



December 7, 2009

United States Environmental Protection Agency
EPA Region 6
Barbara Keeler
(6WQ-EC)
1445 Ross Ave
Dallas, Texas 75202-2733

Re: Proposed Mitigation Measures for the West Closure 404(c) Area Encroachment
Contract No. W912P8-09-C-0041
Gulf Intracoastal Waterway West Closure Complex (GIWW WCC)

Dear Ms. Keeler:

Thank you again for working with Gulf Intracoastal Constructors' (GIC) in developing a plan to address the wetlands located near the 404(c) area. We fully appreciate the great ecological value that these wetlands hold, and we look forward to working with EPA to implement the following proposed actions in an environmentally protective and expeditious manner.

On November 12, 2009, Gulf Intracoastal Constructors (GIC) met with representatives from the U.S. Environmental Protection Agency (EPA) to discuss GIC's self-report of unauthorized encroachment by work crews into the protected 404(c) area adjacent to the West Closure Complex (WCC) construction area. GIC and EPA agreed at this meeting that GIC would implement a three-pronged plan for addressing the encroachment: 1) corrective changes to GIC's Work Plan, 2) mitigation of impacted areas, and 3) other enhancements within the protected area. We understand that, once this plan is approved by EPA and NPS, GIC will be authorized to proceed with the plan. We also understand that we will not fully be released until all work has been performed and implemented.

Corrective Changes to Work Plan: GIC will immediately implement, or has already implemented, the following revisions to its Work Plan:

1. **Enhanced Training.** GIC already provides training on site safety and environmental compliance for its construction crews (including supervisors, foremen and equipment operators). Prior to working on-site, all construction crews at the WCC site will receive enhanced training focused on compliance with environmental requirements for this project. The course will emphasize the importance of protecting regulated areas, strive to eliminate unauthorized activities, and provide specific information about Bayou Aux Carpes wetlands. A copy of the training course is attached (see Attachment 1).
2. **Physical Barriers.** GIC will install an orange barrier fence on the 90-foot line. GIC's on-site Environmental Team will inspect the barrier weekly to ensure that it remains in working order.

GULF INTRACOASTAL CONSTRUCTORS, A JOINT VENTURE
883 WALKER ROAD
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3. On-Site Supervision. GIC will have an onsite Superintendent in the work area during any on-going work activities. The Work Plan will also identify a Responsible Superintendent who will bear responsibility to ensure that GIC's work crews do not cross the orange barrier fence.

The revised Work Plan is attached to this as (see Attachment 2).

Implementation of Mitigation: GIC will implement the following steps to mitigate impact to approximately 9452 sq ft of impacted areas (Project Area).

1. Initial Assessment. GIC's environmental consultant, Whitemont Group, Inc. (WGI), will complete a site visit to evaluate the areas beyond the 90-foot offset line that constitute the Project Area. This site visit will collect field data on tree density, species composition and diversity, general topography information, and an overall habitat assessment. GIC will prepare a plan drawing indicating the Project Area.

2. Mitigation Plan. WGI will analyze the Wetland Value Assessment (WVA) information collected by United States Fish & Wildlife Service (FWS) before GIC cleared the Project Area. WGI will work with EPA and the National Parks Service (NPS) to develop an acceptable mitigation plan that incorporates an ecologically responsible planting regime (density, native species types, and individual planting locations) for the Project Area. This work will be completed by February 1, 2010.

3. Mitigation Final Report. After it completes the planting effort, GIC will submit a final mitigation report to EPA and NPS which will include photographs, GPS locations of planted individuals, and maps showing the species planted and their locations. This report will be submitted within 30 days after February 1, 2010.

4. Follow-Up Inspection and Assessment. To ensure success of the project, GIC will complete an inspection of the Project Area within one year after completion of the mitigation effort. GIC will submit a report of its findings to EPA and NPS.

Enhancement: EPA and NPS have identified an area of approximately 59 acres of forested hardwood within the Jean Lafitte National Historical Park and Preserve that contains an infestation of invasive Chinese tallow. See map at (Attachment 3) for the identified area. To help remove Chinese tallow from the area, GIC will expend \$35,000 to retain a contractor approved by the NPS to perform services contributing to the eradication of the Chinese tallow within the identified area. This work will be completed before February 1, 2010.



Please contact me at (817) 291-8317 should you have any questions related to this letter.

Sincerely,

A handwritten signature in black ink that reads 'Doug Glaser'.

Doug Glaser
Executive Vice-President
Kiewit Federal Group Inc.
GIC Managing Partner