

APPENDIX C

**NOAA FISHERIES SERVICE
COORDINATION LETTER**



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

FACSIMILE TRANSMITTAL FORM

NATIONAL MARINE FISHERIES SERVICE

HABITAT CONSERVATION DIVISION - BATON ROUGE BRANCH

c/o Louisiana State University, Baton Rouge, LA 70803-7535

DELIVER TO: Dr. William P. Klein, COE, PM-RS
504-862-2540
504-862-2088

FROM: Jan L. Koellen for Richard Hartman (x203)
NATIONAL MARINE FISHERIES SERVICE
(225) 389-0508x202
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jan.koellen@noaa.gov

DATE: Friday, February 20, 2009

NUMBER OF PAGES: 4 (plus transmittal form)

SUBJECT: LCA Scoping Mtgs - NMFS' letters dated 2/20/09

COMMENTS: Originals in mail & dated 2/20/09. TY. -jk



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

February 20, 2009 F/SER46/RH:jk
225/389-0508

Dr. William P. Klein
Environmental Compliance and Analysis Branch
New Orleans District
Department of the Army, Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Dr. Klein:

NOAA's National Marine Fisheries Service (NMFS) has received the public notice advertising a scoping meeting to be held for the Louisiana Coastal Area (LCA), Louisiana; Amite River Diversion Canal Modification Feasibility Study. According to the public notice, the U.S. Army Corps of Engineers (COE) intends to undertake a feasibility study and prepare a supplemental environmental impact statement (SEIS) to evaluate the impacts and benefits of constructing gaps in the existing dredged material banks of the Amite River Diversion Canal. The objective of gap construction would be to allow floodwaters to introduce nutrients and sediment into the western Maurepas swamp. Such nutrients and sediment would help offset wetland degradation processes currently affecting the bottomland hardwood and cypress swamp habitats in the project area. The COE has requested the public and natural resource agencies provide recommendations on: 1) the environmental problems and needs that should be addressed in the document; 2) the important resources in the project area; and, 3) reasonable restoration alternatives to be considered in the feasibility study and SEIS.

Aquatic and wetland habitats in the study area provide foraging and nursery habitat for a few economically important marine fishery species that use fresh water habitats in this area. Those species that could be expected to be found in the project area are striped mullet and Gulf menhaden. NMFS recommends the SEIS include a section titled "Fishery Resources" that identify the fisheries resources of the study area and describe the potential impacts and benefits to those resources that could be caused by gapping the spoil banks of the Amite River Diversion Canal. Potential beneficial impacts could result from: 1) facilitating the movement of marine fishery species to shallow water nursery and foraging habitats behind the spoil banks; 2) increasing the health of bottomland hardwood and swamp habitats supportive of marine fishery resources; and, 3) increasing the flow of detritus, important components of the aquatic food web, from the wetland habitats to estuarine areas closer to the Gulf of Mexico.

We appreciate the opportunity to identify resources that should be evaluated in the SEIS. If you have any questions regarding comments and recommendations provided herein, please contact



Mr. Richard Hartman of our Louisiana Habitat Conservation Division office at (225) 389-0508, ext 203.

Sincerely,



for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette
EPA, Dallas
LA DNR, Consistency
F/SER46, Swafford
Files



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

June 18, 2010

F/SER46/RH:jk
225/389-0508

Ms. Joan Exnicios, Chief
Environmental Planning and Compliance 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 reviewed the four public notices dated May 21, 2010, pertaining to the Louisiana Coastal Area – Ecosystem Restoration Projects. Those public notices are variously titled:

1. Amite River Diversion Canal Modification Project, Livingston and Ascension Parishes, Louisiana.
2. Small Diversion at Convent/Blind River, St. James Parish, Louisiana.
3. Medium Diversion at White Ditch, Plaquemines Parish, Louisiana.
4. Convey Atchafalaya River Water to Northern Terrebonne Marshes and Multipurpose Operation of Houma Navigation Lock

NMFS is presently reviewing Supplemental Environmental Impact Statements for each of the above identified projects. While we have significant recommendations pertaining to needed revisions to those documents, we do not expect to object to authorization or implementation of any of the above identified projects. As such, NMFS has no comments to provide on the public notices for any of the projects identified above.

We appreciate the opportunity to review and comment on these projects.

Sincerely,

for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette, Walther
EPA, Dallas, Mick
LA DNR, Consistency, Ducote
F/SER46,-Swafford
Files



**Comments from the letter dated July 1, 2010,
are addressed in Appendix G.**



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

July 1, 2010 F/SER46/RH:jk
225/389-0508

Ms. Joan M. Exnicios, Chief
Environmental Planning and Compliance Branch
Planning, Programs, and Management Division
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 reviewed the Pre-Decisional Draft Integrated Feasibility Study and Supplemental Environmental Impact Statement (SEIS) for the Louisiana Coastal Area Amite River Diversion Canal (ARDC) Modification Project, Ascension and Livingston Parishes, Louisiana. The document was transmitted for NMFS' review by letter dated May 21, 2010 from the Army Corps of Engineers, New Orleans District (NOD). The NOD's letter indicates that submittal of the document to NMFS initiates essential fish habitat (EFH) consultation as required by provisions of the Magnuson-Stevens Fishery Conservation and Management Act. It should be noted that initiation of consultation under provisions of the Magnuson-Stevens Fishery Conservation and Management Act is unnecessary as the project is neither located in an area categorized as EFH or projected to have an adverse impact on EFH.

The overall study area is located in Ascension and Livingston Parishes near Head of Island, Louisiana. The tentatively selected plan (Alternative 33) calls for excavation of three created earthen-bank openings and three bifurcated conveyance channels in the north bank of the ARDC. Dredged material from the bank openings and the conveyance channels would be side-cast in alternating berms so sheet flow is not reduced. One cut would be created in the railroad grade, approximately 0.9 mile north of the ARDC, to improve sheet flow. Vegetative planting of bottomland hardwood/freshwater swamp tree species is planned on 5.0 acres of dredged material berms. Vegetative plantings of freshwater swamp tree species is planned within 438 acres of swamp floor. The proposed action would restore more than 1,600 acres of freshwater swamp habitat, create 5.0 acres of bottomland hardwood habitat, and establish hydrologic connectivity between the ARDC and western Maurepas Swamp. The project is estimated to create 679 Average Annual Habitat Units, promote germination and survival of bald cypress and other tree species, and improve biological productivity.

The enclosed comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). Related correspondence should be directed to the



attention of Mr. Richard Hartman at the NMFS Southeast Region, Habitat Conservation Division office at: c/o LSU, Baton Rouge, Louisiana 70803-7535. He may be contacted by telephone at (225) 389-0508, ext. 203 or by e-mail at richard.hartman@noaa.gov.

Sincerely,



Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

Enclosure

cc:

FWS, Lafayette, Walther
EPA, Dallas, Ettinger
LA DNR, Consistency, Ducote
F/SER46, Swafford
F/SER4, Dale
NOAA PPI, Reid
Files

**National Marine Fisheries Service Comments on the Draft
Supplemental Environmental Impact Statement
For the Louisiana Coastal Area (LCA)
Amite River Diversion Canal (ARDC) Modification Element of the Section 7006(E)(3)
Ecosystem Restoration Projects Study, Ascension and Livingston Parishes, Louisiana
Authorized under the 2007 Water Resources Development Act**

General comments

The information presented in the Supplemental Environmental Impact Statement (SEIS) supports the determination that the Tentatively Selected Plan (TSP) is environmentally acceptable and would promote the long-term recovery and health of one of Louisiana's largest tracts of freshwater swamp and a major ecological component of the Lake Pontchartrain basin. Best management practices, environmental monitoring, and adaptive management as needed to protect fish and wildlife resources are specified in the SEIS. These measures should be retained as essential project components.

Without long term protection of the restored bald cypress-tupelo swamp, the stated objectives and benefits of the TSP may not be attained. Although the SEIS frequently mentions conservation easements will be included in the TSP, there is no assurance the easements will be sufficient to preclude timber harvest and other environmental damage. The final SEIS should be modified to stress the importance of effective conservation easements and to indicate any benefits derived from the project would be eliminated if timber harvest were allowed to occur.

Specific comments

SECTION 2.0 NEED FOR AND OBJECTIVES OF ACTION

2.3 Problems, Needs, and Opportunities

2.3.4 Effects

Page 2-15, lines 486-490 This section should explain how biomass production of herbaceous plants has increased in a severely nutrient-limited environment. Also, the section should be revised to state that biomass production has increased based on data from nutrient monitoring stations rather than "by nutrient augmentation at monitoring stations."

Page 2-15, lines 520-525 The statement: "The existing levels of productivity in the western Maurepas Swamp are as low as 50 percent or even 25 percent of average values compared to swamps that are managed or have more favorable hydrology." is confusing and needs clarification.

Page 2-16, line 536 NMFS suggests changing "lost to mortality and disease" to "lost to disease and other causes". We presume that "lost" and "mortality" are the same.

Page 2-19, line 643 The basis for the statement: “It is a national priority to preserve and protect freshwater swamps” should be provided.

SECTION 4.0 AFFECTED ENVIRONMENT

4.2 Significant Resources

4.2.15 Socioeconomics and Human Resources

Page 4-65, lines 2222-2223 According to this section, a timber survey and appraisal was conducted in 1994 for 32,806 acres within the project area owned by Blind River Properties. Survey results revealed there were no areas of bald cypress and tupelo in the swamp with trees of sufficient size and volume to be considered merchantable. The final SEIS should be modified to identify whether and when the timber might be merchantable.

In all probability, timber value has increased over the past 16 years. Demand for smaller trees also may have increased based on current demand for cypress mulch. Based on these considerations and the 50-year project analysis period, the probability and consequences of timber harvest should be addressed in section 5.0 (Environmental Consequences) of the SEIS. Although noted in section 5.0 that little harvesting would take place based on planned conservation easements, the SEIS is unclear as to the extent to which easements would restrict timber harvest and which areas would be covered by such easements.

SECTION 5.0 ENVIRONMENTAL CONSEQUENCES

Page 5-11, Table 5.1 According to information contained in Table 5.1 (row 1, column 5; Future With Project Impacts), “little timber harvesting would take place in the future due to conservation easements.” Although it is probable that a conservation easement would prohibit or severely restrict timber harvest, it is possible that limited or even complete removal of trees may occur, depending on the terms of the easement. As such, the table should be modified to note that timber harvest may be restricted depending upon the terms and conditions of the conservation easements and the areal extent of their jurisdiction. Alternatively, the terms of the conservation easements should be provided in the final SEIS and include language that clearly indicates that tree removal is prohibited.

5.15 Socioeconomic and human resources

5.15.12 Land Use Socioeconomics

Page 5-78, lines 2568-2571 According to this section, “conservation easements would be placed within the primary and secondary areas of impact for Alternative 33 (TSP), effectively restricting timber harvesting within portions of the study area over an indefinite period of time.” As previously noted in our comments pertaining to Table 5.1, timber harvest may occur unless prohibited by terms and conditions of the conservation easements. Additionally, greater specificity is needed concerning the location and size of the “primary and secondary areas of impact.” Although Figure 3.4 (page 3-37 of the SEIS), illustrates primary and secondary areas of impact for Alternative 33, it is unclear if this is, in fact, the area to be covered by conservation easements. To address these factors, the final SEIS should contain the terms and conditions of

any existing or planned conservation easements and should clearly describe, via narration and map, the areas that would be covered by such easements. Unless the planned bald cypress-tupelo forest can be restored and maintained over the life of the project, the desired objectives and predicted benefits may not be attained. This should be noted in the final SEIS.

Because of the importance of conservation easements with regard to protecting and restoring fish and wildlife habitat, the final SEIS should note that NMFS and other federal and state resource agencies will be, or have been, consulted during development of the terms and conditions and determination of the location and areal extent of the conservation easement(s).

Finally, the possibility that tree planting and project related extension of dry periods (to promote seed germination) could actually encourage timber harvest should be addressed in the final SEIS.

SECTION 8.0 CONCLUSIONS AND DETERMINATIONS

8.2 Recommended Plan

Page 8-1, line 43 NMFS recommends changing “Easements on 1,633 acres of land” to “Conservation easements on 1,633 acres of land.” Also, as previously noted, the final SEIS should be clear concerning the location and size (acreage) of areas to be protected by conservation easements. In this regard, clarification is needed as to location of the 1,633 acre area mentioned.

