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

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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®

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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.

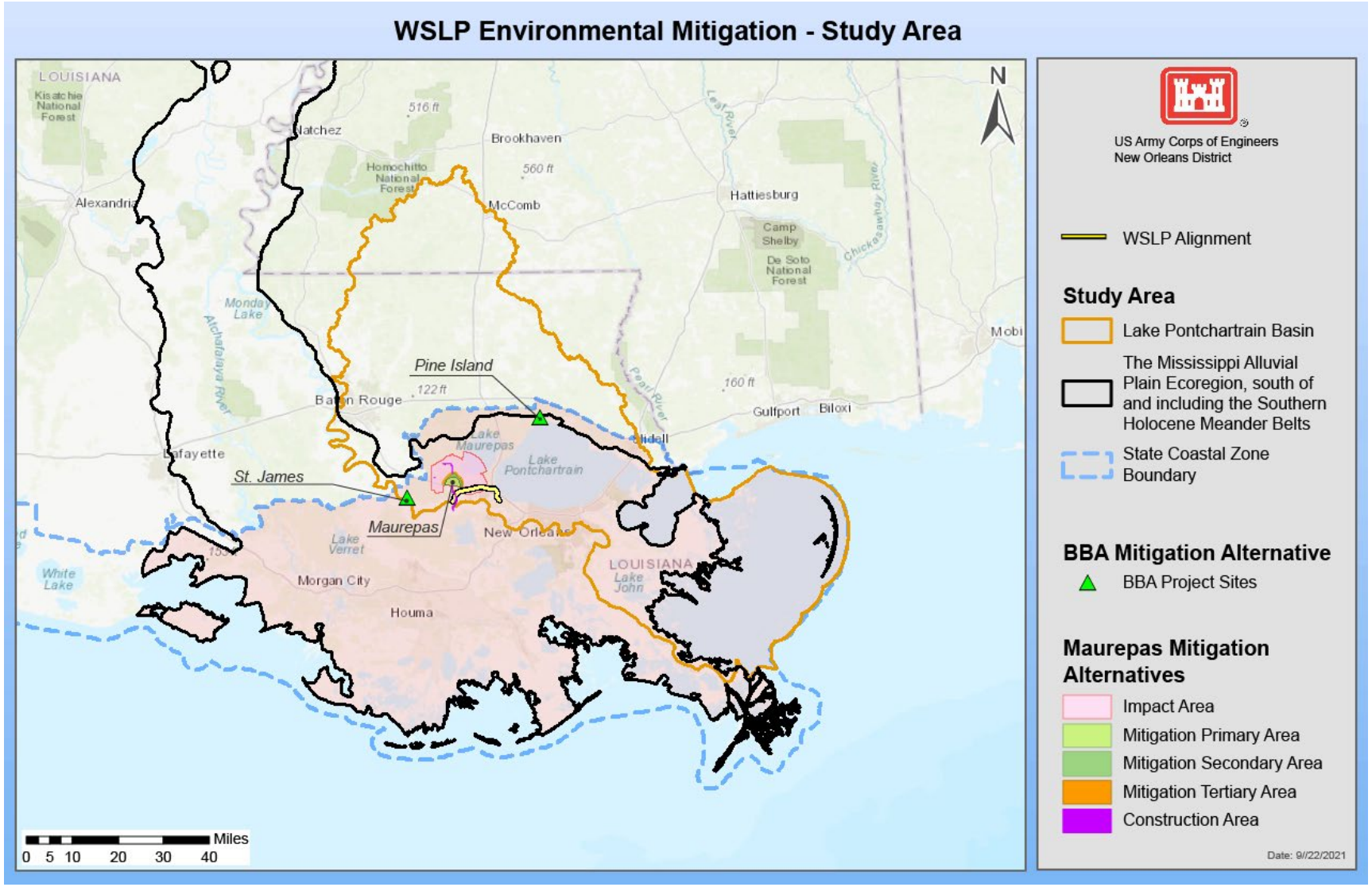
STUDY AUTHORITY

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).

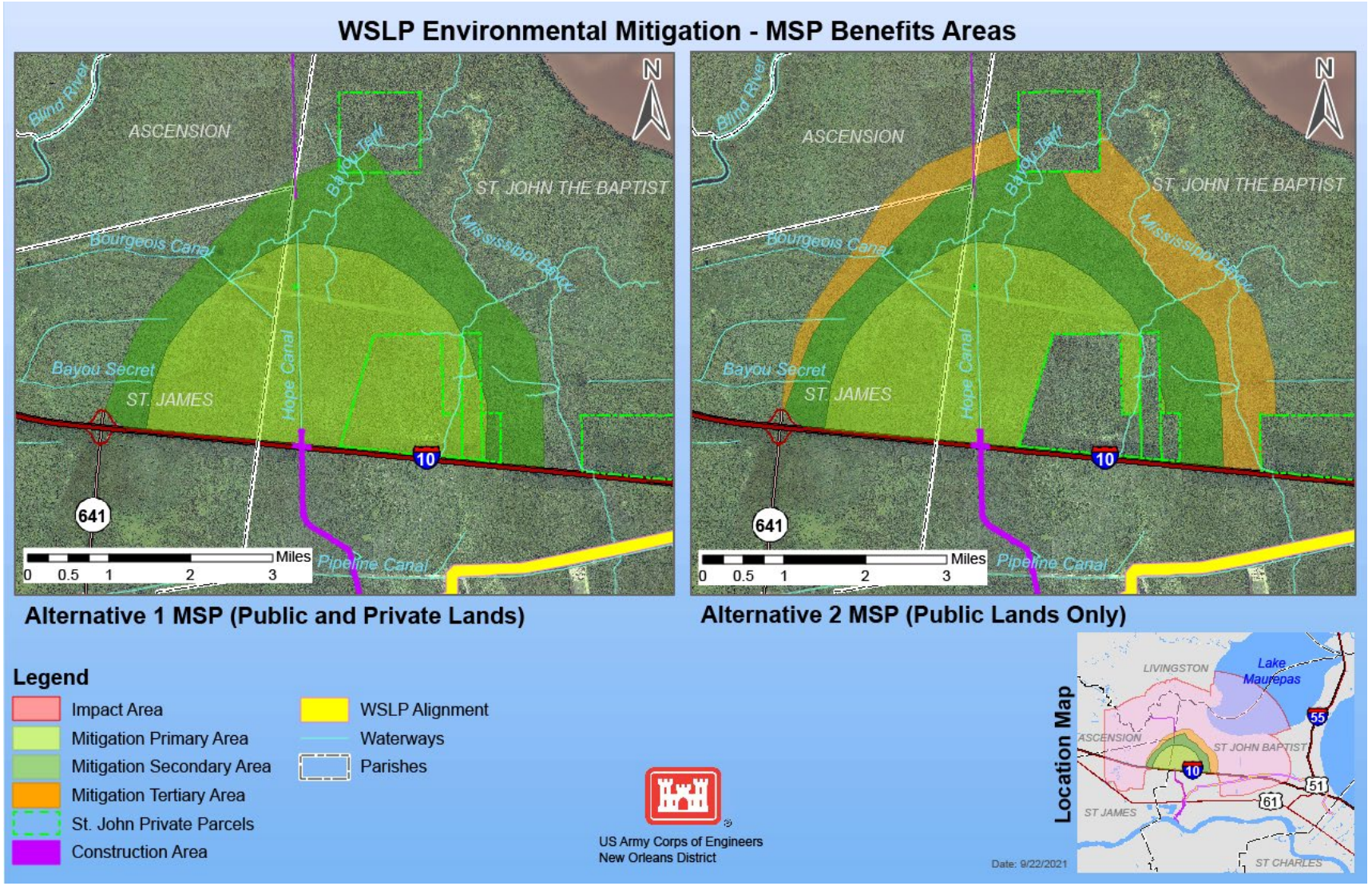
Bipartisan Budget Act (BBA) of 2018

- (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



MSP ALTERNATIVES LOCATION



BUILDING STRONG®

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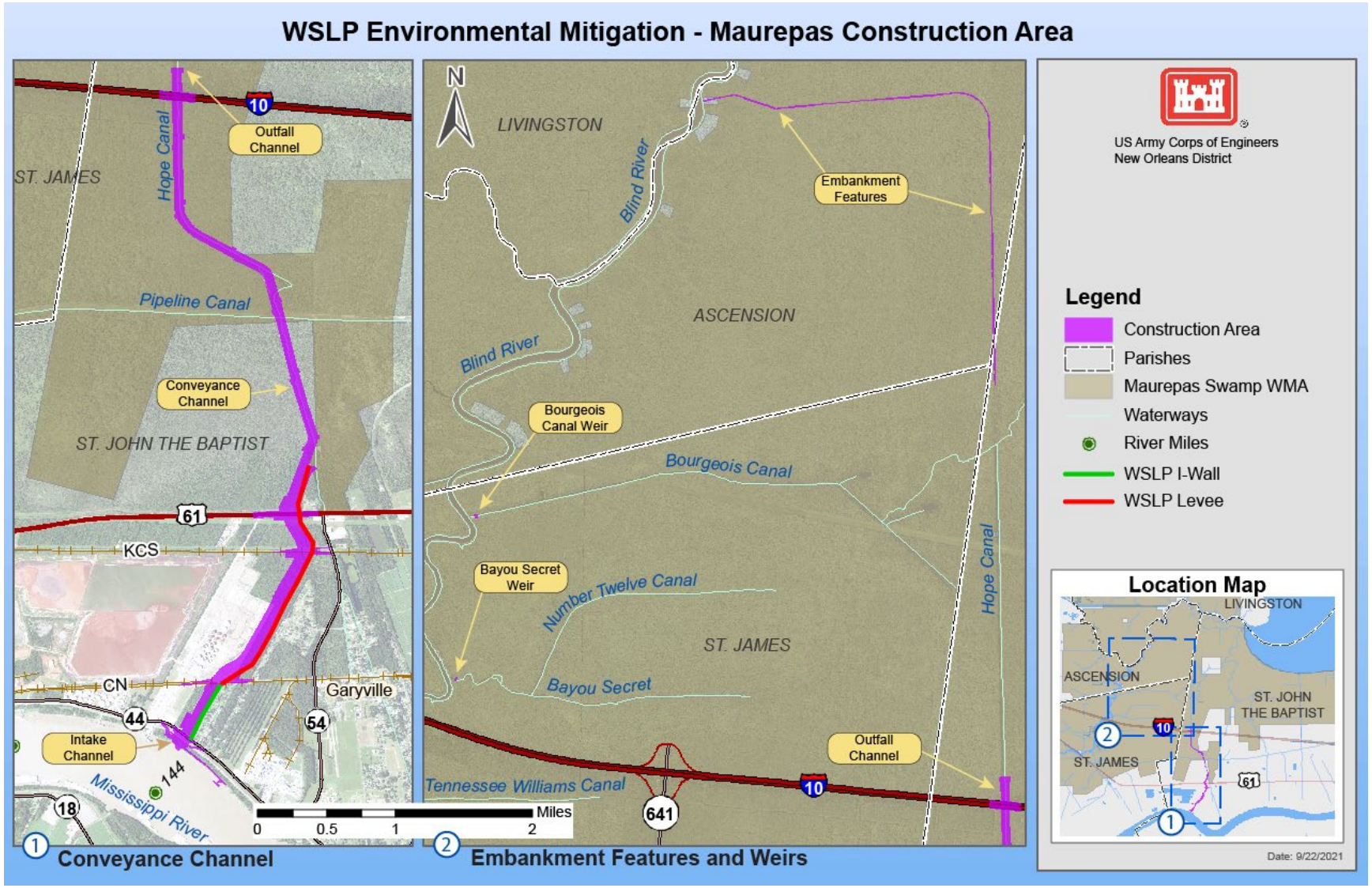
MSP ALTERNATIVE FEATURES



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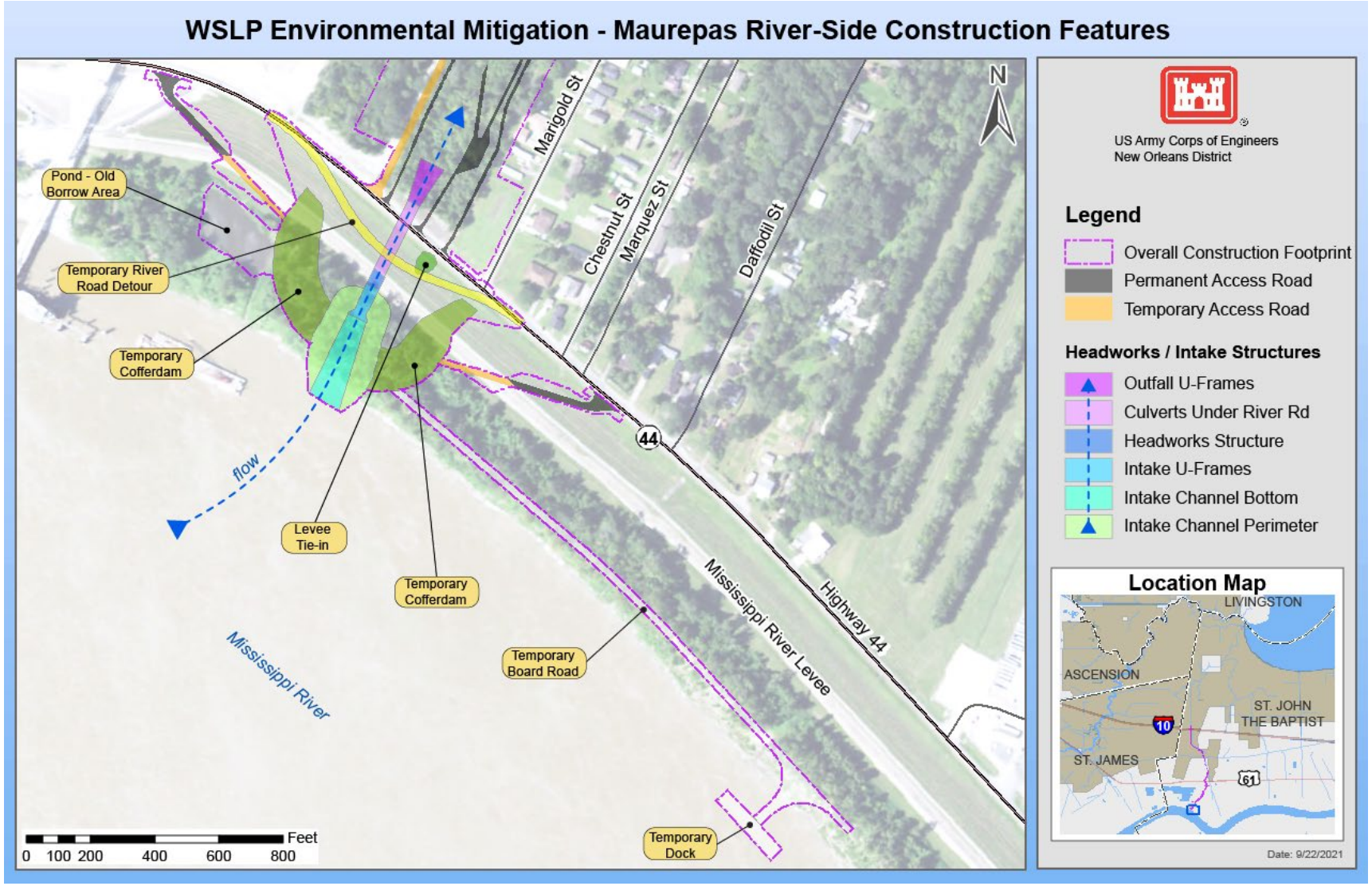
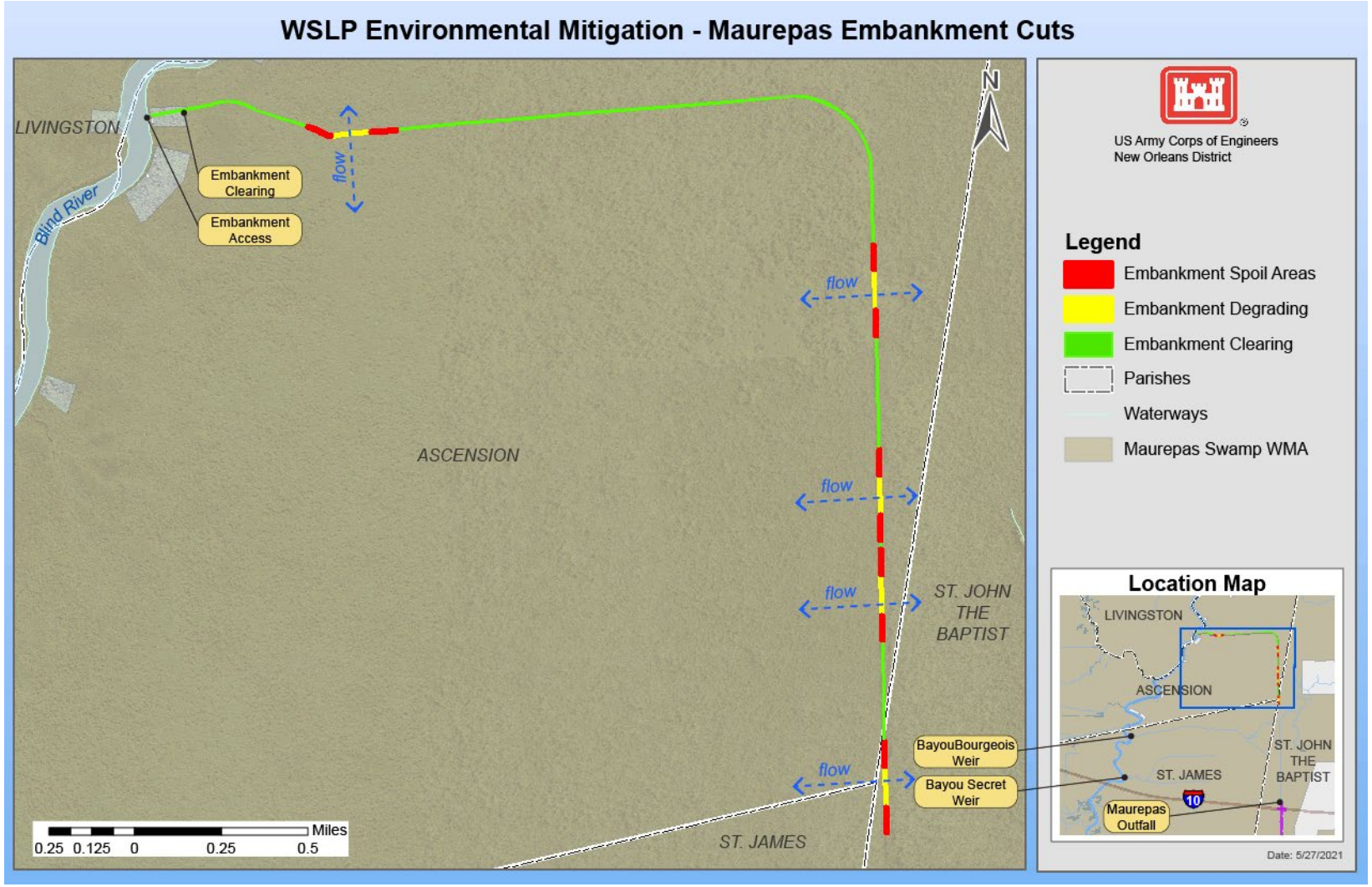
MSP ALTERNATIVE FEATURES



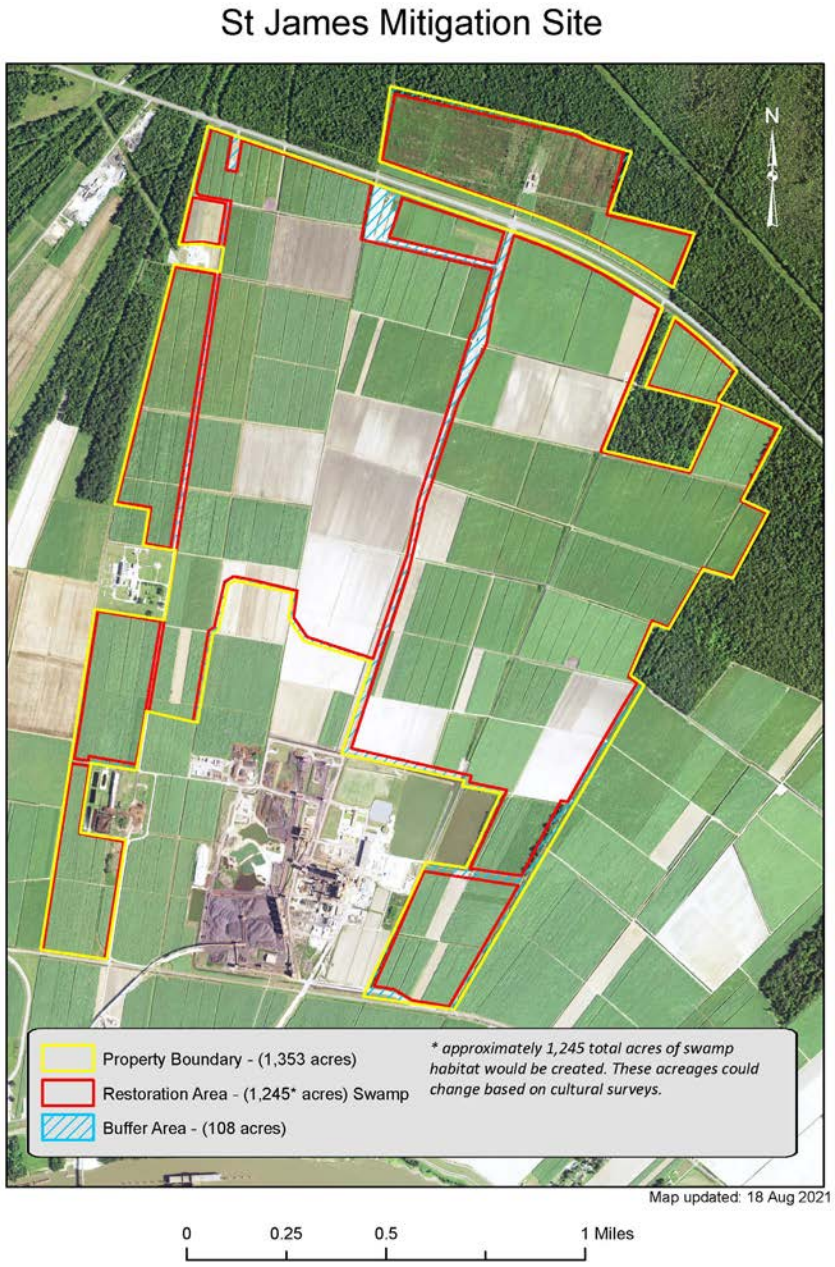
MSP ALTERNATIVE FEATURES



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.

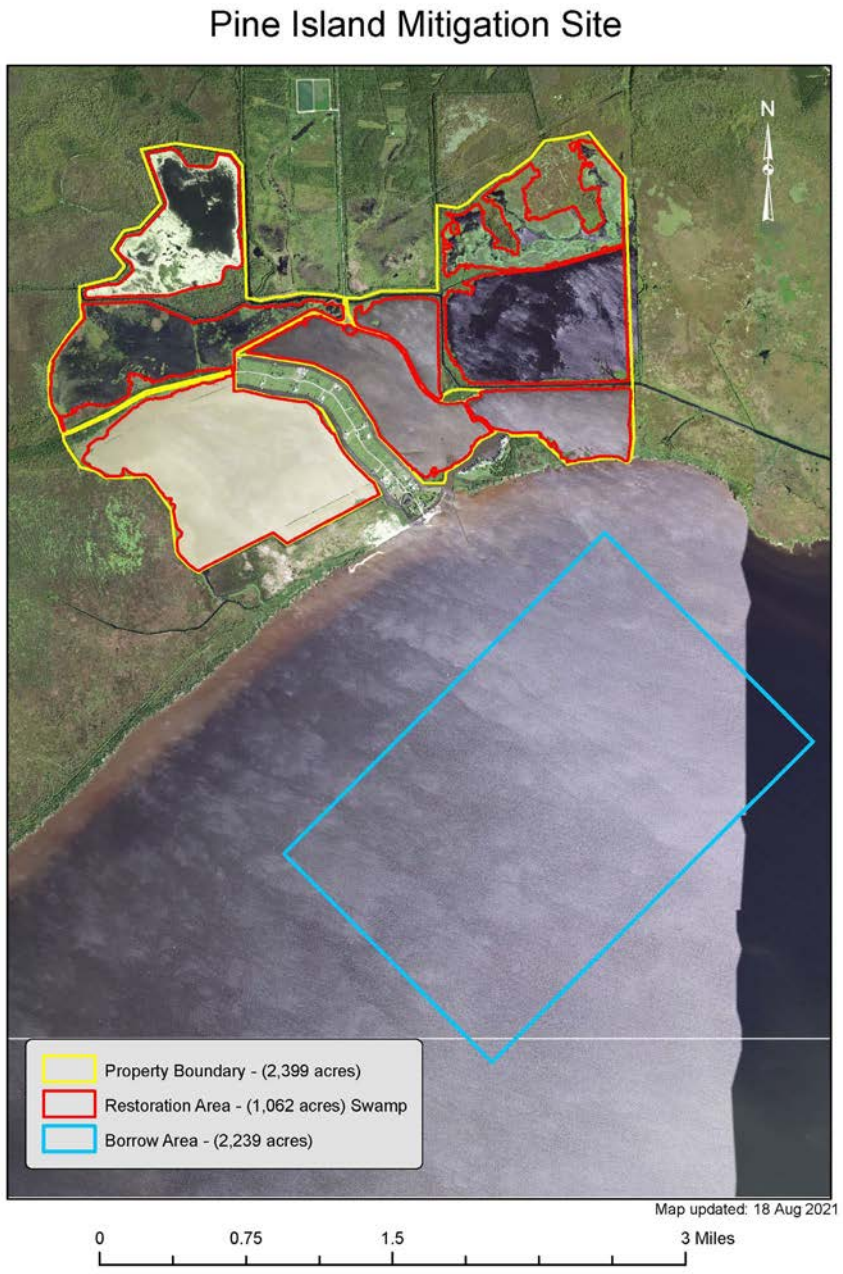
Impacts	Projects	AAHUs	Acres
~955 AAHUs of Coastal Zone Swamp	Mitigation Bank	TBD	TBD
	St. James	up to 511	up to 1,246
	Pine Island	up to 775	up to 1,965



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.

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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.

1-844-800-2712

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2760 021 8500

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2764 286 3221

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

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
7330 Highland Road Ste B-1
Baton Rouge, LA 70808
(225) 928-5333 office
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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).

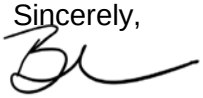
Audubon is supportive of the utilization of the Maurepas Swamp Project as mitigation for the West Shore Lake Pontchartrain Project, and would encourage the U.S. Army Corps of Engineers to adopt this as the preferred alternative. The Maurepas Swamp Project is a key element of Audubon's coastal strategy – 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!

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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

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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.

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,

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.

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.

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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.

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.

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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


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.

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.

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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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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!

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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:

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,

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:

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,

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:

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,

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:

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,

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:

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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.

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,

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:

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,

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:

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,

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

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.

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

[NEW CANAL LIGHTHOUSE]
Education, Development & Outreach
8001 Lakeshore Dr.
New Orleans, LA 70124

[MAILING ADDRESS]
P.O. Box 6965
Metairie, LA 70009
504.836.2215 | ScienceForOurCoast.org

[CORPORATE OFFICE]
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

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
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SCIENCE FOR OUR COAST. SINCE 1989.

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

[NEW CANAL LIGHTHOUSE]
Education, Development & Outreach
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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

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,

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,
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,

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,
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,

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,
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,

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,
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,

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,
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,

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,
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,

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,
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.

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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.

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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,

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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.

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,
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.

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,
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.

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,
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.

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,
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.

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,
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.

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: 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

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

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

74

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

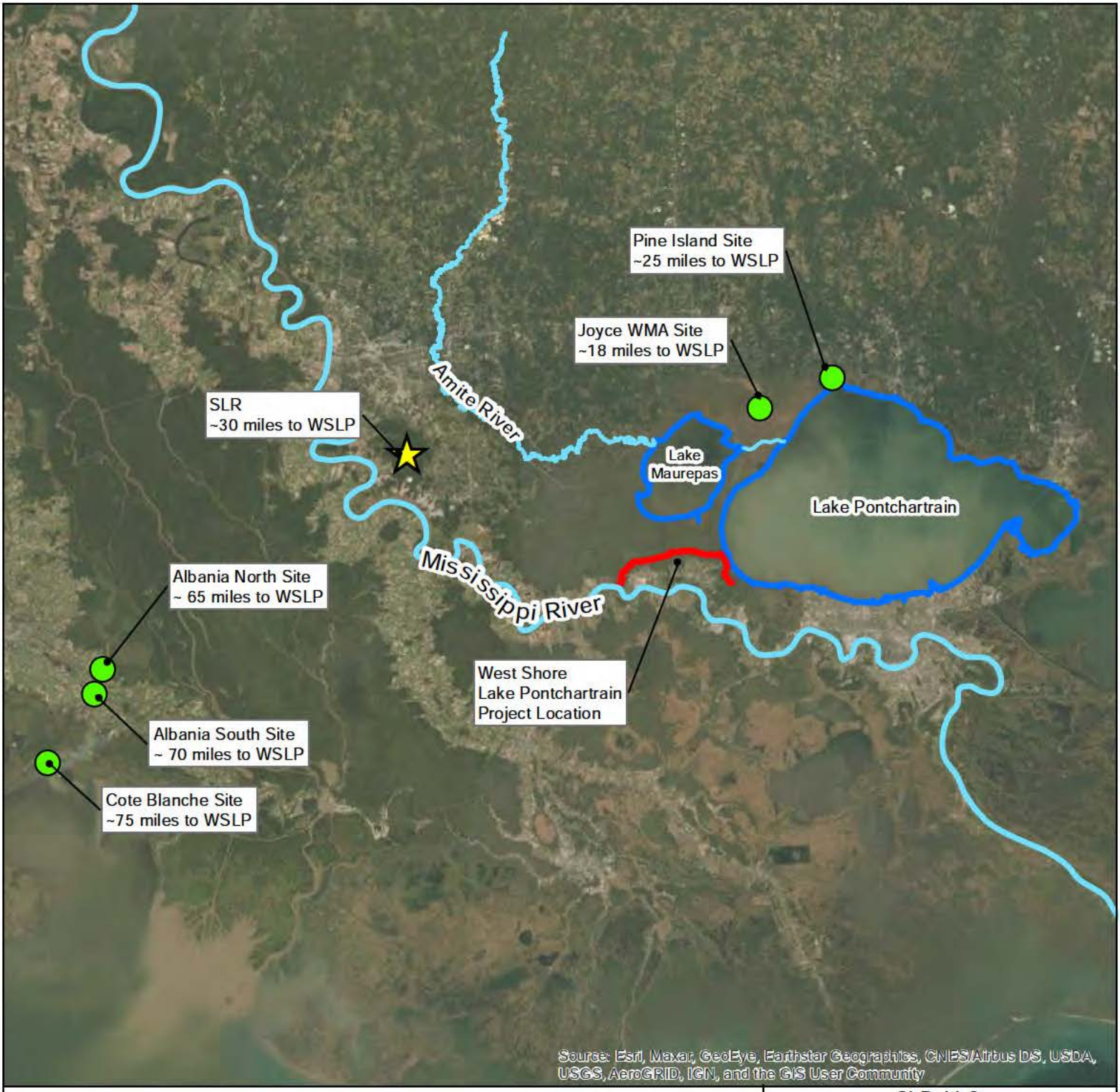
SLR, LLC

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.

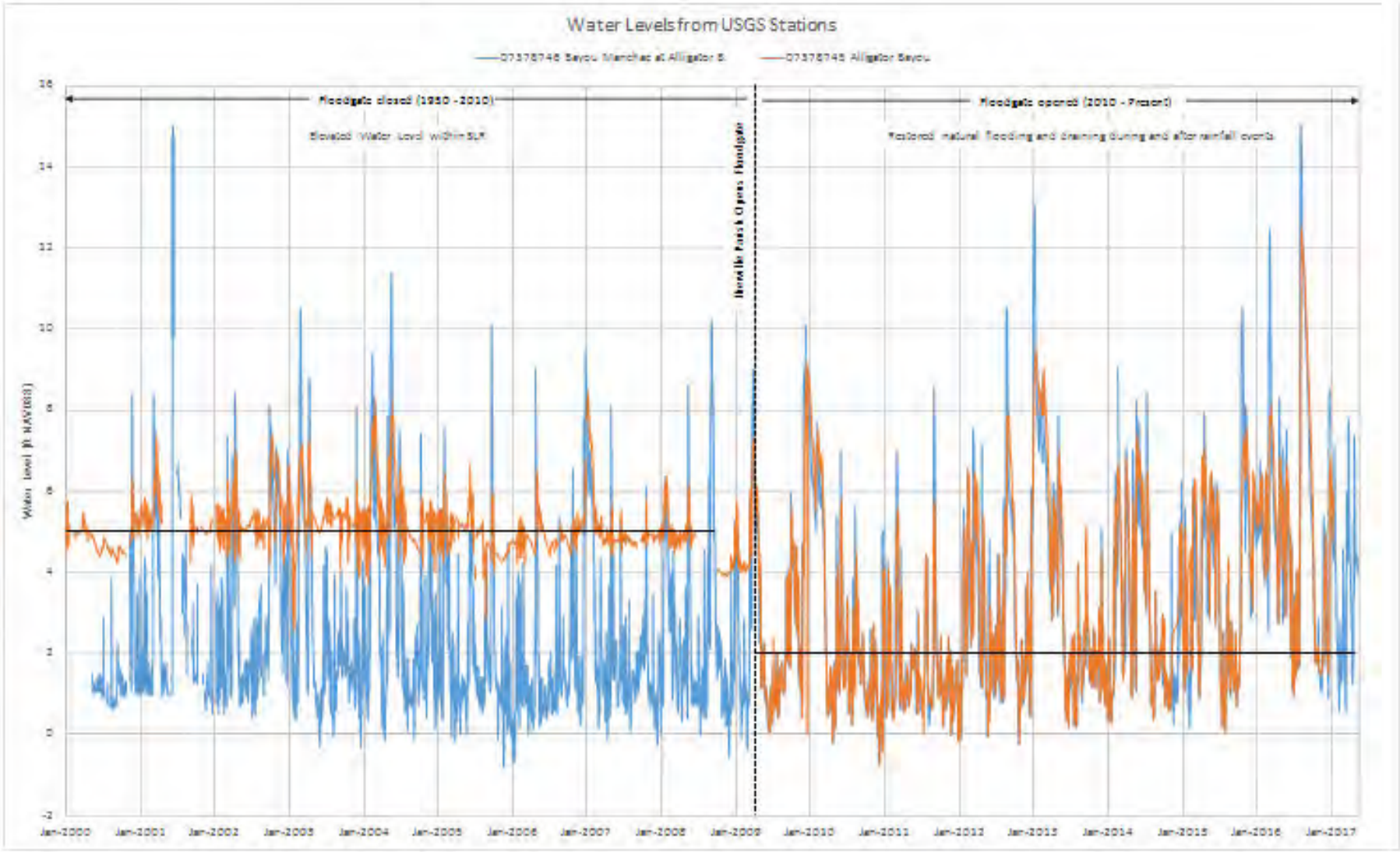
Post-Mitigation Project TY 10-50: Flooding Duration was assigned to Seasonal and Flow/Exchange was assigned to moderate as the area is still regulated by a structure.

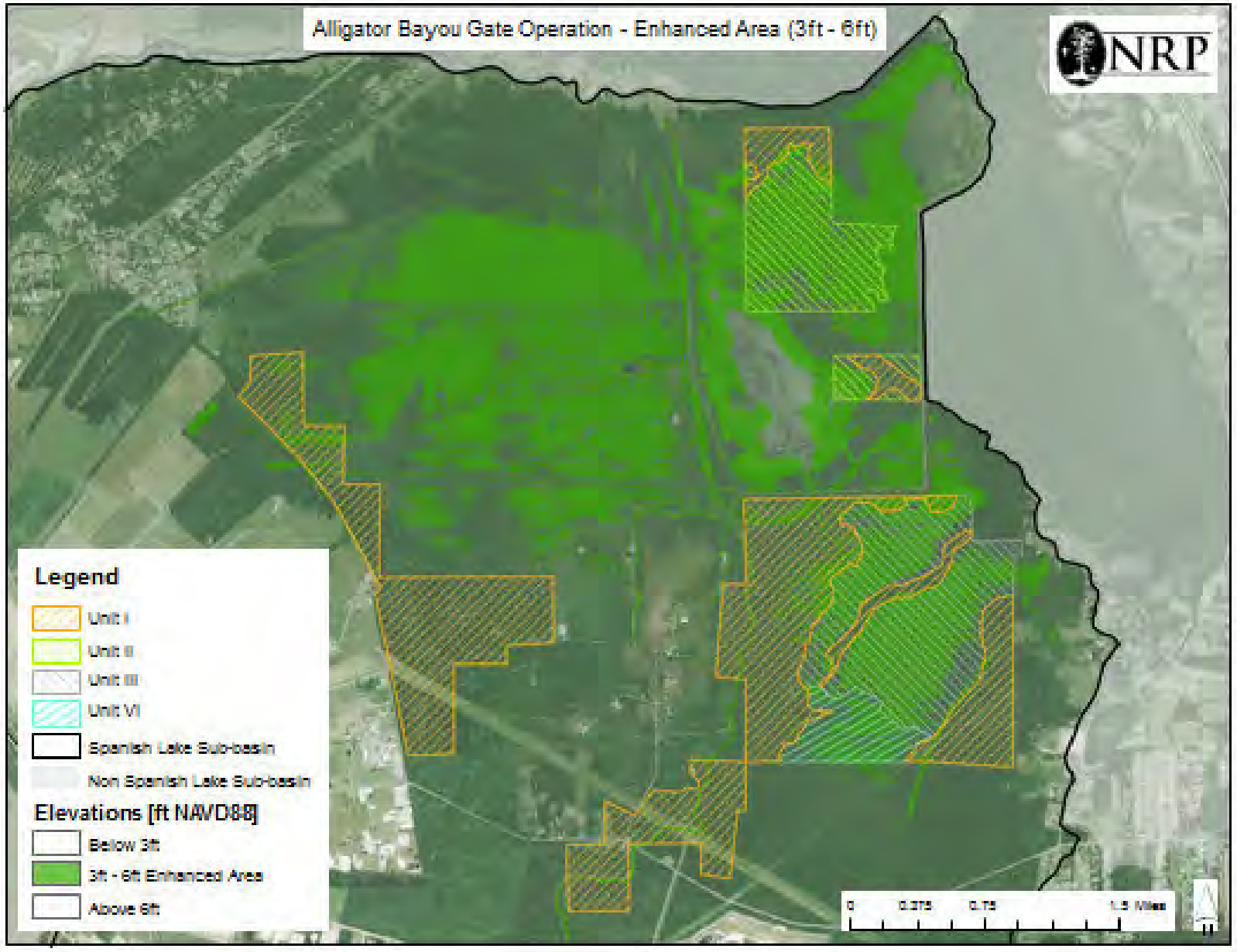
V5: This variable is present in the uncertified model used in the MBI; therefore values from that model were used and remain unchanged from its previous usage in the certified WVA.

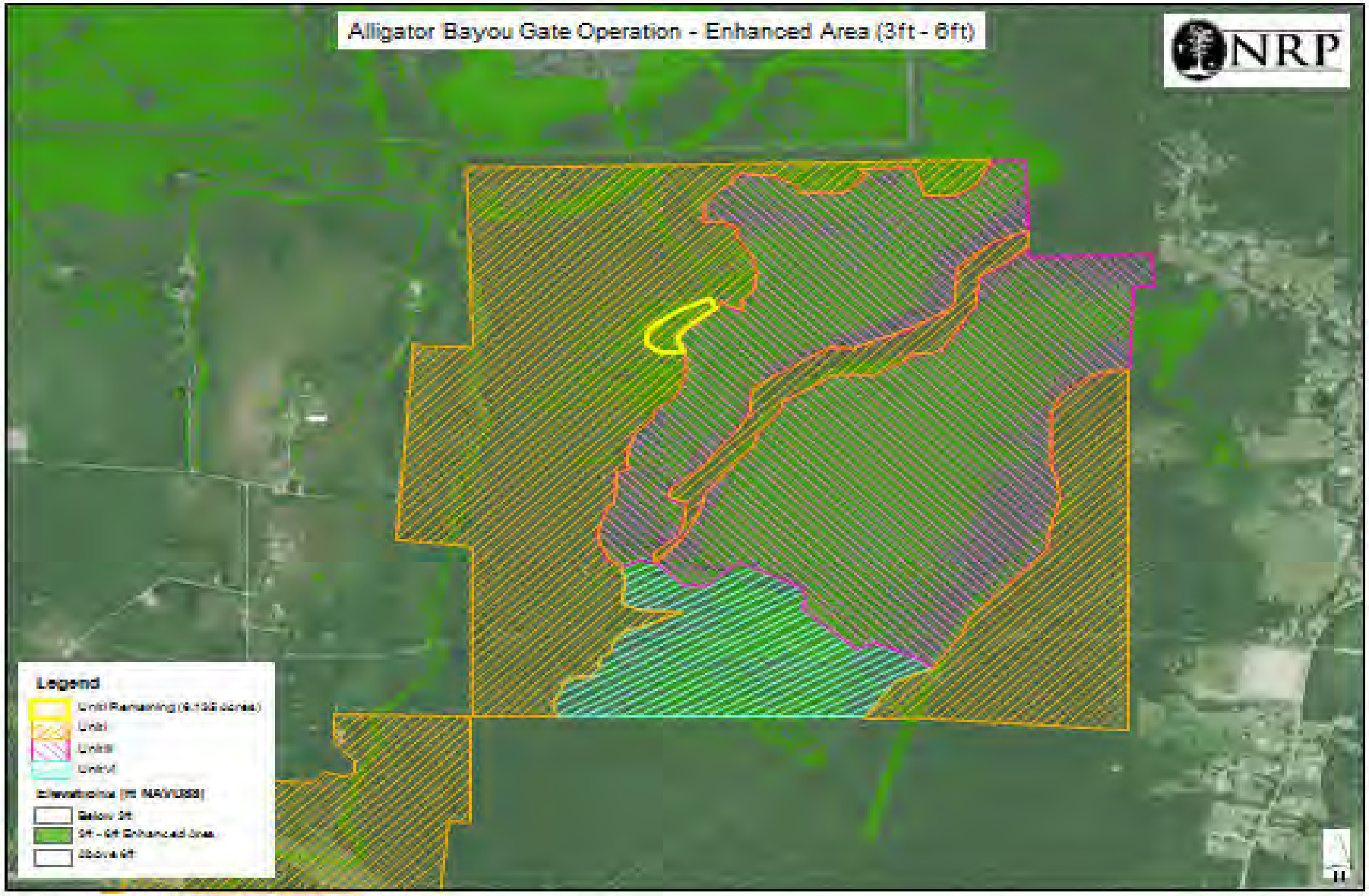
V6: This variable is present in the uncertified model used in the MBI; therefore values from that model were used and remain unchanged from its previous usage in the certified WVA.

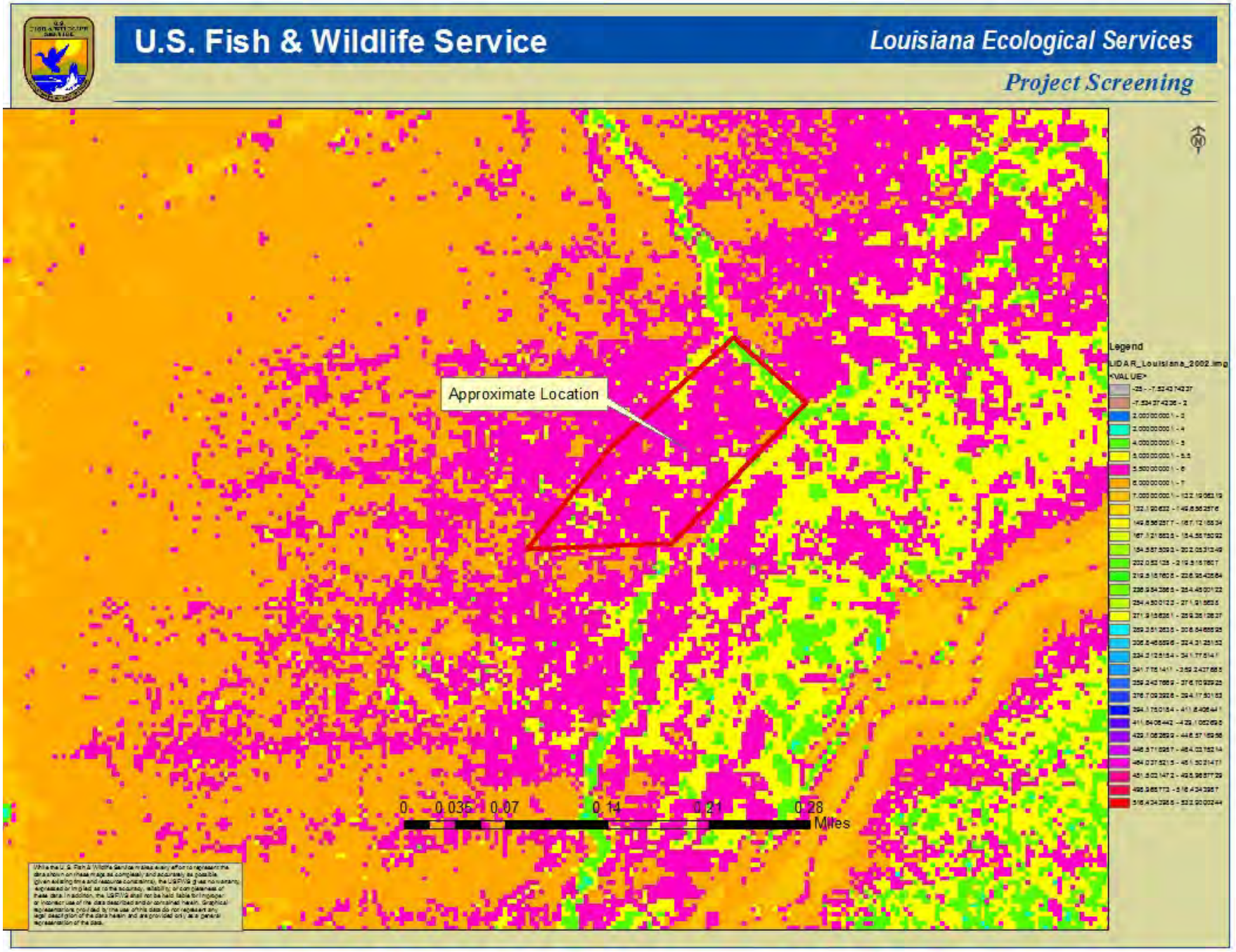
NET CHANGE IN AAHUs DUE TO PROJECT	
A. Future Without Project AAHUs =	3.34
B. Future With Project AAHUs =	5.52
Net Change (FWP - FWOP) =	**2.18**

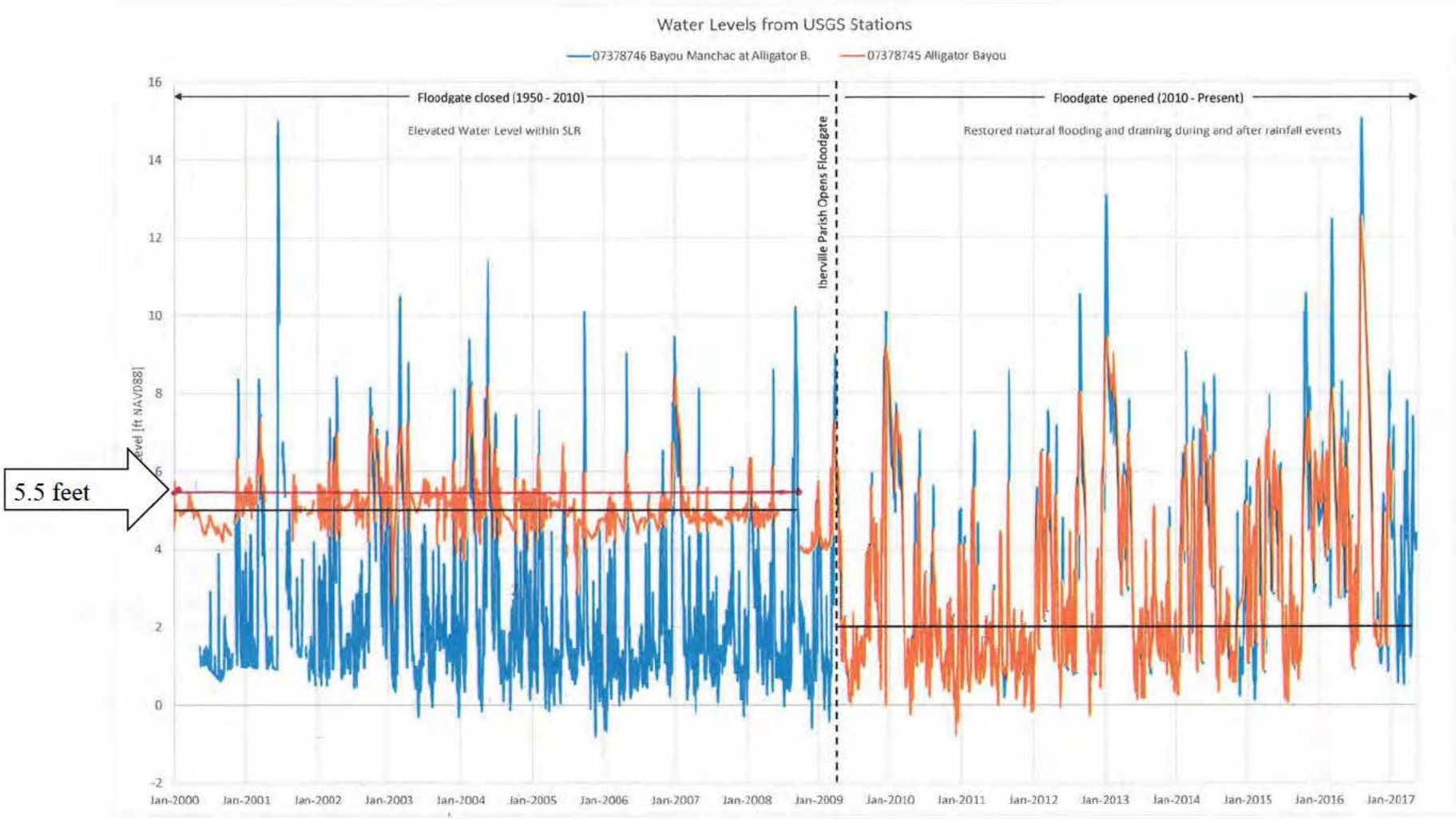
2.18 AAHUs/6 acres = 0.36 management potential


Water Levels from USGS Stations
07376746 Bayou Manchac at Alligator B
07376745 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
Jan-2006
Jan-2007
Jan-2008
Jan-2009
Jan-2010
Jan-2011
Jan-2012
Jan-2013
Jan-2014
Jan-2015
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
0
0.035
0.07
0.14
0.21
0.28
Miles
N
Legend
LIDAR_Louisiana_2002.img
"VALUE"


Water Levels from USGS Stations
07378746 Bayou Manchac at Alligator B.
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

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).

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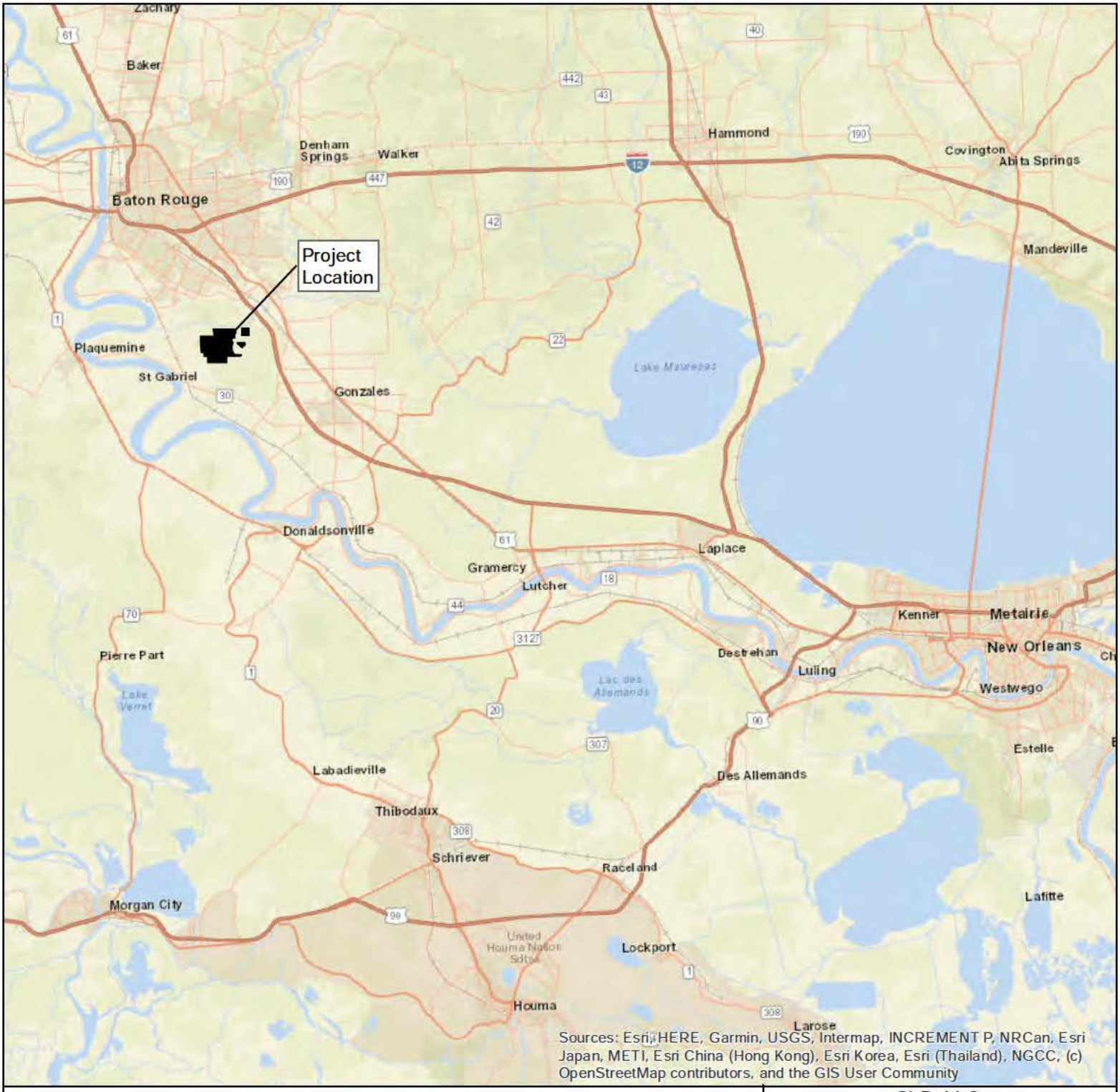
Figures



Legend

Project Boundary (3,404.7 acres)

10.0 5.0 0 10.0 Miles

NRP

N

SLR, LLC

Baton Rouge, LA

VICINITY MAP

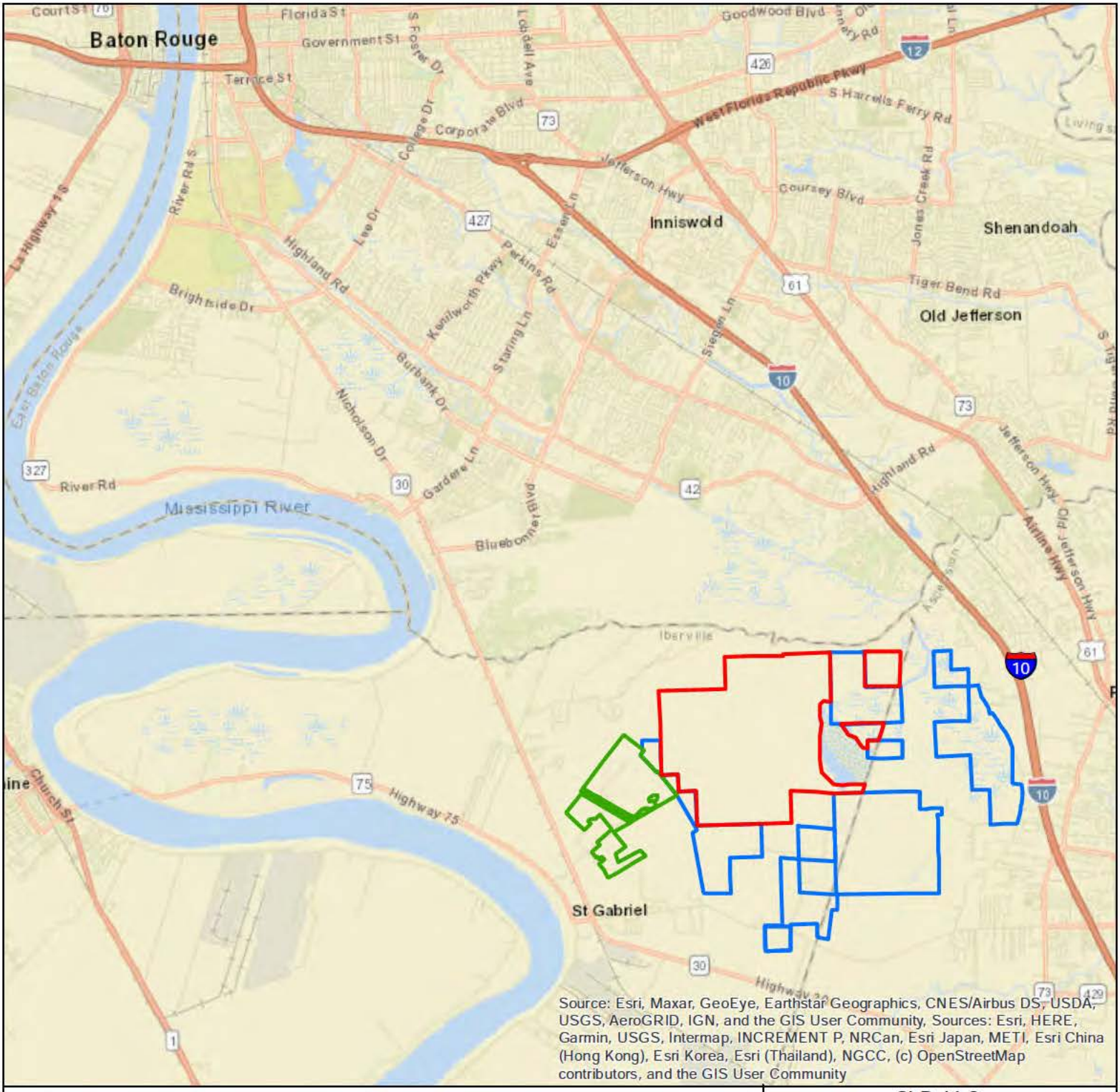
IBERVILLE PARISH, LA

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.



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

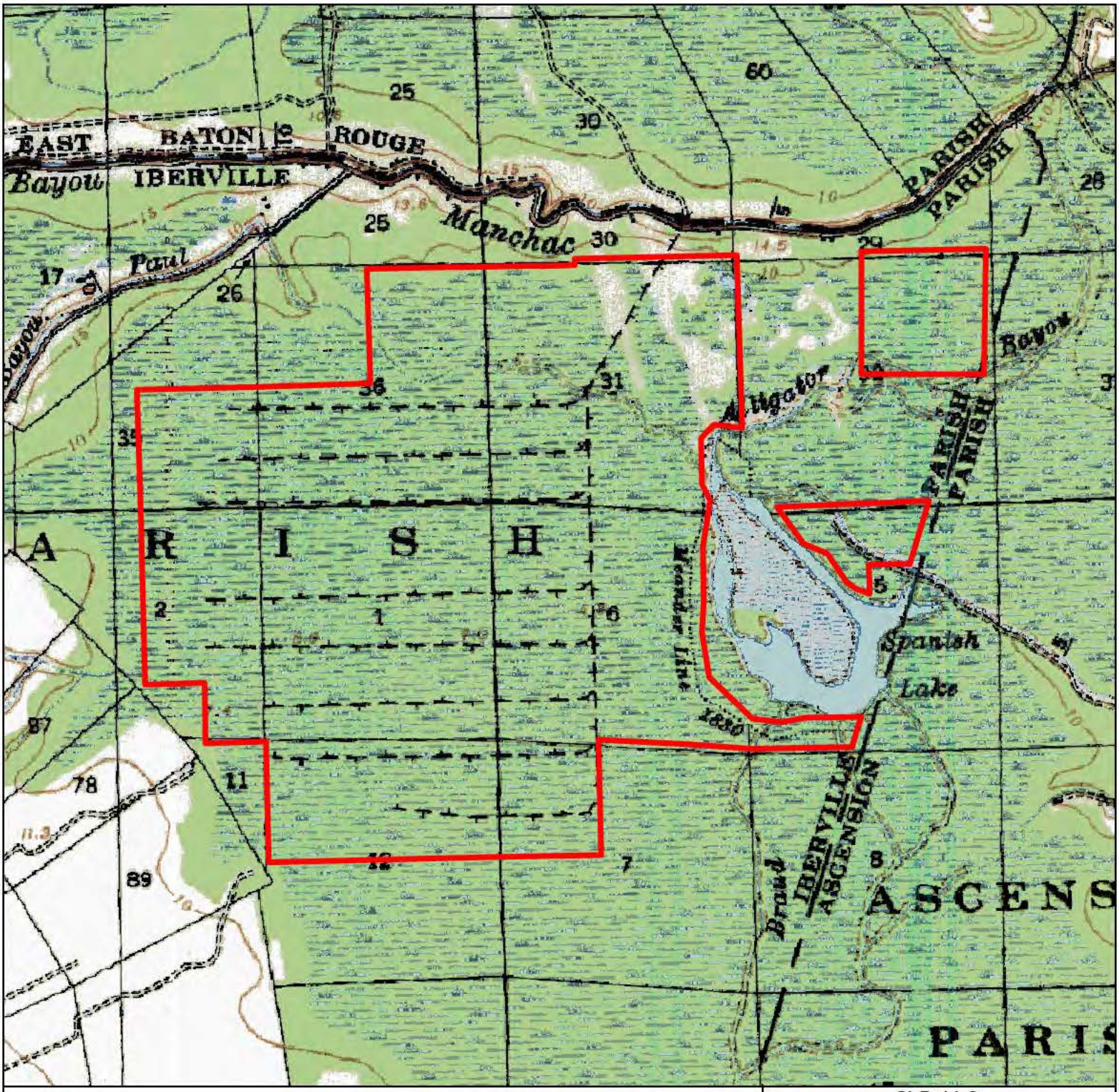
Baton Rouge, LA

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.

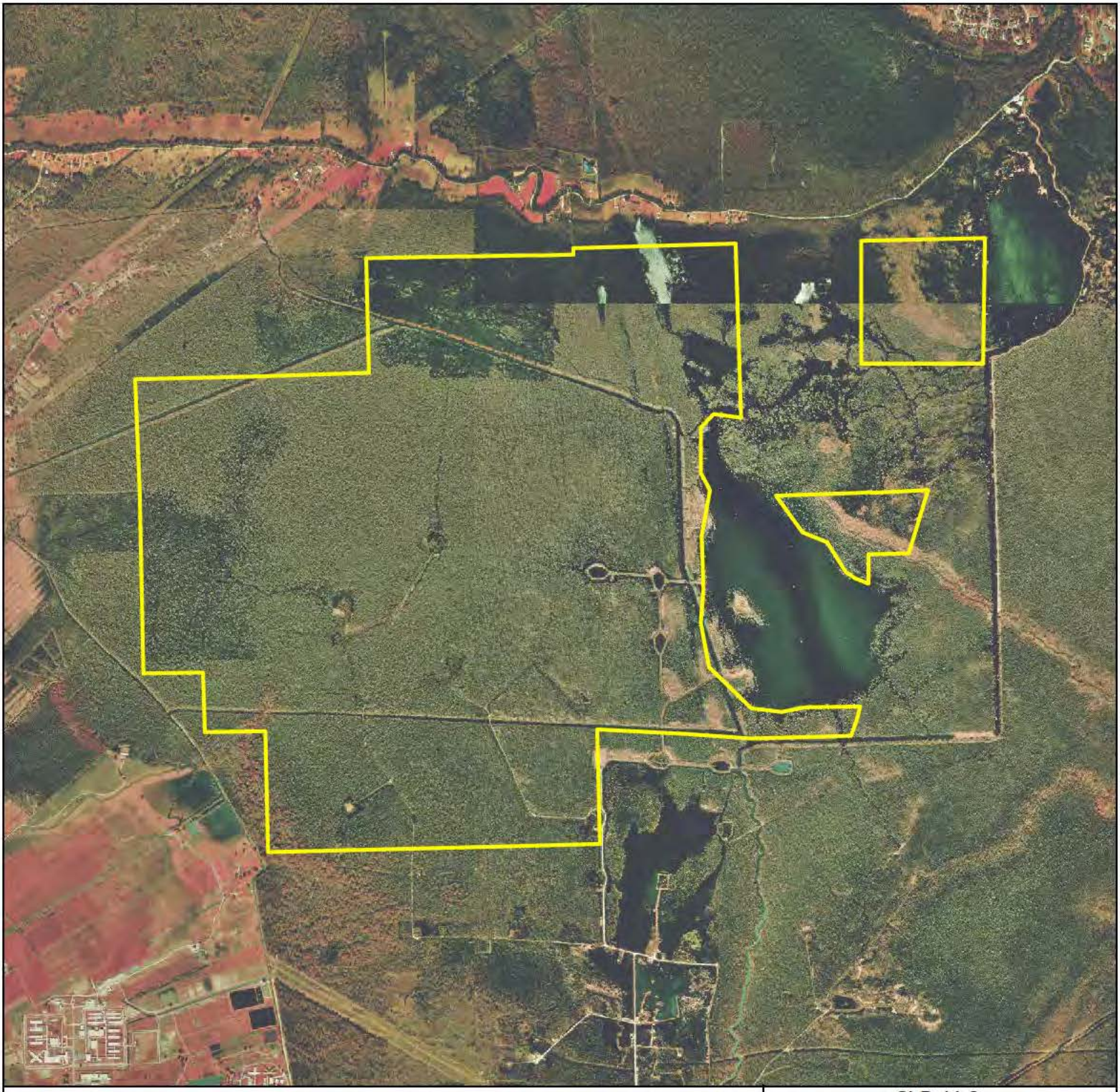
SLR, LLC

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

Map Notes:

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

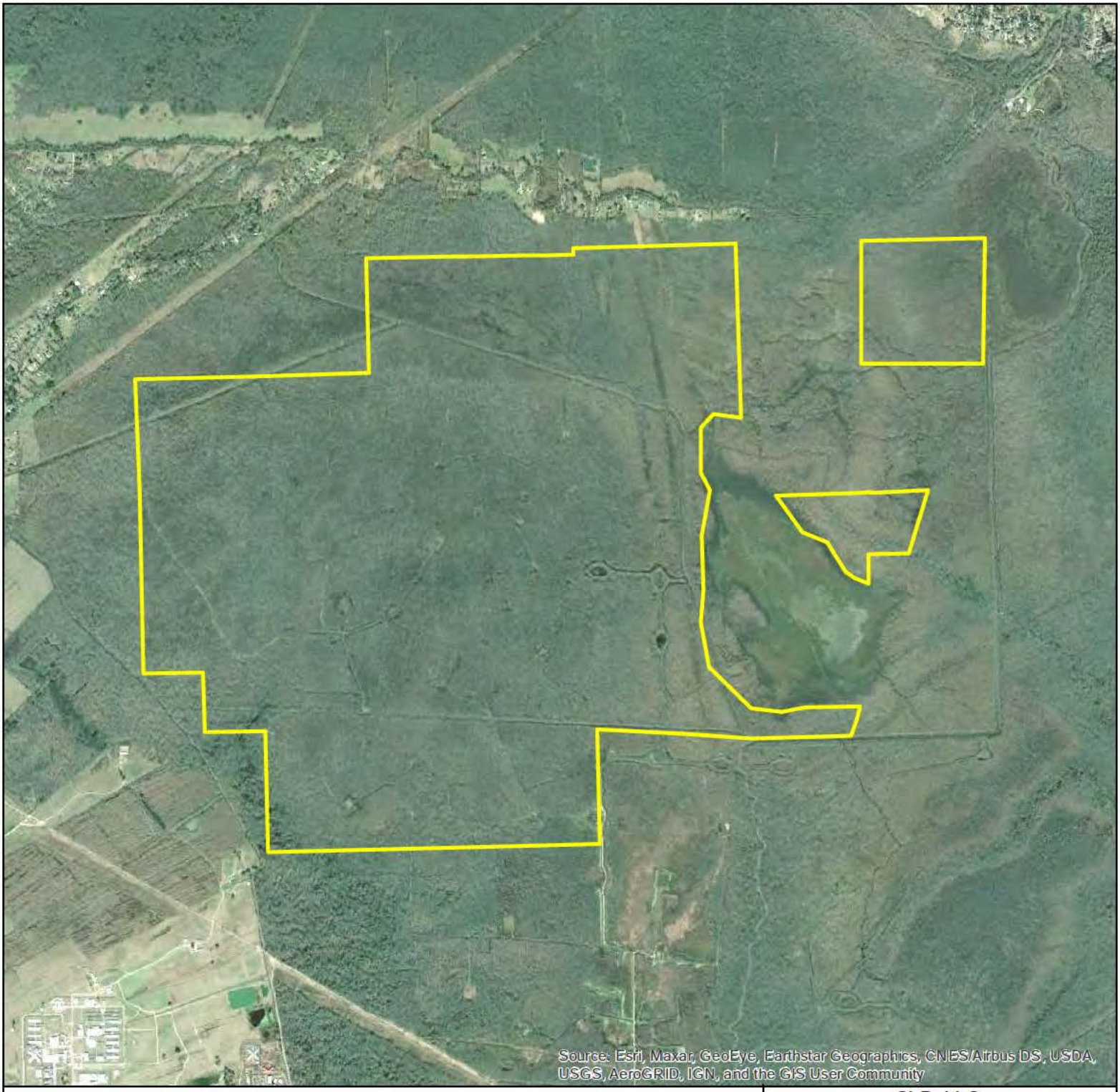
SLR, LLC

Baton Rouge, LA

HISTORIC LAND USE
1998 AERIAL
IBERVILLE PARISH, LA

Created :	AGB/ArcView
Approved :	SPN
Date :	09/14/2021
Map No. :	

FIGURE 4



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.

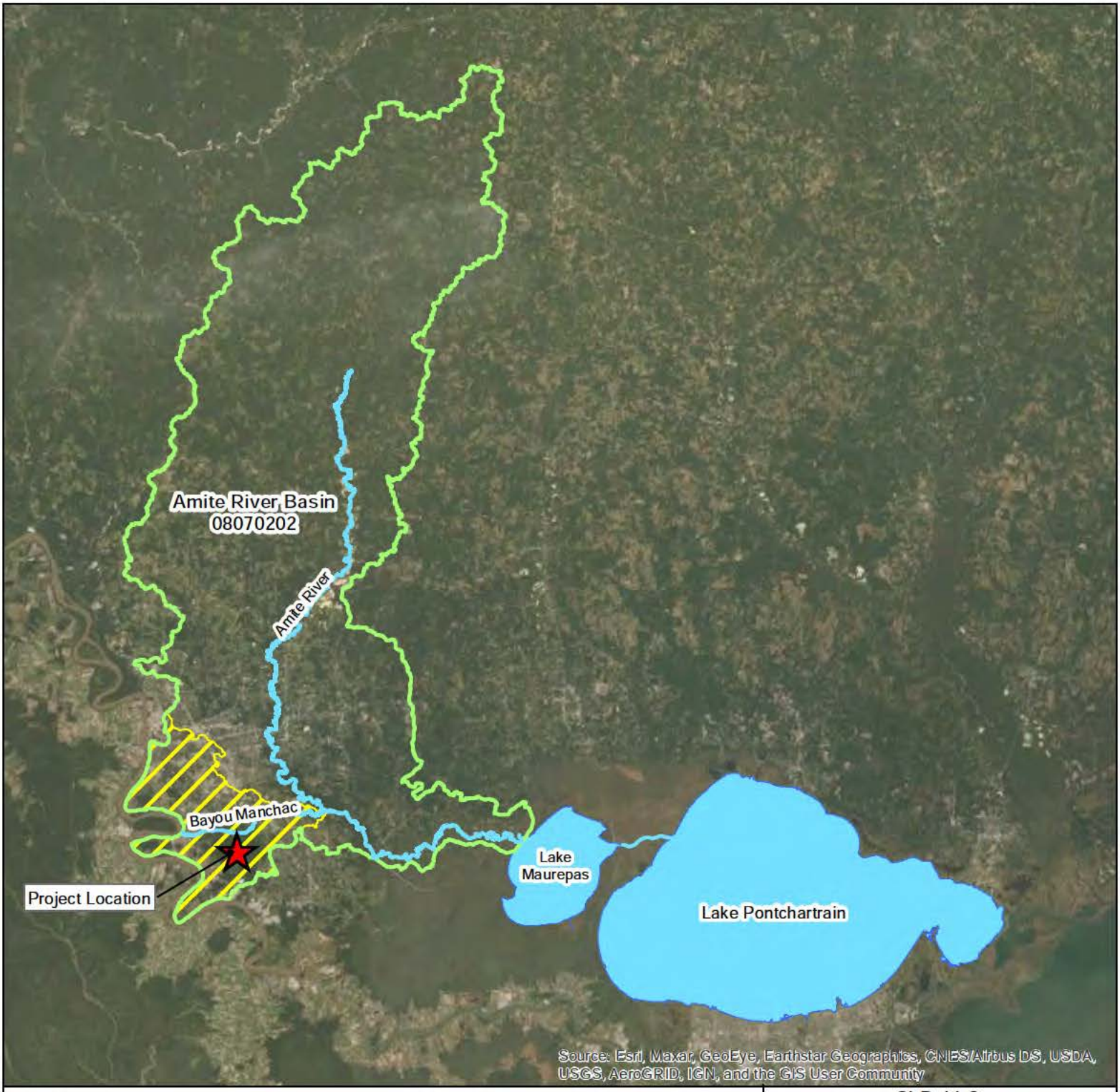
SLR, LLC

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.

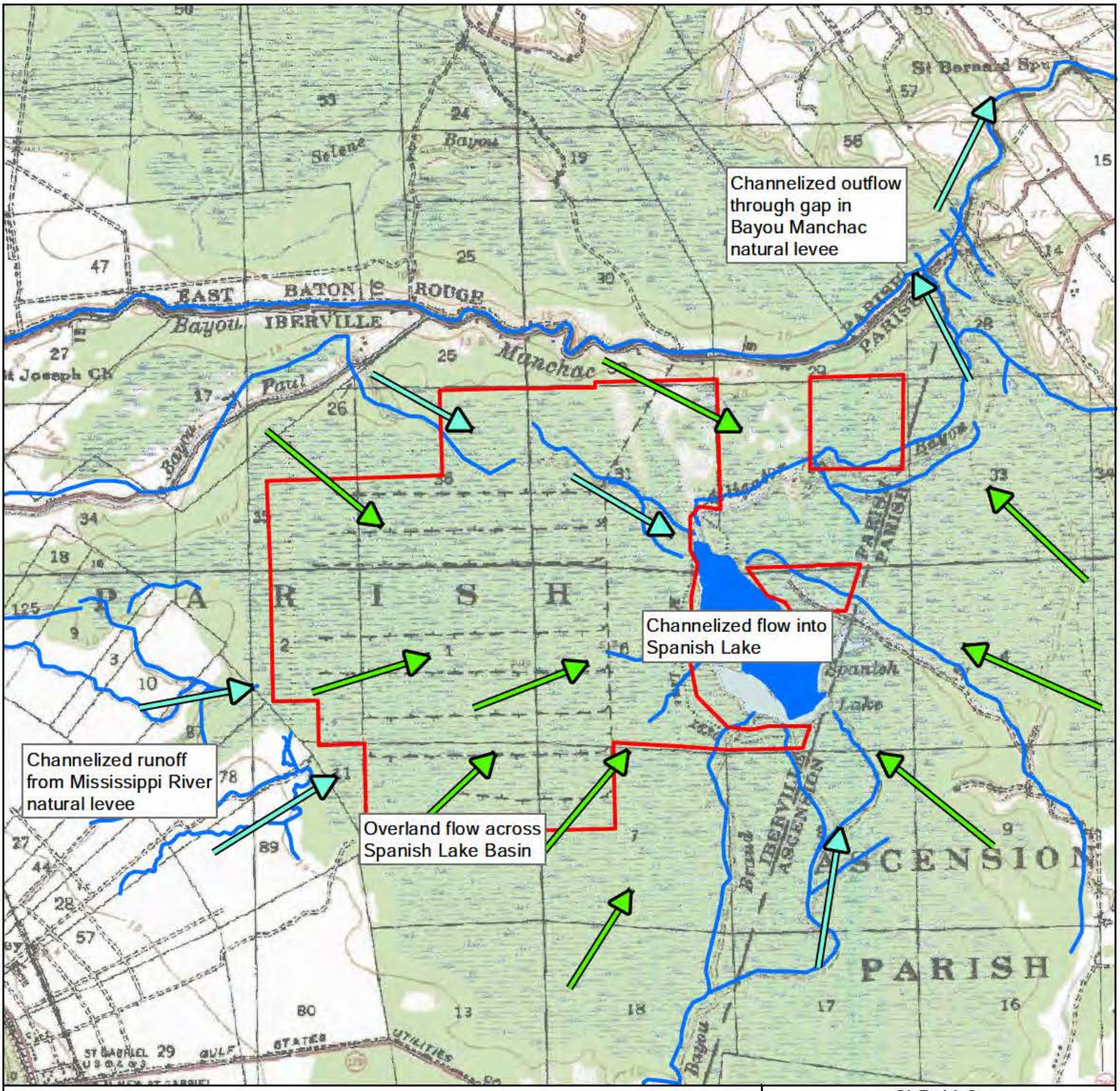
SLR, LLC

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

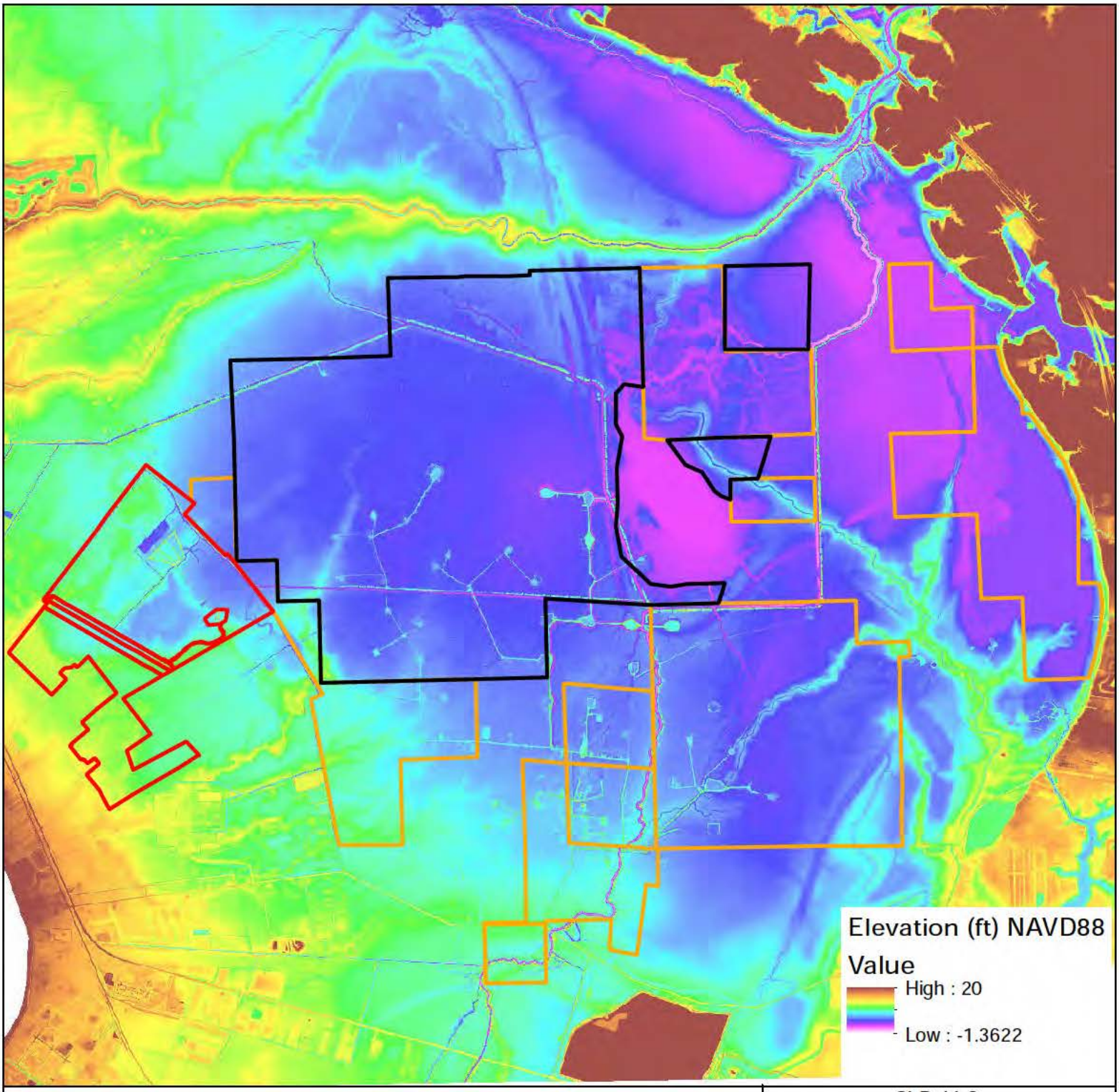
Baton Rouge, LA

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

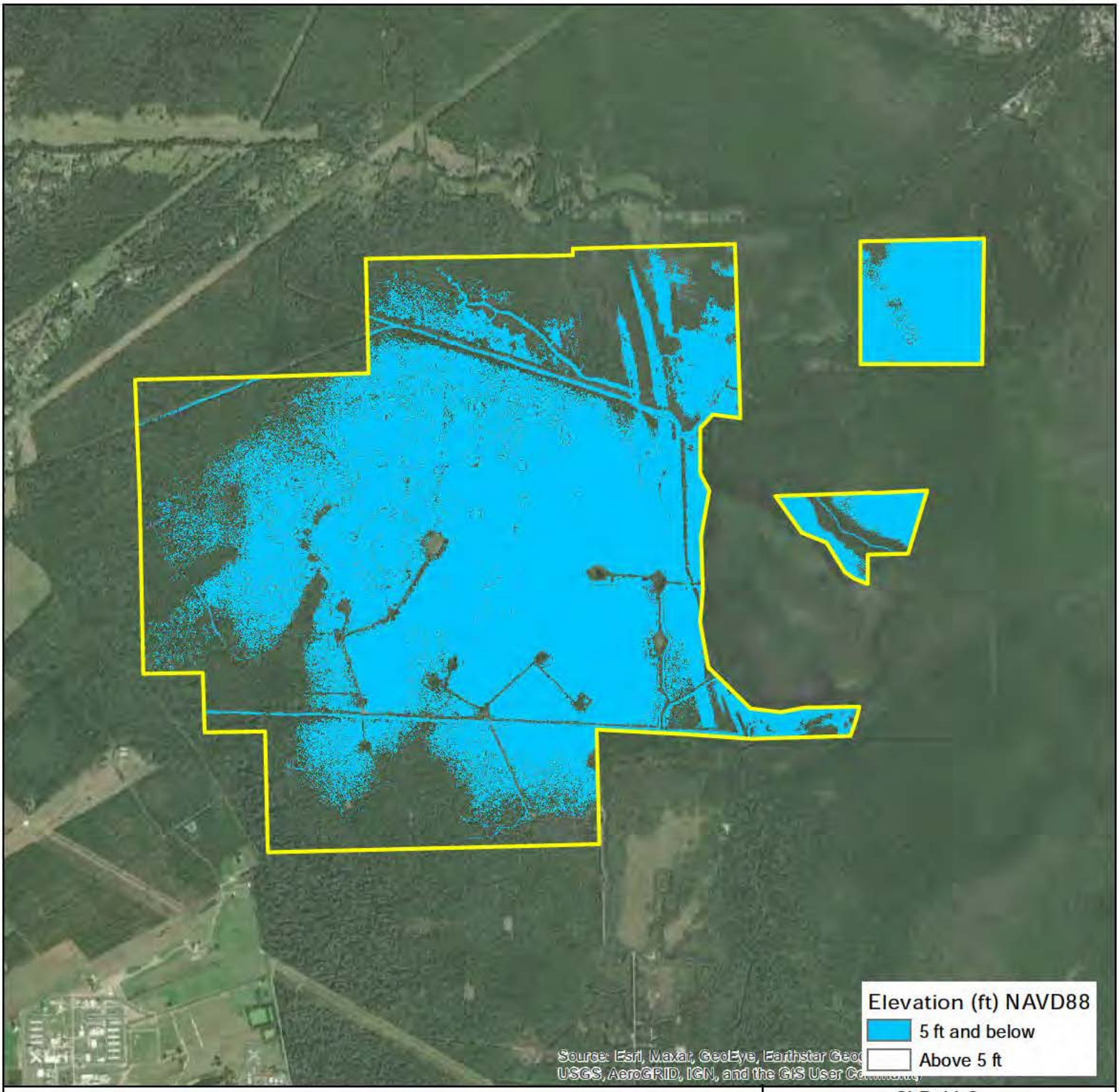
Baton Rouge, LA

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

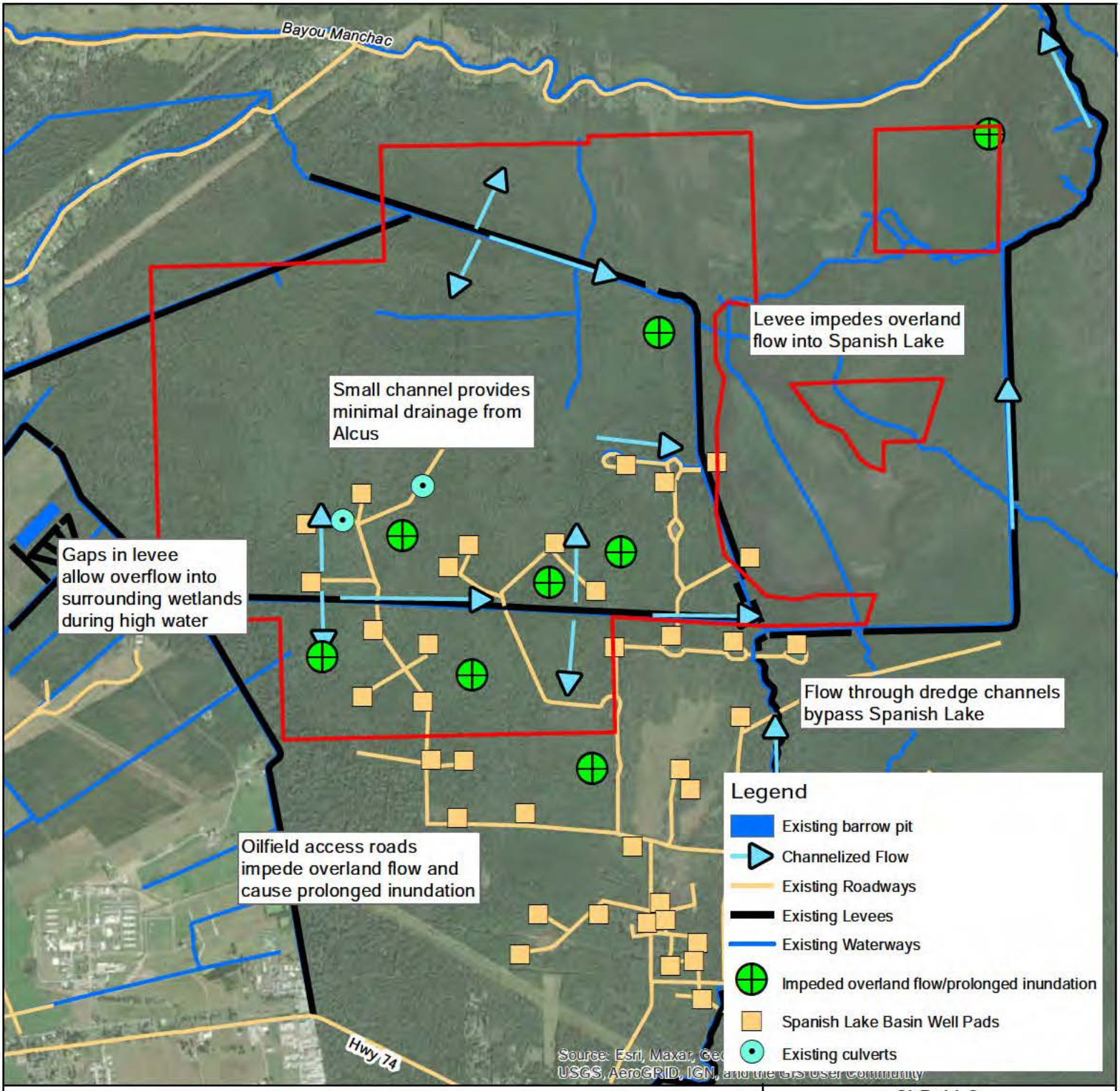
Baton Rouge, LA

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

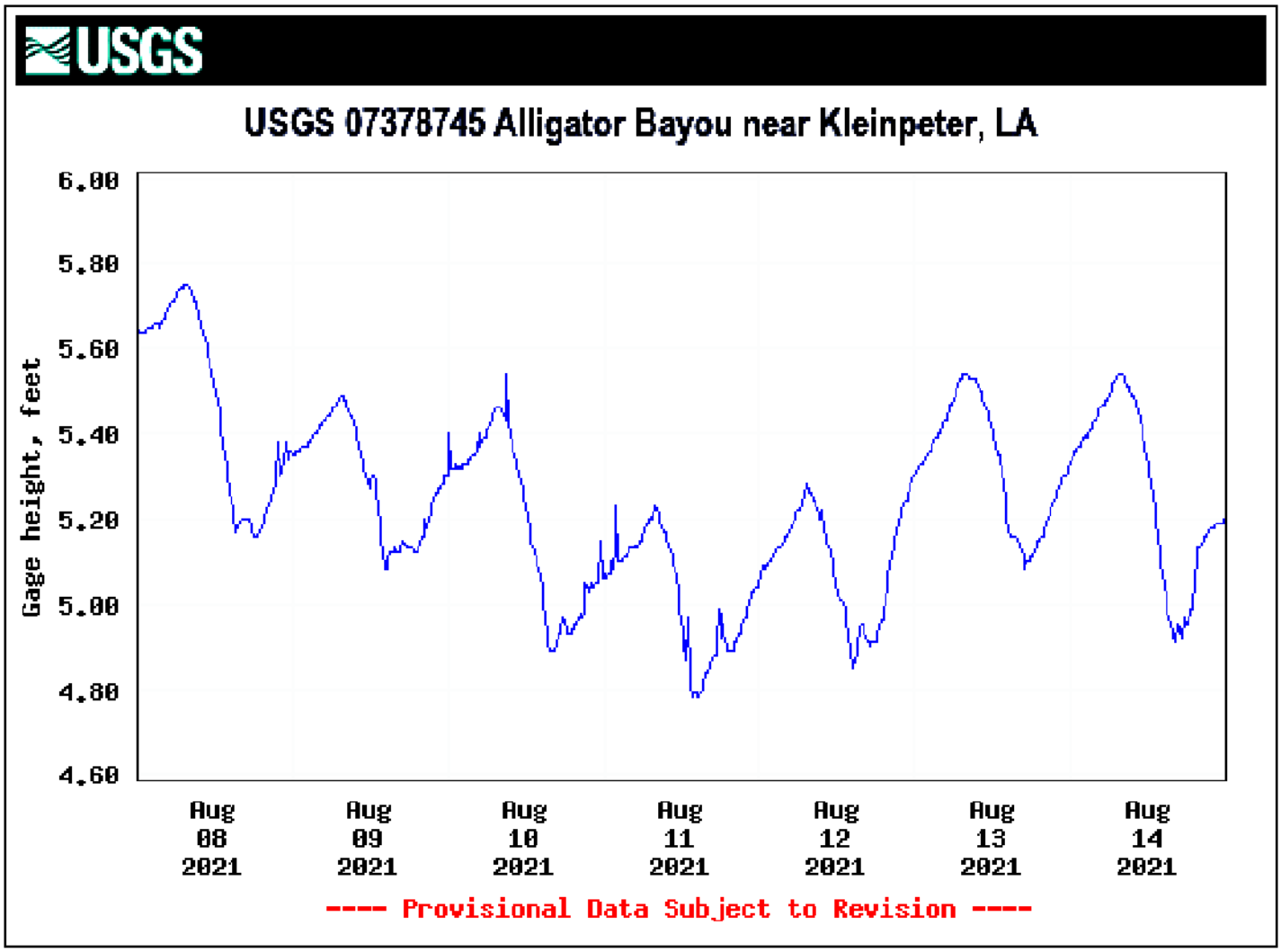
IBERVILLE PARISH, LA

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

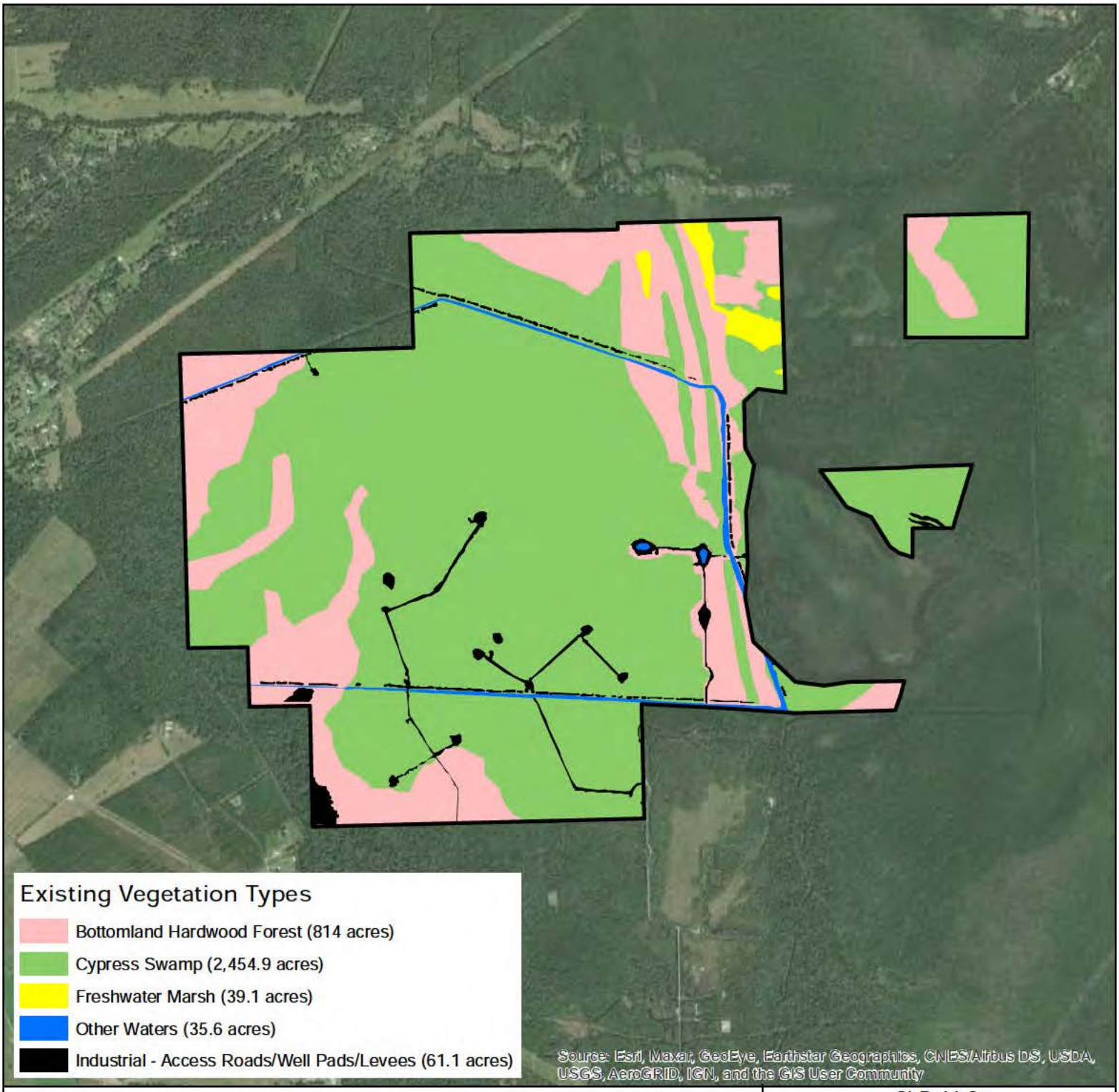
SLR, LLC

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

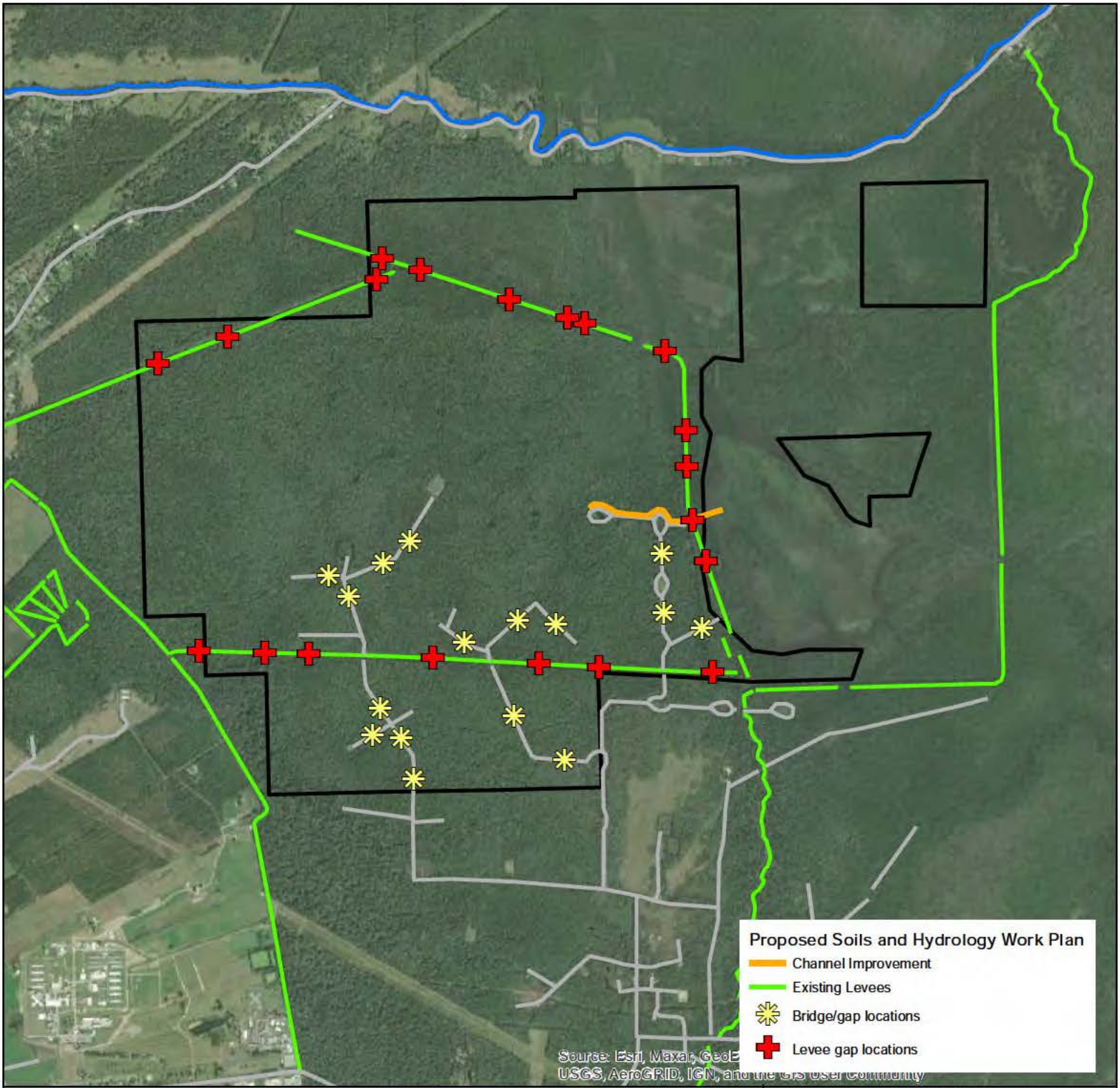
Baton Rouge, LA

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.

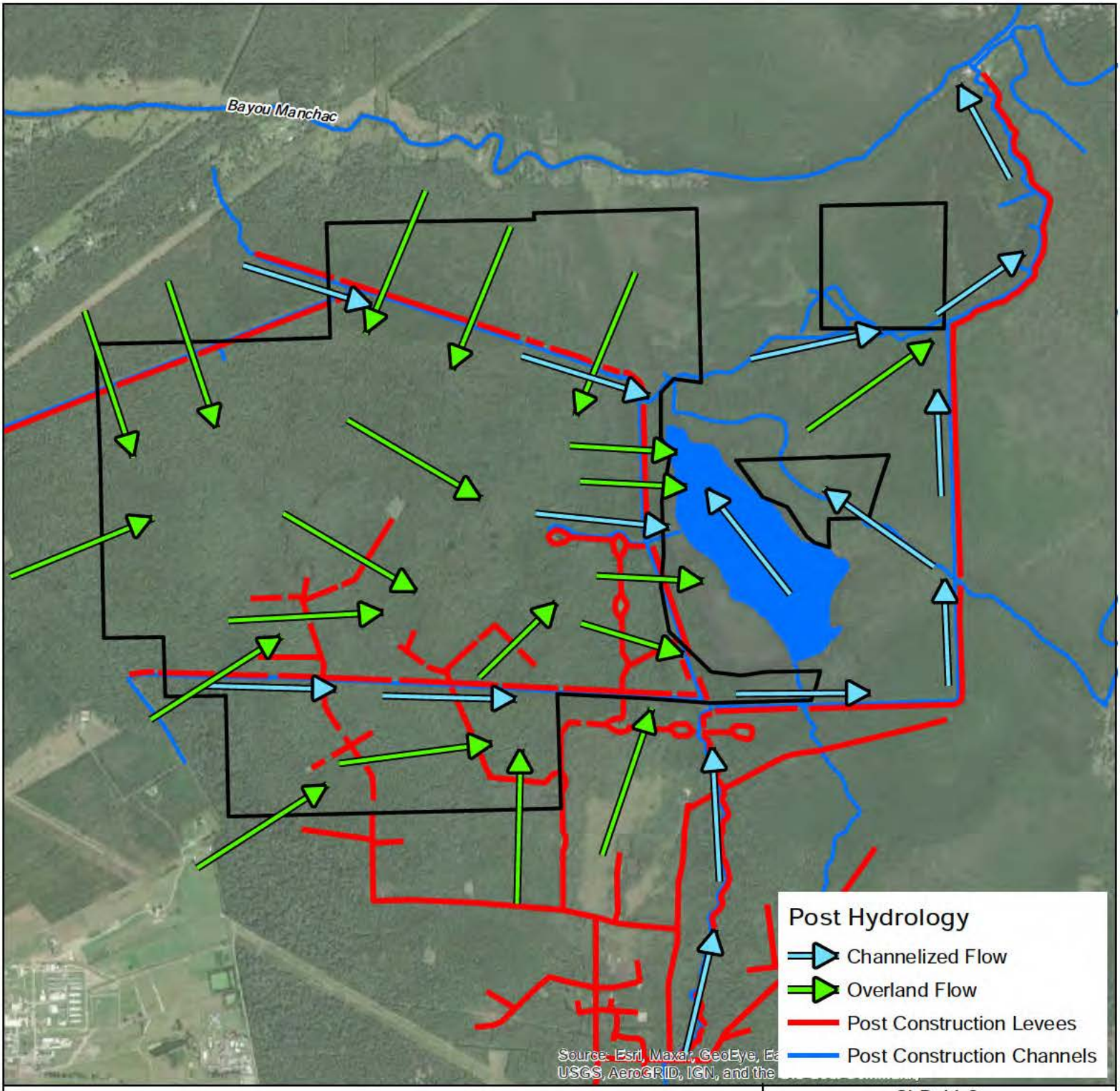
Baton Rouge, LA

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

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

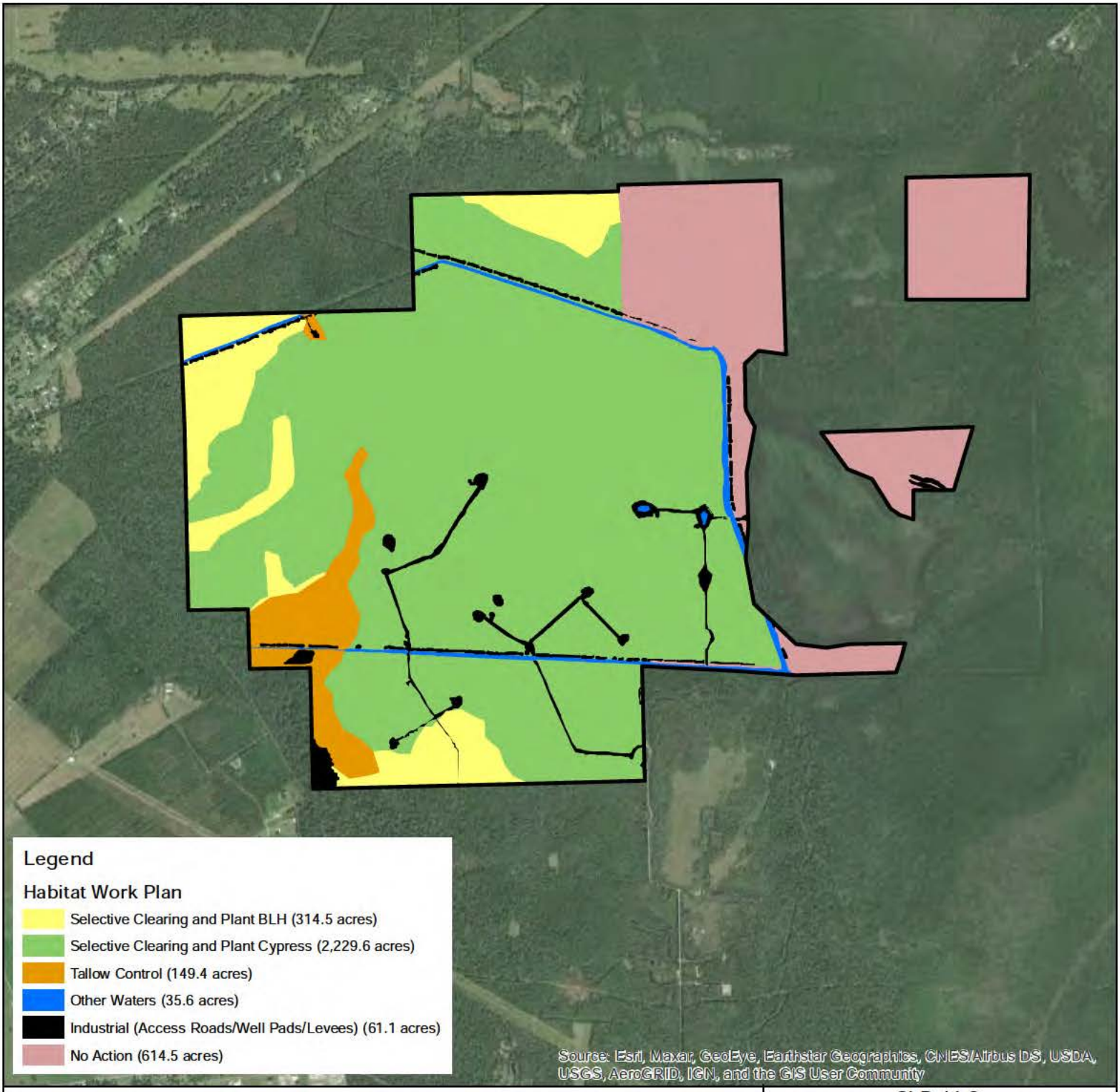
Baton Rouge, LA

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

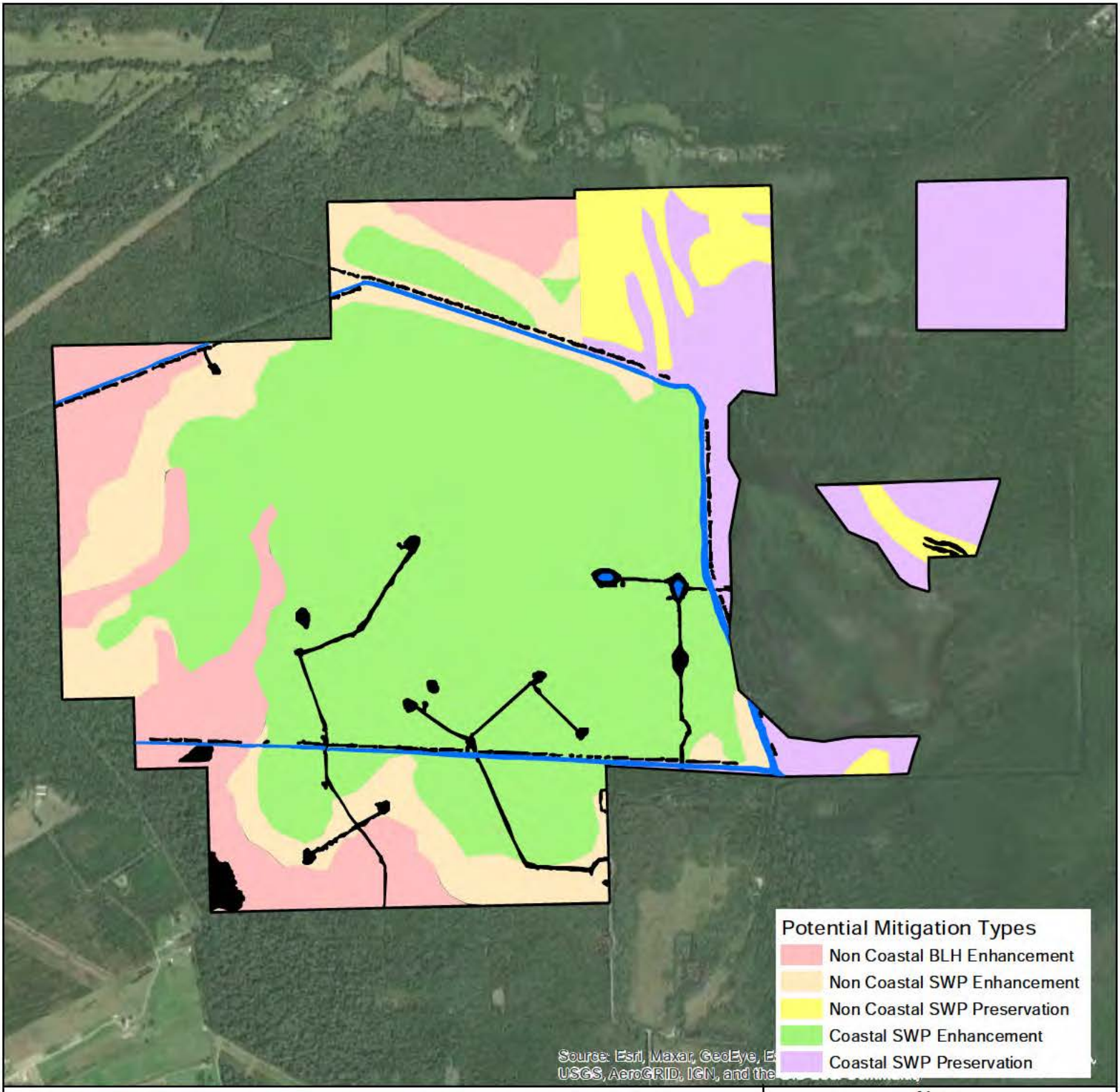
Baton Rouge, LA

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.

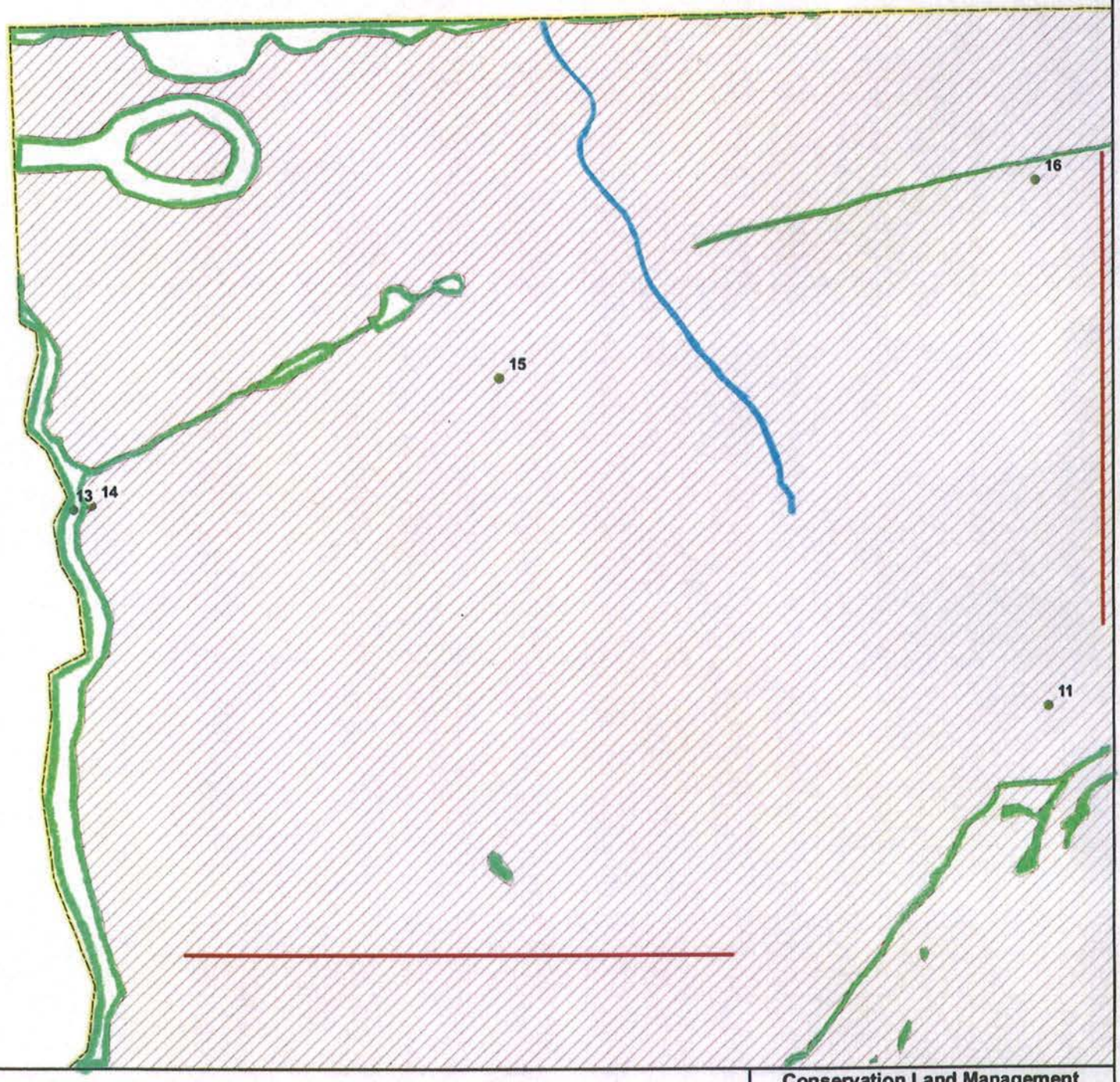
You and your client are advised that this preliminary jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific 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

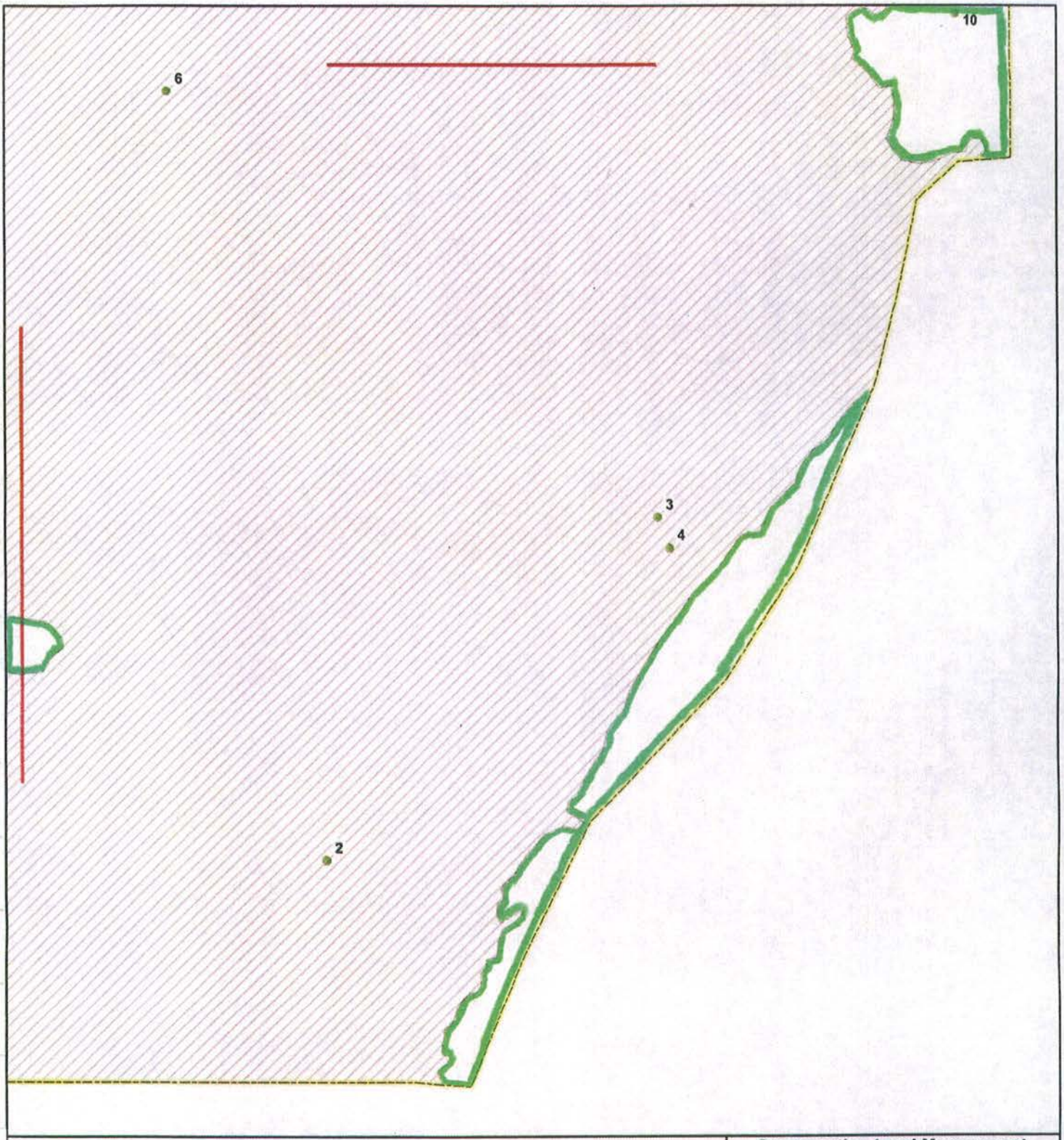
St. Gabriel, LA

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)

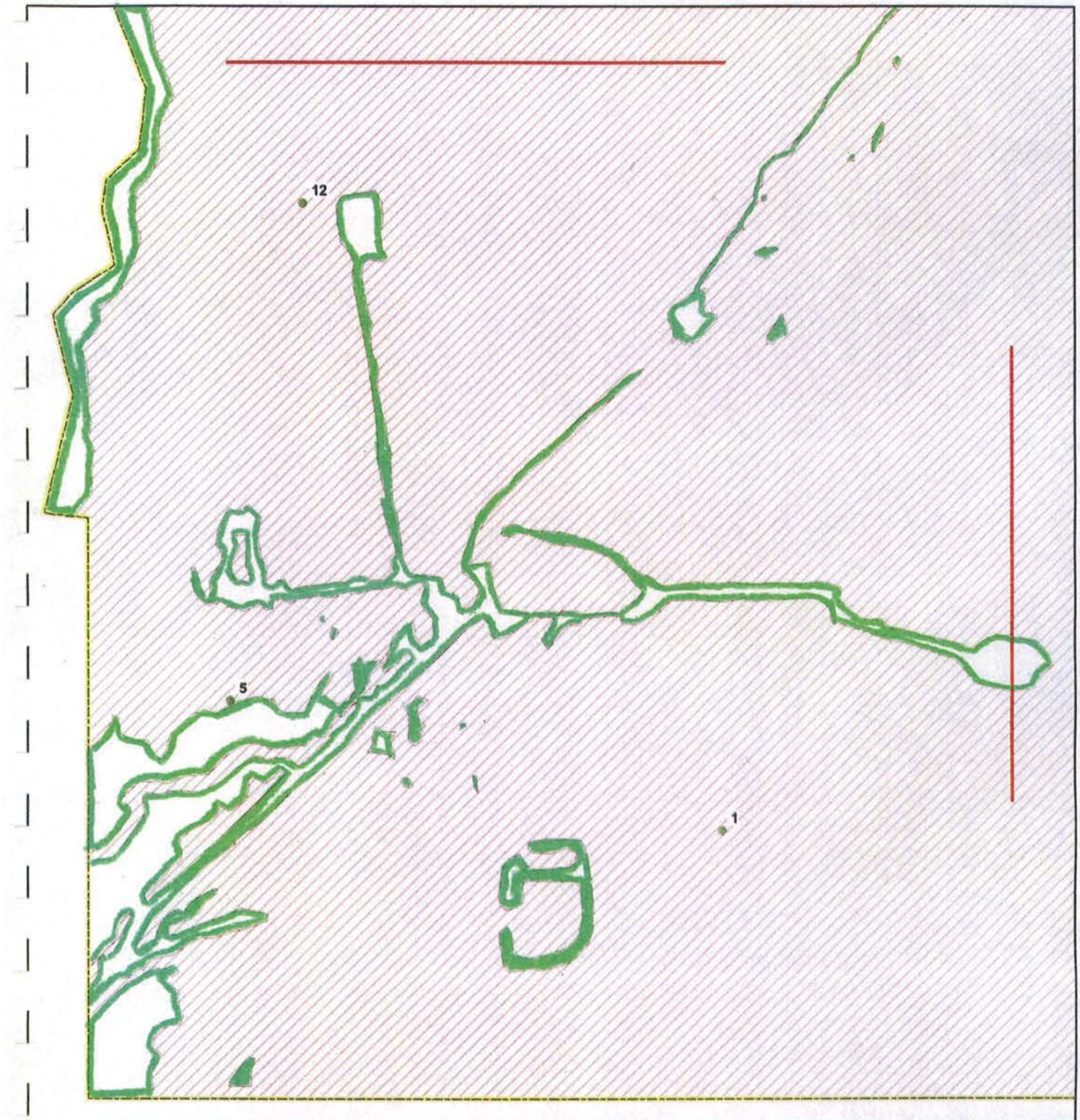
=NON-WETLAND

=WETLAND (404)

U.S. ARMY CORPS OF ENGINEERS

PRELIMINARY

JURISDICTIONAL DETERMINATION



Legend

Project Area (1261.44 acres)

520 260 0 520 Feet

N

NRP

USACE

Map 4 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

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).

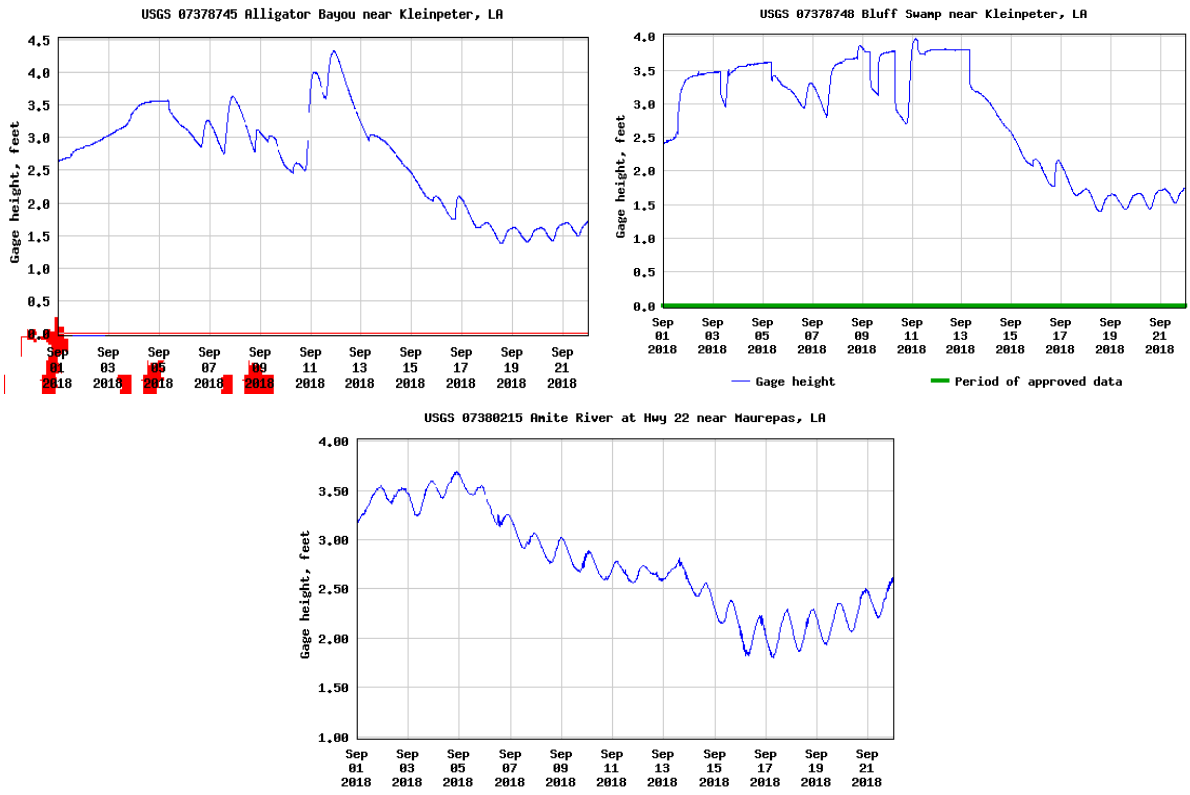


Figure 1.1: USGS hydrographs for Alligator Bayou (top left), Frog Bayou (top right), and the Amite River (bottom) between September 1-21, 2018. Alligator Bayou exhibits tidal fluctuations consistent with the Amite River after September 15, but the signal is obscured between September 1-5.

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.

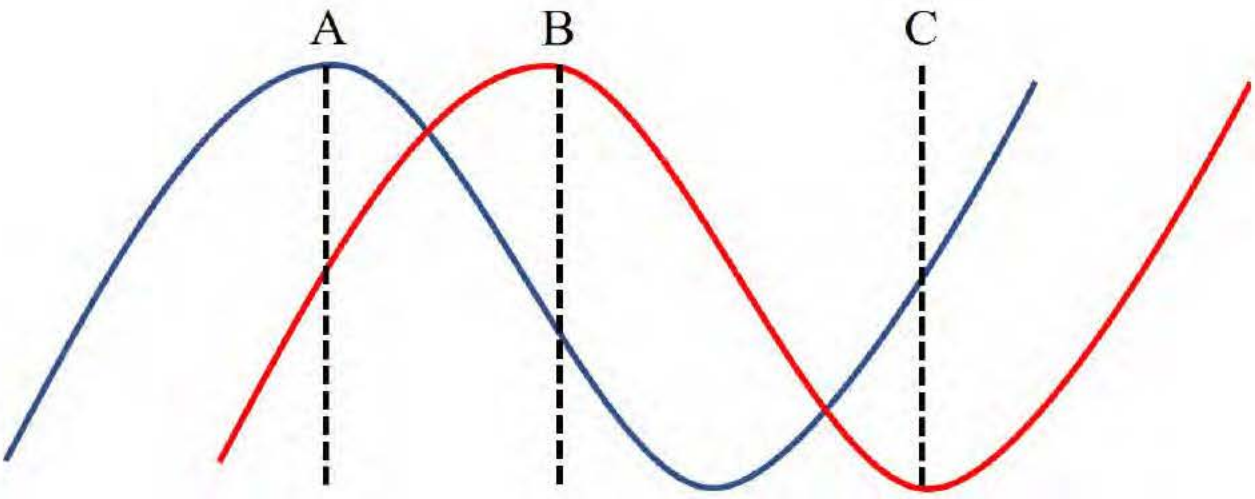


Figure 1.3: Schematic diagram of two hydrographic curves. The cross-correlation between the two curves is close to zero at lag A, strongly positive at lag B, and strongly negative at lag C.

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.

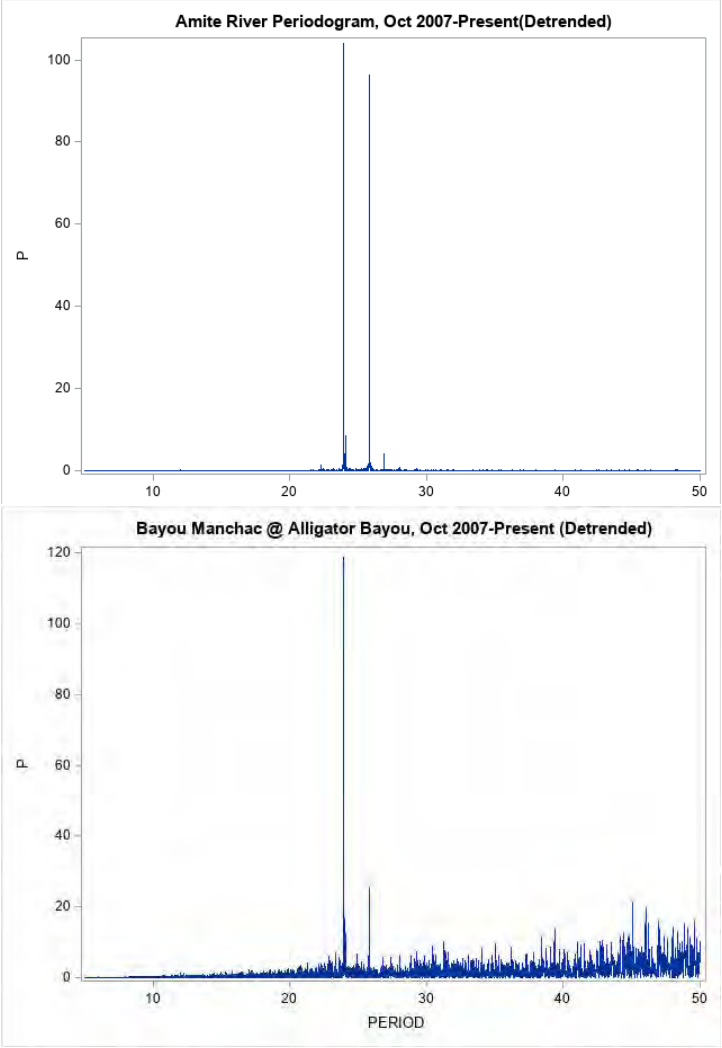


Figure 2.1: Periodograms for AR (top) and BMAB (bottom), detrended in 36-hour intervals. The x-axis indicates period or cycle lengths in hours, and the y-axis indicates the strength of each period's representation in the overall timeseries.

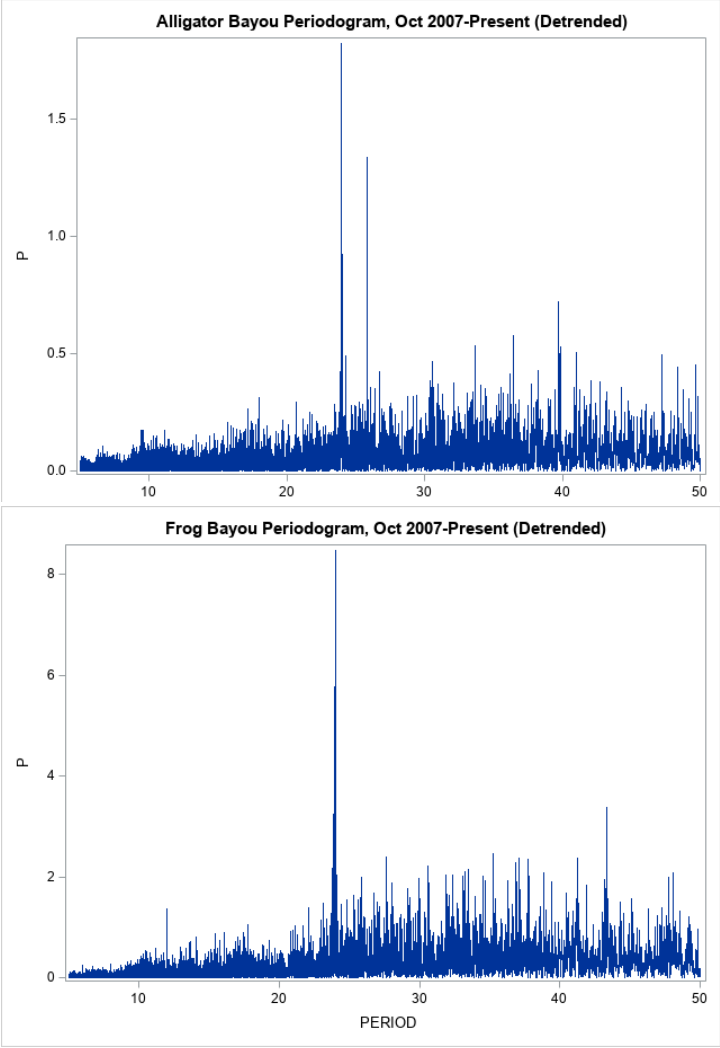


Figure 2.2: Periodograms for AB (top) and FB (bottom), detrended in 36-hour intervals. The x-axis indicates period or cycle lengths in hours, and the y-axis indicates the strength of each period's representation in the overall timeseries.

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.

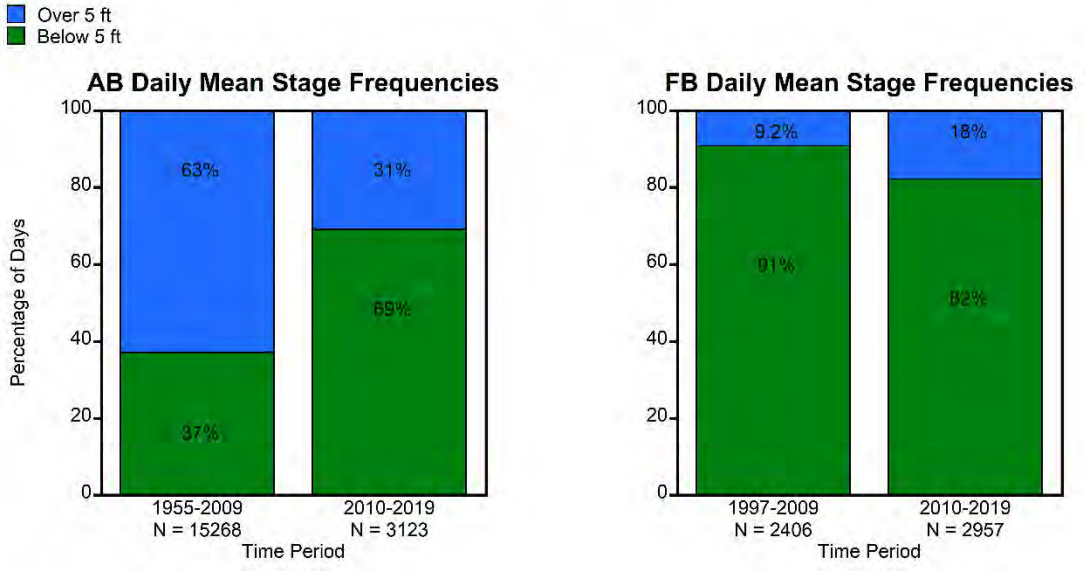


Figure 3.1: Frequency distributions for mean water levels at AB and FB, before and after water year 2010.

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

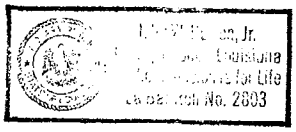


EXHIBIT A

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

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