Appendix E

Agency Coordination

ESA MEMO

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed,
( ) Will have no effect on those resources
(✓) Is not likely to adversely affect those resources.
This finding fulfills the requirements under Section 7(a)(2) of the Act.

Feb 4, 2015
Acting Supervisor Date
Louisiana Field Office
U.S. Fish and Wildlife Service

To: Jeff Weller, USFWS
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506
Fax: (337) 291-3139

From: Tammy Gilmore
FAX: (504) 862-2088
Date: February 2, 2015

Subject: **ESA Renewal for EA #535, West Bay Marsh Creation TIER 1, Louisiana Coastal Area (LCA) Beneficial Use of Dredged Material Program (BUDMAT), Plaquemines Parish, Louisiana.**

Dear Mr. Weller:

Attention: David Castellanos

The U.S. Army Corps of Engineers (USACE), New Orleans District (MVN), is preparing to perform the work described in Environmental Assessment (EA) #535, "West Bay Marsh Creation TIER 1, Louisiana Coastal Area (LCA) Beneficial Use of Dredged Material Program (BUDMAT), Plaquemines Parish, Louisiana." The site will be a disposal area for the placement and beneficial use of dredged material removed during maintenance dredging of the hopper dredge disposal area located in the Federally-maintained Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana project (Figure 1). The 44-acre marsh creation site to be located within an area of West Bay that has recently undergone evaluation, coordination, and approval in connection with *Environmental Assessment (EA) Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, Designation of Additional disposal Areas for Head of Passes, Southwest Pass, and South Pass, Plaquemines Parish, Louisiana EA #517.* Therefore, EA #517, and the associated coordination, is incorporated by reference into EA #535. We are requesting renewal of the March 22, 2013, threatened and endangered species determination concurrence for the work in EA #517, which has expired. The FONSI for EA #517 was signed on November 22, 2013.

Project Description

Dredged material would be placed in West Bay. It is anticipated the disposal areas will naturally vegetate through colonization of species from adjacent vegetated areas, consistent with experience at other MVN beneficial use-disposal areas in the Mississippi River Delta.

The West Bay Disposal Area (WBDA) was designated for the beneficial use-placement of dredged material removed during maintenance dredging of the HDDA. The proposed disposal site encompasses a approximately 44 acres of shallow open water located in West Bay. Shoal material removed from the HDDA would be placed within the new disposal site for marsh creation.

Material removed from HDDA would be placed unconfined in shallow open water areas within the proposed WBDA, with the maximum initial dredged material slurry height of about +4.5 feet NAVD88 to achieve an expected final elevation of about +2.5 to +3.0 feet NAVD88 which would be conducive to wetlands (emergent marsh) development. The placement site is expected to become vegetated by colonization from adjacent vegetated areas, consistent with experience at other MVN beneficial use-disposal areas in the Mississippi River Delta.

MVN anticipates the use of the existing access corridor that the current HDDA maintenance dredging project uses to reach the West Bay site. If access corridors across existing marsh and upland areas extending from the Mississippi River are required to allow construction equipment and dredge pipeline to reach the discharge site within the disposal area adverse impacts to areas of existing marsh would be avoided to the maximum extent practicable. Such access corridors would be limited to a maximum width of approximately 150 feet. These access corridors would be backfilled with dredged material to a maximum elevation of approximately 3 feet above existing, adjacent marsh upon completion of dredging and disposal activities to restore these degraded corridors to pre-project marsh elevations and ultimately functioning marsh habitat. Discharge of dredged material into the proposed disposal site would be performed by a hydraulic dredge. Excavation and discharge of access corridor material, and of closure/dike material, would be performed by a mechanical dredge.

Occurrence of Protected, Threatened and Endangered Species

According to a U.S. Fish and Wildlife Service (USFWS) letter dated July 13, 2012, which provided comments in accordance with the Fish and Wildlife Coordination Act (FWCA), Endangered Species Act (ESA), Bald and Golden Eagle Protection Act (BGEPA), and the Migratory Bird Treaty Act (MBTA) for those areas within MVN proposed FY13 Operations and Maintenance Dredging and Disposal Plans for federally-maintained navigation channels, protected species that may occur in the project vicinity include the West Indian manatee (*Trichechus manatus*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), pallid sturgeon (*Scaphirhynchus albus*), and sea turtles. In addition, USFWS has provided general comments suggesting that the Gulf sturgeon (*Acipenser oxyrhynchus desotoi*) may occur along the east side of the Mississippi Delta, including in a portion of the proposed project area. Brown pelicans and other colonial nesting wading birds and seabirds protected under the MBTA may be encountered in the project area as well. No critical habitat for any threatened or endangered species has been designated within the proposed project area, and none of these species are known to breed within the project vicinity.

West Indian Manatee

West Indian manatees, also known as sea cows, are large aquatic mammals found in shallow, slow-moving rivers, estuaries, salt water bays, canals, and coastal areas. Range is generally restricted to the southeastern United States, although individuals may occasionally venture as far north as Massachusetts and as far west as Texas (USFWS 2013). They are rare visitors to coastal Louisiana, occasionally entering Lakes Pontchartrain and Maurepas, and associated coastal waters and streams during the summer months. They have also been reported in the Amite, Blind, Tchefuncte, and Tickfaw rivers, and in canals within the adjacent coastal marshes of

Louisiana. It is extremely unlikely that manatees would be found in the project area and surrounding shallow open waters; however, if manatees are observed within 100 yards of the "active work zone" during proposed construction/dredging activities, MVN would implement the appropriate special operating conditions (e.g., no operation of moving equipment within 50 feet of a manatee; all vessels should operate at no wake/idle speeds within 100 yards of work area; siltation barriers, if used, should be re-secured and monitored; report manatee sightings or collisions), as provided by the USFWS, Lafayette, Louisiana Field Office. Special operating conditions for manatees would be included in any MVN plans and specifications developed prior to dredging and disposal activities.

Piping Plover

The piping plover, as well as its designated critical habitat, occurs along the Louisiana coast (http://critical habitat.fws.gov/crithab). Piping plovers winter in Louisiana and may be present eight to ten months of the year (LDWF 2011). They depart for the wintering grounds from mid-July through late October and remain until late March or April. Piping plovers forage on intertidal beaches, mudflats, sand flats, algal flats, and wash-over passes with no or very sparse vegetation. They roost in unvegetated or sparsely vegetated areas, which may have debris, detritus, or micro-topographic relief offering refuge from high winds and cold weather. They also forage and roost in wrack deposited on beaches. Piping plovers could occur along the shoreline and in the intertidal of the project vicinity during winter migration, but are not permanent residents of the area. Critical habitat has been designated south of Pass a Loutre—mainly near the mouth of South Pass and in portions of East Bay between South and Southwest passes. Dredging and disposal areas associated with the proposed work do not lie within these critical habitat areas. Construction activities associated with the proposed project may cause piping plovers occurring near the project area to be temporarily displaced to nearby areas containing foraging and loafing habitat.

Red knot

The red knot (*Calidris canutus rufa*) was federally listed as a threatened species on December 11, 2014, as announced in the Federal Register Vol. 79, No. 238. The red knot is a medium-sized shorebird about 9 to 11 inches (23 to 28 centimeters) in length with a proportionately small head, small eyes, short neck, and short legs. The black bill tapers steadily from a relatively thick base to a relatively fine tip; bill length is not much longer than head length. Legs are typically dark gray to black, but sometimes greenish in juveniles or older birds in non-breeding plumage. Non-breeding plumage is dusky gray above and whitish below. The red knot breeds in the central Canadian arctic but is found in Louisiana during spring and fall migrations and the winter months (generally September through March).

During migration and on their wintering grounds, red knots forage along sandy beaches, tidal mudflats, salt marshes, and peat banks. Observations along the Texas coast indicate that red knots forage on beaches, oyster reefs, and exposed bay bottoms, and they roost on high sand flats, reefs, and other sites protected from high tides. In wintering and migration habitats, red knots commonly forage on bivalves, gastropods, and crustaceans. Coquina clams (*Donax variabilis*), a frequent and often important food resource for red knots, are common along many

gulf beaches. Major threats to this species along the Gulf of Mexico include the loss and degradation of habitat due to erosion, shoreline stabilization, and development; disturbance by humans and pets; and predation.

The non-vegetated open water habitat impacted by the project is not a feeding or loafing habitat of the red knot. Also, red knots can easily avoid the project area and temporarily relocate to nearby beach and marsh habitat; therefore, CEMVN has determined the proposed action is not likely to adversely affect the red knot.

Pallid Sturgeon

The pallid sturgeon is an endangered fish found in Louisiana, in both the Mississippi and Atchafalaya Rivers (with known concentrations in the vicinity of the Old River Control Structure Complex); it is possibly found in the Red River as well. The pallid sturgeon is adapted to large, free-flowing, turbid rivers with a diverse assemblage of physical characteristics that are in a constant state of change. Detailed habitat requirements of this fish are not known, but it is believed to spawn in Louisiana. Habitat loss through river channelization and dams has adversely affected this species throughout its range. Entrainment issues associated with dredging operations in the Mississippi and Atchafalaya Rivers and through diversion structures off the Mississippi River are two potential effects that should be addressed in future planning studies and/or in analyzing current project effects. Juvenile pallid sturgeon appear to be at risk for entrainment in hydraulic dredges, because of their benthic holding behavior and their relatively low burst swimming speed (Hoover et al. 2005). The density of pallid sturgeon in the Mississippi River Delta is thought to be low; however, sampling efforts in that area have not been extensive so population estimates in these areas are uncertain (USFWS 2010). Because pallid sturgeon are believed to be strictly freshwater fish, they are probably absent from the Mississippi River Delta during low river flows when salt water from the Gulf of Mexico intrudes upriver along the bottom of the channel (salt water wedge). If project construction is planned during these events, impacts to pallid sturgeon due to dredging activities in the Mississippi River Delta are unlikely.

Although pallid sturgeon are unlikely to occur in the project area, the USFWS recently provided the following recommendations. These are not requirements, but their implementation may further reduce the unlikely chance of encountering pallid sturgeons or other fish species while conducting dredging activities.

1. To the extent possible, schedule dredging activities in the project area during low flow periods, when salt water occurs on the channel bottom further upriver than during normal or high river flows.

2. The cutterhead should remain completely buried in the bottom material during dredging operations. If pumping water through the cutterhead is necessary to dislodge material or to clean the pumps or cutterhead, etc., the pumping rate should be reduced to the lowest rate possible until the cutterhead is at mid-depth, where the pumping rate can then be increased.

3. During dredging, the pumping rates should be reduced to the slowest speed feasible while the cutterhad is descending to the channel bottom.

4. If hopper dredges are utilized, explore the feasibility of using a rigid sea turtle deflector, which is designed to protect sea turtles by preventing them from entering the draghead, and evaluate the effectiveness of that device for pallid sturgeon and other fish species.

Gulf Sturgeon

The Gulf sturgeon is an anadromous fish inhabiting coastal rivers from Louisiana to Florida during the warmer months and overwintering in estuaries, bays, and the Gulf of Mexico (NMFS 2011). Historically, Gulf sturgeon occurred from the Mississippi River east to Tampa Bay. Its present range extends from Lake Pontchartrain and the Pearl River system in Louisiana and Mississippi east to the Suwannee River in Florida; however, sporadic occurrences have been recorded as far west as the Rio Grande between Texas and Mexico, and as far east and south as Florida Bay. The only documented catches of Gulf sturgeon in the Mississippi River have reportedly taken place near its mouth; however, these are considered incidental occurrences since no resident (i.e., reproducing) population for the Mississippi River is believed to exist. The USFWS and NMFS published a final rule in the Federal Register (Volume 68, No. 53) designating critical habitat for the Gulf sturgeon in Louisiana, Mississippi, Alabama, and Florida. Portions of the Pearl and Bogue Chitto Rivers, Lake Pontchartrain east of the Lake Pontchartrain Causeway, all of Little Lake, The Rigolets, Lake St. Catherine, and Lake Borgne within Louisiana were included in that designation. The proposed project area is outside those portions of Louisiana designated as critical habitat.

Sea Turtles

Loggerhead sea turtles (*Caretta caretta*) nest within the coastal United States from Louisiana to Virginia, with major nesting concentrations occurring on the coastal islands of North Carolina, South Carolina, and Georgia, and on the Atlantic and Gulf coasts of Florida (NMFS/USFWS 2009). In Louisiana, loggerhead sea turtles are known to nest on the Chandeleur Island (LDWF 2011). Nesting and hatching for loggerheads in the Gulf of Mexico occur from May through November.

Green sea turtles (*Chelonia mydas*) are more tropical in their distribution, and are rarely seen in Louisiana coastal waters (LDWF 2011). Nesting in the Southeastern U.S. occurs roughly from June through September (NMFS/USFWS 1991). Nesting within the project area is highly unlikely, as green sea turtles prefer to nest on high-energy beaches with deep sand and little organic content. Furthermore, the Minerals Management Service (1997) indicated that reports of green sea turtle nesting in the northern Gulf are "isolated and infrequent."

The most seriously endangered of the sea turtles, Kemp's Ridley turtles (*Lepidochelys kempii*) occur mainly in bays and coastal waters of the Atlantic Ocean and Gulf of Mexico (NMFS/USFWS 1992a). Nesting occurs on the northeastern coast of Mexico and occasionally on Texas Gulf Coast beaches from April to July. No Kemp's Ridley sea turtle nesting habitat

occurs near the project site, and nesting has not been known to occur in the area. Along the Louisiana coast, turtles are generally found in shallow nearshore and inshore areas, and especially in salt marsh habitats, from May through October.

The hawksbill (*Eretmochelys imbricate*) is a small sea turtle, generally spending most of its life in tropical waters such as the warmer portions of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea (NMFS/USFWS 1993). Hawksbills frequent rocky areas, coral reefs, shallow coastal areas, lagoons, narrow creeks, and passes. Nesting may occur on almost any undisturbed deep-sand beach in the tropics—in North America, the Caribbean coast of Mexico is a major nesting area. In the continental United States, nesting sites are restricted to Florida where nesting is sporadic at best (NMFS/USFWS 1993). Due to the lack of suitable foraging and nesting habitats, there is a low probability of this species occurring within the project area.

The leatherback sea turtle (*Dermochelys coriacea*) is the largest, deepest diving, and most migratory and wide ranging of all the sea turtles (NMFS/USFWS 1992). Leatherbacks are mainly pelagic, inhabiting the open ocean and seldom entering coastal waters except for nesting purposes. Nesting in the United States is mainly confined to the Florida coast, and no nesting has been reported from Louisiana (Gunter 1981).

NMFS is responsible for aquatic marine endangered and threatened sea turtles. High levels of sediment in the water column and low prey availability probably preclude any high use of sea turtles in the lower Mississippi River Delta. Furthermore, hydraulic cutterhead pipeline dredging operations have not been identified as a source of sea turtle mortality.

Brown Pelican

The brown pelican (*Pelecanus occidentalis*), a year-round resident of coastal Louisiana that may occur in the project area, was removed from the Federal List of Endangered and Threatened Wildlife (i.e., "delisted") by USFWS on November 17, 2009. Despite its recent delisting, brown pelicans—and other colonial nesting wading birds and seabirds—remain protected under the MBTA. Portions of the proposed project area may contain habitats commonly inhabited by colonial nesting wading birds and seabirds. To minimize disturbance to pelicans and other colonial nesting birds and seabirds potentially occurring in the project area, MVN would observe restrictions on activity provided by the USFWS, Lafayette, Louisiana Field Office. Special operating conditions addressing pelicans and other colonial nesting wading birds and seabirds (reporting presence of birds and/or nests; no-work distance restrictions—2000 ft for brown pelicans; bird nesting prevention and avoidance measures; marking discovered nests) would be included in any MVN plans and specifications developed prior to dredging and disposal activities. In addition, dredging and disposal activities would be restricted to non-nesting periods for colonial nesting wading birds and seabirds when practicable.

Conclusion and Determination

Although threatened or endangered species may occur within the general project vicinity, their presence within the open waters of the proposed project areas is unlikely. The proposed project area does not contain critical habitat for federally-listed species, and the open water areas and

comparable habitats surrounding the project area would allow them to avoid the project activities and temporarily relocate to these areas. The proposed dredging reaches have previously been disturbed and have undergone routine maintenance events in the past.

We believe that the project, as planned, is not likely to adversely affect any federally-listed threatened or endangered species or their critical habitat. Please review this plan and inform us whether or not you agree with our determination. If you have any questions about the project or need additional information please telephone me at (504) 862-1002.

Literature Cited

Gunter, G. 1981. Status of turtles on the Mississippi coast. Gulf Research Report 7(1): 89-92.

Hoover, J.J., Killgore, K.J., Clarke, D.G., Smith, H., Turnage, A., and Beard, J. 2005. Paddlefish and sturgeon entrainment by dredges: Swimming performance as an indicator of risk. DOER Technical Notes Collection (ERDC TN-DOER-E22), U.S. Army Engineer Research and Development Center, Vicksburg, MS. http:er.erdc.usace.army.mil/dots/doer.html

Louisiana Department of Wildlife and Fisheries (LDWF). 2011. http://www.wlf.louisiana.gov/experience/threatened

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National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS)/U.S. Fish and Wildlife Service (USFWS). 1993. Recovery Plan for Hawksbill Turtles in the U.S. Caribbean, Atlantic, and Gulf of Mexico. National Marine Fisheries Service and the U.S. Fish and Wildlife Service, Washington, D.C.

National Oceanic and Atmospheric Administration, National Marine Fisheries Service

(NMFS)/U.S. Fish and Wildlife Service (USFWS). 2009. Recovery Plan for the Northwest Atlantic Population of the Loggerhead Sea Turtle. National Marine Fisheries Service and the U.S. Fish and Wildlife Service, Washington, D.C.

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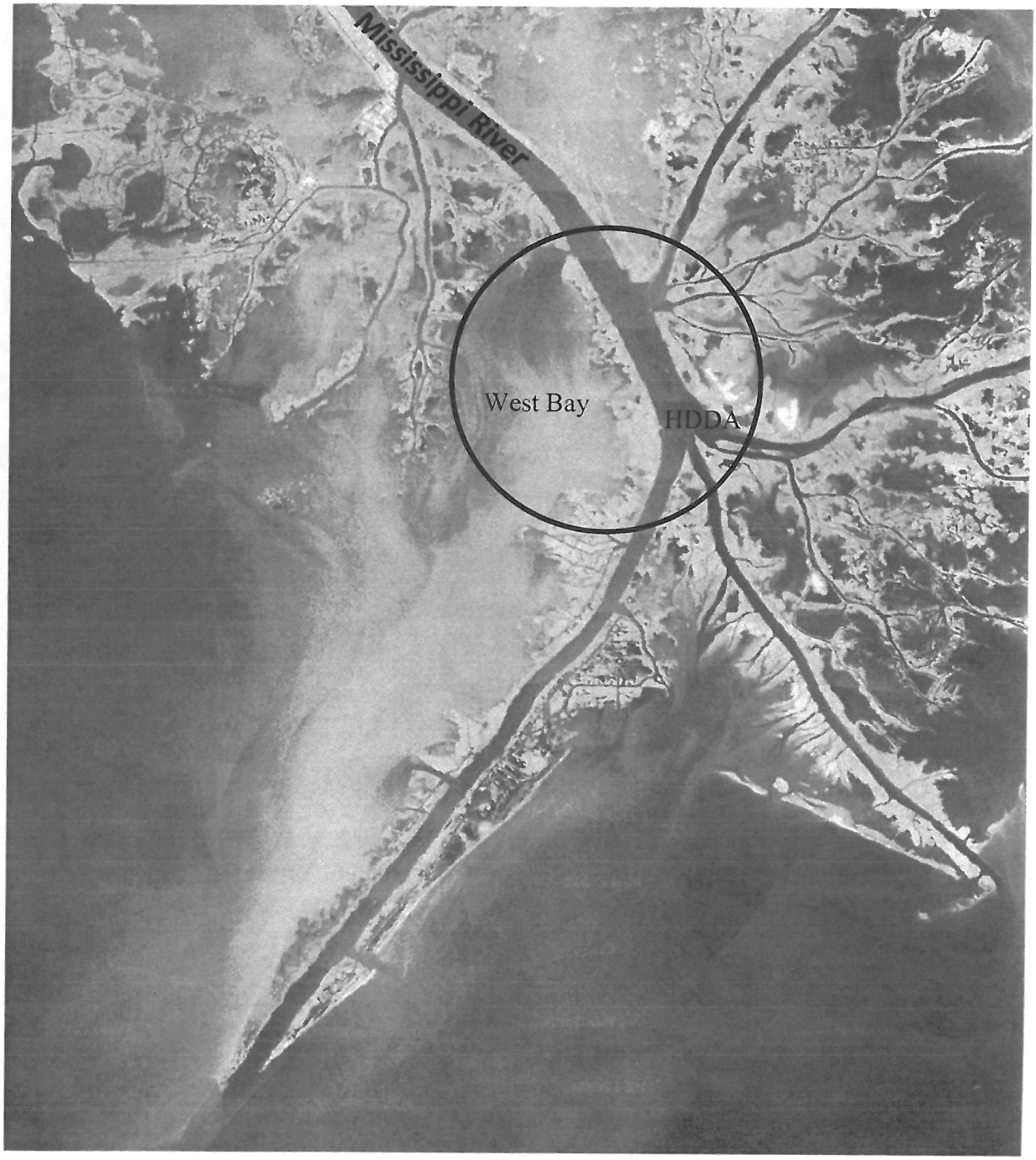


Figure 1. Project Area

Figure 2. Area previously cleared for disposal in EA #517 (blue), proposed marsh creation site (yellow), HDDA dredge material site (green)

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

JUN 21 2012

U.S. Army Corps of Engineers- New Orleans District
CEMVN-OD-T
P.O. Box 60267
New Orleans, LA 70160-0267

Attention: Melissa Hightower

RE: Water Quality Certification (WQC 120521-03/AI 101235/CER 20120003)
West Bay New Placement Area
Plaquemines Parish

Dear Ms. Hightower:

The Louisiana Department of Environmental Quality (the Department) has reviewed your application to dredge waterbottoms and place spoil material for the establishment of a new spoil placement area, approximately 8.3 miles south-southeast of Venice, Louisiana.

Based on the information provided in the application, the Department made a determination that the requirements for a Water Quality Certification have been met and concludes that the placement of the fill material will not violate water quality standards of Louisiana as provided for in LAC 33:IX.Chapter 11. Therefore, the Department hereby issues a Water Quality Certification to U.S. Army Corps of Engineers- New Orleans District.

If you have any questions, please call Jamie Phillippe at 225-219-3225.

Sincerely,

Melvin C. Mitchell, Sr.
Administrator
Water Permits Division

MCM/jjp

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

SEP 18 2013

Regional Planning and
Environment Division South
Environmental Compliance Branch

Ms. Pam Breaux
State Historic Preservation Officer
LA Office of Cultural Development
P.O. Box 44247
Baton Rouge, Louisiana 70804-4247

No known historic properties will be affected by this undertaking. This effect determination could change should new information come to our attention.

Pam Breaux 10-10-13
Pam Breaux Date
State Historic Preservation Officer

Dear Ms. Breaux:

Environmental Assessment #517 (EA #517) titled Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, Designation of Additional Disposal Areas for Head of Passes, Southwest Pass, and South Pass and a draft Finding of No Significant Impact (FONSI) prepared by the U.S. Army Corps of Engineers (USACE), New Orleans District (MVN), are enclosed for your review and comment.

MVN proposes to designate additional disposal areas for the placement and beneficial use of dredged material removed during maintenance dredging of the mainstem Mississippi River, Southwest Pass, South Pass, and the hopper dredge disposal area (HDDA) located at the heads of Pass a Loutre and South Pass in the Federally-maintained Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana project. The proposed disposal areas are located in Plaquemines Parish in southeastern Louisiana in the active delta of the Mississippi River. Dredged material would be placed in West Bay; adjacent to the upper Southwest Pass and South Pass navigation channels within the Pass a Loutre Wildlife Management Area (Pass a Loutre WMA); and within the Delta National Wildlife Refuge (Delta NWR) located north of Pass a Loutre. It is anticipated that the disposal areas will naturally vegetate through colonization of species from adjacent vegetated areas, consistent with experience at other beneficial use-disposal areas in the Mississippi River Delta.

West Bay Disposal Area

An additional disposal area, the West Bay Disposal Area (WBDA), would be designated for the beneficial use-placement of dredged material removed during maintenance dredging of the Mississippi River from approximately Mile 10.0 Above Head of Passes (AHP) to Head of Passes; Southwest Pass; and the HDDA. The proposed disposal area encompasses a total of approximately 17,781 acres of mainly shallow open water with some eroded marsh located in West Bay. Shoal material removed during maintenance dredging would be placed in shallow open water areas within the new disposal site for marsh creation. In addition, portions (as yet undetermined) of the proposed disposal area may be utilized as sediment "stockpile" areas for

SEP 20 -13

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

October 30, 2013 F/SER46/KC:jk
225/389-0508

Ms. Joan M Exnicios, Chief
Environmental Planning Branch
New Orleans District, U.S. Army, Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Ms. Exnicios:

NOAA's National Marine Fisheries Service (NMFS) has received the unsigned Finding of No Significant Impact (FONSI) and draft Environmental Assessment (EA) #517 titled "**Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, Designation of Additional Disposal Areas for Head of Passes, Southwest Pass, and South Pass, Plaquemines Parish, Louisiana**" transmitted by a letter from Ms. Joan Exnicios dated September 18, 2013. The draft EA evaluates the potential impacts associated with the placement and beneficial use of dredged material removed during maintenance dredging of the mainstem Mississippi River, Southwest Pass, South Pass, and the Hopper Dredge Disposal Area. Dredged material would be placed within designated disposal areas located in West Bay (17,781 acres); Portage Bay, Pass a Loutre Wildlife Management Area (720 acres); and Delta National Wildlife Refuge (3,350 acres) for wetland restoration.

NMFS has reviewed the draft EA and finds the document has adequately addressed impacts to essential fish habitat (EFH) and marine fishery species. We support the proposed action to maximize the beneficial use of dredge material for habitat restoration. Nevertheless, NMFS stresses the need for the New Orleans District to consult with NMFS on specific plans regarding dredging and dredged material disposal which may impact EFH. Specific details and documents for each dredging effort should include disposal area location, initial and final target dredged material elevations, containment plans, and disposal pipeline routings.

We appreciate the opportunity to review and comment on the draft EA and unsigned FONSI.

Sincerely,

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette, Walther
EPA, Dallas, Keeler
LA DWF, Balkum
LA DNR, Haydel
Files

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF

JAN 2 3 2015

Regional Planning and
Environment Division, South
Environmental Planning Branch

Keith Lovell
Interagency Affairs/Field Services Division
Office of Coastal Management
Louisiana Department of Natural Resources
P.O. Box 44487
Baton Rouge, Louisiana 70804-4487

Dear Mr. Lovell:

The U.S. Army Corps of Engineers, New Orleans District (MVN) received from your office Coastal Zone Consistency (C20120324), dated February 15, 2013, for Environmental Assessment (EA) #517, "Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana Designation of Additional Disposal Areas for Head of Passes, Southwest Pass, and South Pass, Plaquemines Parish, Louisiana."

MVN is providing for your review a modification to the Consistency Determination for EA #517. This Consistency Determination modification relates only to disposal activities in the West Bay area. The proposed modification to disposal activities in West Bay will be described in the draft EA #535 and FONSI which will be submitted to your office at a later date. We request your concurrence with this modified Consistency Determination.

Modification to Proposed Disposal Area in West Bay

EA #517 analyzed approximately 17,781 acres of mainly shallow open water with some eroded marsh located in West Bay to be designated for the beneficial use-placement of dredged material. The proposed action being discussed in EA #535 falls within the approximate 17,781 acres covered in EA #517 (figure 1).

MVN proposes to create marsh with the beneficial use-placement of dredged material removed during maintenance dredging of the HDDA located in the Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, Federal navigation project. The proposed disposal area is located in West Bay which is in Plaquemines Parish in southeastern Louisiana in the active delta of the Mississippi River. It is anticipated the disposal site will naturally vegetate through colonization of species from adjacent vegetated areas, consistent with experience at other beneficial use-disposal areas in the Mississippi River Delta.

The proposed marsh creation site encompasses approximately 44 acres of shallow open water located in West Bay (Figure 1) within the area already coordinated through EA #517. Shoal

material removed during maintenance dredging of the HDDA would be placed within the site for marsh creation. Maintenance-dredged material would be placed within the proposed site to a maximum initial dredged material slurry height of approximately +4.5 feet NAVD88 to achieve an expected final elevation between +2.5 to +3.0 feet NAVD88 which would be conducive to marsh development.

Access corridors across existing marsh and upland areas extending from the Mississippi River and/or Southwest Pass west bankline also may be required to allow construction equipment and dredge pipeline to reach the discharge site within the disposal area. Adverse impacts to areas of existing marsh would be avoided to the maximum extent practicable. Such access corridors would be limited to a maximum width of about 150 feet. These access corridors would be backfilled with dredged material to a maximum elevation of about 3 feet above existing, adjacent marsh upon completion of dredging and disposal activities to restore these degraded corridors to pre-project marsh elevations and ultimately functioning marsh habitat. MVN would attempt to utilize existing access corridors in the area when possible.

Based on the above information, and previous correspondence with your agency, we believe these modifications to disposal activities in West Bay will result in the proposed actions described in EA #535 being consistent, to the maximum extent practicable, with the State of Louisiana's approved Coastal Resources Program and Master Plan for a Sustainable Coast.

If you have additional questions or concerns regarding the proposed modification to disposal activities in West Bay please contact Ms. Tammy Gilmore, U.S. Army Corps of Engineers, Environmental Planning Branch, CEMVN-PDN-CEP, Post Office Box 60267, New Orleans, Louisiana 70160-0267, telephone (504) 862-1002 or fax (504) 862-2088.

Sincerely,

Joan M Exnicios

Joan Exnicios
Chief, Environmental Planning Branch

Enclosures

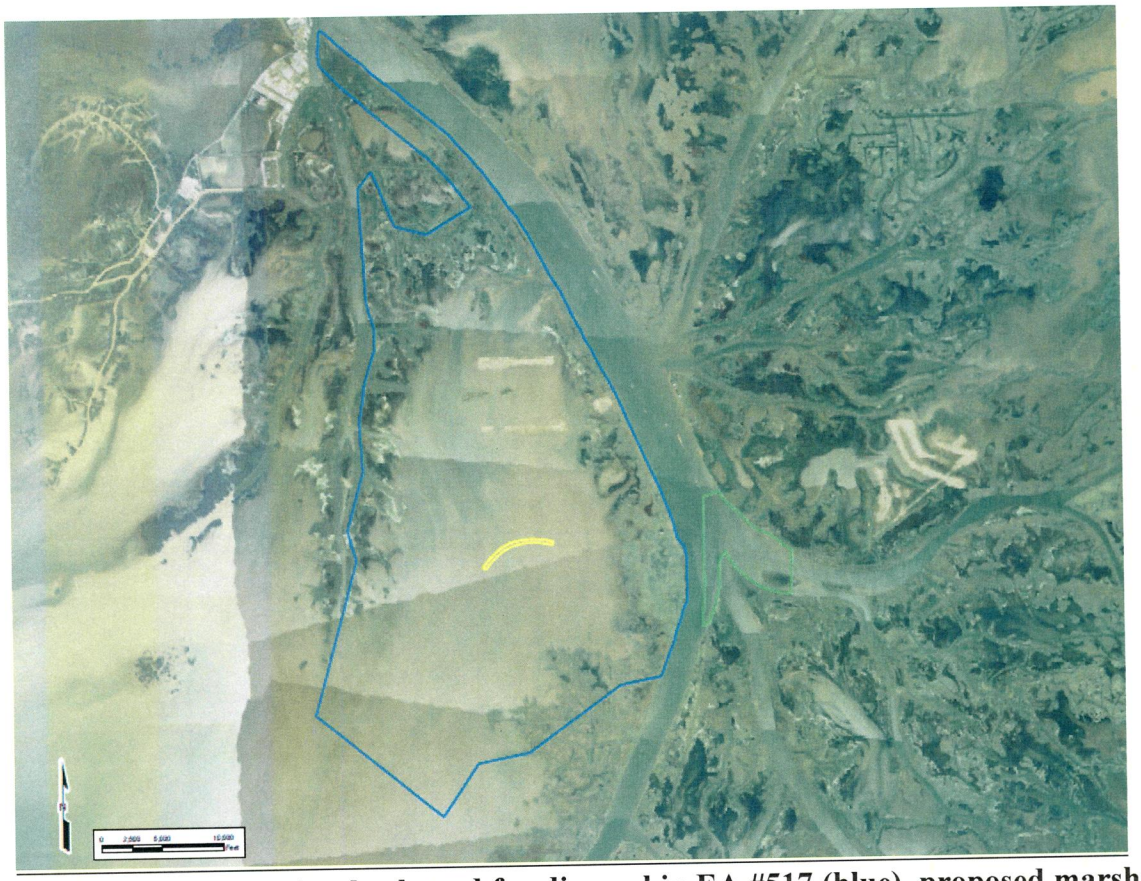


Figure 1. Area previously cleared for disposal in EA #517 (blue), proposed marsh creation site EA #535 TSP (yellow), HDDA dredge material site (green)

BOBBY JINDAL
GOVERNOR

STEPHEN CHUSTZ
INTERIM SECRETARY

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

February 15, 2013

Joan M. Exnicios
Chief, Environmental Planning Branch
Corps of Engineers- New Orleans District
P.O. Box 60267
New Orleans, LA 70160-0267

RE: **C20120324 Mod 1,** Coastal Zone Consistency
New Orleans District, Corps of Engineers
Direct Federal Action
EA #517 for Additional Disposal Areas UDA-A and UDA-B for Head of Passes, Southwest Pass and South Pass, **Plaquemines Parish**, **Louisiana**

Dear Ms. Exnicios:

The above referenced modification has been reviewed for consistency with the Louisiana Coastal Resources Program in accordance with Section 307 (c) of the Coastal Zone Management Act of 1972, as amended. The modification, as proposed in this application, is consistent with the LCRP.

If you have any questions concerning this determination please contact Brian Marcks of the Consistency Section at (225) 342-7939 or 1-800-267-4019.

Sincerely,

Keith Lovell
Acting Administrator
Interagency Affairs/Field Services Division

KOL/JDH/bgm

cc: John Fiorentino, COE-NOD
David Butler, LDWF
Frank Cole, OCM FI
Albertine Kimble, Plaquemines Parish

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF

JAN 11 2013

Regional Planning and
Environment Division, South
Environmental Planning Branch

Keith Lovell
Interagency Affairs/Field Services Division
Office of Coastal Management
Louisiana Department of Natural Resources
P.O. Box 44487
Baton Rouge, Louisiana 70804-4487

Dear Mr. Lovell:

The U.S. Army Corps of Engineers, New Orleans District (MVN) has recently received from your office a letter, dated December 6, 2012, responding to our Coastal Zone Consistency Determination (consistency application no. C20120324) for Environmental Assessment (EA) #517, "Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana Designation of Additional Disposal Areas for Head of Passes, Southwest Pass, and South Pass, Plaquemines Parish, Louisiana." According to your letter, the Office of Coastal Management (OCM) has found the proposed project to be *conditionally consistent* with the Louisiana Coastal Resource Program (LCRP). Specifically, your office states that to be fully consistent with the LCPR, MVN would not utilize proposed sites UDA-A and UDA-B as upland disposal sites *in their entirety*, as this type of use would be in conflict and inconsistent with the OCM guidelines for dredged spoil deposition.

MVN is providing for your review a modification to the general Consistency Determination for EA #517. This Consistency Determination modification relates only to disposal activities in proposed sites UDA-A and UDA-B (Figure 1). No changes are anticipated for proposed disposal sites in West Bay and the Delta National Wildlife Refuge, which are described in the original Consistency Determination, as your office has indicated the full support of designation of these two sites as beneficial use-disposal areas. The proposed modification to disposal activities in UDA-A and UDA-B will be described in the draft EA and FONSI which will be submitted to your office at a later date. We request your concurrence with this modified Consistency Determination.

Modification to Proposed Disposal Sites UDA-A and UDA-B

With the proposed modification, there would be no change in the footprint of disposal site UDA-A; however, only the shallow open water areas within the site would be targeted for dredged material placement. In addition, MVN now proposes the open-water placement of dredged material to varying elevations, with an initial maximum disposal elevation of +8.0 feet MLG. This differs from our originally proposed and somewhat generic "upland elevation"

targets, and is expected to support a variety of coastal habitats such as emergent marsh and higher elevation wetlands, in addition to scrub-shrub habitat. The +8.0-foot MLG elevation is consistent with recently-cleared disposal elevation targets proposed by MVN for the Wildlife Management Area Disposal Area located within the Pass a Loutre Wildlife Management Area, which was addressed in EA #491, "Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, Designation of Additional Disposal Areas, Plaquemines Parish, Louisiana" and associated FONSI. Placement of dredged material in site UDA-A on existing emergent marsh and/or submerged aquatic vegetation would be avoided to the maximum extent practicable. Construction of retention dikes and offsetting of placement areas from existing marsh within the proposed disposal site would help to further minimize impacts to adjacent marsh and possibly even nourish adjacent marsh.

Regarding disposal site UDA-B, MVN no longer proposes to re-designate any portion of the site as an upland disposal site. The placement of dredged material to a maximum elevation of +8.0 feet MLG within the open water areas of this site was addressed in EA #491 and was determined by your office to be fully consistent with the LCPR (consistency application no. C20110370). Thus, future usage of the site in this manner is already compliant with the National Environmental Policy Act and the Coastal Zone Management Act.

By now targeting only open water areas within the proposed UDA-A and UDA-B footprints, this modification would result in an approximately 449-acre reduction of potential emergent marsh impacts from the proposed project, while creating marsh, elevated wetlands, and scrub-shrub habitat in previously open water areas that would benefit native wildlife species by providing areas for nesting and foraging, and providing refuge during high water events. Additionally, adjacent existing marsh would be nourished with runoff of placed dredged material. The proposed modification would not preclude MVN's obligation to seek individual consistency determinations for future Mississippi River maintenance dredging activities that would utilize UDA-A and/or adjacent, previously-cleared disposal sites. Furthermore, placement will only be allowed in a manner deemed appropriate by the Louisiana Division of Wildlife and Fisheries for each disposal event.

Based on the above information, and previous correspondence with your agency, we believe these modifications to disposal activities in UDA-A and UDA-B will result in the proposed actions described in EA #517 (i.e., designation of additional disposal areas for the placement of dredged material removed during maintenance dredging of Southwest Pass, South Pass, and the Head of Passes hopper dredge disposal area) being fully consistent, to the maximum extent practicable, with the State of Louisiana's approved Coastal Resources Program and Master Plan for a Sustainable Coast.

If you have additional questions or concerns regarding the proposed modification to disposal activities in UDA-A and UDA-B, or the project in general, please contact Mr. John Fiorentino, U.S. Army Corps of Engineers, Environmental Compliance Branch, CEMVN-PDC-CEC, Post Office Box 60267, New Orleans, Louisiana 70160-0267, telephone (504) 862-1318 or fax (504) 862-2088.

Sincerely,

Joan M Exnicios

Joan Exnicios
Chief, Environmental Planning Branch

Enclosures

cc: Stephen Chustz, Interim Secretary
Garret Graves, CPRA
Josh Lott, NOAA OOCRM
Dave Butler, LDWF
Elizabeth Davoli, CPRA
John Ettinger, EPA
Richard Hartman, NMFS
David Castellanos, USFWS
Frank Cole, OCM
Albertine Kimble, Plaquemines Parish

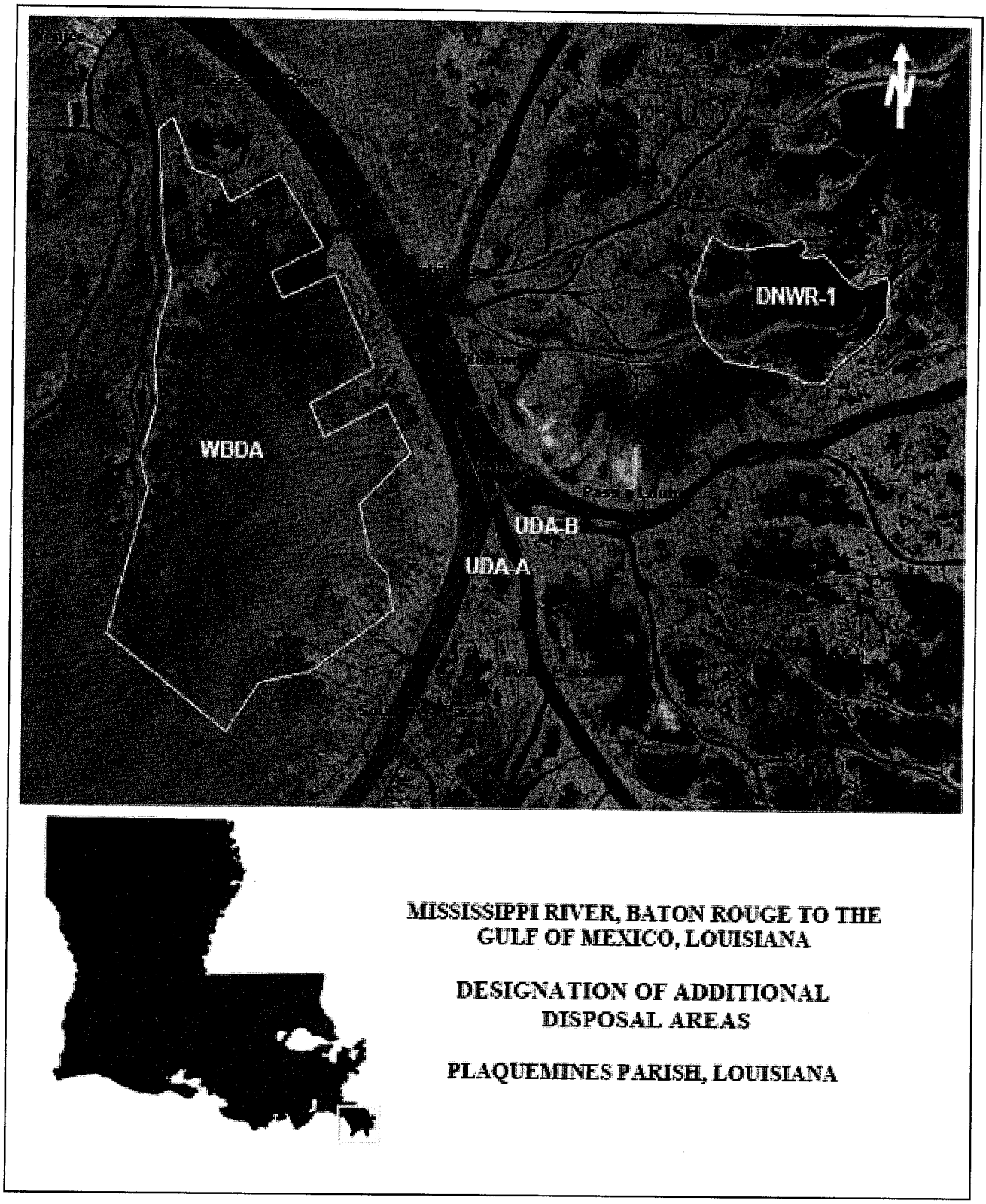


Figure 1. Map showing proposed disposal areas in West Bay (WBDA); adjacent to Southwest/South Pass (UDA-A) and Pass a Loutre (UDA-B); and in the Delta National Wildlife Refuge (DNWR-1). The existing Hopper Dredge Disposal Area (HDDA) located near Head of Passes is also shown.

CONSISTENCY DETERMINATION

Louisiana Coastal Use Guidelines

MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO, LOUISIANA DESIGNATION OF ADDITIONAL DISPOSAL AREAS FOR HEAD OF PASSES, SOUTHWEST PASS, AND SOUTH PASS

PLAQUEMINES PARISH, LOUISIANA

EA #517

INTRODUCTION

Section 307 of the Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et. seq. requires that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs." In accordance with Section 307, a Consistency Determination has been prepared by the U.S. Army Corps of Engineers, New Orleans District (CEMVN) for the proposed designation of additional disposal areas for the placement of dredged material removed during maintenance dredging of Southwest Pass, South Pass, and the Head of Passes hopper dredge disposal area located in the Federally-authorized Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana project (Figure 1). Coastal Use Guidelines were written in order to implement the policies and goals of the Louisiana Coastal Resources Program (LCRP), and serve as a set of performance standards for evaluating projects. Compliance with the Louisiana Coastal Resources Program, and therefore, Section 307, requires compliance with applicable Coastal Use Guidelines.

PURPOSE AND NEED FOR THE PROPOSED ACTION

Maintenance dredging of the Gulf of Mexico entrance channels to the Mississippi River is needed to ensure safe passage of commercial shipping from the Gulf to upriver ports of call. The Southwest Pass of the Mississippi River is the principal shipping channel between the Gulf of Mexico and the Head of Passes, where Southwest Pass and two other access channels, South Pass and Pass a Loutre, converge at the south end of the main stem of the Mississippi River. The approximately 22-mile-long Southwest Pass navigation channel is currently maintained at a depth of -45 feet Mean Low Gulf (MLG) to provide deep-draft access to the New Orleans – Baton Rouge port corridor and its associated commerce and industries. The second important access channel from the Gulf, South Pass navigational channel, is maintained at a depth of -17 feet MLG and provides a more easterly entrance to the Mississippi River.

Figure 1. Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana project.

Routine maintenance dredging of Southwest Pass is performed mainly by hopper dredges, though hydraulic cutterhead dredges are occasionally used. Hopper dredges work from Venice at approximately Mile 10.0 Above Head of Passes (AHP) downstream through the Southwest Pass bar channel to approximately Mile 22.0 Below Head of Passes (BHP) at the southern end of the channel. Hopper-dredged material removed from the reach between Venice and Mile 11.0 BHP is hauled and deposited into a location in the river located just above the Head of Passes, called the Head of Passes hopper dredge disposal area (HDDA); agitation-dredging may be employed in this reach as well. Hopper-dredged material removed from below Mile 11.0 BHP to the lower jetty and bar channel of Southwest Pass is either agitation-dredged or hauled for deposition in the designated Ocean Dredged Material Disposal Site (ODMDS). Agitation dredging involves filling a hopper dredge to capacity and allowing it to overflow. Fine sediments are released into surface waters and carried out of the mouth of the river while heavier sediments collect in the hopper dredge and are hauled to the ODMDS. Hopper dredges are favored in Southwest Pass because they are more maneuverable than hydraulic cutterhead dredges, thereby reducing interference with channel traffic and the risk of collisions. Hopper

dredges can also more quickly respond to new areas of shoaling in the Southwest Pass channel than can a cutterhead drfedge.

Management of the HDDA involves maintaining sufficient depths in the area to allow continuous use by hopper dredges during routine maintenance dredging of Southwest Pass. When the site is nearly full, dredged material is excavated using a hydraulic cutterhead dredge and moved to permanent beneficial use-disposal locations, thereby maintaining storage capacity in the HDDA so that maintenance dredging in Southwest Pass may continue uninterrupted. When hydraulic cutterhead dredges are occasionally used in Southwest Pass, dredged material is placed for shoreline nourishment or placed unconfined in shallow open-water areas on either side of the channel for wetlands creation and development.

Maintenance dredging of South Pass is usually performed by hydraulic cutterhead dredges. Material is hydraulically placed in shallow water bottoms adjacent to the navigation channel for wetlands creation and development.

CEMVN plans to continue dredging the Southwest Pass and South Pass navigation channels and the HDDA. However, existing nearby disposal areas are either reaching maximum capacity, or are located at distances requiring a significant increase in CEMVN operations and maintenance (O&M) funding for their use. This has resulted in the need to acquire new disposal areas to ensure continued capacity at the hopper dredge disposal site, and an opportunity to beneficially use dredged material removed from the HDDA and Southwest Pass. In addition, the re-designation of existing dredged material disposal sites adjacent to South Pass and Pass a Loutre as upland disposal sites would enable continued cost-effective maintenance of the HDDA and the upper South Pass navigation channel while increasing current capacity at these sites.

The proposed action would designate multiple additional disposal areas for the placement of dredged material. Beneficial use-placement of dredged material would foster wetlands and other coastal habitat development and restoration in adjacent and mainly open water areas, thereby at least partially reversing the loss of wetland habitat that has occurred in the delta in recent years. Coastal wetlands in Louisiana are eroding at a rapid rate (approximately 25,200 acres per year since the 1970s) and the proposed action would eventually convert open water and eroded marsh areas of the Mississippi River Delta into coastal wetlands providing productive bird and fisheries habitat. It is anticipated that the beneficial use-placement (into shallow open water areas) of dredged material associated with the proposed action could result in the creation of up to 17,781 acres of emergent marsh in West Bay and the creation/restoration of up to 3,350 acres of emergent marsh and other coastal habitat within the eroding Delta National Wildlife Refuge (DNWR). While subdelta formation presently occurs in West Bay, major portions of fine sediments appear to bypass the bay and are delivered to the Gulf of Mexico; coastal wind and wave attack and lack of estuarine enclosure work against rapid subaerial land development here as well. The DNWR, recognized as part of the Active Delta Important Bird Area, has lost significant land over the past 50 years due to erosion and subsidence, with significant storm-induced marsh loss and conversion to open water (marsh shearing) following Hurricanes Katrina and Rita (Figure 2). Land loss within the DNWR has left oil and gas infrastructure located here increasingly exposed to storm events. More recently, portions of the DNWR were impacted by the 2010 Deepwater Horizon oil spill event. Additional, upland habitat types (e.g., scrub-shrub

and maritime forest ridge) created in the Pass a Loutre Wildlife Management Area, where thousands of acres of wetlands and uplands were lost due to Hurricane Katrina (Figure 2), would provide higher-elevation habitat and enhance survivability for terrestrial species such as deer and mottled duck that inhabit the area.

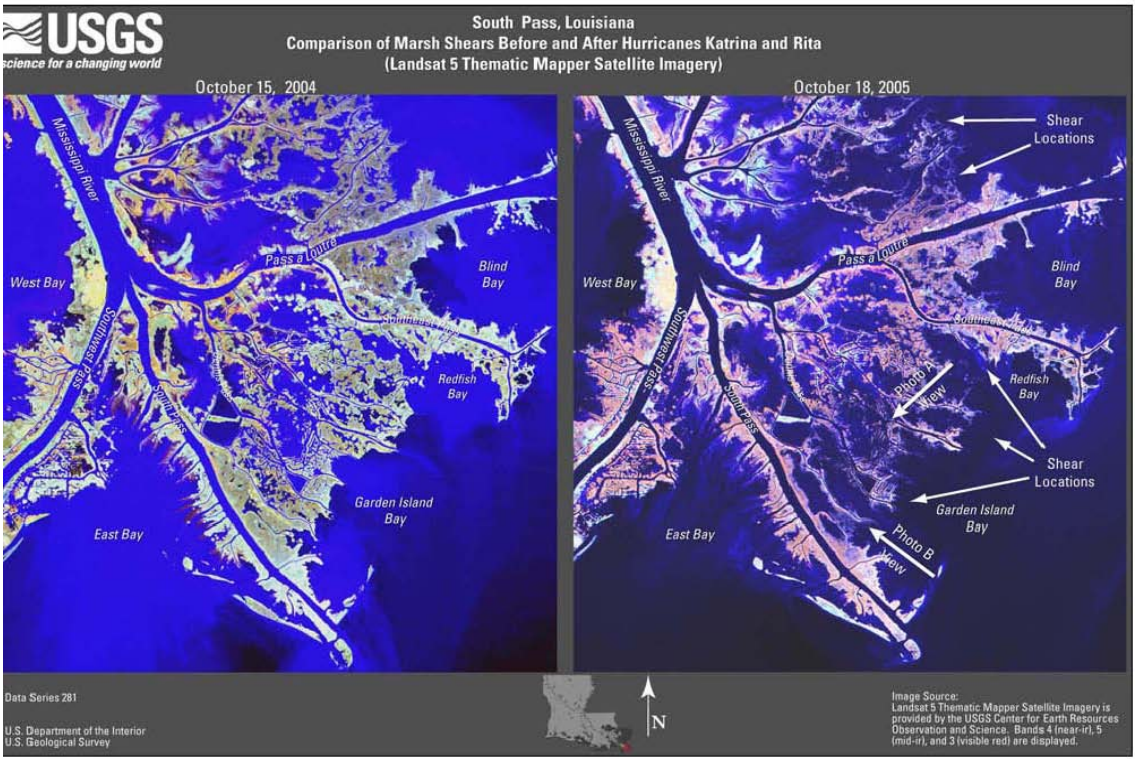


Figure 2. Land loss in the active Mississippi River Delta resulting from Hurricanes Katrina and Rita (map courtesy of USGS).

AUTHORITY FOR THE PROPOSED ACTION

Construction and maintenance of Southwest Pass is authorized under the Rivers and Harbors Acts of 1946 and 1962, the Supplemental Appropriations Act of 1985, and the Water Resources Development Act of 1986 (Public Law 99-662) which provide for the construction of a 55-foot-deep channel in the Mississippi River from the Gulf of Mexico to Baton Rouge, Louisiana, a distance of 257 miles. Dredging of a 45-foot channel from the Gulf of Mexico to New Orleans was completed in December 1987; the 45-foot channel from New Orleans to mile 181 was completed in December 1988; the 45-foot channel from Mile 181 to Mile 232.4 was completed in December 1994. At present, a 40-foot channel is maintained from Mile 233.8 to Mile 232.4 and a 45-foot channel is maintained from Mile 232.4 to the Gulf of Mexico.

Construction and maintenance of South Pass is authorized under the Rivers and Harbors Act dated March 2, 1945. The Act provides for a navigation channel 30-feet deep by 450-feet wide in South Pass, and a channel 30-feet deep by 600-feet wide in the South Pass bar channel. In

keeping with the U.S. Army Corps of Engineers policy that projects only be maintained consistent with reasonable needs of existing commerce, it was determined the channel through South Pass and the bar channel would be maintained to provide a depth of 17.0 feet Mean Low Gulf (MLG).

DESCRIPTION OF THE PROPOSED ACTION

CEMVN proposes to designate multiple disposal areas for the placement of dredged material removed during maintenance dredging of Southwest Pass, South Pass, and the HDDA located in the Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, Federal navigation project. The proposed disposal areas are located in Plaquemines Parish in southeastern Louisiana in the active delta of the Mississippi River (Figure 3). Dredged material would be placed in West Bay (West Bay Disposal Area); adjacent to the upper South Pass and Pass a Loutre navigation channels within the Pass a Loutre Wildlife Management Area (Upland Disposal Areas A and B); and within the Delta National Wildlife Refuge located north of Pass a Loutre (DNWR Disposal Area) (Figure 4).

West Bay Disposal Area

An additional disposal area, the West Bay Disposal Area (WBDA), would be designated for the beneficial use-placement of dredged material removed during maintenance dredging of Southwest Pass and the HDDA. The proposed disposal area encompasses a total of approximately 17,781 acres of mainly shallow open water with some eroded emergent marsh located in West Bay (Figure 4). Shoal material removed from Southwest Pass and the HDDA would be placed in shallow open water areas within the new disposal site for marsh creation.

Material removed from Southwest Pass or the HDDA would be placed unconfined in shallow open water areas within the proposed WBDA, with the maximum initial dredged material slurry height of about +4.5 feet MLG to achieve an expected final elevation of about +2.5 to +3.0 feet MLG which would be conducive to wetlands (emergent marsh) development. Placement of dredged material on existing submerged aquatic vegetation and/or remnant emergent marsh would be avoided to the maximum extent practicable. For each placement effort, the initial dredged material placement heights, location and timing of placement event, and the disposal site configurations will be closely coordinated with state and Federal natural resource agencies. This may result in a variety of dredged material placement heights and configurations throughout this new disposal area. Placement efforts would also be closely coordinated with ongoing beneficial use-placement of shoal material removed during maintenance dredging of the Pilottown Anchorage Area (to maintain deep-draft access and anchorage) into the West Bay "marsh creation area"—a mitigation feature of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) project "West Bay Sediment Diversion, Plaquemines Parish, Louisiana (MR-03)." Placement sites are expected to become vegetated by colonization from adjacent vegetated areas, consistent with experience at other CEMVN beneficial use-disposal areas in the Mississippi River Delta.

Flotation access dredging may be required in the WBDA to allow construction equipment and pipeline to reach discharge sites within the disposal area. Flotation access channel material would be placed on adjacent shallow open water bottom to a maximum initial height of about +4.5 feet MLG or be used to backfill the flotation access channels when disposal operations have been completed. Flotation access channels would be limited to a maximum bottom width of about 80 feet and a maximum depth of about -8.0 feet MLG.

Access corridors across existing marsh and upland areas extending from the Southwest Pass west bankline also may be required to allow construction equipment and pipeline to reach discharge sites within the disposal area. Such access corridors would be limited to a maximum width of about 150 feet. These access corridors may be backfilled with dredged material to a maximum elevation of about 3 feet above existing, adjacent marsh upon completion of dredging and disposal activities to restore these degraded corridors to marsh elevations.

Closures and/or retention dikes would be constructed as necessary to prevent dredged material from re-entering navigation channels and adjacent waterways following placement. Earth, shell, sheetpile, rock, aggregate, or some combination of these materials would be utilized to construct closures and dikes. Borrow material for closure/dike construction would be excavated from adjacent water bottom from within the disposal area. Earthen closures/dikes would be allowed to degrade naturally or, if such degradation does not occur, these structures would be mechanically degraded after the dredged material has compacted and dewatered sufficiently to prevent it from entering the navigation channel and adjacent waterways—generally no more than approximately 3 years after project construction. CEMVN would coordinate inspections of these features with the appropriate natural resource agencies prior to taking action, and if deemed necessary, would mechanically degrade earthen closures or dikes.

Discharge of dredged material into the proposed disposal area would be performed by a hydraulic dredge. Excavation and discharge of flotation access channel material, of access corridor material, and of closure/dike material, would be performed by a mechanical dredge.

The HDDA is dredged about every 1-2 years. Approximately 1-8 million cubic yards of dredged material could be placed in the proposed disposal area during each maintenance dredging event for the HDDA. Southwest Pass is dredged every year. Approximately 1-6 million cubic yards of Southwest Pass dredged material could be placed in the proposed placement area each year.

The property adjacent to the proposed disposal areas includes emergent marsh, private camps, petroleum industry facilities, the Pass a Loutre Wildlife Management Area, and the open waters of the Mississippi River, South Pass, Southwest Pass, and Pass a Loutre.

Delta National Wildlife Refuge Disposal Area

An additional disposal area, Delta National Wildlife Refuge Disposal Area (DNWR-1), would be designated for the beneficial use-placement of dredged material removed during maintenance dredging of Southwest Pass and the HDDA. The proposed disposal area encompasses a total of approximately 3,350 acres of mostly shallow open water and eroding marsh located in the DNWR (Figure 4). Shoal material removed during maintenance dredging of Southwest Pass and

the HDDA would be placed in shallow open water areas within the new disposal site, DNWR-1, for the creation/restoration of emergent marsh and other coastal habitat.

Material removed from Southwest Pass or the HDDA would be placed unconfined in shallow open water areas within the proposed DNWR-1 disposal area, with a maximum initial dredged material slurry height of about +7.0 feet MLG to achieve a maximum expected final elevation of about +4.0 to +5.0 feet MLG. Placement of dredged material on existing submerged aquatic vegetation and/or remnant emergent marsh would be avoided to the maximum extent practicable. Areas of higher elevation would be supportive of both nesting habitat for mottled ducks and stopover habitat for neotropical migratory songbirds, while areas of lower elevation would be supportive of emergent intertidal wetland vegetation (i.e., emergent marsh). HDDA material has been used successfully for similar habitat creation/restoration efforts (i.e., "Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, Management of Pass a Loutre/South Pass Open-Water Disposal Area" project; "Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, Designation of Additional Disposal Area, Pass a Loutre/South Pass" project) in the DNWR. For each placement effort, the initial dredged material placement heights, location and timing of placement event, and the disposal site configurations will be closely coordinated with state and Federal natural resource agencies, including U.S. Fish and Wildlife Service (USFWS) personnel responsible for management of the DNWR. This may result in a variety of dredged material placement heights and configurations throughout this new disposal area. Placement sites are expected to become vegetated by colonization from adjacent vegetated areas, consistent with experience at other CEMVN beneficial use-disposal areas in the Mississippi River Delta.

Flotation access dredging may be required in the DNWR-1 site to allow construction equipment and pipeline to reach discharge sites within the disposal area. Flotation access channel material would be placed on adjacent shallow open water bottom to a maximum initial height of about +4.5 feet MLG or be used to backfill the flotation access channels when disposal operations have been completed. Flotation access channels would be limited to a maximum bottom width of about 80 feet and a maximum depth of about -8.0 feet MLG.

Access corridors across existing marsh and upland areas extending from the Southwest Pass east bankline also may be required to allow construction equipment and pipeline to reach discharge sites within the disposal area. Such access corridors would be limited to a maximum width of about 150 feet. These access corridors may be backfilled with dredged material to a maximum elevation of about 3 feet above existing, adjacent marsh upon completion of dredging and disposal activities to restore these degraded corridors to marsh elevations.

Closures and/or retention dikes would be constructed as necessary to prevent dredged material from re-entering adjacent waterways following placement. Earth, shell, sheetpile, rock, aggregate, hay bales, or some combination of these materials would be utilized to construct closures and dikes. Borrow material for closure/dike construction would be excavated from adjacent water bottom from within the disposal area. Earthen closures/dikes would be allowed to degrade naturally or, if such degradation does not occur, these structures would be mechanically degraded after the dredged material has compacted and dewatered sufficiently to prevent it from entering adjacent waterways—generally no more than approximately 3 years after project construction. CEMVN would coordinate inspections of these features with the appropriate

natural resource agencies prior to taking action, and if deemed necessary, would mechanically degrade earthen closures or dikes.

Discharge of dredged material into the proposed disposal area would be performed by a hydraulic dredge. Excavation and discharge of flotation access channel material, of access corridor material, and of closure/dike material, would be performed by a mechanical dredge.

The HDDA is dredged about every 1-2 years. Approximately 1-8 million cubic yards of dredged material could be placed in the proposed disposal area during each maintenance dredging event for the HDDA. Southwest Pass is dredged every year. Approximately 1-6 million cubic yards of Southwest Pass dredged material could be placed in the proposed placement area each year.

The property adjacent to the proposed disposal area includes emergent marsh, private camps, petroleum industry facilities, the Delta National Wildlife Refuge, the open waters of the Mississippi River, Southwest Pass, and Pass a Loutre.

Upland Disposal Areas

Two existing dredged material disposal sites, located adjacent to the entrance of South Pass and Pass a Loutre, would be re-designated to function as upland disposal areas (Figure 4). The proposed upland disposal sites encompass a total area of approximately 1,055 acres of shallow open water, emergent marsh, and scrub-shrub/upland habitat. Upland Disposal Area A (UDA-A) is approximately 720 acres in size and comprised of 400 acres of shallow open water, 228 acres of emergent marsh, and 92 acres of scrub-shrub dominated upland habitat; and Upland Disposal Area B (UDA-B) is approximately 335 acres in size and comprised of 97 acres of shallow open water, 221 acres of emergent marsh, and 17 acres of scrub-shrub dominated upland habitat. Both sites are located within the Pass a Loutre Wildlife Management Area (WMA), a 115,000-acre publicly-owned wildlife area managed by the Louisiana Division of Wildlife and Fisheries (LDWF). LDWF is fully supportive of the proposed disposal site re-designation. Placement of dredged material to upland elevations is expected to support scrub-shrub and maritime forest ridge vegetation—habitat that is currently lacking throughout much of the Pass a Loutre WMA, with significant loss due to Hurricane Katrina—which could be utilized by deer and other mammals, mottled ducks, and neotropical migratory songbirds. It is also likely that some marsh fringe (and submerged aquatic vegetation) would develop, or persist, in remaining shallow open water areas adjacent to newly-placed areas within the proposed upland disposal sites. For each placement effort in the re-designated upland disposal areas, the initial dredged material placement heights, location and timing of placement event, and the disposal site configurations will be closely coordinated with state and Federal natural resource agencies, including the LDWF Coastal Operations Program, to minimize impacts to recreational and commercial use of the property and to avoid impacts to nesting and sensitive wildlife. Although UDA-A was originally utilized as an upland disposal area, it was re-designated in the 1980's as a beneficial use/bank stabilization disposal site. UDA-B has not been utilized as a dredged material disposal site since at least the 1970's.

Confinement of dredged material placed at these sites could require the construction of perimeter retention dikes to prevent dredged material from escaping into adjacent waterways and lands not

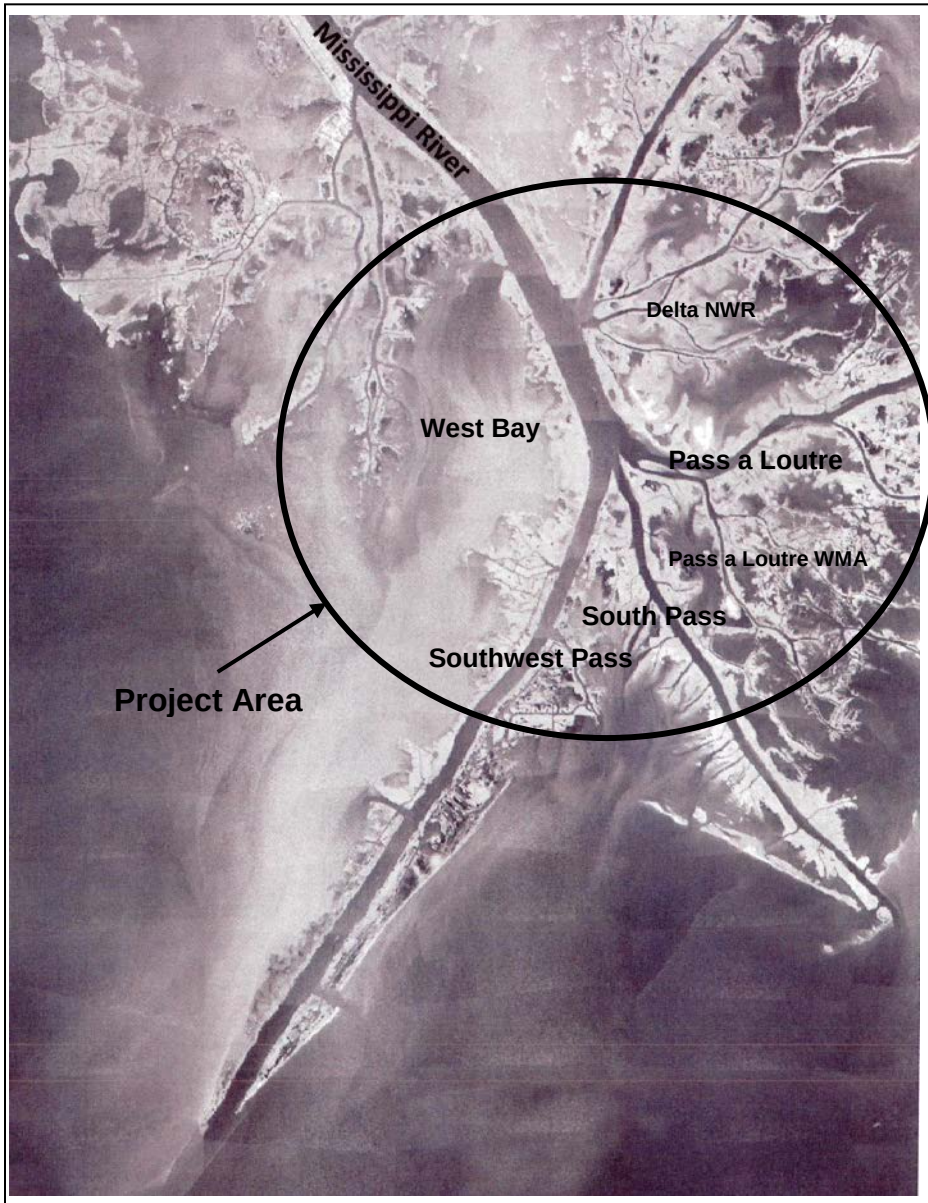
environmentally cleared to receive dredged material. If retention dikes are necessary to prevent dredged material from entering adjacent waterways and lands not environmentally cleared to receive dredged material, borrow material to construct these dikes would be obtained from within these proposed disposal areas.

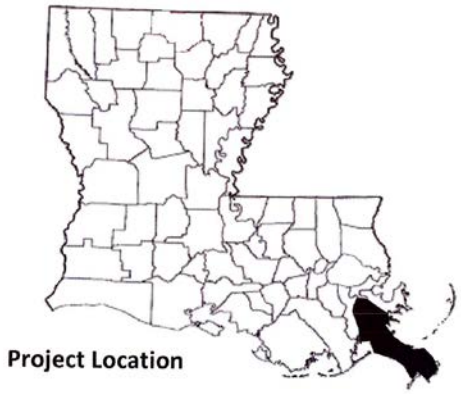
Construction of flotation access channels may be necessary in shallow water areas adjacent to these proposed upland disposal areas to allow barges carrying construction equipment and dredge discharge pipelines to access these sites. Material excavated during the construction of flotation access channels would be placed adjacent to the access channels and could be used to backfill these access channels when disposal operations have been completed.

All dredged material placement would be performed by a hydraulic dredge. Dike and flotation access channel construction would be performed by a mechanical dredge and/or marsh backhoe-type equipment.

The HDDA is dredged about every 1-2 years. Approximately 1-8 million cubic yards of dredged material could be placed in the proposed upland disposal areas during each maintenance dredging event for the HDDA. South Pass is dredged about every 4-5 years. Approximately 1-4 million cubic yards of dredged material could be placed in the proposed upland disposal areas during each maintenance dredging event for the upper reach of South Pass.

The property adjacent to the proposed disposal areas includes emergent marsh, private camps, petroleum industry facilities, the Pass a Loutre Wildlife Management Area, and the open waters of the Mississippi River, South Pass, Southwest Pass, and Pass a Loutre.





MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO, LOUISIANA

DESIGNATION OF ADDITIONAL DISPOSAL AREAS

PLAQUEMINES PARISH, LOUISIANA

Figure 3. Map of project area.

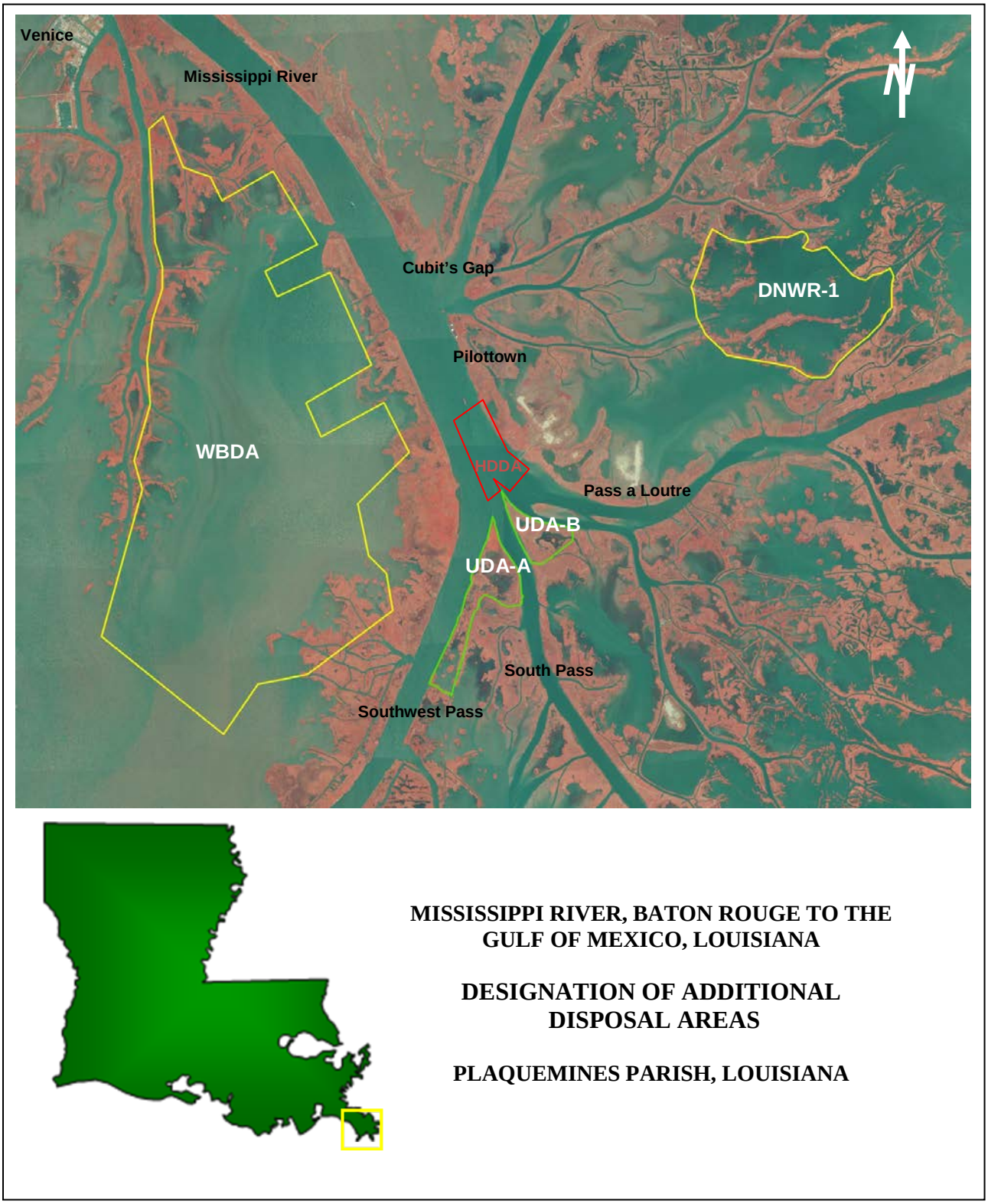


Figure 4. Map showing proposed disposal areas in West Bay (WBDA); adjacent to Southwest/South Pass (UDA-A) and Pass a Loutre (UDA-B); and in the Delta National Wildlife Refuge (DNWR-1). The existing Hopper Dredge Disposal Area (HDDA) located near Head of Passes is also shown.

GUIDELINES APPLICABLE TO ALL USES

These guidelines are acknowledged and have been addressed through the preparation of responses to the guidelines contained within the specific use categories.

Guidelines 1.1 – 1.6: The guidelines have been read in their entirety, and all applicable guidelines would be complied with. The proposed project would be in conformance with all applicable water and air quality laws, standards and regulations, and with those other laws, standards and regulations which have been incorporated into LCRP, and is deemed in conformance with the program except to the extent that these guidelines would impose additional requirements. The proposed activity shall not be carried out or conducted in such a manner as to constitute a violation of the terms of a grant or donation of any lands or water-bottoms to the State or any subdivision thereof. Information regarding potential impacts of the proposed action is provided herein and in the accompanying EA.

Guideline 1.7: The proposed action is not expected to result in significant or persistent water quality impacts in the vicinity of disposal activities. There would be minor temporary and localized increases in suspended sediment and turbidity levels during disposal of dredged material. No significant discharges of inorganic nutrients, pathogens, or toxic substances are anticipated. Minor reductions in dissolved oxygen levels during placement events are expected to be temporary. Salinities, temperature regimes, and water flow patterns will not be adversely affected. Sediment, nutrient, and littoral transport processes will not be affected.

No adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands is anticipated. The proposed action would restore and positively increase the quantity and quality of habitat in the proposed project area. Existing shallow open water and fragmented marsh would be converted into more continuous emergent wetlands increasing the quality of habitat for terrestrial and aquatic animals in the Mississippi River Delta. The proposed action would help offset coastal erosion and provide a low cost method of creating coastal wetlands including additional bird habitat, emergent marsh, and shallow open water supportive of submerged aquatic vegetation and productive fisheries habitat. No adverse cumulative or secondary impacts to the biological productivity of wetland ecosystems are anticipated. The use of dredged material to create emergent marsh would result in greater habitat diversity, additional estuarine habitat for economically important species, and improved recreation. Because marsh has been shown to provide a greater reduction in hurricane storm surge than open water, restored marsh would offer an incremental benefit in reducing hurricane damage. Significant adverse disruptions of coastal wildlife and fishery migratory patterns are not anticipated. Short-term, minor disruptions to coastal wildlife would occur during disposal operations; however, these impacts would be minimally disruptive since most wildlife species in the area are mobile and would move to adjacent undisturbed areas during construction activities. Creation and restoration of emergent marsh and other coastal habitat would provide additional resting areas for many migratory neotropic birds, seabirds, waterfowl, and other organisms.

No adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use and concern is anticipated.

No significant economic impacts on the locality or adverse disruptions of existing social patterns would occur due to the proposed action. No cultural, historical, or recreational resource sites would be impacted by construction. No proximal areas of special concern exist. No land loss, erosion, or subsidence would occur, and no significant, secondary, or cumulative impacts of the proposed action would occur. This project would not result in reduced long-term biological productivity of the coastal ecosystem. Long-term biological productivity in the ecosystem will be enhanced through the beneficial use of dredged material for marsh creation.

Guideline 1.8: Acknowledged.

Guideline 1.9: The proposed action will provide for multiple, concurrent uses where appropriate and avoid unnecessary conflicts of other uses in the vicinity.

Guideline 1.10: Acknowledged.

GUIDELINES FOR LEVEES

Guidelines 2.1 – 2.6. The proposed action would not involve the construction of levees, and therefore, these guidelines are not applicable.

GUIDELINES FOR LINEAR FACILITIES

Guidelines 3.1-3.16. The proposed action would not involve the construction of linear facilities, and therefore, these guidelines are not applicable.

GUIDELINES FOR DREDGED MATERIAL DEPOSITION

Guidelines 4.1: Dredged materials would be deposited in a manner that would avoid disruptions of water movement, flow, circulation and quality. Deposition is not expected to result in significant or persistent water quality impacts in the vicinity of construction activities. Any minor increases in suspended sediment and turbidity levels during material deposition would be temporary and highly localized. Minor reductions in dissolved oxygen levels associated with material deposition would be temporary. Specific disposal alignments would be developed prior to each placement event through close coordination with the appropriate state and Federal natural resource agencies. Controlled and monitored deposition of dredged material would ensure placement to proper heights for desired habitat creation.

Guideline 4.2: Material removed during maintenance dredging events would be used beneficially to create marsh and restore coastal habitat in existing shallow open water areas within West Bay and the DNWR. It is estimated that approximately 21,131 acres of mainly shallow open water in these areas would be converted to emergent marsh and other productive coastal habitat, including essential fish habitat. Additional shallow mud flats and emergent vegetation are expected to accumulate after material placement thereby creating suitable habitat for wetland vegetation and wildlife species that could occur within the proposed disposal area.

Thus, the loss of mainly shallow open water areas and associated habitat would be offset by the creation and restoration of new and generally more productive habitat types in the WBDA and DNWR-1.

Proposed Upland Disposal Areas A and B shall utilize existing environmentally cleared disposal areas (footprints), rather than resulting in the creation of new disposal areas. Placement of dredged material to upland elevations is expected to support scrub-shrub and maritime forest ridge vegetation—habitat that is generally lacking throughout much of the Pass a Loutre WMA—which could be utilized by birds, mammals, and other terrestrial species in the area.

Guideline 4.3: Acknowledged.

Guideline 4.4: Dredged material would be placed unconfined in mainly shallow open water to elevations conducive to the production of the desired habitat type. Dredged material would not be placed directly onto any existing marsh to the maximum extent possible. Some submerged aquatic vegetation currently in the disposal area would be covered with dredged material during the placement events. This is not expected to be detrimental as material would be placed at elevations to create additional emergent marsh interspersed with areas of shallow open water that would be supportive of submerged aquatic vegetation. Thus, an adequate amount of submerged aquatic vegetation is expected to remain in the open water areas within the proposed disposal areas after material placement.

Guideline 4.5: Dredged material would not be disposed of in a manner as to create a hindrance to navigation. Routine maintenance dredging of the passes of the Mississippi River is necessary to maintain the channel to authorized dimensions to ensure safe and efficient passage of vessels. Operating dredging equipment at the dredging areas within the navigation channels could potentially cause some interference or slowdown of Mississippi River navigation. However, CEMVN has had many years of experience in dredging activities along the Mississippi River and passes and has developed dredging operation and management techniques to avoid, minimize, and reduce the potential of interference or slowdown of river navigation traffic. Existing navigation channels and access bayous would not be obstructed by placement of dredged material. The proposed action would not create a hindrance to fishing or hinder timber growth. Portions of the project area would be unavailable for fishing activities during construction activities. However, alternative fishing areas in vicinity of the project area would be available during construction and fishing access to the area would be restored after the completion of construction activities. Additionally, the anticipated increase in wetland acreage would provide additional habitat for fishery resources, including improved quality and quantity of essential fish habitat, increasing the opportunities for commercial and recreational fishing activities in the project area.

Guideline 4.6: For proposed open water beneficial use-disposal areas (DNWR-1 and WBDA), closures and/or retention dikes would be constructed as necessary to reduce erosion and prevent dredged material from re-entering navigation channels and adjacent waterways following placement. Earth, shell, sheetpile, rock, aggregate, or some combination of these materials would be utilized to construct closures and dikes. Borrow material for closure/dike construction would be excavated from adjacent water bottom from within the disposal area. Earthen closures/dikes would be allowed to degrade naturally or, if such degradation does not occur,

these structures would be mechanically degraded after the dredged material has compacted and dewatered sufficiently to prevent it from entering the navigation channel and adjacent waterways. Placement of material is expected to create emergent marsh which would reduce the rates of shoreline erosion within the vicinity of the project area.

For proposed upland disposal areas (UDA-A and UDA-B), confinement of dredged material placed at these sites could require the construction of perimeter retention dikes to reduce erosion and prevent dredged material from escaping into adjacent waterways and lands not environmentally cleared to receive dredged material. If retention dikes are necessary to prevent dredged material from entering adjacent waterways and lands not environmentally cleared to receive dredged material, borrow material to construct these dikes would be obtained from within these proposed disposal areas.

Guideline 4.7: The proposed action would not result in the alienation of state owned property.

GUIDELINES FOR SHORELINE MODIFICATIONS

Guidelines 5.1 - 5.4: Acknowledged.

Guidelines 5.5 - 5.7: N/A

Guidelines 5.8 – 5.9: Acknowledged.

GUIDELINES FOR SURFACE ALTERATIONS

Guidelines 6.1 – 6.5: Acknowledged.

Guideline 6.6: Flotation access channels, if needed, would be backfilled when disposal operations have been completed.

Guidelines 6.7 – 6.9: Acknowledged.

Guideline 6.10: The occurrence of low dissolved oxygen conditions in the proposed project area waters would be temporary and minor. No heavy metal traps would be created.

Guidelines 6.11 – 6.13: Acknowledged.

Guideline 6.14: Fill materials used for the creation of wetland and upland habitat would be, to the maximum extent practicable, free of known contaminants and compatible with the environmental setting.

GUIDELINES FOR HYDROLOGIC AND SEDIMENT TRANSPORT MODIFICATIONS

Guidelines 7.1 – 7.9: Placement of dredged material into the proposed disposal areas would be designed in close coordination with state and Federal natural resource agencies using the best

practical techniques to prevent "cut-arounds", permit tidal exchange in tidal areas, and minimize the obstruction of the migration of aquatic organisms. Specific disposal alignments would be developed prior to each disposal event through close coordination with state and Federal natural resource agencies. It is anticipated that once material settles to desired elevations, the area would naturally vegetate and become supportive of suitable habitat for a variety of aquatic, terrestrial, and avian wildlife species. Best preventative techniques would be utilized to avoid undesirable deposition of sediments into sensitive habitat or navigation areas.

GUIDELINES FOR DISPOSAL OF WASTES

Guidelines 8.1 – 8.9: The proposed action would not involve the disposal of wastes; therefore, these guidelines are not applicable.

GUIDELINES FOR USES THAT RESULT IN THE ALTERATION OF WATERS DRAINING INTO COASTAL WATERS

Guidelines 9.1 – 9.3: N/A.

GUIDELINES FOR OIL, GAS, AND OTHER MINERAL ACTIVITIES

Guidelines 10.1 – 10.14: The proposed action would not involve oil, gas, and other mineral activities; therefore, these guidelines are not applicable.

CONSISTENCY DETERMINATION

The proposed designation of additional disposal areas in West Bay and within the Delta National Wildlife Refuge, and the re-designation of existing disposal areas adjacent to the upper South Pass and Pass a Loutre navigation channels, would provide new and cost-effective disposal capacity for dredged material removed during routine maintenance dredging of Southwest Pass, South Pass, and the HDDA located in the Federally-maintained Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana project. It is anticipated that the beneficial use-placement of dredged material associated with the proposed action could result in the creation of up to 17,781 acres of emergent marsh in West Bay and the creation/restoration of up to 3,350 acres of emergent marsh and other coastal habitat, including essential fish habitat, within the eroding DNWR. Created and restored marsh would provide new/improved habitat for use by economically-important fish and wildlife species for shelter, nesting, feeding, roosting, cover, nursery grounds, and other life requirements. Additional upland habitat created in the Pass a Loutre WMA would provide higher-elevation habitat types (e.g., scrub-shrub and maritime forest ridge) and enhance survivability for terrestrial and avian wildlife species, such as deer and mottled duck, that inhabit the area. The proposed action would help to offset the significant land loss and coastal habitat erosion that has occurred in the area over the past 50 years.

Based on this evaluation, the U. S. Army Corps of Engineers, New Orleans District has determined that the proposed action is consistent, to the maximum extent practicable, with the State of Louisiana's Coastal Resources Program.