drainage features such as canals, agricultural ditches, and rows/furrows, as well as artificial levees, spoil banks, and roads. These artificial features, along with historic timber harvesting and improper maintenance have resulted in degraded wetland habitats in certain areas.

1.2 Spanish Lake Restoration Mitigation Bank

The SLR Bank was approved in 1999 and contains approximately 4,000 acres of BLH and SWP. The original Bank Sponsor was Lago Español, LLC, and ownership/sponsorship was acquired by SLR in 2009. As of August 27, 2021, the SLR Bank contains 1,315.51 acres of SWP credits across 4 different "units," with approximately 1209.6 acres being tidally influenced and below the 5-foot elevation.

SLR was established using the Guidelines provided in a Memorandum of Agreement between the EPA and Department of the Army, dated February 6, 1990. The memorandum states that "Appropriate and practicable compensatory mitigation is required for unavoidable adverse impacts which remain after all appropriate and practicable minimization has been required." It further stipulates that, "…for wetlands, the Corps will strive to achieve a goal of no overall net loss of values and functions."

SLR's IA was established using the November 28, 1995 Federal Guidance on Mitigation Bank Operation and Implementation. The IA was approved by the Mitigation Bank Review Team (MBRT) to operate within the constraints of the National Environmental Policy Act (42 USC 4321 et seq.), the Clean Water Act (33 USC 1251 et seq.), including the Section 404 (b) Guidelines (40 CFR 230), Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Corps of Engineers regulations (33 CFR 320-330), and all other applicable federal and state laws, rules, and regulations.

On April 10, 2008, the EPA and the US Army Corps of Engineers jointly promulgated regulations revising and clarifying requirements regarding compensatory mitigation. This "Final Rule" (33 CFR Part 332) superseded previous guidance documents pertaining to the establishment and operation of mitigation banks. Section 332.8 (v) of the Final Rule states that "Mitigation banks approved prior to July 9, 2008, may continue to operate under the terms of their existing instruments. However, any modification to such a mitigation banking instrument on or after July 9, 2008…must be consistent with the terms of this part." SLR will submit a Prospectus for this Mitigation Area in accordance with the requirements found at 33 CFR §332.4 (c).

2. Project Goals and Objectives

Mitigation Goals

The goal of the project is to re-establish, rehabilitate, enhance, and preserve BLH and SWP habitat, for the purpose of providing compensatory mitigation for unavoidable and authorized impacts to wetlands.

Details of the proposed mitigation features will be submitted in a Prospectus for the Mitigation Area.

Education Goals

The SLR Team plans to establish a wetland restoration research, teaching, and demonstration facility in the SLB, which would serve several high-value goals for the State of Louisiana by enabling co-located research, demonstration, and teaching programs directed toward effective management of forested

wetlands and their restoration. It is expected that LSU's involvement will open additional opportunities for other institutions to conduct research projects in collaboration with LSU. Mitigation activities involve multiple agricultural disciplines, including forestry, agricultural business, agricultural engineering, and natural resource management, among others, and Louisiana is ideally suited for this work. The Mitigation Area will provide a great resource for LSU to teach students about mitigation, to use LSU research expertise to implement mitigation plans, to use LSU expertise to educate those working in this area, and generally to be a critical resource for the forestry sector in performing all phases of mitigation activities.

2.1 Wetland Habitats to be Restored, Enhanced, and Preserved

The Mitigation Area is currently forested with a combination of BLH and SWP habitat, though significant portions exhibit impacts to habitat quality due to artificial impoundments. These include lack of stand maturity, areas of invasive species, and lack of regeneration of timbered species, including a near exclusion of regenerated cypress in the SWP, and a lack of oaks and other hard mast species in BLH areas.

2.1.1 Bottomland Hardwoods

As defined by The Natural Communities of Louisiana published in 2009 by the Louisiana Department of Wildlife and Fisheries (LDWF) and the Louisiana Natural Heritage program (LNHP), BLH forests are forested, alluvial wetlands occupying broad floodplain areas that flank large river systems. BLH forests may be called fluctuating water level ecosystems characterized and maintained by a natural hydrologic regime of alternating wet and dry periods. These forests support distinct assemblages of plants and animals associated with particular landforms, soils, and hydrologic regimes. They are important natural communities for maintenance of water quality, providing a very productive habitat for a variety of fish and wildlife, and are important in regulation of flooding and stream recharge. Many aquatic food webs depend on the input of allochthonous material in the form of leaf litter or other organic debris that the wetland forest provides. Bottomland hardwoods are extremely productive areas due in part to periodic flood-transported and deposited particulate and dissolved organic matter and nutrients. Further, these forests act as buffers for low-elevation urban areas, absorbing and dissipating the physical energy of river systems. The strength of these attributes is influenced by the composition and species density in these forests (DeWeese et al 2007).

BLH habitat is found on the higher elevations in the Mitigation Area. They are significantly dominated by soft mast species, including red maple, hackberry, and green ash, with hard mast species making up less than 20% of the observed trees. Chinese tallow is present along access routes that were once cleared for timber and oil and gas production.

2.1.2 Baldcypress Swamp

As defined by The Natural Communities of Louisiana, Baldcypress Swamps are forested, alluvial swamps growing on intermittently exposed soils most commonly along rivers and streams but also occurring in backswamp depressions and swales. The soils are inundated or saturated by surface water or groundwater on a nearly permanent basis throughout the growing season except during periods of extreme drought. However, all swamps – even deep-water swamps with almost continuous flooding – experience seasonal fluctuations in water levels.

Swamp forests generally occur on mucks and clays as well as silts and sands with an underlying clay layer. They contain relatively low floristic diversity, and associate species may vary widely from site to site. Undergrowth is often sparse because of low light intensity and long hydroperiods. Swamps tend to be even-aged stands since the environmental conditions favorable for germination and establishment of saplings occur very infrequently. Swamps provide important ecosystem functions including maintenance of water quality, productive habitat for a variety of fish and wildlife species, and regulation of flooding, and stream recharge. Many aquatic food webs depend on the input of allochthonous material in the form of leaf litter or other organic debris that the wetland forest provides. Net primary productivity of swamp forests seems to be increased by periodic flooding or increased water flow and decreased by slow water movement or stagnation.

While the majority of the Mitigation Area was historically SWP, very few living cypress trees still remain. However, stumps left following previous timber operations were observed throughout the Mitigation Area. Former SWP is now dominated almost entirely by young red maple.

2.2 Aquatic Resource Functions

The Mitigation Area will provide improved wetland functions following the proposed mitigation activities. The restored and enhanced BLH and SWP will regulate the movement of water within the watershed as well as in the global water cycle (Richardson 1994; Mitsch and Gosselink 1993). Wetlands store precipitation and surface water and then slowly release the water into associated surface water resources, groundwater, and the atmosphere (Taylor et al 1990). Following the proposed surface hydrology improvements, natural channel restoration, and the removal/modification of artificial impediments (levees/channels/roads) in certain areas, overland flow and stormwater retention associated with rainfall events will be improved. The Mitigation Area will restore the natural wet dry/cycle of BLH and will improve flow and reduce the duration of flooding with the SWP habitat. Hydrologic interactions with Spanish Lake and the SLB will be improved. The implementation of the soils and hydrologic work plan within the Mitigation Area will allow for chemical processes such as organic compound breakdown, decomposition, nutrient assimilation, oxidation/reduction potential, and denitrification to be more representative of natural BLH and SWP habitats.

The planting of BLH and SWP species within the Mitigation Area will provide improved habitat, structure, and nesting and breeding grounds for a variety of wildlife species. This action will also provide a long-term seed source for the Mitigation Area and surrounding wetland habitats that will ultimately aid in natural regeneration.

The restored, enhanced, and preserved areas will be protected under a perpetual conservation servitude. Furthermore, the Mitigation Area will be adjacent/contiguous to the Bayou Paul, Bayou Manchac-Oakley, and Spanish Lake Restoration Mitigation Banks, resulting in one of the largest privately owned wetland conservation areas in the Mississippi Alluvial Valley.

2.3 Aquatic Resource Values

Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs. As such they provide numerous education and research benefits that the SLR Team intends to realize through the establishment of the Mitigation Area. These include research opportunities such as improved understanding of natural wetland flood regimes, and restoration techniques of Mississippi Alluvial Valley BLH and SWP. Education experiences within the Mitigation Area would also benefit

students of ecology, forestry, wildlife, fisheries, and related fields, and will be especially useful to the increasing number of students who find careers as environmental professionals. The Mitigation Area will provide a benefit to private landowners throughout the state who are contemplating creating wetland mitigation banks on their properties, and to the consulting companies who serve them. The AgCenter intends to provide published research and periodic field days that would demonstrate existing best management practices, such as tree species selection and planting densities. These activities would draw environmental consultants from throughout the region and would strengthen the position of Louisiana as a leader in wetland management.

Other wetland values that will be provided will occur at the following three levels (Mitsch and Gosselink, 2000):

- Population – Animals harvested for pelts and/or food; wildlife observation/recreation; endangered/threatened species habitat
- Ecosystem – Flood mitigation; storm abatement; water quality improvement; aesthetics
- Biosphere – Nitrogen cycle; sulfur cycle; carbon cycle; phosphorus cycle

To meet these goals and improve the aquatic resource area, functions, and values of this BLH and SWP ecosystem, the Sponsor will meet the following objectives:

- Restore and improve historic/natural surface hydrology and increase wetland areas through removing/modifying artificial spoil banks/levees/roads, filling/partially filling artificial channels/canals, and restoring natural channels and swales,
- Conduct vegetative plantings of BLH and SWP species,
- Ensure initial, interim, and long-term success through the implementation of a monitoring, management, and maintenance program,
- Establish appropriate financial mechanisms to ensure the successful completion of the proposed construction, establishment, and long-term management activities, and
- Ensure long-term protection through the execution of a perpetual conservation servitude in accordance with 33 CFR §332.7.

3. Ecological Suitability of the Site/Baseline Conditions

The Mitigation Area is ecologically suitable to achieve the goals and objectives of the project and represents a unique project in that it will expand upon an existing 4,000-acre BLH and SWP mitigation bank and will result in one of the largest private wetland conservation areas in the region. The Mitigation Area is within the Spanish Lake Basin (SLB), an approximately 14,000-acre area located within the Baton Rouge Metropolitan Area and is essentially surrounded by commercial, industrial, and residential development, in addition to containing numerous infrastructure features such as powerlines and oil/gas pipelines. The Mitigation Area is also located within the Lake Pontchartrain Basin, the most highly developed area in the state. The Mitigation Area and basin-wide improvements will result in improved flood storage for the Amite River Watershed, which is a top priority initiative for many local, state, and federal entities.

Site conditions within the Mitigation Area are favorable to successful establishment of a self-sustaining mitigation bank. The Mitigation Area is a degraded SWP that has been impacted over time by timber harvesting, large scale drainage projects, and the construction of roads associated with oil/gas activities. The Sponsor intends to remove and/or modify artificial features in a way that will maximize flow and reduce the duration of flooding and conduct vegetative plantings and management where appropriate.

The Sponsor anticipates that these actions will facilitate the establishment of a sustainable swamp ecosystem that will ultimately regenerate naturally.

The Mitigation Area and the SLB represent "textbook" examples of valuable BLH and SWP habitats that can be restored, enhanced, and/or preserved in the lower Mississippi River Alluvial Valley. The location of the Mitigation Area within close proximity to highly developed areas further emphasize the importance of protecting wetlands and conducting sustainable development activities throughout the state. Therefore, by working with LSU, the SLR Team intends to allow students and researchers to study the development, establishment, and management of the Mitigation Area and to apply the learned information in a way that benefits society and advances the science of wetland restoration.

3.1 Land Use

3.1.1 Historical Land Use

Area History

Native Americans first inhabited portions of Louisiana 10,000-12,000 years ago (Kniffen et al. 1987). The natural levee ridges offered the highest and best-drained ground for building homes and fields (McKenzie et al. 1995), and with the abundance of food found along the natural levees and back swamps, populations were strongly concentrated along these waterways (Kniffen and Hilliard 1988). The "Kleinpeter Site," located near the junction of Bayou Manchac and Bayou Fountain, has led archaeologists to believe that successive native cultures inhabited the area for almost two millennia beginning in 250 B.C. The location would have been ideal for native settlement offering streams for transportation, level ground raised above the floodplain, rich soils for farming/cultivation, and bountiful hunting and fishing (Sternberg 2007).

Robert Cavelier and Sieur de la Salle, French explorers, began scouting the major waterways of Louisiana in 1682. Pierre Le Moyne, Sieur d'Iberville was dispatched by Louis XIV to chart the mouth of the Mississippi, and his journal in 1699 is the first written documentation of the existence of Bayou Manchac. Iberville camped near the junction of Bayou Manchac, Bayou Fountain, Alligator Bayou, Frog Bayou, and Fish Bayou ("the Convergence"). At this time, Native Americans had already moved on from the area, but archaeological evidence indicates these people were similar to those found at the Bayou Goula village, which is located across the river near White Castle (Sternberg 2007).

Following Iberville's visit to the area, Bayou Manchac became a central point of European settlement and growth. As a distributary of the Mississippi River and tributary of the Amite River, Bayou Manchac was an important transportation corridor, offering consistent navigational capacity from the Convergence all the way to New Orleans (via Maurepas, Manchac Pass, and Pontchartrain) as an alternative route to traveling on the Mississippi River. Manchac also served as an international boundary between areas possessed by Great Britain and Spain from 1763-1799, and Spain and the United States from 1803-1810.

Also within the area is the City of St. Gabriel, which was settled in 1767 by a group of just over 200 Acadians who were banished from Nova Scotia. Upon their arrival they were immediately declared subjects of the Spanish king and assigned plots of land within the natural ridges, levees, and shorelines in the area. These settlers were also given aid by the Spanish which allowed them to flourish and expand, and they likely used the natural resources within the SLB to facilitate this growth.

Extensive baldcypress timber harvesting occurred within the Bayou Manchac Basin and SLB from approximately 1890-1938. At the beginning of this period, the temporal confluence of railroads and new logging technology (such as pull boats) within the Pontchartrain Basin created great economic incentives to supply the lumber needs of the East Coast. Because silviculture during this period did not include reforestation and there was little natural reforestation, the logging of virgin forests rapidly declined in the 1930's (Lopez 2009).

Site History

Figure 3 illustrates conditions in 1936. Evidence of cypress timber harvesting (rail lines) is seen within the Mitigation Area. Bayou Braud, Alligator Bayou, and other waterways are largely undisturbed, and Spanish Lake is shown to be a mix of open water and seasonally inundated marsh habitat.

By 1941 the beginnings of oil and gas exploration/production within the St Gabriel Field can be observed south of Spanish Lake. By this time, essentially all remaining old-growth cypress trees and choice first generation hardwoods had been logged out.

By 1956, a significant drainage project had occurred involving the dredging and straightening of Bayou Braud and Bayou Paul, the installation of a floodgate at Alligator Bayou, and the construction of a series of new canals designed to facilitate drainage from the agricultural lands into Bayou Manchac, bypassing Spanish Lake. Increased oil and gas exploration/production is also seen in this photograph, and development around the outer perimeter of the Mitigation Area also appears to increase.

By 1974, an additional floodgate was installed at Frog Bayou. Oil and gas activity also increased during this time. Evidence of impoundments and associated die-off of vegetation is seen due to the drainage project, and Spanish Lake is completely flooded. Additionally, roads associated with oil and gas production are constructed, in some cases through natural ridges and watercourses. Pipeline and powerline corridors are also present.

Figure 4 illustrates conditions in 1998. New oil and gas exploration decreased, but the remnants of the activity are still visible. An increase in open water area is seen due to the mismanagement of the Alligator Bayou Floodgate along with impoundments associated with oil and gas activity and the 1950's drainage project. Evidence of timber harvesting is also seen adjacent to the Mitigation Area. Development surrounding the SLB had significantly increased by this time. Land-use within the Mitigation Area is primarily hunting.

In 2010, the Alligator Bayou Floodgate was "opened" for the first time in 50 years, and emergent vegetation in Spanish Lake, Cypress Flats, and along Alligator Bayou is visible in current aerial photography. Additional evidence of timber harvesting (stacking areas and access trails) within the SLB is present, and development surrounding the SLB increased (Figure 5). Hunting and recreation represent the primary current land-use within the Mitigation Area.

3.2 Hydrology

3.2.1 Contributing Watershed

The Mitigation Area is located within the Bayou Manchac sub-basin (HUC10 0807020208), with an area of 168.7 mi^2. Specifically, it is contained within the Alligator Bayou-Bayou Braud and Bayou Braud sub-basins, with a total area of 64.4 mi^2. The Mitigation Area is also contained within the Spanish Lake Basin

(SLB), a 32.8- mi^2 depressional area approximately bounded by LA-30 to the west, LA-74 to the south, LA-928 to the east, and Bayou Manchac to the north.

The Mitigation Area receives surface drainage from the Mississippi River levee along Point Plaquemines, Point Clair/Carville, and St. Gabriel, via Bayou Paul, Bayou Braud, and a network of manmade channels. Within the boundaries of the Mitigation Area, these drainage channels merge immediately west of Spanish Lake. Drainage flows either into Spanish Lake itself or an artificial bypass channel, then into Alligator Bayou, and finally into Bayou Manchac through a floodgate. Bayou Manchac enters the Amite River approximately 11 miles downstream of the floodgate. The Amite River watershed (HUC8 08070202) is one of four major river systems in the Pontchartrain Basin. Draining 1883.8 mi^2, its headwaters extend northeast of Baton Rouge into southwestern Mississippi (Figure 6). The lower Amite is tidally influenced by its connection to the Gulf of Mexico through Lakes Maurepas, Pontchartrain, and Borgne. A prior NRP study of USGS gage data indicates that tidal influence is present inside the Spanish Lake basin when the Alligator Bayou floodgate is open.

3.2.2 Historical Hydrology and Drainage Patterns

Prior to human intervention, the Spanish Lake Basin received channelized and overland flow from the natural levees along the Mississippi River, Bayou Manchac, and the Upland Terrace in Ascension Parish. Within the Mitigation Area, water was conveyed generally toward the east via overland flow and entered Spanish Lake through natural channels as indicated on early 20th century topographic maps (Figure 7). The SLB drained through a notch in the Bayou Manchac levee at the location of the current floodgate (Kniffen 1935).

Between 1941 and 1953, a network of dredged channels was constructed in the basin, which increased the proportion of channelized flow and caused large amounts of runoff to bypass Spanish Lake as well as the historic Bayou Braud, Bayou Paul, and Alligator Bayou channels. The spoil banks along these dredged channels are gapped to allow high water to flow into the surrounding swamp, but also impound the overflow after water levels recede. In 1951, a floodgate was constructed at the confluence of Alligator Bayou and Bayou Manchac. The gate was nearly always closed following its construction, artificially raising water levels and causing prolonged flooding throughout the basin. Beginning in 2010, a new operational plan was implemented such that the gate remains open except in cases of backwater flooding on Bayou Manchac (see Attachment F).

Prior to 1933, a lattice of narrow channels was constructed in the western section of the Mitigation Area to float harvested timber out of the Spanish Lake Basin. Between 1941 and 1974, oilfield access roads, well pads, and keyhole ponds were constructed in and around the Mitigation Area. The roads and well pads that cross the Mitigation Area, along with the spoil banks along the dredged channels, inhibit overland flow and impound runoff west of Spanish Lake for extended periods of time.

3.2.3 Existing/Current Hydrology and Drainage Patterns

Average annual precipitation in the SLB is 62.5 inches, with dry years receiving 57.9 inches and wet years receiving 69.8 inches (NCEI 2021). Monthly precipitation peaks during the summer months and is lowest during the fall. Monthly estimated potential evapotranspiration (Thornwaithe and Mather 1955; Dunne and Leopold 1978) ranges from less than one inch per month in the winter to nearly 7 inches per month in summer. On average, surface runoff is generated when the basin and its surrounding watershed

receive at least 0.39 inches of rain within 24 hours, although exact values vary spatially based on land use and underlying soil (USDA 1986).

Approximately 24% of the SLB's area is located at or below 5 ft NAVD88 and 50% is at or below 7.1 ft, while elevations surrounding the Basin exceed 30 ft in most areas, and the Bayou Manchac levee separating the Spanish Lake Basin from East Baton Rouge Parish has a crest of 14.4 ft (Figures 8 and 9). Therefore, the SLB acts as a major stormwater retention area following major precipitation events. During the historic flooding of 2016, the peak stage recorded in Alligator Bayou was 12.6 ft NAVD88. GIS analysis of LIDAR indicates the Basin stored 98,694 acre-feet of water at this stage, comparable to the volume of Lake Claiborne in northern Louisiana (99,500 acre-feet; Claiborne Parish Watershed Commission)

Surface water is conveyed through natural and artificial channels from the Mississippi River levee, through the Spanish Lake Basin, and into Bayou Manchac (Figure 10). The majority of surface runoff originating from upslope is contained within the spoil banks of the dredged channels as it travels through the SLB. Runoff generated within the basin moves via overland flow towards Spanish Lake, except where artificial features produce impoundment. Surface outflow from the SLB is controlled by artificial structures on the previous natural outlets at Alligator Bayou (2 8' x 8' culverts with floodgates) and Frog Bayou (60" culvert with floodgate).

Except when the floodgate is closed to prevent backwater flooding, the USGS gage in Alligator Bayou exhibits a daily fluctuation of 0.3 to 0.6 ft indicating the presence of tidal influence (Figure 11). Spectral analysis performed by NRP detected two overlapping frequency signals consistent with the dominant harmonic constituents listed by NOAA for the Pontchartrain Basin in both Alligator Bayou and the lower Amite River. This finding provides strong evidence that tidal influence from Lakes Pontchartrain and Maurepas propagates upstream into the Spanish Lake Basin via the Amite River and Bayou Manchac. A complete discussion of this investigation can be found in the report, Hydrological Assessment of Tidal Influence and Connectivity at Spanish Lake.

Current drainage patterns for the Mitigation Area are illustrated in Figure 10. Overland flow from upland is diverted into an auxiliary dredge channel bypassing Bayou Braud, which runs from west to east across the midsection of the Mitigation Area. The Bayou Paul dredge channel crosses the northern section of the Mitigation Area in similar fashion, then enters turns south and joins both the auxiliary dredge channel and natural channel of Bayou Braud. The Bayou Braud dredge channel travels east and then north where it joins Alligator Bayou. The levee along the north-south reach of the Bayou Paul dredge channel impounds overland flow within the Mitigation Area to the west, preventing it from entering Spanish Lake. A small local drainage channel drains the eastern portion of the Mitigation Area into the Bayou Paul dredge channel. The northerly reach of the Bayou Braud dredge channel diverts overland flow from the detached tracts east of Spanish Lake. The levee along the east-running Bayou Braud auxiliary dredge channel similarly diverts overland flow from the southern portion of the Mitigation Area and impounds water to the north. South of the Bayou Paul auxiliary dredge channel, overland flow reaches an artificial channel that conveys water eastward into the Bayou Paul dredge channel.

The Mitigation Area experiences additional impoundment due to the presence of access roads and well pads, generally running on a north-south axis. As drainage in this area was historically driven by overland flow, the construction of elevated roads prevents water from moving towards Spanish Lake

and raises water levels to the west. Culverts do cross below the roads in some places, which further modify flow patterns by forcing all water that does cross into concentrated locations.

In August 2021, NRP deployed 12 HOBOs (8 surface water gages and 4 groundwater wells) throughout the Mitigation Area. Hydrographs collected from these sensors will be used to identify presence or absence of wetland hydrology, and to calibrate a 2D hydrodynamic model that will assist in project design and assessment of benefits.

3.3 General Need for the Project in this Area

Development Trends

The Lake Pontchartrain Basin, Amite River Watershed, and Bayou Manchac Watershed contain extensive human-developed areas and represent a center of southeastern Louisiana's cultural heritage. Approximately 2.1 million people reside in the Lake Pontchartrain Basin (LPBF 2016), living in cities such as New Orleans, Slidell, Hammond, Denham Springs, Baton Rouge, Gonzales, and Laplace. Additionally, there are numerous rural farming communities, commercial fishing areas, and industrial facilities along the Mississippi River. Due to its rich natural resources, the Lake Pontchartrain Basin supports recreational fishing, hunting, and many ecological tourism-based opportunities.

Population growth in the Lake Pontchartrain Basin has been steady. From 1990 to 2000, the population of Ascension Parish grew at a rate of 31.6% and reached 98,471 in 2009 (US Census Bureau). In 2019, St Tammany Parish contained over 260,000 residents, a 40,000 increase since Hurricane Katrina. Similarly, Livingston Parish experienced a 9.4% growth from 2010-2019 (US Census Bureau), with an estimated population of over 140,000 in 2019. Although East Baton Rouge Parish's growth rate has stayed relatively low, its population exceeds 440,000 (US Census Bureau).

This development has not only adversely affected the aquatic environment of Lake Pontchartrain and its tributaries, but has also resulted in the direct loss of BLH and SWP. Within the Amite River Watershed alone, over 270,000 acres of forested areas were lost between 1954 and 1985 due to increased urban development and agricultural land-use (Deng and Patil 2011). Numerous channel modifications have also been made to decrease flooding in East Baton Rouge, Ascension, and Livingston Parishes. Resulting impairments include alterations in natural hydrology, wetland degradation and loss, tree mortality, saltwater intrusion, swamp impoundment, reduced swamp access to aquatic life, and swamp subsidence (LDWF 2014).

Another resulting problem due to increased human development is a decline in water quality. According to the Bayou Manchac Watershed TMDL for Biochemical Oxygen-Demanding Substances Report (DEQ 2010), Bayou Manchac was on the Louisiana Department of Environmental Quality DEQ)'s 2006 Integrated Report (combined 305 (b) and 303 (d) reports) and EPA's Consent Decree list of impaired waterbodies. This portion of Bayou Manchac was found to be "not supporting" any of its designated uses of Primary Contact Recreation, Secondary Contact Recreation, and Fish and Wildlife Propagation. The suspected causes of impairment include low dissolved oxygen and elevated nitrate/nitrite, total phosphorus, total fecal coliform, and total dissolved solids. With this data, the DEQ is utilizing a phased TMDL (Total Maximum Daily Load) approach for the Bayou Manchac watershed, which will ultimately lead to improved water quality.

Watershed Needs

A primary need in the Lake Pontchartrain Basin is to restore wetland habitat and develop a sustainable approach to land-use. This need is evident in the many benefits wetlands provide along with extensive wetland losses that have occurred within Louisiana. Louisiana's wetlands currently represent about 40% of the wetlands of the continental United States but about 80% of the losses. Wetlands are being lost in Louisiana at a rate of about 18,000 acres per year (USGS).

If the current land loss rates continue unabated, by the year 2040 Louisiana will have lost more than one million acres of coastal wetlands, an area larger than the state of Rhode Island (Watzin and Gozzelink 1992). By the year 2040, the commercial and recreational fisheries harvest could decline by 30%, and nearly 50,000 jobs directly related to fishing, processing, and wholesaling activities would be at risk. Production of numerous food staples and basic minerals, such as sugar, rice, salt, sulfur, and lime will be reduced and have an impact on national markets. Not only will the use-values associated with aquaculture, fur trapping, hunting enterprises, recreational fishing, cattle grazing, alligator egg sales, and alligator hunting decrease, but the taxable income based on these revenues will also suffer (Roberts et al. 1996). Oil and gas production and supply to the nation will be severely impacted (LCWCRTF 1993). Existing transportation infrastructure will suffer as highways and rail systems are lost and costs of channel and river maintenance increase. Since many of these benefits are of national interest, the entire country, not just Louisiana, stands to lose economic resources (lacoast.gov).

In order to reverse the historic and current trends of wetland loss within the Pontchartrain Basin and Amite River Watershed, wetland restoration, enhancement, and preservation projects – such as the Mitigation Area and the SLR Bank – must be established and managed for the long term. However, to support the socioeconomic values that exist due to the presence of these wetlands, a sustainable approach to land use must take place as advocated by the following local groups:

- *Lake Pontchartrain Basin Foundation*-The LPBF was established in response to environmental concerns voiced throughout the Basin. As the public's independent voice, LPBF is dedicated to restoring and preserving water quality, coast, and habitats of the entire Lake Pontchartrain Basin. Throughout coordination of restoration activities, education, advocacy, monitoring of the regulatory process, applied scientific research, and citizen action, LPBF works in partnership with all segments of the community to reclaim the Basin for this and future generations.
- *Bayou Manchac Group*- The Bayou Manchac Group is a citizens' organization working to maintain and enhance the ecological integrity of Bayou Manchac and its tributaries by seeking methods to balance development and conservation. By forming partnerships with other organizations, government, and educational institutions the Group seeks to promote Bayou Manchac's contribution as a natural resource providing drainage and flood control while serving as a major wildlife corridor, recreational waterway, and historic cultural asset to East Baton Rouge, Ascension, and Iberville Parish.

Another need of the Lake Pontchartrain Basin is flood protection for its 2 million residents. This need was most apparent in August 2016, when record rainfall and flooding occurred throughout the Pontchartrain Basin, resulting in billions of dollars of damage. The Amite River at Denham Springs crested at 46.2 feet, breaking the 1983 record by almost 5 feet. Record River crests also occurred along the Comite River, Tickfaw River, and the Tangipahoa River. Additionally, Bayou Manchac overtopped Alligator Bayou Road in Ascension/Iberville Parishes, flooding the Mitigation Area, SLB, and Spanish Lake

to 12.6 ft NAVD88. More than 55,000 homes and 6,000 businesses were affected in some way by the floods (weather.com).

Prior to the August 2016 flood, flood protection measures have been essentially ongoing since human settlement in the Lake Pontchartrain Basin. This includes the formation of the Pontchartrain Levee District in 1895 and the creation of drainage districts, water boards, and public works divisions specifically charged with regulating drainage and flooding in parishes throughout the Basin.

The Amite River Basin Commission (ARBC) was formed **"**to mitigate flood damage in the Amite River Basin," serving as a "multi-parish authority to accomplish flood control measures; facilitate cooperation between federal, state and local governing bodies to foster floodplain management; maintain and operate structures built under the auspices of the Commission; and coordinate river management within the basin." This commission has partially completed the Comite River Diversion Canal, a fully funded/authorized project recognized by many as an important project to reduce flooding in the Amite River Watershed. Recently, this project acquired the necessary mitigation and is under construction. However, this project alone cannot provide flood mitigation for the entire Lake Pontchartrain Basin; therefore, projects such as the Mitigation Area must continue to be developed and implemented.

Another example of an ongoing flood mitigation effort is the "West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project (WSLP) which is being sponsored by CEMVN. According to a Notice of Intent (NOI) published on the Federal Register on August 13, 2021, CEMVN is announcing its intent to prepare a Supplemental Environmental Impact Statement (SEIS) to reevaluate alternatives to compensate for unavoidable impacts to swamp habitat associated with the WSLP. The NOI states that CEMVN is requesting input from interested parties regarding potential WSLP mitigation alternatives and information and analyses relevant to the proposed MSP. According to the NOI, the WSLP would impact 955 Average Annualized Habitat Units (AAHU) of Coastal Cypress Swamp (CZ Swamp) and 295 AAHU of CZ BLH-Wet. After a review of the RIBITS website, as of August 27, 2021, there are an estimated 28 AAHU of CZ Swamp and 56 AAHU of CZ BLH-Wet. This significant shortage could result in either a delay in the WSLP construction and/or securing mitigation from adjacent watersheds or a Permittee-Responsible Mitigation Project, both of which are not preferable to an in-basin bank according to the 2008 Mitigation Rule.

The extensive development that has occurred within the Lake Pontchartrain Basin has spurred the need for infrastructure projects to be developed and implemented. In the dynamic environment of the Lake Pontchartrain Basin there will continue to be a need to impact wetlands. As these unavoidable impacts to wetlands are authorized, compensatory mitigation must be secured prior to the impact occurring. The Mitigation Area can provide this mitigation, in effect allowing the benefit of the project to be realized while at the same time meeting the public need of restoring, enhancing, and preserving BLH and SWP. The Mitigation Area will certainly expand upon the ongoing efforts of the DEQ, EPA LPBF, Bayou Manchac Group, ARBC, and CEMVN.

Educational Needs

The SLR Team intends to partner with LSU to utilize the Mitigation Area as an outdoor classroom where students and researchers can study and monitor BLH ecosystems in a non-consumptive manner that is approved and coordinated with CEMVN and the IRT.

The Mitigation Area can serve as an important educational resource, providing an environment for students and members of the public to learn about the importance of wetlands and the functions and values they provide. By involving researchers through the development, implementation, monitoring of the project, the Mitigation Area could also contribute positively to the wetland mitigation industry and other similar restoration programs. The concept of utilizing the Mitigation Area as a research center and tool for students and researchers will contribute to the mission and goals of LSU and will be a benefit the people of the state, nation, and the global community.

4. Site Restoration Plan

The primary objective of the Mitigation Area will be the restoration of overland flow and hydrologic connectivity between the Mitigation Area, Spanish Lake, and Bayou Manchac (Figure 13). Gap inverts of the spoil banks along the Bayou Paul and Bayou Braud dredge channels will be lowered to allow additional flow between the channels and the surrounding areas, with the excavated material placed on the adjacent levee crests. The oilfield access roads will also be degraded at the existing culvert locations and other hydraulically important locations, with excavated material being placed into the borrow ditches that parallel the roads. The local drainage channel in the eastern portion of the Mitigation Area, which was constructed at approximately the same location as a historic channel feeding Spanish Lake, will be excavated or otherwise improved in order to increase direct flow into Spanish Lake. The locations and dimensions of all gaps and channel improvements will be determined based on hydrodynamic model results. Under the restored hydrologic regime, overland flow will convey water from the St. Gabriel area through the Mitigation Area and ultimately into Spanish Lake (Figure 14). Water will be able to move in either direction through the gapped spoil banks, and a greater proportion of flow direction will be determined by the Basin's natural elevation gradients. When the floodgate is open, all elevations at or below the tailwater surface elevation will exhibit an identical tidal signal to the one observed at the mouth of Alligator Bayou, re-establishing the natural hydrologic connectivity between the Spanish Lake Basin and the Gulf of Mexico.

Site vegetation currently consists of severely degraded BLH and SWP (Figure 12), which will be vastly improved by the planned hydrology improvements. Additional vegetation work will include Chinese tallow control as needed, selective clearing, and interplanting of selected species (Figure 15). Ultimately, the combination of hydrology and vegetation restoration work will result in a combination of non-coastal BLH enhancement, non-coastal SWP enhancement and preservation, and coastal SWP enhancement and preservation (Figure 16).

5. REFERENCES

Deng, Z., Patil, A. A. (2011). *Assessment of water quality variation in Amite River watershed and changing climate and land use* (pp. 20-25, Rep.). Baton Rouge, Louisiana: LSU Department of Civil & Environmental Engineering.

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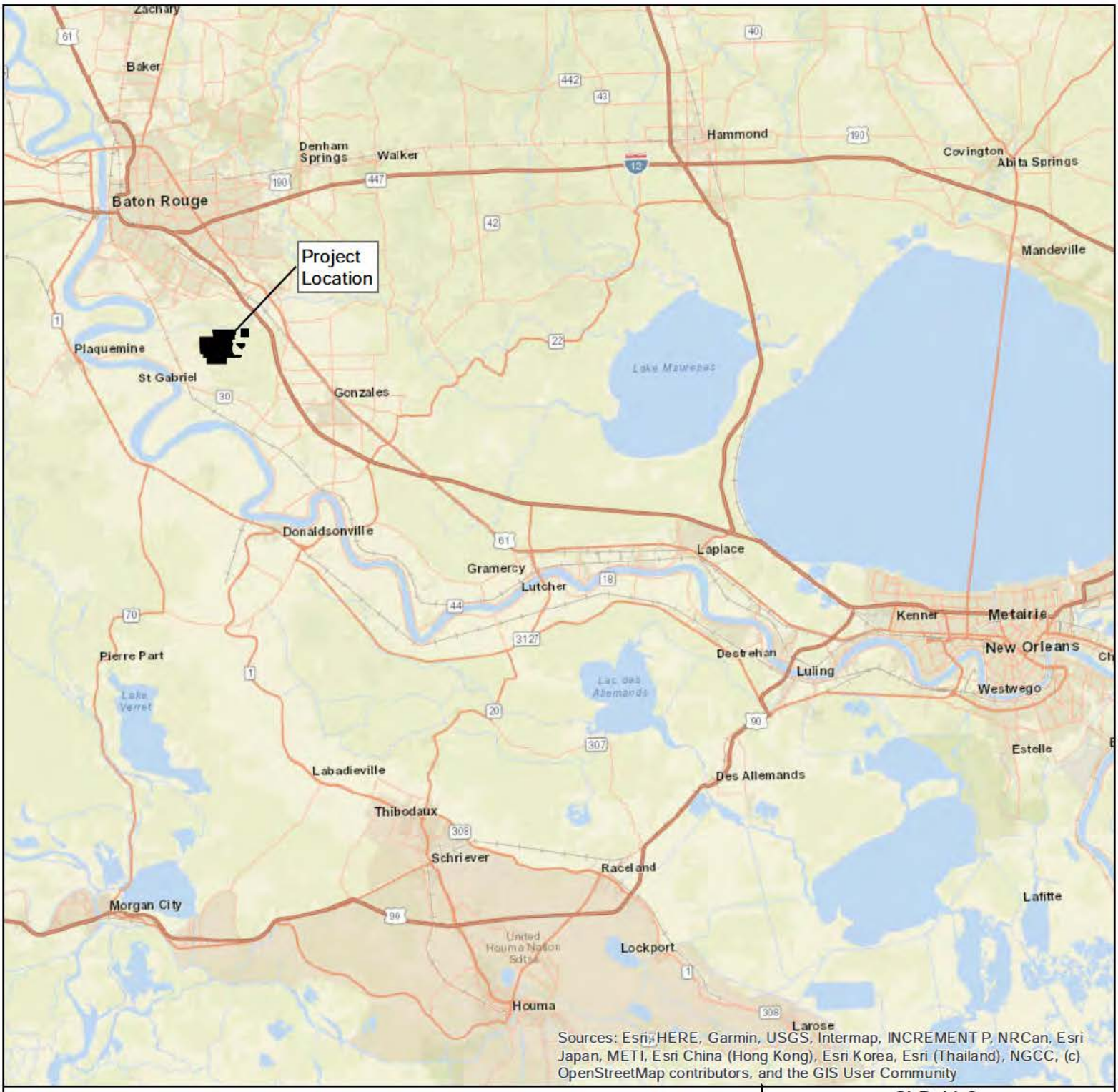
Figures



Legend

Project Boundary (3,404.7 acres)

10.0 5.0 0 10.0 Miles

NRP

N

SLR, LLC

Baton Rouge, LA

VICINITY MAP

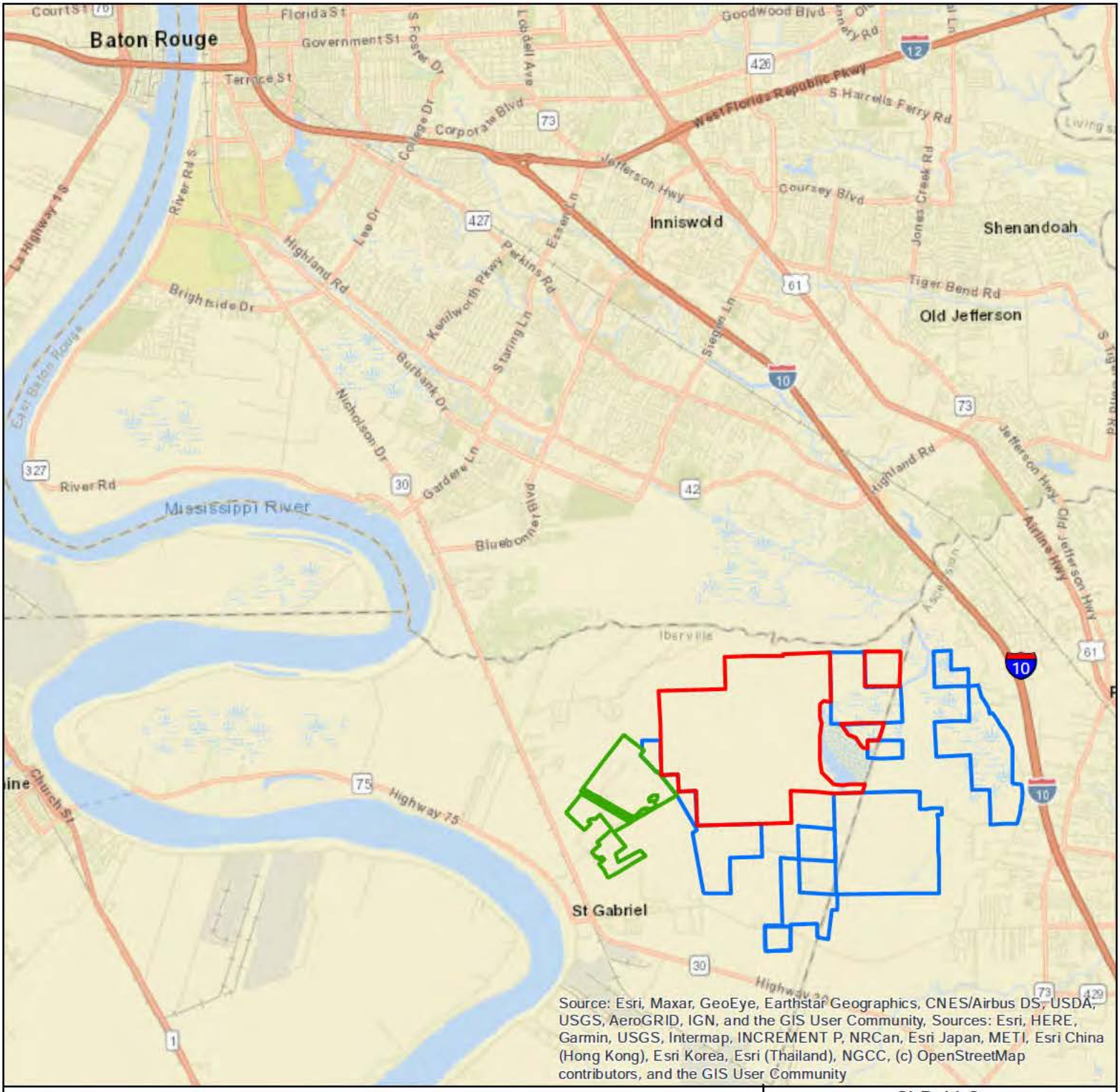
IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 1

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Legend

- Project Boundary (3,404.7 acres)
- Existing SLR Mitigation Bank
- Future Restoration Area

2.0 1.0 0 2.0 Miles

NRP

N

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

SLR, LLC

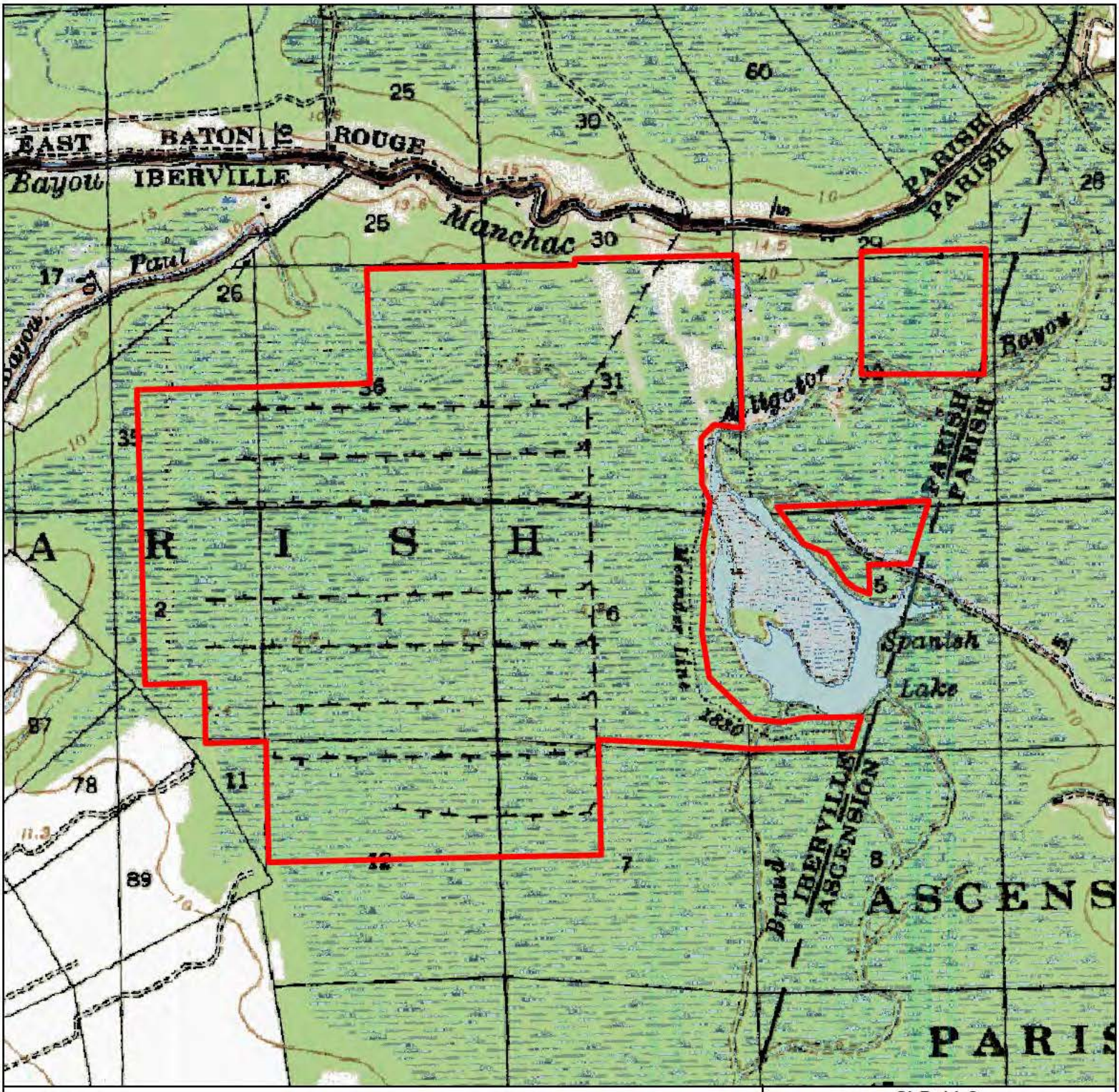
Baton Rouge, LA

SITE PLAN

IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 2



Legend

Project Boundary (3,404.7 acres)

3,000 1,500 0 3,000 Feet

NRP

N

Map Notes:
1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

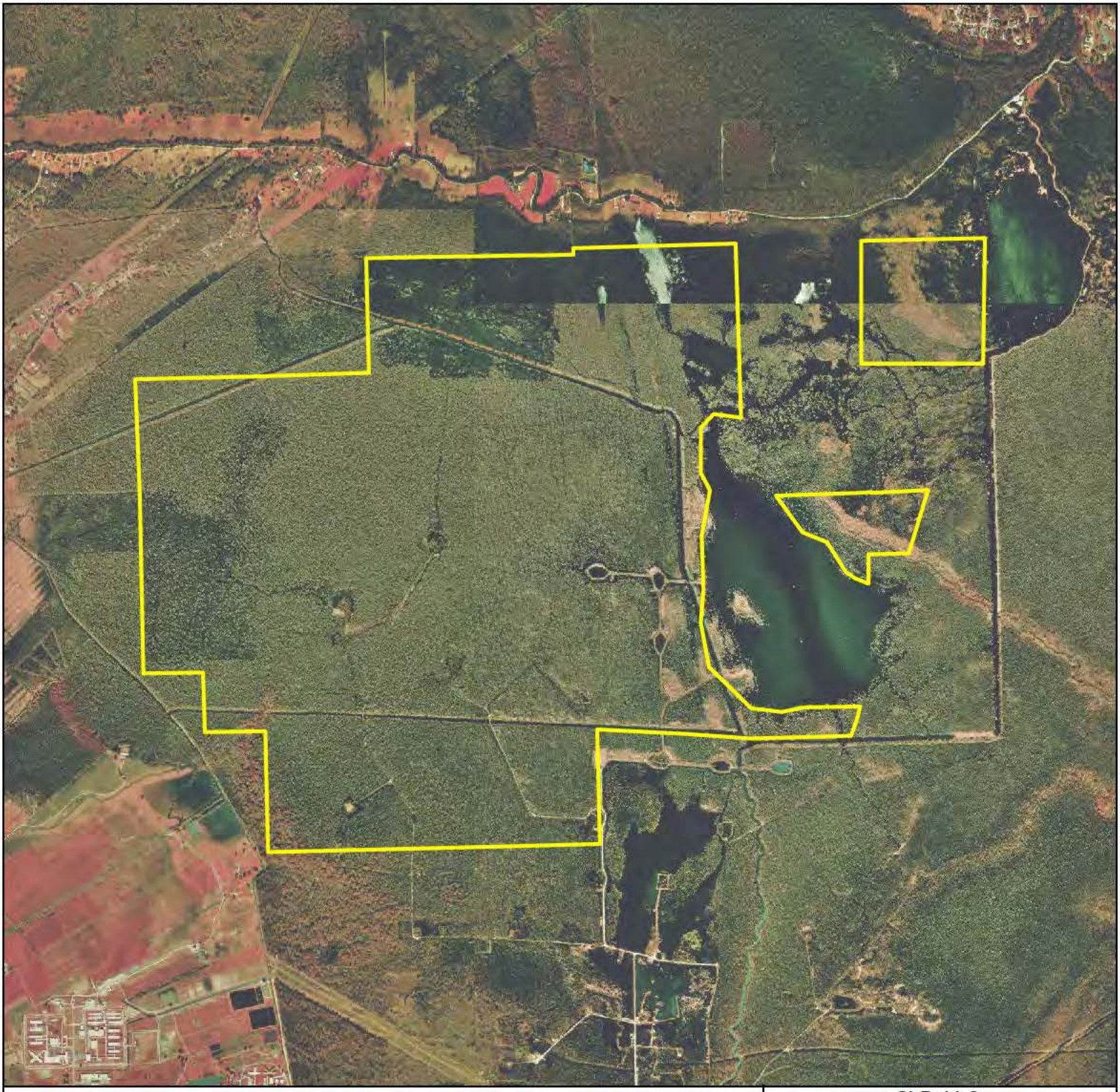
SLR, LLC

Baton Rouge, LA

HISTORIC LAND USE
1936 TOPO
IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 3



Legend

Project Boundary (3,404.7 acres)

3,000 1,500 0 3,000 Feet

NRP

N

SLR, LLC

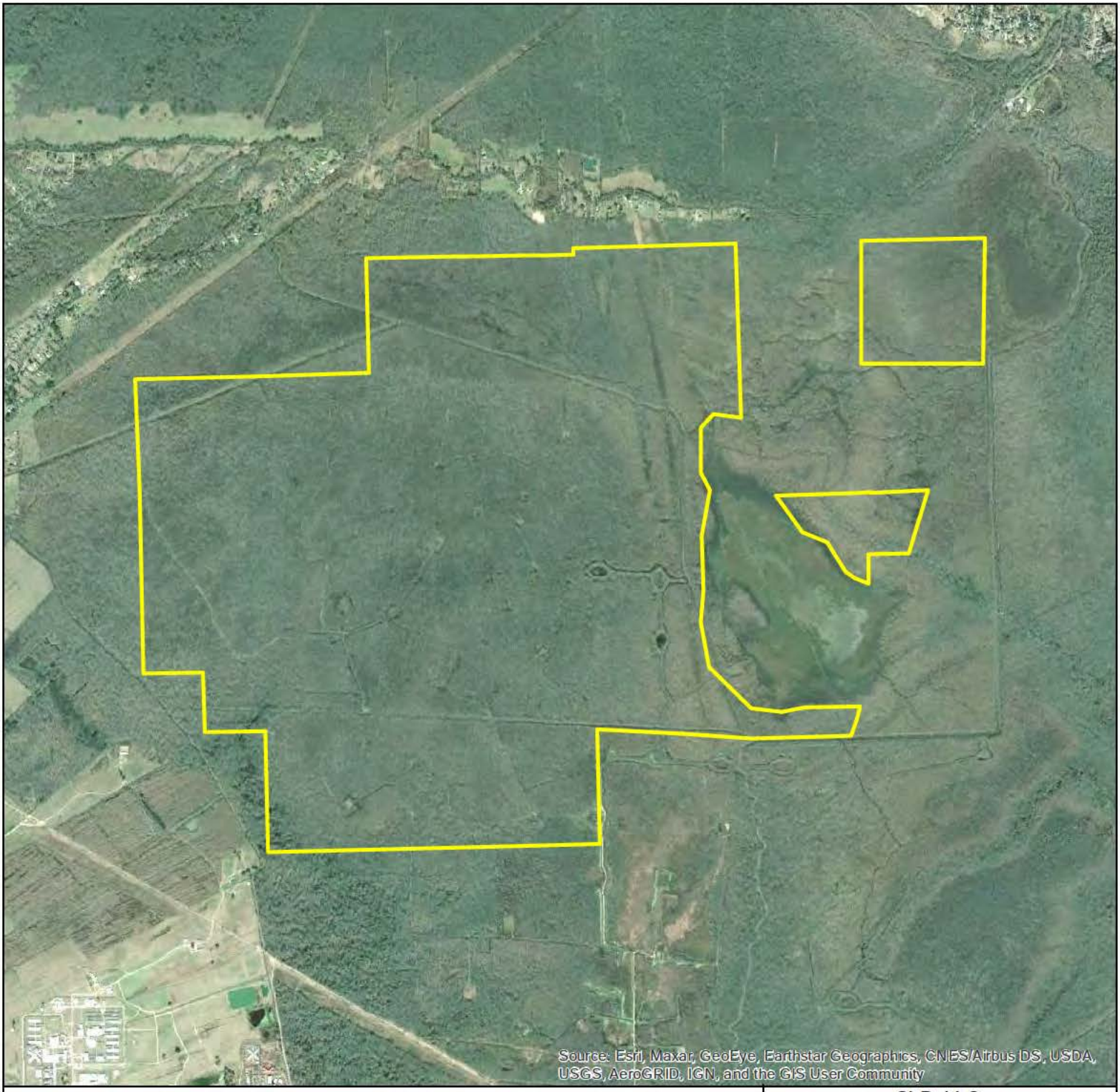
Baton Rouge, LA

HISTORIC LAND USE
1998 AERIAL
IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 4

Map Notes:
1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.



Legend

Project Boundary (3,404.7 acres)

3,000 1,500 0 3,000 Feet

N

NRP

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

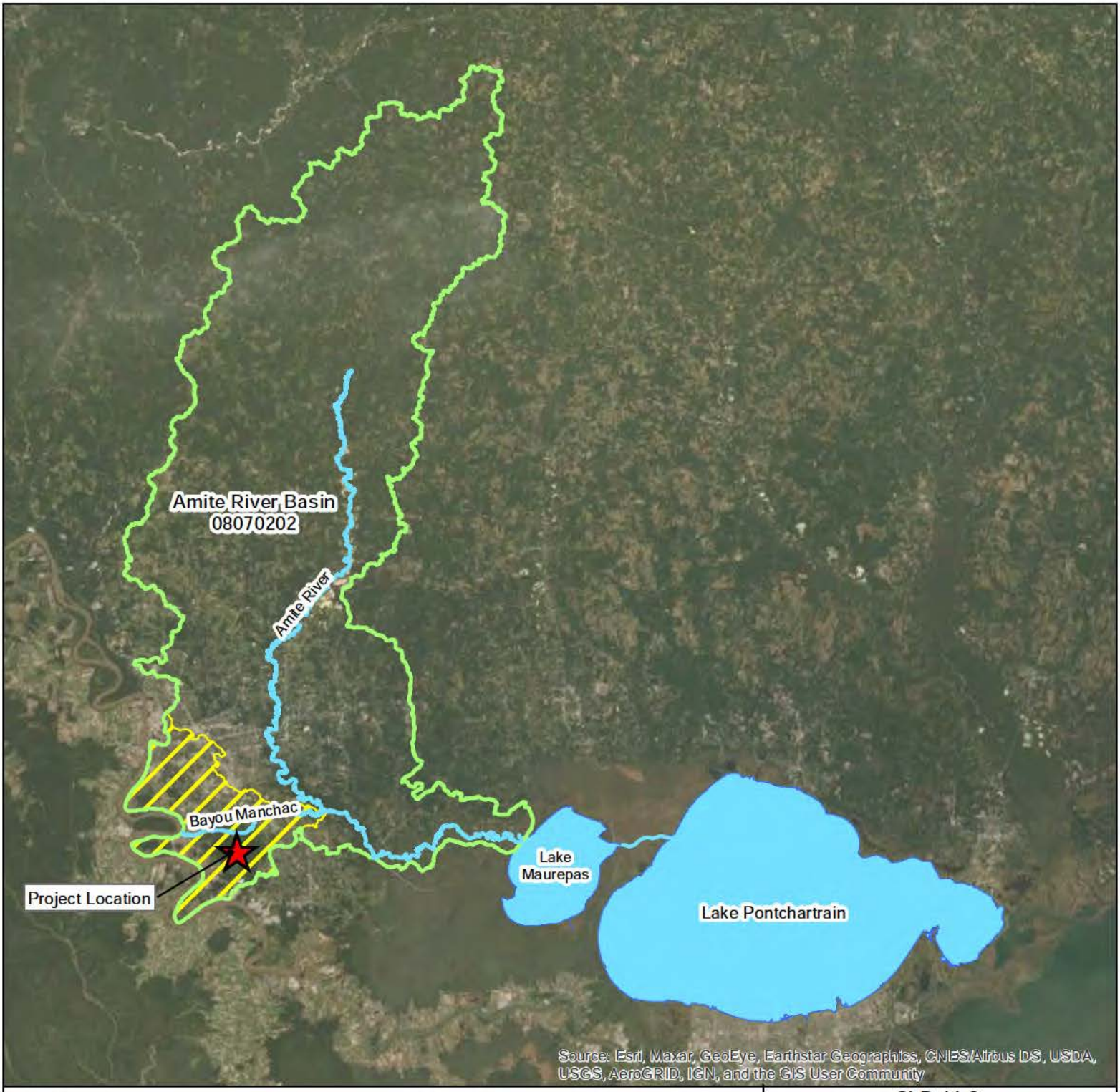
SLR, LLC

Baton Rouge, LA

HISTORIC LAND USE
2021 CURRENT AERIAL
IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 5



Legend

- Amite River Basin (HUC 8)
- Manchac Manchac Basin (HUC 10)
- Existing Waterways

14.0 7.0 0 14.0 Miles

NRP

N

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

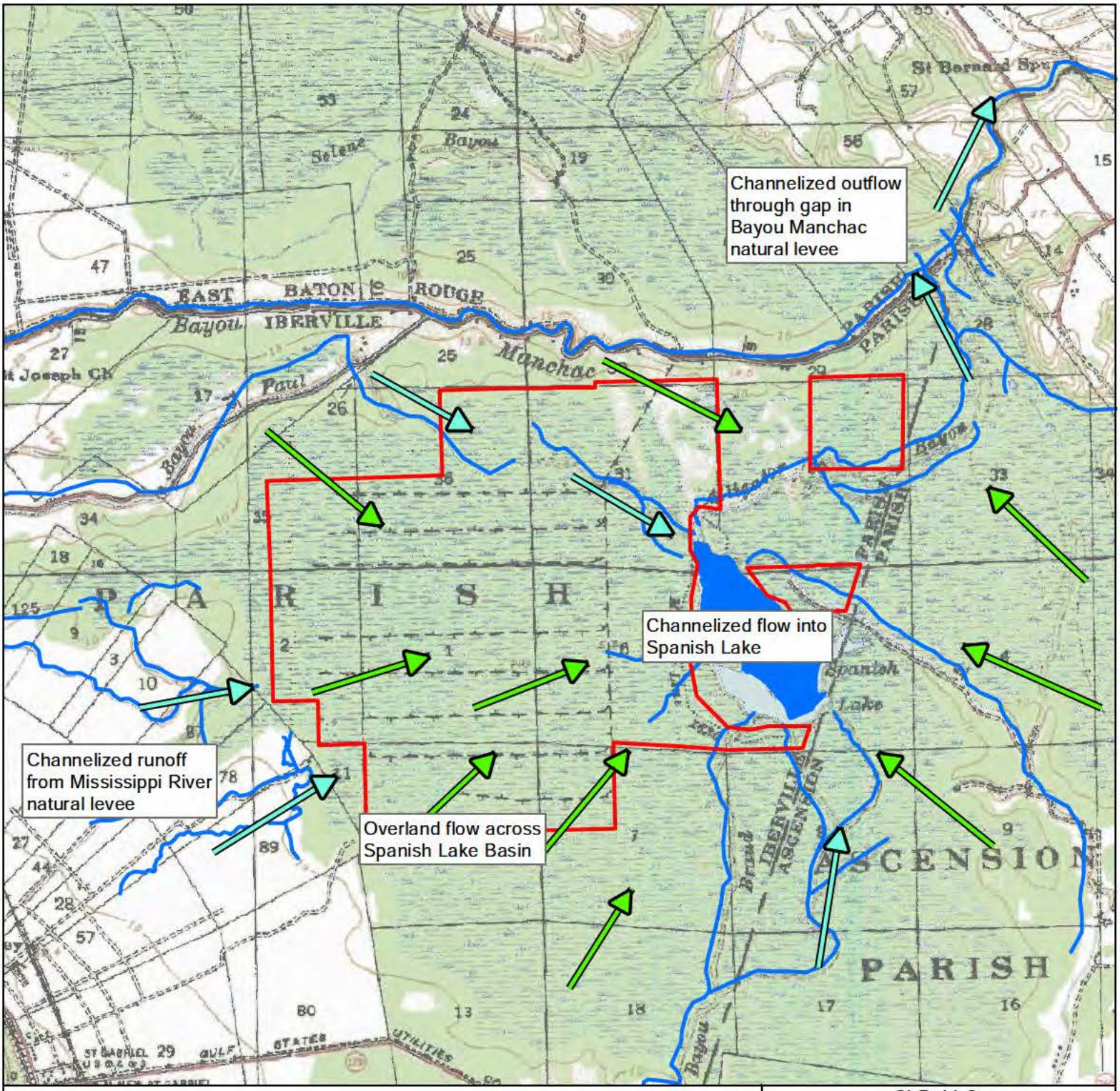
SLR, LLC

Baton Rouge, LA

BAYOU MANCHAC/AMITE RIVER WATERSHED MAP
IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 6



Legend

- Project Boundary (3,404.7 acres)
- Channelized Flow
- Overland Flow
- Historic Waterways

4,000 2,000 0 4,000 Feet

NRP

N

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

SLR, LLC

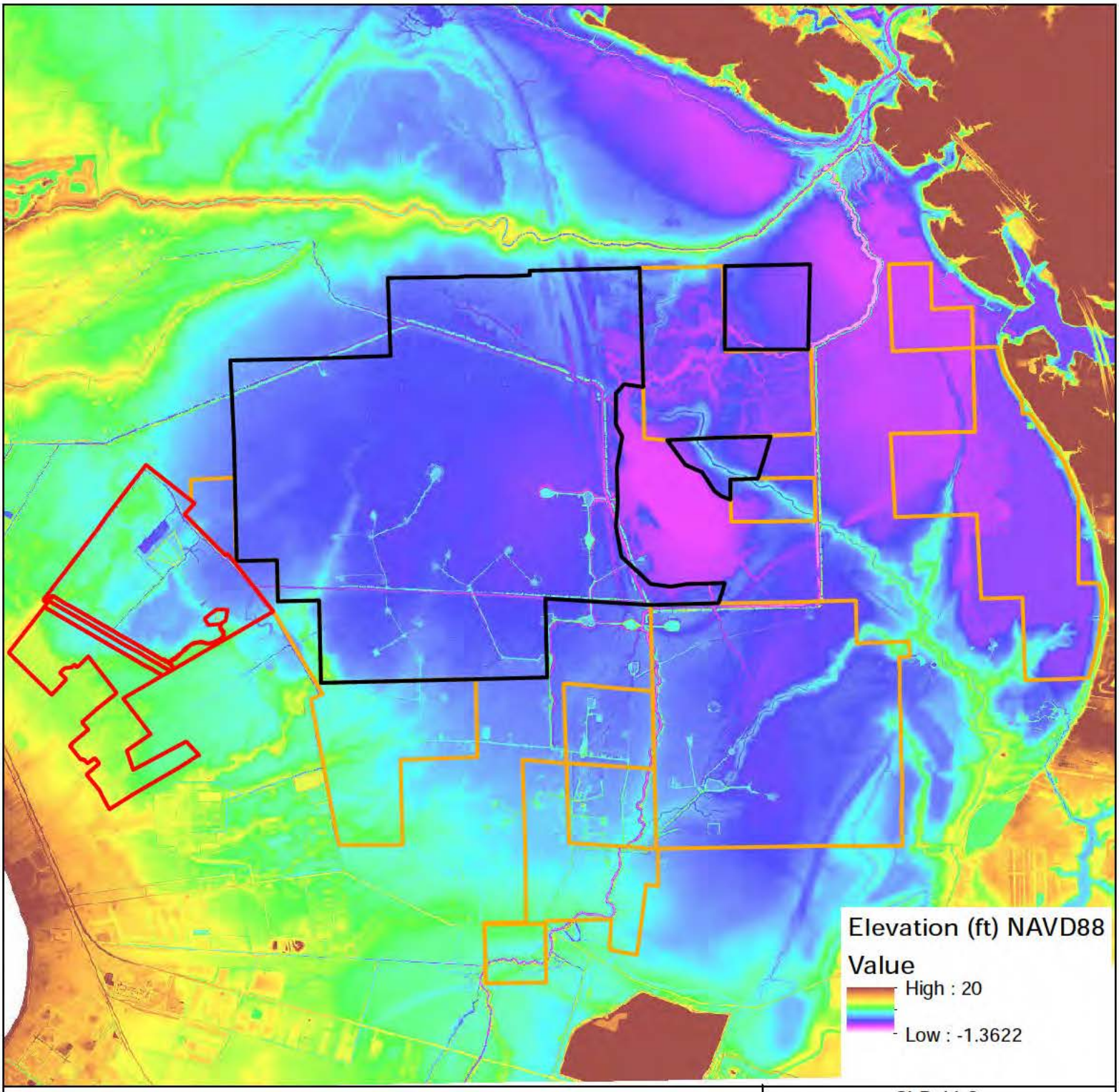
Baton Rouge, LA

HISTORIC HYDROLOGY

IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	CEO
Date :	09/14/2021
Map No. :	

FIGURE 7



Legend

- Project Boundary (3,404.7 acres)
- Existing SLR Mitigation Bank
- Future Restoration Area

4,400 2,200 0 4,400 Feet

NRP

N

SLR, LLC

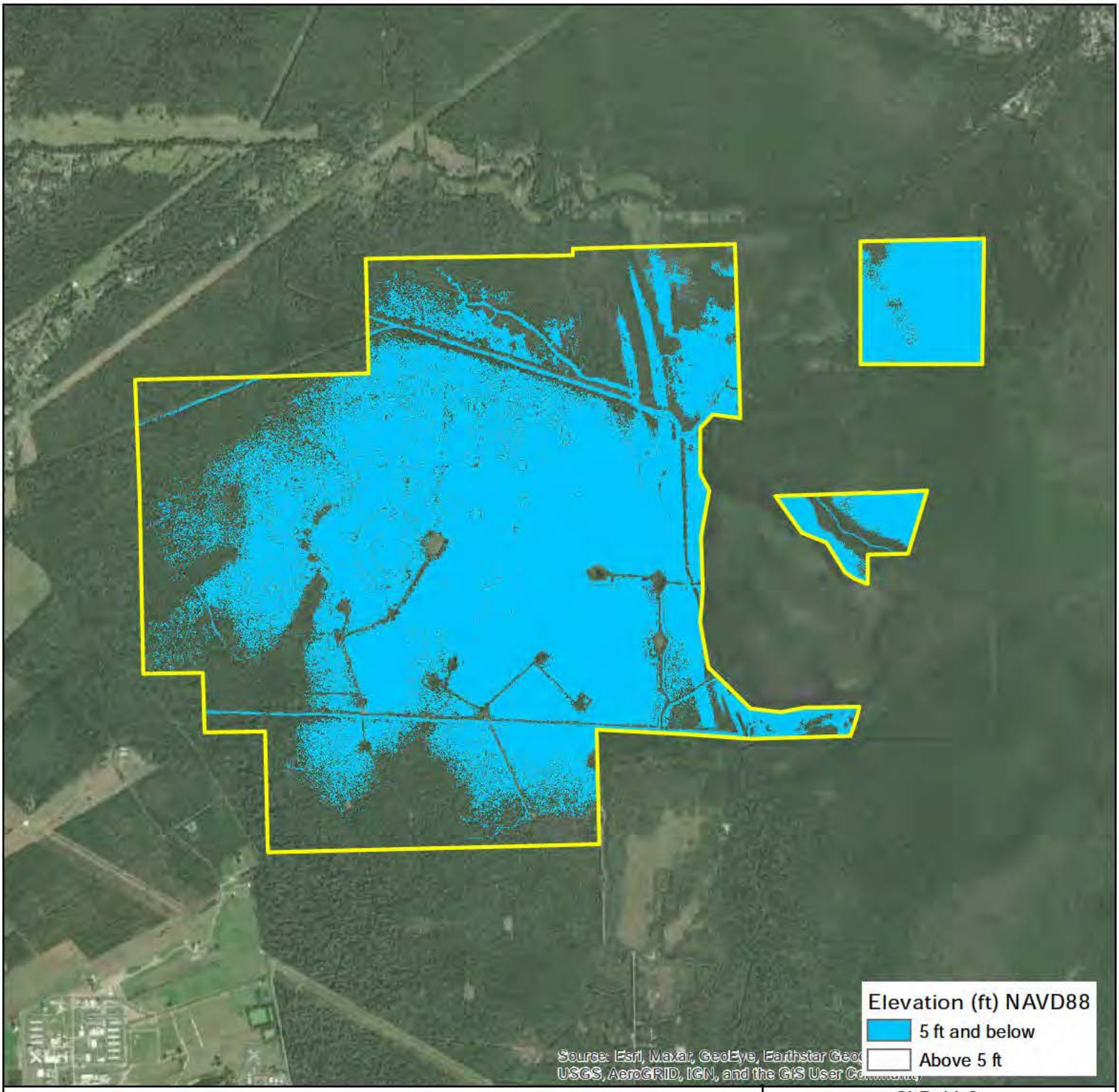
Baton Rouge, LA

SPANISH LAKE BASIN
LIDAR
IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 8

Map Notes:
1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.



Legend

Project Boundary (3,404.7 acres)

3,000 1,500 0 3,000 Feet

NRP

N

Map Notes:
1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

SLR, LLC

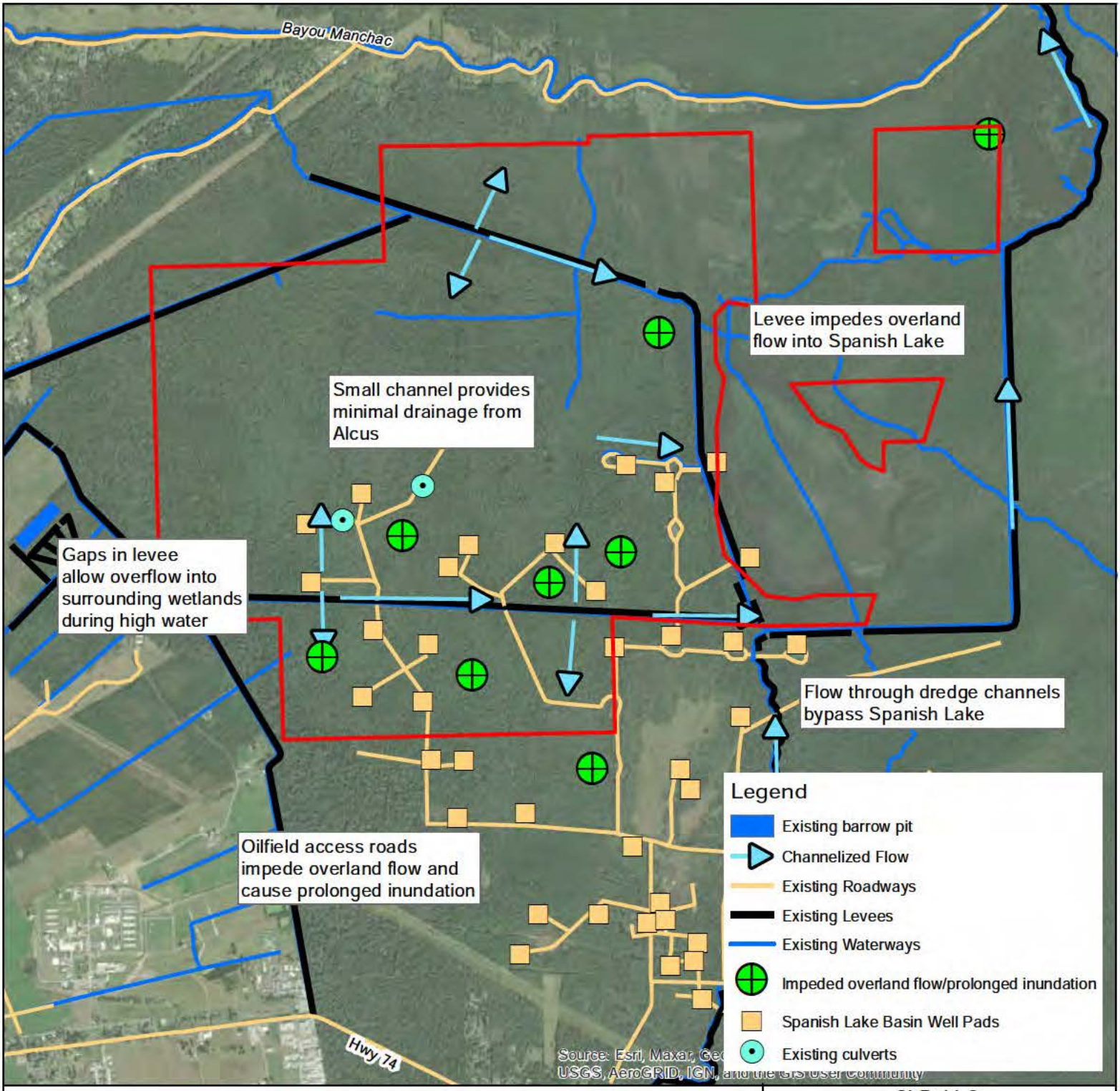
Baton Rouge, LA

FIVE FT CONTOUR MAP

IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 9



Legend

Project Boundary (3,404.7 acres)

3,000 1,500 0 3,000 Feet

NRP

N

SLR, LLC

Baton Rouge, LA

CURRENT HYDROLOGY

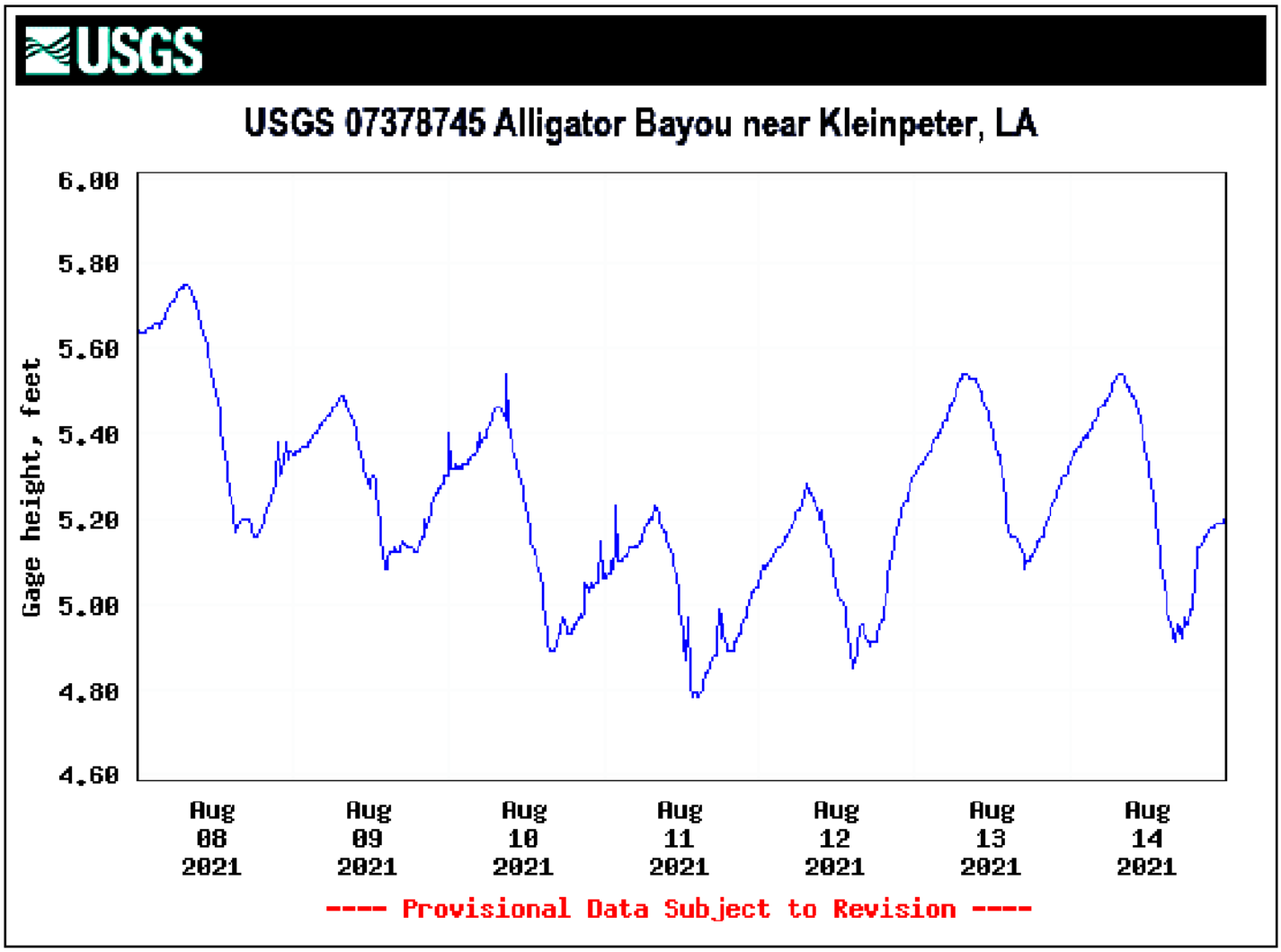
IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 10

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.



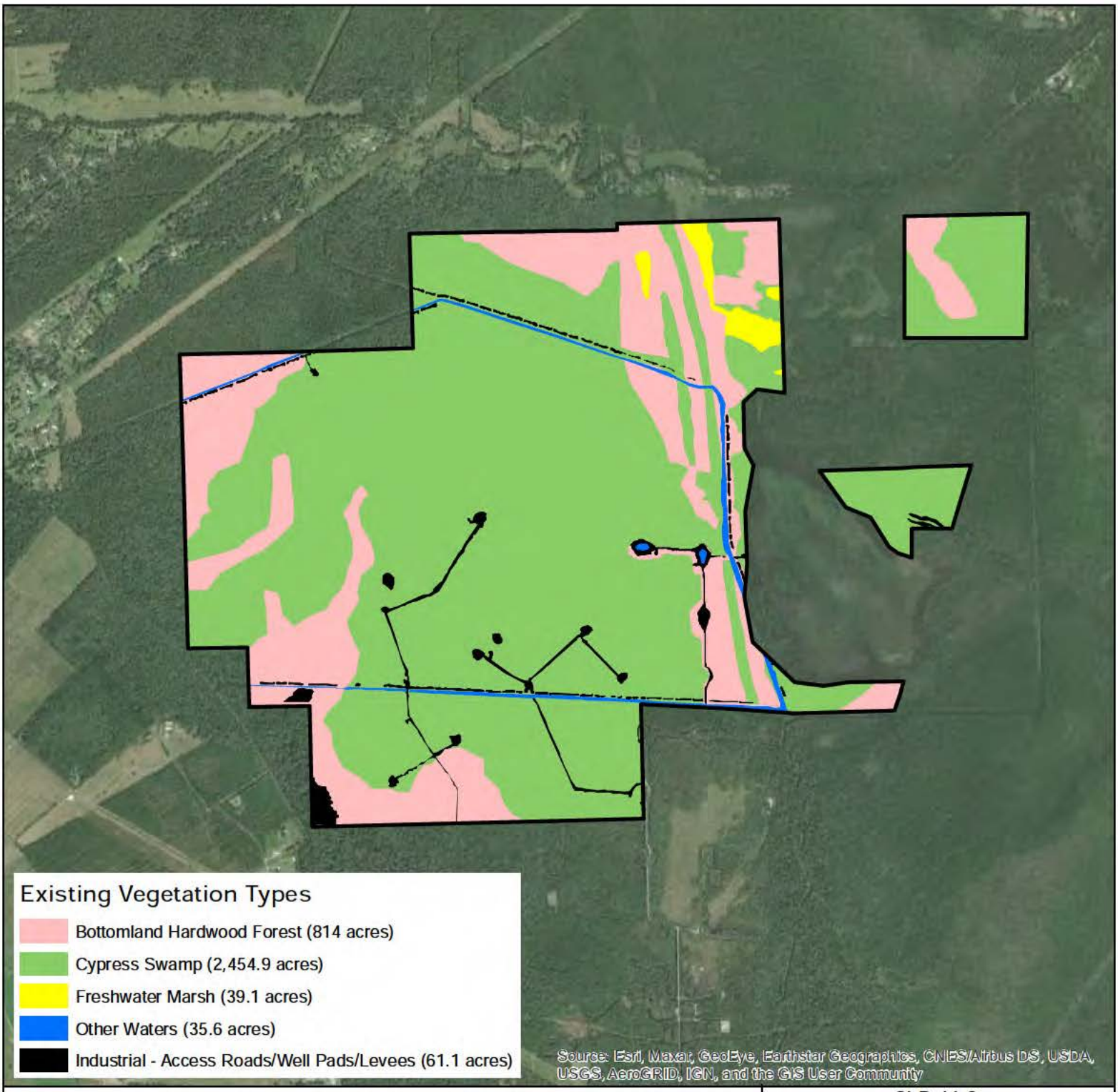
Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

NRP

N

SLR, LLC	
Baton Rouge, LA	
ALLIGATOR BAYOU HYDROGRAPH IBERVILLE PARISH, LA	
Created :	AGB/ArcView
Approved :	CEO
Date :	09/14/2021
Map No. :	
FIGURE 11	



Legend

Project Boundary (3,404.7 acres)

3,000 1,500 0 3,000 Feet

N

NRP

Map Notes:
1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

SLR, LLC

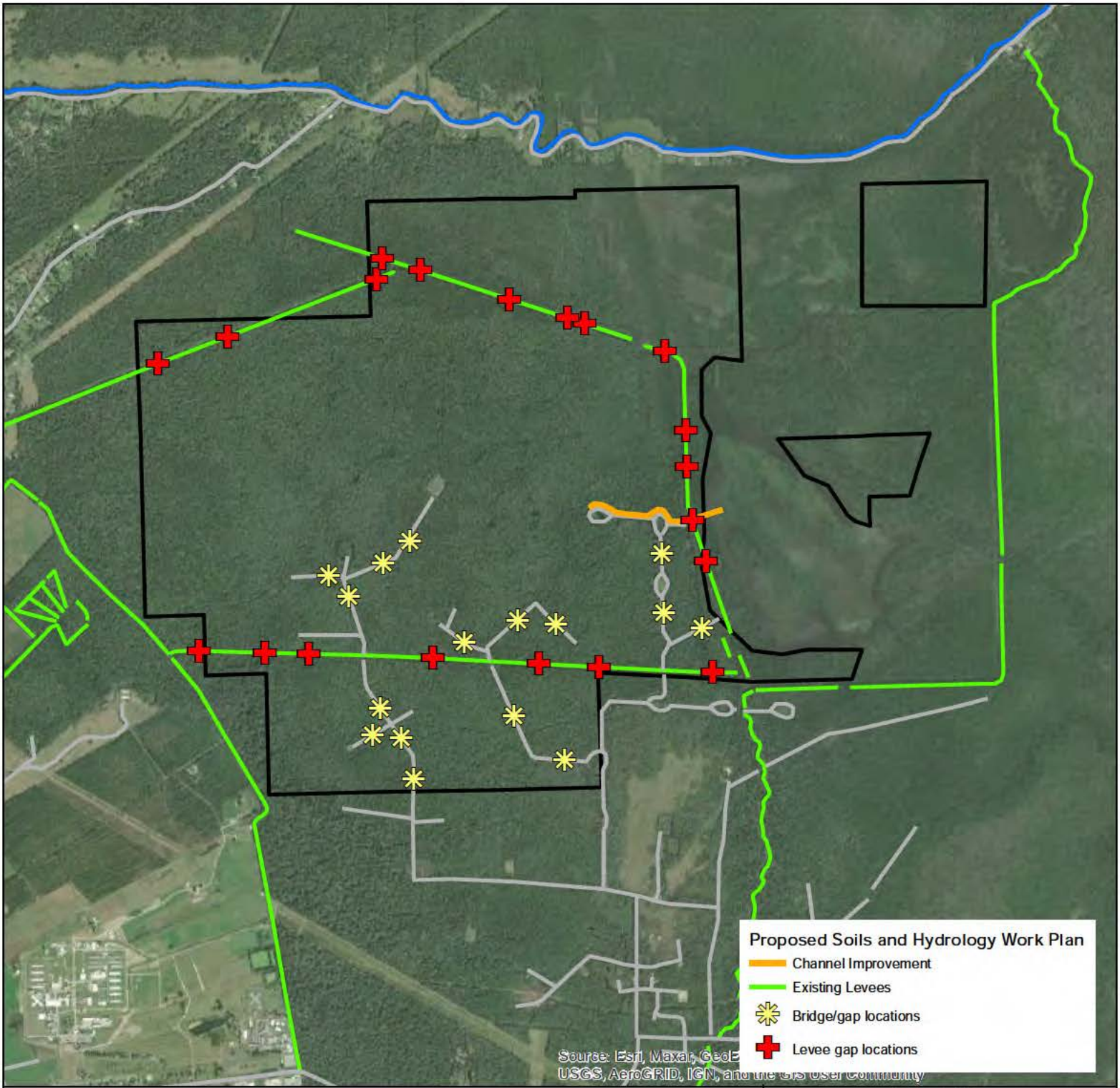
Baton Rouge, LA

EXISTING VEGETATION TYPES

IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 12



Legend

Project Boundary (3,404.7 acres)

Existing Roadways

3,000 1,500 0 3,000 Feet

NRP

N

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

SLR, LLC.

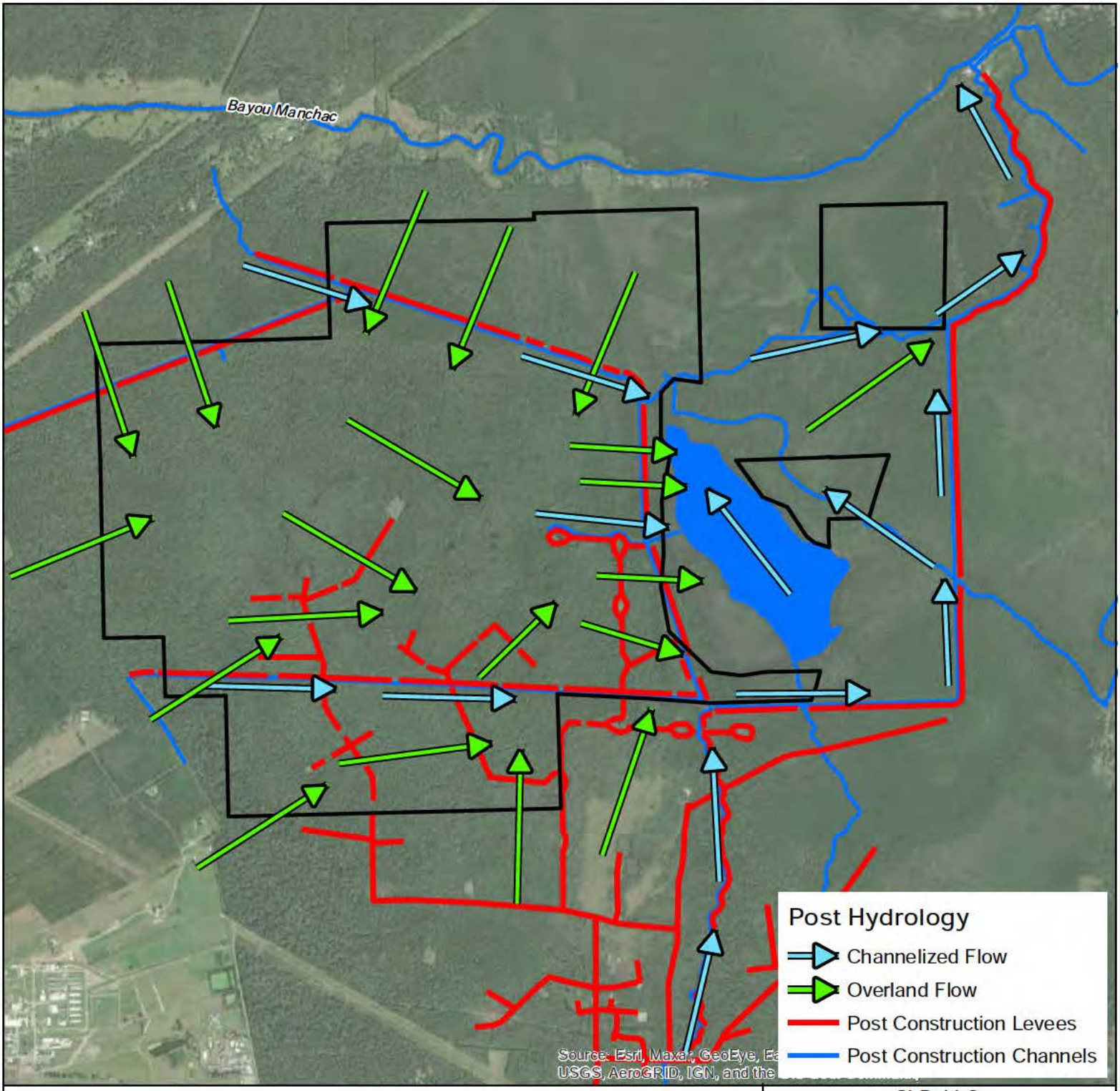
Baton Rouge, LA

SOILS AND HYDROLOGY WORK PLAN

IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 13



Legend

Project Boundary (3,404.7 acres)

Spanish Lake

3,000 1,500 0 3,000 Feet

N

NRP

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

SLR, LLC

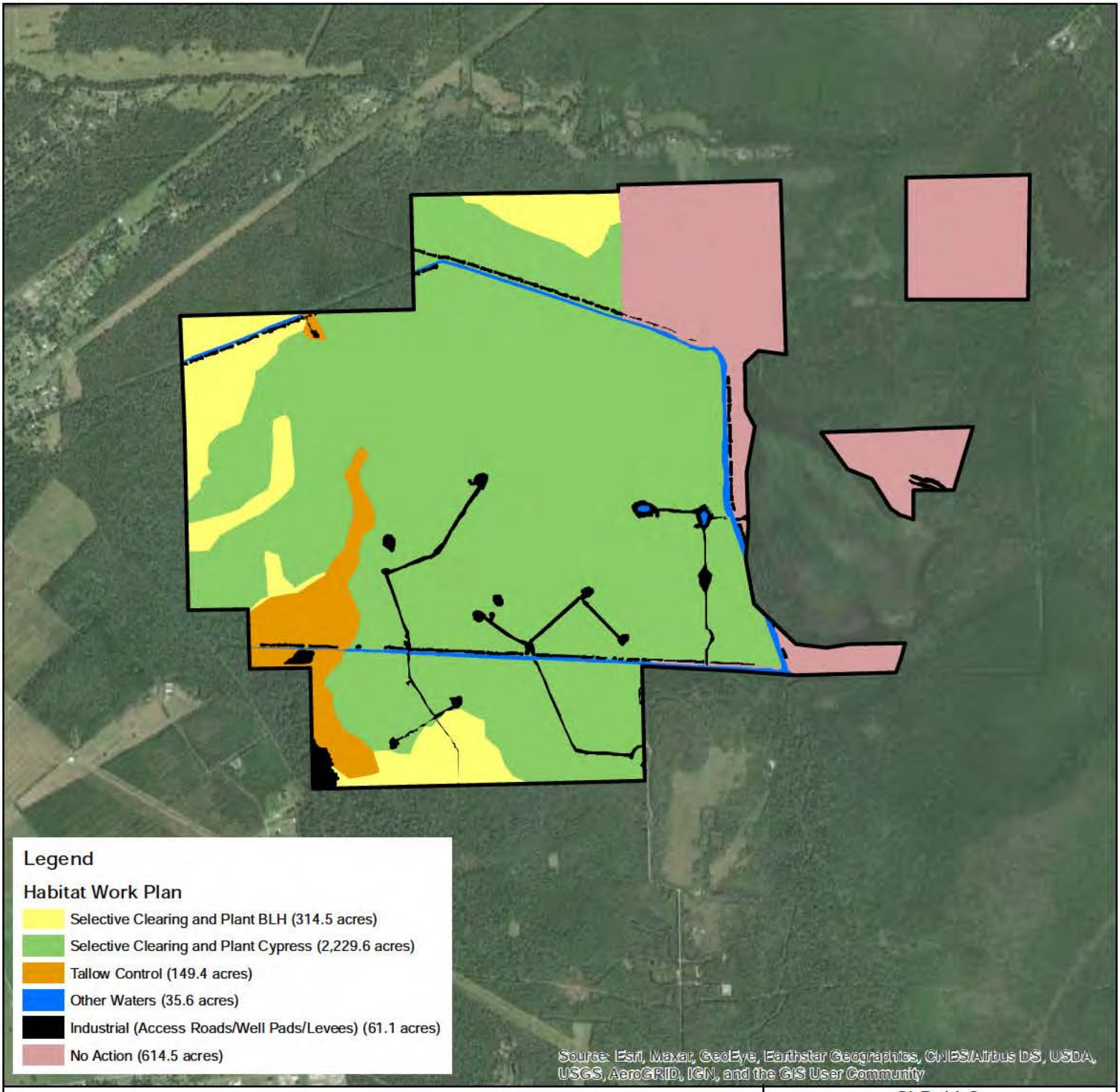
Baton Rouge, LA

POST CONSTRUCTION HYDROLOGY

IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 14



Legend

Project Boundary (3,404.7 acres)

3,000 1,500 0 3,000 Feet

NRP

N

Map Notes:

1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

SLR, LLC

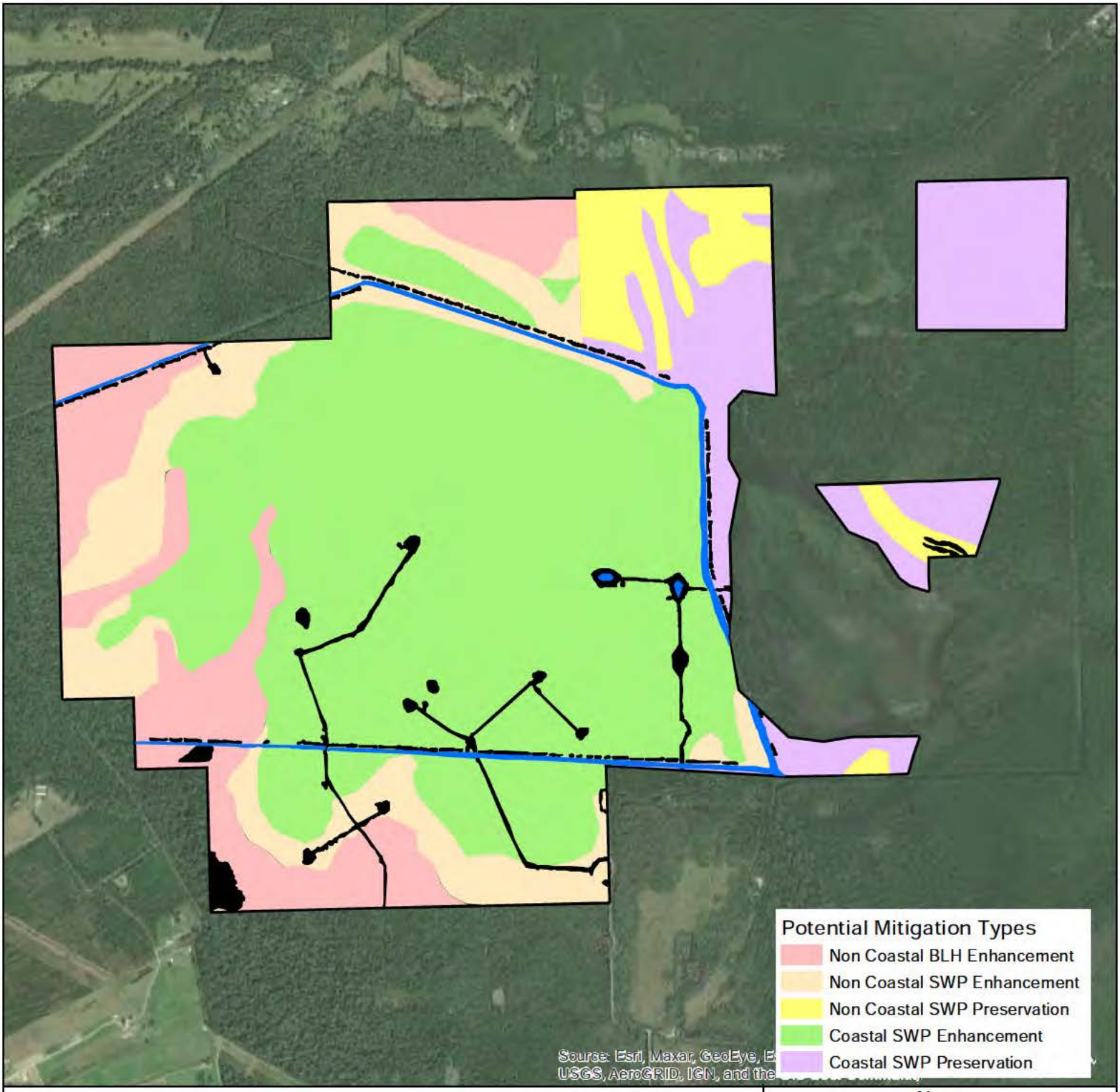
Baton Rouge, LA

HABITAT WORK PLAN

IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 15



Legend

- Project Boundary (3,404.7 acres)
- Other Waters
- Industrial (Access Roads/Well Pads/Levees)

2,500 1,250 0 2,500 Feet

NRP

N

Map Notes:
1. The boundary shown is based on the boundary survey provided by the client.
2. Map projected to NAD83 UTM Zone 15.

Alcus

St. Gabriel, LA

MITIGATION WORK PLAN

IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/08/2021
Map No. :	

FIGURE 16

Attachment D
2012 SLR Jurisdictional Determination

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

MAY 14 2012

REPLY TO
ATTENTION OF
Operations Division
Surveillance and Enforcement Section

Mr. Lee Patterson
Natural Resource Professionals, LLC
4664 Jamestown Avenue, Suite 420
Baton Rouge, Louisiana 70808

Dear Mr. Patterson:

Reference is made to your request, on behalf of Spanish Lake Restoration, LLC, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 8, Township 9 South, Range 2 East, Iberville Parish, Louisiana, and in Sections 8, 9, and 17, Township 9 South, Range 2 East, Ascension Parish, Louisiana (enclosed map). Specifically, this property is identified as a 1261.44 acre tract of land west of Ridge Road and south of Bayou Braud.

Based on review of recent maps, aerial photography, soils data, the information provided with your request, and site inspections conducted on December 1, 2011, and April 25, 2012, we have determined that part of the property is wetland and may be subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into wetlands that are waters of the United States. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into other waters subject to Corps' jurisdiction. Other waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

Please be advised that this property is in the Louisiana Coastal Zone. For additional information regarding coastal use permit requirements, contact Ms. Christine Charrier, Coastal Management Division, Louisiana Department of Natural Resources at (225) 342-7953.

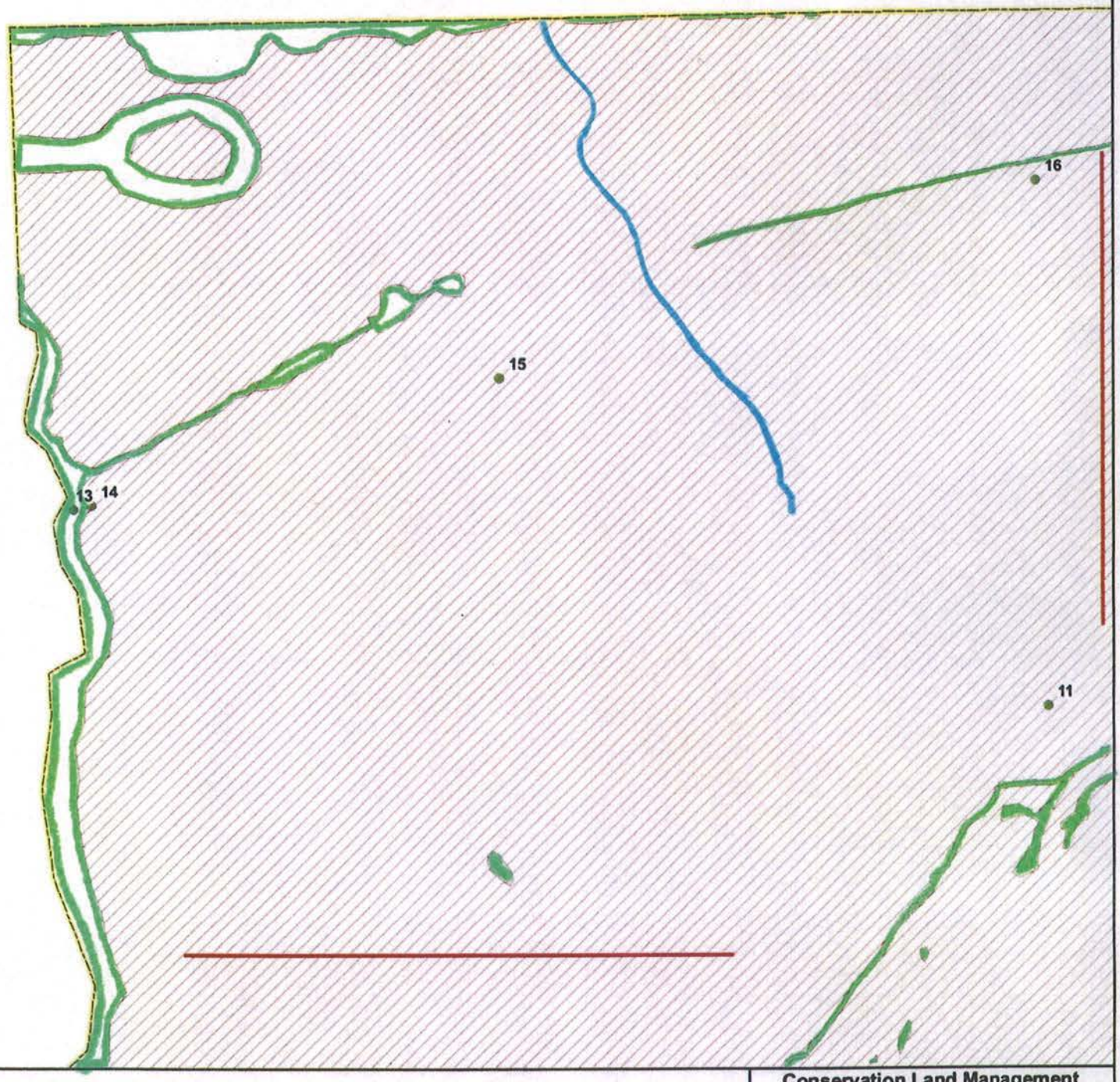
You and your client are advised that this preliminary jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Brad Guarisco at (504) 862-2274 and reference our Account No. MVN-2011-02754-SB. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-2577. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

for Pete J. Serio
Chief, Regulatory Branch

Enclosures



Legend

Project Area (1261.44 acres)

520 260 0 520 Feet

N

USACE

Map 1 of 4 F.S. V. 4/25/2012

BY: BRAD GUARISCO

FOR: PATTERSON

(# MVN-2011-02754-SB)

=NON-WETLAND

=WETLAND (404)

=WATERS OF THE U.S. (404)

NRP

U.S. ARMY CORPS OF ENGINEERS

PRELIMINARY

JURISDICTIONAL DETERMINATION

Conservation Land Management

St. Gabriel, LA

WETLAND MAP

ASCENSION PARISH, LOUISIANA

Created :	ELP/ArcView
Approved :	SPN
Date :	10/14/2011
No. :	WD11092301-03

FIGURE 3

Legend

Project Area (1261.44 acres)

520 260 0 520 Feet

USACE

Map 2 of 4 F.S. V. 4/25/2012

BY: BRAD GUARISCO

FOR: PATTERSON

(# MVN-2011-02754-SB)

=NON-WETLAND

=WETLAND (404)

NRP

N

U.S. ARMY CORPS OF ENGINEERS

PRELIMINARY

JURISDICTIONAL DETERMINATION

Conservation Land Management

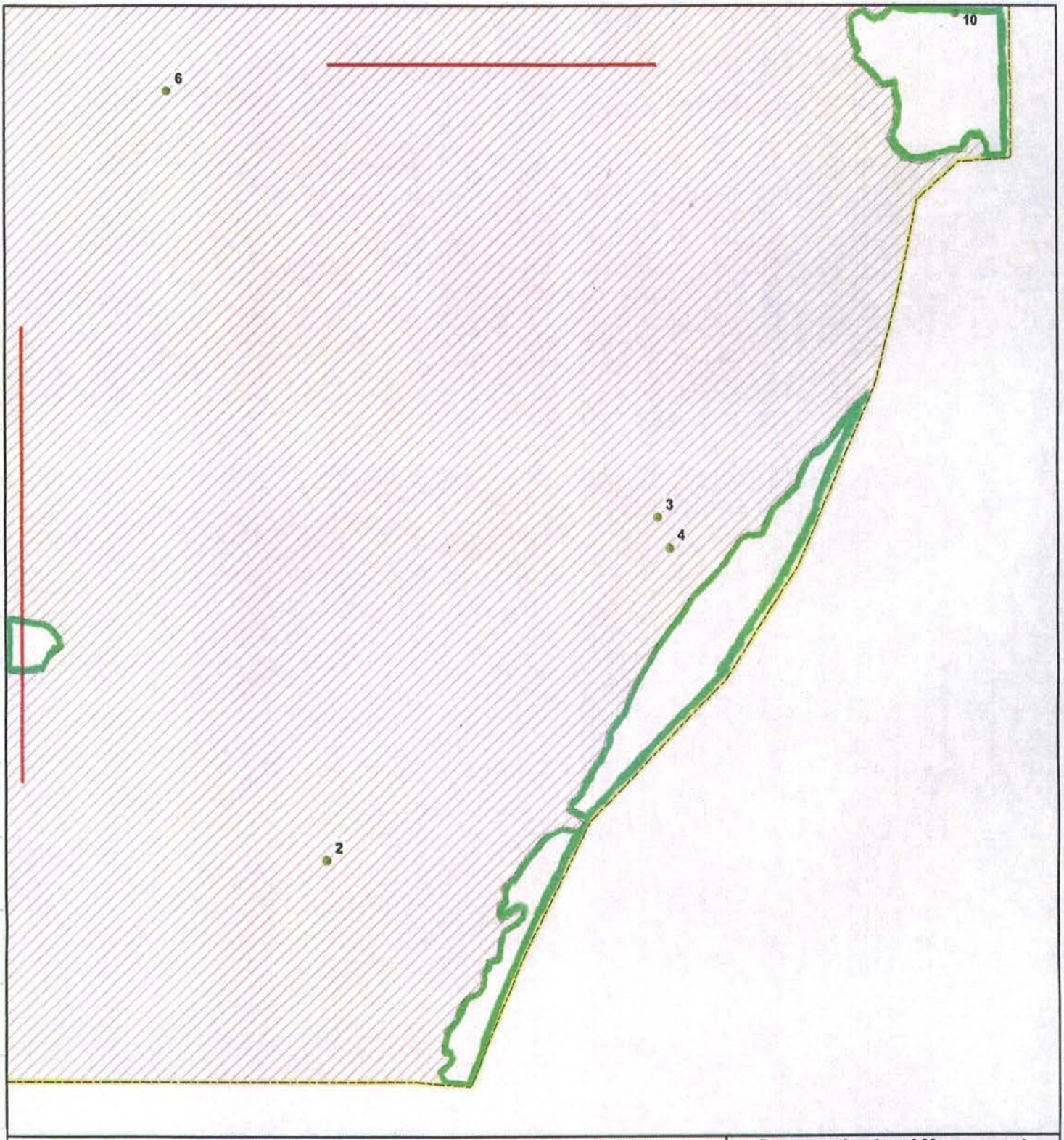
St. Gabriel, LA

WETLAND MAP

ASCENSION PARISH, LOUISIANA

Created :	ELP/ArcView
Approved :	SPN
:	10/14/2011
:	WD11092301-05

FIGURE 5



Legend

Project Area (1261.44 acres)

520 260 0 520 Feet

N

NRP

Conservation Land Management

St. Gabriel, LA

WETLAND MAP

ASCENSION PARISH, LOUISIANA

Created : ELP/ArcView
Approved : SPN
: 10/14/2011
: WD11092301-07

FIGURE 7

USACE

Map 3 of 4 F.S. V. 4/25/2012

BY: BRAD GUARISCO

FOR: PATTERSON

(# MVN-2011-02754-SB)

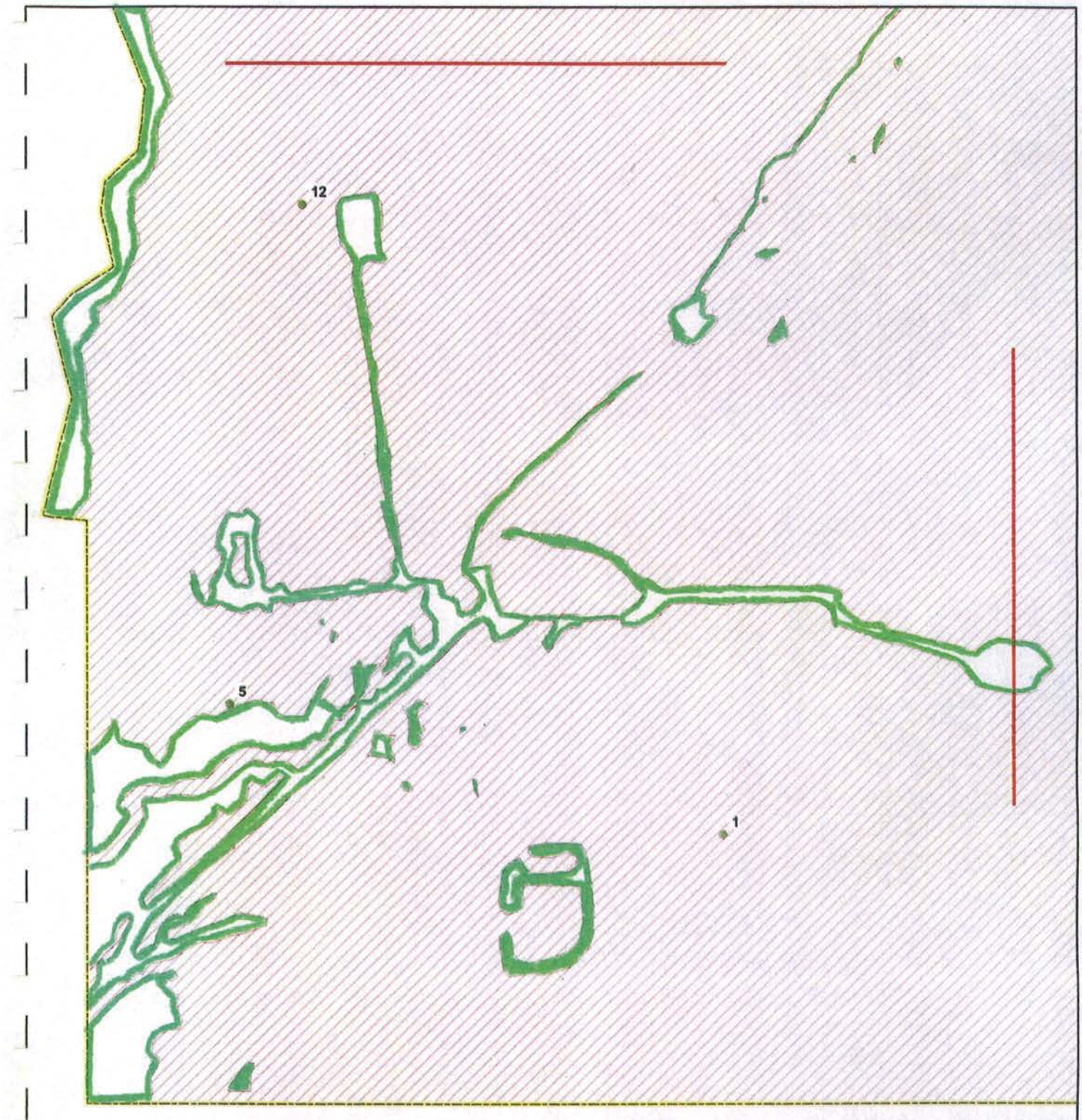
=NON-WETLAND

=WETLAND (404)

U.S. ARMY CORPS OF ENGINEERS

PRELIMINARY

JURISDICTIONAL DETERMINATION



Legend

Project Area (1261.44 acres)

520 260 0 520 Feet

N

USACE

Map 4 of 4 F.S. V. 4/25/2012

BY: BRAD GUARISCO

FOR: PATTERSON

(# MVN-2011-02754-SB)

=NON-WETLAND

=WETLAND (404)

NRP

U.S. ARMY CORPS OF ENGINEERS

PRELIMINARY

JURISDICTIONAL DETERMINATION

Conservation Land Management

St. Gabriel, LA

WETLAND MAP

ASCENSION PARISH, LOUISIANA

Created :	ELP/ArcView
Approved :	SPN
Date :	10/14/2011
No. :	WD11092301-09

FIGURE 9

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office: New Orleans District | File/ORM #: MVN-2011-02754-SB | PJD Date: May 7, 2012

State: LA | City/County: Iberville, Ascension

Nearest Waterbody: Unnamed tributary to Bayou Braud

Location: TRS, LatLong or UTM: Lat: 30.273071°; Long: -91.028589°

Name/ Address of Person Requesting PJD: Mr. Lee Patterson
Natural Resource Professionals, LLC
4664 Jamestown Avenue, Suite 420
Baton Rouge, LA 70808

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters: 2750 linear ft | ~20 width | acres | Stream Flow: Per. (seasonal)

Wetlands: 1159.66 acre(s) | Cowardin Class: Palustrine, forested

Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: | Non-Tidal:

☐ Office (Desk) Determination
☑ Field Determination: Date of Field Trip: Apr 25, 2012

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☑ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☑ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite quad name: 1:24,000 Saint Gabriel
- ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey of Iberville and Ascension Parishes, LA
- ☑ National wetlands inventory map(s). Cite name: PFO1C, PFO2/1F, PFO1A
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:
- ☑ Photographs: ☑ Aerial (Name & Date): ArcMap '98, '04, '05, '08, '10
  ☑ Other (Name & Date): Consultant photos
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Brad Bruce 5/7/2012
Signature and Date of Regulatory Project Manager (REQUIRED)

Requested by letter on October 17, 2011
Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Spanish Lake Restoration, LLC	File Number: MVN-2011-02754-SB	Date: MAY 14 2012

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

Attachment E
Hydrological Assessment of Tidal Influence and Connectivity at Spanish Lake Iberville Parish, Louisiana

Hydrological Assessment of Tidal Influence and Connectivity at Spanish Lake, Iberville Parish, Louisiana

Alex Ameen, Ph.D.

Executive Summary

The Spanish Lake Basin is drained through floodgates on each of its two outlets, Alligator Bayou and Frog Bayou. USGS stream gage data were examined for evidence of hydrologic connectivity, tidal influence, and floodgate operation between Lake Maurepas and the inland Spanish Lake Basin via Bayou Manchac and the Amite River. During Water Year 2010, a significant change in the operation of the floodgate on Alligator Bayou was enacted by the local government.

Using multi-day trends in mean water levels, daily ranges, and statistical comparisons of daily data among five USGS stations, each day between October 1, 2007 and August 22, 2019 was classified as either open-gate, where the basin is subject to downstream tidal influence or drainage, or closed-gate, where water levels in the basin are high and either rising or constant. Resulting from this analysis, the gates were classified as closed approximately 64% of the time before Water Year 2010 and 29% of the time after. Following the 2010 change in gate operation, conditions indicating hydrological connection between the Spanish Lake Basin and Lake Maurepas were detected 71% of the time.

Spectral analysis of water levels at the mouth of the Amite River, where tides are known to occur, indicates the presence of fluctuations with period lengths between 24 and 26 hours, consistent with the tidal regime of coastal Louisiana. Identical analysis at two stations inside the Spanish Lake basin also indicated 24-hour fluctuations. This analysis indicates that tidal influence reflective of the lower Amite River is present inside the Spanish Lake Basin.

Mean daily water levels at the two outlets of the Spanish Lake Basin (Alligator and Frog Bayous) recorded between 1955 and 2019 were categorized as low and high relative to historical observations. At both outlets, the relative frequencies of daily water levels changed significantly after Water Year 2010, with Alligator Bayou experiencing more low-water days and Frog Bayou experiencing more high-water days. This analysis indicates that the change in floodgate operation has changed the hydrology of both outlets and possibly caused them to more closely mirror each other.

It can be concluded from the cumulative results of these three analyses that the change in floodgate operation during 2010 has altered the hydrology of the Spanish Lake Basin by increasing its connectivity with Lake Maurepas and, as a result, allowed the basin to experience tides between approximately 50% to 70% of the time.

Abbreviations

AB Alligator Bayou; outlet of Spanish Lake Sub-basin

AR Amite River

BM Bayou Manchac

BMAB Bayou Manchac at Alligator Bayou; located outside flood control structures on Spanish Lake Basin

FB Frog Bayoul outlet of Bluff Swamp Sub-basin

SL/SLB Spanish Lake/Spanish Lake Basin

USGS United States Geological Survey

WY Water Year (begins October 1, ends September 30)

Section 1: Connectivity Analysis

Study Site

The Spanish Lake Basin (SL) is an approximately 14,000 acre cypress swamp and bottomland hardwood forest southeast of Baton Rouge, LA, located in Iberville and Ascension Parishes. The basin is approximately enclosed by Manchac Road to the north, LA-928 to the east, LA-74 to the south, and St. Gabriel to the west. The two major sub-basins, Spanish Lake and Bluff Swamp, are drained from the northeast via Alligator Bayou and Frog Bayou into Bayou Manchac, which subsequently joins the Amite River and ultimately into Lake Maurepas. Flow into and out of the Spanish Lake sub-basin is controlled by a floodgate on Alligator Bayou. A smaller floodgate on Frog Bayou, as well as the greater basin boundaries to the north and east and a levee on the east bank of Alligator Bayou to the west, further impound the Bluff Swamp sub-basin area. When the Alligator Bayou floodgate is closed, as was almost always the case prior to 2010, the majority of the Spanish Lake Basin is impounded and water levels at Alligator Bayou persist at approximately 5 ft above gage height just inside the floodgate. Following a 2010 resolution by the Iberville Parish Council, the Alligator Bayou gate has been kept open except in cases of backwater flooding events on Bayou Manchac or the Amite River. The lower Amite River experiences tides via Lakes Pontchartrain and Maurepas. Hydrological connection between the Amite River and the Spanish Lake Basin implies the potential for tidal influence within the basin, and periodic fluctuations with amplitudes between 0.2 and 0.4 ft can in fact be observed in continuously monitored streamflow data (See Figure 1.1).

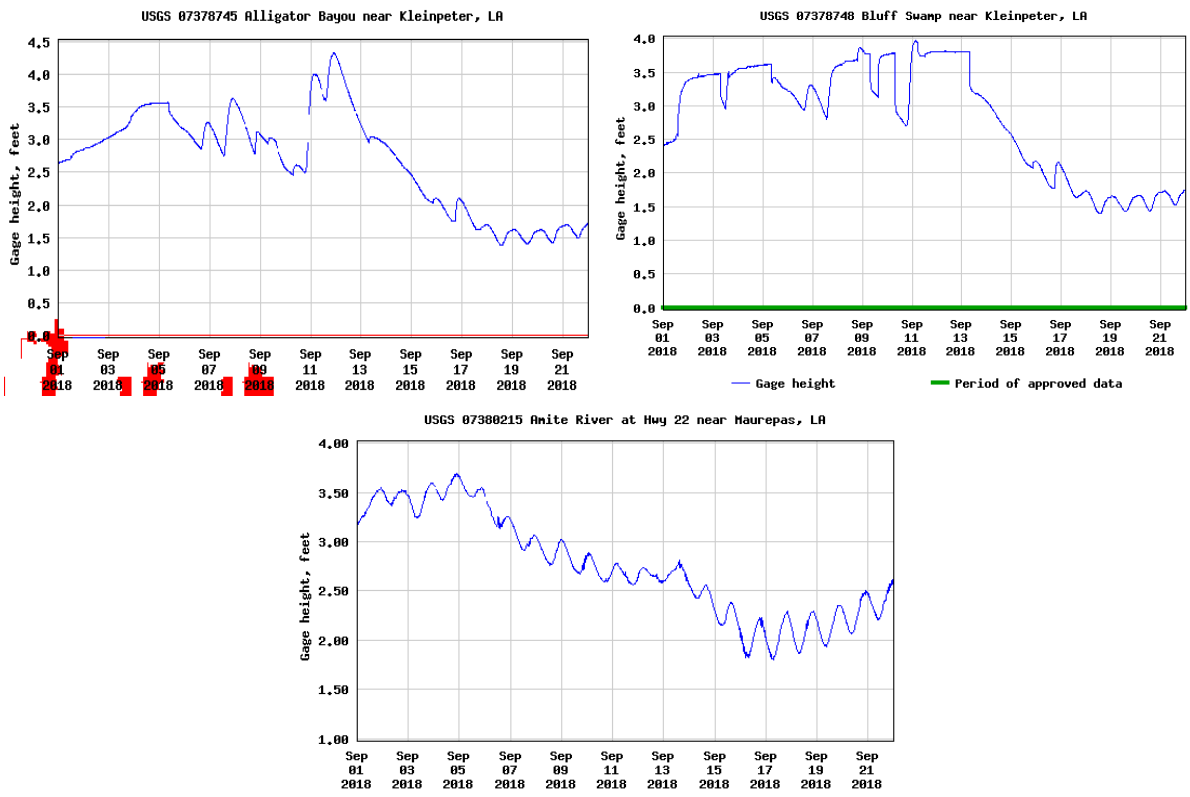


Figure 1.1: USGS hydrographs for Alligator Bayou (top left), Frog Bayou (top right), and the Amite River (bottom) between September 1-21, 2018. Alligator Bayou exhibits tidal fluctuations consistent with the Amite River after September 15, but the signal is obscured between September 1-5.

The purpose of this investigation is to use historical water level data from inside the Spanish Lake Basin and downstream to estimate the extent to which SL is hydrologically connected to the Amite River and Lake Maurepas and therefore subject to tidal influence, and estimate the average duration and frequency of floodgate closures.

Data Collection

USGS streamflow data is available online at https://waterdata.usgs.gov/nwis. Stream gage height data were downloaded from five monitoring stations between Spanish Lake and Lake Maurepas (Figure 1.2). Alligator Bayou (AB, 07378745) and Bluff Swamp (FB, 07378745) are located between Spanish Lake and the flood control structures and represent conditions inside the basin. Bayou Manchac at Alligator Bayou (BMAB, 07378746) is located between the flood control structure and the confluence of Bayou Manchac and the Amite River, and represents conditions just outside the basin. Bayou Manchac near Little Prairie (BM, 07380101) represents conditions near the confluence of Bayou Manchac and the Amite River, while Amite River at Highway 22 (AR, 07380215) represents conditions near the mouth of the Amite River

on Lake Maurepas. All available continuous data from these sites were downloaded, beginning October 1, 2007 and ending August 22, 2019. All data from this time period were measured with vented or radar-based gages, and the readings are therefore not influenced by air pressure or other confounding factors. Daily water level readings from these sites are available beginning in 1997, but inferences regarding hydrological connectivity and tidal signals require higher (e.g. hourly) temporal resolution.

Figure 1.2: Locations of USGS stations and Spanish Lake between Baton Rouge, LA and Lake Maurepas. Stations near the Spanish Lake Basin are inset in the top right. The white lines indicate the two floodgates.

Data Analysis

If inland waters are influenced by tides, their water levels should fluctuate in a periodic, approximately sinusoidal pattern similar to the fluctuations measured at a station known to experience the same tidal influence. Generally, hydrologically connected stations should experience the same changes in water levels resulting from precipitation, wind, or tide, while disconnected stations may exhibit dissimilar hydrographs. However, patterns at the two stations may be time-lagged if the propagation of the water is delayed by local geomorphology or simply distance. Simple correlation analysis can fail to detect time-lagged similarities, but the more robust cross-correlation analysis compares timeseries at multiple time shifts and produces test statistics across a predetermined range of lag times.

	AB	FB	BMAB	BM	AR
AB		YES	YES	YES	YES
FB			NO	YES	YES
BMAB				NO	YES
BM					NO
AR					

Table 1.1: Pairs of stations selected for cross-correlational analysis of daily hydrograph data.

Raw datasets from each site were averaged by hour using SAS proc timeseries, and cross-correlations were performed on daily time series from pairs of stations (see Table 1.1) with a lag range of ±12 hours. The normalized cross-correlation function describes the degree of correlation between the two daily timeseries at each time shift within the lag range, corrected for the standard error (defined as the inverse square root of the number of observations in a given day). High positive values indicate high similarity between the shapes of the two daily hydrographs; 2 or greater is analogous to the 95% confidence interval, while 3 or greater is analogous to 99% confidence. Inverse correlations, indicated by a negative number, were ignored, since the periodic tidal signal sought in this study should have both a positive and negative peak in the surrounding 24 hours (see Figure 1.3). Therefore, only the daily maximum normalized cross-correlations were evaluated for each comparison between stations. This number describes the strength of the strongest positive cross-correlation between daily hydrographs. Raw data were also grouped by date to produce daily means and ranges of water levels, and the daily changes in mean water level were calculated for AB, BM, and FB.

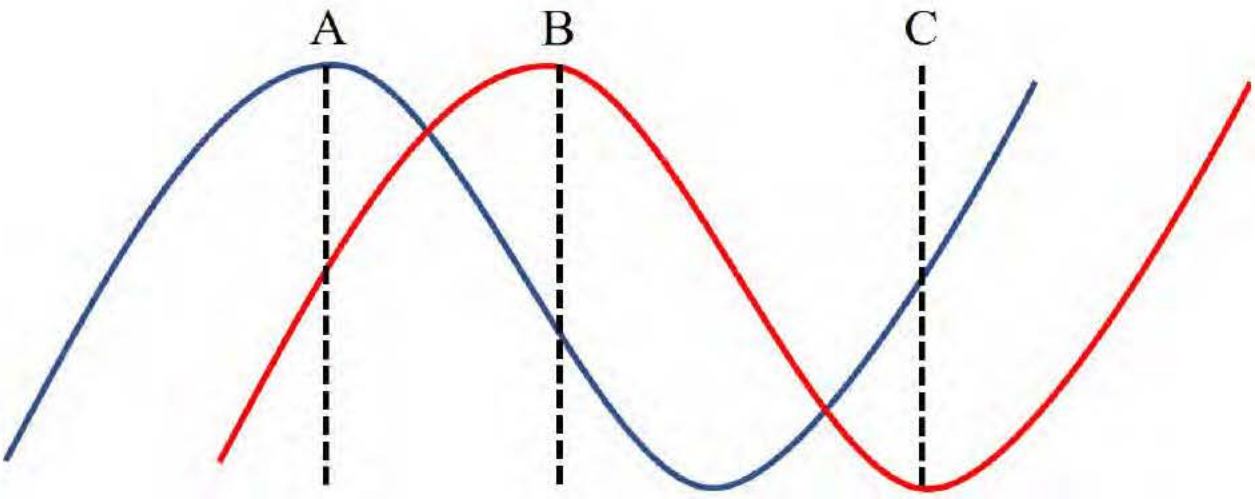


Figure 1.3: Schematic diagram of two hydrographic curves. The cross-correlation between the two curves is close to zero at lag A, strongly positive at lag B, and strongly negative at lag C.

The criteria for determining hydrologic connectivity between the SL basin and Lake Maurepas are listed in Table 1.2. The initial step was to filter for days characterized by flooding that would necessitate closing the floodgate. Based on the Iberville Parish operational agreement for the Alligator Bayou floodgate, as well as visual inspection of sample hydrographs, the floodgates were assumed to be closed when water levels were both high and rising, or when AB (inside the structure) was notably higher than BMAB (just outside the structure).

In the second step, three conditions consistent with strong connectivity (gates open) and three consistent with disconnection (gates closed) were evaluated for all remaining days. When SL is hydrologically influenced by Lake Maurepas, conditions at AB, BMAB, and FB should all resemble the downstream conditions at AR. Similarly, the relationship between the geomorphically constrained FB station and the moderately downstream BM station should be strong when they are connected, and so days with maximum cross-correlations greater than 3 for FB vs BM were considered to satisfy the second open-gate criterion (OC2). Finally, due to the geomorphic impoundment of the SL basin, high water must drain from the basin through the flood control structure.

Criterion Name	Definition	Rationale
CF (Closed)	AB > 5ft, BM > 4 ft, FB > 3 ft, AR > 4 ft AND Increase in mean water level > previous day's water level range at AB or FB OR AB over twice as high as BMAB	High, rising water indicates backwater flooding, prevention of which is the primary purpose of the floodgates Disparity in water levels between AB and BMAB indicates impoundment
OC1 (Open)	At least two of the following maximum cross-correlations greater than 3 (99% confidence): AB vs AR, BMAB vs AR, FB vs AR	Similar hydrographs in the basin and downstream indicate connectivity
OC2 (Open)	FB vs BM maximum cross-correlation greater than 3 (99% confidence)	Hydrograph similarity in the most constricted part of the basin and moderately downstream indicates connectivity
OC3 (Open)	Decrease in mean water level > previous day's water level range at AB or FB	Falling water indicates drainage of SL basin, which is accomplished by opening the floodgates.
CC1 (Closed)	Maximum cross-correlation greater than 3 (99% confidence) for BMAB vs AR, and less than 2 (95% confidence) for AB vs AR	Similarity with downstream station present outside floodgates but absent inside indicates lack of connectivity
CC2 (Closed)	Maximum cross-correlations less than 2 (95% confidence) for both AB vs AR and FB vs BM	Absence of similarity between stations inside and outside floodgates indicates lack of connectivity
CC3 (Closed)	AB > 5ft, BM > 4 ft, FB > 3 ft, AR > 4 ft AND Increase in mean water level > ½ previous day's water level range at AB or FB	See rationale for CF
SOC1 (Open)	At least two of the following maximum cross-correlations greater than 2 (95% confidence): AB vs AR, BMAB vs AR, FB vs AR	See rationale for OC1
SOC2 (Open)	FB vs BM maximum cross-correlation greater than 2 (95% confidence)	See rationale for OC2
SOC3 (Open)	Decrease in mean water level > ½ previous day's water level range at AB or FB	See rationale for OC3
SCC1 (Closed)	Maximum cross-correlation greater than 2 (95% confidence) for BMAB vs AR, and less than 2 (95% confidence) for AB vs AR	See rationale for CC1
SCC2 (Closed)	Maximum cross-correlations less than 2 (95% confidence) for either AB or AR and FB vs BM	See rationale for CC2
SCC3 (Closed)	Daily range at AB or FB < 0.1 ft	Indicates decoupling from tidal fluctuations (usually 0.2-0.4 ft)
Visual Judgment	Examine water levels and multi-day trends; assess single-day operations	Filling in unclassified days, correcting unrealistic classifications

Table 1.2: Criteria for determination of floodgate openings and closing based on trends, mean levels and ranges, and cross-correlations among stations.

If SL is disconnected from Lake Maurepas by the floodgate, the hydrograph at BMAB outside the structure may be similar to AR, but AB inside the structure may not be. Additionally, general conditions inside the SL impoundment may decouple from those downstream when the structures are closed. Finally, high water rising at a less extreme rate than in the initial filter step was still considered evidence of gate closure. Days satisfying more open-gate than closed-gate criteria were classified as OPEN, while those satisfying more closed-gate than open-gate criteria were classified as CLOSED.

A series of less extreme secondary criteria were applied to the remaining days. The secondary open-gate criteria (SOC1-SOC3) were analogous to OC1-OC3, but with less extreme cutoff values. SCC1 and SCC2 were similarly analogous to CC1 and CC2 with lower threshold. The third secondary closed-gate criterion (SCC3) tested for potential decoupling from tidal or other downstream influences indicated by a low daily range in water levels. Unclassified days were assigned to the OPEN and CLOSED groups as in the first steps, and any days satisfying an equal number of secondary open- and closed-gate criteria were classified as OPEN if they satisfied SOC3 (dropping water levels in SL)

The few remaining unclassified days were categorized as OPEN or CLOSED based on visual inspection of water level means and ranges, increasing or decreasing trends, and cross-correlations. Single-day openings or closures were also scrutinized and recategorized if they appeared to be incorrectly classified (usually biased by missing data).

Results and Conclusions

It is important to acknowledge the assumptions involved in the generation of these estimates. Most importantly, the statistical analysis used here did not specifically test for a sinusoidal pattern characteristic of tide; rather it compared daily water level patterns between stations. Additionally, the open-gate and closed-gate classification was based on indirect evidence (average water levels and trends, and differing daily behavior across sites), The classification criteria and their specific cutoff values were defined at the author's discretion based on the available data. Finally, the categories of OPEN and CLOSED are generalized to the greater Spanish Lake Basin and do not differentiate between the Alligator Bayou and Frog Bayou floodgates.

The relative percentages of days classified as open-gate and closed-gate are listed by water year (e.g. Water Year 2008 begins October 1, 2007 and ends September 30, 2008) in Table 1.3. The shaded rows denote the time following the Iberville Parish resolution concerning the gate operation. The number of days classified by different criteria are summarized in Table 1.4. Based on the number of changes in classification between consecutive days and the percentage of days classified as closed, the annual number of closures and their average duration can also be estimated.

Water Year	Percent Open	Percent Closed	Closures	Average Days Closed
2008	27.3	72.7	21.0	12.7
2009	45.8	54.3	15.5	12.8
2010	72.5	27.5	17.0	5.9
2011	87.4	12.6	16.0	2.9
2012	77.3	22.7	17.0	4.9
2013	76.2	23.8	20.0	4.4
2014	78.4	21.6	18.0	4.4
2015	66.6	33.4	18.0	6.8
2016	60.7	39.3	22.5	6.4
2017	67.1	32.9	17.5	6.9
2018	64.7	35.3	26.0	5.0
2019	59.1	40.9	23.5	5.7

Table 1.3: Annual frequencies of floodgate status classification for the Spanish Lake basin.

Criteria	WY2008-2009	WY2010-2019
Closed due to high water	345 (47%)	481 (13%)
Closed due to low correlation	119 (16%)	562 (16%)
Open due to drainage	58 (8%)	795 (22%)
Open due to correlation	208 (29%)	1774 (49%)

Table 1.4: Numbers and percentages of days classified based on various criteria.

This analysis indicated evidence of open floodgates, and thus hydrological connection between SL and Lake Maurepas, for 71% of the time after Water Year 2010, compared to 36.5% of the time prior. Between water year 2010 and the present day, 22.1% of days were characterized by rapid drainage. Although these rates of drainage would eclipse any fluctuations due to tide, the data still indicates movement of water out of the floodgates towards Lake Maurepas rather than the rise and stagnation that would be observed when the gates are closed. Additionally, tidal influences under such conditions would manifest as acceleration and deceleration of drainage, rather than the familiar sinusoidal pattern. Failure to observe periodic fluctuations under these conditions, therefore, does not necessarily imply the absence of tide. The mean lag time associated with maximum cross-correlations over 3 (99% confidence) between AB and the lower Amite River on "tidal" days (classified as "Open Due To Correlation" in Table 1.4) was 2.5 hours, with a standard error of 5 minutes.

Approximately half of the observed time period between Water Year 2010 and the present was characterized by low water both inside and outside the basin, low day-to-day variation, similar daily ranges, and strong daily correlations among sites, all of which provide evidence that the water levels in SL during this time period are governed by those in the lower Amite, which is known to exhibit tidal fluctuation. By the most conservative estimate, then, the SL Basin likely experiences tide at least 48.9% of the time. However, water can flow freely between SL and the lower Amite up to 71.0% of the time, and the true frequency of tidal influence is most likely between these two estimates.

Section 2: Detection of Tidal Influence with Spectral Analysis

The analysis in Section 1 did not directly assess the presence or absence of tidal influence in the basin. Because coastal Louisiana experiences diurnal tides, hydrographs at tidally influenced locations exhibit a fluctuation that repeats in approximately 24-hour periods independently of other factors that control water level (e.g. precipitation, wind, and anthropogenic flow control). This section investigates the presence or absence of the diurnal tidal signal at AR, AB, and FB.

Methods

The dataset used in this section is identical to that of Section 1, although BMAB and BM are not included. AR is located near the mouth of the Amite River at Lake Maurepas, and should exhibit a strong tidal signal, so it is included as a reference site. The stations of greatest relevance are AB and FB as they are located within the Spanish Lake basin inside the flood control structures.

SAS proc timeseries includes an option to perform spectral analysis on a timeseries. This analysis utilizes the Finite Fourier Transform to decompose a signal into component frequencies. Fourier analysis is based on the ability to decompose any function, timeseries, or signal into the sum of numerous sine and cosine functions of varying amplitude, frequency, and phase shift. The output of this analysis is known as a periodogram, which plots across a range of periods the strength of their contribution to the overall timeseries. A periodogram with no discernible peaks represents white noise, in which all frequencies contribute equally. Peaks represent periods that contribute significantly more than others to the timeseries. In this analysis, a peak corresponding with a period of 24 hours is considered evidence of tidal fluctuation.

To correct for longer-term fluctuations in mean water level, the timeseries at each station was detrended by averaging the hourly timeseries over a given time period and calculating the deviation from the average; this is known as the seasonal-irregular component. The averaging window used was 36 hours. Although daily averages are commonly used to de-trend hourly data, a 24-hour window was deliberately avoided so as not to produce peaks that could be construed as resulting from the averaging and not the true fluctuations. The spectral analysis procedure was then performed on the entire detrended timeseries from October 2007 to August 2019. The periodograms are presented with periods ranging from 5 hours to 50 hours, both for convenience with the 24-hour mark near the center and the graph, and to exclude the contributions of very small and very large frequencies, which can contribute highly to very long timeseries.

Results and Conclusions

The periodograms for the 36-hour detrended hydrographs at AR and BMAB (outside) and AB and FB (inside) are shown in Figures 2.1 and 2.2, respectively.

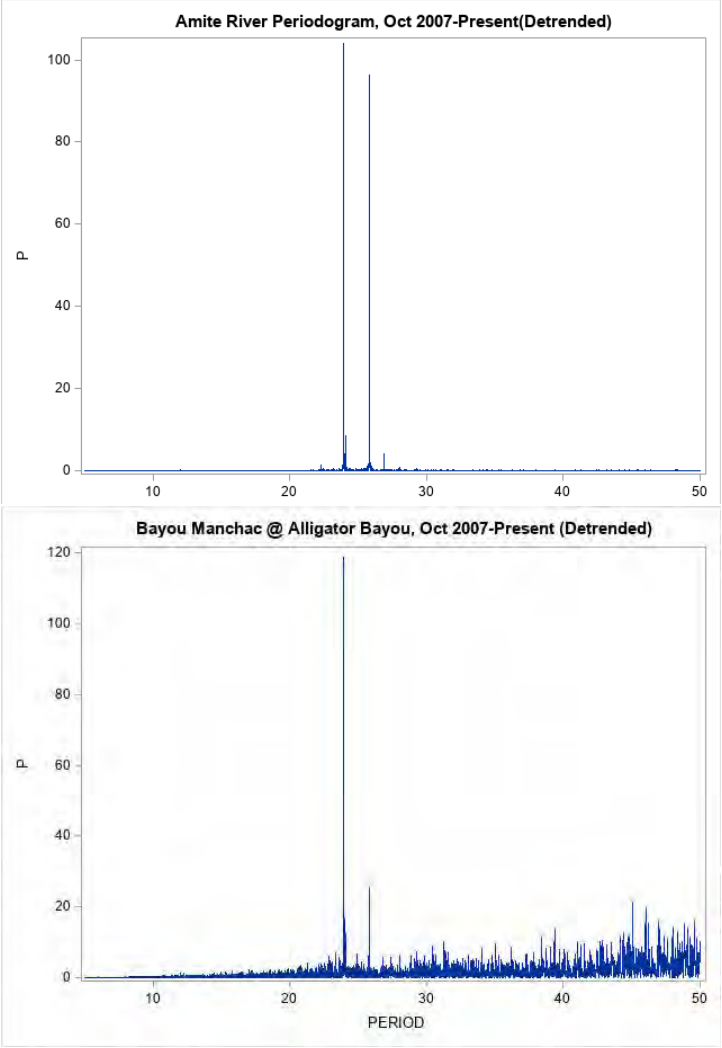


Figure 2.1: Periodograms for AR (top) and BMAB (bottom), detrended in 36-hour intervals. The x-axis indicates period or cycle lengths in hours, and the y-axis indicates the strength of each period's representation in the overall timeseries.

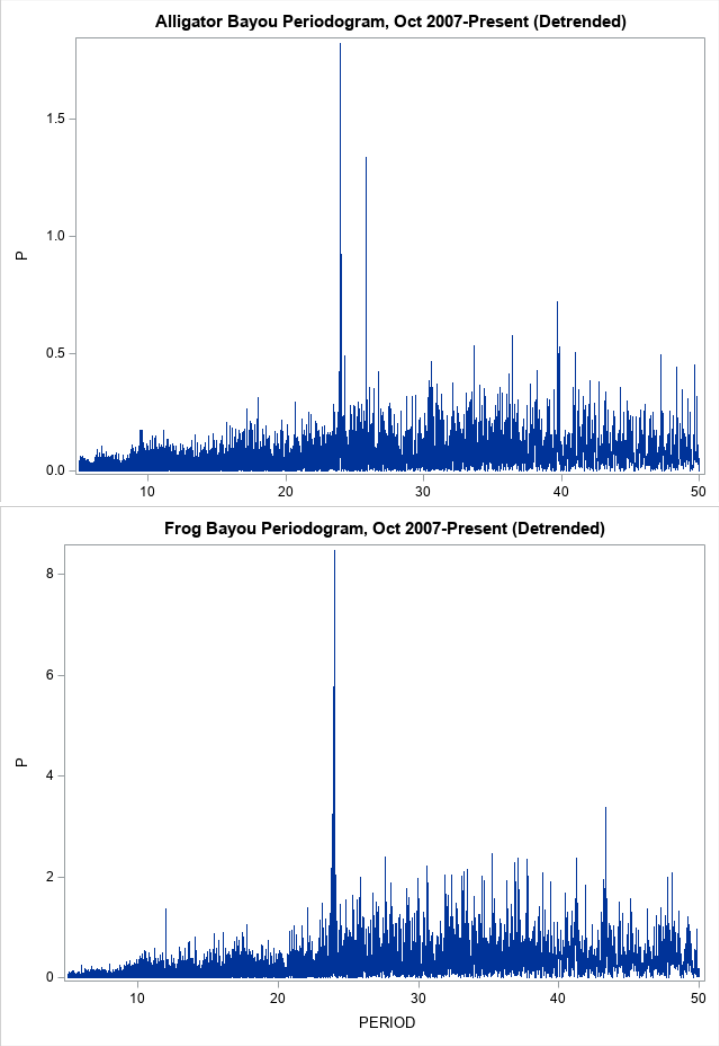


Figure 2.2: Periodograms for AB (top) and FB (bottom), detrended in 36-hour intervals. The x-axis indicates period or cycle lengths in hours, and the y-axis indicates the strength of each period's representation in the overall timeseries.

The AR periodogram is nearly entirely characterized by a peak at 24 hours, and a secondary peak at 26 hours. Those of AB and FB include stronger contributions across the range of periods, but these stations also exhibit strong peaks at 24 hours. The 24-hour peak is consistent with the K1 tidal component due to the interacting gravitational effects of the sun and moon, while the 26-hour peak represents the O1 tidal component due to the gravitational effect of the moon and its daily change in declination angle (Talley et al 2011). According to NOAA, with the exception of annual and semi-annual components, the K1 and O1 components are the strongest contributors to tide heights at the Rigolets and the Bonnet Carre Floodway within the Lake Pontchartrain Basin (https://tidesandcurrents.noaa.gov/stations.html?type=Harmonic+Constituents). Tides can be distorted by basin and channel morphology, bathymetry, bottom friction, and river inflow (Wolanski and Elliot 2016); one or more of these factors is likely responsible for the dimunition of the 26-hour O1 component at FB. These results provide strong evidence for the existence of

diurnal fluctuations at all three sites, for which tidal influence is by far the most likely explanation. The additional noise at AB and FB can be attributed to water level fluctuations other than tide. For example, water levels inside an impounded basin such as Spanish Lake will respond more drastically than a river channel to the same precipitation event. Additionally, AB and FB are subject to artificial hydrologic modification via the flood control structures. These results are robust to changes in the length of the de-trending window or even the complete absence of de-trending; although the peaks are not as prominent they are still visible and distinct from the surrounding periods.

References:

Talley, L.D. et al. 2011. “Gravity Waves, Tides, and Coastal Oceanography” pp 223-244 in *Descriptive Physical Oceanography, Sixth Edition*. Academic Press.

Wolanski, E. & Elliot, M. 2016. “Estuarine Water Circulation” pp 35-76 in *Estuarine Ecohydrology, Second Edition.* Elsevier.

The periodogram at AR, which is known to be tidal, shows strong peaks associated with 24- to 26-hour fluctuations. BMAB, located just outside the flood control structures, as well as AB and FB, located inside the flood control structures of the Spanish Lake basin, also exhibit peaks at the same location in their respective periodograms. Based on these results, it can be reasonably concluded that the outflow locations of the Spanish Lake basin are influenced by tides originating in Lakes Pontchartrain and Maurepas which propagate up the Amite River and Bayou Manchac.

Section 3: Analysis of Daily Water Levels

Methods

Daily gage height data are available from the USGS beginning on November 8, 1999 at AB and December 17, 1997 at FB. Additionally, daily gage height data from the US Army Corps of Engineers are available between January 29, 1955 and November 9, 1992. All available daily data for both sites were downloaded and categorized by time and gage height. Consistent with Section 1, dates were categorized as being either before or after October 1, 2009 (i.e. water year 2010) to approximate the change in floodgate operation. Gage heights were categorized as either below 5 feet, or 5 feet and above. These categories were based on historical water levels in the Spanish Lake basin prior to the change in floodgate operation.

Changes in the relative frequencies of daily mean water levels before and after water year 2010 were assessed using separate chi-square tests for each site. Analyses were performed using SAS proc freq.

Results and Conclusions

Water level frequency distributions differed significantly before and after water year 2010 for both AB ($n = 18391$, $\chi^2(2) = 1089.2$, $p < 0.0001$) and FB ($n = 5363$, $\chi^2(2) = 322.6$, $p < 0.0001$). Percentages of daily water level categories by time period are displayed for each station in Figure 3.1. Note that FB was missing data for 32% of the time, as compared to 13% for AB. Results for AB are consistent when the 1955-1992 Army Corps data are excluded.

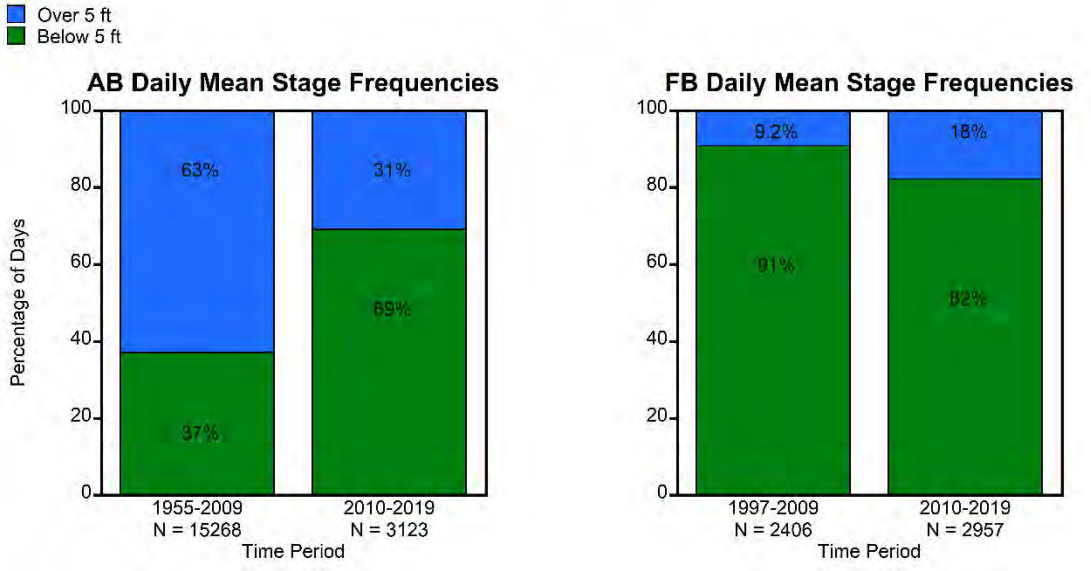


Figure 3.1: Frequency distributions for mean water levels at AB and FB, before and after water year 2010.

Categorical frequency analysis indicates significant hydrologic changes at both AB and FB following the change in floodgate operations during water year 2010. At AB, this change was characterized by a change from a majority of days above 5 ft to a majority of days below 5 ft. At FB, although mean water levels remain below 5 ft for a majority of days, the number of days above 5 ft has doubled. Additionally, greater similarity exists between the AB and FB post-2010 distributions than between their pre-2010 distributions.

Attachment F
Spanish Lake/Alligator Bayou Drainage Agreement

Iberville Parish Recording Page

J. G. "BUBBIE" DUPONT, JR
CLERK OF COURT
P.O. BOX 423
Plaquemine, LA 70765
(225) 687-5160

First VENDOR
IBERVILLE PARISH COUNCIL

First VENDEE
SPANISH LAKE MITIGATION LLC

Index Type : Conveyance

File # : 929

Type of Document : Conveyance

Book : 612 **Entry :** 150

Recording Pages : 23

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for Iberville Parish, Louisiana

On (Recorded Date) : 03/22/2010

At (Recorded Time) : 1:56:10PM

Deputy Clerk

Doc ID - 001189850023

Do not Detach this Recording Page from Original Document

SPANISH LAKE/ALLIGATOR BAYOU FLOODGATE DRAINAGE AGREEMENT

Before the undersigned notaries, duly commissioned and qualified in and for the Parish(es) and State hereinafter set forth, and before the undersigned competent witnesses, personally came and appeared:

The Iberville Parish Council, herein represented by its Parish President, J. Mitchell Ourso, Jr., acting under the authority of Ordinance No. 2010-007 adopted by the Iberville Parish Council, attached hereto and made a part hereof as Exhibit "A," having its principal place of business at 58050 Meriam Street, Plaquemine, Louisiana 70764 (hereinafter referred to as "Iberville Parish") and

Spanish Lake Mitigation, L.L.C., a limited liability company organized under the laws of the State of Louisiana, having its principal place of business at 20104 Phillips Road, Baton Rouge, Louisiana 70817, herein represented by Manager, Jay LeBlanc; and

Land Investments of Louisiana, Inc., a corporation organized under the laws of the State of Louisiana, having its principal place of business at 18019 East Augusta, Baton Rouge, Louisiana 70810, pursuant to a Resolution of its Board of Directors which was adopted at the meeting held on March 17, 2010, a certified copy of which is annexed hereto as Exhibit "B" herein represented by President, Ramon Jarrell; and

Jarrell Holdings, L.L.C., a limited liability company organized under the laws of the State of Louisiana, having its principal place of business at 18019 East Augusta, Baton Rouge, Louisiana 70810, herein represented by its President, Ramon Jarrell,

Spanish Lake Restoration, L.L.C., a Louisiana limited liability company, organized under the laws of the State of Louisiana, having its principal place of business at 4664 Jamestown Avenue, Suite 400, Baton Rouge, Louisiana 70808, herein represented by its duly authorized Manager, Conservation Land Management, L.L.C., appearing herein through its duly authorized Manager, Scott P. Nesbit;

First Louisiana Resource, Inc., a limited liability company organized under the laws of the State of Louisiana, having its principal place of business at 108 Third Street, Baton Rouge, Louisiana 70801, herein represented by its Manager, Leonard R. Nachman II;

(hereinafter collectively referred to as "Property Owners").

For mutual consideration, Iberville Parish and the Property Owners hereby agree as follows:

1. Collectively, the Property Owners are the owners of approximately 8,000 acres of property located in the Spanish Lake Basin area, situated primarily in Iberville and Ascension Parish, Louisiana. The respective property owned by each Property Owner is described in Exhibit "C" in globo (hereinafter collectively referred to as the "Property").

2. Iberville Parish is the owner and operator of the Alligator Bayou Floodgate ("Floodgate") located at the convergence of Alligator Bayou and Bayou Manchac in Iberville Parish, Louisiana.

3. In the past, the Property has been subject to high water at certain times.

4. Property Owners desire that the Floodgate be maintained in the open position in order to alleviate the high water on the Property during the normal dry season from summer through fall.

5. Iberville Parish recognizes that the operation of the Floodgate affects the natural drainage of the Spanish Lake Basin and east Iberville Parish at certain times. Iberville Parish agrees to maintain the Floodgate in the open position at all times hereafter, except during backwater flooding situations (as defined hereinafter), with the goal of maximizing the natural drainage of water.

6. In addition to backwater flooding situations, the following shall be exceptions to the obligation(s) set forth in paragraph 5:

a. Entry of a valid Order of a Court of competent jurisdiction directing Iberville Parish to close the Floodgate;

b. In all emergency circumstances to protect life and property of Iberville and surrounding residents.

c. To comply with any state or federal regulations; and/or,

d. By Order of any state or federal agency, acting with proper authority, directing Iberville Parish to close the Floodgate.

7. Upon execution of this Agreement by all parties, Property Owners hereby waive, relinquish and expressly release, acquit and forever discharge Iberville Parish, its successors, representatives, agents, officers, employees, council members and other elected

officials, of and from any and all claims, demands, causes of action and rights of action whatsoever, which Property Owners may or might have and/or which may hereafter accrue to them, known and unknown, foreseen and unforeseen, including but not limited to, any and all claims, demands, causes of action and rights of action which Property Owners may or might have for any Property damage, including but not limited to, damage, destruction, loss, diminution and/or reduction in value to any and all lands, bodies of water, soils, fruits, crops, or trees, loss of use of property (commercial, business, personal, private, recreational or other), restoration costs, preservation costs, damages due to trespass, cleanup costs, loss of income or revenue, loss of commercial or business opportunity, and loss of value of land arising out of, related to, or resulting from the operation of the Floodgate prior to the execution of this Agreement. This express waiver and release also includes any and all other damages and other items or theories of recovery whatsoever, including but not limited to, penalties, attorney's fees, punitive damages, inconvenience, annoyance, mental distress, and stigma damages to which Property Owners may be or might become entitled and all other rights whatsoever in any way arising out of, related to, or resulting from the operation of the Floodgate prior to the execution of this Agreement.

8. By execution of this agreement, Iberville Parish and the Property Owners do not waive any rights or defenses of any kind or nature not specifically stated herein. Property Owners specifically reserve any future claims, demands, causes of action and rights of action whatsoever which Property Owners may or might have and/or which may hereafter accrue to them in any way arising out of, related to, or resulting from the operation of the Floodgate subsequent to the execution of this Agreement.

9. The Parish and Property Owners do hereby bind and obligate themselves and their heirs, executors, administrators, representatives, successors, assigns, parent corporations, subsidiaries, stockholders, owners, general partners, limited partners, officers, directors, agents and employees.

a. This Agreement, in addition to a personal contractual agreement is, to the extent permitted by law, a granting of a predial servitude of drainage by Iberville Parish as owner of the floodgate to the owners of the Property as described herein and is to run with the land, in accordance with Louisiana Civil Code articles 646, et seq.

10. "Backwater flooding" shall be defined as upstream flooding caused by downstream conditions such as channel restriction, high flow in downstream confluence streams, high tide, and/or prevailing headwinds that prevent downstream water flow or force water upstream.

11. This Agreement shall inure solely to the benefit of the parties hereto and their respective heirs, successors and assigns, including any purchasers from any Property Owner(s) identified herein, and not to the benefit of any third parties.

12. This Agreement shall be governed by the laws of the state of Louisiana. If any provision of this Agreement or the application thereof to any person or circumstance is, for any reason, and to any extent, held to be invalid or unenforceable under applicable law, then such provision will be deemed limited or modified to the extent necessary to make the same valid and enforceable under applicable law. Any invalid or unenforceable provision shall be replaced with such new provision which will allow the parties to achieve the intended result in a legally valid and effective manner.

13. In the event Property Owners consider that Iberville Parish has failed to comply with one or more of its obligations hereunder, either expressed or implied, Property Owners shall give written notice to Iberville Parish, through its Parish President, setting out specifically the manner Property Owners claim Iberville Parish has breached this Agreement. If within thirty (30) days after receipt of such notice, Iberville Parish shall correct or commence to correct the breach(es) alleged by Property Owners, Iberville Parish shall not be deemed in default hereunder. Neither corrective action taken by Iberville Parish, nor its failure to so act, shall be deemed an admission or presumption that Iberville Parish has failed to perform any of its obligations hereunder.

a. In accordance with the above provisions and upon expiration of the thirty (30) days, Property Owners specifically reserve any and all rights to pursue any legal remedies available under the law, including but not limited to, injunctive relief.

14. This Agreement contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. No waiver, modification or amendment of any of the provisions of this Agreement shall be binding unless it is in writing and signed by the duly authorized representatives of all parties.

15. This Agreement is the result of open and extended negotiations between the parties hereto, each party having contributed toward the drafting hereof, directly and/or by counsel. To the greatest extent allowed by law, there shall be no application of the rule of construction of documents against the drafter.

16. This Agreement and all related documents, including but not limited to, all drafts, copies, notes, and related correspondence (including e-mails), shall not be admissible into evidence at any deposition, hearing or trial in any litigation resulting from the operation of the floodgate, except to enforce any provision of this Agreement.

17. This Agreement may be executed in counterparts and shall be made effective upon the execution of all parties. Each such counterpart so executed shall have the same force and effect as an original instrument as if all of the parties to the aggregate counterparts had signed in the same instrument.

18. All notices pursuant to this Agreement shall be made in writing and delivered via certified U.S. Mail to the physical addresses as noted herein.

THUS DONE AND SIGNED by J. MITCHELL OURSO, President of Iberville Parish, in the presence of the undersigned notary public, duly commissioned and qualified in and for the Parish of Iberville, State of Louisiana, and the undersigned competent witnesses on March 22, 2010.

WITNESSES:

IBERVILLE PARISH

BY: _____
J. MITCHELL OURSO, JR.

_____
NOTARY PUBLIC/NOTARY NO

Edward A. Songy, JR.
Printed Name BRN: 02121

THUS DONE AND SIGNED by JAY LeBLANC in the presence of the undersigned notary public, duly commissioned and qualified in and for the Parish of Iberville, State of Louisiana, and the undersigned competent witnesses on March 22, 2010.

WITNESSES:

Courtney R. Yarbrough
Courtney R. Yarbrough

Lisa L. Francise
Lisa L. Francise

SPANISH LAKE MITIGATION, LLC

BY: _____
JAY LeBLANC

_____ / # 20930
NOTARY PUBLIC/NOTARY NO.

MICHELLE O. LORIO ST. MARTIN
Printed Name

THUS DONE AND SIGNED by RAMON JARRELL in the presence of the undersigned notary public, duly commissioned and qualified in and for the Parish of Iberville, State of Louisiana, and the undersigned competent witnesses on MARCH 22, 2010.

WITNESSES:

Courtney R. Yarbrough
Courtney R. Yarbrough

Lisa L. Francise
Lisa L. Francise

LAND INVESTMENTS OF LOUISIANA INC.

BY: _____
RAMON JARRELL, President

_____ / # 20930
NOTARY PUBLIC/NOTARY NO.

MICHELLE O. LORIO ST. MARTIN
Printed Name

THUS DONE AND SIGNED by RAMON JARRELL in the presence of the undersigned notary public, duly commissioned and qualified in and for the Parish of Iberville, State of Louisiana, and the undersigned competent witnesses on March 22, 2010.

WITNESSES:

Courtney R. Yarbrough
Courtney R. Yarbrough

Lisa L. Francise
Lisa L. Francise

JARRELL HOLDINGS, LLC

BY: _____
RAMON JARRELL, President

_____ #20930
NOTARY PUBLIC/NOTARY NO.

MICHELLE O. LORIO ST. MARTIN
Printed Name

THUS DONE AND SIGNED by SCOTT P. NESBIT, in the presence of the undersigned notary public, duly commissioned and qualified in and for the Parish of Iberville, State of Louisiana, and the undersigned competent witnesses on MARCH 22, 2010.

WITNESSES:

Lisa L. Francise
Lisa L. Francise

Courtney R. Yarbrough
Courtney R. Yarbrough

SPANISH LAKE RESTORATION, L.L.C.
By: Conservation Land Management, L.L.C.,
Its Manager

By: _____
SCOTT P. NESBIT, Manager

_____ #20930
NOTARY PUBLIC/NOTARY NO.

Michelle O. Lorio St. Martin
Printed Name

THUS DONE AND SIGNED by LEONARD R. NACHMAN in the presence of the undersigned notary public, duly commissioned and qualified in and for the Parish of East Baton Rouge, State of Louisiana, and the undersigned competent witnesses on March 19, 2010.

WITNESSES:

Mary L. Braud
MARY L. BRAUD

Dianna D. Parker
Dianna D. Parker

FIRST LOUISIANA RESOURCE, INC.

BY: Leonard Nachman
LEONARD R. NACHMAN, Manager

John W Barton Jr
NOTARY PUBLIC/NOTARY NO.

JOHN W. BARTON JR.
Printed Name

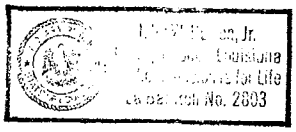


EXHIBIT A

STATE OF LOUISIANA
PARISH OF IBERVILLE

RESOLUTON IPC# 2010- 007

A RESOLUTION ADOPTING THE SPANISH LAKE/ALLIGATOR BAYOU FLOODGATE DRAINAGE AGREEMENT; AND AUTHORIZING THE PRESIDENT TO EXECUTE THE SPANISH LAKE/ALLIGATOR BAYOU FLOODGATE DRAINAGE AGREEMENT

The following resolution was introduced by Councilman Taylor and seconded by Councilman Kelley.

WHEREAS, until the opening of the Alligator Bayou floodgate on or about March 24, 2009, the waters within the Spanish Lake Sub-Basin have been artificially maintained at unnaturally high levels causing prolonged flooding and high water in the sub-basin and surrounding areas;

WHEREAS, the Iberville Parish Council recognizes that in order to continue protection of life and property in the Spanish Lake Sub-Basin and affected areas, it is necessary to allow for the natural drainage of the Spanish Lake Sub-Basin, by operating the Alligator Bayou floodgate in the open position under normal circumstances as addressed in Ordinance Number 2009-014;

WHEREAS, certain property owners within the Spanish Lake Sub-Basin have requested Iberville Parish establish specific protocol for the future operation of the floodgate;

WHEREAS, Iberville Parish Council recognizes that there is a need to develop a comprehensive plan for the continued operation of the Alligator Bayou floodgate for the protection of life and property;

NOW, THEREFORE, BE IT RESOLVED, that the Spanish Lake/Alligator Bayou Floodgate Drainage Agreement attached hereto and made a part hereof, be hereby officially adopted and is to be used for the continued operation of the Alligator Bayou floodgate;

BE IT FURTHER RESOLVED, that the President is hereby authorized to execute the attached Spanish Lake/Alligator Bayou Floodgate Drainage Agreement:

The above resolution was duly adopted in regular session this 16th day of March, 2010, by the following vote on roll call;

YEAS: Taylor, Ourso, Scott, Reeves, Kelley, Vallet, Jewell, Roy.
NAYS: None.
ABSENT: Jackson, Butler, Oubre, Bradford.

The resolution was declared adopted by the Chairman on the 16th day of March, 2010.

IBERVILLE PARISH COUNCIL

BY: _____
EUGENE P. STEVENS, JR., CHAIRMAN

ATTEST:

_____
KIRSHA D. BARKER
COUNCIL CLERK

CERTIFICATE

I, Kirsha D. Barker, do hereby certify that I am the duly qualified and appointed Council Clerk of the Parish Council, Parish of Iberville, State of Louisiana.

I further certify that the above constitutes a true and correct copy of a resolution adopted by the Iberville Parish Council in regular session on the 16th day of March, 2010.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the Parish of Iberville, State of Louisiana, on this 16th day of March, 2010.

KIRSHA D. BARKER
IBERVILLE PARISH COUNCIL CLERK

SPANISH LAKE/ALLIGATOR BAYOU FLOODGATE DRAINAGEAGREEMENT

Before the undersigned notaries, duly commissioned and qualified in and for the Parish(es) and State hereinafter set forth, and before the undersigned competent witnesses, personally came and appeared:

The Iberville Parish Council, herein represented by its Parish President, J. Mitchell Ourso, Jr., acting under the authority of Ordinance No. _ _ ___ adopted by the Iberville Parish Council, attached hereto and made a part hereof as Exhibit "A," having its principal place of business at 58050 Meriam Street, Plaquemine, Louisiana 70764 (hereinafter referred to as "Iberville Parish") and

Spanish Lake Mitigation, L.L.C., a limited liability company organized under the laws of the State of Louisiana, having its principal place of business at 20104 Phillips Road, Baton Rouge, Louisiana 70817, herein represented by Manager, Jay LeBlanc; and

Land Investments of Louisiana, Inc., a corporation organized under the laws of the State of Louisiana, having its principal place of business at 18019 East Augusta, Baton Rouge, Louisiana 70810, pursuant to a Resolution of its Board of Directors which was adopted at the meeting held on _____ , a certified copy of which is annexed hereto as Exhibit "B" herein represented by President, Ramon Jarrell; and

Jarrell Holdings, L.L.C., a limited liability company organized under the laws of the State of Louisiana, having its principal place of business at 18019 East Augusta, Baton Rouge, Louisiana 70810, herein represented by its President, Ramon Jarrell,

Spanish Lake Restoration, L.L.C., a Louisiana limited liability company, organized under the laws of the State of Louisiana, having its principal place of business at 4664 Jamestown Avenue, Suite 400, Baton Rouge, Louisiana 70808, herein represented by its duly authorized Manager, Conservation Land Management, L.L.C., appearing herein through its duly authorized Manager, Scott P. Nesbit;

First Louisiana Resource, Inc., a corporation organized under the laws of the State of Louisiana, having its principal place of business at _ ____ _____ , pursuant to a Resolution of its Board of Directors which was adopted at the meeting held on _____ , a certified copy of which is annexed hereto as Exhibit "C", herein represented by its Manager, Leonard R. Nachman II;
(hereinafter collectively referred to as "Property Owners").

For mutual consideration, Iberville Parish and the Property Owners hereby agree as follows:

EXHIBIT A (CONT'D)

1. Collectively, the Property Owners are the owners of approximately 8,000 acres of property located in the Spanish Lake Basin area, situated primarily in Iberville and Ascension Parish, Louisiana. The respective property owned by each Property Owner is described in Exhibit "D" in globo (hereinafter collectively referred to as the "Property").

2. Iberville Parish is the owner and operator of the Alligator Bayou Floodgate ("Floodgate") located at the convergence of Alligator Bayou and Bayou Manchac in Iberville Parish, Louisiana.

3. In the past, the Property has been subject to high water at certain times.

4. Property Owners desire that the Floodgate be maintained in the open position in order to alleviate the high water on the Property during the normal dry season from summer through fall.

5. Iberville Parish recognizes that the operation of the Floodgate affects the natural drainage of the Spanish Lake Basin and east Iberville Parish at certain times. Iberville Parish agrees to maintain the Floodgate in the open position at all times hereafter, except during backwater flooding situations (as defined hereinafter), with the goal of maximizing the natural drainage of water.

6. In addition to backwater flooding situations, the following shall be exceptions to the obligation(s) set forth in paragraph 5:

a. Entry of a valid Order of a Court of competent jurisdiction directing Iberville Parish to close the Floodgate;

b. In all emergency circumstances to protect life and property of Iberville and surrounding residents.

c. To comply with any state or federal regulations; and/or,

d. By Order of any state or federal agency, acting with proper authority, directing Iberville Parish to close the Floodgate.

7. Upon execution of this Agreement by all parties, Property Owners hereby waive, relinquish and expressly release, acquit and forever discharge Iberville Parish, its successors, representatives, agents, officers, employees, council members and other elected officials, of and from any and all claims, demands, causes of action and rights of action whatsoever, which Property Owners mayor might have and/or which may hereafter accrue to them, known and unknown, foreseen and unforeseen, including but not limited to, any and all claims, demands, causes of action and rights of action which Property Owners mayor might have for any Property damage, including but not limited to, damage, destruction, loss, diminution and/or reduction in value to any and all lands, bodies of water, soils, fruits, crops, or trees, loss of use of property (commercial, business, personal, private, recreational or other), restoration costs, preservation costs, damages due to trespass, cleanup costs, loss of income or revenue, loss of commercial or business opportunity, and loss of value of land arising out of, related to, or resulting from the operation of the Floodgate prior to the execution of this Agreement. This express waiver and release also includes any and all other damages and other items or theories of recovery whatsoever, including but not limited to, penalties, attorney's fees, punitive damages, inconvenience, annoyance, mental distress, and stigma damages to which Property Owners may be or might become entitled and all other rights whatsoever in any way arising out of, related to, or resulting from the operation of the Floodgate prior to the execution of this Agreement.

8. By execution of this agreement, Iberville Parish and the Property Owners do not Waive any rights or defenses of any kind or nature not specifically stated herein. Property Owners specifically reserve any future claims, demands, causes of action and rights of action whatsoever which Property Owners mayor might have and/or which may hereafter accrue to them in any way arising out of, related to, or resulting from the operation of the

Floodgate subsequent to the execution of this Agreement.

9. The Parish and Property Owners do hereby bind and obligate themselves and their heirs, executors, administrators, representatives, successors, assigns, parent corporations, subsidiaries, stockholders, owners, general partners, limited partners, officers, directors, agents and employees.

a. This Agreement, in addition to a personal contractual agreement is, to the extent permitted by law, a granting of a pre-dial servitude of drainage by Iberville Parish as owner of the floodgate to the owners of the Property as described herein and is to run with the land, in accordance with Louisiana Civil Code articles 646, et seq.

10. "Backwater flooding" shall be defined as upstream flooding caused by downstream conditions such as channel restriction, high flow in downstream confluence streams, high tide, and/or prevailing headwinds that prevent downstream water flow or force water upstream.

11. This Agreement shall inure solely to the benefit of the parties hereto and their respective heirs, successors and assigns, including any purchasers from any property owner(s) identified herein, and not to the benefit of any third parties.

12. This Agreement shall be governed by the laws of the state of Louisiana. If any provision of this Agreement or the application thereof to any person or circumstance is, for any reason, and to any extent, held to be invalid or unenforceable under applicable law, then such provision will be deemed limited or modified to the extent necessary to make the same valid and enforceable under applicable law. Any invalid or unenforceable provision shall be replaced with such new provision which will allow the parties to achieve the intended result in a legally valid and effective manner.

13. In the event Property Owners consider that Iberville Parish has failed to comply with one or more of its obligations hereunder, either expressed or implied, Property Owners shall give written notice to Iberville Parish, through its Parish President, setting out specifically the manner Property Owners claim Iberville Parish has breached this Agreement. If within thirty (30) days after receipt of such notice, Iberville Parish shall correct or commence to correct the breach(es) alleged by Property Owners, Iberville Parish shall not be deemed in default hereunder. Neither corrective action taken by Iberville Parish, nor its failure to so act, shall be deemed an admission or presumption that Iberville Parish has failed to perform any of its obligations hereunder.

a. In accordance with the above provisions and upon expiration of the thirty (30) days, Property Owners specifically reserve any and all rights to pursue any legal remedies available under the law, including but not limited to, injunctive relief.

14. This Agreement contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. No waiver, modification or amendment of any of the provisions of this Agreement shall be binding unless it is in writing and signed by the duly authorized representatives of all parties.

15. This Agreement is the result of open and extended negotiations between the parties hereto, each party having contributed toward the drafting hereof, directly and/or by counsel. To the greatest extent allowed by law, there shall be no application of the rule of construction of documents against the drafter.

16. This Agreement and all related documents, including but not limited to, all drafts, copies, notes, and related correspondence (including e-mails), shall not be admissible into evidence at any deposition, hearing or trial in any litigation resulting from the operation of the floodgate, except to enforce any provision of this Agreement.

17. This Agreement may be executed in counterparts and shall be made effective upon the execution of all parties. Each such counterpart so executed shall have the same

From:	Scott Nesbit
To:	Parr, Landon CIV USARMY CEMVN (USA); MVN Environmental
Cc:	"Murray Starkel (murray.starkel@ecoservicepartners.com)"
Subject:	[Non-DoD Source] Public Notice Response_2021-17313 NOI and Scoping Meeting for West Shore Lake Pontchartrain Project
Date:	Friday, October 29, 2021 1:59:27 PM
Attachments:	MSP Presentation Response_SLR_10-29-2021.pdf

Mr. Parr,

Please find attached supplemental comments to the West Shore Lake Pontchartrain Project NOI. These comments are in response to the Scoping Meeting: Re-evaluation of Environmental Mitigation for WSLP Hurricane and Storm Damage Risk Reduction System posted to YouTube on October 1, 2021.

Please contact me with any questions.

Thank you,

Scott Nesbit
Senior Wetland Ecologist
Natural Resource Professionals, LLC
7330 Highland Road Ste B-1
Baton Rouge, LA 70808
(225) 928-5333 office
(225) 439-9205 mobile
www.nrpllc.com

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SPANISH LAKE RESTORATION, LLC

Wetland Mitigation Bank

7330 Highland Road Suite B-1, Baton Rouge, Louisiana 70808
Phone: 225.928.5333

October 29, 2021

Mr. Landon Parr
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
7400 Leake Avenue
New Orleans, Louisiana 70160

Dear Mr. Parr:

Re: Proposed WSLP Mitigation Alternative and Issues of Concern for the MSP Proposal Supplemental Comments

Notice of Intent to Prepare a Supplemental Environmental Impact Statement to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, St. Charles, St. James, and St. John the Baptist Parishes

Spanish Lake Restoration, LLC (SLR) is submitting this supplemental public comment letter in response to the Notice of Intent to Prepare a Supplemental Environmental Impact Statement to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, St. Charles, St. James, and St. John the Baptist Parishes (NOI). SLR previously submitted a public comment letter on September 29, 2021, the entirety of which is included as an attachment here for ease of reference.

1.0 Executive Summary

This supplemental letter provides a formal response to the "Scoping Meeting: Re-evaluation of Environmental Mitigation for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction System Project Swamp Impacts" video, which was posted to YouTube on October 1, 2021[1] (the "Presentation"). In the Presentation and through the NOI, the US Army Corps of Engineers, New Orleans District (CEMVN) is apparently evaluating the use of the Maurepas Swamp Project ("MSP") as compensatory mitigation for the West Shore Lake Pontchartrain Project (WSLP). SLR highlights certain fatal flaws with seeking to shackle the much-needed WSLP to protect critical infrastructure by tying it to the inchoate MSP.

1. The Presentation fails to identify that the WSLP has the ability to purchase mitigation credits from SLR sufficient for WSLP to break ground within days of state and Corps concurrence.
2. Rather than comply with applicable law, the Presentation purports to explore and analyze the inchoate MSP as a source of mitigation for WSLP. While MSP is an important project, tying

[1] https://www.youtube.com/watch?v=EAykRezJADI

WSLP to MSP will result in significant delays for WSLP measured in years. Thus, for the time being, MSP is simply not an "alternative" available to WSLP to aid in the beginning of construction on that project.

3. MSP is, at best, at a planning stage with years to go, and complicated engineering and legal challenges to consider and surmount. MSP would require the use of private lands that have not been identified or acquired, and would not, in any event, satisfy the relevant threshold for ecological benefit to generate the AAHUs needed for WSLP.
4. MSP has limited baseline data, which underscores its inability to provide mitigation for WSLP in the near term, or potentially at all.

2.0 Presentation Relevant Content Summary

2.1 Project Introduction/Background

The MSP is a 2,000 cfs freshwater diversion project that was brought to CEMVN during public review of the Draft EA #576 by the Louisiana CPRA for consideration as a mitigation alternative to satisfy the WSLP Project mitigation need for swamp habitat impacts by the construction of the WSLP.

The construction of the WSLP was authorized as part of the 2016 Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322). Construction of the WSLP Project was funded by the Bipartisan Budget act of 2018 (BBA-2018, Public Law 115-123).

2.2 Study Area

The presentation discusses and illustrates the location of the MSP and the WSLP, along with the location and extent of the Lake Pontchartrain Basin, the Mississippi Alluvial Plain Ecoregion, and the Louisiana Coastal Zone.

2.3 MSP Delays and Challenges

The Presentation provides a zoomed-in map of the "MSP Benefit Areas," which presumably contains enough AAHU's to offset the impacts of WSLP, over time. "Alternative 1"[2] illustrates the benefit area using both public and private lands, and "Alternative 2" illustrates the benefit area using public lands only. The presenter notes that Alternative 2 contains "Tertiary Mitigation Areas" which would be needed in addition to primary and secondary mitigation areas. The presenter states that the risk for ecological success increases the further away the "benefit area" is from the diversion outfall channel. Also shown in this map are construction features of the MSP, as well as properties labeled as "St. John Private Parcels," which are presumably private landowners who are not publicly disclosed as participating in the MSP/WSLP project. These private parcels are located north of the benefit area along Bayou Tent, which is one of the primary outfall/conveyance channels.

[2] SLR reiterates that using MSP as a source of mitigation for WSLP will effectively put the WSLP on ice for a matter of years. Thus, SLR respectfully notes that MSP simply is not an "alternative" at all. SLR only utilizes the word "alternative" as a matter of reference to the word used in the Presentation—even though that usage is misleading and inaccurate.

2.4 MSP Features

The Presentation illustrates and discusses the "Construction Area" of the MSP and features that would be installed to optimize the benefits of the MSP. These primary features include a conveyance channel, weirs, and embankment.

The conveyance channel begins at River Mile 144 and heads generally north until approximately 1000 feet north of I-10, into the Hope Canal. This channel will be 40-60 feet wide except at vehicular and railroad crossing locations. This channel would be tightly positioned between 2 levees on the west and east side, with portions of the eastern levee being shared with the western guide levee of the WSLP.

The weirs are located within Bayou Secret and the Bourgeois Canal, which will restrict natural western flow into Blind River. These weirs will be constructed to "improve retention time" in the swamp and will also help facilitate flow to the northern area of the larger benefit area.

Cuts will also be installed in an existing railroad embankment to the north to improve flow/hydrologic exchange.

2.5 Current CEMVN approved Sites

The Presentation also discusses currently proposed mitigation alternatives which include the purchase of mitigation banking credits, and utilizing the "St. James Mitigation Site," and the "Pine-Island Mitigation Site."

3.0 SLR Comments

The Presentation, if anything, further illustrates and reinforces SLR's point: the MSP will not—and cannot—provide compensatory mitigation for the WSLP within the next 2-3 years.

3.1 Lack of Long-Term Protection/Conservation Servitudes

The MSP does not have land that is suitable for compensatory mitigation based on the long-term protection requirements for such projects, and is, in any event, inconsistent with current CEMVN standards for every other known mitigation project.

Specifically, the MSP Benefit Areas are problematic because most of the land is publicly owned. The Presentation does not outline any workaround for its inability to place a ***perpetual*** conservation servitude on publicly owned property—which is a non-negotiable requirement of the 2008 Mitigation Rule. See Compensatory Mitigation for Losses of Aquatic Resources, 73 FR 19593 (2008), as amended and updated ("2008 Mitigation Rule").

For that reason, among others, allowing lands that are not permanently protected to provide mitigation would be inconsistent with other CEMVN mitigation solicitations. For example, CEMVN is currently soliciting mitigation credits for the WSLP (Coastal BLH), East Baton Rouge Parish (BLH), and the New Orleans to Venice (Coastal Swamp) projects. All three projects state that eligible mitigation sites must have a "duly recorded ***perpetual conservation servitude/easement***." (Emphasis added.) A review of prior CEMVN solicitations shows that this requirement has also been in place for every CEMVN solicitation for a period of years.

Without the use of public lands, the mitigation benefit area would have to expand well beyond the primary and secondary mitigation areas and into the tertiary mitigation areas. However, at that level as conceded in the Presentation itself, the likelihood of ecologic successes decreases as distance from the outfall channel increases. Therefore, even if enough private lands could theoretically be acquired in the future—a costly and chaotic process—these lands would be in the high-risk category and would likely not receive any measurable benefit from the MSP for many years, if at all.

3.2 MSP Funding, Costs, and Permit Status

The MSP is not fully funded and will ultimately cost ~$200 million to construct. Currently the purpose of the MSP is *not* to provide compensatory mitigation for the WSLP, therefore; this purpose would have to be revised. Should the purpose of MSP be changed through the regulatory process and funding were secured, the costs of mitigation for the WSLP would be ~$200 million, which is a 200-250% increase above current market prices for mitigation credits, and USACE recognizes this is not the most cost-effective means of valid compensatory mitigation.

3.3 MSP Project Baseline Data is *De Minimus*

The MSP has very limited baseline data that would most likely be considered insufficient under current mitigation standards used by CEMVN. This limited data has resulted in unreliable benefit calculations and assumptions. In addition, much of the baseline data relies on reports completed prior to the construction of the IHNC surge barrier and the Seabrook Floodgates, which largely have reduced salinity in the Maurepas Swamp area, and new studies need to be completed to establish a new baseline for the potential "benefits" of freshwater introduction at 2,000 cfs only when the MSP is flowing water from the Mississippi River. This operational manual demonstrating the amount of benefits has yet to be produced by the state or CEMVN.

According to the 2020 WVA Planning Aid Letter, prepared by the USFWS, the CPRA has determined a "Primary Benefit Area" and "Secondary Benefit Area," which total 2,880.9 acres. Within this benefit area there are 2 CRMS stations (0063 and 5414) that would presumably be used to establish baseline conditions for the site and then be used to calculate "with and with-out" conditions to determine the AAHU yield of the project. It could be interpreted that each site is representative of 1,440.45 acres.

However, according to the Swamp Community Wetland Value Assessment document prepared by the CPRA in June 2019, this benefit area is "Sub-Area 1," which is 1 of 11 other CRMS sites that were used to estimate the benefits of the entire MSP project. In this report, the author states that only CRMS Station Number 0063 was used for Sub-Area 1, which totals over 6700 acres. Therefore, for Sub-Area 1, only one baseline station was analyzed for 6700 acres, and within the CPRA's "Mitigation Area," only one baseline station was used for 2,880.0 acres.

SLR notes that the Presentation and publicly available materials do not establish how an adequate baseline analysis could be conducted with such limited sample sites across thousands of acres, or how these limited sample sites could then be used to generate a benefit analysis that would be considered reliable and accurate. The public record currently contains, at best, far too many assumptions to project and estimate the benefits of MSP, which is the first of its kind. The Presentation does not make clear how such a limited analyses could be utilized to validate that 955 AAHUs can be generated and transferred.

Within the Primary and Secondary Mitigation Areas, which correspond with Sub-Area 1. According to the 2019 document, Sub-Area 1 is a "throughput swamp," which is defined in the report as "sites receiving reliable nonpoint source sources of freshwater runoff, characterized by mature overstory and mid-story stands and little herbaceous cover."

The CPRA has selected the most-healthy portions of the larger Maurepas Swamp benefit area to be used as their mitigation area; areas that are already receiving reliable nonpoint source sources of freshwater runoff. The need to conduct any "enhancement" activities within this area is thus unclear, as the primary and secondary mitigation areas already appear to be a healthy cypress swamp.

3.4 MSP Wetland Value Assessment Needs to be Published for Public Review and Comment

The final Wetland Value Assessment (WVA) for the MSP must be publicly vetted. The most recent reference to the MSP WVA prepared by the USFWS as part of the CEMVN's Project Delivery Team (PDT) was March 2, 2021 (August 12, 2021 correspondence from Troy G. Constance, Chief Regional Planning and Environmental Division South, U.S. Army Corps of Engineers to Bren Haase, Coastal Protection and Restoration Authority) has not been publicly vetted.

The Wetland Value Assessment (WVA) is the functional assessment protocol employed by the CEMVN and CPRA to estimate both the ecological wetland impacts of the WLSP and the ecological wetland benefits of the MSP. As such, the final MSP WVA is the quantitative process that establishes the monetary value of the MSP's estimated wetland ecological benefit when used to compensate for unavoidable impacts to aquatic resources from the WLSP.

The WVA also serves as the basis for establishing and satisfying the regulatory requirements for the use of the potential MSP mitigation credits as defined in the Final Rule at 33 CFR §325 and §332. Specifically, the WVA provides the baseline information, credit determination, and greatly influences the ecological performance standards, monitoring requirements, long-term management plan, adaptive management plan and financial assurances. Thus, the final MSP WVA must be publicly vetted and produced as part of the draft Supplemental EIS for public review and comment.

3.5 MSP Project Features

The MSP has limited baseline data and constraints, which creates uncertainties that result in unreliable benefit calculations/assumptions. The level of risk that this presents to CEMVN and to the CPRA is well beyond what is typically allowed by CEMVN in other mitigation projects that have been approved under the 2008 Mitigation Rule, especially for a mitigation project that would total 955 AAHUs. The MSP is almost entirely dependent on man-made features and operational plans that would essentially create an "artificial environment" to achieve the goals and objectives of the MSP. To date, it is unclear who would be responsible for maintaining these features and how the operation and maintenance of these features would be assured through financial assurances.

3.6 St James Mitigation Site

The Presentation discusses the "St. James Mitigation Site," as a potential alternative for partial mitigation to the WSLP. According to the Presentation, this site would restore up to 1,247 acres of swamp habitat and would provide up to 511 AAHUs of swamp mitigation for WSLP.

Even a brief desktop analysis reveals, however, that this site is not suitable for swamp mitigation. It is located along the natural Mississippi River shoreline and includes lands that are commonly "non-wetland" soil types (Cancienne, Carville, and Vacherie).The site also only contains about 50% of "hydric soils" (Grammercy and Schriever) both of which are commonly associated with bottomland hardwood habitat. Much of the site is well above the 5-foot contour. Additionally, this site was previously advertised as a "BLH Site" in the EA 576, and even involved excavating over 600,000 cubic yards of soil to "help ensure satisfactory hydrology/hydroperiod for BLH-wet habitat." SLR is unsure the reason this site is now being presented as a coastal swamp site suitable for mitigation for WSLP. While it is likely that planted cypress trees would do well in this environment, this does not necessarily mean that a "swamp habitat" will have been restored, particularly when there is no evidence to support that a coastal swamp previously existed in most of this site with the River in its present course.

3.7 Pine Island Mitigation Site

According to the Presentation, the Pine Island Mitigation Site involves the creation/restoration of up to a total of approximately 1,965 acres of swamp habitat and provides up to approximately 755 AAHUs as compensatory mitigation for WSLP Project swamp impacts. A review of this project on the EA 576 shows that the project would require over 16 million cubic yards of hydraulic dredging to raise the surface elevations of this site to an elevation of +2.5 NAVD 88. Assuming a conservative estimate figure of $7/CY, this would result in a total project construction cost of $114 million, or $152,000/AAHU, with additional costs needed to maintain the site and ensure the 755 AAHUs are achieved. This site is likely unsuitable for WSLP mitigation based on high project costs.

3.8 Summary of Current WSLP Mitigation Approaches

The current mitigation approaches for the WSLP are either unsuitable or unlikely to be achieved due to ecological, legal, and financial constraints. The MSP is already a high-risk site from an ecological standpoint. The areas that are most likely to benefit from the freshwater diversion are public lands, for which the Presentation and advocates have not identified a solution to satisfy the 2008 Mitigation Rule. The MSP site is also not fully funded and even if it was, the $200 million cost would likely not be the least cost alternative. The "St. James Mitigation Site," is not a suitable swamp mitigation site, with only half of the site being suitable for BLH mitigation. The "Pine Island Mitigation Site" is simply too expensive due to the need for hydraulic dredging to achieve the desired AAHUs.

3.9 Use of SLR as Mitigation

The Spanish Lake Mitigation Bank, in combination with existing banks within the Pontchartrain Basin is the best possible solution for CEMVN to purchase up to 1/3 of its SWP mitigation need in a short period of time, which would then allow for the SWP component of the WSLP to proceed with construction. Following this initial step, SLR proposes that the CPRA officially propose the MSP as a mitigation area for WSLP and develop a mitigation plan in accordance with 33 CFR Parts 332 and other applicable regulations/guidance. Concurrently, SLR will also propose through 33 CFR Parts 332 additional lands within the Spanish Lake Basin that are below the 5-foot elevation and tidally influenced to be considered for WSLP mitigation. In this way, the MSP would be properly evaluated as a mitigation area without delaying the start of construction for the WSLP.

SLR is an approved mitigation bank, whose mitigation banking activities took place from 1999-2001 and has been in the "Long-Term Management Phase" since 2010. The ecological success of SLR is evident today with little risks from an ecological standpoint. CEMVN has already stated that the portions of SLR

properties and the additional properties in the Spanish Lake Basin meet the requirements for Coastal Zone and have determined through a jurisdictional determination that the SLR is within the Louisiana Coastal Zone. By CEMVN standards, SLR is appropriate as mitigation for the WSLP. According to a recent hydrologic analysis by Alex Ameen, PhD, the Spanish Lake Basin experiences tidal influence at least 49% of the time and up to 71% of the time.

The 2008 Mitigation Rule, specifically at 33 CFR Part 332, supports the use of SLR Bank as mitigation for WSLP, particularly due to the tidal influence and tidal correlation to Lakes Maurepas and Pontchartrain. §332.3 (b) discusses mitigation "type and location," and states that "Compensation for impacts to aquatic resources in coastal watersheds (watersheds that include a tidal water body) should also be located in a coastal watershed where practicable." Based on the location of the SLR Bank within the Lake Pontchartrain Basin and Amite River Watershed, SLR would be considered appropriate under this section, as both Lake Pontchartrain and the Amite River are considered tidal water bodies, and they both correlate with tidal signatures within the SLR Bank. §332.3 (e) discusses mitigation type, stating that "in-kind" mitigation projects are preferred. SLR contains approximately 1,209.6 acres of swamp credits that are below the 5-foot elevation and are tidally influenced and with expansion, an additional 2000 acres would qualify to provide 100% of the required credits for WSLP. This is similar to the swamp habitat that would be impacted by WSLP, further illustrating that the SLR Bank would be considered appropriate.

4.0 Conclusions

In conclusion, SLR reiterates that the use of the MSP as mitigation for the WSLP contributes unnecessary risk to the project and will greatly delay its construction. It is simply not a viable option. Alternatively, SLR can provide approved mitigation credits currently available that would allow WSLP to move forward as scheduled.

If you have any questions or require additional information, please contact SLR at 225.928.5333.

Sincerely,

Scott Nesbit
Chief Technical Advisor

Public Involvement Report

Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study Public Comment Report

TABLE OF CONTENTS

I Introduction 3

II Background 3

III Scoping Summary 4

IV Public Review and Comment Period 5

A. Public Information Meeting 5

B. Meeting Process 6

C. Meeting Venues 6

D. Meeting Attendance 6

V. Comments 7

A. Methodology for Reviewing and Summarizing Comments 7

B. Form E-mails 9

Tables

Table 1. Number of Comments by Mode

Table 2. Themes by Percentage of Occurrence

Enclosures

Encl 1 - Meeting Notifications

- Federal Register Notice of Availability
- Public Notice (published on the WSLP website)

Encl 2 – Public Information Meeting

- PowerPoint Presentation
- *Questions and Responses*

Encl 3 Comments and Responses

- Individual e-mails
- Form e-mails

Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study Public Comment Report

I Introduction

The U.S. Army Corps of Engineers, Mississippi Valley Division, New Orleans District (CEMVN) published a notice of intent to prepare a supplemental environmental impact statement (SEIS) to the 2014 West Shore Lake Pontchartrain (WSLP) environmental impact statement (EIS) in the Federal Register on August 13, 2021. This SEIS provides an assessment of proposed alternative projects to compensate for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project in St. Charles, St. James, and St. John the Baptist Parishes (WSLP Project) swamp impacts. The notice of intent begins a formal public scoping comment period, which continued through Oct. 31, 2021. The purpose of the public scoping phase is to determine the scope of issues for analysis for the SEIS.

This Public Involvement Report includes a summary of the scoping process and presents the public comments received during the 45-day public comment period and CEMVN responses to those comments.

II Background

The WSLP Project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes. Part of the Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322) in 2016 authorized construction of the WSLP Project. The BBA of 2018 (BBA 2018, Public Law 115-123) funded construction of the WSLP Project.

The WSLP Project is described in the 2014 WSLP EIS; West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Structural Alignment Surveys and Borings Investigations St. Charles and St. John the Baptist Parishes, Louisiana Supplemental Environmental Assessment (SEA) 570; and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Levee System, St. Charles and St. John the Baptist Parishes, Louisiana SEA 571. The WSLP Project is approximately 19 miles in length and includes approximately 18 miles of levee, one mile of T-wall, six pumping stations with associated drainage structures, one gated road crossing, two gated railroad crossings, and approximately 35 utility relocations. The Record of Decision (ROD) for the WSLP EIS was signed by the Assistant Secretary of the Army, Civil Works on September 14, 2016. SEA 570 investigated levee alignment shifts as well as the addition of five stockpile/staging areas for construction related activities. The FONSI associated with SEA 570 was signed by the CEMVN District Commander on May 13, 2019. SEA 571 evaluated additional changes to the WSLP levee alignment, the addition of four borrow areas, widening of the levee alignment,

minor modifications to previously assessed access roads, and the addition of three access roads. The FONSI for SEA 571 was signed by the CEMVN District Commander on June 29, 2020.

Based on the changes to date, the WSLP Project could impact approximately 10,895 acres of swamp and 4,880 acres of wetland bottomland hardwoods (BLH-Wet) in the Louisiana (LA) Coastal Zone (CZ). This equates to a compensatory mitigation need of approximately 1,010 AAHU of CZ swamp [including direct impacts to swamp associated with construction of the Maurepas Swamp Project (MSP) (~55 AAHU), and direct (~600 AAHU) and indirect (~355 AAHU) impacts to swamp associated with the construction of WSLP] and approximately 295 AAHU of CZ BLH-Wet (BLH habitat impacted by the construction of the WSLP Project would be mitigated in accordance with EA 576).

This Draft Supplemental EIS provides an assessment of proposed alternatives to compensate for the WSLP Project's swamp impacts. When unavoidable impacts occur, the CEMVN is required to offset those impacts through compensatory mitigation by replacing the lost habitat's functions and services equally and in-kind. Compensatory mitigation is required by the Water Resources Development Act (WRDA) of 1986, Section 906, as amended, and by the Clean Water Act Section 404(b)(1) Guidelines. The MSP is a freshwater diversion that would reconnect the Mississippi River to the Maurepas Swamp, strategically delivering nutrient-laden river water to restore a degraded Cypress-Tupelo swamp. The proposed diversion has a 2,000 cubic foot per second (cfs) design flow. The freshwater intake structure and conveyance channel are located on the east bank of the Mississippi River in St. John the Baptist Parish, immediately west of Garyville, Louisiana, at River Mile 144 Above Head of Passes. The construction corridor for the conveyance channel extends from LA 44 (River Road) northwards for 5½ miles, terminating at the outfall structure, which is approximately 1,000 ft north of Interstate 10.

The SEIS will address a reasonable range of alternatives based on the proposed action's purpose and need. The SEIS will compare, at a minimum, the previously identified BBA Alternative for the WSLP Project in EA 576 to Alternative 1 (MSP-1: Public and Private Lands) and Alternative 2 (MSP-2: Public Land Only) by using the Alternatives Evaluation and Comparison (AEC) process. The results of the AEC process would be presented in the SEIS. The BBA Alternative would compensate for the WSLP Project impacts of 955 AAHU of CZ swamp. The MSP Alternative would compensate for WSLP Project impacts of approximately 1,010 AAHU of CZ swamp.

III Scoping Summary

The National Environmental Policy Act (NEPA) affords all persons, organizations, and government agencies the right to review and comment on proposed major Federal actions that are evaluated by an environmental impact statement. This is known as the "Scoping Process." The scoping process is the initial step in the preparation of the SEIS. The scoping process is an early and open process to help determine the scope of issues to address and identify the significant issues related to the proposed action.

The public scoping period began with the publication of the Notice of Intent in the Federal Register (86 FR 44700; Document No. 2021-17313) on August 13, 2021 and concluded on October 31, 2021. Members of the public, agencies and non-government organizations were afforded the opportunity to submit comments regarding issues, measures, or alternatives they wished to be considered in the development of alternatives. Comments received after October 31, 2021, were considered but were not a part of the scoping report. An analysis of the scoping comments identified 20 themes that are detailed in the scoping report located in Appendix O. The top six themes represent 53 percent of the comments received:

A project kick-off meeting and two public scoping meetings were organized and hosted in accordance with NEPA to gather input from interested parties, agencies, and the public to reevaluate alternatives to compensate for unavoidable impacts to swamp habitat associated with the construction of the WSLP Project. Public scoping meetings were held virtually on October 5 and 6, 2021 at the CEMVN District Office, to obtain potential compensatory mitigation measures from the general public.

IV Public Review and Comment Period

The release of the Draft SEIS for a 45-day public comment period was published in the Federal Register (87 FR 15420; EIS No. 2022-0034) on March 18, 2022. The DSEIS was subsequently retracted from public review on April 1, 2022 (FR Doc. 2022-07537, 4/1/22), to correct outdated information integral to the study. The retraction notice was also published on the WSLP website at: New Orleans District > Missions > Environmental > NEPA Compliance Documents > Bipartisan Budget Act 2018 (BBA 18) > West Shore Lake Pontchartrain (army.mil). An Addendum to the Draft SEIS was prepared explaining the changes made to the document and the Draft SEIS was re-released for a second 45-day public review period (encl 1). The second 45-day public review period was announced in the Federal Register on April 15, 2022 (87 FR 22531; EIS No. 20220051). The public comment period ended May 31, 2022. Copies of the Federal Register notices are included in enclosure 1.

A. Public Information Meeting

A Public Information Meeting was held on May 11 and 12, 2022. The public was notified of the draft SEIS information meetings using the following communication mechanisms. The meeting materials are included in enclosure 2.

- A Public Notice announcing the Public Information Meeting was mailed and/or e-mailed to the CEMVN NEPA mailing list, which is comprised of the non-government agencies, government agencies, stakeholders in the study as well as individuals who stated they were interested in the study.

- A meeting notice was placed on the CEMVN Web sites and CEMVN social media sites (Twitter, Facebook, Instagram). A media advisory was provided to local Louisiana and regional media outlets.

B. Meeting Process

The virtual meetings were conducted according to the following agenda:

1. Opening remarks
2. PowerPoint presentation
3. Public Questions

A PowerPoint presentation was presented to the participants and narrated by Melanie Oubre. A panel of subject matter experts were on hand during the virtual meeting to answer questions and clarify information presented.

Opening remarks were made by USACE representatives. During opening remarks, the meeting process was explained to the participants who were advised that their questions would become part of the record of the meeting.

USACE representatives wrapped up the meeting by thanking participants for their attendance and contributions and encouraging them to submit official comments on the DEIS by May 31, 2022.

C. Meeting Venues

The virtual meetings were managed by CEMVN Office of Public Affairs staff at the CEMVN HQ building at 7400 Leake Ave, New Orleans, LA. 70118. The video presentation was shared live on WebEx and Facebook simultaneously. The public information video was also posted on YouTube.

D. Meeting Attendance

On May 11, 2022, the WebEx public information meeting peak attendance was 16 participants within an average 0f 13 participants. There were 300 views of the presentation on Facebook live on the CEMVN main page. Peak live viewers were 12. There was 1 reaction and 4 comments. The comments were made by staff with the CEMVN advising viewers on how to submit comments via mail or e-mail. Facebook participation on the WSLP page reached 100 viewers with 11 engagements.

On May 12, 2022, the WebEx public information meeting peak attendance was 26 participants within an average of 22 participants throughout the presentation. There were 144 views of the presentation via Facebook Live on the CEMVN main page with peak live views being 7. There were no reactions, 4 comments and 1 share. The comments were made by staff with the CEMVN advising viewers on how to submit

comments via mail or e-mail. Facebook participation on the WSLP page reached 3,010 viewers with 77 engagements.

There were 73 views of the live streaming of the meeting on YouTube Video and no comments. There were no voice or text messages submitted throughout the presentation via the provided phone number.

V. Comments

Questions could be asked during the information live virtual meetings. No official comments on the draft SEIS were accepted at the information meetings. Participants were advised to submit written comments via the methods below:

- E-mail comments: mvnenvironmental@usace.army.mil.
- Mail comments:

  U.S. Army Corps of Engineers Regional Planning and Environmental Division South PDS-C 7400 Leake Ave, New Orleans, LA 70118

The number of comments received and the mode in which those comments were received is outlined in Table 1.

Table 1. Number of Comments by Mode

Comment Mode	Number of Respondents	Number of Comments
e-mail submitted Letter	21	102
e-mail submitted Form letters	31	1
Total:	***52***	***103***

* 1 respondent submitted comment via Facebook and email.

Within the 52 e-mails received, there were 103 distinct comments from individuals, NGOs and agencies. A form letter was submitted by e-mail 31 times by different respondents totaling one distinct comment. Since the form e-mails contained the same comments, they were counted as one comment. All E-mails and letters received are included in enclosure 3.

A. Methodology for Reviewing and Summarizing Comments

For this report, a comment is defined as a distinct assertion, point, or opinion relating to the study. Therefore, an individual could have multiple comments per submittal. For example, one person's e-mail message may contain several comments. This preliminary report considered all comments received by 11:59 p.m. central standard time on May 31, 2022. The comments were organized according to comment mode.

Comments were evaluated for recurring themes in order to gain an understanding of the key issues to be addressed in the final SEIS. The theme categories are broad and encompassing in order to summarize the comments that were identified. Twenty-one recurring themes were identified. The recurring themes and their percentage of occurrence are shown in Table 2.

Table 2. Themes by Percentage of Occurrence

Ranking	Theme	Number of Comments	Percent Occurrence
1.	Monitoring	19	20.43
2.	Support	15	16.13
3.	Water Quality	9	9.68
4.	Costs	7	7.53
5.	Information Request	7	7.29*
6.	Technical Editing	6	6.45
7.	Mitigation Concurrent with Construction	5	5.38
8.	Compliance	5	5.38
9.	Mitigation Banks	4	4.3
10.	Environmental Justice	3	3.23
11.	Cumulative Impacts	3	3.23
12.	No objection	3	3.23
13.	CRMS Data	3	3.23
14.	Administrative	3	3.23*
15.	Conservation Servitude	2	2.15
16.	Risk	2	2.15
17.	Plan Formulation	2	2.15
18.	Financial Assurances	2	2.15
19.	HTRW	1	1.08
20.	Clean Water Act	1	1.08
21.	Project Benefits	1	1.08
	Total:	***103***	***100%****

**Note: Comments requesting additional information or that were considered administrative in nature were not used in the calculation of the percentage of occurrence per theme*

The top four recurring themes account for 55 percent of the comments and are discussed further below.

Monitoring: Numerous comments were received concerning with the ability to monitor the mitigation area and the ability to achieve success in meeting the mitigation requirements. Some comments requested clarifications regarding success criterion and others expressed concern for the ability to measure or achieve certain success criterion.

Support: Comments of support were received regarding the positive benefits of restoring the wetlands; providing a critical line of defense for nearby communities; and synergistic effects of restoring the wetlands and the construction of the levee in proximity to each other.

Water Quality: Comments were received requesting clarification of conflicting discussion on nutrient loading and algal blooms in the receiving area, hypoxia in the Gulf of Mexico as well as request for references regarding discussions on wetland assimilation projects.

Cost: Comments were submitted seeking the cost used for other mitigation projects, estimates utilized for mitigation banks or the date on which the costs were determined.

B. Form E-mails

Numerous e-mails were received in the format of "form e-mails" created by "thesoftedge.com". CEMVN received 31 individual form e-mails/letters with individual names and addresses. The form e-mails received contained the same language, and therefore counted as a single occurrence and assigned themes accordingly for the purpose of this analysis. In general, the comments from the form letters expressed support for the MSP as mitigation for the WSLP levee construction in that it would provide a critical line of defense to protect the levee and communities within the levee. Support was expressed for the non-federal sponsor to pay the additional costs required to utilize the MSP as mitigation for WSLP.

Public Involvement Report

Enclosure 1: Federal Register and Retraction Notices

proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0453; email address: *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov.* For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.* The telephone number for the Docket Center is 202–566–1744.

Abstract: In order for a State to obtain final authorization for a State hazardous waste program or to revise its previously authorized program, it must submit an official application to the EPA Regional office for approval. The purpose of the application is to enable the EPA to properly determine whether the State's program meets the requirements of § 3006 of RCRA. A State with an approved program may voluntarily transfer program responsibilities to EPA by notifying the EPA of the proposed transfer, as required by section 271.23. Further, the EPA may withdraw a State's authorized program under section 271.23.

State program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. In the event that the State is revising its program by adopting new Federal requirements, the State shall prepare and submit modified revisions of the program description, Attorney General's statement, Memorandum of Agreement, or such other documents as the EPA determines to be necessary. The State shall inform the EPA of any proposed modifications to its basic statutory or regulatory authority in accordance with section 271.21. If a State is proposing to transfer all or any part of any program from the approved State agency to any other agency, it must notify the EPA in accordance with section 271.21 and submit revised organizational charts as required under section 271.6, in accordance with section 271.21. These paperwork requirements are mandatory under § 3006(a). The EPA will use the information submitted by the State in order to determine whether the State's program meets the statutory and regulatory requirements for authorization.

Form Numbers: None.

Respondents/affected entities: State/territorial governments.

Respondent's obligation to respond: Mandatory (RCRA § 3006(a)).

Estimated number of respondents: 50.

Frequency of response: Annual.

Total estimated burden: 10,794 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $427,536 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in annual burden for this renewal of 798 hours. The reason for this increase is an increase in the number of revision applications from 6 to 7. EPA expects that a greater number of states will seek to revise their authorization and receive approval from EPA due greater emphasis on increasing authorization progress and recent high profile rulemakings.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–05702 Filed 3–17–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–008]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed March 7, 2022 10 a.m. EST

Through March 14, 2022 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20220030, Final, BR, WY, Adoption—Leavitt Reservoir Expansion Project, Review Period Ends: 04/18/2022, Contact: Shain L. Wright 307–261–5664.

The Bureau of Reclamation (BR) has adopted the Bureau of Land Management's Final EIS No. 20190076, filed 4/24/2019 with the Environmental Protection Agency. The BR was not a cooperating agency on this project. Therefore, republication of the document is necessary under Section 1506.3(c) of the CEQ regulations.

EIS No. 20220031, Final, USCG, Other, Waterways Commerce Cutter Acquisition, Review Period Ends: 04/18/2022, Contact: Andrew Haley 202–372–1821.

EIS No. 20220032, Draft, FHWA, SC, Bishopville Truck Route Project, Comment Period Ends: 05/09/2022, Contact: Jeffrey Belcher 803–253–3187.

EIS No. 20220033, Third Draft Supplemental, USN, AK, Gulf of Alaska Navy Training Activities, Comment Period Ends: 05/02/2022, Contact: Kimberly Kler 360–315–5103.

EIS No. 20220034, Draft Supplement, USACE, LA, West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, Comment Period Ends: 05/02/2022, Contact: Landon Parr 504–862–1908.

EIS No. 20220035, Draft, NOAA, OR, Western Oregon State Forests Habitat Conservation Plan, Comment Period Ends: 05/17/2022, Contact: Michelle McMullin 541–957–3378.

Dated: March 14, 2022.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2022–05736 Filed 3–17–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0121; FRL—9668–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources (EPA ICR Number 2253.05, OMB Control Number 2060–0668) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently

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

Regional Planning and Environmental
Division South

Julie A. Roemele
Office of Federal Activities
NEPA Compliance Division
Environmental Protection Agency

Dear Ms. Roemele:

Outdated information was found in the "Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study" (WSLP Draft SEIS) after it was published for public review on March 18, 2022 (87 FR 15420, page 15420; EIS No. 20220034); therefore it is being retracted from public review beginning April 1, 2022. The outdated information can be found in section 1.2 (page 4), it is as follows:

a. Although CPRAB has an active permit for the Mississippi River Reintroduction into Maurepas Swamp project PO-29 (MVN-2013-01561-CQ), CPRAB has not pursued completing the permitting process since 2019 and has requested the permit be placed on hold. As such, this permit was not considered as a project that would occur in the FWOP conditions.

I am making a formal request to withdraw the current WSLP Draft SEIS.

If you have any questions, or require additional information please contact Landon Parr by phone 504-862-1908 or by email landon.parr@usace.army.mil .

Sincerely,

Troy G. Constance
Chief, Regional Planning and
Environment Division, South

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

CEMNV-PD April 01, 2022

NOTICE OF RETRACTION

Outdated information was identified in the "Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study" (WSLP Draft SEIS) after it was released for public review on March 18, 2022; therefore it is being retracted from public review beginning April 1, 2022. The outdated information can be found in section 1.2 (page 4) and reads as follows:

a. Although CPRAB has an active permit for the Mississippi River Reintroduction into Maurepas Swamp project PO-29 (MVN-2013-01561-CQ), CPRAB has not pursued completing the permitting process since 2019 and has requested the permit be placed on hold. As such, this permit was not considered as a project that would occur in the FWOP conditions.

An Addendum addressing this section is being prepared as well as updates to section 1.2 of the WSLP Draft SEIS. A Notice of Availability announcing a new 45-day public review period is anticipated within the next 30 days. Should you have any questions or need additional information please contact Landon Parr by phone 504-862-1908 or by email landon.parr@usace.army.mil

Eric M. Williams
Chief, Environmental Planning Branch

compacted concrete (rcc) dam forming a 29-acre upper reservoir with a storage capacity of 3,400 acre-feet; (2) a 220-foot-high, 850-foot-long rcc dam forming a 55-acre lower reservoir with a storage capacity of 3,600 acre-feet; (3) underground tunnels connecting the upper and lower reservoirs consisting of: (a) Three, 10-foot diameter parallel fiberglass reinforced plastic or steel pipes with a length of 3,300-feet each; (b) three 10-foot diameter, 1,300-foot-high vertical shafts; (c) a 21.9-foot-diameter, 3,150-foot-long tailrace tunnel; (4) a powerhouse containing three 166.6 megawatt (MW) reversible pump-turbines/motor generators for a total installed capacity of 500 MW; (5) an 11-mile-long transmission line connecting to the Rock Mountain Power's Oquirrh substation; and (6) appurtenant facilities. The proposed project would have an estimated average annual generation of 876,000 megawatt-hours.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the project would affect the interests of interstate or foreign commerce. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) would be located on a non-navigable stream over which Congress has Commerce Clause jurisdiction and would be constructed or enlarged after 1935.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', and ''MOTIONS TO INTERVENE'', as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 7, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–08033 Filed 4–14–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN12–17–000]

Total Gas & Power North America, Aaron Hall and Therese Tran; Updated Notice of Designation of Commission Staff as Non-Decisional

With respect to an order issued by the Commission on April 28, 2016 in the above-captioned docket,[1] with the exceptions noted below, the staff of the Office of Enforcement are designated as non-decisional in deliberations by the Commission in this docket. Accordingly, pursuant to 18 CFR 385.2202 (2021), they will not serve as advisors to the Commission or take part in the Commission's review of any offer of settlement. Likewise, as non-decisional staff, pursuant to 18 CFR 385.2201 (2021), they are prohibited from communicating with advisory staff concerning any deliberations in this docket.

Exceptions to this designation as non-decisional are:

Ruedi Aebersold
Jeffrey Fang
Martin Lawera
Eric Primosch
Felice Richter
Derek Shiau
Nicholas Stavlas
Damon Taaffe
Ambrea Watts
Mehrdad Barikbin
David Zlotnick
Sheryl Caro
Serrita Hill

Dated: April 11, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–08123 Filed 4–14–22; 8:45 am]

BILLING CODE 6717–01–P

[1] *Total Gas & Power North America, Aaron Hall and Therese Tran,* 155 FERC ¶ 61,105 (2016).

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–012]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed April 4, 2022 10 a.m. EST

Through April 11, 2022 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20220049, Final, FHWA, NY, Interstate 81 Viaduct Project, *Review Period Ends:* 05/16/2022, *Contact:* Richard J. Marquis 518–431–4127.

EIS No. 20220050, Final, FERC, LA, Hackberry Storage Project, *Review Period Ends:* 05/16/2022, *Contact:* Office of External Affairs 866–208–3372.

EIS No. 20220051, Draft Supplement, USACE, LA, West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, *Comment Period Ends:* 05/31/2022, *Contact:* Landon D. Parr 504–862–1908.

EIS No. 20220052, Draft, FHWA, IN, Mid-States Corridor Tier 1, *Comment Period Ends:* 05/31/2022, *Contact:* Michelle Allen 317–226–7344.

EIS No. 20220053, Final, MARAD, CA, Port of Long Beach Pier B On-Dock Rail Support Project, *Contact:* Alan J. Finio 202–366–8024.

Under 49 U.S.C. 304a(b), MARAD has issued a single document that consists of a final environmental impact statement (FEIS) and record of decision (ROD). Therefore, the 30-day wait/review period under NEPA does not apply to this action.

Amended Notice

EIS No. 20220021, Draft, USFS, AK, Mendenhall Glacier Visitor Facility Improvements, *Comment Period Ends:* 05/09/2022, *Contact:* Monique Nelson 907–209–4090. Revision to FR Notice Published 03/04/2022; Extending the Comment Period from 04/18/2022 to 05/09/2022.

EIS No. 20220035, Draft, NOAA, OR, Western Oregon State Forests Habitat Conservation Plan, *Comment Period Ends:* 06/01/2022, *Contact:* Michelle McMullin 541–957–3378. Revision to FR Notice Published 03/18/2022; Extending the Comment Period from 05/17/2022 to 06/01/2022.

Dated: April 11, 2022.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2022–08096 Filed 4–14–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 16, 2022.

A. Federal Reserve Bank of Richmond (Brent B. Hassell, Assistant Vice President) P.O. Box 27622, Richmond, Virginia 23261. Comments can also be sent electronically to *Comments.applications@rich.frb.org:*

1. *Piedmont Financial Holding Company, Winston-Salem, North Carolina;* to become a mutual savings and loan holding company upon the conversion of Piedmont Federal Savings Bank, Winston-Salem, North Carolina, from federal mutual savings bank to a federal stock savings bank.

Board of Governors of the Federal Reserve System, April 11, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–08044 Filed 4–14–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request for Information: AHRQ's Proposed Patient-Centered Outcomes Research Trust Fund Strategic Framework; Extension of Comment Period

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Request for information; notice of extension of comment period.

SUMMARY: In the **Federal Register** of February 18, 2022, the Agency for Healthcare Research and Quality (AHRQ) announced that it was seeking input from the public on its proposed strategic framework for AHRQ's Patient-Centered Outcomes Research Trust Fund investments. This notice extends the comment period 35 days from April 19, 2022 to May 24, 2022. The subject matter content remains unchanged from the original notice.

DATES: Comments on this notice must be received by May 24, 2022. AHRQ will not respond individually to responders but will consider all comments submitted by the deadline.

ADDRESSES: Please submit all responses via email to: *PCORTF@ahrq.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Karin Rhodes, MD, Chief Implementation Officer, Email: *PCORTF@ahrq.hhs.gov,* Telephone: 301–427–1364 or 240–463–0872.

SUPPLEMENTARY INFORMATION: AHRQ is authorized under 42 U.S.C. 299b–37 to broadly disseminate patient-centered outcomes research (PCOR) findings, including incorporation of PCOR findings into health information technology focused on clinical decision support, and to train researchers in the methods used to conduct PCOR. PCOR compares the impact of two or more preventive, diagnostic, treatment, or healthcare delivery approaches on health outcomes, including those that are meaningful to patients.

AHRQ's work under 42 U.S.C. 299b–37 is funded by the Patient-Centered Outcomes Research Trust Fund (PCORTF), 26 U.S.C. 9511, which was established in 2010 and reauthorized in 2019. To learn more about the PCORTF, please visit: *https://www.ahrq.gov/pcor/potential-of-the-pcortf/index.html.*

In response to the reauthorization of the PCORTF, AHRQ has developed a proposed strategic framework to guide future planning and evaluation of AHRQ's PCORTF investments (the strategic framework). The strategic framework is consistent with AHRQ's broader goal of improving the quality, safety, equity, and value of healthcare delivery.

The proposed strategic framework identifies five priorities for improving healthcare delivery that are aligned with AHRQ's mission and that have the potential to improve outcomes that patients care about. These priorities are interrelated, and all contribute to achieving the proposed strategic framework's overall vision of *equitable whole-person care across the lifespan.* The proposed strategic framework is consistent with AHRQ's Congressional authorization for investments from the PCORTF and is aligned with national health priorities.

The AHRQ PCORTF strategic framework includes a mission, vision, high-level priorities, desired outcomes, and cross-cutting strategies for advancing the desired outcomes. This framework is expected to describe and inform the portfolio of AHRQ PCORTF investments. AHRQ will use this broad framework to guide long-range planning and to guide the development of projects and investments.

Public Involvement Report

Enclosure 2: Public Information Meeting

US Army Corps of Engineers®

THANK YOU FOR JOINING US

Our broadcast will begin momentarily

PUBLIC MEETING:

Re-evaluation of Environmental Mitigation for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction System Project Swamp Impacts

May 2022

U.S.ARMY

US Army Corps of Engineers®

MISSISSIPPI VALLEY DIVISION
U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

PRESENTATION AGENDA

- Meeting Purpose
- Project Introduction
- Objective
- Conclusion
- The NEPA Process
- Potential Issues
- Opportunities to Comment

VIRTUAL PUBLIC MEETING PURPOSE

Live Virtual Event Schedule

Wednesday
May 11, 2022
6 p.m.

1-844-800-2712

Meeting Number:
2762 265 1486

Thursday
May 12, 2022
10 a.m.

1-844-800-2712

Meeting Number:
2760 486 9415

Public Scoping Comments/Public Input

- Traditional Mail
  U.S. U.S. Army Corps of Engineers
  Regional Planning and Environmental Division
  South PDS-C
  7400 Leake Ave, New Orleans, LA 70118
- E-Mail
  mvnenvironmental@usace.army.mil
- Text or Voicemail
  (504) 233-8471

Public Meeting Participation

- Information to log in or dial in to each meeting is available on the web at:
  https://www.mvn.usace.army.mil/Media/Public-Meetings/
- We will also livestream the meetings on Facebook:
  https://www.facebook.com/usacenola/

BUILDING STRONG®

PROJECT INTRODUCTION

Who is proposing this project?

The non-Federal Sponsor Louisiana's Coastal Protection and Restoration Authority (CPRA) and the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN).

What is this project?

The Maurepas Swamp Project (MSP) is a 2,000 cfs freshwater diversion project that was brought to the Corps during public review of the Draft EA #576 by Louisiana's CPRA for consideration as a mitigation alternative to satisfy WSLP Project mitigation needs for swamp habitat impacted by the construction of the WSLP Project.

Where is this project located?

The WSLP Project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes.

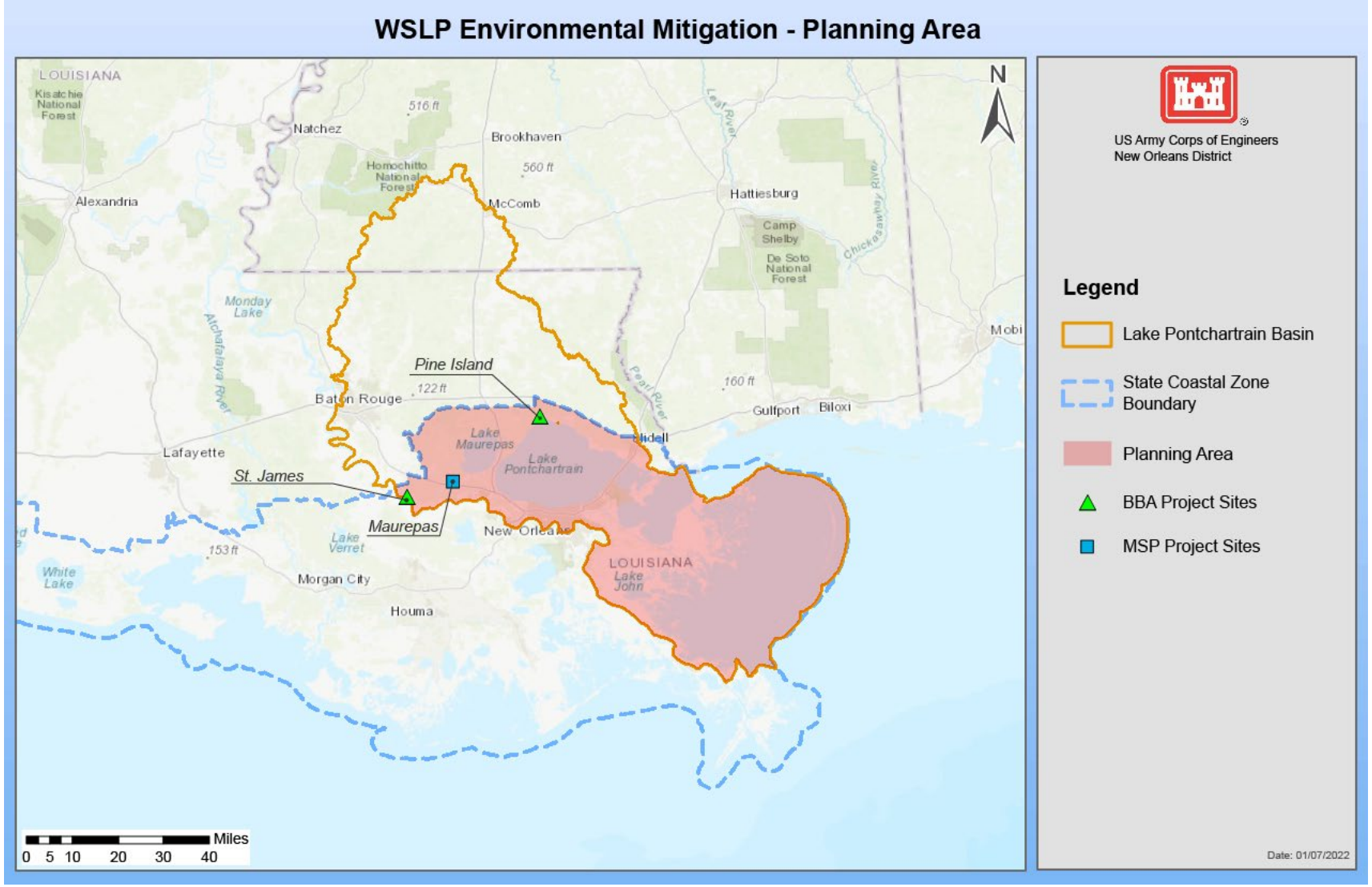
STUDY AUTHORITY

Construction of the WSLP Project was authorized as part of the 2016 Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322). Construction of the WSLP Project was funded by the Bipartisan Budget Act of 2018 (BBA 2018, Public Law 115-123).

Bipartisan Budget Act (BBA) of 2018

- (Public Law 115-123), Division B, Subdivision 1, H. R. 1892—13, TITLE IV, CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY, INVESTIGATIONS

PLANNING AREA



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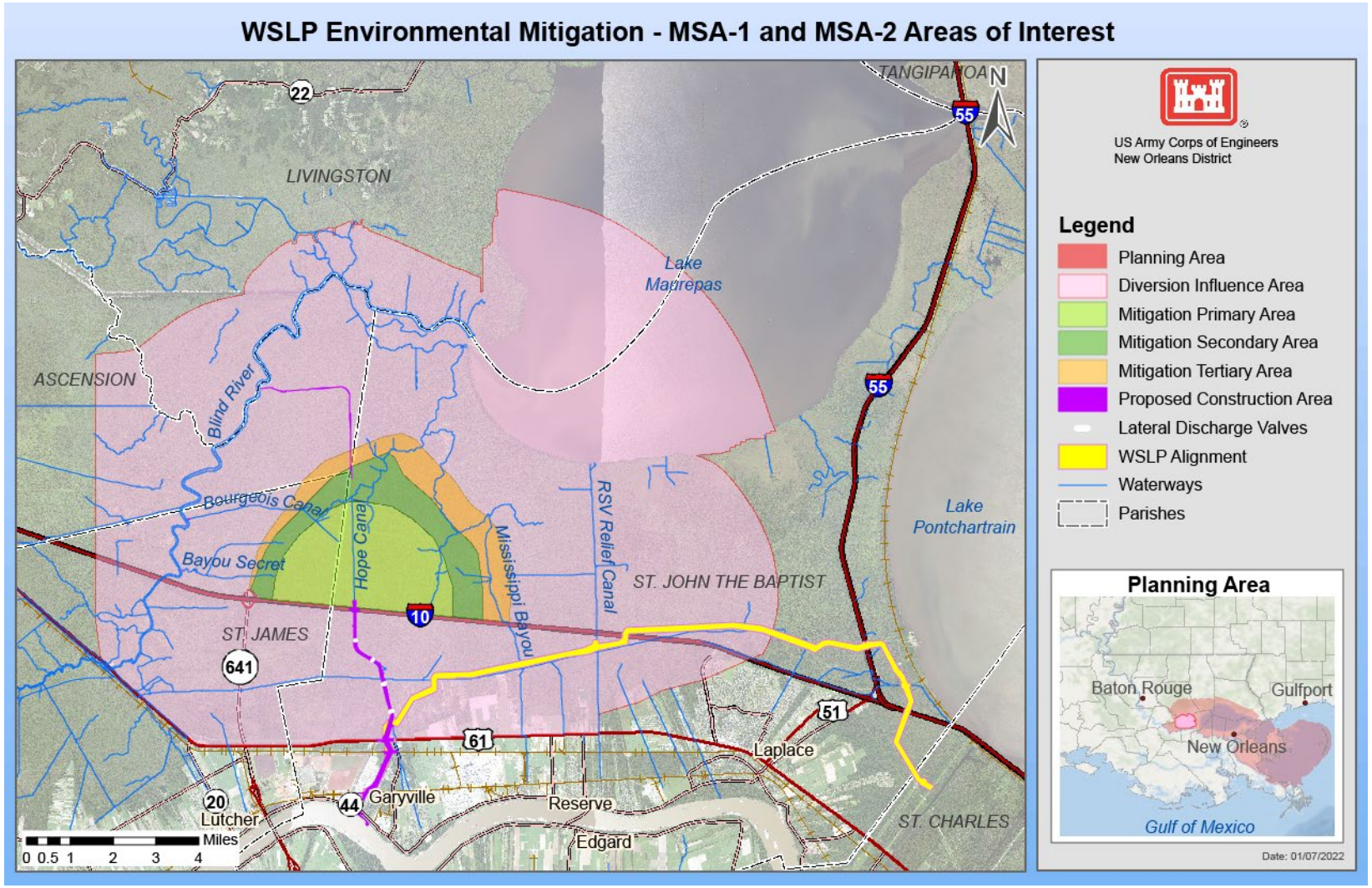
DIVERSION INFLUENCE AREA



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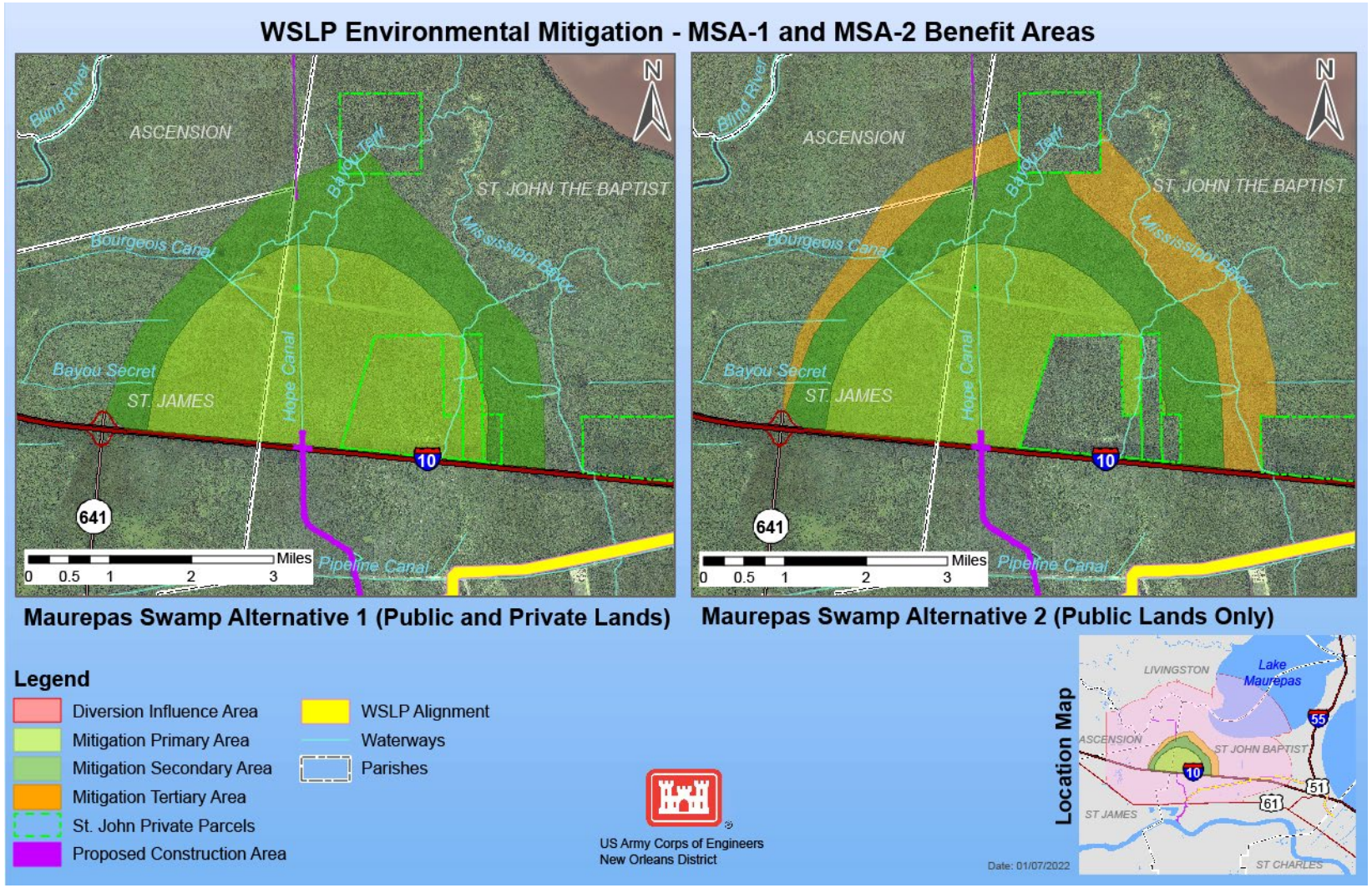
MSA-1 AND MSA-2 (MITIGATION AREA LOCATION)



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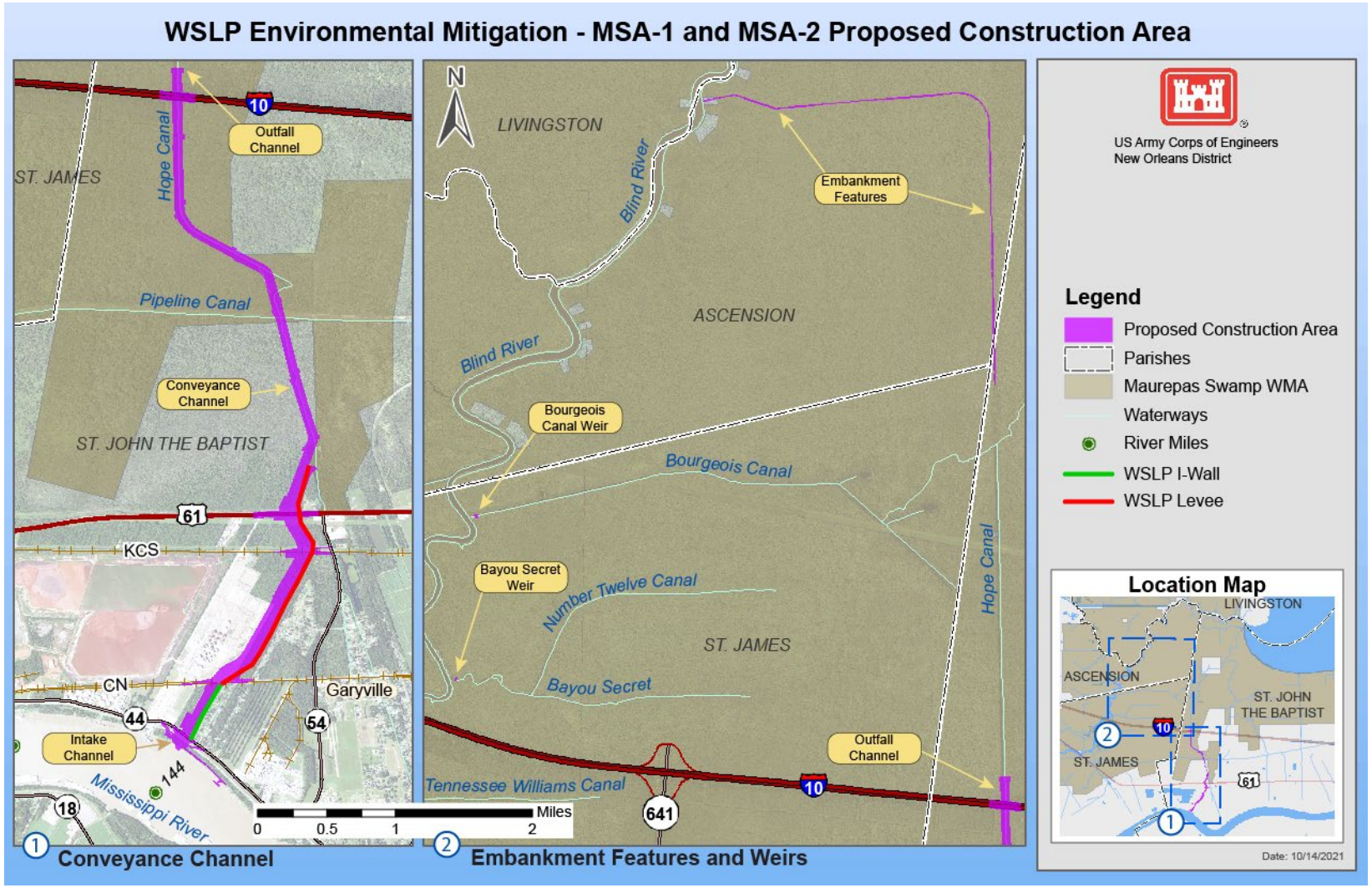
MSA-2 FEATURES



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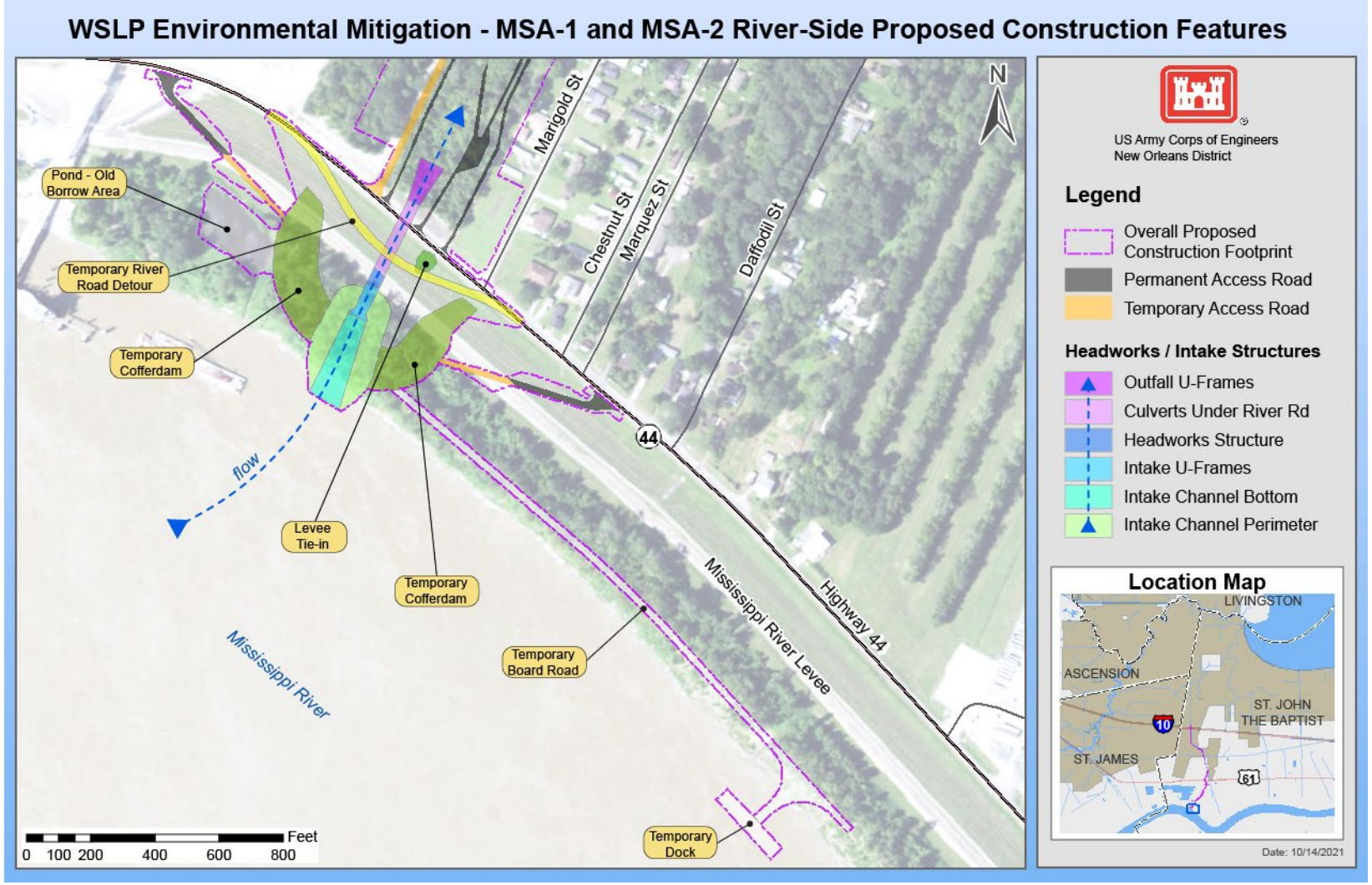
MSA-1 AND MSA-2 ALTERNATIVE FEATURES



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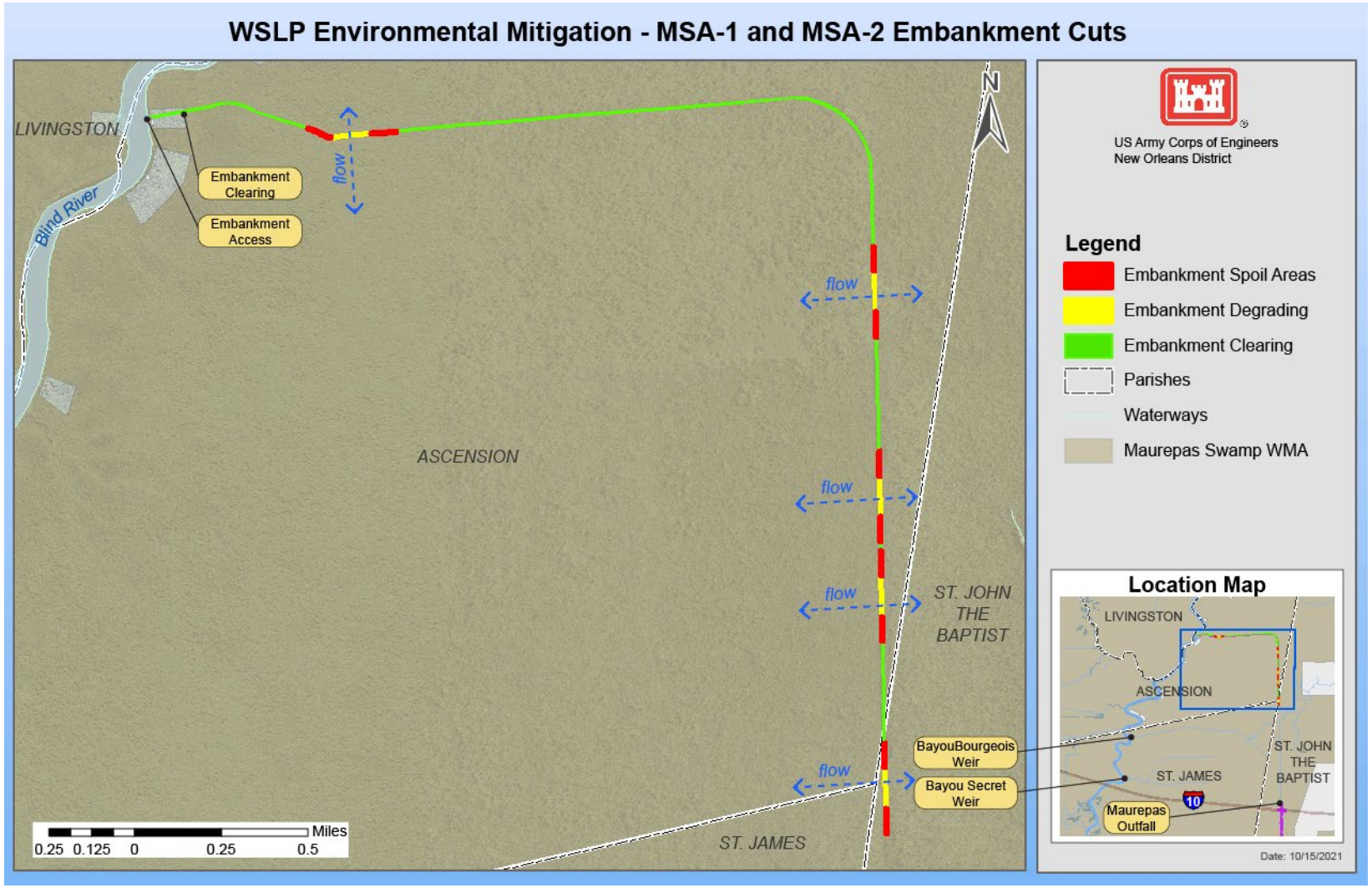
MSA-1 AND MSA-2 ALTERNATIVE FEATURES



BUILDING STRONG®

FEDERALLY SELECTED PLAN

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 the Federally Selected Plan (also known as the Federally Approved Plan) to compensate for WSLP Project swamp impacts. The Federally Approved Plan would be a combination of mitigation bank credit purchases and Corps-constructed projects in the Lake Pontchartrain Basin that would meet the compensatory mitigation need of approximately 947 average annual habitat units (AAHUs) of CZ swamp for the WSLP Project. A brief description of the proposed Corps constructed projects follows.

Impacts	Projects	AAHUs	Acres
~947 AAHUs of Coastal Zone Swamp	Mitigation Bank	TBD	TBD
	St. James	up to 511	up to 1,246
	Pine Island	up to 775	up to 1,965

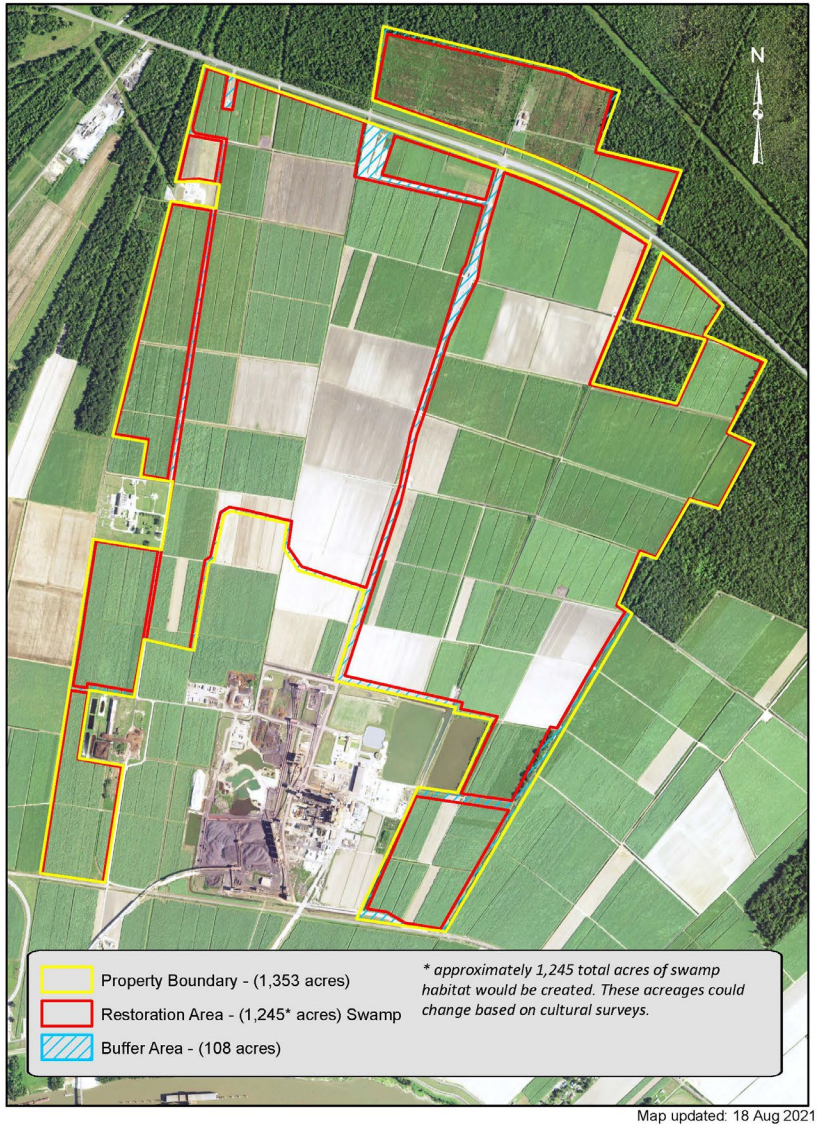
FEDERALLY SELECTED PLAN

PROJECT: BBA Mitigation, St. James, Swamp Restoration, St. James Parish, Louisiana

The proposed project involves restoration of up to approximately 1,246 acres of swamp habitat and provides up to approximately 511 AAHUs as compensatory mitigation for WSLP Project swamp impacts. The proposed mitigation acreage could change after cultural surveys are completed. The swamp mitigation area would be located in existing agricultural fields at the St. James mitigation site.

This site is located off the Mississippi River between the towns of Romeville and Union, LA around the Nucorp Plant in St. James Parish.

St James Mitigation Site



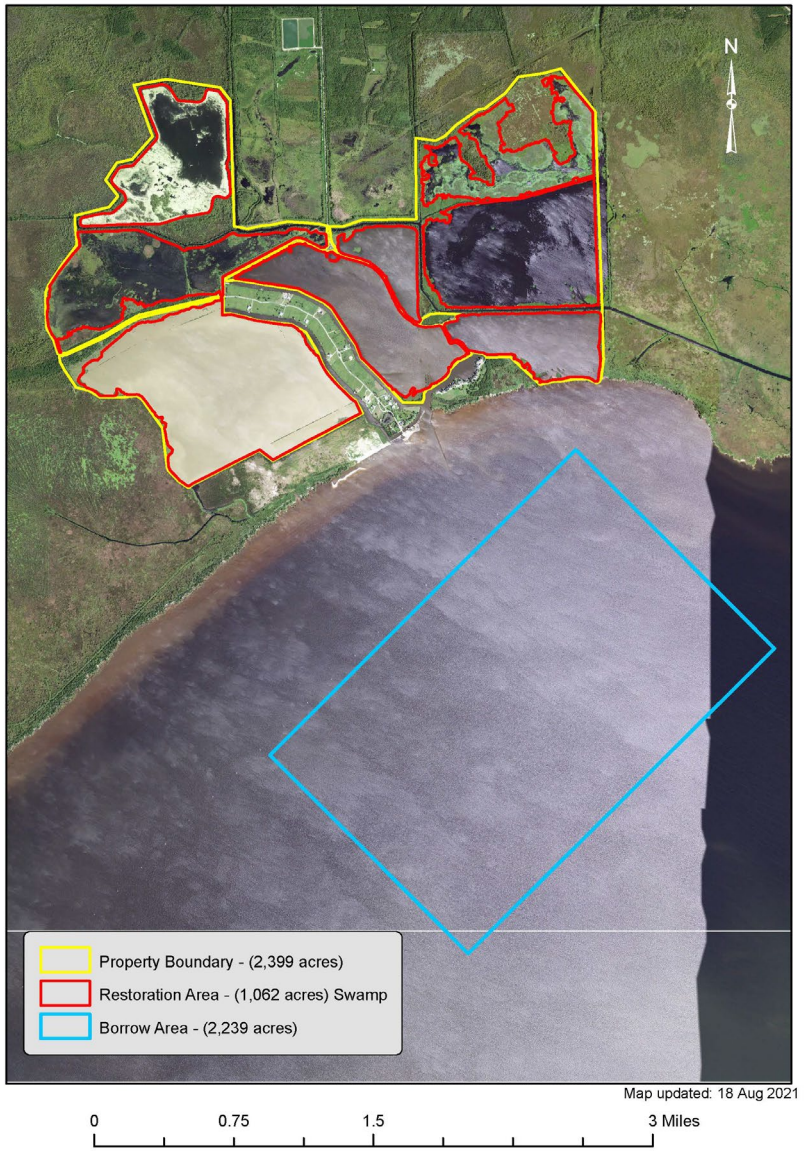
FEDERALLY SELECTED PLAN

PROJECT: BBA Mitigation, Pine Island Swamp Creation/Restoration, St. Tammany Parish, Louisiana

The proposed project involves creation/restoration of up to a total of approximately 1,965 acres of swamp habitat and provides up to approximately 755 AAHUs as compensatory mitigation for WSLP Project swamp impacts. The swamp mitigation area would be located in shallow open water areas on the north shore of Lake Pontchartrain.

This site is located southwest of the town of Madisonville adjacent to the Tchefuncte River in St. Tammany Parish.

Pine Island Mitigation Site



OBJECTIVE

- Main Objective: to provide ~947 AAHUs of compensatory mitigation for swamp habitat impacted by the WSLP Project.
  - To do this, the SEIS compares the previously identified BBA Alternative for the WSLP Project as described in EA 576 to the newly developed MSA-1 and MSA-2 Alternatives by using the Alternative Evaluation and Comparison (AEC) process. The AEC process and results are presented in the SEIS.
- The BBA Alternative could generate ~1,286 AAHUs.
- MSA-1 could generate ~1,255 AAHUs, MSA-2 could generate ~1,239 AAHUs. As a result of MSA-1 or MSA-2 construction, there would be additional impacts:
  - ~206 AAHUs of impacts to swamp habitat, this would be self-mitigated by the operation of the diversion.
  - ~36 AAHUs of impacts to CZ BLH, this would be mitigated by the Federally approved plan (EA 576
  - ~19 AAHUs of impacts to CZ marsh, mitigated through construction of one or a combination of mitigation bank credits and the Guste Island marsh creation project.

17

CONCLUSION

- The Corps, at the request of the NFS, evaluated the MSP as a potential compensatory mitigation alternative.
- The MSP was converted into MSA-1 and MSA-2, both of these alternatives could meet the mitigation needs of the WSLP project.
- The AEC process compared BBA, MSA-1, and MSA-2; the process confirmed BBA as the Federally Approved Plan.
- In consideration of the AEC results, the NFS selected MSA-2, and agreed to pay for the costs beyond the Federally Approved Plan.
- Thus, the NFS preferred alternative MSA-2 was selected as the Tentatively Selected Alternative (TSA). The TSA satisfies the swamp mitigation needs of the WSLP project.

WHAT IS NEPA?

The National Environmental Policy Act (NEPA) is a law that requires Federal agencies to evaluate environmental impacts before making decisions on any major Federal action and solicit input from the public.

What are the key goals of NEPA?

- Assist Federal agency officials with making well-informed decisions
- Ensure public and other agency involvement in decision-making

How will USACE comply with NEPA?

- By acting as the lead Federal Agency in the drafting of a SEIS for the WSLP Project.

WHAT IS AN EIS?

Purpose and Need

- What is the purpose of this project? What is the goal trying to be achieved?
- Why is this project needed? Is there a reasonable, foreseeable need for the proposed project?

Alternatives

- What alternatives will be looked at in the EIS?
- Informed by the scoping process of the EIS

Affected Environment

- What are the baseline conditions of the human and natural environment that could potentially be affected?
- Informed by the scoping process of the EIS

Environmental Consequences

- How will building, operating, and maintaining this project affect those baseline conditions of the human and natural environment?

★★ The public is given an opportunity to respond to the Draft SEIS. This is where we are today.

45-DAY PUBLIC REVIEW PERIOD

- The WSLP draft SEIS is published for public review and comment during this time.
- Your comments and input are **welcomed** and **encouraged**.
- Upon close of the comment period, the project delivery team will consider all substantive comments and, if necessary, conduct further analysis.
- The 45-day public review and comment period lasts from **April 15, 2022 to May 31, 2022**.
- Responses to substantive comments will be provided in the final SEIS

Live Virtual Event Schedule

Wednesday
May 11, 2022
6 p.m.

1-844-800-2712

Meeting Number:
2762 265 1486

Thursday
May 12, 2022
10 a.m.

1-844-800-2712

Meeting Number:
2760 486 9415

Public Scoping Comments/Public Input

- Traditional Mail
  U.S. U.S. Army Corps of Engineers
  Regional Planning and Environmental Division
  South PDS-C
  7400 Leake Ave, New Orleans, LA 70118
- E-Mail
  mvnenvironmental@usace.army.mil
- Text or Voicemail
  (504) 233-8471

BUILDING STRONG®

POTENTIAL ISSUES

This draft SEIS analyzes the potential impacts on the human and natural environment resulting from the TSA. The scoping, public involvement, and interagency coordination processes have and will help identify and define the range of potential significant issues that will be considered. Important resources and issues that have been evaluated in the SEIS could include, but are not limited to, the reasonably foreseeable effects on:

- tidal wetlands and other waters of the U.S.;
- aquatic resources;
- commercial and recreational fisheries;
- wildlife resources;
- essential fish habitat;
- water quality;
- cultural resources;
- geology and soils;
- hydrology and hydraulics;
- air quality;
- marine mammals;
- threatened and endangered species and their critical habitats;
- navigation and navigable waters;
- induced flooding;
- employment and incomes;
- land use;
- property values;
- tax revenues;
- population and housing;
- community and regional growth;
- environmental justice;
- community cohesion;
- public services;
- recreation;
- transportation and traffic;
- utilities and community service systems; and
- cumulative effects of related projects in the Study Area.

ENVIRONMENTAL JUSTICE

Executive Order 12898 – states Federal Actions must Address Environmental Justice in Disadvantaged Communities, including but not limited to Minority Populations and Low-Income Populations (also referred to as Areas of EJ Concern).

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- An EJ Assessment is provided in the WSLP draft SEIS. The Assessment evaluated for high, adverse disproportionate impacts from the proposed project to areas of EJ concern.
- EJ Public Outreach is performed to inform residents in areas of EJ concern of the project and its potential impacts. Feedback from residents is critical to the process.

Fundamental EJ Principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the planning process.

TO SUBMIT COMMENTS/ PROVIDE INPUT

Comments/input will be accepted through May 31, 2022

Email: mvnenvironmental@usace.army.mil

Address:
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South PDS-C
7400 Leake Ave, New Orleans, LA 70118

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Project Website:
https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

US Army Corps of Engineers®

This concludes our broadcast.

THANK YOU FOR JOINING US!

Staff will continue to monitor comments for approximately 30 minutes.

Slide 1

Opening slide

Slide 2

Welcome everyone. Thank you very much for coming out on behalf of the U.S. Army Corps of Engineers, Mississippi Valley Division, New Orleans District (hereafter the Corps) and the cooperating agencies assisting with the preparation of a draft Supplemental Environmental Impact Statement (SEIS) to the 2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study (hereafter WSLP Project). Agencies assisting the Corps with this SEIS are: U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), Louisiana's Department of Natural Resources (LDNR), Louisiana's Department of Wildlife and Fisheries (LDWF), Louisiana's Coastal Protection and Restoration Authority (CPRA), Louisiana's State Historic Preservation Office (SHPO), and multiple Tribes.

On behalf of the Corps and the above agencies, I want to say thank you for joining us in this important step in the National Environmental Policy Act (NEPA) process, the public comment period.

Slide 3

During this meeting we are going to cover several main topics:

-meeting purpose,

-project introduction,

-objective,

-conclusion,

-the NEPA process,

-potential issues,

-and opportunities to comment,

Overall, as we move through the presentation it is important to understand that the goals of this public meeting are to:

1. Provide brief details on the project;

2. Explain the NEPA process; and

3. Provide instructions on how you can submit comments on the draft WSLP SEIS.

Slide 4

Virtual Meeting Purpose: A public meeting, which is held during the 45-day public comment period, is a required step in the NEPA process by which a Federal agency can request input from other agencies and the public to ensure their NEPA document is focused clearly on the issues of greatest concern. Essentially the public meeting provides information about the project, the NEPA process, and it offers agencies and the public a simple platform to provide comments so that they can be reviewed and addressed properly.

The comments provided during this meeting, and during the 45-day public comment period, should be oriented toward the content of the draft WSLP SEIS published on April 15, 2022. At the end of this presentation, instructions will be provided on how to share your comments.

This presentation along with other information is available on the Corps' WSLP Project Webpage.

The number and access code for each live event is shown here. Additionally, participants using the internet can go to the Corps' WSLP Project Webpage and click on the appropriate link to be directed to the web meeting. From there, questions can be submitted using the "chat" box in the WebEx on-line platform. The live event will be recorded and posted on the Corps' WSLP Project Webpage.

Your participation in our scheduled live event is for informational purposes. Questions or comments provided during this live event do not count as your official public comment. Your public comments must be submitted by traditional mail, e-mail, or by phone as shown here.

Slide 5

Who is proposing this project?

The Corps has prepared and published a draft SEIS to consider an alternative proposed by the Non-Federal Sponsor to compensate for unavoidable impacts to swamp habitat associated with the construction of the WSLP Project. When unavoidable impacts occur, the Corps is required to offset those impacts through compensatory mitigation by replacing the lost habitat's functions and services equally and in-kind. Compensatory mitigation is required by the Water Resources Development Act

(WRDA) of 1986, Section 906, as amended, and by the Clean Water Act Section 404(b)(1) Guidelines. Bipartisan Budget Act (BBA) of 2018 Environmental Assessment (EA) #576 identified a plan which included swamp mitigation projects to satisfy WSLP Project mitigation needs. The EA was approved in April 2020 and therefore those swamp mitigation projects are approved for implementation and make up the No Action Alternative (or BBA Alternative). Cumulatively, those Corps constructed projects could mitigate up to approximately 1,286 average annual habitat units (AAHUs) (not including potential available mitigation bank credits) and would result in "no net loss of wetlands" by acreage and function as defined in 33 USC 2283, 33 USC 2317.

What is this project?

The Maurepas Swamp Project (MSP) is a 2,000 cfs freshwater diversion project that was brought to the Corps during public review of the Draft EA #576 by Louisiana's CPRA for consideration as a mitigation alternative to satisfy WSLP Project mitigation needs for swamp habitat impacted by the construction of the WSLP Project. The Maurepas Swamp Project was evaluated by the Project Delivery Team and converted into two new Alternatives. Alternative 1 (or MSA-1) contains public and private land in the benefit area and Alternative 2 (or MSA-2) only contains public land in the benefit area. The next step was to compare these two new Alternatives against the No Action Alternative or BBA Alternative. The Alternatives Evaluation and Comparison (or AEC) process was used by the Project Delivery Team to compare and rank these three Alternatives, the results are presented in the draft SEIS. Based on the AEC process, the BBA Alternative remained the federally selected plan to meet the WSLP project mitigation needs. However, following the AEC process, the Non-Federal Sponsor requested that the MSA-2 alternative be pursued because it could provide mitigation that is in-basin and immediately adjacent to WSLP project impacts, the selection of MSA-2 provides flexibility in management and restoration with a system wide approach (i.e., larger than the mitigation project) to support the broader objective for the Maurepas system restoration and is consistent with the LA Master Plan. The Maurepas Swamp is one of the largest and last remaining tracts of coastal freshwater swamp in Louisiana (Shaffer et al. 2016). The resources to be preserved with the selection of this alternative contribute significantly to the ecological sustainability and improvement of the aquatic resources in the watershed. The MSA-2 delivers net benefits beyond those being captured in the mitigation project; this will restore the ecosystem around the WSLP project increasing its resiliency. Additionally, MSA-2 as a mitigation alternative for the WSLP

project, integrates the implementation of two key projects (WSLP project and the Maurepas Diversion) saving time and money for the overall implementation of both projects. Also, the Non-Federal Sponsor has agreed to be responsible for the increased mitigation cost over and above the BBA alternative.

Where is this project located?

The WSLP Project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes.

Slide 6

Study Authority: Construction of the WSLP Project was authorized as part of the 2016 Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322). Construction of the WSLP Project was funded by the Bipartisan Budget Act of 2018 (BBA 2018, Public Law 115-123).

Slide 7

Planning Area: The planning area lies within the Mississippi Alluvial Plain and is defined for this analysis as the Lake Pontchartrain Basin within the coastal zone. The area contains natural levee ridges, man-made levees, fresh, intermediate, brackish and saline marshes, forested wetlands, lakes and bays, barrier islands, and estuaries. Area communities include St. James, St. John and Ascension Parishes. The area occupies a portion of one of the oldest delta complexes in the Mississippi River Deltaic Plain. It is in the lower Mississippi River alluvial plain in the Lake Pontchartrain Basin. The area north of I-10 comprises the State of Louisiana's Maurepas Swamp WMA. Waterways and water bodies include Lake Maurepas, Amite River Diversion Canal, Amite River, Tickfaw River, Reserve Relief Canal, Blind River, Hope Canal, Dutch Bayou, Mississippi Bayou, Pearl River, Tchefuncte River, Bayou Lacombe, Mississippi River, Lake Pontchartrain, Lake Borgne, Mississippi River Gulf Outlet, and Chandeleur Sound.

Slide 8

The analysis of potential MSA-2 impacts took place at multiple spatial scales, these are:

1. the Planning Area, which is the Lake Pontchartrain Basin cut by the Coastal Zone (as shown on the previous map and by the inset map on this slide).
2. the Diversion Influence Area – this area was established by modeling (i.e., the diverted Mississippi River water was modeled to show the extent of nutrients, velocities, and water levels (see the pink polygon).

3. the Mitigation Area – which is comprised of the primary, secondary, and tertiary benefit areas (see the light green, dark green, and orange polygons), and the

4. Proposed Construction Area – which delineates the extent of major construction activity (see the purple polygon.

Also in this figure, please note the WSLP Project, represented by the yellow polygon, is located adjacent to MSA-2.

Slide 9

The proposed alternatives MSA-1 and MSA-2 involve the construction of a freshwater diversion that would reconnect the Mississippi River to the Maurepas Swamp, strategically delivering nutrient-laden river water to improve 104,746 acres of Cypress-Tupelo swamp. The Primary and Secondary Benefit areas of MSA-1 are located mostly on state-owned lands but include some privately owned lands. The hydrologic improvement benefits attributed to MSA-1 include 7,564 acres within the primary and secondary areas, of which 2,732 acres are in the secondary benefit area. The purpose of having a public land only option (i.e., MSA-2, illustrated on the right in this Figure) was to address the Non-Federal Sponsor real estate concerns. The hydrologic improvement benefits attributed to MSA-2 includes 8,814 acres within the primary, secondary, and tertiary areas, of which 2,324 acres are in the tertiary benefit area (farther away from outfall).

Slide 10

Now that we have looked at the larger Planning and Benefit Areas, we will now zoom in and take a look at the MSA-2 features that would be operated to optimize benefits to swamp habitat within the Mitigation Area. Construction of MSA-2 would include three main groups of features, the conveyance channel, embankment features, and weirs.

The **conveyance channel** would be located on the East Bank of the Mississippi River in St. John the Baptist Parish, immediately west of Garyville, Louisiana, at River Mile 144 Above Head of Passes (AHP). The construction corridor for the conveyance channel extends from LA 44 (River Road) northward. It extends northward for 5½ miles, terminating approximately 1,000 ft north of Interstate 10 (I-10) at the outfall. The majority of the open conveyance channel, excluding vehicular and railroad crossings, is a 40' to 60' excavated channel bottom tightly positioned between a guide levee on the west and the West

Shore Lake Pontchartrain levee and I-wall system on the East. Both banks along the channel are compacted fill material and have a 1:4 slope.

Embankment cuts would be established north of the conveyance channel in the northern part of the swamp. The cuts would occur along an existing old, railroad embankment ridge. Water must be circulated throughout the swamp to reestablish the vitality of the wetland vegetation. Water movement into the northwest corner of the swamp is restricted by an embankment that was constructed decades ago to support a defunct Cypress logging railroad spur. To establish the cuts, approximately 7.5 acres along the old railroad embankment would be cleared for equipment access, 5 individual areas along the embankment would be excavated to existing grade to allow for water flow while all spoil would be placed in 20 individual areas along the embankment. It is anticipated that no material would be removed from the construction area.

To improve hydraulic retention time in the swamp, and thus improve the health of the severely distressed wetland vegetation in the northern portion of the swamp, **weirs** would be placed at Bayou Secret and Bourgeois Canal. The weirs are features that would serve to retain a portion of the flow for sufficient time to ensure water dispersion throughout the swamp.

Slide 11

Zooming in even more allows us to view the features associated with the **intake channel,** which would be roughly 400 ft long by 200 ft wide, with a bottom depth at EL (-) 4 ft NAVD88 excavated into the batture to route flow from the Mississippi River into the diversion headworks. This channel would be lined with riprap to prevent scour. The diversion headworks structure would include a multi-cell box culvert with vertical lift gates (i.e., sluice gates). The primary function of the headworks structure is to convey flow from the intake channel underneath the Mississippi River Levee.

Slide 12

And finally, here is a closeup of the previously mentioned **Embankment Cuts,** which would be established north of the conveyance channel in the northern part of the swamp. As stated, the cuts would occur along the existing ridge of an old railroad embankment. Water must be circulated throughout the swamp to reestablish the vitality of the wetland vegetation.

Slide 13

Now we will review the projects that comprise the BBA Alternative (or the Federally Selected Plan; also known as the Federally Approved Plan). 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 the Corps' current WSLP Project Federally Selected Plan to compensate for WSLP Project swamp impacts. The Federally Selected Plan would be a combination of mitigation bank credit purchases and Corps constructed projects in the Lake Pontchartrain Basin that would meet the compensatory mitigation need of approximately 947 AAHUs of CZ swamp for the WSLP Project. Mitigation banks have minimal uncertainty relative to achieving ecological success because the banks are already established and are monitored through the Corps' regulatory program. Mitigation banks are required to monitor ecological success, to adaptively manage their sites to ensure ecological success, and to maintain financial assurances to ensure project success. The purchase of bank credits can proceed considerably faster than the design, contract award, and construction of the other potential projects. Additionally, the purchase of bank credits does not require ongoing monitoring for ecological success or the operations or maintenance that would be required for Corps constructed projects. If the Corps solicits the purchase of bank credits, mitigation banks wishing to sell credits to satisfy the BBA Construction Projects' mitigation obligations would be encouraged to submit competitive bids. However, if based on cost and considering other factors, the Corps determines the purchase of mitigation bank credits is not cost effective or would not be appropriate, the next ranked project would be considered. A brief description of the proposed Corps constructed projects follows.

Slide 14

PROJECT: BBA Mitigation, St. James, Swamp Restoration, St. James Parish, Louisiana

The proposed project involves restoration of up to approximately 1,246 acres of swamp habitat and provides up to approximately 511 AAHUs as compensatory mitigation for WSLP Project swamp impacts. The proposed mitigation acreage could change after cultural surveys are completed. The swamp mitigation area would be located in existing agricultural fields at the St. James mitigation site.

This site is located off the Mississippi River between the towns of Romeville and Union, LA around the

Nucorp Plant in St. James Parish.

Slide 15

PROJECT: BBA Mitigation, Pine Island Swamp Creation/Restoration, St. Tammany Parish, Louisiana

The proposed project involves creation/restoration of up to a total of approximately 1,965 acres of swamp habitat and provides up to approximately 755 AAHUs as compensatory mitigation for WSLP Project swamp impacts. The swamp mitigation area would be located in shallow open water areas on the north shore of Lake Pontchartrain. This site is located southwest of the town of Madisonville adjacent to the Tchefuncte River in St. Tammany Parish.

Slide 16

Objective: The main objective is to provide ~947 AAHUs of compensatory mitigation for swamp habitat impacted by the WSLP Project.

The SEIS compares the previously identified BBA Alternative for the WSLP Project as described in EA 576 to the newly developed MSA-1 and MSA-2 Alternatives by using the AEC process. The AEC process and results are presented in the draft SEIS.

The **BBA Alternative** would compensate for WSLP Project impacts by providing ~1,286 AAHUs.

MSA-1 and MSA-2 would compensate for WSLP Project impacts by providing ~1,255 AAHUs and ~1,239 AAHUs, respectively. As a result of MSA-1 or MSA-2 construction, there would be additional impacts:

- ~206 AAHUs of impacts to swamp habitat, this would be self-mitigated by the operation of the diversion.
- ~36 AAHUs of impacts to CZ BLH, this would be mitigated by the Federally approved plan (EA 576)
- ~19 AAHUs of impacts to CZ marsh, mitigated through construction of one or a combination of mitigation bank credits and the Guste Island marsh creation project.

This SEIS provides an assessment of the proposed alternatives (i.e., BBA, MSA-1, and MSA-2) to compensate for the WSLP Project's swamp impacts and identifies a Tentatively Selected

Alternative (or TSA).

Slide 17

Conclusion: The Corps, at the request of the Non-Federal Sponsor, evaluated the Maurepas Swamp Project as a potential compensatory mitigation alternative. The MSP was converted into MSA-1 and MSA-2, both of these alternatives could meet the mitigation needs of the WSLP project. The Alternative Evaluation and Comparison process compared BBA, MSA-1, and MSA-2; the process confirmed BBA as the Federally Approved Plan. In consideration of the AEC results, the Non-Federal Sponsor selected MSA-2, because as previously stated it could provide mitigation that is in-basin and immediately adjacent to WSLP project impacts, the selection of MSA-2 provides flexibility in management and restoration with a system wide approach (i.e., larger than the mitigation project) to support the broader objective for the Maurepas system restoration and is consistent with the LA Master Plan. The Maurepas Swamp is one of the largest and last remaining tracts of coastal freshwater swamp in Louisiana (Shaffer et al. 2016). The resources to be preserved with the selection of this alternative contribute significantly to the ecological sustainability and improvement of the aquatic resources in the watershed. The MSA-2 delivers net benefits beyond those being captured in the mitigation project; this will restore the ecosystem around the WSLP project increasing its resiliency. Additionally, MSA-2 as a mitigation alternative for the WSLP project integrates the implementation of two key projects (WSLP project and the Maurepas Diversion) saving time and money for the overall implementation of both projects. Also, the Non-Federal Sponsor has agreed to be responsible for the increased mitigation cost over and above the BBA alternative.

Slide 18

What is NEPA? The National Environmental Policy Act (NEPA) was signed into law by President Nixon on January 1, 1970. NEPA requires all Federal agencies to consider the environmental impacts of any proposed action by: developing a range of alternatives, providing opportunities to the public to provide input, and documenting the decision-making process so that interested and affected stakeholders can understand how the agency came to a decision. Implementation requires the publishing of a Notice of Intent in the Federal Register for an Environmental Impact Statement, and sometimes Environmental Assessments. The National Environmental Policy Act is a law that requires Federal agencies to evaluate

environmental impacts before making decisions on any major Federal action.

What are the key goals of NEPA?

-Assist Federal agency officials with making well-informed decisions

-Ensure public and other agency involvement in decision-making

How will the Corps comply with NEPA? By acting as the lead Federal Agency in the drafting of a SEIS for the WSLP Project.

Slide 19

What is an EIS?

An EIS is a document required under NEPA for actions that could significantly affect the quality of the human environment. An EIS is also a tool for decision making. A SEIS is a NEPA document that supplements a previously approved NEPA document/decision. [Reminder, as mentioned in the intro, the Corps is preparing a SEIS to the previously approved 2014 WSLP EIS]. This is being done to compare MSA-1 and MSA-2 to the No Action (BBA) Alternative.

An EIS is comprised of the following main components:

Purpose and Need

- What is the purpose of this project? What is the goal trying to be achieved?
- Why is this project needed? Is there a reasonable, foreseeable need for the proposed project?

Alternatives

- What alternatives will be looked at in the EIS?
- Alternative development is informed by the public scoping process of the EIS

Affected Environment

- What are the baseline conditions of the human and natural environment that could potentially be affected?
- This step is also informed by the public scoping process of the EIS

Environmental Consequences

- How will building, operating, and maintaining this project affect those baseline conditions of the human and natural environment?

★★ The public is given an opportunity to respond to the draft SEIS once the above steps are complete. This is where we are today.

Slide 20

45-day Public Review Period

- Starts when the draft SEIS is published for public review and comment.
- Your comments are welcomed and encouraged. Upon close of the comment period, the PDT will consider all meaningful comments and, if necessary, conduct further analysis.
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tidal wetlands and other waters of the U.S.;

aquatic resources;

commercial and recreational fisheries;

wildlife resources;

essential fish habitat;

water quality;

cultural resources;

geology and soils;

hydrology and hydraulics;

air quality;

marine mammals;

threatened and endangered species and their critical habitats;

navigation and navigable waters;

induced flooding;

employment and incomes;

land use;

property values;

tax revenues;

population and housing;

community and regional growth;

environmental justice;

community cohesion;

public services;

recreation;

transportation and traffic;

utilities and community service systems;

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Slide 22

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- EJ Public Outreach is performed to inform residents in areas of EJ concern of the project and its potential impacts. Feedback from residents is critical to the process.

Fundamental EJ Principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the planning process.

Slide 23

To Submit Comments:

Comments will be accepted through May 31, 2022

Email: mvnenvironmental@usace.army.mil

Address:
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South PDS-C
7400 Leake Ave, New Orleans, LA 70118

Text or Voicemail:
(504) 233-8471

Project Website:
https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

Slide 24

This concludes our broadcast.

Thank you For Joining Us

Staff will continue to monitor comments for approximately 30 minutes

From: Gregg Fell <gfell@nrpllc.com>
Sent: Wednesday, May 11, 2022 4:56 PM
To: Roe, R Matthew (Matt) CIV USARMY CEMVN (USA) <Robin.M.Roe@usace.army.mil>
Subject: [Non-DoD Source] Questions for West Shore Lake Pontchartrain Public/WebExMeeting

2022-05-12 during the second public meeting, Gregg posted all the questions below, the panel provided the responses in red.

1. What mitigation credits have been purchased to satisfy the mitigation needs for this project, if any?

Final - 201.1 Bottom Land Hardwood – Wet (Coastal Zone) credits have been purchased to date.

2. Who controls the MSP project?

Final - If selected as mitigation for the West Shore Lake Pontchartrain project, the MSP would be a USACE constructed project. Operations and Maintenance will be conducted by the non-Federal Sponsor.

3. Who is funding it?

Final - All West Shore Lake Pontchartrain project costs, including mitigation costs, are funded by the Department of the Army and the Non-Federal Sponsors (The Coastal Protection and Restoration Authority Board of Louisiana, and the Pontchartrain Levee District)

4. How is it being funded?

Final - Department of the army funding appropriations are provided by Title IV, Division B of the Bipartisan Budget Act of 2018, Public Law 115-123. The Non-Federal Sponsors have signed Self-Certification of Financial Capability statements acknowledging they have the financial capability to satisfy the required obligations through various State funding streams.

5. Has construction begun on the MSP project??

Final - No

6. Has construction begun on the WSLP project?

Final - Yes, vegetation clearing, access roads, levee test sections, and borrow/sand stockpile operations have begun; started to clear vegetation.

7. What date did the clearing of vegetation begin for the WSLP?

Final - May 2019.

8. Why was a single average baseline WVA score used for the entire project area, rather than separate scores for each benefit area, which would capture the spatial variation in forest health evident in CRMS data and prior literature?

Final - An acceptable method with recent data was not available to distinguish spatial differences in habitat quality across the entire mitigation area. So, an average was used.

9. What was the basis for using CRMS stations located on a natural levee in the Atchafalaya basin, which are primarily dominated by black willow, to represent future-with-project growth rates for cypress and tupelo, rather than using literature-derived values as CPRA did in their 2019 WVA?

Final - There were no existing growth rate data available in the LP basin where MS River water was influencing swamp so, the nearest basin with those conditions was selected (Atchafalya basin). Growth rates for cypress and other species were used, (growth rates for black willow were removed).

10. What is the basis for the assumption that the net increase in collective AAHU score has a one-to-one linear relationship with total nitrogen and water surface elevation, as was used to calculate the secondary and tertiary benefits?

Final - No literature was identified that suggested the relationship was nonlinear. We assumed that nitrogen concentrations and water surface elevations represented the effects of the diversion.

11. How many net AAHU's will be generated by the non-mitigation portion of the project, given that in most of this area, model results indicate that nitrogen concentrations and year-50 salinity values will not meet the success criteria defined in the SEIS?

Final - There will be similar but diminishing benefits outside of the mitigation area, but the focus of this SEIS is producing the required AAHUs within the mitigation area. As such, no calculation of benefits outside the mitigation area was conducted. Success criteria only apply to the mitigation area.

12. What Long-Term Protection Mechanism will be used to ensure that the "mitigation area" created by the MSP will be protected in perpetuity?

Final - Land that is owned, claimed, or controlled lands by the State or any other nonfederal governmental entity will be brought to the project via an Authorization for Entry. A non standard estate would be acquired for private land affected by the MSP operations, as required.

13. How will the responsible party guarantee that financial resources – via financial assurances as defined in 33 CFR Parts 332 – will be available in the short and long-term to ensure that no-net loss of wetlands has been achieved?

The Project Partnership Agreement between the Non Federal Sponsors and the Department of the Army provides the required financial assurance for this mitigation project. In the event that the non-Federal sponsor fails to perform, the CEMVN has the right to complete, operate, maintain, repair, rehabilitate or replace any project feature, including mitigation features, but such action would not relieve the non-Federal Sponsors of its responsibility to meet its obligations and would not preclude the US from pursuing any remedy at law or equity to ensure the non-Federal Sponsor's performance.

14.

Under what authority is the MSP Project - a state project - being constructed by the USACE?

The MSP project is being evaluated as a mitigation feature for the parent West Shore Lake Pontchartrain project, authorized by SEction 1401(3)(5) of WRDA 2016, Public Law 114-322.

15. what entity is utimately responsible for the success of the MSP as a mitigation project for the WSLP?

USACE

16. What entity is ultimately responsible for the failure of the MSP as a mitigation project for the WSLP?

Should MSP be approved, adaptive management measures have been identified to ensure mitigation for WSLP impacts are completed.

17. Can the USACE quantify the work that has been done by any metric (Ie percentage, dollar-spend, etc) since May 2019 with respect to access roads, levee test sections, and borrow/sand stockpile?

Please contact Mr. Nick Sims (christopher.n.sims@usace.army.mil) for questions related to design and construction of the WSLP project.

18. If the MSP mitigation project hits problems along the way, will the WSLP have to be "sidelined" and delayed if tied to the MSP?

No. All mitigation will be completed concurrent with construction of the WSLP project.

19. Has the USACE or any affiliate or team member notified any such private landowner of any action with respect to MSP operations?

As the MSP has not yet been approved, no action associated with the operation of MSP has been taken

20. Has any private landowner been negotiated with and/or paid?

No.

21. Will any takings proceedings be commenced in the future? is any contemplated or existing now? has any been initiated since May 2019 to date?

As the MSP has not been approved, no takings proceedings have been initiated. If approved, construction of the MSP could require future takings to be determined as design is finalized.

22. have any lands already been brought to the project via an Authorization for Entry? If so, when?

As the MSP has not been approved, no lands have been brought to the project for MSP construction. Authorization for Entry has been provided for investigative work.

23. is the "Project Partnership Agreement" a public document. If so, can we received a copy of that document?

Please contact Mr. Nick Sims (christopher.n.sims@usace.army.mil) for questions related to design and construction of the WSLP project.

24. When was the Project Partnership Agreement signed/dated. Who were the signatories?

Please contact Mr. Nick Sims (christopher.n.sims@usace.army.mil) for questions related to design and construction of the WSLP project.

25. who is evaluating the MSP as a mitigation project for the WSLP, and what is the timeline for such evaluation?

USACE is evaluating the MSP. The Supplemental Environmental Impact Statement for this evaluation is currently out for public review, scheduled to end on May 31, 2022.

26. before the evaluation of MSP is completed, have any other mitigation been secured, other than the BLH, for the for the WSLP impacts since May 2019?

No.

27. in regard to questions 17, can you confirm that no other mitigation has been secured to date, other than the BLH mitigation?

201.1 Bottom Land Hardwood – Wet (Coastal Zone) credits have been purchased to date.

Public Involvement Report

Enclosure 3: Public Comments and CEMVN Responses

First Public Review Comments

From: Andre Simmons <asimmons@dhayesllc.com>
Sent: Monday, March 14, 2022 2:05 PM
To: MVN Environmental
Cc: Michele
Subject: [Non-DoD Source] Borrow Pit Permits

Good afternoon,
I'm inquiring about information to update a borrow pit site in St. John the Baptist and would like some assistance in doing so. Please advise and thank you for your assistance in advance to this request.

From: kent <kent@gatortraxboats.com>
Sent: Sunday, March 20, 2022 9:32 PM
To: MVN Environmental
Subject: [Non-DoD Source] Maurepas Diversion

I'm trying to see if there is a link to a map showing

1. The wall or levee route
2. The proposed effected hardwoods and lands they admit it will effect.
3. What storm surges weve experienced in the past are projected to do if they happen again after the largest watershed on the MS lower valley gets a wall put around it.

I live in livingston parish between the Tickfaw, Blood, and Natalbany Rivers. I'm concerned the next surges will do what these walls did to Braithwaite to save Chalmette. That's what's going to happen in my opinion. You cant stop water from hitting Laplace without it running straight up someone else's historically dry land.

Just seeing what and who we're sacrificing to do this.

Sorry for the doubtful tone. I'm very familiar with the destruction corps projects have caused. All done in good faith...but rarely do what they intended, and often have disastrous results for SOMEONE.

Thanks

Kent Saxon

Sent from my Verizon, Samsung Galaxy smartphone

From: Thomas Kratochvil <Thomas.Kratochvil@outlook.com>
Sent: Sunday, March 20, 2022 7:25 AM
To: MVN Environmental
Subject: [Non-DoD Source] West Pontchartrain Diversion Canal

I have a camp on the Amite River, a couple of miles downstream from Port Vincent. At that location, water generally flows into Lake Maurepas, but when it gets dry water will flow the other way and the species of fish caught change. The height of the River during floods and hurricanes also seems to be coming up, and I am guessing this is from increased and quicker Baton Rouge runoff and the ring levee around New Orleans.

I only glanced at the beginning of the study. Is there a material effect of the West Pontchartrain flood protections to the area around my camp, in terms of flooding and species intrusions from the Mississippi, and if so, were notice and hearing given for the folks in Ascension Parish?

Yours,

Tom Kratochvil

Sent from Mail for Windows

From: Charlene Bonnette <cbonnette@SLOL.LIB.LA.US>
Sent: Wednesday, March 23, 2022 12:18 PM
To: MVN Environmental
Subject: [Non-DoD Source] Draft Supplemental Environmental Impact Statement (DSEIS) to the 2014 final Integrated Feasibility Report and Environmental Impact Statement for the West shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study

Good Afternoon,

If possible, the State Library of Louisiana would like to request a print copy of the Draft Supplemental Environmental Impact Statement (DSEIS) to the 2014 final Integrated Feasibility Report and Environmental Impact Statement for the West shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study.

Thanks so much!
Charlene Bonnette

Charlene Bonnette, M.L.I.S., C.A.
Head, Louisiana Collection
Preservation Librarian
Louisiana Collection
State Library of Louisiana
701 North 4th Street
Baton Rouge, LA 70802-5232
Phone: 225-342-2791

Do not forward this message. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error you may not copy or disseminate this message in any manner. Please notify the sender by return email that you received this transmission in error, and delete it.

From: Sims, C N (Nick) CIV USARMY CEMVN (USA)
Sent: Tuesday, March 29, 2022 1:10 PM
To: Parr, Landon CIV USARMY CEMVN (USA)
Subject: FW: Comment on SEIS

Landon, please see below from CPRA. Minor, but they note that a sentence on page 18 is incorrect. "approve" should be changed to "budget."

Nick Sims
Assistant Deputy District Engineer
U.S. Army Corps of Engineers
New Orleans District - Baton Rouge Office
150 Terrace Ave
Baton Rouge, LA 70802
225-219-5708
504-615-6407 (cell)
504-862-2572 (fax)

From: Brad Miller <Brad.Miller@LA.GOV>
Sent: Tuesday, March 29, 2022 1:04 PM
To: Sims, C N (Nick) CIV USARMY CEMVN (USA) <Christopher.N.Sims@usace.army.mil>; Westlake, Colin James CPT USARMY CEMVN (USA) <Colin.J.Westlake@usace.army.mil>; Brannon, Charles J CTR (US) <Charles.J.Brannon@usace.army.mil>
Cc: Chris Barnes <Chris.Barnes@la.gov>
Subject: [Non-DoD Source] Comment on SEIS

Nick,

I have a comment on some verbiage in the DSEIS related to RESOTRE funding.

DSEIS page 18: – "In 2020, the RESTORE Council voted to approve $130 million in Deepwater Horizon oil spill dollars to fund the construction of the MSP." This should be revised to: "In 2020, the RESTORE Council voted to budget $130 million in Deepwater Horizon oil spill dollars to fund the construction of the MSP, pending a future Council vote after all applicable environmental laws have been addressed."

Please let me know if this change will be able to be incorporated.

Thank you,

Brad

Brad Miller
Coastal Protection and Restoration Authority
Project Manager | Project Management Division
The Water Campus | 150 Terrace Avenue | Baton Rouge, LA 70802
o: 225.342.4122
www.coastal.la.gov

Second Public Review Comments

Questions from Restoration Systems for MVN regarding:

April 22, Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study

Question #1: **Does the Corps have an estimate to compare the cost of the Guste Island Project, now proposed as Fresh Marsh mitigation to offset construction and operation impacts resulting from the Maurepas Swamp Mitigation Project, with the cost of the purchase of bank credits?**

When were these cost estimates made?

What is the estimate to construct Guste Island?

What is the estimate to purchase mitigation credits from the Jesuit Bend Mitigation Bank (fresh/intermediate marsh)?

Question #2: Responding to the comment below from LA-OCM in an email exchange with MVN on April 27th, New Orleans District 'concurred' that mitigation credits must come from the "same or adjacent" hydrologic basin. **Does this mean the two banks with Fresh Marsh, Cypremort Teche Mitigation Bank and Kilgore Plantation Mitigation Bank, are not under consideration for credit purchases?** Each bank is four HUCs distant from the Maurepas Swamp Mitigation Project's impact.

> "OCM supports the use of Mitigation banks as an option. Should credits be purchased from a mitigation bank, the bank would have to be located in the Coastal Zone, located within the same or an adjacent hydrologic basin where the impacts occurred, must be an OCM approved Mitigation Bank, and only habitat credits at the approved OCM bank that are below the 5 foot contour would be eligible."
> New Orleans District: Concur

Question #3: **Does the Corps have an WVA AAHU calculation number for our Jesuit Bend Mitigation Bank?** Last year we (Restoration Systems) sold credits from Jesuit Bend to the Corps using a WVA value of 0.37 AAHU's per acre to New Orleans to Venice levees. Using that AAHU number, providing 19.5 AAHU's needed to offset the Maurepas Swamp Mitigation Project's Fresh Marsh impacts, would require 52.7 acres from Jesuit Bend. We have the credits available/released at Jesuit Bend.

Question #4: **At Guste Island, is the proposal to build only ~75 acres of Fresh Marsh needed to mitigate for the fresh marsh impacts that would result from the construction and operation of Maurepas Swamp Mitigation Project, or is Guste Island a component of a larger restoration project?** We cannot locate the "Figure 5.2" referenced on page 146 Section 5 of the April SEIS, please direct us to where Figure 5.2 is located.

> "The Guste Island project involves creation of up to ~75 acres of marsh habitat within the area(s) depicted in figure 5.2 as compensatory mitigation for the marsh impacts resulting from construction and operation of MSA-2."

If Guste Island is a component of a larger restoration project, is the cost to perform the project a proportion of the total spending on the larger project?

Will the property be permanently protected with a Conservation Servitude?

Question #5: Guste Island was a component of the most recent LA Master Plan and proposed as CWPPR project. This would appear to qualify the project as a "Reasonably Foreseeable Action, based on 43 CFR 46.30.

> Reasonably foreseeable future actions include those federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These federal and non-federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite.

Has the Corps considered Guste Island in light of the language above, and what conclusion was reached?

From: marion freistadt
To: MVN Environmental
Subject: [URL Verdict: Neutral][Non-DoD Source] Public comment on the Maurepas Swamp Project.
Date: Sunday, May 1, 2022 8:25:47 AM

To the Army Corps of Engineers:

Please support the Maurepas Swamp Project.

from the Mississippi River Delta Project:

"The River Reintroduction into Maurepas Swamp Project (MSP) will reconnect the swamp with the Mississippi River, providing sediment and freshwater to existing wetlands, as well as helping to offset future increases in salinity. The fine grain sediment coming from the Mississippi may also help to build land which will allow the opportunity for trees, like bald cypresses and tupelos, to grow and thrive.

This widely supported diversion project will benefit more than 45,000 acres of wetlands and forests, nearly one third of the swamp, and reduce habitat loss over the next several decades. Creating this wetland buffer can also reduce storm surge for communities stretching from the Greater Baton Rouge to the Greater New Orleans regions.

Currently, the U.S. Army Corps of Engineers (Corps) is evaluating mitigation measures to compensate for unavoidable wetland impacts resulting from construction of the West Shore Lake Pontchartrain (WSLP) Project. The WSLP will construct a risk reduction system extending from the Bonnet Carre spillway to Garyville that will reduce the risk from storm surge associated with tropical events. Part of the assessment process includes evaluating several alternatives to mitigate for environmental impacts – one of these alternatives being the Maurepas Swamp Project.

The Corps is considering the use of the Maurepas Swamp restoration project to mitigate for wetland loss caused by the construction of the WSLP levee, which is located next to the swamp. This is being done through a Supplement Environmental Impact Statement. The MSP is the environmentally-preferable mitigation option because it allows the impacts caused by WSLP to be mitigated in the same watershed.

If constructed together, the WSLP Project and MSP will provide significant storm surge protection that is collectively greater than if built separately, as well as cost savings. The integration of these two projects would demonstrate that combining risk reduction and restoration in complementary ways can achieve positive results for vulnerable communities and their surrounding ecosystems."

Thank you,

Marion "Penny" Freistadt, PhD, MBA
1539 Adams St.
New Orleans, LA

504-352-2142

From: Randall Griswold
To: MVN Environmental
Subject: [Non-DoD Source] Project to Restore Maurepas Swamp
Date: Monday, May 2, 2022 9:10:57 PM

To Whom It May Concern,

I support both the River Reintroduction into Maurepas Swamp Project (MSP) and the West Shore Lake Pontchartrain (WSLP) Project. The MSP is the environmentally-preferable mitigation option because it allows the impacts caused by WSLP to be mitigated in the same watershed. When constructed together, the WSLP Project and MSP will provide significant storm surge protection that is collectively greater than if built separately, as well as cost savings. The integration of these two projects combines risk reduction and restoration in complementary ways to achieve positive results for vulnerable communities as well as their surrounding ecosystems.

Sincerely,

Randall Griswold
2114 Madison Ave
Montgomery, AL 36107
Cell: 334-414-3950

--
Sent from Gmail Mobile

From: Anne Clare
To: MVN Environmental
Subject: [Non-DoD Source]
Date: Tuesday, May 3, 2022 8:29:56 AM

I'm all for it!!! Please pass this movement!!!!

Anne Clare
8523 N Main St.
Kansas City, MO 64155

From: mailagent@thesoftedge.com on behalf of Cahash@bellsouth.net
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:36 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

Though other alternatives may have been cheaper, this scenario is the most commonsense one considering the vicinity of the projects and the efficiencies that will result from them working together. I am glad CPRA and the Corps were able to work together to make this a cost-effective decision.

It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!

Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Al Haase
3658 Ridgetop Drive
Baton Rouge, LA 70809-2635

From: mailagent@thesoftedge.com on behalf of andrewmayer@cox.net
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:39 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!

Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Andrew Mayer, MD
4201 Vendome Pl
New Orleans, LA 70125-2740

From: mailagent@thesoftedge.com on behalf of maurepas@charter.net
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:34 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Ben Taylor
1001 W Michigan St
Hammond, LA 70401-2451

From: mailagent@thesoftedge.com on behalf of cave man
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:34 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

cave man
1250 west 25 street
new york, NY 10107

From: mailagent@thesoftedge.com on behalf of Charles Corkern
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:38 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Charles Corkern
9433 North Road Abbeville, LA
Abbeville, LA 70510-2434

From: mailagent@thesoftedge.com on behalf of charles@wildopeneye.com
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:40 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Charles Paxton
1209 W Port Union Rd
Farmerville, LA 71241-5841

From: mailagent@thesoftedge.com on behalf of Clint Elliott
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:55 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Clint Elliott
116 LIVE OAK LN
Luling, LA 70070-3235

From: mailagent@thesoftedge.com on behalf of deniser@etigers.net
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:31 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Denise Richard
23420 Leader Rd
Maurepas, LA 70449-5944

From: mailagent@thesoftedge.com on behalf of Diana Neupert
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:40 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Diana Neupert
51547 River Ridge Drive
Independence, LA 70443-2515

From: mailagent@thesoftedge.com on behalf of ekittok@southeastpet.com
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:30:56 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Eric Kittok
6420 Mallard Trace Drive
Tallahassee, FL 32312-1586

From: mailagent@thesoftedge.com on behalf of Jackie Vargas-Beitia
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:36 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

Though other alternatives may have been cheaper, this scenario is the most commonsense one considering the vicinity of the projects and the efficiencies that will result from them working together. I am glad CPRA and the Corps were able to work together to make this a cost-effective decision.

It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!

Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Jackie Vargas-Beitia
210 Eleanor St
Broussard, LA 70518-4903

From: mailagent@thesoftedge.com on behalf of Jeanne Plaisance
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:31:20 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Jeanne Plaisance
117 Washitta Rd
Lafayette, LA 70501-7755

From: mailagent@thesoftedge.com on behalf of j fryar
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:44 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

j fryar
4041 hwy 127
Olla, LA 71465-3018

From: mailagent@thesoftedge.com on behalf of john@morello.net
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:40 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

John Morello
19419 N Trent Jones Dr
Baton Rouge, LA 70810-6041

From: mailagent@thesoftedge.com on behalf of Kristen Tilbury
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:37 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Kristen Tilbury
2201 Loreco Street 706
Bossier City, LA 71112-2272

From: mailagent@thesoftedge.com on behalf of Marissa Turner
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:35 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Marissa Turner
17235 Trinidad Dr
Prairieville, LA 70769-6184

From: mailagent@thesoftedge.com on behalf of Michel Breaux
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:34 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Michel Breaux
37241 Quiet Lake Rd
Prairieville, LA 70769-4457

From: mailagent@thesoftedge.com on behalf of Noel Pilie
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:42 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Noel Pilie
4704 Neyrey Dr. Metairie, La.
Metairie, LA 70002-1425

From: mailagent@thesoftedge.com on behalf of pmbr72541@att.net
Sent: Sunday, May 8, 2022 8:26 PM
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Patricia Brewer
1225 Tom Moore Rd
Leesville, LA 71446-7221

From: mailagent@thesoftedge.com on behalf of Rtoubre@eatel.net
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:33 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Richard Oubre
14112 Roddy Rd
Gonzales, LA 70737-7203

From: mailagent@thesoftedge.com on behalf of Sam Dragna
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:37 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Sam Dragna
320 Neptune St
Morgan City, LA 70380-5316

From: mailagent@thesoftedge.com on behalf of tommyhirth@cox.net
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:34 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Tom Hirth Jr
1636 Hobbiton Rd
Baton Rouge, LA 70810-3424

From: mailagent@thesoftedge.com on behalf of COCO@GODEVIL.COM
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Sunday, May 8, 2022 8:26:38 PM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

WARREN COCO
18649 WOMACK RD
Baton Rouge, LA 70817-7239

From: Bernhart, David
To: MVN Environmental
Subject: [Non-DoD Source] Change to environmental documentation delivery
Date: Friday, May 13, 2022 4:22:17 PM

Good afternoon,

Please discontinue mailing hard copy environmental/NEPA documents to me. I seem to be on your mailing list twice, as
Dave Bernhardt
and as
David Bernhart
Please discontinue hard copies to both names.

I request that these documents only be transmitted electronically to my office. If the document is requesting an Endangered Species Act consultation, please send the correspondence to:
nmfs.ser.esa.consultations@noaa.gov
If the document relates to NEPA coordination or environmental commenting more generally, please send it to
nmfs.ser.eis@noaa.gov

Thanks for your assistance,
David Bernhart
Chief, Protected Resources Division
NOAA Fisheries, Southeast Regional Office

From: mailagent@thesoftedge.com on behalf of Michaele Shapiro
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Monday, May 16, 2022 9:55:37 AM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Michaele Shapiro
4527 Croyden Ave
New Orleans, LA 70131-1901

LOUISIANA WILDLIFE FEDERATION
The voice of Louisiana's wildlife and natural resources since 1940.

P.O. Box 65239, Baton Rouge, LA 70896-5239 (225) 344-6707
337 S. Acadian Thruway, Baton Rouge, LA 70806 lawildlifefed.org

May 19, 2022

Mr. Landon Parr
U.S. Army Corps of Engineers
Environmental Planning Branch
Regional Planning and Environmental Division South, CEMVN- PDC-C
7400 Leake Ave, New Orleans, LA 70118
Via email: mvnenvironmental@usace.army.mil

RE: Draft Supplemental Environmental Impact Statement (SEIS) to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, Draft Mitigation Plan Update

Dear U.S. Army Corps of Engineers,

Louisiana Wildlife Federation (LWF) has long supported restoring the Maurepas Swamp region. Of particular focus are diversion projects in the area that would reconnect the Mississippi River to these sinking wetlands – like the River Reintroduction into Maurepas Swamp project (MSP).

LWF is pleased to see the Corps reconsider the preferred alternative for compensatory mitigation of the West Shore Lake Pontchartrain (WSLP) levee project in response to feedback from the public and from the Coastal Protection & Restoration Authority (CPRA). Responses from community leaders, agency leaders, and the public demonstrate the widespread support of this decision.

The Maurepas Swamp Alternative (MSA)-2 is the best option for the following reasons:

- The MSP will be built adjacent to the WSLP. These two projects share construction features, offering an opportunity for cost savings and efficiencies by doing the projects in tandem.
- Utilizing the MSP would keep mitigation in-basin and directly adjacent to the impacts rather than relying on piecemeal mitigation in other areas.
- The long-term ecosystem benefits of the MSP would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the WSLP.
- The MSP will help build land which will provide a critical line of defense against storm surge that will benefit the WSLP, increasing project resiliency and reducing maintenance costs.
- Even with CPRA covering the excess cost of the MSA-2 alternative, this option would still free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration projects across the coast.
- Selection of the MSA-2 alternative would result in full funding of the River Reintroduction into Maurepas Swamp project, a project decades in the making.

Additionally, the restoration project will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. This will prevent the two lakes from merging, a situation that would be devastating and could send storm surge to communities from the River Parishes into the Greater Baton Rouge area.

The WSLP project presents a common-sense opportunity to reap multiple benefits by linking the levee project to the adjacent swamp restoration project. The MSA-2 alternative is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss crisis.

LWF fully supports the decision to select the MSA-2 as the preferred alternative to mitigate impacts from construction of the WSLP project. LWF commends the Corps for its reconsideration to make the best decision for restoration of this critical habitat and the communities that depend on a healthy Maurepas Swamp for storm protection.

Louisiana Wildlife Federation is a statewide, nonprofit organization that represents 19 affiliate organizations and more than 7,400 members dedicated to the conservation of Louisiana's wildlife and natural resources. Thank you for the opportunity to submit these comments for consideration.

Sincerely,

Rebecca Triche
Executive Director

May 20, 2022

Mr. Landon Parr
U.S. Army Corps of Engineers
Environmental Planning Branch
Regional Planning and Environmental Division South CEMVN-PDC-C
7400 Leake Ave, New Orleans, LA 70118
Via Email: mvnenvironmental@usace.army.mil

RE: West Shore Lake Pontchartrain (draft) Supplemental Environmental Impact Statement

Dear Mr. Parr,

The Restore the Mississippi River Delta campaign (MRD) appreciates this opportunity to provide further input on the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project (WSLP). MRD is a coalition of national and regional nonprofit organizations working to ensure an equitable, safer, and flourishing coast for Louisiana's communities, ecosystem, and economy. We are represented by conservation, policy, science and outreach experts from Environmental Defense Fund, National Audubon Society, the National Wildlife Federation, Coalition to Restore Coastal Louisiana and Pontchartrain Conservancy, and several other local partnering organizations.

We have long advocated for the use of innovative solutions that mimic natural processes to address pressing land loss issues across coastal Louisiana. The Maurepas Swamp Project (MSP) is one of MRD's designated priority projects. Utilizing MSP as mitigation for WSLP will allow complete funding of Coastal Protection and Restoration Authority's PO-0029 project (also MSP), which will reconnect the Mississippi River with the Maurepas Swamp, providing necessary freshwater flowthrough and sediments vital to restoring the degraded bald cypress-tupelo swamp. This is a win-win solution, with significant cost savings of over $100 million in WSLP construction costs and efficiencies, leveraging federal and state resources for one nature-based solution that renders a myriad of benefits.

We are pleased that the U.S. Army Corps of Engineers (the Corps) listened to stakeholders and worked closely with the CPRA, the nonfederal project sponsor, to align coastal restoration and hurricane protection priorities.

We offer the following comments, and we ultimately urge the Corps to move quickly towards a Record of Decision:

I. Introduction

The MSP will be constructed adjacent to the Corps' WSLP levee project. MSP would restore 45,000 acres of declining bald cypress-tupelo swamp and mitigate construction impacts of the WSLP, which, when built, will provide critical storm surge protection to residents in St Charles, St. John the Baptist, and St. James parishes. Long-term benefits of the MSP would more than provide mitigation for bottomland hardwood and swamp habitat impacted by the construction of the WSLP.

Community leaders weighed in loud and clear to urge consideration of the MSP as mitigation for WSLP. We commend the Corps for listening to stakeholders through public comment in early 2020, and scoping period in 2021. We believe a key measure of project success is whether benefits flow equitably to those they purport to serve, and both the WSLP and MSP are slated to create benefits to nearby communities and businesses, positively affecting residents who currently live and work in those places.

II. Background on Projects

As one of the largest remaining contiguous tracts of cypress tupelo swamp in the gulf region, the Maurepas Swamp is a critical resource for the state of Louisiana at an estimated 63,000 acres. Historically, this expansive swamp provided habitat for culturally important wildlife species for hunting, fishing, and ecotourism. However, in recent decades the lack of Mississippi River connection has resulted in low oxygen water with little nutrients and stagnant water that has limited growth and regeneration of dominant cypress trees. Significant reductions in fresh water input after nearly a century of Mississippi River disconnection had allowed for salt water intrusion via connections with Lake Pontchartrain, resulting in visible tree mortality. Overall, the mighty swamp is only a semblance of the great forest that it once was.

However, the reintroduction of the Mississippi River is the best opportunity to alter this trajectory and restore the swamp.

Prior to the closure of the Mississippi River Gulf Outlet (MRGO) in 2009, drought conditions during the late 20th century combined with storm surges from tropical storm events caused widespread mortality of cypress trees around the Lake Pontchartrain and Lake Maurepas perimeter. The benefits of Mississippi River influence on the swamp ecosystem are clearly visible by comparing the healthy swamp forests within the Bonnet Carré spillway and the ghost forests adjacent to the spillway when driving on Interstate 10. It is clear from this example that Mississippi River reintroduction into the Maurepas Swamp can provide an important source of fresh water to coastal swamp forests during droughts and help flush out salt water after storm surges to help prevent tree mortality.

Funding and Environmental Compliance

The Maurepas Swamp Project has been many decades in the making, which entailed extensive planning and intergovernmental support. Through planning, funding and authorization, the environmental compliance history for MSP is long and complex. In recent years, project sponsors, funding authorities, project beneficiaries, and advocates have recognized the benefits and efficiencies gained from advancing the project with WSLP.

In 2017, additional planning, engineering, design, and permitting activities for MSP were funded through the Gulf Coast Ecosystem Restoration (RESTORE) Council's Funded Projects List 1 (FPL 1), using $14.2 million in "Bucket 2" funds. In 2020, the Council signaled its intention to provide $130 million in construction funding for MSP, to be allocated from Bucket 2 money, by including MSP on its Funded Projects List 3a (FPL 3a). In FPL 3a documentation, the Council explicitly noted funding construction of MSP in the near term would provide an opportunity to leverage MSP's overlap with the WSLP levee project, and save money "by consolidating the engineering, design, and construction of the overlapping portions of the two projects." The additional costs of the MSP have been addressed through CPRA's budget reorganization that directs $60 million of RESTORE Act (State Expenditure Plan) funding to the project.

Four National Environmental Policy Act (NEPA) documents — one Environmental Impact Statement (EIS) and three supplemental Environmental Assessments (EAs) — describe the WSLP project impacts and associated mitigation. A notice of intent to prepare an additional

NEPA document — a Supplemental Environmental Impact Statement (SEIS) — was announced in August 2021.

Relevant to the Corps' decision about whether to use MSP as mitigation for the WSLP was the potential cost of such mitigation to the project budget. With intention and close coordination, the two projects are sure to achieve efficiencies, including on land rights and access issues. Located adjacent to the WSLP, MSP is projected to benefit more than 45,000 acres of bottomland hardwood and swamp habitat in the Pontchartrain basin. The first 1.5 miles of the guide levee will be shared between the two projects.

III. Compensatory Mitigation and the Corps' Preferred Watershed Approach

Compensatory mitigation is the last step in the three-step approach to compensate for unavoidable impacts to wetlands. Pursuant to the Corps objective of "no overall net loss," the § 404 regulatory program mitigation has three components: avoidance, minimization, and compensatory mitigation. Compensatory mitigation is used where appropriate to compensate for unavoidable adverse impacts after all avoidance and minimization measures have been taken.

Compensatory mitigation is defined as an action that results in the restoration, establishment, enhancement, and/or preservation of resources to address a residual impact on a resource elsewhere. There are a variety of mechanisms for accomplishing wetland compensatory mitigation.

The Environmental Protection Agency (EPA) and Corps' statutory guidance directs that the functional values lost should be carefully considered when determining compensatory mitigation, and that, generally, in-kind mitigation should be used.[1] Compensatory mitigation can include the restoration of existing wetlands or the creation of new wetlands and is to be done as close to the discharge site as possible ("on-site mitigation"). Thus, it must occur within some approved geographic area so as to ensure that the impacts are appropriately offset by the restoration or conservation activity. Where on-site mitigation is not possible, then off-site mitigation is permitted, but should take place in the same geographic area if possible. Under current rules for wetlands, all permit types must use a watershed approach for compensation.[2]

[1] 33 CFR 332.3(b)(1)
[2] 33 CFR 332.3(c)(1)

The intent is to establish geographic proximity and thus functional similarity between the impacted and compensation sites.

MSP is a long-established, priority project for the State and stakeholders with the greatest likelihood of ecological success. This project aligns with EPA and Corps' guidance for compensatory mitigation by:

- Functionally replacing aquatic resources and wildlife habitat, in the same geographic area.
- Ensuring that compensatory mitigation requirements are met by the plan being temporally feasible. Compensatory mitigation generally is completed concurrently or in advance of the impacts to wetlands, and with a lack of available mitigation credits in the area, the selection of MSP provides an opportunity to compensate for these impacts on the same timeline as project implementation.
- Providing the greatest option for ecological success. The U.S. FWS wetland value assessment concluded that the MSP would provide sufficient mitigation to compensate for the WSLP impacts.[3] The two projects are not only nearby, but they have essentially continuous impact areas south of Lake Maurepas.

IV. Corps' WSLP Mitigation Plan

The MSP as mitigation for WSLP is not only the best, but the only viable option for mitigating WSLP construction impacts to wetlands. Long-term benefits of the MSP would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the WSLP.

The Corps' district engineer has discretion when selecting compensatory mitigation but evaluates options based on the probability of ecological success, location of mitigation site compared to the project site and its watershed significance, and project cost. Not only can the MSP be selected as mitigation, it offers the best mitigation option because the FWS wetland value assessment concluded that impacts to aquatic resources would be offset, the project

[3] LaCour-Conant, K., K. Ramsey, K. Bollfrass. 2019. River Reintroduction into Maurepas Swamp Wetland Value Assessment. Coastal Protection and Restoration Authority. Baton Rouge, LA. 171 pp with appendices., Paille, R. and Breaux, C. (2021). Maurepas Swamp Project Draft Wetland Value Assessment Project Information Sheet.

essentially contiguous to the WSLP and has clear watershed connections and benefits, and is fully funded through RESTORE funds.

Related cost savings and efficiencies extend beyond mitigation to:

- Reconnect the river to the delta, unlocking land building and sustaining capacity. As a critical line of defense against storm surge that will benefit the WSLP project and restore rapidly declining habitat, MSP will reduce long term maintenance costs for WSLP and help protect the levee system, while providing ecosystem benefits.

- Alleviate pressure on a shortage of mitigation credits from mitigation banks in the area. By choosing MSP, the Corps can use credits to mitigate other projects. Further, swamp habitat enhanced by this diversion will mitigate adverse impacts on swamp habitat through the construction of WSLP without using all the mitigation bank credits in the Mississippi Alluvial Plain. This will help other Army Corps stakeholders and project proponents who need to purchase bank credits.

- Free up state restoration dollars for other shovel-ready, critical restoration projects across Louisiana's coast. By constructing the MSP and WSLP Project concurrently, the State and Army Corps will attain cost savings and efficiencies, freeing up restoration funds to allow CPRA and others to pursue other high-priority projects. Army Corps investment in the restoration project will free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration projects across the coast instead of using their agency funding on the balance of funds needed to complete the swamp restoration project. Additional funding is necessary for the State of Louisiana to fully implement the Coastal Master Plan. Natural defenses can save millions of dollars, so communities need more options for financing such projects. The Corps has underscored one way to do that.

- Potential to render additional social benefits to nearby communities on top of providing valuable ecosystem services with equity at the core.

V. Monitoring

Relative to monitoring, the MSP will use more robust monitoring than what is typically required for federal post-implementation assessment. We understand the importance of monitoring to assess if the project is meeting the defined criteria. We recommend any proposed monitoring

regime ensures accountability for the mitigation of impacts to wetlands, and the data collection should be feasible - something the responsible party can repeat often enough to truly judge the impacts and change in conditions. Data collection in a swamp is difficult, and many of the monitoring sites identified are remote and may prove to be impossible to visit. Some of the burden of monitoring may be decreased by reducing the number of monitoring sites and using satellite imagery more frequently in-between site visits. Mitigation in any form is inherently risky and monitoring is crucial to assess project success, but it should also be both robust and feasible. Monitoring should be easy to administer and report, while not unreasonably increasing cost.

VI. Conclusion

In conclusion, we applaud the Corps for truly recognizing a suite of solutions will be necessary to address land loss and ecosystem degradation in South Louisiana, and river reintroduction will be a critical component. As land disappears and swamp forest converts to marsh or open water, more pressure will be put on the WSLP system. The basin needs synergistic solutions that will protect communities from flooding and increase the ecological resilience of the coast, which is exactly what the WSLP and MSP will provide.

These projects, as currently configured and contemplated, will serve as a landmark solution and unique model on using nature and natural infrastructure to a complementary efficiency with storm surge projects. We concur with the Corps' preferred alternative as identified in the SEIS, and encourage the signing of a Record of Decision as soon as possible, to move these critical projects forward with all deliberate speed.

Thank you for the opportunity to submit these comments.

Sincerely,

Simone Maloz

Campaign Director

Restore the Mississippi River Delta

Kristi Trail

Executive Director

Pontchartrain Conservancy

Kimberly Davis Reyher

Executive Director

Coalition to Restore Coastal Louisiana

Cathleen Berthelot

Senior Policy Manager

Environmental Defense Fund

Brian Moore

Vice President, Gulf Policy

National Audubon Society

Amanda Moore

Director, Gulf Program

National Wildlife Federation

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

May 25, 2022

Mr. Eric M. Williams, Chief
Environmental Planning Branch
New Orleans District (CEMVN–PDC-C)
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118

RE: Draft Supplemental Environmental Impact Statement for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study in St. John the Baptist, St. James, Ascension, Livingston, St. Tammany, and St. Charles Parishes, Louisiana (CEQ No. 20220051)

Dear Mr. Williams:

Pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508), and our NEPA review authority under Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) reviewed the Draft Supplemental Environmental Impact Statement (EIS) for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study by the U.S. Army Corps of Engineers (USACE).

The proposed project reevaluates mitigation alternatives to compensate for unavoidable impacts to significant resources associated with the construction of the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project. The Draft Supplemental EIS documents analysis of impacts for two alternatives and a no-action alternative. Specifically, the proposed mitigation plan would replace the lost functions and services of impacted swamp habitat through restoration, establishment, enhancement, or preservation activities designed to create, increase, and improve the habitat functions and services at specific mitigation sites.

For your consideration, the following recommendations are provided and focus on improving the clarity of the Draft Supplemental EIS. EPA recommends mitigation measures adequately address adverse impacts of the proposed action reasonably foreseeable for human health and environment, as applicable, which should be included in the Record of Decision.

In Appendix L, the Draft Supplemental EIS states that no environmental chemistry data has been collected to make contaminant determinations for project area sediments. It further states that if excavated material has any significant contamination, its' relocation may alter the rate of release of contaminants into the aquatic environment, beneficially or detrimentally. Due to the industrialized nature of the area, sampling and chemical constituent characterization of excavated

soil and sediment using appropriate testing methodologies is recommended prior to placement. If soil or sediment contaminants exceed regulatory levels, the USACE should take appropriate action(s) to ensure there is not a release into ground or surface waters, in the proposed project area, or other areas.

The Draft Supplemental EIS does not clarify the type of construction activities located outside of stream or channel embankments, wetlands, swamps, or water resource areas, if any. If construction activities are expected or planned to occur on land, Clean Water Act (CWA) Section 402 permitting may be required via Louisiana Department of Environmental Quality's construction general permit or other Louisiana Pollutant Discharge Elimination System (LPDES) permit for earth-disturbance activities.

The Draft Supplemental EIS should discuss whether the communities to the east of the diversion area are protected by the structural levee. The EPA recommends the USACE clarifies how converting the minority and low-income areas to swamp land does not cause disproportionately high and/or adverse impacts. We also recommend the Draft Supplemental EIS clarify if the swamp mitigations in St. James Parish and St. John the Baptist Parish's Pine Island will serve as a swamp buffer for the Maurepas Swamp Project and other areas.

With segmented or phased approach of proposed or existing projects, the EPA recommends the USACE clarifies the disproportionately high and adverse human health or environmental effects the proposed project will have on the existing disadvantaged and overburden communities and minority and low-income populations. The USACE should clarify the socioeconomic conditions that the specific proposed project has on minority and low-income populations in St. John the Baptist Parish's Pine Island and St. James Parish, including the conversion of farmland and other land areas.

We look forward to the receipt of the electronic version of the Final EIS and your responses to the recommendations. If you have any questions or want to discuss, please contact Kimeka Price of my staff at (214) 665-7438 or by e-mail at price.kimeka@epa.gov.

Sincerely,

ROBERT HOUSTON

Digitally signed by ROBERT HOUSTON
Date: 2022.05.25 11:01:30 -05'00'

Robert Houston
Staff Director
Office of Communities, Tribes and Environmental Assessment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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DALLAS, TEXAS 75270-2102

May 25, 2022

Mr. Eric M. Williams, Chief
Environmental Planning Branch
New Orleans District (CEMVN–PDC-C)
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118

RE: Draft Supplemental Environmental Impact Statement for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study in St. John the Baptist, St. James, Ascension, Livingston, St. Tammany, and St. Charles Parishes, Louisiana (CEQ No. 20220051)

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For your consideration, the following recommendations are provided and focus on improving the clarity of the Draft Supplemental EIS. EPA recommends mitigation measures adequately address adverse impacts of the proposed action reasonably foreseeable for human health and environment, as applicable, which should be included in the Record of Decision.

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soil and sediment using appropriate testing methodologies is recommended prior to placement. If soil or sediment contaminants exceed regulatory levels, the USACE should take appropriate action(s) to ensure there is not a release into ground or surface waters, in the proposed project area, or other areas.

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We look forward to the receipt of the electronic version of the Final EIS and your responses to the recommendations. If you have any questions or want to discuss, please contact Kimeka Price of my staff at (214) 665-7438 or by e-mail at price.kimeka@epa.gov.

Sincerely,

ROBERT HOUSTON

Digitally signed by ROBERT HOUSTON
Date: 2022.05.25 11:01:30 -05'00'

Robert Houston
Staff Director
Office of Communities, Tribes and Environmental Assessment

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

May 26, 2022

4112.1
ER 22/0111

Landon Parr
New Orleans District
U.S. Army Corps of Engineers Attention: CEMVN–PDC-C
7400 Leake Avenue
New Orleans, LA 70118

Re: West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study
Draft Supplemental Environmental Impact Statement (DSEIS)

Dear Landon Parr:

The Department of the Interior (Department) has reviewed the Draft Supplemental Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study. The following comments are submitted in accordance with provisions of the Fish and Wildlife Coordination Act (FWCA) and the National Environmental Policy Act (NEPA).

Specific Comments

Page xvii of the Executive Summary, Mitigation paragraph, second sentence – This sentence lists average annual habitat unit (AAHU) values associated with the MSA-2 mitigation alternative. Since the sentence does not state that these are impacts, it appears to list positive AAHUs generated by the project. Given that the sentence is referencing construction impacts only, the sentence should state that these are impacts and the listed AAHUs should be negative.

At the end of this second sentence is a reference to a Table 1, but that table does not appear in the document. A Table 1.1 exists within Section 1 of the document, but it does not provide benefit/impact AAHU values.

Section 5, MSA-2 Mitigation – The paragraph and sentence referenced above regarding AAHUs is also found in the first paragraph of this Section. The same edits mentioned above are also needed here as well.

The Department appreciates the opportunity to review and provide comments on the DSEIS. If you have any questions, please contact Ronald Paille with the U.S. Fish and Wildlife Service, Louisiana Ecological Services Field Office (337/291-3117 or Ronald_Paille@fws.gov).

Sincerely,

JOHN NELSON

Digitally signed by JOHN NELSON
Date: 2022.05.26 22:38:37 -04'00'

John Nelson
Regional Environmental Officer

Electronic distribution: mvnenvironmental@usace.army.mil

May 27, 2022

Submit to: mvnenvironmental@usace.army.mil

RE: Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study

Dear U.S. Army Corps of Engineers,

We, the 180 coastal stakeholders and community leaders signed below, write to express our strong support of the Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain levee project (WSLP) selecting the Maurepas Swamp Project (MSP) as the mitigation alternative. We commend the Army Corps for listening to stakeholders through public comment in early 2020. Community leaders weighed in loud and clear to urge consideration of the Maurepas Swamp Project as mitigation for WSLP. Louisiana needs these types of innovative and efficient solutions to restore our coast and protect communities in the face of a dire land loss crisis.

The Maurepas Swamp Project is the optimal mitigation option to offset WSLP project impacts to swamp habitats for the following reasons:

- The MSP is largely a preservation mitigation option that uses benefit areas within a larger CPRA restoration project (River Reintroduction into Maurepas Swamp, PO-0029) to offset WSLP swamp impacts and **allows mitigation to remain in the same watershed as the levee project**.
- The MSP mitigation project will allow complete funding of CPRA's PO-0029 project, which will reconnect the Mississippi River with the Maurepas Swamp, providing necessary freshwater flow-through and sediments that are vital to **restoring the degraded bald cypress-tupelo swamp**. PO-0029 will benefit over 45,000 acres of swamp that are currently in rapid decline.
- By constructing the MSP and WSLP Project concurrently, **the State and Army Corps will attain cost savings and efficiencies**, freeing up restoration funds to allow CPRA and others to pursue other high-priority projects.
- The WSLP Project and MSP will work together to **provide significant storm surge protection for nearby communities.**

Again, thank you for hearing coastal stakeholders, assessing this alternative, and supporting this common-sense approach and sound investment in coastal restoration and protection of communities. We enthusiastically look forward to seeing an increase in community protection and restoration of a marvelous coastal landscape.

Sincerely,

Chris Dier
2020 Louisiana Teacher of the Year and
National Teacher of the Year Finalist

Andy Kowalczyk
350 New Orleans

Rev. Bell Butler
A Community Voice

Dave Dixon
Adventure Design, LLC

Tommy Akin
Akin Promotions

Rev. Jay Angerer
All Saints Episcopal Church

Rev. Charmaine Kathman
All Saints River Ridge

Logan Burke
Alliance for Affordable Energy

Russ Allison
Allison Contracting

Polly Glover
Ascension Parish Resident

Allen Hughes
Avery Outdoors

Fred Zink
Avian-X Decoys

T. Bradley Keith
Barataria-Terrebonne National Estuary Program

Adam Knapp
Baton Rouge Area Chamber

James Peter Kelly
Baton Rouge Resident

Dave Demarest
Bayou Beer Garden, Bayou Wine Garden, Holy Ground Irish Pub

Fiona Delargy
Bayou Beer Garden, Bayou Wine Garden, Holy Ground Irish Pub

Mike Boyd
Beaver Dam Hunting Services

Rev. Dr. Cory Sparks
Bethany United Methodist Church

Bill Buckley
Bill Buckley Outdoor Photography

Wes Higgins
Bill Lewis Fishing (Rat-L-Trap)

Michael Fleeman
Black Ops Duck Calls

Jackie VanCleave
Blackley VanCleave Fishing

Buck Gardner
Buck Gardner Calls

Dana Honn
Cafe Carmo

Ryan Lambert
Cajun Fishing Adventures

Barnie Calef
Calef Calls Inc.

Byron Almquist
Canoe and Trail

Rick Allison
Capital Heavy Equipment

Travis Thompson
Cast & Blast Florida

Dickie Brennan
Chef and Restaurateur

Fernell Cryar
Christ Church Covington

Richard Cryar
Christ Church Covington

John Koeferl
Citizens Against Widening the Industrial Canal

Zach Monroe
City of New Orleans

Pete Digre
Climate Reality NOLA

Caroline Hayes
Coalition for Coastal Resilience and the Economy (CCRE)

Laci Melancon
Coastal Technical Assistance Center

Charlotte Clarke
Common Ground Relief Wetlands, LLC

Nina Compton
Compère Lapin, Bywater American Bistro

Kimberly Reyher
Coalition to Restore Coastal Louisiana

Sarah Giles
Coalition to Restore Coastal Louisiana Board of Directors

Brendan Hughes
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Parker Kilgore
Coalition to Restore Coastal Louisiana Board of Directors

Terrence Lockett
Coalition to Restore Coastal Louisiana Board of Directors

Robert Gardiner
Coalition to Restore Coastal Louisiana Board of Directors

James Tripp
Coalition to Restore Coastal Louisiana Coastal Advisory Council

Robert D. Gorman
Coalition to Restore Coastal Louisiana Coastal Advisory Council

Tina Freeman
Coalition to Restore Coastal Louisiana Coastal Advisory Council

Monique Harden
Deep South Center for Environmental Justice

Mike Benge
Delacroix Corporation

Richie Blink
Delta Discovery

John Lopez, PhD
Delta Science, LLC

Erik Guggenheim
Delta Structural Technology

Brock Piglia
DonahueFavret Contractors

Rockey LeFlore
Ducksouth

Barney Callahan
East Ascension Sportsman's League

Jennifer Sherrod-Blackwell
Elysian Seafood & Elysian Events Catering

Ernesto Maldonado
EM Improvements

Harry Shearer
Entertainer

Cathleen Berthelot
Environmental Defense Fund

Deacon Joey Clavijo
Episcopal Diocese of Louisiana

Rev. Frederick Devall
Episcopal Diocese of Louisiana

Garvin Pittman, PMP
Fenstermaker

Randy Fertel
Fertel Foundation

Shawn Moses Anglim
First Grace United Methodist Church

Jacqueline Richard
Fletcher Technical Community College

Dr. Kristine Strickland
Fletcher Technical Community College

Denise Byrne
Friends of New Orleans, Founding Board Member

Greg Za Maurin
Friends of the Manchac Greenway

Ramsey Russell
GetDucks.com

Bill Bridge
Global Green USA

Warren Coco
Go-Devil Manufacturers

Butch Davis
Godfather Manufacturing

Michael Hecht
Greater New Orleans, Inc. (GNO, Inc.)

Brent McCrossen
GRIPNR, Revelry StartUp Studio

Cynthia Sarthou
Healthy Gulf

Mayra Pineda
Hispanic Chamber of Commerce of LA

Laura Paul
Holy Cross Neighborhood Association

Steve McCadams
Hunting & Fishing with Steve McCadams

Brian Chandler
Key Corner Sportsman's Club

Lauren Hall
LAH Designs

Canaan Heard
Lake Charles Resident

Louis Capo
Lakefront Management Authority

Cindy Brown
Land Trust for Louisiana

Jake Latendresse
Latendresse Media

Garry Mason
Legends of the Outdoors Hall of Fame

Sandy Rosenthal
Levees.org

Liz Shephard
LifeCity

Patrick A. Barnes, P.G.
Limitless Vistas, Inc.

Louis Michot
Lost Bayou Ramblers

Sheila A. Tahir
Louisiana Bucket Brigade

Rep. Amy Freeman
Louisiana House of Representatives

Rep. Royce Duplessis
Louisiana House of Representatives

Rep. Matthew Willard
Louisiana House of Representatives

Rep. Mandie Landry
Louisiana House of Representatives

Leigh Rachel
Louisiana Interchurch Conference

Marie Gould
Louisiana Lost Lands Environmental Tours

Mike Smith
Louisiana Marsh Guide Service

Karen Carter Peterson
Former Louisiana State Senator

Sen. Joseph Bouie
Louisiana State Senate

Rebecca Triche
Louisiana Wildlife Federation

Arthur Johnson
Lower 9th Ward Center for Sustainable Engagement and Development

Shirley Laska
Lowlander Center, Co-founder & Senior Staff

Marcus Jacobs
Marjie's Grill, Seafood Sally's

Mickey Graham
MG Structures

Topher Rieth
Mid City Construction

Carlton Viers
Mid-South Hunting & Fishing News

Melissa Martin
Mosquito Supper Club

Brian Moore
National Audubon Society

Amanda Moore
National Wildlife Federation

Walter Leger III
New Orleans & Company

Sandra Lindquist
New Orleans Chamber of Commerce

Jim Hyatt
New Orleans Fly Fishers

Cynthia Guillment
New Orleans Resident

Ellen Blue
New Orleans Resident

Kristian Sonnier
New Orleans Resident

Megan Thorne Sfamurri
New Orleans Resident

Nathan Richard
New Orleans Resident

Dr. Jay Clune
Nicholls State University

Jon Dijkhuizen
NOLA Woodworks

Jennifer Coulson
Orleans Audubon Society

Greg Gasperecz
Orleans Parish Resident

Ellen Ball
Orleans Parish Resident

Stephen Chustz
Outcome Based Solutions

Larry Rea
Outdoors with Larry Rea

James Collier
Paprika Studios and The Boil Advisory

Gary Rispone
Paradise Louisiana TV

Meg Bankston
Parishes Advocating for Coastal Endurance

Kristi Trail
Pontchartrain Conservancy

John Kinabrew
Pontchartrain Conservancy Advocacy Committee Member

Andrew Brien
Pontchartrain Conservancy Advocacy Committee Member

Philip Clinton
Pontchartrain Conservancy Advocacy Committee Member

Patricia Meadowcroft
Pontchartrain Conservancy Board of Directors

Martin Landrieu
Pontchartrain Conservancy Board of Directors

Ryan Prewitt
Pêche Seafood Grill

Virginia Hanusik
Photographer

Leighann Smith
Piece of Meat Butcher

Monica Gorman
Pontchartrain Basin Board Member – CPRA

John D. Ross Jr.
PosiGen

James Wiltenmuth
Postlethwaite & Netterville

Chris Hill
Premier Custom Calls

Karl Rabago
Rábago Energy LLC

Stuart Swanson
Red River Cold Storage

Simone Maloz
Restore the Mississippi River Delta

Chassity McComack
River Region Chamber of Commerce

Doug Karpicke
Riverview Appraisal

Jim Ronquest
RNT Calls

Susan Spicer
Rosedale Restaurant

Kirk Rhinehart
Royal Engineering & Consultants, LLC

Ashwin Vilkhu
Saffron NOLA

Leo Laventhal
Sierra Club - New Orleans

Vic Lafont
South Louisiana Economic Council

Kelli Chandler
South Louisiana Flood Protection Authority – East

Mindy Nunez Airhart
Southern Services & Equipment, Inc.

Meredith Dowling
SouthWings, LLC

President Matthew Jewell
St. Charles Parish

St. Charles Parish Council

George Bond
St. George's Episcopal

President Jaclyn Hotard
St. John the Baptist Parish

Ashley Liuzza
Stag Liuzza LLC

Mark Copley
Strike King Lure Company

Scott Gordon
Take 'Em Magazine

Chris Macaluso
Teddy Roosevelt Conservation Partnership

Captain Wendy Billiot
Terrebonne Parish Resident

Blaise Pezold
The Arlene and Joseph Meraux Charitable Foundation

Barbara Johnson
The Great Delta Tours

Jason Goodenough
The New Culinarian

Mike Stewart
The Stewart Agency

Jessica Dandridge
The Water Collaborative

Pat Pitt
The Waterfowler Taxidermy

Sarah Mack, PhD.
Tierra Resources, LLC

Eric Cosby
Top Brass Tackle

Chef Isaac Toups
Toups' Meatery

Adam Adkisson
Triton Boats

Rep. Troy Carter
United States Congress

Mike McNett
USA Ice Team

Khai Nguyen
Village De L'Est Community

Randy Smith
Wingate Engineers

Clay Conner
Xpress Boats

May 31, 2022

Mr. Landon Parr
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South
CEMVN-PDC-C
7400 Leake Ave
New Orleans, Louisiana 70118-3651
mvnenvironmental@usace.army.mil

Re: Comments on CEMVN Draft Supplemental Environmental Impact Statement (SEIS) to West Shore Lake Pontchartrain (WSLP) Hurricane and Storm Damage Risk Reduction Study, Draft Mitigation Plan Update dated April 2022

Dear Mr. Parr:

Thank you for the opportunity to comment on the above referenced Draft SEIS Mitigation Plan that was released on April 15, 2022 and is available for public comment through May 31, 2022. Restoration Systems is the owner and manager of the Jesuit Bend Mitigation Bank (Jesuit Bend), a Corps-approved fresh/intermediate marsh mitigation bank with an approved Service Area that includes the area where the proposed Maurepas Swamp Mitigation Project construction and operation fresh wetland impacts are to occur. Jesuit Bend is located in the Deltaic Plain, HUC 08090301, Barataria Bay.

Our comments to the attached Draft SEIS Mitigation Plan focus on the fresh marsh compensatory mitigation alternatives currently being evaluated to offset the CEMVN's Tentatively Selected Plan to use the Maurepas Swamp Alternative-2 (MSA-2) to mitigate for the WSLP Project's swamp impacts. Currently, the Draft SEIS Mitigation Plan states in Section 5. MSA-2 Mitigation. that the ~19.5 AAHUs of fresh marsh impacts incurred would be mitigated through implementation of one or a combination of the Guste Island Project (CEMVN's constructed project) or the purchase of mitigation bank credits. It further states that: "*Based on costs of recent purchases of marsh mitigation bank credits, CEMVN's constructed project would rank above mitigation banks and would be implemented first. However, this ranking would be verified at the time of implementation."*

Our comments offer information and data to assist CEMVN in accomplishing its mitigation obligations in the most cost effective and expedient manner and consistent with applicable law and policy. We request that CEMVN consider the purchase of credits from Jesuit Bend as a potential source of compensatory mitigation for fresh marsh impacts associated with the construction and operation of MSA-2 Project, in order to provide the United States with the most cost-effective and environmentally preferable mitigation options available. I have included some prior Jesuit Bend pricing information in my attached comments and would be happy to provide additional pricing information.

We appreciate your consideration in this matter. Please contact me if you have any questions or would like to discuss our comments further.

Sincerely,

George A. Howard
Restoration Systems
1101 Haynes St., Suite 211
Raleigh, NC 27604
www.restorationsystems.com
Phone 919.755.9490 Fax 919.755.9492

CC: Linda Morrison, Senior Advisor Dawson & Associates - Consultant

Attachment: Restoration Systems Comments on CEMVN Draft Supplemental Environmental Impact Statement (SEIS) to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, Draft Mitigation Plan Update dated April 2022

RESTORATION SYSTEMS COMMENTS ON CEMVN DRAFT SEIS TO WSLP HURRICANE AND STORM DAMAGE RISK REDUCTION STUDY, DRAFT MITIGATION PLAN UPDATE APRIL 2022
SECTION 5. MSA-2 MITIGATION.

COMMENT #1. The SEIS must clearly describe, with appropriate detail, the cost comparison between Guste Island and mitigation bank credits.

The DEIS Mitigation Plan states in Section 5, MSA-2 Mitigation., Subsection Marsh.:

> "*The marsh impacts would be mitigated through implementation of one or a combination of the following projects. Based on costs of recent purchases of marsh mitigation bank credits, CEMVN's constructed project would rank above mitigation banks and would be implemented first. However, this ranking would be verified at the time of implementation."*

Table 5-4 Proposed Marsh Mitigation Projects (table copied from Draft SEIS, Mitigation Plan Section 5.)

Project	~AAHUs	~Acres
Guste Island	Up to ~19.5	Up to ~75
Mitigation Banks	TDB	TBD

The Draft SEIS Mitigation Plan does not include a cost estimate for Guste Island CZ fresh marsh mitigation. We submitted several questions to the CEMVN WSLP Project Team on May 25, 2022 related to the cost estimate comparison between Guste Island and Bank Credits including:

> **RS Question:** Does the Corps have an estimate to compare the cost of the Guste Island Project, now proposed as Fresh Marsh mitigation to offset Maurepas Swamp Mitigation Project construction and operation impacts, with the cost of the purchase of bank credits?
>
> **RS Question:** When were these cost estimates made?
>
> **RS Question:** What is the estimate to construct Guste Island?
>
> **RS Question:** What is the estimate to purchase mitigation credits from the Jesuit Bend Mitigation Bank (fresh/intermediate marsh)?

Jesuit Bend Mitigation Bank Prior Credit Sale to CEMVN, WVA AAHU Value, and Availability of Credits to Meet Fresh Marsh Mitigation Requirement.

In 2021, as compensatory mitigation to offset fresh/intermediate marsh impacts from the New Orleans to Venice Federal Levee Project, Restoration Systems sold 6.21 acres of credits from Jesuit Bend to CEMVN using a WVA Value of 0.37 for a purchase amount of $1,366,200. The sale provided 2.3 AAHU's for a cost of $594,000 per AAHU or $220,000 per acre.

In 2018, also as compensatory mitigation to offset fresh/intermediate marsh impacts from the New Orleans to Venice Federal Levee Project, Restoration Systems sold 96.5 acres of credits from Jesuit Bend to CEMVN using a WVA value of 0.37 for a purchase amount for $19,059,750. The sale provided 35.8 AAHUs for a cost of $532,395 per AAHU or $197,510 per acre.

Using that WVA AAHU Value of 0.37, Jesuit Bend can provide the 19.5 AAHUs needed to offset the Maurepas Swamp Mitigation Project's fresh marsh impacts, requiring 52.7 acres from Jesuit Bend. Jesuit Bend has all the credits available/released to meet CEMVN's fresh marsh mitigation requirement.

To date no one from CEMVN has contacted Restoration Systems for a price for the currently available credits. Price changes can occur relative to earlier transactions. We encourage CEMVN to request pricing in this instance to evaluate whether savings and efficiencies can be achieved versus a newly constructed Corps project, as previously realized for the New Orleans to Venice Federal Levee Project.

CEMVD Upper Barataria Basin, Louisiana Feasibility Study, Final Integrated Feasibility Report with Environmental Impact Statement December 2021: We call your attention to Section 7. Mitigation Plan. included in the UBB Final Feasibility Report that states that:

> "R*ecent mitigation actions completed on several large projects has shown that, when mitigation bank credits are available for purchase, purchase of mitigation bank credits are normally selected as the Recommended Plan to mitigate project induced impacts due to their cost effectiveness."*
> (The complete quoted section is included in the attached Appendix A for reference.)

Comment #2. The SEIS must clearly describe the watershed basin requirements for formulating mitigation alternatives including bank credit purchases.

The Draft SEIS Mitigation Plan, Section 5. MSA-2 Mitigation., discusses the formulation of mitigation alternatives with respect to the location of those alternatives relative to the impacts as follows:

> *"In accordance with the USACE Implementation Guidance for Section 2036(a) of the WRDA 2007, Mitigation for Fish and Wildlife and Wetlands Losses, and Appendix C to Engineer Regulation 1105-2-100, compensatory mitigation for MSA-2 was formulated to occur within the same watershed as the impacts and to replace the functions and service of each habitat type with functions and services of the same habitat type. Consistent with how regulatory defines the service area of mitigation banks, tidal marsh impacts would be mitigated within the deltaic plain."*

The Draft SEIS Mitigation Plan. Section 5. MSA-2 Mitigation. Subsection Mitigation Banks. states:

> "*USACE approved mitigation banks with perpetual conservation servitudes within the LPB for BLH and within the Mississippi Deltaic Plain for marsh, currently in compliance with their mitigation banking instruction (MBI) and able to service the CZ habitat types impacted by the MSA-2 are also considered as potential mitigation projects."*

Following release of the Draft SEIS Mitigation Plan April 2022, LA-OCM commented in an email exchange with MVN on April 27, 2022 and New Orleans District 'concurred' that mitigation credits must come from the "same or adjacent" hydrologic basin.

> *"OCM supports the use of Mitigation banks as an option. Should credits be purchased from a mitigation bank, the bank would have to be located in the Coastal Zone, within the same or an adjacent hydrologic basin where the impacts occurred, must be an OCM approved Mitigation Bank, and only habitat credits at the approved OCM bank that are below the 5 foot contour would be eligible."*
> *New Orleans District: Concur*

Jesuit Bend Mitigation Bank Service Area and Location complies with both the Draft SEIS, Mitigation Plan and the April 27, 2022 email requirements quoted above as follows:

- Jesuit Bend's Service Area is the Deltaic Plain.
- Jesuit Bend is physically located in the Coastal Zone.
- Jesuit Bend is physically located in the immediately adjacent HUC 08090301 to the Maurepas Swamp fresh marsh impacts located in 08070204 basin.
- Jesuit Bend is an approved Mitigation Bank by CEMVN Regulatory.
- Jesuit Bend's Fresh Marsh habitat credits are below the 5-foot contour.

The only other banks with fresh marsh, Cypremort Teche Mitigation Bank and Kilgore Plantation Mitigation Bank, are located four HUCs distant from the Maurepas Swamp Mitigation Project's impact. Therefore, Jesuit Bend would appear to be the only fresh marsh bank that complies with both the Draft SEIS Mitigation Plan and the April 27, 2022 LA-OCM email requirements referenced above.

Comment #3. The factors below should be considered in deciding the best mitigation plan for the fresh marsh impacts of MSA-2.

1. Perpetual Site Protection with a Mitigation Bank.
2. Financial Surety in place for a Mitigation Bank that ensures the resource is successfully maintained in perpetuity; i.e., Zero Risk for CEMVN Civil Works and Non-Federal Sponsor.
3. Mitigation completed and successfully performing with a Mitigation Bank vs. CEMVN Constructed which involves CEMVN monitoring time and costs until success criteria achieved with risk of additional adaptive management costs.
4. Non-Federal Sponsor would have Zero Cost Burden with Bank Credits vs. maintaining a Corps-constructed mitigation project, with CEMVN transferring all Operations, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) to the local sponsor who is then responsible for maintaining the mitigation site in perpetuity.
5. CEMVN would not incur any Risk with the purchase of bank credits that are performing successfully and under the responsibility of the Bank Sponsor to maintain vs. Moderate to High Risk of constructing a mitigation project, with potential adaptive management requirements.
6. No new Direct, Indirect, or cumulative impacts for a Mitigation Bank. The Draft SEIS, Section 5. MSA-2 Mitigation. Subsection Mitigation Banks. states:

   "Since permitted banks exist as reasonably foreseeable projects in the FWOP conditions, no new direct, indirect or cumulative impacts to any resources would be incurred from the purchase of these credits for mitigation."

   Restoration Systems recognizes and appreciates CEMVN's statement that the purchase of mitigation bank credits does not involve any new direct, indirect or cumulative impacts. In the evaluation of fresh marsh mitigation in the Marsh Subsection, Guste Island is a proposed Marsh Mitigation Project ranked above mitigation banks. Guste Island, however, is existing shallow open water that would involve filling of shallow open water, and could include impacts to emergent marsh and submerged aquatic vegetation (depending on the actual site location) for marsh creation at Guste Island.

Comment #4. The with and without future conditions need to be clearly described in the SEIS.

CPRA CWPPRA Project Guste Island was a component of the most recent LA Master Plan and proposed as a CWPPRA project. This would appear to qualify the project as a "Reasonably Foreseeable Action", based on 43 CFR 46.30 Definitions. Also, we are not aware of any CWPPRA project being used to mitigate for the impacts from an authorized Federal project.

> *"Reasonably foreseeable future actions include those federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These federal and non-federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite."*

How has the Corps considered Guste Island in light of the language above, and what conclusions were reached?

Size of Guste Island Mitigation Project is Unclear in Draft SEIS Mitigation Plan.

It is unclear in the Draft SEIS Mitigation Plan regarding Guste Island, whether the proposal is to build only ~75 acres of fresh marsh needed to mitigate for the fresh marsh impacts that would result from the construction and operation of Maurepas Swamp Mitigation Project, or is Guste Island a component of a larger restoration project? We cannot locate the "Figure 5.2" referenced on page 146 Section 5 of the April SEIS, please direct us to where Figure 5.2 is located.

> "The Guste Island project involves creation of up to ~75 acres of marsh habitat within the area(s) depicted in **figure 5.2** as compensatory mitigation for the marsh impacts resulting from construction and operation of MSA-2."

If Guste Island is a component of a larger restoration project, is the cost to perform the project a proportion of the total spending on the larger project?

If part of a larger project, will the entire project be performed in advance or concurrent with the impact?

Comment #5. The SEIS should clearly describe the Laws, Policies, Regulations, and Guidance with respect to consideration of the use of Mitigation Bank Credits.

A summary of applicable Laws, policies, regulations, and guidance follows.

1. Statute, regulation, and policy, establish a strong **preference and priority** for use of mitigation banks in mitigating for wetland impacts in connection with civil works projects over the development of new mitigation sites.
    - In particular, the **Joint 2008 EPA/USACE Compensatory Mitigation Rule** at 33 CFR 332.3 establishes a preference for mitigation banks and explains in detail why such a preference exists.
    - 33 CFR 332, is made applicable to this matter pursuant to WRDA 1986, section 906, paragraph (d)(3)(A).
    - 33 CFR section 332.3 establishes a hierarchical preference for use of mitigation banks. This hierarchical preference, discussed in formulating the "2008 Joint EPA/USACE Compensatory Mitigation Rule", was adopted in paragraphs (b) and (g) of the final rule.

2. The **WRDA of 2007** requires that the USACE first consider using commercial mitigation banks to provide compensation for environmental impacts to wetlands.

3. Further, while the "preference" language for mitigation banks contained in WRDA 2007, Section 2036 (c) was replaced in **WRDA 2016**, section 1163 (a) of WRDA 2007 remains in effect. That provision contains the same mitigation bank "preference" language as that in 33 CFR 332. Also, the language of WRDA 2016, section 1163 (1) clearly still encourages use of mitigation banks in directing that Secretarial guidance be developed "that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks approved by the Secretary … with an approved service area that includes the location of the projected impacts of the water resources development project." Subparagraph (2) of section 1163 similarly indicates a positive intention with respect to use of mitigation banks.

4. The **Water Infrastructure Improvements for the Nation Act (WIIN) of 2016** (PL 114-322) states that all potential credits from mitigation banks and the Louisiana in-lieu fee (ILF) programs with service areas that include the impacted areas should be considered as reasonable alternatives.

5. The **WRDA 2016** Section 1163 directed "*not later than 180 days after the date of enactment of the WRDA 2016, the Secretary shall issue implementation guidance that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks approved by the*

Secretary and in-lieu fee programs with an approved service area that includes the location of the projected impacts of the water resources development project."

6. **WRDA 2016 Section 1163 ASA(CW) Implementation Guidance** for Civil Works Projects, issued on November 16, 2017, provides guidance to the Corps stating that: "*The Corps shall consider available and potential in-kind credits from mitigation banks and in-lieu fee programs established by others, where appropriate, when planning compensatory mitigation for unavoidable impacts to wetlands and other habitats resulting from construction of a proposed water resources development project."*

APPENDIX A

CEMVD Upper Barataria Basin, Louisiana Feasibility Study Final Integrated Feasibility Report with Environmental Impact Statement – December 2021

Section 7. MITIGATION PLAN.

Proposed Compensatory Mitigation Plan.

"*Recent mitigation actions completed on several large projects (Hurricane Storm Damage Risk Reduction System, Plaquemines New Orleans to Venice Levee System, Comite) with large impacts of multiple habitat types has shown that, when mitigation bank credits are available for purchase, purchase of mitigation bank credits are normally selected as the RP to mitigate project induced impacts due to their cost effectiveness. As such, the purchase of mitigation bank credits will be pursued to mitigate the impacts to all habitat types incurred by the UBB project. It is not known which banks nor how many credits would be available at the time of project implementation; however, the market has historically responded to the need for mitigation bank credits. A detailed mitigation plan evaluation of recent credit cost vs Corps-constructed mitigation projects was conducted under Appendix E. As such, a general mitigation bank alternative was considered to meet the mitigation requirement. During Preconstruction Engineering Design (PED), an analysis of banks approved through the CEMVN Regulatory 404 Program and the in-kind credits available for purchase would be conducted to ensure full satisfaction of the RP mitigation requirement is completed.*

Because the purchase of mitigation bank credits relieves the CEMVN and the NFS of the responsibility for monitoring and of demonstrating mitigation success (the 404 Regulatory program regulates the completion of these actions as specified by the bank's Mitigation Banking Instrument), neither a monitoring nor adaptive management plan is necessary for the mitigation. However, if it becomes apparent that purchasing bank credits is not cost effective or feasible (including due to lack of satisfactory bids), CEMVN will complete its evaluation of Mitigation Plan Alternative 2 which would evaluate Corps-constructed mitigation projects within the UBB watershed in the CZ, possibly in combination with a credit purchase. If construction of a mitigation project occurs, a monitoring and adaptive management plan would be created at that time."

May 27, 2022

Submit to: mvnenvironmental@usace.army.mil

RE: Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study

Dear U.S. Army Corps of Engineers,

We, the 180 coastal stakeholders and community leaders signed below, write to express our strong support of the Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain levee project (WSLP) selecting the Maurepas Swamp Project (MSP) as the mitigation alternative. We commend the Army Corps for listening to stakeholders through public comment in early 2020. Community leaders weighed in loud and clear to urge consideration of the Maurepas Swamp Project as mitigation for WSLP. Louisiana needs these types of innovative and efficient solutions to restore our coast and protect communities in the face of a dire land loss crisis.

The Maurepas Swamp Project is the optimal mitigation option to offset WSLP project impacts to swamp habitats for the following reasons:

- The MSP is largely a preservation mitigation option that uses benefit areas within a larger CPRA restoration project (River Reintroduction into Maurepas Swamp, PO-0029) to offset WSLP swamp impacts and **allows mitigation to remain in the same watershed as the levee project**.
- The MSP mitigation project will allow complete funding of CPRA's PO-0029 project, which will reconnect the Mississippi River with the Maurepas Swamp, providing necessary freshwater flow-through and sediments that are vital to **restoring the degraded bald cypress-tupelo swamp**. PO-0029 will benefit over 45,000 acres of swamp that are currently in rapid decline.
- By constructing the MSP and WSLP Project concurrently, **the State and Army Corps will attain cost savings and efficiencies**, freeing up restoration funds to allow CPRA and others to pursue other high-priority projects.
- The WSLP Project and MSP will work together to **provide significant storm surge protection for nearby communities.**

Again, thank you for hearing coastal stakeholders, assessing this alternative, and supporting this common-sense approach and sound investment in coastal restoration and protection of communities. We enthusiastically look forward to seeing an increase in community protection and restoration of a marvelous coastal landscape.

Sincerely,

Chris Dier
2020 Louisiana Teacher of the Year and
National Teacher of the Year Finalist

Andy Kowalczyk
350 New Orleans

Rev. Bell Butler
A Community Voice

Dave Dixon
Adventure Design, LLC

Tommy Akin
Akin Promotions

Rev. Jay Angerer
All Saints Episcopal Church

Rev. Charmaine Kathman
All Saints River Ridge

Logan Burke
Alliance for Affordable Energy

Russ Allison
Allison Contracting

Polly Glover
Ascension Parish Resident

Allen Hughes
Avery Outdoors

Fred Zink
Avian-X Decoys

T. Bradley Keith
Barataria-Terrebonne National Estuary Program

Adam Knapp
Baton Rouge Area Chamber

James Peter Kelly
Baton Rouge Resident

Dave Demarest
Bayou Beer Garden, Bayou Wine Garden, Holy Ground Irish Pub

Fiona Delargy
Bayou Beer Garden, Bayou Wine Garden, Holy Ground Irish Pub

Mike Boyd
Beaver Dam Hunting Services

Rev. Dr. Cory Sparks
Bethany United Methodist Church

Bill Buckley
Bill Buckley Outdoor Photography

Wes Higgins
Bill Lewis Fishing (Rat-L-Trap)

Michael Fleeman
Black Ops Duck Calls

Jackie VanCleave
Blackley VanCleave Fishing

Buck Gardner
Buck Gardner Calls

Dana Honn
Cafe Carmo

Ryan Lambert
Cajun Fishing Adventures

Barnie Calef
Calef Calls Inc.

Byron Almquist
Canoe and Trail

Rick Allison
Capital Heavy Equipment

Travis Thompson
Cast & Blast Florida

Dickie Brennan
Chef and Restaurateur

Fernell Cryar
Christ Church Covington

Richard Cryar
Christ Church Covington

John Koeferl
Citizens Against Widening the Industrial Canal

Zach Monroe
City of New Orleans

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Delta Science, LLC

Erik Guggenheim
Delta Structural Technology

Brock Piglia
DonahueFavret Contractors

Rockey LeFlore
Ducksouth

Barney Callahan
East Ascension Sportsman's League

Jennifer Sherrod-Blackwell
Elysian Seafood & Elysian Events Catering

Ernesto Maldonado
EM Improvements

Harry Shearer
Entertainer

Cathleen Berthelot
Environmental Defense Fund

Deacon Joey Clavijo
Episcopal Diocese of Louisiana

Rev. Frederick Devall
Episcopal Diocese of Louisiana

Garvin Pittman, PMP
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Butch Davis
Godfather Manufacturing

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Greater New Orleans, Inc. (GNO, Inc.)

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Lost Bayou Ramblers

Sheila A. Tahir
Louisiana Bucket Brigade

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Louisiana House of Representatives

Rep. Royce Duplessis
Louisiana House of Representatives

Rep. Matthew Willard
Louisiana House of Representatives

Rep. Mandie Landry
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Sen. Joseph Bouie
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Stuart Swanson
Red River Cold Storage

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Terrebonne Parish Resident

Blaise Pezold
The Arlene and Joseph Meraux Charitable Foundation

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The Great Delta Tours

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The New Culinarian

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The Stewart Agency

Jessica Dandridge
The Water Collaborative

Pat Pitt
The Waterfowler Taxidermy

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Tierra Resources, LLC

Eric Cosby
Top Brass Tackle

Chef Isaac Toups
Toups' Meatery

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Triton Boats

Rep. Troy Carter
United States Congress

Mike McNett
USA Ice Team

Khai Nguyen
Village De L'Est Community

Randy Smith
Wingate Engineers

Clay Conner
Xpress Boats

LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM
COMMISSIONER

May 26, 2022

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Mr. Landon D. Parr
U.S. Army Corps of Engineers
Regional Planning and Environment Division South
New Orleans Environmental Branch
CEMVN- PDC-C
7400 Leake Avenue
New Orleans, LA 70118-3651

RE: Draft SEIS WSLP

Dear Mr. Parr,
I have no objection or further comment at this time regarding the above referenced project.

Sincerely,

Joey Breaux
Assistant Commissioner,
LDAF/Office of Soil & Water Conservation
Director, LA Soil & Water Conservation Commission
225.922.1269

JCB: CB

Louisiana Hypoxia Working Group
Room 1197 Energy, Coast, & Environment Building
Louisiana State University
Baton Rouge, LA 70803

May 31, 2022

Mr. Landon Parr
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South
CEMVN–PDC-C
7400 Leake Avenue
New Orleans, Louisiana 70118

Re: Draft Supplemental Environmental Impact Statement (SEIS) to the West Shore Lake Pontchartrain Levee Project (WSLP)

Dear Mr. Parr,

I am submitting the following comments on behalf of the Louisiana Hypoxia Working Group (LHWG), a monthly forum for agencies, research institutions, and stakeholders that meets to facilitate and support implementation of the *Action Plan to Reduce Hypoxia in the Gulf of Mexico* (Gulf Hypoxia Action Plan) (2001, 2008, 2015) in Louisiana.

While the primary purpose of the Draft SEIS – consideration of the Maurepas Swamp Project as mitigation for the West Shore Lake Pontchartrain Hurricane Protection Levee – is out of our area of focus, the issue of hypoxia in the Gulf of Mexico and the related issue of nutrient loading in the Mississippi River are raised at least three times in the document, in ways that merit some comment.

The first, in Section 4.1.11, "Water Quality, page 125, on "Future Conditions in the Maurepas Swamp", states that "TN and TP [i.e., Total Nitrogen, Total Phosphorus] concentrations would be expected to increase in the next 50 years from additional fertilizer runoff within the watershed."

The second, under "Cumulative Impacts", page 126, states that "Increases in agricultural runoff upstream in the Mississippi River and tributaries would likely elevate the impact to nutrients in Blind River, but current data and trends indicate a low risk."

In Appendix L, "Clean Water Act", "d. Contaminant Determinations," page 17, states that "Mississippi River water contains nutrients and pesticides primarily derived from agricultural runoff, as well as trace levels [of] other constituents from point and non-point sources. This low-level mixture of chemicals present in river water is a major reason for the annual formation of the Gulf of Mexico hypoxic zone and also can contribute to freshwater cyanobacterial blooms in estuary waters from freshwater diversions such as Caernarvon and Davis Pond."

It is noticeable that the Draft SEIS never mentions the *Gulf Hypoxia Action Plan*, either in the Main Report, Appendix L, or reference sections for each, despite the fact that both the federal agency, the Corps of Engineers, and the state/Non-Federal Sponsor, the State of Louisiana, are signatories to the *Action Plan*, in addition to being members of the Gulf Hypoxia Task Force (Lower Mississippi River/Gulf of Mexico Watershed Nutrient Task Force.)

Both parties, along with other federal partner agencies (EPA, USDA, NOAA, USGS) and 11 other States along the Mississippi and Ohio Rivers, have committed to helping to reach the goals of the *Action Plan*, the primary ones being:

1) An Interim Target of achieving a 2% reduction in Nitrogen (N) and Phosphorus (P) loading to the Gulf of Mexico from the Mississippi-Atchafalaya River Basin by the year 2025;
2) A final, Coastal Goal of achieving an average annual size of the Gulf Hypoxic Zone of 5000 square kilometers (1950 square miles) by the year 2035. (The latter averaged over a 5-year period).

The sections quoted give no indication of the prospect that nutrient (TN, TP) loads in the Mississippi River could be reduced over the time periods discussed through implementation of the *Action Plan*, much less any acknowledgement of the commitment of the Federal and Non-Federal Sponsors to help do so.

The emphasis on Blind River is somewhat confusing – while this small waterway that drains into Lake Maurepas (designated, as noted in the Draft SEIS, a Louisiana Scenic River) is currently separated from the Mississippi River by the MR&T levee system, it would apparently be subject to influence from nutrient loads carried from the river by the MSP diversion project. But it seems strange to emphasize that this influence would come from increases in agricultural runoff upstream in the Mississippi River Basin.

At any rate, since both the Corps of Engineers and the State of Louisiana are members of the Hypoxia Task Force and signatories to the *Action Plan*, these are trends over which they have some degree of influence, in contrast to the passive tone adopted in the Draft SEIS.

Sincerely,

Doug Daigle
Coordinator
Louisiana Hypoxia Working Group

May 31, 2022

Mr. Landon Parr
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South
CEMVN–PDC-C
7400 Leake Avenue
New Orleans, Louisiana 70118

Dear Mr. Parr,

The Louisiana Environmental Action Network (LEAN), Lower Mississippi Riverkeeper (LMRK), and RESTORE submit the following comments to U.S. Army Corps of Engineers, New Orleans District (CEMVN) on the Draft Supplemental Environmental Impact Statement (SEIS) on the proposal to utilize the Maurepas Swamp Project (MSP) as compensatory mitigation for impacts to swamp habitat from construction of the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project (WSLP).

The projects in question are intended to address two critically important issues – coastal restoration and hurricane protection – and have been approved in their respective state and federal administrative and legislative processes. At the same time, we believe that the integrity of the mitigation and permit processes, and adherence to the laws that undergird them, is also of significant importance.

The new Draft SEIS describes a complicated and unusual process by which the CEMVN arrived at its decision to recommend adoption of the MSP as compensatory mitigation for swamp habitat impacts from construction of the WSLP. This has included the announcement of Federally Approved mitigation plan (referred to as the "BBA/No Action Alternative") in the Environmental Assessment (EA) #576, with a Finding of No Significant Impact (FONSI) signed on April 13, 2020; the announcement of a Draft SEIS Notice of Intent (NOI) on August 17, 2021; the release of the Draft SEIS on March 18, 2022; the withdrawal of the Draft SEIS from

public review on April 1, 2022; and the re-release of the Draft SEIS for public comment on April 15, 2022.

There has also been a lack of clarity in statements by the CEMVN about this process to the public and media, which have added to difficulty for stakeholders in understanding it. (See media articles referenced in Appendix).

A number of questions remain about the adherence to key federal regulations and rules on compensatory mitigation in work that has already been carried out for the WSLP project, as well as whether the proposed changes in the WSLP-MSP mitigation proposal can meet the same legal requirements.

Compensatory Mitigation Guidelines and Rules

The SEIS states that "based on changes as of February 2022, the WSLP project would impact as much as 10,892 acres of swamp and 4,877 acres of wetlands BLH-Wet [bottomland hardwood] in the Louisiana Coastal Zone (p. 2), and notes that compensatory mitigation is required under the Water Resources Development Act (WRDA) of 1986, Section 906, along with Clean Water Act Section 404(b)(1) Guidelines, and to be consistent with other federal laws, guidelines and agreements.

Central among these is *33 U.S. Code § 2283*, cited on p. 12 of the Draft SEIS. *33 USC §2283* (d)(3)(A) states "To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies with, at a minimum, the mitigation standards and policies established pursuant to the regulatory programs administered by the Secretary."

A core mitigation standard and policy referenced is the requirement for mitigation activities to be undertaken prior to or concurrent with project impacts. *33 U.S. Code § 2283* further states:

"(a) Steps to be taken prior to or concurrently with construction
(1) In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after November 17, 1986, construction of which has not commenced as of November 17, 1986, and which necessitates the mitigation of fish and wildlife losses, including the acquisition of lands or interests in lands to mitigate losses to fish and wildlife, as a result of such project, such mitigation, including acquisition of the lands or interests—
(A) shall be undertaken or acquired before any construction of the project (other than such acquisition) commences, or

(B) shall be undertaken or acquired concurrently with lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses),
whichever the Secretary determines is appropriate, except that any physical construction required for the purposes of mitigation may be undertaken concurrently with the physical construction of such project."
(https://uscode.house.gov/view.xhtml?req=granuleid:USC-2000-title33-section2283&num=0&edition=2000)

A recent reaffirmation of this requirement comes from the March 2019 Implementation Guidance issued by the USACE for the 2016 *Water Resources Development Act* (WRDA):
"8. For the purposes of this guidance, the phrase "to the maximum extent practicable" means that programmatic environmental plans and programmatic mitigation plans should be used wherever practicable to meet the mitigation needs of a project, subject to the following criteria…
e. The programmatic plans and increments thereof must be capable of being implemented in a timely fashion, i.e., prior to or concurrent with the adverse construction impacts as defined in C-3(e)(9) of ER 1105-2-100." (p.4-5)
(https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda2016/wrda2016_impguide/)

The USACE *Planning Guidance Notebook* of April 22, 2000 (ER 1105-2-100) also contained this stipulation:
"(9) Timing of Implementation. For all water resources development projects, on which construction has not commenced as of 17 November 1986, authorized ecological resource mitigation features, including the acquisition of lands or interest in lands to mitigate losses to ecological resources, shall be undertaken or acquired either:
(a) Before any construction of the project (other than such mitigation land acquisition) commences; or
(b) Concurrently with the acquisition of lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses); whichever the Secretary, determines is appropriate except that any physical construction required for the purpose of mitigation may be undertaken concurrently with the physical construction of such project…
(c) Mitigation measures will generally be scheduled for accomplishment concurrently with other project features in the most efficient way. Circumstances warranting the accomplishment of mitigation as the first or last elements of project construction will require prior approval by HQUSACE." (p. 108)
(https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/er_1105-2-100.pdf)

The Draft SEIS also cites 33 US Code § 2283 on p. 11 of Section 1:
"In accordance with 33 US Code § 2283 (a) the alternatives must be undertaken (at the latest) concurrent with the authorized parent project that incurred the impacts."

Questions on Mitigation for Prior and Current Activity

Questions about adherence to the prior/concurrent mitigation requirements have arisen due to clearing of extensive areas of cypress-tupelo forest for the WSLP project, which began in May of 2019 (there are some indications that clearing began earlier), and have continued since then, apparently without a mitigation plan in place. The Draft SEIS referenced this work in a question and answer exchange in the "Chat" section of their presentation for the public meeting the SEIS on May 11, 2022. Pictures and video of this activity have also been included in CEMVN public presentations and media articles over the past three years. (See Appendix).

Vegetative clearing already completed was referenced in a February 26, 2020 CEMVN presentation, while (as noted) the Finding of No Significant Impact (FONSI) was signed on April 13, 2020. The status of the mitigation component for Coastal Zone swamp areas currently being impacted is also unclear, since the swamp component of the "Tentatively Selected Alternative" in EA#576, which consisted of a combination of mitigation banks and construction projects, no longer pertains, as it would be replaced by the MSP (Alternative MSA-2).

A number of questions also arise in regard to how the prior/concurrent mitigation requirement would be met if the MSP/MSP-2 project were adopted as compensatory mitigation for swamp impacts from construction of the WSLP. The Draft SEIS lists among the planning goals and objectives being used to evaluate the MSP as a mitigation alternative the need to determine if MSP can be implemented as a project feature of the WSLP, "to be constructed concurrent with other elements of the project causing impacts." (p. 10)

The Project Delivery Team (PDT) in turn was tasked with evaluating whether the "conversion" of the MSP from an ecosystem restoration project into a mitigation project was viable (p. 10), and concluded that the MSP could "potentially produce sufficient credits and was a viable alternative that could be considered to compensate for the loss of swamp habitat from WSLP." (p. 12) Later, in Section 5 (MSA-2 Mitigation), the Draft SEIS states that "swamp impacts from both WSLP and MSA-2 would be mitigated through construction and operation of MSA-2…" (p. 143), raising the question of how construction would serve as mitigation for itself as well as another project.

In the discussion of the evaluation of the MSP alternatives, the timing of how they would meet the prior/concurrent requirement for compensatory mitigation is not discussed in any detail. The reference to *33 USC §2283* on p. 11 quoted above – "In accordance with 33 USC §2283 (a) the alternatives must be undertaken at the latest concurrent with the authorized parent project that incurred the impacts" – is followed by the statement that "Construction schedules in EA #576 for the No Action Alternative (BBA) and those provided by the NFS [non-federal sponsor] for MSP verify this could be done." These brief statements require more explanation, since they constitute the entirety of the Draft SEIS's discussion of the prior/concurrent issue per compensatory mitigation.

Water Quality

Another unusual component of the Draft SEIS is found in the section on Water Quality, much of which focuses on impacts from operation of the MSP/MSA-2 rather than impacts from the WSLP which the diversion project is being proposed to mitigate. These sections seem aimed at alleviating concerns about the potential for impacts from high nutrient loads from operation of the diversion, such as harmful algal blooms and cyanobacteria incidents, and the wording is unclear in several instances. Given this emphasis, the sections deserve scrutiny, not least because they provide a mixed message:

"Indirect impacts during operations would also occur in the same area as direct impacts and may extend beyond the areas direct impacted by a proposed alternative…" (p. 126)

"During operations, direct impacts would occur to water quality in the *southern* part [emphasis added] of Lake Maurepas from the outflow from the Mississippi River…" (p. 125)

"The TSA [Tentatively Selected Alternative, i.e., MSA-2] would likely route future commercial agricultural fertilizer, pesticides, and other constituents in river into Maurepas Swamp and adjacent waterbodies, but nutrient loading and assimilation in existing swamp vegetation would result in a minimal impact. Such conditions that result in algal blooms would likely continue to occur in the *northern* planning area [emphasis added] around northern Lake Maurepas and Lake Pontchartrain…" (p. 126)

The Draft SEIS also asserts that "the process of assimilation and nutrient loading would reduce potential impacts from the diversion canal outflow while any additional releases of runoff (e.g. wastewater treatment facilities and agriculture) in the vicinity of the TSA could elevate nutrient levels," (p. 126), while not addressing the questions of how the volume of inputs from these

other sources would compare with flow from the diversion and to what degree they could elevate nutrient levels to a detectable level compared with that flow.

Appendix L, "Water Quality", provides a more nuanced view of the issue:
"Measuring and monitoring various water quality parameters would inform whether inputs from the Mississippi River are impacting water quality in the area… These parameters would help understand [sic] the impacts of nutrient loading from the diversion and other sources… on phytoplankton community, nutrient removal by wetlands, and the distribution of Mississippi River water vs. water from other sources in the receiving area." (p. 13)

In the main body of the Draft SEIS, a number of assertions are made to the effect that "water quality impacts from the MSA-2 would be offset by the process of assimilation and nutrient loading…", and "Nitrates in Mississippi River runoff from the MSA-2 would *likely* [emphasis added] be removed via denitrification in the water column or uptake in wetland plants." (p. 126). These assertions, along with the description of "Wetlands in coastal Louisiana" serving as "assimilation wetlands" are broad, and no reference is made to specific examples or projects.

Specific projects include the Hammond Wetlands Wastewater Assimilation Project, which has been the subject of extended debate[i], and the St. Bernard Parish River Bend Oxidation Project located in Violet. The latter project submitted a Louisiana Pollutant Discharge Elimination System (LPDES) permit request (AI19244) in December 2021 to end its wetland assimilation operation and shift to discharge into the Mississippi River. Concerns have also been raised about the risk for harmful algal blooms in the Davis Pond Diversion receiving basin.[ii] The record shows that "assimilation wetland" projects can differ substantially depending on their location, as well as their particular facility, operation, and scale.

Appendix L also raises issues from the wider watershed and the broader coastal restoration program not addressed in the main body of the Draft SEIS:
"The hydromodification resulting from the project could at times provide significant inflows of Mississippi River water into the upper estuary. Mississippi River water contains nutrients and pesticides primarily derived from agricultural runoff, as well as trace levels other constituents from point and non-point sources. This low-level mixture of chemicals present in river water is a major reason for the annual formation of the Gulf of Mexico hypoxic zone and also can contribute to freshwater cyanobacterial blooms in estuary waters from freshwater diversions such as Caernarvon and Davis Pond." (p. 17) No reference is made to the national effort to reduce the Gulf Hypoxic Zone, and by extension reduce the risk of negative water quality impacts from coastal diversion projects.[iii]

Finally, Appendix L includes another mixed message that runs through the Draft SEIS: "Alternatives to the proposed project are presented in the [SEIS] to [WSLP]. Based on the SEIS impact assessment, the BBA Alternative is the least environmentally damaging preferred alternative. However, the MSA-2 alternative was selected as the tentatively selective [sic] alternative." (p. 25)

The questions raised by the Draft SEIS regarding whether the Corps is currently meeting the federal requirements for compensatory mitigation, as well as whether these requirements can be met if the MSA-2 alternative is approved, must be addressed. Additional questions that arise from the Draft SEIS about potential water quality impacts from the MSA-2 alternative are also not answered clearly or adequately in our view.

Sincerely,

Marylee Orr
Executive Director
Louisiana Environmental Action Network/
Lower Mississippi Riverkeeper
P.O. Box 66323
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Michael Tritico
President
RESTORE (Restore Explicit to Our Ravaged Earth)
P.O. Box 233
Longville, LA 70652

APPENDIX: CEMVN Public Presentations, Media Articles on WSLP-MSP

CEMVN, "Corps awards vegetation clearing contract for risk reduction project," May 16, 2019 (https://www.mvn.usace.army.mil/Media/News-Releases/Article/1849622/corps-awards-vegetation-clearing-contract-for-risk-reduction-project/)
CEMVN, "West Shore Lake Pontchartrain Stakeholder Update: February 26, 2020 (https://www.mvn.usace.army.mil/Portals/56/docs/PD/Projects/WSLP/WSLP_26_Feb_Stakeholder_Update.pdf?ver=2020=02=28=121615-837)
CEMVN, "West Shore Lake Pontchartrain Project: Virtual Public Meeting October 21, 2020" (https://www.mvn.usace.army.mil/Portals/56/FINAL%20Public%20Meeting%2021%20Oct%202020%20%28002%29%20%28002%29_1.pdf)
CEMVN, "Announcement of Formal Public Scoping Comment Period for West Shore Lake Pontchartrain Project," August 17, 2021 (https://www.mvn.usace.army.mil/Portals/56/Users/194/42/2242/WSLP%20SEIS%20Press%20Release.pdf)
CEMVN, "Scoping Meeting: Re-evaluation of Environmental Mitigation for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction System Project Swamp Impacts - September 2021" (https://www.youtube.com/watch?v=EAykRezJADI)
CEMVN, "WSLP HSDRRS Project Test Section Contract Construction," 4/18/22 (https://www.youtube.com/watch?v=GwcQC7JubiE)
CEMVN, "West Shore Lake Pontchartrain HSDRRS Test Section Contract Construction," (https://www.facebook.com/WestShoreLakePontchartrain/videos/west-shore-lake-pontchartrain-hsdrrs-test-section-contract-construction/1161625057931861/)
CEMVN, "Scoping Meeting: Re-evaluation of Environmental Mitigation for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction System Project Swamp Impacts," May 2022 (https://www.youtube.com/watch?v=7fmhYUCUjHg)
Nola.com, "Path to Maurepas Swamp," 7/26/21 (https://www.nola.com/image_71e466a0-ee4e-11eb-8216-8f9d8f60571e.html)
Nola.com, "Clearing the West Shore Lake Pontchartrain Levee footprint," 7/26/21 (https://www.nola.com/image_a1972dc0-b45e-11ec-95f3-4f31c049eb41.html)
Nola.com, "Corps will credit state for Maurepas Diversion as mitigation for new River Parishes Levee," 3/20/22 (https://www.nola.com/news/environment/article_2a57b808-a6f1-11ec-b280-2336858a9adf.html)
Nola.com, "No permit required for Maurepas diversion if it becomes part of West Shore Levee Project: Corps," 4/5/22 (https://www.nola.com/news/environment/article_55ca2218-a963-11ec-ad9f-970ef351528f.html?utm_medium=social&utm_source=email&utm_campaign=user-share

[i] https://thelensnola.org/2019/03/14/state-reviewing-controversial-wastewater-treatment-technique/
[ii] https://digitalcommons.lsu.edu/oceanography_coastal_pubs/171/
[iii] The Draft SEIS references another important factor in the larger water quality picture in noting that "There are many large and small industrial and municipal wastewater discharges along the Mississippi River Natural levee. Most of these discharge to the Mississippi River, while others discharge to drainage ditches and canals flowing away from the river… there are approximately 92 permitted discharges [in the project vicinity]" (p. 97); and "given the industrial nature of the area, sediment is expected to include industrial pollutants from surface and groundwater flows… and levels of these contaminants with respect to ecological health are unknown" though investigation "did not reveal signs of pollution at levels of concern…" Appendix L, p. 16.

Natural Resource Professionals, LLC
Wetlands Permitting and Mitigation Banking • Conservation Land Use Planning • Water Resources Engineering

May 31, 2022

Mr. Landon Parr
U.S. Army Corps of Engineers
New Orleans District
Coastal Compliance Section
7400 Leake Avenue
New Orleans, Louisiana 70160

Dear Mr. Parr:

Re: Public Notice
Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, Draft Mitigation Plan Update

Natural Resource Professionals, LLC (NRP), on behalf of Spanish Lake Restoration, LLC (SLR), submits the following comments in response to the Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study (WSLP Draft SEIS), Draft Mitigation Plan Update. We request that a formal response to our comments and questions on the WSLP Draft SEIS given below and our questions asked during the May 12, 2022 WebEx public meeting on the WSLP Draft SEIS as shown in the appendix be issued as part of the Draft SEIS Phase of the environmental clearance process. For clarity, individual questions asked throughout this submittal have been compiled and attached separately to this letter.

Introduction

As proposed by the U.S. Army Corps of Engineers (USACE) and the State of Louisiana, our team writes to raise (and in certain instances, re-raise) numerous concerns regarding the West Shore Lake Pontchartrain Project's (WSLP) mitigation deficiency, its three years of non-compliance, the capacity and technical feasibility for the Maurepas Swamp Project (MSP) to provide mitigation needs for WSLP within applicable laws and regulations, and the long-term performance of the proposed mitigation. Given our decades of experience in working with USACE on mitigation banks and projects, the lack of systematically gathered data and conclusive statistical results in the benefit calculations, and the fact that impacts have already occurred, the proposed plans should be re-considered, and, frankly, should result in the execution of other viable alternatives that have previously been proposed for this project.

Over the past 30 years, USACE has[1] continuously taken steps to further standardize the wetland mitigation industry to minimize risk and ensure ecological success to achieve its goal of no net loss of wetland function. This includes a lengthy review process of all assessment methodologies, the use of industry standards in restoration methodologies, and the placement of administrative safety nets to ensure success, such as conservation servitudes, financial assurance, etc. Consequently, the USACE

[1] After a years-long rulemaking process, the 2008 Rule was codified at 33 CFR Part 332, Compensatory Mitigation for Losses of Aquatic Resources.

must, as a market participant, comply with the Clean Water Act and the Water Resources and Development Act (as amended), among other federal laws and regulations.

As set forth more fully below, the USACE recently admitted at a public hearing that it has failed for more than three years to mitigate for impacts associated with WSLP.

Mitigation for impacts must be completed "prior to, or concurrently with" impacts.[2] Securing mitigation multiple years after the fact would be a clear violation. However, this is precisely what the USACE in New Orleans admitted at a public presentation, wherein USACE representatives gave the following answers in the public chat:

> Q: Has construction begun on the MSP [Maurepas Swamp Diversion] project?, has construction begun on the WSLP?
>
> A: Gregg, ***construction on MSP has <u>not</u> started yet***, **<u>but</u>** ***work has started on WSLP with vegetation clearing that began in May of 2019, access roads, levee test sections, and borrow/sand stockpile***.
>
> Q: What date did the clearing of vegetation begin for the WSLP?
>
> A: Gregg in response to question 6, clearing vegitaiton begain ***in May 2019***.
>
> [Spelling errors in original; emphasis added.]

However, contrary to statutory requirements, the 2008 Rule, and policy as applied in the field, the proposed use of the MSP as the primary source of compensatory mitigation for the unavoidable wetland impacts resulting from the WSLP would: (i) represent long-term administrative risk and uncertainties; (ii) be regressive and inconsistent with the development of compensatory mitigation regulatory policies; (iii) create a double standard for review and approval of compensatory mitigation projects; and (iv) serve as a disincentive for the private mitigation banking industry, affecting credit availability and therefore development potential for the future.

The MSP as compensatory mitigation for the WSLP is also contrary to the long-term regulatory goals and objectives codified in the 2008 Rule that governs compensatory mitigation projects such as private banks, in-lieu fee programs, and permittee responsible mitigation plans. Specifically, the 2008 Rule emphasizes the need for low-risk and self-sustaining compensatory mitigation projects that are not dependent on numerous, continuous maintenance operations and have substantive and available financial assurances and administrative requirements in place prior to mitigation plan approval and credit determinations to ensure that impacts to wetlands are compensated. Unlike the project attributes specified in the 2008 Rule, the MSP relies on numerous structural features, including the diversion

[2] "*The mitigation effort associated with the use of the bank, in-lieu-fee or other third-party arrangement must be capable of being implemented in a timely fashion,* ***i.e., prior to, or concurrent with****, the occurrence of adverse impacts of the project."* Corps of Engineers Implementation guidance published March 25, 2019, par.15.f (SUBJECT: Revised Implementation Guidance for Section 1162 of the Water Resources Development Act of 2016 and Section 1040 of the Water Resources Reform and Development Act of 2014, Fish and Wildlife Mitigation (Section 906 of the Water Resources Development Act of 1986, as Amended (33 U.S.C. 2283) (WRDA 2016) (Emphasis added); *see also* Cmt. 8 (confirming that "prior to, concurrent with" applies to programmatic, site-specific, or other mitigation plan(s))

structure, and will require no less than 150 separate management activities to maintain the integrity of the freshwater diversion. This is incongruent with what has been identified as a self-sustaining mitigation project.

Comments on the WSLP Draft SEIS

With this submittal, NRP formally comments on the following issues with the Draft Mitigation Plan Update:

1) Uncertainty and risk associated with the MSP;
2) The lack of financial accountability;
3) Negative impacts to the mitigation banking industry;
4) Regulatory violations by the construction of the WSLP project; and
5) The Public Meeting on May 12, 2022.

Project Uncertainty and Risk

Construction of the MSP will be an important milestone in implementing Louisiana's Coastal Master Plan. However, the MSP is not currently a suitable compensatory mitigation project because its projected benefits are based on limited existing site data and appropriate reference projects and does not meet the level of certainty required of the commercial mitigation banking industry and current mitigation regulations. This limited data required working groups to employ several generalized assumptions for calculating the net ecological benefits of the project. As such, it is likely that the estimation of project benefits does not meet professional standards for statistical robustness and may result in greater than estimated risk for project failure and costs associated with implementing adaptive management measures.

Appendix E, Certified WVA (Wetland Value Assessment) Models and Assumptions of the Draft SEIS was reviewed to assess the data, calculations, and assumptions used to determine the expected benefits of the MSP mitigation plan for the West Shore Lake Pontchartrain project. Comparisons were made with the Intermediate sea level rise scenario, for which the most data was presented in the report. Upon review, the available data and assumptions used raise the following concerns.

1. *Spatial averaging of CRMS data ignores previously acknowledged variations in habitat quality, and introduces unacceptable statistical variation for trendline estimation*

WVA Variable 1 (Stand Structure) parameters for Transitional Canopy forest habitat were derived from a linear regression on annual canopy cover data from three CRMS stations (0063, 0097, 5414) located near the proposed diversion outfall, along with a separate regression on an additional CRMS station to represent future inundated conditions. Shaffer et al 2016 classified the habitat and hydrological regime in the vicinity of CRMS0063 as "throughput," which receives "reliable nonpoint sources of freshwater runoff" and whose vegetation community consists of "mature overstory and midstory stands and little herbaceous cover." The habitat and hydrology of CRMS0097 and CRMS5414 can be classified as "relict," which are "stagnant, nearly permanently flooded interior sites, characterized by trees with broken canopies, a few mid-story species, a well-defined herbaceous community, and a complete lack of natural

regeneration." The location of these CRMS sites relative to previously classified habitats[3][4] is shown in Figures 1 and 2. In a previous WVA for the MSP performed by CPRA[5], data from each of these CRMS stations were applied to distinct subareas for which project benefits were calculated separately (Figure 3).

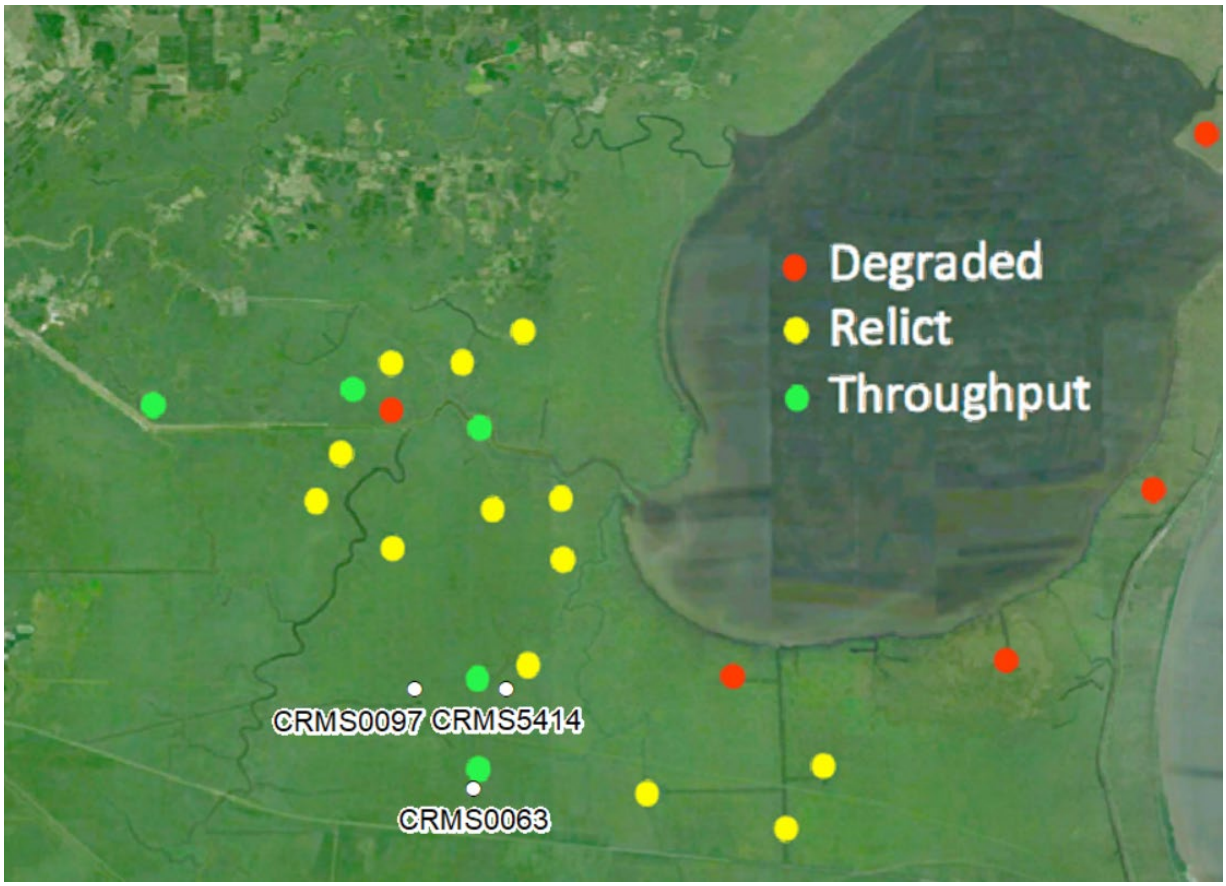


Figure 1 CRMS sites used to determine FWOP transitional canopy cover trend, relative to sites from Shaffer et al 2016

[3] Shaffer GP, JW Day, D Kandalepas, WB Wood, RG Hunter, RR Lane, ER Hillmann (2016). Decline of the Maurepas Swamp, Pontchartrain Basin, Louisiana, and approaches to restoration. *Water* 8 (101).

[4] Chambers JL, WH Conner, JW Day, SP Faulkner, ES Gardiner, MS Hughes, RF Keim, SL King, KW McLeod, CA Miller, JA Nyman, GP Shaffer, WM Aust, RA Goyer, GJ Lenhard, RF Souther-Effler, DA Rutherford, WE Kelso (2005). Conservation, protection, and utilization of Louisiana's coastal wetland forests: final report to the Governor of Louisiana from the Coastal Wetland Forest Conservation and Use Science Working Group. Louisiana State University: Baton Rouge, LA

[5] LaCour-Conant K, K Ramsey, K Bollfrass (2019). Swamp Community Wetland Value Assessment: PO-0029 River Reintroduction into Maurepas Swamp. https://www.lacoast.gov/reports/project/Final_Draft_PO-0029_WVA_June__2019.pdf

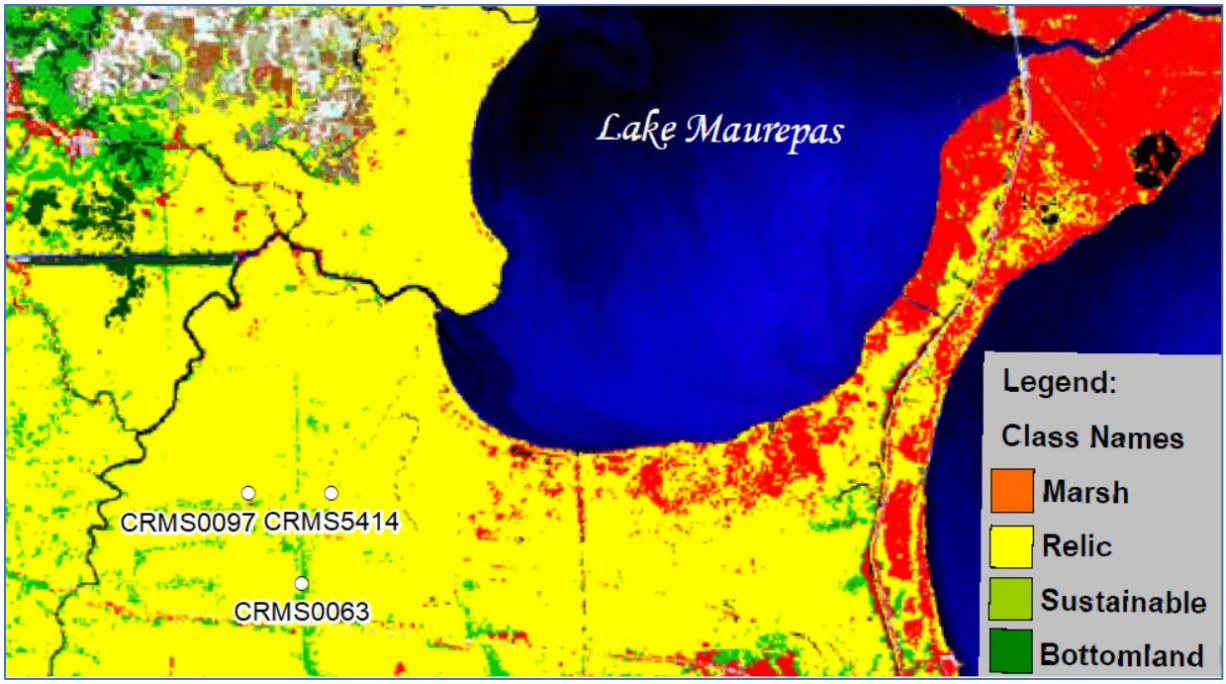


Figure 2: CRMS sites used to determine FWOP transitional canopy cover trend, relative to habitat classification in Chambers et al 2005

Reference Station Data		
Subarea	**CRMS Station**	**Habitat Type**
1	CRMS0063	Throughput
2A	CRMS5414	Relict
2B	CRMS0097	Relict

Figure 3: Habitat classification represented by CRMS sites in LaCour-Conant et al 2019

Linear regression performed by NRP on the pooled data from the three CRMS stations (2007-2020, as was available when the WVA was performed) results in a slope of -0.559% canopy cover per year, comparable to the estimated decline rate of -0.567% per year cited in the WVA. However, the data contain substantial variation due to a strong downward trend at CRMS5414 combined with near-flat trends at CRMS0063 and 0097 (Figure 4). As a result, even if substations within each CRMS site are treated as true replicate observations, the resulting regression statistics are $F_{(1,115)} = 0.84$, $p = 0.36$ (Figure 5). Conventionally, statistical significance is inferred from p-values less than or equal to 0.05, occasionally 0.10. These values indicate that there is insufficient evidence to conclude the slope of this trend is significantly different from zero[6]. Additionally, both the range defined by ± 1 standard error and the 95% confidence interval around the slope estimate include values above and below zero, indicating that the data is too limited and/or dispersed to distinguish whether the trend in percent canopy cover at these sites is increasing or decreasing with time. Finally, the coefficient of determination (R-squared) of

[6] Sokal RR, FJ Rohlf (1995). *Biometry, Third Edition.* W.H. Freeman & Company: New York.

0.007 can be interpreted as the regression equation explaining 0.7% of the variation in this canopy cover dataset[7]. Well-fit linear regression models, in which the independent variable (year) explains most of the variation in the dependent variable (percent canopy cover), have R-squared values closer to 1.0. Models in which the independent variable explains none of the variation in the dependent variable have R-squared values of 0. Given that time explains less than 1% of the variation in percent canopy cover, it should not have been considered a good predictor on its own, and it is highly likely that additional factors (e.g., existing habitat quality and/or its interaction with time) explain most of the canopy cover trends in the dataset.

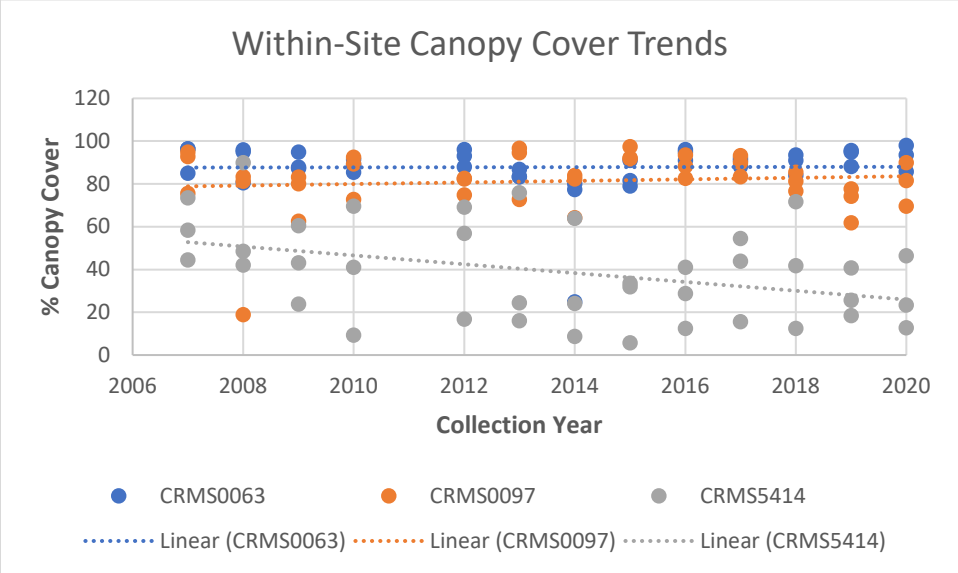
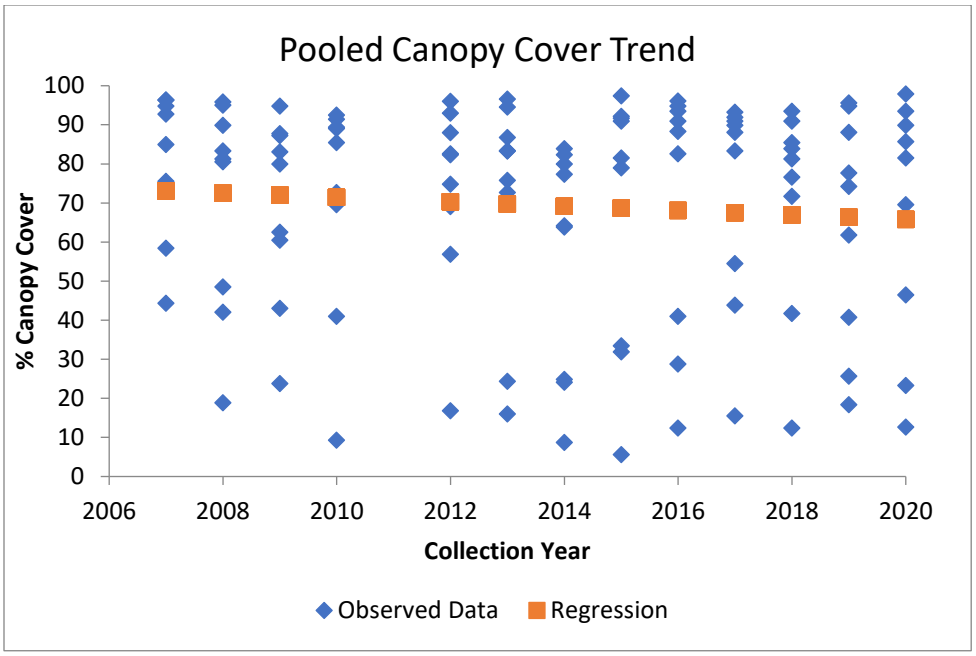


Figure 4: Regression trendlines calculated individually by CRMS site

[7] Sokal and Rohlf



Regression Statistics	
Multiple R	0.084944301
R Square	0.007215534
Adjusted R Square	-0.00141737
Standard Error	27.25814403
Observations	117

ANOVA

	df	*SS*	*MS*	*F*	*Significance F*
Regression	1	621.0176181	621.0176	0.835817	0.362508638
Residual	115	85445.73781	743.0064		
Total	116	86066.75543			

	Coefficients	*Standard Error*	*t Stat*	*P-value*	*Lower 95%*	*Upper 95%*
Intercept	1195.14383	1231.401776	0.970556	0.333807	-1244.026094	3634.31375
collection_year	**-0.55906388**	0.611513086	-0.91423	0.362509	-1.770353611	0.65222585

Figure 5: Regression line relative to raw data (above) and associated regression statistics (below)

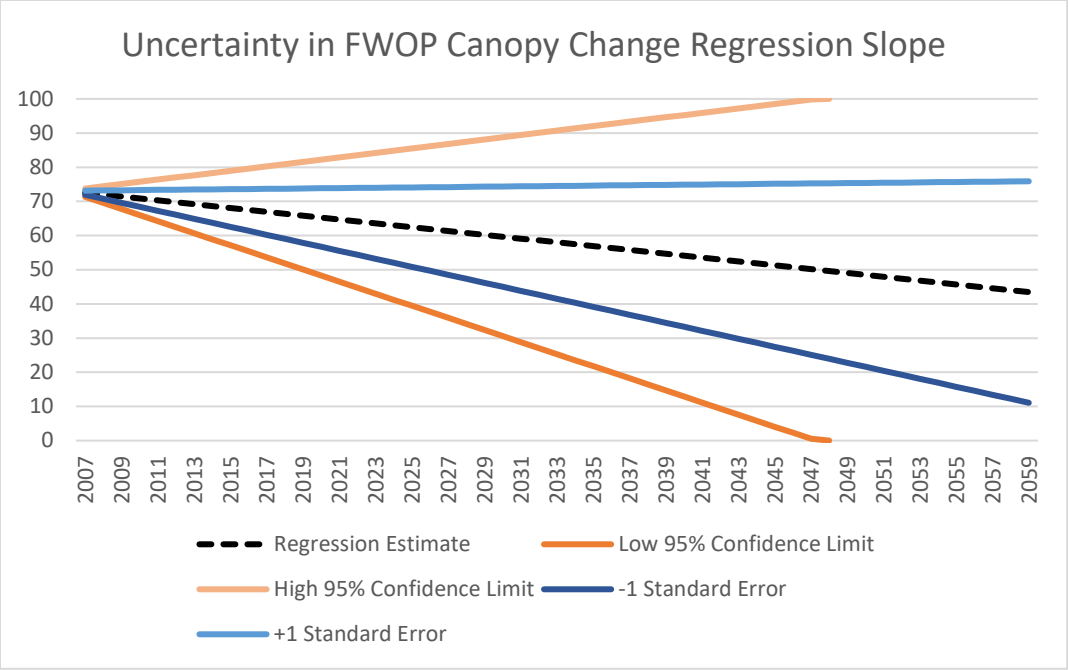


Figure 6: Potential range of canopy cover trajectory bounded by standard error and 95% confidence interval of the regression slope

Projecting the range of slopes within ±1 standard error of the estimate (given the same initial 2007 value) could result in anywhere between 11% and 75% canopy cover by 2060, not accounting for target-year adjustments. The projected range of slopes within the 95% confidence interval could result in either 0% or 100% canopy cover by 2047 (Figure 6). Given the lack of statistical significance and broad uncertainty resulting from the small sample size and high variance in the raw CRMS data, inferring a FWOP canopy closure rate and a derived FWP rate from this regression is inappropriate.

2. *CRMS stations in the Atchafalaya basin differ in hydrologic regime and community composition from the expected with-project conditions they seek to represent*

WVA Variable 2 (Stand Maturity) parameters for future-with-project conditions were derived from five CRMS stations (4782, 6042, 4938, 5003, 4900) located atop a natural levee along the Gulf Intracoastal Waterway between the Atchafalaya River and Wax Lake Outlet. As described in Appendix E and stated during the May 12, 2022 WebEx meeting, these sites were chosen due to a lack of existing swamp CRMS stations receiving nutrient-rich river water in the Pontchartrain Basin. While the general setting is relatively comparable to the FWP conditions of the MSP receiving basin, data from these stations indicate that their habitat and hydrologic regime differ substantially from the conditions they are meant to represent.

FWP hydrology (Variable 3) is expected to primarily consist of a semi-permanent flood regime, with permanent flooding in the closed canopy areas after Target Year 37. While there are no specific numerical thresholds in the WVA methodology, semi-permanent flooding is defined by the presence of surface water “throughout the growing season and may extend beyond the growing season in most years,” while permanent flooding is defined by surface inundation “throughout the year in all years

except in extreme drought"[8]. Open-water percent flooding data between 2008-present for the five Atchafalaya CRMS sites and three MSP receiving Basin CRMS sites were downloaded, and monthly averages were calculated for each site, excluding months for which data was available for less than 75% of the time period. Monthly average values were also calculated across all five sites.

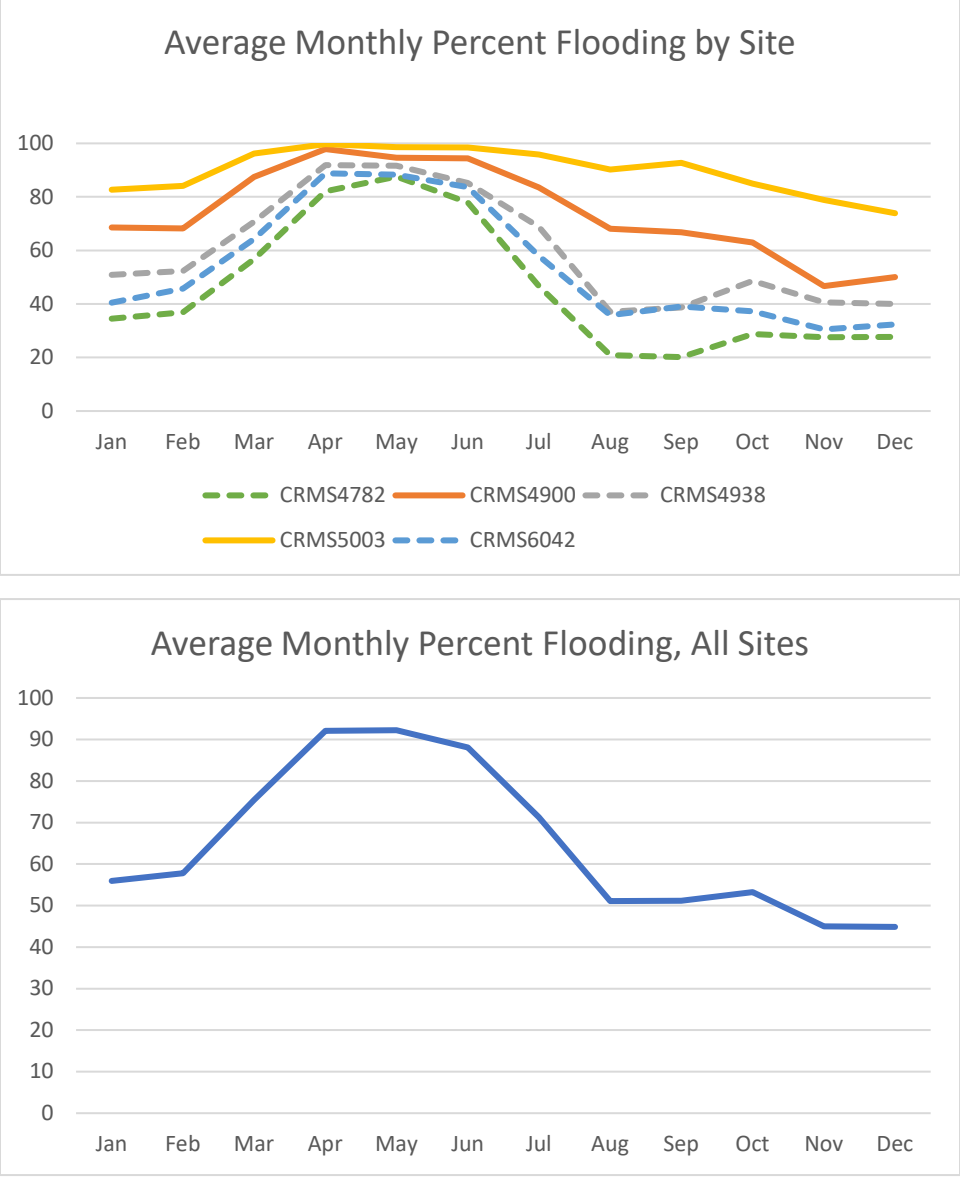


Figure 7: Hydrologic regime of individual Atchafalaya CRMS sites (above) and all Atchafalaya sites averaged (below)

CRMS5003 and arguably CRMS4900 have an average annual flood regime consistent with the definition of semi-permanent flooding. However, CRMS4782, 4938, and 6042 more closely fit the definition of seasonal flooding: "surface water is present for extended periods, especially in the growing season, but

[8] Smith P, D Meden (2018). Wetland Value Assessment Swamp Community Model for Civil Works (Version 2.0). https://www.mvn.usace.army.mil/Portals/56/Users/194/42/2242/FINAL%20EA%20576%20Appendix%20E%20Certfiied%20WVA%20Models.pdf

is absent by the end of the growing season in most years"[9]. The average trend drops from a spring peak around 90% to around 50% in fall and winter (Figure 7). In contrast, the semi-permanently flooded FWOP sites exhibit a smaller degree of variation between sites, with all sites flooded at least 40% in all months, and greater overall flood frequencies (Figure 8). The annual pattern also differs between basins in that the Atchafalaya sites have one peak in spring, while the Maurepas sites peak in both spring and fall. The WVA report does not discuss how these differences in flood regime could affect DBH and basal area growth rates.

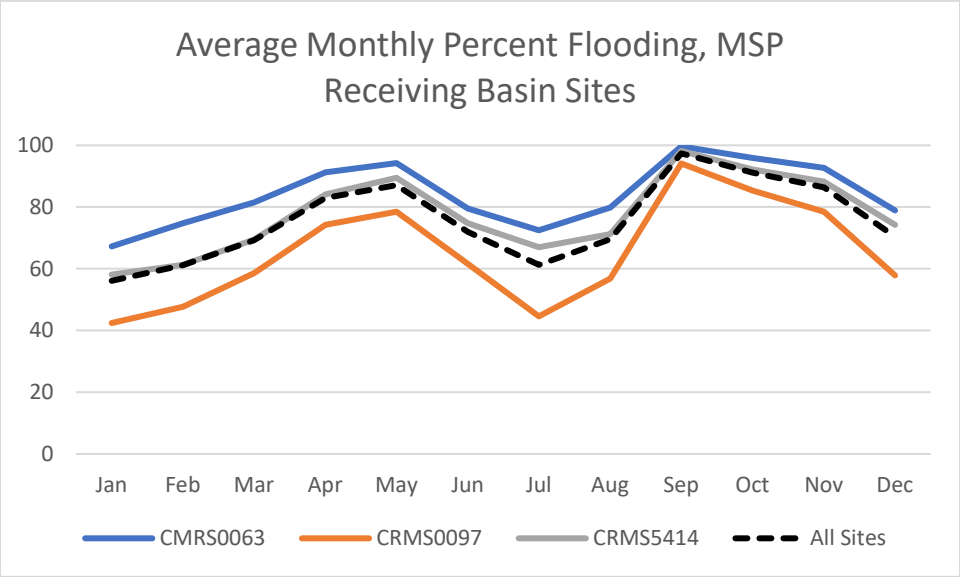


Figure 8: Hydrologic regime of CRMS stations in MSP benefit area

The community composition of the Atchafalaya Basin CRMS sites also differs from the community expected under the FWP scenario. The sites are primarily dominated by black willow (*Salix nigra*). In 2021, cypress (*Taxodium distichum*) made up a minor part of the community at all but one site, and four out of the five sites had no tupelo (*Nyssa spp.*) present (Figure 9).

[9] Smith and Meden

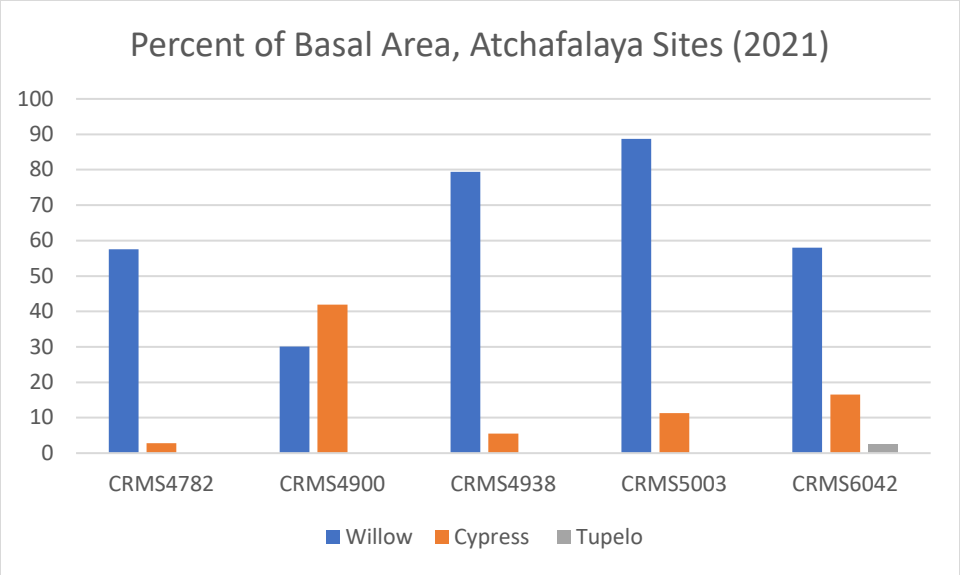


Figure 9: Comparison of willow, cypress, and tupelo basal area at Atchafalaya CRMS sites

DBH growth rates for cypress from these sites were adjusted to account for the potential enhancement due to low density by averaging the lowest third of observations to estimate FWP growth rates. The reasoning for selecting this particular subset (i.e., rather than the lowest quarter, half etc.) was not discussed. Additionally, estimated FWP growth rates for tupelo were derived from the lower half of growth rates for "non-cypress" species. The influence of black willow was avoided; it is unclear from the wording of the report whether all willow data or only stations heavily dominated by willow were excluded. Nevertheless, there is no discussion or reference to literature supporting the use of a suite of "non-cypress" swamp tree species, containing minimal amounts of tupelo, to represent tupelo DBH growth rates.

3. *The determination of secondary and tertiary benefits is based on an assumed relationship which itself is sensitive to the previously discussed assumptions.*

Benefits in the secondary and tertiary benefit areas were assumed to be 75% and 45% of the per-acre net AAHU value of the primary area, based on water surface elevation and total nitrogen contours from Delft3D model results. Specifically, the secondary area was defined by the WSE contour that was approximately 75% of the mean WSE in the primary area, and the tertiary area by the TN contour that was approximately 45% of the mean TN concentration in the primary area. This method assumes that the relationship between TN/WSE and net AAHU's is directly linear and has a 1:1 slope with respect to percent difference. Linearity was assumed due to a lack of evidence that the relationship would be nonlinear, as stated during the May 12, 2022 WebEx meeting. The basis for the 1:1 slope assumption (i.e., why a 25% reduction in WSE would result in a 25% reduction in benefits rather than 15%, 35%, etc.) has not been addressed. Even if all previously discussed assumptions perfectly reflected reality, a deviation of 12% or more from the estimated contour-benefit slope (i.e., net realized benefits of 66% or less in the secondary area and 39.6% or less in the tertiary area relative to the primary area) would result in fewer total AAHU's than the required 1,154 (947 for WSLP plus 207 of self-mitigation) cited in the SEIS. Possible sources of such deviation include, but are not limited to, parameter estimation bias in

the hydrodynamic model, local conditions necessitating changes to the diversion operation, and regulatory action in the Upper Mississippi watershed affecting nutrient concentrations in the river.

Given the previously established uncertainty in variable calculation, this method is expected to be additionally sensitive to the assumptions used to calculate primary benefit area WVA variables. V1 (23%) and V2 (19%) combine to determine 42% of the overall HSI score, which is directly related by acreage to annual HU's[10]. Therefore, potential errors resulting from the previously discussed assumptions would be reflected proportionally in the secondary and tertiary benefit calculations.

The WVA analysis used to calculate the benefits of MSP involves a substantial degree of uncertainty resulting from a limited amount of existing data which necessitated several assumptions to be made. The pooling of baseline canopy cover data does not account for previously acknowledged spatial variation in habitat quality between CRMS sites, and the combination of small sample size and high variance precludes statistical inference of either the magnitude or direction of the trend at any reasonable level of confidence. The stand maturity data intended to represent with-project conditions come from a system with distinct hydrologic conditions from those expected in the MSP receiving basin, and in most cases do not include one of the two dominant species of the swamp community to be enhanced as a result of the MSP. The uncertainty associated with these assumptions also contributes to the estimation of secondary and tertiary benefits. This calculation itself is based on a subjective assumption of the relationship between modeling results and net benefits, which has a 12% margin of error beyond which net project AAHU's would be insufficient to fully mitigate the impacts of both WSLP and itself. These sources of uncertainty should be carefully considered in any financial or regulatory decision-making concerning the MSP.

Financial Accountability

Compensatory mitigation projects are required to meet a high standard of financial and success outcomes to ensure a no net loss of wetland functions and values. The proposed use of the MSP as the compensatory mitigation project for the WSLP will lack the same level of accountability. During the May 12, 2022 WebEx meeting, USACE, New Orleans District (CEMVN) stated that CEMVN was ultimately responsible for the success of the MSP as a mitigation project for the WSLP. However, the Draft SEIS notes that financial assurances are not necessary for a project sponsored by the State of Louisiana. This raises several concerns and questions:

- *How can CEMVN be ultimately responsible for project success, but rely on the State of Louisiana to provide financial assurances, especially when the State of Louisiana would not even be the sponsor of the MSP should it be selected as the Tentatively Selected Alternative (TSA)?*
- *How can CEMVN guarantee that should issues arrive in the future, that the State of Louisiana will allocate the necessary funds towards the operation, maintenance, and management of the MSP in a manner that achieves no net loss for the WSLP project?*
- *What measures are in place, in the event future state legislators/administrations do not allocate funds and/or prioritize the operation, maintenance, and management of the MSP, due to unforeseen circumstances? If, for example, MSP fails to provide no net loss for the WSLP, how can CEMVN guarantee that the State of Louisiana will provide the necessary funds, when CEMVN*

[10] Smith and Meden

> *is ultimately responsible? This establishes a double standard as mitigation banks/private mitigation projects must have financial assurances in place prior to any credits being released, and in no way would the CEMVN allow credits to be approved/released if a mitigation Sponsor pointed to another entity to pay for remedial actions (or even normal maintenance/management) in their proposed mitigation plan.*

Without financial assurances guaranteed in any manner, the MSP project is a financial risk to CEMVN due to its lack of a sufficiently rigorous dataset and scientific analysis which equates to unknown administrative risks. If CEMVN accepts the MSP as mitigation with no perpetual financial assurance mechanism funded upfront, approximately 947 AAHUs will be at risk. Considering the magnitude of the AAHUs needed, this component of the WSLP mitigation plan is certainly not commensurate with the impacts because the MSP is novel in its design and goals such that considerable adaptive management and operational changes will likely be needed over time. The accountability of the project to deliver the appropriate benefits will not be readily transparent to the general public and could be adversely impacted by future state and federal budget constraints.

Mitigation Banking Disincentives

Privately funded wetland mitigation banking has become an essential component of Section 404 and Coastal Use permitting and issuance. Within the New Orleans District, there are over 150 wetland mitigation banks identified on RIBITS, with many being established in the early 2000s (or earlier). These banks have become the primary, if not only, source of compensatory mitigation for small residential, commercial, and industrial projects in the New Orleans District, especially for bottomland hardwood and cypress swamp credits. Nationally, mitigation banking is a multi-billion-dollar industry that has progressed to being the preferred method of provided mitigation in the 2008 Rule due to its low level of risk. This is because administrative requirements, management plans, responsibilities, and funding allocations of mitigation banks are outlined and reviewed in detail prior to being able to sell credits. These administrative requirements are in place over the life of the bank and directly correspond to the ecological conditions of the bank as it is established and managed over time. Furthermore, the ecological conditions of the bank are rigorously evaluated and reviewed, and the results of the ecological analyses serve as the basis for credit determinations/valuations, objectives, performance standards, success criteria, monitoring requirements, and reporting. Additionally, Mitigation Banking Sponsors are required to provide upfront financial assurances to ensure monies are available for both normal management and unforeseen maintenance needs during construction and establishment of the bank, in addition to being required to having a long-term funding mechanism in place for perpetuity. In summary, these stringent requirements reduce the risk of a given mitigation project that is ultimately being used to facilitate wetland impacts.

In contrast to this stringent requisite administrate protocol, the MSP as being proposed represents a compensatory mitigation project pursuing a separate and confusing approval process thereby creating an apparent double standard for the compensatory mitigation industry. The amount of information provided in the Draft SEIS would certainly not warrant approval of the MSP as a potential mitigation bank.

- The ecological evaluation and information presented in the Draft SEIS does not provide sufficient statistical evidence that the MSP will be successful and lacks the necessary data to accurately determine baseline conditions or the true benefit of the project.
- According to the May 12, 2022 WebEx, CEMVN has yet to initiate contact with any private landowner in the footprint of the MSP, including structures. CEMVN notes that construction of the MSP could require future takings. Therefore, it is unknown if MSP can be constructed as proposed.
- Many of the structural features, and the maintenance of such features, are ultimately under control by third-parties such as DOTD and Railroad Companies. In total, there are over 150 individual management items that need to be conducted on a regular basis in order to ensure appropriate flows into the Maurepas Swamp.
- Responsibility of the mitigation project lies with CEMVN and financial assurances are the responsibility of the State of Louisiana, with no guarantees of available funding to implement the necessary management of the individual features of the MSP (structural and mitigation area)
- Long-Term Protection via a perpetual third-party conservation servitude is not proposed. Therefore, the mitigation area of the MSP would not be protected if an unforeseen project or circumstance were conducted by a private or public entity.

This double standard will serve as a financial disincentive for mitigation banking investors because it destabilizes the largest market opportunities for credit sales, which are state and federal flood control projects. In short, if state and federal agencies intend to collaborate in approving compensatory mitigation projects for flood control projects that have a less stringent and expensive approval process than private mitigation banks experience, private investors will not assume the risk of investing funds and time into this industry. This disincentive will ultimately slow the normal Section 404 and Coastal Use permitting program as the available pool of wetland credits will eventually shrink. Wetland loss- particularly coastal cypress swamps - in south Louisiana is a national concern, and all types of compensatory mitigation projects should be encouraged in both private and public sectors.

Current Violations

33 CFR Parts 332

The WSLP project is in violation of the 2008 Rule. Specifically, §332.3 (a)(1) states that "*Compensatory mitigation requirements must be commensurate with the amount and type of impact*" that is associated with a particular action, such as the WSLP.

As stated in the Draft SEIS, the WSLP project is impacting two different habitat types: BLH and Swamp. For BLH, impacts would be as much as 4,877 acres of BLH Wet which equates to a mitigation need of approximately 293 AAHU's. For Swamp, the WSLP project would impact as much as 10,982 acres of CZ Swamp which equates to a mitigation need of approximately 947 AAHU's. When combined, this results in 15,859 acres and 1,240 AAHU's, which represents a significant or major impact in size, scope, and scale, and certainly corresponds with the magnitude of the WSLP project.

The Executive Summary of the Draft SEIS clearly states that the purpose of the document is to evaluate an alternative project to compensate for unavoidable impacts to swamp habitat associated with the construction of the WSLP project. Essentially, this public notice is the advertisement for the MSP as a

mitigation area, much like a public notice posting of a Prospectus for a proposed mitigation bank. The Executive Summary also states that the mitigation plan addressing impacts to BLH Wet habitat was identified in EA #576 (mitigation bank credit purchases and CEMVN projects). NRP notes that the CEMVN has purchased 201.1 acres of BLH Wet from two mitigation banks, totaling 114.6 AAHUs.

NRP has studied the levee alignment and footprint of the WSLP and has estimated that at least 234.5 acres of CZ-Swamp have already been mechanically cleared by CEMVN within the future levee alignment. These areas are clearly visible from Google Earth, in addition to being observed in person while driving on Interstate-10. According to CEMVN on during the WebEx meeting on May 12, 2022, construction of the WSLP project began in May of 2019, with activities consisting of access roads, levee test sections, and borrow/sand stockpile. NRP notes that the mechanized clearing of cypress swamp was not referenced as a construction activity, and questions why CEMVN did not reference mechanized land clearing as a construction activity, despite appearing to coincide with the May 2019 start date. NRP notes that mechanized land clearing in a wetland – which involves grubbing of root balls, incidental fall back, and redistribution of fill - is a prohibited activity according to 40 CFR Parts 230 (Section 404 (b)(1) Guidelines), and in this case, represents the first action of the ultimate construction of the WSLP.

The Section 404 (b) (1) Guidelines discuss "*Potential Impacts on Physical and Chemical Characteristics of Aquatic Ecosystems*." In the case of mechanized clearing of cypress swamp, the substrate has most certainly been permanently impacted. Even if the levee is never constructed along this path, "*Possible loss of environmental characteristics and values by impacting the substrate include: The discharge of dredged or fill material can result in varying degrees of change in the complex physical, chemical, and biological characteristics of the substrate. Discharges which alter substrate elevation or contours can result in changes in water circulation, depth, current pattern, water fluctuation and water temperature. Discharges may adversely affect bottom-dwelling organisms at the site by smothering immobile forms or forcing mobile forms to migrate. Benthic forms present prior to a discharge are unlikely to recolonize on the discharged material if it is very dissimilar from that of the discharge site. Erosion, slumping, or lateral displacement of surrounding bottom of such deposits can adversely affect areas of the substrate outside the perimeters of the disposal site by changing or destroying habitat. The bulk and composition of the discharged material and the location, method, and timing of discharges may all influence the degree of impact on the substrate*."

Regardless of whether the mechanized clearing of cypress swamp is considered construction by the CEMVN, the action of the construction of the WSLP project has already occurred, since the purpose of clearing the cypress swamp was to ultimately construct a levee in its path. Furthermore, this action has resulted in significant impacts to the cypress swamp habitat, particularly the substrate, which will never recover even if the levee is not constructed.

Though the mitigation plan for CZ Swamp has not been selected, much less finalized, CEMVN has already cleared at least 234.5 acres of cypress swamp habitat. Using the acreages/AAHUs discussed in the 2014 EIS for the WSLP, the WVA value of the direct impacts to CZ Swamp is approximately 0.53 AAHU's/acre. Therefore, at least 124.3 AAHU's allocated to the 947 AAHUs have already been impacted. This is in addition to at least 22 acres of BLH being impacted by construction activities which is approximately 15 AAHU's.

RIBITS has confirmed the CEMVN purchased of 114.6 AAHU's of CZ BLH from mitigation banks, which occurred in October 2020 and November 2021, after the impacts had already started in May 2019.

RIBITS has also confirmed that CZ cypress credits have not been purchase from mitigation banks. These actions/lack of actions, are further supported by the evaluation of the MSP as a mitigation project for the Swamp impacts associated with the WSLP.

The 2008 Rule states that the amount of mitigation must be commensurate impacts. Considering that 234.5 acres of CZ swamp have already been impacted and no mitigation has been secured, CEMVN has not secured the necessary amount of mitigation to offset the impacts, even if the mitigation plan for the WSLP had been finalized, which it is not. The 2008 Rule also states that the type of mitigation must be commensurate with the impacts. NRP notes that only BLH credits have been secured whereas cypress credits have not, despite cypress representing the majority of the impacts that have already occurred. Therefore, CEMVN has not followed the 2008 Rule by securing mitigation commensurate with the amount and type of impacts associated with the WSLP.

WRDA 2016

WRDA 2016 states that *"The mitigation effort associated with the use of the bank, in-lieu-fee or other third-party arrangement must be capable of being implemented in a timely fashion, i.e., **prior to, or concurrent with**, the occurrence of adverse impacts of the project."*[11]

As described above, CEMVN has already impacted at least 234.5 acres of cypress swamp with no swamp mitigation plan even being selected, in addition to cypress mitigation bank credits not being secured. While BLH credits have been secured, these credit purchases are not commensurate with the type of habitat being impacted, which is required in the 2008 Rule.

- *Does CEMVN intend to set a new standard for major projects such as the WSLP (greater than 15,000 acres) that essentially allows impacts to occur to a declining yet significantly important habitat (coastal cypress swamp) prior to a mitigation plan being selected, much less finalized?*

The MSP is currently being advertised as a mitigation option for the WSLP project, and according to the Draft SEIS, the information provided in the April 15 Public Notice presents the analysis completed to determine the Federal Plan and the TSA to compensate for the WSLP project's swamp impacts. Considering the lack of statistical evidence provided in the WVA calculations to confidently determine baseline conditions and quantify benefits, along with the administrative risks presented by the MSP as not self-sustaining, with no real long-term protections or reliable financial assurances, the information provided in the Draft SEIS is insufficient to support the MSP being the TSA. Therefore, the ability of the WSLP to secure mitigation for swamp impacts in a timely fashion, is impossible at this point, especially due to the lack of swamp credit purchases and the insufficiencies of the MSP as a mitigation project.

Public Meeting

During the May 12, 2022 WebEx Meeting for the WSLP project, Gregg Fell of Natural Resource Professionals, LLC (NRP) asked a series of questions. Attached to this letter is the record of these questions as well as the corresponding response that was given by CEMVN during the meeting.

[11] Corps of Engineers Implementation guidance published March 25, 2019, par.15.f (SUBJECT: Revised Implementation Guidance for Section 1162 of the Water Resources Development Act of 2016 and Section 1040 of the Water Resources Reform and Development Act of 2014, Fish and Wildlife Mitigation (Section 906 of the Water Resources Development Act of 1986, as Amended (33 U.S.C. 2283) (WRDA 2016) (Emphasis added).

By the submittal of the response document to CEMVN in regard to the Draft SEIS, NRP requests that CEMVN provide a formal response to each of the questions (1-26) attached.

Conclusions

In essence, the MSP is a novel CPRA freshwater diversion project designed to improve the degrading Maurepas Swamp and to generate important long-term data for future similar projects. While important as a coastal restoration project, the MSP does not meet regulatory-designed standards for compensatory mitigation projects, under which measurable habitat benefits based on high-resolution data and adequate available financial assurances are required in order to be accredited as offsetting unavoidable adverse wetland impacts.

NRP acknowledges that a degree of subjectivity is inevitable when developing any model, including a Swamp Community WVA. However, the net AAHU calculation for this project relies on numerous assumptions, some of which are themselves dependent on prior assumptions, which were necessitated by the lack of more comprehensive data. Such uncertainty is well outside the level of scrutiny which is usually applied to determine project benefits to be used for wetland mitigation. The MSP represents the first time a freshwater river diversion is proposed to be used for the purpose of generating wetland mitigation. Given the novelty of the project, NRP contends that the MSP should be held to a higher standard of sampling density and data robustness if it were to be considered as mitigation for the swamp portion of the WSLP project. While it is an excellent project for CPRA's coastal restoration goals, it simply does not meet the level of precision necessary for a wetland mitigation project; especially one meant to compensate for 947 AAHUs.

Given that the WSLP project is already in violation of both the 2008 Rule and WRDA, it is necessary that CEMVN seek alternative mitigation methods, including the purchase of in-kind mitigation credit from an approved commercial wetland mitigation bank.

If you have any questions or require additional information, please contact NRP at (225) 298-5333.

Sincerely,

Natural Resource Professionals, LLC

Gregg Fell

Senior Technical and Regulatory Analyst

Alex Ameen, Ph.D.

Senior Wetland Hydrologist

Encl.

Natural Resource Professionals, LLC
Wetlands Permitting and Mitigation Banking • Conservation Land Use Planning • Water Resources Engineering

Memorandum

Date: May 31, 2022

To: File

From: Gregg Fell, NRP

Subject: WSLP Draft SEIS Response, Summary of Questions

On May 31, 2022, Natural Resource Professionals, LLC (NRP) submitted a document in response to the Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study (WSLP Draft SEIS), Draft Mitigation Plan Update. Within this document are a series of comments as well as several questions. The questions asked within this response document are listed below:

1. How can CEMVN be ultimately responsible for project success, but rely on the State of Louisiana to provide financial assurances, especially when the State of Louisiana would not even be the sponsor of the MSP should it be selected as the Tentatively Selected Alternative (TSA)?
2. How can CEMVN guarantee that should issues arrive in the future, that the State of Louisiana will allocate the necessary funds towards the operation, maintenance, and management of the MSP in a manner that achieves no net loss for the WSLP project?
3. What measures are in place, in the event future state legislators/administrations do not allocate funds and/or prioritize the operation, maintenance, and management of the MSP, due to unforeseen circumstances? If, for example, MSP fails to provide no net loss for the WSLP, how can CEMVN guarantee that the State of Louisiana will provide the necessary funds, when CEMVN is ultimately responsible?
4. Does CEMVN intend to set a new standard for major projects such as the WSLP (greater than 15,000 acres) that essentially allows impacts to occur to a declining yet significantly important habitat (coastal cypress swamp) prior to a mitigation plan being selected, much less finalized?

Natural Resource Professionals, LLC
Wetlands Permitting and Mitigation Banking • Conservation Land Use Planning • Water Resources Engineering

Memorandum

Date: May 12, 2022

To: File

From: Gregg Fell, NRP

Subject: West Shore Lake Pontchartrain Public Meeting

The following is a record of questions asked by Natural Resource Professionals, LLC (NRP) during the May 12, 2022 WebEx public meeting on the West Shore Lake Pontchartrain (WSLP) Supplemental Environmental Impact Statement (SEIS) that was released on April 15, 2022 for public review. The original chat transcript has been edited to follow a question/answer format. Spelling and punctuation has been left unchanged.

Question 1.
Gregg Fell, NRP: What mitigation credits have been purchased to satisfy the mitigation needs for this project, if any?

Answer 1
Matt Roe, USACE: Gregg, 201.1 Bottom Land Hardwood – Wet (Coastal Zone) credits have been purchased to date.

Question 2
Gregg Fell, NRP: Who controls/will be responsible for the MSP Project, including the "mitigation area?"

Answer 2
Matt Roe, USACE: Gregg, if selected as mitigation for the West Shore Lake Pontchartrain project, the MSP would be a USACE constructed project. Operations and Maintenance will be conducted by the non-Federal Sponsor.

Question 3
Gregg Fell, NRP: Who is funding the MSP Project?

Answer 3
Matt Roe, USACE: Gregg, all West Shore Lake Pontchartrain project costs, including mitigation costs, are funded by the Department of the Army and the Non-Federal Sponsors (The Coastal Protection and Restoration Authority Board of Louisiana, and the Pontchartrain Levee District.)

Question 4
Gregg Fell, NRP: How is it being funded?

Answer 4
Matt Roe, USACE: Gregg, Department of the Army funding appropriations are provided by Title IV, Division B of the Bipartisan Budget Act of 2018, Public Law 115-123. The Non-Federal Sponsors have signed Self-Certification of Financial Capability statements acknowledging they have the financial capability to satisfy the required obligations through various State funding streams.

Question 5 and 5a
Gregg Fell, NRP: Has construction begun on the MSP project?, has construction begun on the WSLP?

Answer 5 and 5a
Matt Roe, USACE: Gregg, construction on MSP has not started yet, but work has started on WSLP with vegetation clearing that began in May of 2019, access roads, levee test sections, and borrow/sand stockpile.

Question 6
Gregg Fell, NRP: What date did the clearing of vegetation begin for the WSLP?

Answer 6
Matt Roe, USACE: Gregg in response to question 6, clearing vegitaiton begain in May 2019.

Question 7
Gregg Fell, NRP: Why was a single average baseline WVA score used for the entire project area, rather than separate scores for each benefit area, which would capture the spatial variation in forest health evident in CRMS data and prior literature?

Answer 7
Matt Roe, USACE: Gregg, an acceptable method with recent data was not available to distinguish spatial differences in habitat quality across the entire mitigation area. So, an average was used.

Question 8
Gregg Fell, NRP: What was the basis for using CRMS stations located on a natural levee in the Atchafalaya basin, which are primarily dominated by black willow, to represent future-with-project growth rates for cypress and tupelo, rather than using literature-derived values as CPRA did in their 2019 WVA?

Answer 8
Matt Roe, USACE: Gregg, there were no existing growth rate data available in the LP basin where MS River water was influencing swamp, so the nearest basin with those conditions was selected (Atchafalya basin). Growth rates for cypress and other species were used, (growth rates for black willow were removed).

Question 9
Gregg Fell, NRP: What is the basis for the assumption that the net increase in collective AAHU score has a one-to-one linear relationship with total nitrogen and water surface elevation, as was used to calculate the secondary and tertiary benefits?

Answer 9
Matt Roe, USACE: Gregg, no literature was identified that suggested the relationship was nonlinear. We assumed that nitrogen concentrations and water surface elevations represented the effects of the diversion.

Question 10
Gregg Fell, NRP: How many net AAHU's will be generated by the non-mitigation portion of the project, given that in most of this area, model results indicate that nitrogen concentrations and year-50 salinity values will not meet the success criteria defined in the SEIS?

Answer 10
Matt Roe, USACE: Gregg, there will be similar but diminishing benefits outside of the mitigation area, but the focus of this SEIS is producing the required AAHUs within the mitigation area. As such, no calculation of benefits outside the mitigation area was conducted. Success criteria only apply to the mitigation area.

Question 11
Gregg Fell, NRP: What Long-Term Protection Mechanism will be used to ensure that the "mitigation area" created by the MSP will be protected in perpetuity?

Answer 11
Matt Roe, USACE: Gregg, land that is owned, claimed, or controlled lands by the State or any other nonfederal governmental entity will be brought to the project via an Authorization for Entry. A non standard estate would be acquired for private land affected by the MSP operations, as required.

Question 12
Gregg Fell, NRP: How will the responsible party of the MSP mitigation area guarantee that financial resources – via financial assurances as defined in 33 CFR Parts 332 – will be available in the short and long-term to ensure that no-net loss of wetlands has been achieved?

Answer 12
Matt Roe, USACE: Gregg, the Project Partnership Agreement between the Non Federal Sponsors and the Department of the Army provides the required financial assurance for this mitigation project. In the event that the non-Federal sponsor fails to perform, the CEMVN has the right to complete, operate, maintain, repair, rehabilitate or replace any project feature, including mitigation features, but such action would not relieve the non-Federal Sponsors of its responsibility to meet its obligations and would not preclude the US from pursuing any remedy at law or equity to ensure the non-Federal Sponsor's performance.

Question 13
Gregg Fell, NRP: Under what authority is the MSP Project - a state project - being constructed by the USACE?

Answer 13
Matt Roe, USACE: Gregg, The MSP project is being evaluated as a mitigation feature for the parent West Shore Lake Pontchartrain project, authorized by Section 1401(3)(5) of WRDA 2016, Public Law 114-322.

Question 14
Gregg Fell, NRP: what entity is utimately responsible for the success of the MSP as a mitigation project for the WSLP?

Answer 14
Matt Roe, USACE: Gregg, USACE is ultimately responsible for the success of the MSP as a mitigation project for the WSLP.

Question 15
Gregg Fell, NRP: What entity is ultimately responsible for the failure of the MSP as a mitigation project for the WSLP?

Answer 15
Matt Roe, USACE: Gregg, should MSP be approved, adaptive management measures have been identified to ensure mitigation for WSLP impacts are completed.

Question 16
Gregg Fell, NRP: Can the USACE quantify the work that has been done by any metric (Ie percentage, dollar-spend, etc) since May 2019 with respect to access roads, levee test sections, and borrow/sand stockpile?

Answer 16
Matt Roe, USACE: Gregg, please contact Mr. Nick Sims (christopher.n.sims@usace.army.mil) for questions related to design and construction of the WSLP project.

Question 17
Gregg Fell, NRP: If the MSP mitigation project hits problems along the way, will the WSLP have to be "sidelined" and delayed if tied to the MSP?

Answer 17
Matt Roe, USACE: Gregg in response to question 17, all mitigation will be completed concurrent with construction of the WSLP project.
Gregg, to answer your follow-up to quesiton 17, Gregg. 201.1 Bottom Land Hardwood – Wet (Coastal Zone) credits have been purchased to date.

Question 18
Gregg Fell, NRP: Has the USACE or any affiliate or team member notified any such private landowner of any action with respect to MSP operations?

Answer 18
Matt Roe, USACE: Gregg, as the MSP has not yet been approved, no action associated with the operation of MSP has been taken.

Question 19
Gregg Fell, NRP: has any private landowner been negioated with and/or paid?

Answer 19
Matt Roe, USACE: Additionally, no private landowner has been negotiated with and/or paid.

Question 20
Gregg Fell, NRP: will any takings proceedings be commenced in the future? is any contemplated or existing now? has any been initiated since May 2019 to date?

Answer 20
Matt Roe, USACE: Gregg in respsonse to question 20, as the MSP has not been approved, no takings proceedings have been initiated. If approved, construction of the MSP could require future takings to be determined as design is finalized.

Question 21
Gregg Fell, NRP: have any lands already been brought to the project via an Authorization for Entry? If so, when?

Answer 21
Matt Roe, USACE: Gregg, as the MSP has not been approved, no lands have been brought to the project for MSP construction. Authorization for Entry has been provided for investigative work
---

Question 22 and 23
Gregg Fell, NRP: is the "Project Partnership Agreement" a public document. If so, can we received a copy of that document?, 23 When was the Project Partnership Agreement signed/dated. Who were the signatories?

Answer 22 and 23
Matt Roe, USACE: Gregg, please contact Mr. Nick Sims (christopher.n.sims@usace.army.mil) for information related to the Project Partnership Agreement.

Question 24
Gregg Fell, NRP: who is evaluating the MSP as a mitigation project for the WSLP, and what is the timeline for such evaluation?

Answer 24
Matt Roe, USACE: Gregg in response to question 24, USACE is evaluating the MSP. The Supplemental Environmental Impact Statement for this evaluation is currently out for public review, scheduled to end on May 31, 2022.

Question 25
Gregg Fell, NRP: before the evaluation of MSP is completed, have any other mitigation been secured, other than the BLH, for the for the WSLP impacts since may 2019?

Answer 25
Matt Roe, USACE: Gregg, no other mitigation has been secured, other than the BLH, for the WSLP impacts since May 2019.

Question 26
Gregg Fell, NRP: Matt, this chat has been very helpful. Will the entire presentation, including the content of the chat be made part of the record and available for the public to access online?

Answer 26
Matt Roe, USACE: Gregg, the WebEx meeting through the end of the presentation was streamed on our Facebook page, but the WebEx meeting was not recorded. We do keep a copy of the chat log.

May 31, 2022

Mr. Landon Parr
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South
CEMVN-PDC-C
7400 Leake Ave
New Orleans, Louisiana 70118-3651
mvnenvironmental@usace.army.mil

Re: Comments on CEMVN Draft Supplemental Environmental Impact Statement (SEIS) to West Shore Lake Pontchartrain (WSLP) Hurricane and Storm Damage Risk Reduction Study, Draft Mitigation Plan Update dated April 2022

Dear Mr. Parr:

Thank you for the opportunity to comment on the above referenced Draft SEIS Mitigation Plan that was released on April 15, 2022 and is available for public comment through May 31, 2022. Restoration Systems is the owner and manager of the Jesuit Bend Mitigation Bank (Jesuit Bend), a Corps-approved fresh/intermediate marsh mitigation bank with an approved Service Area that includes the area where the proposed Maurepas Swamp Mitigation Project construction and operation fresh wetland impacts are to occur. Jesuit Bend is located in the Deltaic Plain, HUC 08090301, Barataria Bay.

Our comments to the attached Draft SEIS Mitigation Plan focus on the fresh marsh compensatory mitigation alternatives currently being evaluated to offset the CEMVN's Tentatively Selected Plan to use the Maurepas Swamp Alternative-2 (MSA-2) to mitigate for the WSLP Project's swamp impacts. Currently, the Draft SEIS Mitigation Plan states in Section 5. MSA-2 Mitigation. that the ~19.5 AAHUs of fresh marsh impacts incurred would be mitigated through implementation of one or a combination of the Guste Island Project (CEMVN's constructed project) or the purchase of mitigation bank credits. It further states that: "*Based on costs of recent purchases of marsh mitigation bank credits, CEMVN's constructed project would rank above mitigation banks and would be implemented first. However, this ranking would be verified at the time of implementation."*

Our comments offer information and data to assist CEMVN in accomplishing its mitigation obligations in the most cost effective and expedient manner and consistent with applicable law and policy. We request that CEMVN consider the purchase of credits from Jesuit Bend as a potential source of compensatory mitigation for fresh marsh impacts associated with the construction and operation of MSA-2 Project, in order to provide the United States with the most cost-effective and environmentally preferable mitigation options available. I have included some prior Jesuit Bend pricing information in my attached comments and would be happy to provide additional pricing information.

We appreciate your consideration in this matter. Please contact me if you have any questions or would like to discuss our comments further.

Sincerely,

George A. Howard
Restoration Systems
1101 Haynes St., Suite 211
Raleigh, NC 27604
www.restorationsystems.com
Phone 919.755.9490 Fax 919.755.9492

CC: Linda Morrison, Senior Advisor Dawson & Associates - Consultant

Attachment: Restoration Systems Comments on CEMVN Draft Supplemental Environmental Impact Statement (SEIS) to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, Draft Mitigation Plan Update dated April 2022

RESTORATION SYSTEMS COMMENTS ON CEMVN DRAFT SEIS TO WSLP HURRICANE AND STORM DAMAGE RISK REDUCTION STUDY, DRAFT MITIGATION PLAN UPDATE APRIL 2022
SECTION 5. MSA-2 MITIGATION.

COMMENT #1. The SEIS must clearly describe, with appropriate detail, the cost comparison between Guste Island and mitigation bank credits.

The DEIS Mitigation Plan states in Section 5, MSA-2 Mitigation., Subsection Marsh.:

> "*The marsh impacts would be mitigated through implementation of one or a combination of the following projects. Based on costs of recent purchases of marsh mitigation bank credits, CEMVN's constructed project would rank above mitigation banks and would be implemented first. However, this ranking would be verified at the time of implementation."*

Table 5-4 Proposed Marsh Mitigation Projects (table copied from Draft SEIS, Mitigation Plan Section 5.)

Project	~AAHUs	~Acres
Guste Island	Up to ~19.5	Up to ~75
Mitigation Banks	TDB	TBD

The Draft SEIS Mitigation Plan does not include a cost estimate for Guste Island CZ fresh marsh mitigation. We submitted several questions to the CEMVN WSLP Project Team on May 25, 2022 related to the cost estimate comparison between Guste Island and Bank Credits including:

> **RS Question:** Does the Corps have an estimate to compare the cost of the Guste Island Project, now proposed as Fresh Marsh mitigation to offset Maurepas Swamp Mitigation Project construction and operation impacts, with the cost of the purchase of bank credits?
>
> **RS Question:** When were these cost estimates made?
>
> **RS Question:** What is the estimate to construct Guste Island?
>
> **RS Question:** What is the estimate to purchase mitigation credits from the Jesuit Bend Mitigation Bank (fresh/intermediate marsh)?

Jesuit Bend Mitigation Bank Prior Credit Sale to CEMVN, WVA AAHU Value, and Availability of Credits to Meet Fresh Marsh Mitigation Requirement.

In 2021, as compensatory mitigation to offset fresh/intermediate marsh impacts from the New Orleans to Venice Federal Levee Project, Restoration Systems sold 6.21 acres of credits from Jesuit Bend to CEMVN using a WVA Value of 0.37 for a purchase amount of $1,366,200. The sale provided 2.3 AAHU's for a cost of $594,000 per AAHU or $220,000 per acre.

In 2018, also as compensatory mitigation to offset fresh/intermediate marsh impacts from the New Orleans to Venice Federal Levee Project, Restoration Systems sold 96.5 acres of credits from Jesuit Bend to CEMVN using a WVA value of 0.37 for a purchase amount for $19,059,750. The sale provided 35.8 AAHUs for a cost of $532,395 per AAHU or $197,510 per acre.

Using that WVA AAHU Value of 0.37, Jesuit Bend can provide the 19.5 AAHUs needed to offset the Maurepas Swamp Mitigation Project's fresh marsh impacts, requiring 52.7 acres from Jesuit Bend. Jesuit Bend has all the credits available/released to meet CEMVN's fresh marsh mitigation requirement.

To date no one from CEMVN has contacted Restoration Systems for a price for the currently available credits. Price changes can occur relative to earlier transactions. We encourage CEMVN to request pricing in this instance to evaluate whether savings and efficiencies can be achieved versus a newly constructed Corps project, as previously realized for the New Orleans to Venice Federal Levee Project.

CEMVD Upper Barataria Basin, Louisiana Feasibility Study, Final Integrated Feasibility Report with Environmental Impact Statement December 2021: We call your attention to Section 7. Mitigation Plan. included in the UBB Final Feasibility Report that states that:

> "R*ecent mitigation actions completed on several large projects has shown that, when mitigation bank credits are available for purchase, purchase of mitigation bank credits are normally selected as the Recommended Plan to mitigate project induced impacts due to their cost effectiveness."*
> (The complete quoted section is included in the attached Appendix A for reference.)

Comment #2. The SEIS must clearly describe the watershed basin requirements for formulating mitigation alternatives including bank credit purchases.

The Draft SEIS Mitigation Plan, Section 5. MSA-2 Mitigation., discusses the formulation of mitigation alternatives with respect to the location of those alternatives relative to the impacts as follows:

> *"In accordance with the USACE Implementation Guidance for Section 2036(a) of the WRDA 2007, Mitigation for Fish and Wildlife and Wetlands Losses, and Appendix C to Engineer Regulation 1105-2-100, compensatory mitigation for MSA-2 was formulated to occur within the same watershed as the impacts and to replace the functions and service of each habitat type with functions and services of the same habitat type. Consistent with how regulatory defines the service area of mitigation banks, tidal marsh impacts would be mitigated within the deltaic plain."*

The Draft SEIS Mitigation Plan. Section 5. MSA-2 Mitigation. Subsection Mitigation Banks. states:

> "*USACE approved mitigation banks with perpetual conservation servitudes within the LPB for BLH and within the Mississippi Deltaic Plain for marsh, currently in compliance with their mitigation banking instruction (MBI) and able to service the CZ habitat types impacted by the MSA-2 are also considered as potential mitigation projects."*

Following release of the Draft SEIS Mitigation Plan April 2022, LA-OCM commented in an email exchange with MVN on April 27, 2022 and New Orleans District 'concurred' that mitigation credits must come from the "same or adjacent" hydrologic basin.

> *"OCM supports the use of Mitigation banks as an option. Should credits be purchased from a mitigation bank, the bank would have to be located in the Coastal Zone, within the same or an adjacent hydrologic basin where the impacts occurred, must be an OCM approved Mitigation Bank, and only habitat credits at the approved OCM bank that are below the 5 foot contour would be eligible."*
> *New Orleans District: Concur*

Jesuit Bend Mitigation Bank Service Area and Location complies with both the Draft SEIS, Mitigation Plan and the April 27, 2022 email requirements quoted above as follows:

- Jesuit Bend's Service Area is the Deltaic Plain.
- Jesuit Bend is physically located in the Coastal Zone.
- Jesuit Bend is physically located in the immediately adjacent HUC 08090301 to the Maurepas Swamp fresh marsh impacts located in 08070204 basin.
- Jesuit Bend is an approved Mitigation Bank by CEMVN Regulatory.
- Jesuit Bend's Fresh Marsh habitat credits are below the 5-foot contour.

The only other banks with fresh marsh, Cypremort Teche Mitigation Bank and Kilgore Plantation Mitigation Bank, are located four HUCs distant from the Maurepas Swamp Mitigation Project's impact. Therefore, Jesuit Bend would appear to be the only fresh marsh bank that complies with both the Draft SEIS Mitigation Plan and the April 27, 2022 LA-OCM email requirements referenced above.

Comment #3. The factors below should be considered in deciding the best mitigation plan for the fresh marsh impacts of MSA-2.

1. Perpetual Site Protection with a Mitigation Bank.
2. Financial Surety in place for a Mitigation Bank that ensures the resource is successfully maintained in perpetuity; i.e., Zero Risk for CEMVN Civil Works and Non-Federal Sponsor.
3. Mitigation completed and successfully performing with a Mitigation Bank vs. CEMVN Constructed which involves CEMVN monitoring time and costs until success criteria achieved with risk of additional adaptive management costs.
4. Non-Federal Sponsor would have Zero Cost Burden with Bank Credits vs. maintaining a Corps-constructed mitigation project, with CEMVN transferring all Operations, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) to the local sponsor who is then responsible for maintaining the mitigation site in perpetuity.
5. CEMVN would not incur any Risk with the purchase of bank credits that are performing successfully and under the responsibility of the Bank Sponsor to maintain vs. Moderate to High Risk of constructing a mitigation project, with potential adaptive management requirements.
6. No new Direct, Indirect, or cumulative impacts for a Mitigation Bank. The Draft SEIS, Section 5. MSA-2 Mitigation. Subsection Mitigation Banks. states:

   "Since permitted banks exist as reasonably foreseeable projects in the FWOP conditions, no new direct, indirect or cumulative impacts to any resources would be incurred from the purchase of these credits for mitigation."

   Restoration Systems recognizes and appreciates CEMVN's statement that the purchase of mitigation bank credits does not involve any new direct, indirect or cumulative impacts. In the evaluation of fresh marsh mitigation in the Marsh Subsection, Guste Island is a proposed Marsh Mitigation Project ranked above mitigation banks. Guste Island, however, is existing shallow open water that would involve filling of shallow open water, and could include impacts to emergent marsh and submerged aquatic vegetation (depending on the actual site location) for marsh creation at Guste Island.

Comment #4. The with and without future conditions need to be clearly described in the SEIS.

CPRA CWPPRA Project Guste Island was a component of the most recent LA Master Plan and proposed as a CWPPRA project. This would appear to qualify the project as a "Reasonably Foreseeable Action", based on 43 CFR 46.30 Definitions. Also, we are not aware of any CWPPRA project being used to mitigate for the impacts from an authorized Federal project.

> *"Reasonably foreseeable future actions include those federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These federal and non-federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite."*

How has the Corps considered Guste Island in light of the language above, and what conclusions were reached?

Size of Guste Island Mitigation Project is Unclear in Draft SEIS Mitigation Plan.

It is unclear in the Draft SEIS Mitigation Plan regarding Guste Island, whether the proposal is to build only ~75 acres of fresh marsh needed to mitigate for the fresh marsh impacts that would result from the construction and operation of Maurepas Swamp Mitigation Project, or is Guste Island a component of a larger restoration project? We cannot locate the "Figure 5.2" referenced on page 146 Section 5 of the April SEIS, please direct us to where Figure 5.2 is located.

> "The Guste Island project involves creation of up to ~75 acres of marsh habitat within the area(s) depicted in **figure 5.2** as compensatory mitigation for the marsh impacts resulting from construction and operation of MSA-2."

If Guste Island is a component of a larger restoration project, is the cost to perform the project a proportion of the total spending on the larger project?

If part of a larger project, will the entire project be performed in advance or concurrent with the impact?

Comment #5. The SEIS should clearly describe the Laws, Policies, Regulations, and Guidance with respect to consideration of the use of Mitigation Bank Credits.

A summary of applicable Laws, policies, regulations, and guidance follows.

1. Statute, regulation, and policy, establish a strong **preference and priority** for use of mitigation banks in mitigating for wetland impacts in connection with civil works projects over the development of new mitigation sites.
    - In particular, the **Joint 2008 EPA/USACE Compensatory Mitigation Rule** at 33 CFR 332.3 establishes a preference for mitigation banks and explains in detail why such a preference exists.
    - 33 CFR 332, is made applicable to this matter pursuant to WRDA 1986, section 906, paragraph (d)(3)(A).
    - 33 CFR section 332.3 establishes a hierarchical preference for use of mitigation banks. This hierarchical preference, discussed in formulating the "2008 Joint EPA/USACE Compensatory Mitigation Rule", was adopted in paragraphs (b) and (g) of the final rule.

2. The **WRDA of 2007** requires that the USACE first consider using commercial mitigation banks to provide compensation for environmental impacts to wetlands.

3. Further, while the "preference" language for mitigation banks contained in WRDA 2007, Section 2036 (c) was replaced in **WRDA 2016**, section 1163 (a) of WRDA 2007 remains in effect. That provision contains the same mitigation bank "preference" language as that in 33 CFR 332. Also, the language of WRDA 2016, section 1163 (1) clearly still encourages use of mitigation banks in directing that Secretarial guidance be developed "that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks approved by the Secretary … with an approved service area that includes the location of the projected impacts of the water resources development project." Subparagraph (2) of section 1163 similarly indicates a positive intention with respect to use of mitigation banks.

4. The **Water Infrastructure Improvements for the Nation Act (WIIN) of 2016** (PL 114-322) states that all potential credits from mitigation banks and the Louisiana in-lieu fee (ILF) programs with service areas that include the impacted areas should be considered as reasonable alternatives.

5. The **WRDA 2016** Section 1163 directed "*not later than 180 days after the date of enactment of the WRDA 2016, the Secretary shall issue implementation guidance that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks approved by the*

Secretary and in-lieu fee programs with an approved service area that includes the location of the projected impacts of the water resources development project."

6. **WRDA 2016 Section 1163 ASA(CW) Implementation Guidance** for Civil Works Projects, issued on November 16, 2017, provides guidance to the Corps stating that: "*The Corps shall consider available and potential in-kind credits from mitigation banks and in-lieu fee programs established by others, where appropriate, when planning compensatory mitigation for unavoidable impacts to wetlands and other habitats resulting from construction of a proposed water resources development project."*

APPENDIX A

CEMVD Upper Barataria Basin, Louisiana Feasibility Study Final Integrated Feasibility Report with Environmental Impact Statement – December 2021

Section 7. MITIGATION PLAN.

Proposed Compensatory Mitigation Plan.

"*Recent mitigation actions completed on several large projects (Hurricane Storm Damage Risk Reduction System, Plaquemines New Orleans to Venice Levee System, Comite) with large impacts of multiple habitat types has shown that, when mitigation bank credits are available for purchase, purchase of mitigation bank credits are normally selected as the RP to mitigate project induced impacts due to their cost effectiveness. As such, the purchase of mitigation bank credits will be pursued to mitigate the impacts to all habitat types incurred by the UBB project. It is not known which banks nor how many credits would be available at the time of project implementation; however, the market has historically responded to the need for mitigation bank credits. A detailed mitigation plan evaluation of recent credit cost vs Corps-constructed mitigation projects was conducted under Appendix E. As such, a general mitigation bank alternative was considered to meet the mitigation requirement. During Preconstruction Engineering Design (PED), an analysis of banks approved through the CEMVN Regulatory 404 Program and the in-kind credits available for purchase would be conducted to ensure full satisfaction of the RP mitigation requirement is completed.*

Because the purchase of mitigation bank credits relieves the CEMVN and the NFS of the responsibility for monitoring and of demonstrating mitigation success (the 404 Regulatory program regulates the completion of these actions as specified by the bank's Mitigation Banking Instrument), neither a monitoring nor adaptive management plan is necessary for the mitigation. However, if it becomes apparent that purchasing bank credits is not cost effective or feasible (including due to lack of satisfactory bids), CEMVN will complete its evaluation of Mitigation Plan Alternative 2 which would evaluate Corps-constructed mitigation projects within the UBB watershed in the CZ, possibly in combination with a credit purchase. If construction of a mitigation project occurs, a monitoring and adaptive management plan would be created at that time."

Maurepas Swamp Monitoring Plan Comments from the Technical Advisory Group (TAG)
Ken Krauss, Gary Shaffer and Richard Keim

1. Some of the success criteria proposed in the MSA-2 Monitoring Plan (Appendix H) closely follow the Performance Criteria outlined in the Technical Advisory Group's (TAG) report *Performance Measures for a Mississippi River Reintroduction into the Forested Wetlands of Maurepas Swamp* (Krauss et al. 2017, https://doi.org/10.3133/sir20175036). The influence of this report on the development of the MSA-2 monitoring plan, and specifically on the development of the success criteria, should be acknowledged. Furthermore, the TAG report needs to be included under References.

2. The number of monitoring sites is high, and there are likely practical concerns that will make this monitoring network unwieldy. Repeated access to plots by airboat will alter some of them hydrologically through the disturbance of sediments. Walking through the swamp to access sites is possible, but even experienced crews will have a difficult time accessing sites that are located greater distances from channels. A strategic effort to select additional existing monitoring sites, besides just the CRMS sites, and reduce the number of plots would allow for a more reasonable field effort.

3. The current wording of the Enhance Forest Integrity Intermediate and Long-Term success criteria could lead to misinterpretation. For the Primary and Secondary Benefit areas, a "1.9x increase" is too large to expect, but "1.9x" is more reasonable and likely what is intended. For example, if the rate was 10, 1.9x is 19, but an increase of 1.9x is 29. It is more reasonable to expect a rate of 19.

   Suggest revising the success criterion as follows:

   "*Demonstrate that the mean BAI (m^2/ha/yr) growth rate after the start of diversion operations is between 1.9-2.55x the baseline growth rate at ≥ 75% of monitoring sites in the mitigation benefit area.*" The wording for the Tertiary Benefit Area success criterion should also be revised accordingly.

4. The current wording of the Nitrate Initial Success Criterion could lead to misinterpretation. By "a 2x increase", is the intent a doubling or tripling of the concentration?

   Suggest revising the success criterion wording as follows:

   "*Demonstrate that the surface water nitrate concentration during diversion operations is 2x the baseline nitrate concentration at ≥ 75% of monitoring sites in the mitigation benefit area.*"

5. The monitoring plan presented here is a major undertaking that will generate data of great scientific value. It will be important to make the data publicly available for scientific analysis.

6. Need clarity on the Soil Surface Elevation Change success criterion. "Attain an additional 5.0 mm/yr increase in wetland soil surface elevation rates"? Is this increment expected to be compounded per year, 5 mm/year the first year, 10 mm/yr the second year, etc. The criterion needs to be edited to clarify that the intent is a sustained average increase 5 mm/yr across the intermediate and long-term monitoring periods. Additionally, the criterion implies an increase above another, baseline increase, but that baseline is not specified.

7. There is no single reliable way to collect cores for bulk density analysis across the range of soils that will be encountered in the Maurepas Swamp. Soils are semi-fluid and variably occupied by roots. The plan should recognize that push cores are not likely to be successful for collecting reliable data from many of the locations without significant compaction.

8. The 0.8 ppt criterion suggested by the TAG was for porewater, not open water salinity. The two can differ significantly and the standard must be developed appropriately for open water, if that is what will be monitored.

9. While diversions may be novel in the COE wetland mitigation program, they are becoming common in restoration overall. Suggest revising the text (Section II) to focus the novelty on using a diversion for swamp mitigation.

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9. While diversions may be novel in the COE wetland mitigation program, they are becoming common in restoration overall. Suggest revising the text (Section II) to focus the novelty on using a diversion for swamp mitigation.

From: Craig Gothreaux - NOAA Federal
To: MVN Environmental
Cc: NMFS ser HCDconsultations
Subject: [URL Verdict: Unknown][Non-DoD Source] WSLP Draft SEIS
Date: Wednesday, June 1, 2022 4:21:05 PM

Landon,

The NMFS Habitat Conservation Division has reviewed the Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, and does not object to the issuance of permits for this project.

Thank you for your coordination,
Craig

--
Craig Gothreaux
Fishery Biologist
Southeast Region, Habitat Conservation Division
NOAA Fisheries
5757 Corporate Blvd., Suite 375
Baton Rouge, LA 70808
Office: (225) 380-0078
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Twitter *www.twitter.com/noaafisheries*
YouTube *www.youtube.com/usnoaafisheriesgov*

From: mailagent@thesoftedge.com on behalf of Brooke Randolph
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Wednesday, June 1, 2022 8:37:04 AM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

Though other alternatives may have been cheaper, this scenario is the most commonsense one considering the vicinity of the projects and the efficiencies that will result from them working together. I am glad CPRA and the Corps were able to work together to make this a cost-effective decision.

It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!

Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Brooke Randolph
6000 Dauphine St
New Orleans, LA 70117-2144

From: mailagent@thesoftedge.com on behalf of Debra Canatella
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Wednesday, June 1, 2022 8:37:05 AM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!

Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Debra Canatella
10434 Lebanon St
Baton Rouge, LA 70816-8133

From: mailagent@thesoftedge.com on behalf of Guy Denney
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Wednesday, June 1, 2022 8:37:02 AM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

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It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!

Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Guy Denney
4790 Pontchartrain Dr. , Apt. 95
Slidell, LA 70458-5738

From:	mailagent@thesoftedge.com on behalf of Andrewmayer@cox.net
To:	MVN Environmental
Subject:	[Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date:	Wednesday, June 1, 2022 8:37:31 AM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

Though other alternatives may have been cheaper, this scenario is the most commonsense one considering the vicinity of the projects and the efficiencies that will result from them working together. I am glad CPRA and the Corps were able to work together to make this a cost-effective decision.

It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!

Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Andrew Mayer
4201 Vendome Pl
New Orleans, LA 70125-2740

From: Craig Gothreaux - NOAA Federal
To: MVN Environmental
Cc: NMFS ser HCDconsultations
Subject: [URL Verdict: Unknown][Non-DoD Source] WSLP Draft SEIS
Date: Wednesday, June 1, 2022 4:21:05 PM

Landon,

The NMFS Habitat Conservation Division has reviewed the Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, and does not object to the issuance of permits for this project.

Thank you for your coordination,
Craig

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Craig Gothreaux
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From: mailagent@thesoftedge.com on behalf of Shawn Schexnayder
To: MVN Environmental
Subject: [Non-DoD Source] I support decision to use Maurepas as mitigation alternative for WSLP
Date: Wednesday, June 1, 2022 8:37:07 AM

Dear Dear USACE:

I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP.

Though other alternatives may have been cheaper, this scenario is the most commonsense one considering the vicinity of the projects and the efficiencies that will result from them working together. I am glad CPRA and the Corps were able to work together to make this a cost-effective decision.

It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!

Thank you for taking advantage of this opportunity. I fully support the decision to use the MSP as mitigation for the WSLP.

Sincerely,

Shawn Schexnayder
3533 Nicole st
Paulina, LA 70763-2268

Comment Matrix

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
			1st PUBLIC REVIEW	
3/14/2022	I - Andre Simmons	Email	I'm inquiring about information to update a borrow pit site in St. John the Baptist and would like some assistance in doing so. Please advise and thank you for your assistance in advance to this request.	Mr. Simmons was referred to Brandley Druant, Sr PM of WSLP Construction Project. Robert Farms did not submit during the sources sought for WSLP borrow and is not pre-qualified for the WSLP commercial borrow list. There is no ongoing WSLP borrow "program". Clearance for use during HSDRRS construction does not carry forward to WSLP. If he's interested in general permits for a pit that need updating he should contact the Eastern Evaluation Branch at 504-862-2292. He can then register as a vendor on sam.gov for future solicitations and try to work a deal directly with a contract.
3/20/2022	I - Kent Saxon	Email	I'm trying to see if there is a link to a map showing 1. The wall or levee route; 2. The proposed effected hardwoods and lands they admit it will effect; 3. What storm surges weve experienced in the past are projected to do if they happen again after the largest watershed on the MS lower valley gets a wall put around it. I live in Livingston parish between the Tickfaw, Blood, and Natalbany Rivers. I'm concerned the next surges will do what these walls did to Braithwaite to save Chalmette. That's what's going to happen in my opinion. You cant stop water from hitting Laplace without it running straight up someone else's historically dry land. Just seeing what and who we're sacrificing to do this. Sorry for the doubtful tone. I'm very familiar with the destruction corps projects have caused. All done in good faith...but rarely do what they intended, and often have disastrous results for SOMEONE.	He was referred to the WSLP website, where it contains maps, the Final Report and EIS, as well as the SEAs. https://www.mvn.usace.army.mil/About/Projects/BBA-2018/West-Shore-Lake-Pontchartrain/
3/20/2022	I - Thomas Kratochvil	Email	I have a camp on the Amite River, a couple of miles downstream from Port Vincent. At that location, water generally flows into Lake Maurepas, but when it gets dry water will flow the other way and the species of fish caught change. The height of the River during floods and hurricanes also seems to be coming up, and I am guessing this is from increased and quicker Baton Rouge runoff and the ring levee around New Orleans. I only glanced at the beginning of the study. Is there a material effect of the West Pontchartrain flood protections to the area around my camp, in terms of flooding and species intrusions from the Mississippi, and if so, were notice and hearing given for the folks in Ascension Parish?	The Maurepas diversion influence area (table 2-6 of the EIS) is south of the general location provided for the camp in question. Port Vincent is approximately 17 miles from where the MSP diversion would discharge into Hope Canal. HEC-RAS hydrologic and hydraulic (H&H) model simulations run for the WSLP Project showed a negligible difference in water surface elevations in the vicinity of the general location provided for the camp. The HEC-RAS H&H modeling included runs for the 100-year and 500-year events with project and without project combined with surge and without surge, along with operation of the Maurepas Diversion at 2,000 cubic feet per second (cfs). The WSLP project's drainage structures would be left open during normal tidal cycles so that there would be minor differences in exchange during non-flood/non-storm surge scenarios. WSLP should have very little impact on salinity levels in Lake Maurepas since that is primarily driven by exchange through Manchac Pass. Maurepas Diversion would introduce 2000 cfs of freshwater from the Mississippi River into the area. Some shift in the aquatic organism and fish community would be expected within the diversion influence area, but it is not expected to be significant, because most aquatic organisms that exist in this area are highly adapted to a changing ecosystem.
3/23/2022	NGO - State Library of Louisiana (Charlene Bonnette)	Email	Request for print copy of the WSLP DSEIS	Printed copy was mailed on 3/25/22
3/29/2022	SA - CPRA, Brad Miller	Email	DSEIS page 18: – "In 2020, the RESTORE Council voted to approve $130 million in Deepwater Horizon oil spill dollars to fund the construction of the MSP." This should be revised to: "In 2020, the RESTORE Council voted to budget $130 million in Deepwater Horizon oil spill dollars to fund the construction of the MSP, pending a future Council vote after all applicable environmental laws have been addressed."	Noted. The language will be revised to reflect the suggested change.
4/4/2022	I - Charles Meteyer	email Ltr	Please forward plans for the Maurepas Diversion	Plans are included in Appendix M of the DEIS
			2ND PUBLIC REVIEW (4/15 - 5/31)	
4/13/2022	NGO - Stacy Ortega, Louisiana Wildlife Federation	Email	I know the Corps withdrew environmental documents for West Shore Lake Pontchartrain from review. Does that mean any comments that might have been submitted must be re-submitted when they are released again? Would any comments be accepted if they are sent in before they are officially released again? We have a colleague that has a blog post out with the info so I want to be sure we're not telling people they can provide comments if they won't be accepted right now.	Email sent to Ms. Ortega 5/3/22 stating Any comments submitted during the first release of the draft SEIS (i.e., which was from March 18, 2022 through April 1, 2022) are still valid and do not need to be resubmitted.
4/24/2022	I - Ronald Ventola	Email	Could you please give me contact information for the person handling the pipeline and utility line relocations for the Maurepas Diversion component of the subject projects	CPRA is handling relocations. Contact information was provided 5/3/22
4/27/2022	NGO - State Library of Louisiana (Charlene Bonnette)	Email	Request for printed copy	A printed copy was 5/5/22
4/29/2022	G - Joey Breaux, Asst Commission LA Soil & water Conservation Commission	Email ltr	Letter of no objection	Noted
5/1/2022	I - Marion Penny Friesstadt	Email ltr	The River Reintroduction into Maurepas Swamp Project (MSP) will reconnect the swamp with the Mississippi River, providing sediment and freshwater to existing wetlands, as well as helping to offset future increases in salinity. The fine grain sediment coming from the Mississippi may also help to build land which will allow the opportunity for trees, like bald cypresses and tupelos, to grow and thrive. This widely supported diversion project will benefit more than 45,000 acres of wetlands and forests, nearly one third of the swamp, and reduce habitat loss over the next several decades. Creating this wetland buffer can also reduce storm surge for communities stretching from the Greater Baton Rouge to the Greater New Orleans regions. If constructed together, the WSLP Project and MSP will provide significant storm surge protection that is collectively greater than if built separately, as well as cost savings. The integration of these two projects would demonstrate that combining risk reduction and restoration in complementary ways can achieve positive results for vulnerable communities and their surrounding ecosystems	Noted
5/2/2022	Randall Griswold	Email	I support both the River Reintroduction into Maurepas Swamp Project (MSP) and the West Shore Lake Pontchartrain (WSLP) Project. The MSP is the environmentally-preferable mitigation option because it allows the impacts caused by WSLP to be mitigated in the same watershed. When constructed together, the WSLP Project and MSP will provide significant storm surge protection that is collectively greater than if built separately, as well as cost savings. The integration of these two projects combines risk reduction and restoration in complementary ways to achieve positive results for vulnerable communities as well as their surrounding ecosystems.	noted
5/3/2022	Anne Clare	Email	I am all for it.	Noted

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
	NGO - The Softedge.com Denise Richard; Richard Oubre; Cave Man; Ben Taylor; Michael Breaux; Tom Hirth Jr. ; Marissa Turner; Jackie Vargas-Beitia; Al Haase; Kristen Tilbury; Sam Dragna; Charles Williams; Warren CoCo; Charles Corkern; Andrew MayerMD; Diana Neupert; Charles Paxton; Noel Pilie; j fryar; Clint Elliott; Eric Kittok; Jeanne Plaisance; Patricia Brewer; John Morello; Michaele Shapiro, Andrew Mayer, Shawn Schnexnader, Debra Canatella, Brooks Randolph, Guy	Email	I support the Corps' reconsideration of mitigation alternatives for the West Shore Lake Pontchartrain (WSLP) levee project. I agree with the decision to use the River Reintroduction into Maurepas Swamp project (MSP) as mitigation for environmental impacts from constructing the WSLP. Though other alternatives may have been cheaper, this scenario is the most common sense one considering the vicinity of the projects and the efficiencies that will result from them working together. I am glad CPRA and the Corps were able to work together to make this a cost-effective decision. It's not often that a state restoration project and a federal protection project can work together in such a way as this and I applaud the collaboration to make these projects more effective together than either would be alone - a true win-win scenario!	Noted
5/13/2022	GA - Dave Bernhart	Email	Do not send me hard copies. I am listed twice on mailing list	Administrative
5/19/2022	NGO - Stacy Ortega, Louisiana Wildlife Federation	Email Ltr	The Maurepas Swamp Alternative (MSA)-2 is the best option for the following reasons: The MSP will be built adjacent to the WSLP. These two projects share construction features, offering an opportunity for cost savings and efficiencies by doing the projects in tandem. Utilizing the MSP would keep mitigation in-basin and directly adjacent to the impacts rather than relying on piecemeal mitigation in other areas.; The long-term ecosystem benefits of the MSP would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the WSLP. ; The MSP will help build land which will provide a critical line of defense against storm surge that will benefit the WSLP, increasing project resiliency and reducing maintenance costs.; Even with CPRA covering the excess cost of the MSA-2 alternative, this option would still free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration projects across the coast.; Selection of the MSA-2 alternative would result in full funding of the River Reintroduction into Maurepas Swamp project, a project decades in the making.	Noted
			the restoration project will work with other nearby diversions to protect many communities in the region, including Baton Rouge. These projects will help maintain the Manchac Landbridge, a narrow strip of land between Lakes Pontchartrain and Maurepas. This will prevent the two lakes from merging, a situation that would be devastating and could send storm surge to communities from the River Parishes into the Greater Baton Rouge area.	Noted
			The WSLP project presents a common-sense opportunity to reap multiple benefits by linking the levee project to the adjacent swamp restoration project. The MSA-2 alternative is just the type of innovative solution we need to restore our coast and protect communities in the face of a dire land loss crisis.	Noted
			LWF fully supports the decision to select the MSA-2 as the preferred alternative to mitigate impacts from construction of the WSLP project. LWF commends the Corps for its reconsideration to make the best decision for restoration of this critical habitat and the communities that depend on a healthy Maurepas Swamp for storm protection.	Noted

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
5/24/2022	NGO- Simon Maloz; Restore the Mississippi Delta	Email Ltr	Community leaders weighed in loud and clear to urge consideration of the MSP as mitigation for WSLP. We commend the Corps for listening to stakeholders through public comment in early 2020, and scoping period in 2021. We believe a key measure of project success is whether benefits flow equitably to those they purport to serve, and both the WSLP and MSP are slated to create benefits to nearby communities and businesses, positively affecting residents who currently live and work in those places.	Noted
			As one of the largest remaining contiguous tracts of cypress tupelo swamp in the gulf region, the Maurepas Swamp is a critical resource for the state of Louisiana at an estimated 63,000 acres. Significant reductions in fresh water input after nearly a century of Mississippi River disconnection had allowed for salt water intrusion via connections with Lake Pontchartrain, resulting in visible tree mortality. Overall, the mighty swamp is only a semblance of the great forest that it once was. The reintroduction of the Mississippi River is the best opportunity to alter this trajectory and restore the swamp. The benefits of Mississippi River influence on the swamp ecosystem are clearly visible by comparing the healthy swamp forests within the Bonnet Carré spillway and the ghost forests adjacent to the spillway when driving on Interstate 10. It is clear from this example that Mississippi River reintroduction into the Maurepas Swamp can provide an important source of fresh water to coastal swamp forests during droughts and help flush out salt water after storm surges to help prevent tree mortality.	Noted
			MSP is a long-established, priority project for the State and stakeholders with the greatest likelihood of ecological success. This project aligns with EPA and Corps' guidance for compensatory mitigation by: ● Functionally replacing aquatic resources and wildlife habitat, in the same geographic area. ● Ensuring that compensatory mitigation requirements are met by the plan being temporally feasible. Compensatory mitigation generally is completed concurrently or in advance of the impacts to wetlands, and with a lack of available mitigation credits in the area, the selection of MSP provides an opportunity to compensate for these impacts on the same timeline as project implementation. ● Providing the greatest option for ecological success. The U.S. FWS wetland value assessment concluded that the MSP would provide sufficient mitigation to compensate for the WSLP impacts.3 The two projects are not only nearby, but they have essentially continuous impact areas south of Lake Maurepas.	Noted
			The MSP as mitigation for WSLP is not only the best, but the only viable option for mitigating WSLP construction impacts to wetlands. Long-term benefits of the MSP would more than provide mitigation for bottomland hardwood and swamp habitat that is lost through the construction of the WSLP. The Corps' district engineer has discretion when selecting compensatory mitigation but evaluates options based on the probability of ecological success, location of mitigation site compared to the project site and its watershed significance, and project cost. Not only can the MSP be selected as mitigation, it offers the best mitigation option because the FWS wetland value assessment concluded that impacts to aquatic resources would be offset, the project essentially contiguous to the WSLP and has clear watershed connections and benefits, and is fully funded through RESTORE funds. Related cost savings and efficiencies extend beyond mitigation to ● Reconnect the river to the delta, unlocking land building and sustaining capacity. As a critical line of defense against storm surge that will benefit the WSLP project and restore rapidly declining habitat, MSP will reduce long term maintenance costs for WSLP and help protect the levee system, while providing ecosystem benefits. ● Alleviate pressure on a shortage of mitigation credits from mitigation banks in the area. By choosing MSP, the Corps can use credits to mitigate other projects. Further, swamp habitat enhanced by this diversion will mitigate adverse impacts on swamp habitat through the construction of WSLP without using all the mitigation bank credits in the Mississippi Alluvial Plain. This will help other Army Corps stakeholders and project proponents who need to purchase bank credits. ● Free up state restoration dollars for other shovel-ready, critical restoration projects across Louisiana's coast. By constructing the MSP and WSLP Project concurrently, the State and Army Corps will attain cost savings and efficiencies, freeing up restoration funds to allow CPRA and others to pursue other high-priority projects. Army Corps investment in the restoration project will free up precious restoration dollars so that CPRA can move forward on other shovel-ready, critical restoration projects across the coast instead of using their agency funding on the balance of funds needed to complete the swamp restoration project. Additional funding is necessary for the State of Louisiana to fully implement the Coastal Master Plan. Natural defenses can save millions of dollars, so communities need more options for financing such projects. The Corps has underscored one way to do that. ● Potential to render additional social benefits to nearby communities on top of providing valuable ecosystem services with equity at the core.	Noted
			Relative to monitoring, the MSP will use more robust monitoring than what is typically required for federal post-implementation assessment. We understand the importance of monitoring to assess if the project is meeting the defined criteria. We recommend any proposed monitoring regime ensures accountability for the mitigation of impacts to wetlands, and the data collection should be feasible - something the responsible party can repeat often enough to truly judge the impacts and change in conditions. Data collection in a swamp is difficult, and many of the monitoring sites identified are remote and may prove to be impossible to visit. Some of the burden of monitoring may be decreased by reducing the number of monitoring sites and using satellite imagery more frequently in-between site visits. Mitigation in any form is inherently risky and monitoring is crucial to assess project success, but it should also be both robust and feasible. Monitoring should be easy to administer and report, while not unreasonably increasing cost.	Noted
			we applaud the Corps for truly recognizing a suite of solutions will be necessary to address land loss and ecosystem degradation in South Louisiana, and river reintroduction will be a critical component. As land disappears and swamp forest converts to marsh or open water, more pressure will be put on the WSLP system. The basin needs synergistic solutions that will protect communities from flooding and increase the ecological resilience of the coast, which is exactly what the WSLP and MSP will provide. These projects, as currently configured and contemplated, will serve as a landmark solution and unique model on using nature and natural infrastructure to a complementary efficiency with storm surge projects. We concur with the Corps' preferred alternative as identified in the SEIS, and encourage the signing of a Record of Decision as soon as possible, to move these critical projects forward with all deliberate speed.	Noted

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
5/25/2022	GA - CPRA	Email Ltr	CPRA suggests the following revision: "Current proposed monitoring sites were selected following an aerial flyover of the MSA-2 location, on-site reconnaissance and field data collection at a subset of the proposed sites, and consultation with experienced practitioners that have conducted research in the swamp. Final site locations may need to be adjusted after further site evaluations."	The plan was updated to address this comment.
			CPRA requests clarification of this sentence due to the following statement "…but includes deviations from the CRMS protocols to ensure the data collected can determine whether success criteria have been achieved." Which CRMS protocols are the USACE referring to that would prohibit a determination of whether success criteria have been achieved? If the USACE cannot provide justification for this comment, please revise the sentence appropriately.	The plan has been updated to clarify that changes were made to increase efficiency in the field
			CPRA recommends that vegetation monitoring at established CRMS sites in the mitigation project area continues to follow CRMS station design. If this is the intent by the USACE, please add a statement to the monitoring plan indicating that CRMS station design will be retained at all established CRMS sites.	Vegetation monitoring at CRMS sites for the CRMS program will continue to follow CRMS protocols. The plan has been updated accordingly.
			Two years of baseline data collection for DO and nitrate are sufficient to assess baseline conditions and determine project success. The DO success criterion is not dependent on developing a baseline value and if we have a stochastic event, it would be beneficial, not harmful, to capture during our baseline data collection effort. Nitrate initial success is based on a baseline value, but previously-collected nitrate data in the Maurepas Swamp indicate nitrate will be very low, and it is not anticipated that concentrations will vary much throughout the year.	We chose three years of baseline data to develop a more accurate baseline record for the 43 MSA-2 project specific sites, many of which do not have previously recorded DO or nitrate data. Three years of data also increases resiliency against episodic events or non-representative data years.
			CPRA requests deletion of this sentence, as it does not relate to the success criteria for intermediate and long-term monitoring. If concerns arise after the initial success monitoring period related to changes in sediment delivery and retention in the tertiary benefit area, temporary monitoring could be implemented as part of adaptive management. As currently written, the USACE implies a potential extended continuation of this monitoring beyond initial success. However, the intent of this monitoring after attainment of initial success should be to conduct targeted samplings to investigate whether changes in the project area may be having a negative impact on attainment of mitigation monitoring success.	Concur. The plan has been updated to reflect that sediment delivery and retention in the tertiary benefit area may continue after initial success to inform adaptive management
			Two years of baseline data collection for surface water salinity at the new stations are sufficient to assess baseline conditions. Data from 4 existing CRMS continuous recorders in the mitigation project area show that over that last 10 years there has been little variation in salinity between locations and over time. Additionally, a baseline value is not required for project assessment. The only requirement is to maintain salinity ≤ 0.8 ppt at ≥ 75% of monitoring sites during diversion operations.	We chose three years of baseline data to develop a more accurate baseline record for the 43 MSA-2 project specific sites, many of which do not have previously recorded salinity. Three years of data also increases resiliency against episodic events or non-representative data years
			The TAG report Performance Measures for a Mississippi River Reintroduction Into the Forested Wetlands of Maurepas Swamp (Krauss et al. 2017, https://doi.org/10.3133/sir20175036) outlined a strategy for assessment of the State's Maurepas project. The USACE mitigation Monitoring Plan draws heavily from this report, yet it is not cited in the Monitoring Plan. CPRA recommends including information in the Introduction explaining and crediting the work of the TAG and how it influenced the development of the success criteria for this mitigation project. The TAG report must be included in References.	We appreciate this comment and sincerely apologize for this oversight. While each success criterion for the project was separately researched and verified by the USACE, we often came to similar conclusions as those in the TAG report. Additionally, due to the close collaboration with the TAG during the development of the criteria, there is certainly overlap between the two documents. The monitoring plan will be updated to include the significance of the collaboration between the USACE and TAG, including the influence of the TAG's report. It has also been included in the references.
			The map of proposed monitoring locations includes a monitoring site on private land, on the eastern boundary between the primary and secondary benefit areas. This site needs to be removed.	This site has been relocated and is now on public land.
			The USACE needs to clarify the monitoring timeline for all success criteria after initial success is attained. If the USACE attains initial success in year 6, does the frequency of monitoring adjust to the intermediate monitoring schedule, or does the USACE intend the CPRA to continue monitoring through year 10 at the frequency indicated in each success criteria table?	Language has been added to the plan to clarify that if initial success is attained in year 6, then monitoring frequency would convert to the intermediate monitoring schedule (every 3 years) and then the long-term monitoring schedule (every 6 years).
			Information regarding data management, assessment and reporting should be in the Monitoring Plan. Suggest copying Sections 3.2, 3.3. and 3.4, 3.4.1 from the Adaptive Management Plan and adding to the Monitoring Plan.	Information regarding data management, assessment and report consistent with Sections 3.2, 3.3, 3.4, and 3.4.1 were added to the Monitoring Plan.
			Estimated costs for monitoring need to be provided as part of the SEIS.	Concur. Monitoring costs have been included in the monitoring plan.
			The following comment is made for each success criterion under E. Mitigation Monitoring and Frequency: "The number of XX monitoring stations and frequency of monitoring could be decreased in later years of operation. The decision…" Suggest deleting this bullet from each success criteria since it is repetitive. The ability to modify the monitoring intensity and frequency is already noted Under II. 3) Control and Supportive Monitoring, paragraph 2, sentence 4. Suggest revising that text as follows: "Monitoring sites may be added, moved (e.g., if sites or measurements become inaccessible), or eliminated; sampling frequency may be adjusted; or measurements may be added or eliminated if supported by the available data. At a minimum, the appropriateness of the monitoring intensity will be assessed after the review of each monitoring report. The decision to decrease the number of monitoring stations and/or the frequency of monitoring would be based on the 1) number of monitoring stations that meet the success criteria, and 2) distribution of those stations meeting the success criteria within the different forest cover types and benefit areas. The spatial distribution and similarity of monitoring stations will also be considered if decreasing the sampling intensity. Any significant modifications to the monitoring plan or the monitoring schedule must first be approved by the USACE in coordination with the Interagency Environmental Team (IET) and supported by monitoring data." Note: this information does not belong under Control and Supportive Monitoring. It could be placed under Mitigation Site Monitoring.	This comment is noted and the plan has been updated

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
5/25/2022	GA - EPA; Robert Houston, Staff Director Office of Communities, Tribes and Environmental Assessment	Email Ltr	EPA recommends mitigation measures adequately address adverse impacts of the proposed action reasonably foreseeable for human health and environment, as applicable, which should be included in the Record of Decision	Assessments of all Project impacts (positive and negative) by resource type are included in Chapter 4 of the DSEIS. These assessments were not limited to mitigation benefit area boundaries. Furthermore, if approved as mitigation for the WSLP project, construction of MSA-2 would be a USACE constructed alternative and all implementation documents will be reviewed to verify that features integrated into the MR&T system are being designed, constructed, and maintained to MR&T Standards and would follow all required engineering regulations and guidelines. Additionally, a new subsection was added to section 5 that details "measures to avoid and lessen impacts". Finally, the Record of Decision will include a section that provides a summary of potential effects.
			the Draft Supplemental EIS states that no environmental chemistry data has been collected to make contaminant determinations for project area sediments. It further states that if excavated material has any significant contamination, its' relocation may alter the rate of release of contaminants into the aquatic environment, beneficially or detrimentally. Due to the industrialized nature of the area, sampling and chemical constituent characterization of excavated soil and sediment using appropriate testing methodologies is recommended prior to placement. If soil or sediment contaminants exceed regulatory levels, the USACE should take appropriate action(s) to ensure there is not a release into ground or surface waters, in the proposed project area, or other areas.	Concur, the USACE has protocols in place to detect and avoid HTRW sites during each major planning phase of the project. Most of the fill material used throughout the project would be imported from a USACE approved borrow pit. Any excavated material not suitable for project construction would be removed from the site and appropriately discarded in a government approved disposal site. This would likely be the case for most of the material excavated from the project site. Excavated material suitable for construction could be left on the site. Such material would be worked to obtain the proper moisture content, and could be mixed with imported material, to meet the USACE requirements for levee construction. The excavated material worked and/or mixed with imported material to the required technical specifications could be used for levee construction according to the final designs and specifications. The SEIS discusses dredging and excavation activities and HTRW detection and avoidance in multiple locations. Furthermore, if the ROD is signed and the project moves toward construction additional HTRW detection and avoidance protocols would be included in design plans as well as construction solicitation documents.
			The Draft Supplemental EIS does not clarify the type of construction activities located outside of stream or channel embankments, wetlands, swamps, or water resource areas, if any. If construction activities are expected or planned to occur on land, Clean Water Act (CWA) Section 402 permitting may be required via Louisiana Department of Environmental Quality's construction general permit or other Louisiana Pollutant Discharge Elimination System (LPDES) permit for earth-disturbance activities.	The SEIS section 2.4.2 and Appendix F and L provide detailed information on the three main project features (i.e., conveyance channel, embankment features, and weirs) and all other construction activities associated with the project, including dredge and excavation work. Regarding construction activities occurring on land, if the ROD is signed and MSA-2 moves toward construction, Clean Water Act (CWA) Section 402 permitting would be secured if needed via Louisiana Department of Environmental Quality's construction general permit or a Louisiana Pollutant Discharge Elimination System (LPDES) permit for earth-disturbance activities. The construction general permit would be obtained prior to the award of the construction project.
			The Draft Supplemental EIS should discuss whether the communities to the east of the diversion area are protected by the structural levee. The EPA recommends the USACE clarifies how converting the minority and low-income areas to swamp land does not cause disproportionately high and/or adverse impacts.	Concur, language has been added to the DEIS, section 4.1.15, Environmental Justice under Maurepas Swamp Alternative – 2 (MSA-2: Public Land Only; Preferred Alternative) which is: The MSA-2 diversion footprint is just to the west of the WSLP structural alignment and there is no housing directly on either side of the proposed diversion. The WSLP structural levee would provide protection to those communities to the east of the diversion and the structural levee.
			Recommend the Draft Supplemental EIS clarify if the swamp mitigations in St. James Parish and St. John the Baptist Parish's Pine Island will serve as a swamp buffer for the Maurepas Swamp Project and other areas.	The swamp mitigation projects in St James Parish and St Tammany's Pine Island are standalone projects proposed as swamp mitigation for impacts due to WSLP and would not be constructed if MSA-2 is constructed
			With segmented or phased approach of proposed or existing projects, the EPA recommends the USACE clarifies the disproportionately high and adverse human health or environmental effects the proposed project will have on the existing disadvantaged and overburden communities and minority and low-income populations.	Revised language in Section 4.1.15 of the DEIS under Direct Impacts: There are no direct, adverse disproportionate impacts from construction of MSA-2 to low-income and minority communities (referred to as areas of EJ concern) since there is no housing directly adjacent to the proposed diversion. MSA-2 is located to the west of the WSLP storm damage risk reduction system (floodwall); the floodwall provides a buffer between the diversion and housing located east of the structural levee. The area of EJ concern is located just east of the WSLP structural alternative (currently under construction) is a majority minority community based upon 2019 U. S. Census Bureau data. The human environmental impacts of constructing the WSLP structural alternative were identified in the WSLP EIS. The WSLP structural alignment would provide an increased level of risk reduction to residents of all races and income levels within St. John the Baptist Parish. The MSA-2 footprint is just to the west of the WSLP structural alignment and there is no housing on either side of the proposed diversion. The WSLP structural levee would provide protection to those communities to the east of the proposed diversion and the structural levee. Added discussion of positive socio econ impacts to EJ: There would be temporary positive impacts on the socioeconomics of the area, including to those in areas of EJ concern. MSA-2 would temporarily increase employment and income during construction, leading to a boost in the local economy. The action alternative impacts 41.56 acres of developed land, much of this land is owned by the oil and gas industry. The action alternative is expected to have a negligible effect on housing. Of the 41.56 acres of developed land, only 1.12 acres are residential land. The residential land consists of a few empty lots in Mt. Airy and a few camps along the Hope Canal and Blind River. There is one camp along Hope Canal that would have to be acquired before construction begins.
			The USACE should clarify the socioeconomic conditions that the specific proposed project has on minority and low-income populations in St. John the Baptist Parish's Pine Island and St. James Parish, including the conversion of farmland and other land areas.	Noted: As stated in Section 4.1.15, No Action Alternative (BBA Alternative) of the DEIS: The CEMVN EJ team analyzed the BBA mitigation projects and determined that the type of construction activities taking place at the mitigation projects would not cause high, adverse impacts to any communities that are in the vicinity of the action, nor would there be permanent high, adverse impacts to communities. Therefore, EJ is not considered a significant resource for this proposed mitigation action. Nonetheless, BMP would be used during construction of the mitigation sites that would avoid or minimize potential minor construction-related impacts (noise and minimal truck traffic) to communities. Finally, there are no communities within 1-mile of either of the proposed BBA Alternative sites (St. James and Pine Island). Added the following language to Sec 4.1.15 No Action: Additionally, there is a significant amount of farmland in St. James and Pine Island and the conversion of 93 acres of farmland to marsh or BLH would not cause high, adverse disproportionate impacts to areas of EJ concern. Finally, there are no public comments of concern or objection regarding the conversion of such a small amount of farmland.

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
5/25/2022	I -George Howard, Restoration Systems, LLC	Email Ltr	Does the Corps have an estimate to compare the cost of the Guste Island Project, now proposed as Fresh Marsh mitigation to offset construction and operation impacts resulting from the Maurepas Swamp Mitigation Project, with the cost of the purchase of bank credits?	The corps has an estimate for the construction of Guste Island as a fresh marsh mitigation project.
			When were these cost estimates made?	These estimates were made during the evaluation process for the Maurepas Diversion.
			What is the estimate to construct Guste Island?	This information cannot be released to the public as it would provide unfair advantage to bidders.
			What is the estimate to purchase mitigation credits from the Jesuit Bend Mitigation Bank (fresh/intermediate marsh)?	Information obtained from recent past credit purchases were used during the evaluation process. Credit costs would be reassessed at the time of implementation.
			Responding to the comment below from LA-OCM in an email exchange with MVN on April 27th, New Orleans District 'concurred' that mitigation credits must come from the "same or adjacent" hydrologic basin. Does this mean the two banks with Fresh Marsh, Cypremort Teche Mitigation Bank and Kilgore Plantation Mitigation Bank, are not under consideration for credit purchases? Each bank is four HUCs distant from the Maurepas Swamp Mitigation Project's impact. "OCM supports the use of Mitigation banks as an option. Should credits be purchased from a mitigation bank, the bank would have to be located in the Coastal Zone, located within the same or an adjacent hydrologic basin where the impacts occurred, must be an OCM approved Mitigation Bank, and only habitat credits at the approved OCM bank that are below the 5 foot contour would be eligible." New Orleans District: Concur	Noted
			Does the Corps have a WVA AAHU calculation number for our Jesuit Bend Mitigation Bank? Last year we (Restoration Systems) sold credits from Jesuit Bend to the Corps using a WVA value of 0.37 AAHU's per acre to New Orleans to Venice levees. Using that AAHU number, providing 19.5 AAHU's needed to offset the Maurepas Swamp Mitigation Project's Fresh Marsh impacts, would require 52.7 acres from Jesuit Bend. We have the credits available/released at Jesuit Bend.	Yes. The certified version of the WVA used to assess the impacts would be used to assess the benefits at the mitigation alternative chosen to implement. Approved banks with available credits would be considered at time of implementation
			If Guste Island is a component of a larger restoration project, is the cost to perform the project a proportion of the total spending on the larger project?	Gust Island is a stand alone project proposed as marsh mitigation for impacts due to MSA-2.
			Will the property be permanently protected with a Conservation Servitude?	The property would be purchased in fee in the name of the NFS unless another RE instrument is authorized by HQ.
			Guste Island was a component of the most recent LA Master Plan and proposed as CWPPR project. This would appear to qualify the project as a "Reasonably Foreseeable Action, based on 43 CFR 46.30. Reasonably foreseeable future actions include those federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These federal and non-federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite.	A project must be authorized or permitted under the 404 Regulatory program in order for it to be considered reasonably foreseeable.
			Has the Corps considered Guste Island in light of the language above, and what conclusion was reached?	The LA Master Plan is a selection of projects the State would like to implement in the near future, it does not mean all these projects have been permitted. Additionally, although the Guste Island may have been candidate for a CWPPRA priority list in the past, it has never been funded for engineering and design or construction and therefore never made it onto a CWPPRA priority list. As such, it is not in our FWOP conditions.
5/26/2022	GA - Joey Breaux, LDAF, Office of Soil and Water Conservation	Email ltr	I have no objection or further comment at this time regarding the above referenced project.	Noted
5/27/2022	GA - John Nelson, USFWS	Email Ltr	Page xvii of the Executive Summary, Mitigation paragraph, second sentence – This sentence lists average annual habitat unit (AAHU) values associated with the MSA-2 mitigation alternative. Since the sentence does not state that these are impacts, it appears to list positive AAHUs generated by the project. Given that the sentence is referencing construction impacts only, the sentence should state that these are impacts and the listed AAHUs should be negative.	The sentence was clarified to indicate "impacts".
			At the end of this second sentence is a reference to a Table 1, but that table does not appear in the document. A Table 1.1 exists within Section 1 of the document, but it does not provide benefit/impact AAHU values.	This was an incorrect holdover, the reference to Table 1 was removed
			Section 5, MSA-2 Mitigation – The paragraph and sentence referenced above regarding AAHUs is also found in the first paragraph of this Section. The same edits mentioned above are also needed here as well.	The sentence was clarified to indicate "impacts". Table 5-1 was added to the sentence
5/27/1931	NGO - Amanda Moore, National Wildlife Federation; Greg Gasperecz	Email Ltr	We, the 180 coastal stakeholders and community leaders signed below, write to express our strong support of the Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain levee project (WSLP) selecting the Maurepas Swamp Project (MSP) as the mitigation alternative. We commend the Army Corps for listening to stakeholders through public comment in early 2020. Community leaders weighed in loud and clear to urge consideration of the Maurepas Swamp Project as mitigation for WSLP. Louisiana needs these types of innovative and efficient solutions to restore our coast and protect communities in the face of a dire land loss crisis.	Noted
			The Maurepas Swamp Project is the optimal mitigation option to offset WSLP project impacts to swamp habitats for the following reasons: • The MSP is largely a preservation mitigation option that uses benefit areas within a larger CPRA restoration project (River Reintroduction into Maurepas Swamp, PO-0029) to offset WSLP swamp impacts and allows mitigation to remain in the same watershed as the levee project.; • The MSP mitigation project will allow complete funding of CPRA's PO-0029 project, which will reconnect the Mississippi River with the Maurepas Swamp, providing necessary freshwater flow-through and sediments that are vital to restoring the degraded bald cypress-tupelo swamp. PO-0029 will benefit over 45,000 acres of swamp that are currently in rapid decline.; • By constructing the MSP and WSLP Project concurrently, the State and Army Corps will attain cost savings and efficiencies, freeing up restoration funds to allow CPRA and others to pursue other high-priority projects.; • The WSLP Project and MSP will work together to provide significant storm surge protection for nearby communities.	Noted

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
5/31/2022	George Howard, Restoration Systems, LLC	Email Ltr	COMMENT #1. The SEIS must clearly describe, with appropriate detail, the cost comparison between Guste Island and mitigation bank credits. The DEIS Mitigation Plan states in Section 5, MSA-2 Mitigation., Subsection Marsh.: "The marsh impacts would be mitigated through implementation of one or a combination of the following projects. Based on costs of recent purchases of marsh mitigation bank credits, CEMVN's constructed project would rank above mitigation banks and would be implemented first. However, this ranking would be verified at the time of implementation." Reference Table 5-4 Proposed Marsh Mitigation Projects (table copied from Draft SEIS, Mitigation Plan Section 5.) in comment letter. The Draft SEIS Mitigation Plan does not include a cost estimate for Guste Island CZ fresh marsh mitigation. We submitted several questions to the CEMVN WSLP Project Team on May 25, 2022 related to the cost estimate comparison between Guste Island and Bank Credits including: RS Question: Does the Corps have an estimate to compare the cost of the Guste Island Project, now proposed as Fresh Marsh mitigation to offset Maurepas Swamp Mitigation Project construction and operation impacts, with the cost of the purchase of bank credits? RS Question: When were these cost estimates made? RS Question: What is the estimate to construct Guste Island? RS Question: What is the estimate to purchase mitigation credits from the Jesuit Bend Mitigation Bank (fresh/intermediate marsh)? Jesuit Bend Mitigation Bank Prior Credit Sale to CEMVN, WVA AAHU Value, and Availability of Credits to Meet Fresh Marsh Mitigation Requirement. In 2021, as compensatory mitigation to offset fresh/intermediate marsh impacts from the New Orleans to Venice Federal Levee Project, Restoration Systems sold 6.21 acres of credits from Jesuit Bend to CEMVN using a WVA Value of 0.37 for a purchase amount of $1,366,200. The sale provided 2.3 AAHU's for a cost of $594,000 per AAHU or $220,000 per acre. In 2018, also as compensatory mitigation to offset fresh/intermediate marsh impacts from the New Orleans to Venice Federal Levee Project, Restoration Systems sold 96.5 acres of credits from Jesuit Bend to CEMVN using a WVA value of 0.37 for a purchase amount for $19,059,750. The sale provided 35.8 AAHUs for a cost of $532,395 per AAHU or $197,510 per acre. Using that WVA AAHU Value of 0.37, Jesuit Bend can provide the 19.5 AAHUs needed to offset the Maurepas Swamp Mitigation Project's fresh marsh impacts, requiring 52.7 acres from Jesuit Bend. Jesuit Bend has all the credits available/released to meet CEMVN's fresh marsh mitigation requirement. To date no one from CEMVN has contacted Restoration Systems for a price for the currently available credits. Price changes can occur relative to earlier transactions. We encourage CEMVN to request pricing in this instance to evaluate whether savings and efficiencies can be achieved versus a newly constructed Corps project, as previously realized for the New Orleans to Venice Federal Levee Project. CEMVD Upper Barataria Basin, Louisiana Feasibility Study, Final Integrated Feasibility Report with Environmental Impact Statement December 2021: We call your attention to Section 7. Mitigation Plan. included in the UBB Final Feasibility Report that states that: "Recent mitigation actions completed on several large projects has shown that, when mitigation bank credits are available for purchase, purchase of mitigation bank credits are normally selected as the Recommended Plan to mitigate project induced impacts due to their cost effectiveness." (The complete quoted section is included in the attached Appendix A for reference.)	Noted
			Comment #2. The SEIS must clearly describe the watershed basin requirements for formulating mitigation alternatives including bank credit purchases. The Draft SEIS Mitigation Plan, Section 5. MSA-2 Mitigation., discusses the formulation of mitigation alternatives with respect to the location of those alternatives relative to the impacts as follows: "In accordance with the USACE Implementation Guidance for Section 2036(a) of the WRDA 2007, Mitigation for Fish and Wildlife and Wetlands Losses, and Appendix C to Engineer Regulation 1105-2-100, compensatory mitigation for MSA-2 was formulated to occur within the same watershed as the impacts and to replace the functions and service of each habitat type with functions and services of the same habitat type. Consistent with how regulatory defines the service area of mitigation banks, tidal marsh impacts would be mitigated within the deltaic plain." The Draft SEIS Mitigation Plan. Section 5. MSA-2 Mitigation. Subsection Mitigation Banks. states: "USACE approved mitigation banks with perpetual conservation servitudes within the LPB for BLH and within the Mississippi Deltaic Plain for marsh, currently in compliance with their mitigation banking instruction (MBI) and able to service the CZ habitat types impacted by the MSA-2 are also considered as potential mitigation projects." Following release of the Draft SEIS Mitigation Plan April 2022, LA-OCM commented in an email exchange with MVN on April 27, 2022 and New Orleans District 'concurred' that mitigation credits must come from the "same or adjacent" hydrologic basin. "OCM supports the use of Mitigation banks as an option. Should credits be purchased from a mitigation bank, the bank would have to be located in the Coastal Zone, within the same or an adjacent hydrologic basin where the impacts occurred, must be an OCM approved Mitigation Bank, and only habitat credits at the approved OCM bank that are below the 5 foot contour would be eligible." New Orleans District: Concur Jesuit Bend Mitigation Bank Service Area and Location complies with both the Draft SEIS, Mitigation Plan and the April 27, 2022 email requirements quoted above as follows: • Jesuit Bend's Service Area is the Deltaic Plain.• Jesuit Bend is physically located in the Coastal Zone. • Jesuit Bend is physically located in the immediately adjacent HUC 08090301 to the Maurepas Swamp fresh marsh impacts located in 08070204 basin. • Jesuit Bend is an approved Mitigation Bank by CEMVN Regulatory. • Jesuit Bend's Fresh Marsh habitat credits are below the 5-foot contour. The only other banks with fresh marsh, Cypremort Teche Mitigation Bank and Kilgore Plantation Mitigation Bank, are located four HUCs distant from the Maurepas Swamp Mitigation Project's impact. Therefore, Jesuit Bend would appear to be the only fresh marsh bank that complies with both the Draft SEIS Mitigation Plan and the April 27, 2022 LA-OCM email requirements referenced above.	Noted
			Comment #3. The factors below should be considered in deciding the best mitigation plan for the fresh marsh impacts of MSA-2. 1. Perpetual Site Protection with a Mitigation Bank. 2. Financial Surety in place for a Mitigation Bank that ensures the resource is successfully maintained in perpetuity; i.e., Zero Risk for CEMVN Civil Works and Non-Federal Sponsor. 3. Mitigation completed and successfully performing with a Mitigation Bank vs. CEMVN Constructed which involves CEMVN monitoring time and costs until success criteria achieved with risk of additional adaptive management costs. 4. Non-Federal Sponsor would have Zero Cost Burden with Bank Credits vs. maintaining a Corps-constructed mitigation project, with CEMVN transferring all Operations, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) to the local sponsor who is then responsible for maintaining the mitigation site in perpetuity. 5. CEMVN would not incur any Risk with the purchase of bank credits that are performing successfully and under the responsibility of the Bank Sponsor to maintain vs. Moderate to High Risk of constructing a mitigation project, with potential adaptive management requirements. 6. No new Direct, Indirect, or cumulative impacts for a Mitigation Bank. The Draft SEIS, Section 5. MSA-2 Mitigation. Subsection Mitigation Banks. states: "Since permitted banks exist as reasonably foreseeable projects in the FWOP conditions, no new direct, indirect or cumulative impacts to any resources would be incurred from the purchase of these credits for mitigation." Restoration Systems recognizes and appreciates CEMVN's statement that the purchase of mitigation bank credits does not involve any new direct, indirect or cumulative impacts. In the evaluation of fresh marsh mitigation in the Marsh Subsection, Guste Island is a proposed Marsh Mitigation Project ranked above mitigation banks. Guste Island, however, is existing shallow open water that would involve filling of shallow open water, and could include impacts to emergent marsh and submerged aquatic vegetation (depending on the actual site location) for marsh creation at Guste Island.	Noted
			Comment #4. The with and without future conditions need to be clearly described in the SEIS. CPRA CWPPRA Project Guste Island was a component of the most recent LA Master Plan and proposed as a CWPPRA project. This would appear to qualify the project as a "Reasonably Foreseeable Action", based on 43 CFR 46.30 Definitions. Also, we are not aware of any CWPPRA project being used to mitigate for the impacts from an authorized Federal project. "Reasonably foreseeable future actions include those federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These federal and non-federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite." How has the Corps considered Guste Island in light of the language above, and what conclusions were reached? Size of Guste Island Mitigation Project is Unclear in Draft SEIS Mitigation Plan. It is unclear in the Draft SEIS Mitigation Plan regarding Guste Island, whether the proposal is to build only ~75 acres of fresh marsh needed to mitigate for the fresh marsh impacts that would result from the construction and operation of Maurepas Swamp Mitigation Project, or is Guste Island a component of a larger restoration project? We cannot locate the "Figure 5.2" referenced on page 146 Section 5 of the April SEIS, please direct us to where Figure 5.2 is located. "The Guste Island project involves creation of up to ~75 acres of marsh habitat within the area(s) depicted in figure 5.2 as compensatory mitigation for the marsh impacts resulting from construction and operation of MSA-2." If Guste Island is a component of a larger restoration project, is the cost to perform the project a proportion of the total spending on the larger project? If part of a larger project, will the entire project be performed in advance or concurrent with the impact?	Guste Island is a stand alone project proposed as marsh mitigation for impacts due to MSA-2. In compliance with 43 CFR 46.30, CEMVN considered projects authorized or permitted under the 404 Regulatory program as reasonably foreseeable future actions. Also, see comment response #56. The figure depicting the Guste island project is located in the Mitigation Appendix G. The SEIS has been revised to reflect this.

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
			Comment #5. The SEIS should clearly describe the Laws, Policies, Regulations, and Guidance with respect to consideration of the use of Mitigation Bank Credits. A summary of applicable Laws, policies, regulations, and guidance follows. 1. Statute, regulation, and policy, establish a strong preference and priority for use of mitigation banks in mitigating for wetland impacts in connection with civil works projects over the development of new mitigation sites. • In particular, the Joint 2008 EPA/USACE Compensatory Mitigation Rule at 33 CFR 332.3 establishes a preference for mitigation banks and explains in detail why such a preference exists. • 33 CFR 332, is made applicable to this matter pursuant to WRDA 1986, section 906, paragraph (d)(3)(A). • 33 CFR section 332.3 establishes a hierarchical preference for use of mitigation banks. This hierarchical preference, discussed in formulating the "2008 Joint EPA/USACE Compensatory Mitigation Rule", was adopted in paragraphs (b) and (g) of the final rule. 2. The WRDA of 2007 requires that the USACE first consider using commercial mitigation banks to provide compensation for environmental impacts to wetlands. 3. Further, while the "preference" language for mitigation banks contained in WRDA 2007, Section 2036 (c) was replaced in WRDA 2016, section 1163 (a) of WRDA 2007 remains in effect. That provision contains the same mitigation bank "preference" language as that in 33 CFR 332. Also, the language of WRDA 2016, section 1163 (1) clearly still encourages use of mitigation banks in directing that Secretarial guidance be developed "that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks approved by the Secretary … with an approved service area that includes the location of the projected impacts of the water resources development project." Subparagraph (2) of section 1163 similarly indicates a positive intention with respect to use of mitigation banks. 4. The Water Infrastructure Improvements for the Nation Act (WIIN) of 2016 (PL 114-322) states that all potential credits from mitigation banks and the Louisiana in-lieu fee (ILF) programs with service areas that include the impacted areas should be considered as reasonable alternatives. 5. The WRDA 2016 Section 1163 directed "not later than 180 days after the date of enactment of the WRDA 2016, the Secretary shall issue implementation guidance that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks approved by the Secretary and in-lieu fee programs with an approved service area that includes the location of the projected impacts of the water resources development project." 6. WRDA 2016 Section 1163 ASA(CW) Implementation Guidance for Civil Works Projects, issued on November 16, 2017, provides guidance to the Corps stating that: "The Corps shall consider available and potential in-kind credits from mitigation banks and in-lieu fee programs established by others, where appropriate, when planning compensatory mitigation for unavoidable impacts to wetlands and other habitats resulting from construction of a proposed water resources development project."	Compliance with pertinent laws applicable to mitigation and the proposed project are addressed in the EIS.
5/31/2022	Technical Advisory Group (Ken Krauss, Gary Shaffer, Richard Keim)	Email Ltr	Some of the success criteria proposed in the MSA-2 Monitoring Plan (Appendix H) closely follow the Performance Criteria outlined in the Technical Advisory Group's (TAG) report Performance Measures for a Mississippi River Reintroduction into the Forested Wetlands of Maurepas Swamp (Krauss et al. 2017, https://doi.org/10.3133/sir20175036). The influence of this report on the development of the MSA-2 monitoring plan, and specifically on the development of the success criteria, should be acknowledged. Furthermore, the TAG report needs to be included under References.	We appreciate this comment and sincerely apologize for this oversight. While each success criterion for the project was separately researched and verified by the USACE, we often came to similar conclusions as those in the TAG report. Additionally, due to the close collaboration with the TAG during the development of the criteria, there is certainly overlap between the two documents. The monitoring plan will be updated to include the significance of the collaboration between the USACE and TAG, including the influence of the TAG's report. The TAG's report will also be included in the references.
			The number of monitoring sites is high, and there are likely practical concerns that will make this monitoring network unwieldy. Repeated access to plots by airboat will alter some of them hydrologically through the disturbance of sediments. Walking through the swamp to access sites is possible, but even experienced crews will have a difficult time accessing sites that are located greater distances from channels. A strategic effort to select additional existing monitoring sites, besides just the CRMS sites, and reduce the number of plots would allow for a more reasonable field effort.	The number of sites in this monitoring plan is substantially lower than what USACE regulatory typically requires for cypress swamp mitigation banks (1 for every 20 acres as opposed to 1 for approximately every 200 acres as is proposed in this plan). Teams are currently performing reconnaissance efforts to assess accessibility to proposed monitoring stations and adjustments in station location would be made if necessary. MVN must demonstrate success across the ~9,000-acre mitigation benefit area. This is done through monitoring which is designed to evaluate performance of the entire mitigation area. Therefore, all monitoring stations cannot be directly adjacent to waterways, spoil banks, and/or easy to access areas. Impacts to soils and substrate through repeated access will be minimized where possible and many of the sites will be visited infrequently (i.e. annually at most).
			The current wording of the Enhance Forest Integrity Intermediate and Long-Term success criteria could lead to misinterpretation. For the Primary and Secondary Benefit areas, a "1.9x increase" is too large to expect, but "1.9x" is more reasonable and likely what is intended. For example, if the rate was 10, 1.9x is 19, but an increase of 1.9x is 29. It is more reasonable to expect a rate of 19. Suggest revising the success criterion as follows: "Demonstrate that the mean BAI (m2/ha/yr) growth rate after the start of diversion operations is between 1.9-2.55x the baseline growth rate at ≥ 75% of monitoring sites in the mitigation benefit area." The wording for the Tertiary Benefit Area success criterion should also be revised accordingly.	Concur. The language has been updated to clarify the intended increase for the 'enhance forest integrity' intermediate and long-term success criteria.
			The current wording of the Nitrate Initial Success Criterion could lead to misinterpretation. By "a 2x increase", is the intent a doubling or tripling of the concentration? Suggest revising the success criterion wording as follows: "Demonstrate that the surface water nitrate concentration during diversion operations is 2x the baseline nitrate concentration at ≥ 75% of monitoring sites in the mitigation benefit area."	Concur. The language has been updated to clarify the intended increase for the nitrate initial success criterion.
			The monitoring plan presented here is a major undertaking that will generate data of great scientific value. It will be important to make the data publicly available for scientific analysis.	While CEMVN agrees that the data collected could be of scientific value, there are currently no requirements for compensatory mitigation projects to make such data available to the public nor does CEMVN have any established mechanism to make this information publicly available. However CEMVN would not limit the public release of monitoring data if the NFS (CPRA) would like to make this information available through one of their venues.
			Need clarity on the Soil Surface Elevation Change success criterion. "Attain an additional 5.0 mm/yr increase in wetland soil surface elevation rates"? Is this increment expected to be compounded per year, 5 mm/year the first year, 10 mm/yr the second year, etc. The criterion needs to be edited to clarify that the intent is a sustained average increase 5 mm/yr across the intermediate and long-term monitoring periods. Additionally, the criterion implies an increase above another, baseline increase, but that baseline is not specified.	Concur. The plan has been updated to clarify that the intent is a sustained average net increase of 5mm/yr throughout the intermediate and long-term monitoring periods compared to a baseline (pre-diversion operation) conditions.
			There is no single reliable way to collect cores for bulk density analysis across the range of soils that will be encountered in the Maurepas Swamp. Soils are semi-fluid and variably occupied by roots. The plan should recognize that push cores are not likely to be successful for collecting reliable data from many of the locations without significant compaction.	Field reconnaissance in the swamp displayed promising results for the use of the push core method in the subset of the sites visited, but alternative options are also being explored for bulk density analysis in sites where that method isn't feasible.
			The 0.8 ppt criterion suggested by the TAG was for porewater, not open water salinity. The two can differ significantly and the standard must be developed appropriately for open water, if that is what will be monitored.	The 0.8 ppt criterion for surface water salinity was established separately based on previous data for surface water salinity in the mitigation site, salinity of the Mississippi River, and requirements for baldcypress/water tupelo health. Since porewater salinity is not a success metric, it does not have an associated success criterion.
			While diversions may be novel in the COE wetland mitigation program, they are becoming common in restoration overall. Suggest revising the text (Section II) to focus the novelty on using a diversion for swamp mitigation.	Suggested change has been made

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
5/31/2022	I - Natural Resource Professionals (on behalf of Spanish Lake Restoration)	Email ltr SEE LTR for FULL COMMENT	The MSP is not currently a suitable compensatory mitigation project because its projected benefits are based on limited existing site data and appropriate reference projects and does not meet the level of certainty required of the commercial mitigation banking industry and current mitigation regulations. This limited data required working groups to employ several generalized assumptions for calculating the net ecological benefits of the project. As such, it is likely that the estimation of project benefits does not meet professional standards for statistical robustness and may result in greater than estimated risk for project failure and costs associated with implementing adaptive management measures.	The MVN acknowledges that the use of a hydrologic division for mitigation is a novel approach for compensatory mitigation to swamp habitats. However, all mitigation projects have risk and uncertainty. For instance, there is uncertainty related to the timing, quantity, and quality of benefits for mitigation banks over time. Therefore, credits are only released when the bank proves through surveys and reporting required success criteria have been met. Similarly, the Maurepas mitigation plan requires reporting to determine whether success criteria are met to ensure the compensatory mitigation requirement is being satisfied. The Habitat Evaluation Team (HET) that assessed for MSP impacts and swamp mitigation benefits by comparing existing long-term datasets from coastal swamp forests within Louisiana that receive Mississippi River water with existing long-term datasets from coastal swamp forests within the proposed benefit areas. The HET also utilized outputs from Delft 3-Demenisional Hydrologic and Hydraulic modeling and remote sensing data developed for peer-reviewed scientific journal articles. The HET predicted that implementation of MSA-2 would provide some added benefit beyond the estimated mitigation need for swamp habitats by implementation of the WSLP Project. The MSA-2 would provide approximately 1,033 AAHUs. The WSLP Project is projected to negatively impact approximately 947 AAHUs. If the MSP fails to fully mitigate the WSLP swamp impacts, adaptive management measures would be employed to ensure the mitigation requirement is fully satisfied.
			Spatial averaging of CRMS data ignores previously acknowledged variations in habitat quality, and introduces unacceptable statistical variation for trendline estimation	A remote sensing dataset that was included in peer-reviewed scientific journal articles was used to distinguish between habitat quality and different benefits were calculated for each habitat type.
			CRMS stations in the Atchafalaya basin differ in hydrologic regime and community composition from the expected with-project conditions they seek to represent	The Atchafalaya Basin is the nearest basin with coastal swamps that regularly receive Mississippi River water. There were no existing growth rate data available in the Lake Pontchartrain Basin where Mississippi River water was influencing swamp so, the data from the nearest basin with those conditions was selected (Atchafalaya basin). Atchafalaya Basin growth rates for cypress and other species that occur within the MSP were used and growth rates for other species such as black willow were not. Below average growth rates from Atchafalaya Basin CRMS sites were applied to the FWP condition due to potential differences in site conditions between the two locations.
			The determination of secondary and tertiary benefits is based on an assumed relationship which itself is sensitive to the previously discussed assumptions.	Secondary and Tertiary benefits were assumed based on a reduction of benefits assumed for the Primary benefits area. This was based on water surface elevation and total nitrogen contours from Delft 3-D Hydrologic and Hydraulic modeling of the FWOP and FWP conditions. It was assumed that nitrogen concentrations and water surface elevations represented the effects of the diversion. This overall reduction based on an assumed decrease proportional to the effects of the diversion allows for consistent treatment of MSP effects on swamp habitats.
			How can CEMVN be ultimately responsible for project success, but rely on the State of Louisiana to provide financial assurances, especially when the State of Louisiana would not even be the sponsor of the MSP should it be selected as the Tentatively Selected Alternative (TSA)? • How can CEMVN guarantee that should issues arrive in the future, that the State of Louisiana will allocate the necessary funds towards the operation, maintenance, and management of the MSP in a manner that achieves no net loss for the WSLP project? • What measures are in place, in the event future state legislators/administrations do not allocate funds and/or prioritize the operation, maintenance, and management of the MSP, due to unforeseen circumstances? If, for example, MSP fails to provide no net loss for the WSLP, how can CEMVN guarantee that the State of Louisiana will provide the necessary funds, when CEMVN is ultimately responsible? This establishes a double standard as mitigation banks/private mitigation projects must have financial assurances in place prior to any credits being released, and in no way would the CEMVN allow credits to be approved/released if a mitigation Sponsor pointed to another entity to pay for remedial actions (or even normal maintenance/management) in their proposed mitigation plan.	CPRA is the non-federal sponsor for the West Shore Lake Pontchartrain Project. The project includes compensatory mitigation for impacts incurred by WSLP. CPRA's obligations are governed by the Project Partnership Agreement (PPA) for WSLP. Mitigation requirements and policies can be found in WRDA 1986, Section 906, as amended, and in ER 1105-2-100, Appendix C.
			The MSP as being proposed represents a compensatory mitigation project pursuing a separate and confusing approval process thereby creating an apparent double standard for the compensatory mitigation industry. The amount of information provided in the Draft SEIS would certainly not warrant approval of the MSP as a potential mitigation bank. • Many of the structural features, and the maintenance of such features, are ultimately under control by third-parties such as DOTD and Railroad Companies. In total, there are over 150 individual management items that need to be conducted on a regular basis in order to ensure appropriate flows into the Maurepas Swamp.; The ecological evaluation and information presented in the Draft SEIS does not provide sufficient statistical evidence that the MSP will be successful and lacks the necessary data to accurately determine baseline conditions or the true benefit of the project.	Please reference response to comment #77.
			• According to the May 12, 2022 WebEx, CEMVN has yet to initiate contact with any private landowner in the footprint of the MSP, including structures. CEMVN notes that construction of the MSP could require future takings. Therefore, it is unknown if MSP can be constructed as proposed.;	CPRA is responsible for the acquisition of Lands, Easements, Relocations, Right of Ways, and Disposal Sites (LERRDS) for the project.
			• Responsibility of the mitigation project lies with CEMVN and financial assurances are the responsibility of the State of Louisiana, with no guarantees of available funding to implement the necessary management of the individual features of the MSP (structural and mitigation area);	Please reference response to comment #81.
			• Long-Term Protection via a perpetual third-party conservation servitude is not proposed. Therefore, the mitigation area of the MSP would not be protected if an unforeseen project or circumstance were conducted by a private or public entity.	The mitigation area of the MSP would be situated on public land, already owned by the State of LA.
			The WSLP project is in violation of the 2008 Rule. Specifically, §332.3 (a)(1) states that "Compensatory mitigation requirements must be commensurate with the amount and type of impact" that is associated with a particular action, such as the WSLP. As stated in the Draft SEIS, the WSLP project is impacting two different habitat types: BLH and Swamp. For BLH, impacts would be as much as 4,877 acres of BLH Wet which equates to a mitigation need of approximately 293 AAHU's. For Swamp, the WSLP project would impact as much as 10,982 acres of CZ Swamp which equates to a mitigation need of approximately 947 AAHU's. When combined, this results in 15,859 acres and 1,240 AAHU's, which represents a significant or major impact in size, scope, and scale, and certainly corresponds with the magnitude of the WSLP project.	The 2008 Rule is specific to CWA Section 404 Regulatory (permitting) actions. However, USACE fully offsets habitat losses resulting from its projects with the same quantities and types of habitat to the extent possible. For WSLP, 114.6 AAHUs of BLH have been compensated through the purchase of bank credits. If MSP is not adopted as WSLP mitigation, then the remaining 178.4 AAHUs of BLH impacts [if any] and 947 AAHUs of CZ swamp impacts associated with construction of WSLP will be mitigated in accordance with the mitigation plan set forth in EA #576. If MSP is determined to be USACE WSLP mitigation, then an additional 214.2 AAHUs of BLH impacts would be compensated through implementation of the BLH mitigation plan as described in the SEA 576 and 1,032.9 AAHUs of CZ swamp impacts will be mitigated through implementation of the MSP as set forth in the FSEIS.
			WRDA 2016 states that "The mitigation effort associated with the use of the bank, in-lieu-fee or other third-party arrangement must be capable of being implemented in a timely fashion, i.e., prior to, or concurrent with, the occurrence of adverse impacts of the project."11 As described above, CEMVN has already impacted at least 234.5 acres of cypress swamp with no swamp mitigation plan even being selected, in addition to cypress mitigation bank credits not being secured. While BLH credits have been secured, these credit purchases are not commensurate with the type of habitat being impacted, which is required in the 2008 Rule. • Does CEMVN intend to set a new standard for major projects such as the WSLP (greater than 15,000 acres) that essentially allows impacts to occur to a declining yet significantly important habitat (coastal cypress swamp) prior to a mitigation plan being selected, much less finalized?	The 2008 Rule is specific to CWA Section 404 Regulatory (permitting) actions. WRDA 1986, Section 906, as amended (33 USC 2283) and ER 1105-2-100, Appendix C set forth mitigation requirements for USACE projects. Under relevant law and guidance mitigation is to occur before or concurrently with construction In this instance, BLH credits have been purchased to compensate for 114.6 AAHUs of WSLP impacts. Mitigation for additional BLH impacts and swamp impacts will occur in accordance with either the plans set forth in EA 576 or in the FSEIS. WSLP mitigation is being conducted concurrently with construction of WSLP.
			During the May 12, 2022 WebEx Meeting for the WSLP project, Gregg Fell of Natural Resource Professionals, LLC (NRP) asked a series of questions. Attached to this letter is the record of these questions as well as the corresponding response that was given by CEMVN during the meeting. By the submittal of the response document to CEMVN in regard to the Draft SEIS, NRP requests that CEMVN provide a formal response to each of the questions (1-26) attached.	Reference Appendix O for the Public Involvement Report which includes public meeting materials, questions asked and responses received.
			The MSP is a novel CPRA freshwater diversion project designed to improve the degrading Maurepas Swamp and to generate important long-term data for future similar projects. While important as a coastal restoration project, the MSP does not meet regulatory-designed standards for compensatory mitigation projects, under which measurable habitat benefits based on high-resolution data and adequate available financial assurances are required in order to be accredited as offsetting unavoidable adverse wetland impacts.	Please reference response to comment #77.

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
5/31/2022	NGO - Doug Daigle, Louisiana Hypoxia Working Group	Email Ltr	Section 4.1.11, "Water Quality, page 125, on "Future Conditions in the Maurepas Swamp", states that "TN and TP [i.e., Total Nitrogen, Total Phosphorus] concentrations would be expected to increase in the next 50 years from additional fertilizer runoff within the watershed." The second, under "Cumulative Impacts", page 126, states that "Increases in agricultural runoff upstream in the Mississippi River and tributaries would likely elevate the impact to nutrients in Blind River, but current data and trends indicate a low risk." In Appendix L, "Clean Water Act", "d. Contaminant Determinations," page 17, states that "Mississippi River water contains nutrients and pesticides primarily derived from agricultural runoff, as well as trace levels [of] other constituents from point and non-point sources. This low-level mixture of chemicals present in river water is a major reason for the annual formation of the Gulf of Mexico hypoxic zone and also can contribute to freshwater cyanobacterial blooms in estuary waters from freshwater diversions such as Caernarvon and Davis Pond." Louisiana Hypoxia Working Group – Draft SEIS WSLP-MSP – page 2. It is noticeable that the Draft SEIS never mentions the Gulf Hypoxia Action Plan, either in the Main Report, Appendix L, or reference sections for each, despite the fact that both the federal agency, the Corps of Engineers, and the state/Non-Federal Sponsor, the State of Louisiana, are signatories to the Action Plan, in addition to being members of the Gulf Hypoxia Task Force (Lower Mississippi River/Gulf of Mexico Watershed Nutrient Task Force.) Both parties, along with other federal partner agencies (EPA, USDA, NOAA, USGS) and 11 other States along the Mississippi and Ohio Rivers, have committed to helping to reach the goals of the Action Plan, the primary ones being: 1) An Interim Target of achieving a 2% reduction in Nitrogen (N) and Phosphorus (P) loading to the Gulf of Mexico from the Mississippi-Atchafalaya River Basin by the year 2025; 2) A final, Coastal Goal of achieving an average annual size of the Gulf Hypoxic Zone of 5000 square kilometers (1950 square miles) by the year 2035. (The latter averaged over a 5-year period). The sections quoted give no indication of the prospect that nutrient (TN, TP) loads in the Mississippi River could be reduced over the time periods discussed through implementation of the Action Plan, much less any acknowledgement of the commitment of the Federal and Non-Federal Sponsors to help do so.	Given the low flow of the proposed diversion, it is expected to operate only six months out of the year, and given the nutrient assimilation properties associated with the Maurepas Swamp, it is highly unlikely that the proposed diversion would significantly contribute to the seasonal hypoxic conditions in the Gulf of Mexico. Section 4.1.11 MSA-2 Indirect impacts were modified to explain the above. There would likely be consistent reductions in the concentration of nutrients between the outfall and Lake Maurepas due to: the design of the diversion, weirs, and embankment cuts; sufficient retention time; homogenous flow; and nutrient assimilation. Additionally, the following text was added to Section 4.1.11, "The above mechanisms of nutrient assimilation would help the Gulf Hypoxia Task Force to achieve its goals in the Gulf Hypoxia Action Plan." Both CPRA and CEMVN are signatories to this Action Plan.
			The emphasis on Blind River is somewhat confusing – while this small waterway that drains into Lake Maurepas (designated, as noted in the Draft SEIS, a Louisiana Scenic River) is currently separated from the Mississippi River by the MR&T levee system, it would apparently be subject to influence from nutrient loads carried from the river by the MSP diversion project. But it seems strange to emphasize that this influence would come from increases in agricultural runoff upstream in the Mississippi River Basin. At any rate, since both the Corps of Engineers and the State of Louisiana are members of the Hypoxia Task Force and signatories to the Action Plan, these are trends over which they have some degree of influence, in contrast to the passive tone adopted in the Draft SEIS.	Acknowledged. The sentence in question has been changed to, "Increases in agricultural runoff upstream in the Blind River watershed would likely elevate the impact to nutrients in Blind River, but current data and trends indicate a low risk."
5/31/2022	Marylee Orr, Louisiana Environmental Action Network/Lower Mississippi Riverkeeper; Matt Tricio, President RESTORE	Email Ltr	The new Draft SEIS describes a complicated and unusual process by which the CEMVN arrived at its decision to recommend adoption of the MSP as compensatory mitigation for swamp habitat impacts from construction of the WSLP. This has included the announcement of Federally Approved mitigation plan (referred to as the "BBA/No Action Alternative") in the Environmental Assessment (EA) #576, with a Finding of No Significant Impact (FONSI) signed on April 13, 2020; the announcement of a Draft SEIS Notice of Intent (NOI) on August 17, 2021; the release of the Draft SEIS on March 18, 2022; the withdrawal of the Draft SEIS from public review on April 1, 2022; and the re-release of the Draft SEIS for public comment on April 15, 2022. There has also been a lack of clarity in statements by the CEMVN about this process to the public and media, which have added to difficulty for stakeholders in understanding it. (See media articles referenced in Appendix).	Comment noted. CEMVN has followed the NEPA process as required by law. The MSA alternatives have been developed in coordination with a large, diverse group of state and Federal agencies. Additionally, the pubic has been engaged to obtain and consider their input on the project during the scoping and the public review periods. The PDT has explained in detail in sections 1, 2, and 9 (and the appendices referenced within these sections) of the SEIS how the Maurepas Swamp Project (MSP) was first brought to CEMVN's attention as a potential mitigation project by the CPRAB, how the MSP was evaluated to determine its viability as a mitigation alternative, how the MSP was revised as a project to align with federal mitigation laws and policies, and ultimately how the CRPAB came to identify the MSA-2 as their preferred alternative to compensate for WSLP project impacts.
			The SEIS states that "based on changes as of February 2022, the WSLP project would impact as much as 10,892 acres of swamp and 4,877 acres of wetlands BLH-Wet [bottomland hardwood] in the Louisiana Coastal Zone (p. 2), and notes that compensatory mitigation is required under the Water Resources Development Act (WRDA) of 1986, Section 906, along with Clean Water Act Section 404(b)(1) Guidelines, and to be consistent with other federal laws, guidelines and agreements. Central among these is 33 U.S. Code § 2283, cited on p. 12 of the Draft SEIS. 33 USC §2283 (d)(3)(A) states "To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies with, at a minimum, the mitigation standards and policies established pursuant to the regulatory programs administered by the Secretary." A core mitigation standard and policy referenced is the requirement for mitigation activities to be undertaken prior to or concurrent with project impacts. 33 U.S. Code § 2283 further states: "(a) Steps to be taken prior to or concurrently with construction (1) In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after November 17, 1986, construction of which has not commenced as of November 17, 1986, and which necessitates the mitigation of fish and wildlife losses, including the acquisition of lands or interests in lands to mitigate losses to fish and wildlife, as a result of such project, such mitigation, including acquisition of the lands or interests— (A) shall be undertaken or acquired before any construction of the project (other than such acquisition) commences, or (B) shall be undertaken or acquired concurrently with lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses), whichever the Secretary determines is appropriate, except that any physical construction required for the purposes of mitigation may be undertaken concurrently with the physical construction of such project." (https://uscode.house.gov/view.xhtml?req=granuleid:USC-2000-title33-section2283&num=0&edition=2000) . A recent reaffirmation of this requirement comes from the March 2019 Implementation Guidance issued by the USACE for the 2016 Water Resources Development Act (WRDA): "8. For the purposes of this guidance, the phrase "to the maximum extent practicable" means that programmatic environmental plans and programmatic mitigation plans should be used wherever practicable to meet the mitigation needs of a project, subject to the following criteria… e. The programmatic plans and increments thereof must be capable of being implemented in a timely fashion, i.e., prior to or concurrent with the adverse construction impacts as defined in C-3(e)(9) of ER 1105-2-100." (p.4-5) (https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda2016/wrda2016_impguide/) The USACE Planning Guidance Notebook of April 22, 2000 (ER 1105-2-100) also contained this stipulation: "(9) Timing of Implementation. For all water resources development projects, on which construction has not commenced as of 17 November 1986, authorized ecological resource mitigation features, including the acquisition of lands or interest in lands to mitigate losses to ecological resources, shall be undertaken or acquired either: (a) Before any construction of the project (other than such mitigation land acquisition) commences; or (b) Concurrently with the acquisition of lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses); whichever the Secretary, determines is appropriate except that any physical construction required for the purpose of mitigation may be undertaken concurrently with the physical construction of such project… (c) Mitigation measures will generally be scheduled for accomplishment concurrently with other project features in the most efficient way. Circumstances warranting the accomplishment of mitigation as the first or last elements of project construction will require prior approval by HQUSACE." (p. 108). https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/er_1105-2-100.pdf) The Draft SEIS also cites 33 US Code § 2283 on p. 11 of Section 1: "In accordance with 33 US Code § 2283 (a) the alternatives must be undertaken (at the latest) concurrent with the authorized parent project that incurred the impacts."	Please reference response to comment #87.
			Questions about adherence to the prior/concurrent mitigation requirements have arisen due to clearing of extensive areas of cypress-tupelo forest for the WSLP project, which began in May of 2019 (there are some indications that clearing began earlier), and have continued since then, apparently without a mitigation plan in place. The Draft SEIS referenced this work in a question and answer exchange in the "Chat" section of their presentation for the public meeting the SEIS on May 11, 2022. Pictures and video of this activity have also been included in CEMVN public presentations and media articles over the past three years. (See Appendix).	The no-action alternative in the Maurepas EIS points to the already approved mitigation plan for WSLP in EA 576. Over 200 BLH-Wet mitigation bank credits have already been purchased as part of that plan.
			Vegetative clearing already completed was referenced in a February 26, 2020 CEMVN presentation, while (as noted) the Finding of No Significant Impact (FONSI) was signed on April 13, 2020. The status of the mitigation component for Coastal Zone swamp areas currently being impacted is also unclear, since the swamp component of the "Tentatively Selected Alternative" in EA#576, which consisted of a combination of mitigation banks and construction projects, no longer pertains, as it would be replaced by the MSP (Alternative MSA-2).	114.6 AAHUs of WSLP BLH impacts have been mitigated through the purchase of 201.1 BLH bank credits. Implementation of compensatory mitigation for WSLP CZ swamp impacts has not begun. No decision has been made on whether the USACE will move forward with MSP to mitigate WSLP swamp impacts rather than the already approved swamp features of the mitigation plan in EA 576.
			A number of questions also arise in regard to how the prior/concurrent mitigation requirement would be met if the MSP/MSP-2 project were adopted as compensatory mitigation for swamp impacts from construction of the WSLP. The Draft SEIS lists among the planning goals and objectives being used to evaluate the MSP as a mitigation alternative the need to determine if MSP can be implemented as a project feature of the WSLP, "to be constructed concurrent with other elements of the project causing impacts." (p. 10)	CEMVN intends to mitigate concurrent with project construction as required by 33 USC 2283.
			The Project Delivery Team (PDT) in turn was tasked with evaluating whether the "conversion" of the MSP from an ecosystem restoration project into a mitigation project was viable (p. 10), and concluded that the MSP could "potentially produce sufficient credits and was a viable alternative that could be considered to compensate for the loss of swamp habitat from WSLP." (p. 12) Later, in Section 5 (MSA-2 Mitigation), the Draft SEIS states that "swamp impacts from both WSLP and MSA-2 would be mitigated through construction and operation of MSA-2…" (p. 143), raising the question of how construction would serve as mitigation for itself as well as another project.	CEMVN, in coordination with the resource agencies, has determined that the proposed MSA-2 alternative could produce sufficient credits to mitigate swamp impacts from both WSLP and MSA-2.

Date	GA; NGO; Individual; Stakeholder	Mode of Comment	Comment	Response
			Another unusual component of the Draft SEIS is found in the section on Water Quality, much of which focuses on impacts from operation of the MSP/MSA-2 rather than impacts from the WSLP which the diversion project is being proposed to mitigate. These sections seem aimed at alleviating concerns about the potential for impacts from high nutrient loads from operation of the diversion, such as harmful algal blooms and cyanobacteria incidents, and the wording is unclear in several instances. Given this emphasis, the sections deserve scrutiny, not least because they provide a mixed message: "Indirect impacts during operations would also occur in the same area as direct impacts and may extend beyond the areas direct impacted by a proposed alternative…" (p. 126). "During operations, direct impacts would occur to water quality in the southern part [emphasis added] of Lake Maurepas from the outflow from the Mississippi River…" (p. 125). "The TSA [Tentatively Selected Alternative, i.e., MSA-2] would likely route future commercial agricultural fertilizer, pesticides, and other constituents in river into Maurepas Swamp and adjacent waterbodies, but nutrient loading and assimilation in existing swamp vegetation would result in a minimal impact. Such conditions that result in algal blooms would likely continue to occur in the northern planning area [emphasis added] around northern Lake Maurepas and Lake Pontchartrain…" (p. 126)	Acknowledged. The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), prepared a Supplemental Environmental Impact Statement (SEIS) to evaluate, at the request of the Non-federal sponsor (NFS), an alternative project to compensate for unavoidable impacts to swamp habitat associated with the construction of the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project (hereafter WSLP project). In particular, the NFS requested that an ecological restoration project that shares construction features with the WSLP project be considered as a mitigation alternative for impacts to swamp habitat associated with the construction of the WSLP project. The focus of this SEIS is how the MSP was evaluated and converted into Maurepas Swamp Alternative-2, which was selected as the Tentatively Selected Alternative (TSA). This SEIS describes the direct, indirect, and cumulative environmental consequences of the BBA Alternative and the MSA-2 Alternative. The 2014 WSLP Environmental Impact Statement (EIS) focuses on impacts from the levee construction.
			The Draft SEIS also asserts that "the process of assimilation and nutrient loading would reduce potential impacts from the diversion canal outflow while any additional releases of runoff (e.g. wastewater treatment facilities and agriculture) in the vicinity of the TSA could elevate nutrient levels," (p. 126), while not addressing the questions of how the volume of inputs from these other sources would compare with flow from the diversion and to what degree they could elevate nutrient levels to a detectable level compared with that flow.	Section 4.1.11 MSA-2 indirect impacts states, "water quality impacts from the MSA-2 would be offset by the process of assimilation and nutrient loading." Later in the section it is acknowledged that there may be other sources and releases of runoff in the vicinity of TSA. Please see the monitoring plan in appendix H for details on WQ (i.e., nutrient) monitoring. The WQ section in the monitoring plan discusses establishing baseline monitoring and subsequent mitigation monitoring for various success criteria. At the very least, baseline data would need to be collected before any comparative efforts to neighboring water bodies were initiated.
			Appendix L, "Water Quality", provides a more nuanced view of the issue: "Measuring and monitoring various water quality parameters would inform whether inputs from the Mississippi River are impacting water quality in the area… These parameters would help understand [sic] the impacts of nutrient loading from the diversion and other sources… on phytoplankton community, nutrient removal by wetlands, and the distribution of Mississippi River water vs. water from other sources in the receiving area." (p. 13)	Please see the monitoring plan in appendix H for details on WQ (i.e., nutrient) monitoring. The WQ section in the monitoring plan discusses establishing baseline monitoring and subsequent mitigation monitoring for various success criteria. At the very least, baseline data would need to be collected before any comparative efforts to neighboring water bodies were initiated.
			In the main body of the Draft SEIS, a number of assertions are made to the effect that "water quality impacts from the MSA-2 would be offset by the process of assimilation and nutrient loading…", and "Nitrates in Mississippi River runoff from the MSA-2 would likely [emphasis added] be removed via denitrification in the water column or uptake in wetland plants." (p. 126). These assertions, along with the description of "Wetlands in coastal Louisiana" serving as "assimilation wetlands" are broad, and no reference is made to specific examples or projects.	Scientific support for the said processes is provided in various sections of the SEIS (e.g. hydrology, wetlands, water quality, etc.). References include but are not limited to :Effler et al., 2006; Day Jr. et al. 2019; Hunter et al. 2009; Shaffer et al. 2001, 2003, 2009, and 2016. These peer reviewed articles discuss the negative effects of the swamp's separation from nutrient and sediment inputs (from the Mississippi River) in addition to the positive effects the diversion (i.e., the reconnection) would have on Maurepas Swamp.
			Specific projects include the Hammond Wetlands Wastewater Assimilation Project, which has been the subject of extended debate , and the St. Bernard Parish River Bend Oxidation Project located in Violet. The latter project submitted a Louisiana Pollutant Discharge Elimination System (LPDES) permit request (AI19244) in December 2021 to end its wetland assimilation operation and shift to discharge into the Mississippi River. Concerns have also been raised about the risk for harmful algal blooms in the Davis Pond Diversion receiving basin. The record shows that "assimilation wetland" projects can differ substantially depending on their location, as well as their particular facility, operation, and scale.	Noted
			Appendix L also raises issues from the wider watershed and the broader coastal restoration program not addressed in the main body of the Draft SEIS: "The hydromodification resulting from the project could at times provide significant inflows of Mississippi River water into the upper estuary. Mississippi River water contains nutrients and pesticides primarily derived from agricultural runoff, as well as trace levels other constituents from point and non-point sources. This low-level mixture of chemicals present in river water is a major reason for the annual formation of the Gulf of Mexico hypoxic zone and also can contribute to freshwater cyanobacterial blooms in estuary waters from freshwater diversions such as Caernarvon and Davis Pond." (p. 17) No reference is made to the national effort to reduce the Gulf Hypoxic Zone, and by extension reduce the risk of negative water quality impacts from coastal diversion projects.	Given the low flow of the proposed diversion, it is expected to operate only six months out of the year, and given the nutrient assimilation properties associated with the Maurepas Swamp, it is highly unlikely that the proposed diversion would significantly contribute to the seasonal hypoxic conditions in the Gulf of Mexico. Section 4.1.11 MSA-2 Indirect impacts were modified to explain the above. There would likely be consistent reductions in the concentration of nutrients between the outfall and Lake Maurepas due to: the design of the diversion, weirs, and embankment cuts; sufficient retention time; homogenous flow; and nutrient assimilation. Additionally, the following text was added to Section 4.1.11, "The above mechanisms of nutrient assimilation would help the Gulf Hypoxia Task Force to achieve its goals in the Gulf Hypoxia Action Plan." Both CPRA and CEMVN are signatories to this Action Plan.
			Finally, Appendix L includes another mixed message that runs through the Draft SEIS: "Alternatives to the proposed project are presented in the [SEIS] to [WSLP]. Based on the SEIS impact assessment, the BBA Alternative is the least environmentally damaging preferred alternative. However, the MSA-2 alternative was selected as the tentatively selective [sic] alternative." (p. 25)	Section 2.7.1 (Selection Rationale) was modified to better explain the selection process as well as the NFS's reasoning for selecting MSA-2.
6/1/2022	GA - Craig Gothreaux, NOAA,SE Region, Habitat Conservation Division	Email	The NMFS Habitat Conservation Division has reviewed the Draft Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, and does not object to the issuance of permits for this project.	Noted

Agency Response Letters

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

REPLY TO
ATTENTION OF:

October 24, 2022

Ms. Richardi
Coastal Protection and Restoration
Authority
CERM Bldg. Ste. 309
2045 Lakeshore Drive
New Orleans, LA 70122

Dear Ms. Richardi:

A Draft Supplemental Environmental Impact Statement to the "2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study" was prepared by the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), and it was provided to your office for review and comment. An electronic copy of the document was made available at: https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

On May 25, 2022, your email was received, and the comments within are addressed below.

Comment: CPRA suggests the following revision: "Current proposed monitoring sites were selected following an aerial flyover of the MSA-2 location, on-site reconnaissance and field data collection at a subset of the proposed sites, and consultation with experienced practitioners that have conducted research in the swamp. Final site locations may need to be adjusted after further site evaluations."

Response: The plan was updated to address this comment.

Comment: CPRA requests clarification of this sentence due to the following statement "…but includes deviations from the CRMS protocols to ensure the data collected can determine whether success criteria have been achieved." Which CRMS protocols are the USACE referring to that would prohibit a determination of whether success criteria have been achieved? If the USACE cannot provide justification for this comment, please revise the sentence appropriately.

Response: The plan has been updated to clarify that changes were made to increase efficiency in the field.

Comment: CPRA recommends that vegetation monitoring at established CRMS sites in the mitigation project area continues to follow CRMS station design. If this is the intent by the USACE, please add a statement to the monitoring plan indicating that CRMS station design will be retained at all established CRMS sites.

Response: Vegetation monitoring at CRMS sites for the CRMS program will continue to follow CRMS protocols. The plan has been updated accordingly.

Comment: Two years of baseline data collection for DO and nitrate are sufficient to assess baseline conditions and determine project success. The DO success criterion is not dependent on developing a baseline value and if we have a stochastic event, it would be beneficial, not harmful, to capture during our baseline data collection effort. Nitrate initial success is based on a baseline value, but previously-collected nitrate data in the Maurepas Swamp indicate nitrate will be very low, and it is not anticipated that concentrations will vary much throughout the year.

Response: We chose three years of baseline data to develop a more accurate baseline record for the 43 MSA-2 project specific sites, many of which do not have previously recorded DO or nitrate data. Three years of data also increases resiliency against episodic events or non-representative data years.

Comment: CPRA requests deletion of this sentence, as it does not relate to the success criteria for intermediate and long-term monitoring. If concerns arise after the initial success monitoring period related to changes in sediment delivery and retention in the tertiary benefit area, temporary monitoring could be implemented as part of adaptive management. As currently written, the USACE implies a potential extended continuation of this monitoring beyond initial success. However, the intent of this monitoring after attainment of initial success should be to conduct targeted samplings to investigate whether changes in the project area may be having a negative impact on attainment of mitigation monitoring success.

Response: Concur. The plan has been updated to reflect that sediment delivery and retention in the tertiary benefit area may continue after initial success to inform adaptive management.

Comment: Two years of baseline data collection for surface water salinity at the new stations are sufficient to assess baseline conditions. Data from 4 existing CRMS continuous recorders in the mitigation project area show that over that last 10 years there has been little variation in salinity between locations and over time. Additionally, a baseline value is not required for project assessment. The only requirement is to maintain salinity ≤ 0.8 ppt at ≥ 75% of monitoring sites during diversion operations.

Response: We chose three years of baseline data to develop a more accurate baseline record for the 43 MSA-2 project specific sites, many of which do not have previously recorded salinity. Three years of data also increases resiliency against episodic events or non-representative data years.

Comment: The TAG report Performance Measures for a Mississippi River Reintroduction Into the Forested Wetlands of Maurepas Swamp (Krauss et al. 2017, https://doi.org/10.3133/sir20175036) outlined a strategy for assessment of the State's Maurepas project. The USACE mitigation Monitoring Plan draws heavily

from this report, yet it is not cited in the Monitoring Plan. CPRA recommends including information in the Introduction explaining and crediting the work of the TAG and how it influenced the development of the success criteria for this mitigation project. The TAG report must be included in References.

Response: We appreciate this comment and sincerely apologize for this oversight. While each success criterion for the project was separately researched and verified by the USACE, we often came to similar conclusions as those in the TAG report. Additionally, due to the close collaboration with the TAG during the development of the criteria, there is certainly overlap between the two documents. The monitoring plan will be updated to include the significance of the collaboration between the USACE and TAG, including the influence of the TAG's report. It has also been included in the references.

Comment: The map of proposed monitoring locations includes a monitoring site on private land, on the eastern boundary between the primary and secondary benefit areas. This site needs to be removed.

Response: This site has been relocated and is now on public land.

Comment: The USACE needs to clarify the monitoring timeline for all success criteria after initial success is attained. If the USACE attains initial success in year 6, does the frequency of monitoring adjust to the intermediate monitoring schedule, or does the USACE intend the CPRA to continue monitoring through year 10 at the frequency indicated in each success criteria table?

Response: Language has been added to the plan to clarify that if initial success is attained in year 6, then monitoring frequency would convert to the intermediate monitoring schedule (every 3 years) and then the long-term monitoring schedule (every 6 years).

Comment: Information regarding data management, assessment and reporting should be in the Monitoring Plan. Suggest copying Sections 3.2, 3.3. and 3.4, 3.4.1 from the Adaptive Management Plan and adding to the Monitoring Plan.

Response: Information regarding data management, assessment, and report consistent with Sections 3.2, 3.3, 3.4, and 3.4.1 were added to the Monitoring Plan.

Comment: Estimated costs for monitoring need to be provided as part of the SEIS.

Response: Concur. Monitoring costs have been included in the monitoring plan.

Comment: The following comment is made for each success criterion under E. Mitigation Monitoring and Frequency: "The number of XX monitoring stations and frequency of monitoring could be decreased in later years of operation. The decision…" Suggest deleting this bullet from each success criteria since it is repetitive. The ability to modify the monitoring intensity and frequency is already noted Under II. 3) Control and Supportive Monitoring, paragraph 2, sentence 4. Suggest revising that text as follows: "Monitoring sites may be added, moved (e.g., if sites or measurements become inaccessible), or eliminated; sampling frequency may be adjusted; or measurements may be added or eliminated if supported by the available data. At a minimum, the appropriateness of the monitoring intensity will be

assessed after the review of each monitoring report. The decision to decrease the number of monitoring stations and/or the frequency of monitoring would be based on the 1) number of monitoring stations that meet the success criteria, and 2) distribution of those stations meeting the success criteria within the different forest cover types and benefit areas. The spatial distribution and similarity of monitoring stations will also be considered if decreasing the sampling intensity. Any significant modifications to the monitoring plan or the monitoring schedule must first be approved by the USACE in coordination with the Interagency Environmental Team (IET) and supported by monitoring data." Note: this information does not belong under Control and Supportive Monitoring. It could be placed under Mitigation Site Monitoring.

Response: This comment is noted, and the plan has been updated.

Sincererly,

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Eric M. Williams
Chief, Environmental Planning Branch

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

REPLY TO
ATTENTION OF:

October 24, 2022

Mr. Robert Houston
EPA, Region 6 - Off. of
Communities Tribes & Environ/
Mail Code ORACN
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Dear Mr. Houston:

A Draft Supplemental Environmental Impact Statement to the "2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study" was prepared by the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), and it was provided to your office for review and comment. An electronic copy of the document was made available at: https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

On May 26, 2022, your letter was received, and the comments within are addressed below.

Comment: EPA recommends mitigation measures adequately address adverse impacts of the proposed action reasonably foreseeable for human health and environment, as applicable, which should be included in the Record of Decision.

Response: Assessments of all Project impacts (positive and negative) by resource type are included in Chapter 4 of the DSEIS. These assessments were not limited to mitigation benefit area boundaries. Furthermore, if approved as mitigation for the WSLP project, construction of MSA-2 would be a USACE constructed alternative and all implementation documents will be reviewed to verify that features integrated into the MR&T system are being designed, constructed, and maintained to MR&T Standards and would follow all required engineering regulations and guidelines. Additionally, a new subsection was added to section 5 that details "measures to avoid and lessen impacts". Finally, the Record of Decision will include a section that provides a summary of potential effects.

Comment: The Draft Supplemental EIS states that no environmental chemistry data has been collected to make contaminant determinations for project area sediments. It further states that if excavated material has any significant contamination, its' relocation may alter the rate of release of contaminants into the aquatic environment, beneficially or detrimentally. Due to the industrialized nature of the

area, sampling and chemical constituent characterization of excavated soil and sediment using appropriate testing methodologies is recommended prior to placement. If soil or sediment contaminants exceed regulatory levels, the USACE should take appropriate action(s) to ensure there is not a release into ground or surface waters, in the proposed project area, or other areas.

Response: Concur, the USACE has protocols in place to detect and avoid HTRW sites during each major planning phase of the project. Most of the fill material used throughout the project would be imported from a USACE approved borrow pit. Any excavated material not suitable for project construction would be removed from the site and appropriately discarded in a government approved disposal site. This would likely be the case for most of the material excavated from the project site. Excavated material suitable for construction could be left on the site. Such material would be worked to obtain the proper moisture content, and could be mixed with imported material, to meet the USACE requirements for levee construction. The excavated material worked and/or mixed with imported material to the required technical specifications could be used for levee construction according to the final designs and specifications. The SEIS discusses dredging and excavation activities and HTRW detection and avoidance in multiple locations. Furthermore, if the ROD is signed and the project moves toward construction additional HTRW detection and avoidance protocols would be included in design plans as well as construction solicitation documents.

Comment: The Draft Supplemental EIS does not clarify the type of construction activities located outside of stream or channel embankments, wetlands, swamps, or water resource areas, if any. If construction activities are expected or planned to occur on land, Clean Water Act (CWA) Section 402 permitting may be required via Louisiana Department of Environmental Quality's construction general permit or other Louisiana Pollutant Discharge Elimination System (LPDES) permit for earth-disturbance activities.

Response: The SEIS section 2.4.2 and Appendix F and L provide detailed information on the three main project features (i.e., conveyance channel, embankment features, and weirs) and all other construction activities associated with the project, including dredge and excavation work. Regarding construction activities occurring on land, if the ROD is signed and MSA-2 moves toward construction, Clean Water Act (CWA) Section 402 permitting would be secured if needed via Louisiana Department of Environmental Quality's construction general permit or a Louisiana Pollutant Discharge Elimination System (LPDES) permit for earth-disturbance activities. The construction general permit would be obtained prior to the award of the construction project.

Comment: The Draft Supplemental EIS should discuss whether the communities to the east of the diversion area are protected by the structural levee. The EPA recommends the USACE clarifies how converting the minority and low-income areas to swamp land does not cause disproportionately high and/or adverse impacts.

Response: Concur, language has been added to the DEIS, section 4.1.15, Environmental Justice under Maurepas Swamp Alternative – 2 (MSA-2: Public Land Only; Preferred Alternative) which is: The MSA-2 diversion footprint is just to the west of the WSLP structural alignment and there is no housing directly on either

side of the proposed diversion. The WSLP structural levee would provide protection to those communities to the east of the diversion and the structural levee.

Comment: Recommend the Draft Supplemental EIS clarify if the swamp mitigations in St. James Parish and St. John the Baptist Parish's Pine Island will serve as a swamp buffer for the Maurepas Swamp Project and other areas.

Response: The swamp mitigation projects in St James Parish and St Tammany's Pine Island are standalone projects proposed as swamp mitigation for impacts due to WSLP and would not be constructed if MSA-2 is constructed.

Comment: With segmented or phased approach of proposed or existing projects, the EPA recommends the USACE clarifies the disproportionately high and adverse human health or environmental effects the proposed project will have on the existing disadvantaged and overburden communities and minority and low-income populations.

Response: Revised language in Section 4.1.15 of the DEIS under Direct Impacts: There are no direct, adverse disproportionate impacts from construction of MSA-2 to low-income and minority communities (referred to as areas of EJ concern) since there is no housing directly adjacent to the proposed diversion. MSA-2 is located to the west of the WSLP storm damage risk reduction system (floodwall); the floodwall provides a buffer between the diversion and housing located east of the structural levee. The area of EJ concern is located just east of the WSLP structural alternative (currently under construction) is a majority minority community based upon 2019 U. S. Census Bureau data. The human environmental impacts of constructing the WSLP structural alternative were identified in the WSLP EIS. The WSLP structural alignment would provide an increased level of risk reduction to residents of all races and income levels within St. John the Baptist Parish. The MSA-2 footprint is just to the west of the WSLP structural alignment and there is no housing on either side of the proposed diversion. The WSLP structural levee would provide protection to those communities to the east of the proposed diversion and the structural levee. Added discussion of positive socio econ impacts to EJ: There would be temporary positive impacts on the socioeconomics of the area, including to those in areas of EJ concern. MSA-2 would temporarily increase employment and income during construction, leading to a boost in the local economy. The action alternative impacts 41.56 acres of developed land, much of this land is owned by the oil and gas industry. The action alternative is expected to have a negligible effect on housing. Of the 41.56 acres of developed land, only 1.12 acres are residential land. The residential land consists of a few empty lots in Mt. Airy and a few camps along the Hope Canal and Blind River. There is one camp along Hope Canal that would have to be acquired before construction begins.

Comment: The USACE should clarify the socioeconomic conditions that the specific proposed project has on minority and low-income populations in St. John the Baptist Parish's Pine Island and St. James Parish, including the conversion of farmland and other land areas.

Response: Noted: As stated in Section 4.1.15, No Action Alternative (BBA Alternative) of the DEIS: The CEMVN EJ team analyzed the BBA mitigation projects and determined that the type of construction activities taking place at the mitigation projects would not cause high, adverse impacts to any communities that are in the

vicinity of the action, nor would there be permanent high, adverse impacts to communities. Therefore, EJ is not considered a significant resource for this proposed mitigation action. Nonetheless, BMP would be used during construction of the mitigation sites that would avoid or minimize potential minor construction-related impacts (noise and minimal truck traffic) to communities. Finally, there are no communities within 1-mile of either of the proposed BBA Alternative sites (St. James and Pine Island). Added the following language to Sec 4.1.15 No Action: Additionally, there is a significant amount of farmland in St. James Parish and the conversion of farmland to wetlands (see section 4.1.1) would not cause high, adverse disproportionate impacts to areas of EJ concern. Finally, there are no public comments of concern or objection regarding the conversion of such a small amount of farmland.

Sincererly,

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Eric M. Williams
Chief, Environmental Planning Branch

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

REPLY TO
ATTENTION OF:

October 24, 2022

U.S. Department of the Interior
U.S. Fish and Wildlife Service
Office of the Secretary
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania
19106-2904

Dear Mr. Nelson:

A Draft Supplemental Environmental Impact Statement to the "2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study" was prepared by the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), and it was provided to your office for review and comment. An electronic copy of the document was made available at: https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

On May 26, 2022, your letter was received, and the comments within are addressed below.

Comment: Page xvii of the Executive Summary, Mitigation paragraph, second sentence – This sentence lists average annual habitat unit (AAHU) values associated with the MSA-2 mitigation alternative. Since the sentence does not state that these are impacts, it appears to list positive AAHUs generated by the project. Given that the sentence is referencing construction impacts only, the sentence should state that these are impacts and the listed AAHUs should be negative."

Response: The sentence was clarified to indicate "impacts".

Comment: At the end of this second sentence is a reference to a Table 1, but that table does not appear in the document. A Table 1.1 exists within Section 1 of the document, but it does not provide benefit/impact AAHU values."

Response: This was an incorrect holdover, the reference to Table 1 was removed.

Comment: Section 5, MSA-2 Mitigation – The paragraph and sentence referenced above regarding AAHUs is also found in the first paragraph of this Section. The same edits mentioned above are also needed here as well."

Response: The sentence was clarified to indicate "impacts". Table 5-1 was added to the sentence.

Sincererly,

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Eric M. Williams
Chief, Environmental Planning Branch

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

REPLY TO
ATTENTION OF:

October 24, 2022

Mr. Krauss
U.S. Geological Survey
Wetland and Aquatic Research
Center
700 Cajundome Blvd.,
Lafayette, Louisiana, 70506

Dear Mr. Krauss:

A Draft Supplemental Environmental Impact Statement to the "2014 Final Integrated Feasibility Report and Environmental Impact Statement for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study" was prepared by the U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), and it was provided to your office for review and comment. An electronic copy of the document was made available at:
https://www.mvn.usace.army.mil/Missions/Environmental/NEPA-Compliance-Documents/Bipartisan-Budget-Act-2018-BBA-18/West-Shore-Lake-Pontchartrain/

On May 31, 2022, your email was received, and the comments within are addressed below.

Comment: Some of the success criteria proposed in the MSA-2 Monitoring Plan (Appendix H) closely follow the Performance Criteria outlined in the Technical Advisory Group's (TAG) report Performance Measures for a Mississippi River Reintroduction into the Forested Wetlands of Maurepas Swamp (Krauss et al. 2017, https://doi.org/10.3133/sir20175036). The influence of this report on the development of the MSA-2 monitoring plan, and specifically on the development of the success criteria, should be acknowledged. Furthermore, the TAG report needs to be included under References.

Response: We appreciate this comment and sincerely apologize for this oversight. While each success criterion for the project was separately researched and verified by the USACE, we often came to similar conclusions as those in the TAG report. Additionally, due to the close collaboration with the TAG during the development of the criteria, there is certainly overlap between the two documents. The monitoring plan will be updated to include the significance of the collaboration between the USACE and TAG, including the influence of the TAG's report. The TAG's report will also be included in the references.

Comment: The number of monitoring sites is high, and there are likely practical concerns that will make this monitoring network unwieldy. Repeated access to plots by airboat will alter some of them hydrologically through the disturbance of sediments. Walking through the swamp to access sites is possible, but even experienced crews will have a difficult time accessing sites that are located greater distances from channels. A strategic effort to select additional existing monitoring sites, besides just the CRMS sites, and reduce the number of plots would allow for a more reasonable field effort.

Response: The number of sites in this monitoring plan is substantially lower than what USACE regulatory typically requires for cypress swamp mitigation banks (1 for every 20 acres as opposed to 1 for approximately every 200 acres as is proposed in this plan). Teams are currently performing reconnaissance efforts to assess accessibility to proposed monitoring stations and adjustments in station location would be made if necessary. MVN must demonstrate success across the ~9,000-acre mitigation benefit area. This is done through monitoring which is designed to evaluate performance of the entire mitigation area. Therefore, all monitoring stations cannot be directly adjacent to waterways, spoil banks, and/or easy to access areas.

Impacts to soils and substrate through repeated access will be minimized where possible and many of the sites will be visited infrequently (i.e. annually at most).

Comment:
The current wording of the Enhance Forest Integrity Intermediate and Long-Term success criteria could lead to misinterpretation. For the Primary and Secondary Benefit areas, a “1.9x increase” is too large to expect, but “1.9x” is more reasonable and likely what is intended. For example, if the rate was 10, 1.9x is 19, but an increase of 1.9x is 29. It is more reasonable to expect a rate of 19.

Suggest revising the success criterion as follows:

“Demonstrate that the mean BAI (m2/ha/yr) growth rate after the start of diversion operations is between 1.9-2.55x the baseline growth rate at ≥ 75% of monitoring sites in the mitigation benefit area.” The wording for the Tertiary Benefit Area success criterion should also be revised accordingly.

Response: Concur. The language has been updated to clarify the intended increase for the 'enhance forest integrity' intermediate and long-term success criteria.

Comment:
The current wording of the Nitrate Initial Success Criterion could lead to misinterpretation. By “a 2x increase”, is the intent a doubling or tripling of the concentration?

Suggest revising the success criterion wording as follows:

“Demonstrate that the surface water nitrate concentration during diversion operations is 2x the baseline nitrate concentration at ≥ 75% of monitoring sites in the mitigation benefit area.”.

Response: Concur. The language has been updated to clarify the intended increase for the nitrate initial success criterion.

Comment: The monitoring plan presented here is a major undertaking that will generate data of great scientific value. It will be important to make the data publicly available for scientific analysis.

Response: While CEMVN agrees that the data collected could be of scientific value, there are currently no requirements for compensatory mitigation projects to make such data available to the public nor does CEMVN have any established mechanism to make this information publicly available. However CEMVN would not limit the public release of monitoring data if the NFS (CPRA) would like to make this information available through one of their venues.

Comment: Need clarity on the Soil Surface Elevation Change success criterion. “Attain an additional 5.0 mm/yr increase in wetland soil surface elevation rates”? Is this increment expected to be compounded per year, 5 mm/year the first year, 10 mm/yr the second year, etc. The criterion needs to be edited to clarify that the intent is a sustained average increase 5 mm/yr across the intermediate and long-term monitoring periods. Additionally, the criterion implies an increase above another, baseline increase, but that baseline is not specified.

Response: Concur. The plan has been updated to clarify that the intent is a sustained average net increase of 5mm/yr throughout the intermediate and long-term monitoring periods compared to a baseline (pre-diversion operation) conditions.

Comment: There is no single reliable way to collect cores for bulk density analysis across the range of soils that will be encountered in the Maurepas Swamp. Soils are semi-fluid and variably occupied by roots. The plan should recognize that push cores are not likely to be successful for collecting reliable data from many of the locations without significant compaction.

Response: Field reconnaissance in the swamp displayed promising results for the use of the push core method in the subset of the sites visited, but alternative options are also being explored for bulk density analysis in sites where that method isn't feasible.

Comment: The 0.8 ppt criterion suggested by the TAG was for porewater, not open water salinity. The two can differ significantly and the standard must be developed appropriately for open water, if that is what will be monitored.

Response: The 0.8 ppt criterion for surface water salinity was established separately based on previous data for surface water salinity in the mitigation site, salinity of the Mississippi River, and requirements for baldcypress/water tupelo health. Since porewater salinity is not a success metric, it does not have an associated success criterion.

Comment: While diversions may be novel in the COE wetland mitigation program, they are becoming common in restoration overall. Suggest revising the text (Section II) to focus the novelty on using a diversion for swamp mitigation.

Response: Suggested change has been made.

Sincererly,

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Eric M. Williams
Chief, Environmental Planning Branch