



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118-3651

November 17, 2022

Regulatory Division
Eastern Evaluation Branch

SUBJECT: Mid-Barataria Sediment Diversion
MVN 2012-02806 EOO

Ms. Virginia M. Fay
Assistant Regional Administrator, Habitat Conservation Division
National Marine Fisheries Service, Southeast Regional Office
263 13th Avenue South
Saint Petersburg, Florida 33701-5505

Dear Ms. Fay,

This letter is in response to the two Essential Fish Habitat (EFH) conservation recommendations provided by National Marine Fisheries Service (NMFS) in a letter dated April 6, 2021 regarding the Louisiana Coastal Protection and Restoration Authority's (CPRA) construction of the proposed Mid-Barataria Sediment Diversion Project (MBSD), located near Ironton, Louisiana, in Plaquemines Parish. NMFS's letter was in response to the EFH assessment found in Appendix N of the MBSD Draft Environmental Impact Statement (EIS) dated March 2021. To comply with Section 305(b)(4)(B) of the Magnuson-Stevens Act and 50 CFR 600.920(k), the U.S. Army Corps of Engineers, New Orleans District (CEMVN) provided an interim letter to your office dated April 30, 2021 which included a commitment to provide a final, written response to your conservation recommendations at least 10 days prior to issuing our Record of Decision (ROD).

CEMVN has been in close coordination with NMFS and the entire Louisiana Trustee Implementation Group (LA TIG) throughout the EIS process. In the April 6, 2021 letter, NMFS concurred with the EIS findings of impacts on federally managed fisheries from the construction and operation of the proposed MBSD project. The EIS findings were based off the use of Habitat Suitability Indices (HSIs), review of existing scientific literature and data, as well as subject matter expert opinion. Due to the novel concept of sediment diversions (MBSD), project scale/scope, long term operation, and schedule, NOAA recommended further monitoring, development of a Monitoring and Adaptive Management (MAM) Plan, and further monitoring which would provide continued evaluation of project performance and the effects of sediment diversions on fisheries, protected species, marine mammals, and the habitats on which marine species depend.

CEMVN is in position to issue our ROD in the near future to comply with the December 23, 2022 permitting dashboard milestone. If a CEMVN Department of Army

(DA) permit is issued, the two EFH conservation recommendations would be included as a DA permit special condition stating the following:

The permittee is reminded of its agreement to comply with all 2 (two) of NMFS's EFH Conservation Recommendations.

- a. The MAM Plan should clearly identify variables and conditions to be monitored and describe the monitoring protocols. The MAM Plan should also identify specific management alternatives including, but not limited to alternate flow rate, frequency, timing and duration, and an effective decision-making regime to modify project management if monitoring and subsequent analyses indicate diversion operations are not providing the desired outputs, or are causing unexpected or unwanted effects to resources of concern.
- b. The CPRA and LA TIG should continue investment in ecosystem models (e.g., EwE and CASM) and individual species models (e.g., HSI) development and refinement for their use in comparing alternatives in the MAM Plan. Recommended ecosystem model improvements to support MAM, include but are not limited to:
 - i. Continued calibration
 - ii. True validation with independent data
 - iii. Sensitivity analyses with biotic and abiotic parameters
 - iv. Refined uncertainty analyses
 - v. Structural sensitivity analysis
 - vi. Translation of salinity or other environmental parameters to changes in growth, mortality, reproduction, movement/distribution, production, prey availability, etc. to get at population-, or food web-level effects.

Thank you for your continued coordination on the proposed MBSD review. Should you have any further questions concerning this matter, please contact Brad LaBorde at (504) 862-2225 or brad.laborde@usace.army.mil.

Sincerely,

Martin S. Mayer
Chief, Regulatory Division