

# RESTORE

## THE MISSISSIPPI RIVER DELTA



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Comments regarding Draft EA #576: Bipartisan Budget Act Construction Projects; West Shore Lake Pontchartrain (WSLP), Comite River Diversion (COMITE), and East Baton Rouge Flood Risk Management (EBR) BBA Construction Mitigation

Dear U.S. Army Corps of Engineers,

The Restore the Mississippi River Delta Campaign is a coalition of Environmental Defense Fund, National Audubon Society, the National Wildlife Federation, the Coalition to Restore Coastal Louisiana and Lake Pontchartrain Basin Foundation, representing thousands of Louisiana members and supporters. We work together to advocate for science-based restoration of coastal Louisiana. We are writing to express our disappointment that the draft environmental assessment to mitigate for the construction of the West Shore Lake Pontchartrain Levee (WSLP) did not include the construction of the Louisiana Coastal Protection and Restoration Authority River Reintroduction into Maurepas Swamp project (to be referred to thereafter as the “Maurepas Diversion” or the “Diversion”) into this EA for consideration. We believe that this is not only the best, but the only viable option for mitigating WSLP construction impacts, and we strongly urge reconsideration.

The Maurepas Diversion has been many decades in the making. It was previously included in the New Orleans’ District LCA program as the *Small Diversion at Hope Canal*. In this iteration it was extensively studied by the Army Corps and was included as one of the five near-term critical restoration features in the Louisiana Coastal Area Study and recommendation to Congress in 2004. The diversion is now being advanced for construction by the Louisiana Coastal Protection and Restoration Authority (CPRA) with money from oil settlement funds. The diversion is projected to benefit more than 45,000 acres of bottomland hardwood and swamp habitat in the Pontchartrain basin. The diversion is being built in close coordination with the Army Corps to achieve efficiencies, including coordinating on land rights and access issues. The first 1.5 miles of the guide levee will be shared between the two projects.

These two projects will produce greater efficiencies together than either could produce alone. Land built by the Maurepas Diversion will provide protection for the WSLP which will decrease maintenance needs on the levee system over time.

We have serious concerns that the proposed action for this mitigation is “a combination of mitigation bank credits purchases and Corps constructed projects” despite the Corps’ admission that “mitigation banks capable of supplying the credits needed to meet the BLH-Wet and swamp mitigation requirements at the time of solicitation is uncertain at this time. Banks currently able to meet the mitigation requirements may not be able to do so at the time of solicitation.” It is our understanding that there are not currently enough credits available to meet the needs of the Corps, and by purchasing these credits the Corps will essentially be using all available credits within the basin, leaving little left for mitigation of other projects. We believe that using banks as the mitigation option is unacceptable when the Maurepas Diversion is a clearly superior option. Using the Maurepas



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Diversion will benefit a large, contiguous swamp rather than fragmented parcels distributed throughout southeast Louisiana.

The Pontchartrain basin wetlands protect the most populous and economically important region in coastal Louisiana. Continued wetland loss threatens the viability of this region. As the Corps has long recognized, a suite of solutions will be necessary to address the crisis, and river reintroduction will be a critical component. As land disappears and swamp forest converts to marsh or open water, more pressure will be put on the WSLP system. The basin needs synergistic solutions that combined together will protect communities from flooding and increase the ecological resilience of the coast which is exactly what the WSLP and Maurepas diversion, together, will provide.

Additionally, the Maurepas diversion will use more robust monitoring than what is necessary for mitigation banks, due to its projected participation in the state's SWAMP program. This will offset risk associated with using the project as mitigation and provide a blueprint for future mitigation alternatives of other coastal infrastructure projects.

The Corps also asserts in its plan that *“the decision points and timing for mitigation projects should be earlier than for construction (as mitigation should occur prior to or at least not later than construction) and will likely be the same or similar for all the BBA 18 Construction projects.”* Obviously, this standard has been relaxed for numerous New Orleans District levee projects, including the HSDRRS system (West Bank and Vicinity and Lake Pontchartrain and Vicinity projects).

The Maurepas Diversion project offers a better value at a cost of \$24,781 per AAHU versus \$36,340 per AAHU estimate from the WSLP feasibility study (TSP alternative C; indirect mitigation cost (15%) = \$54 million/1504 AAHU of swamp needed).

In conclusion, we believe that mitigating the West Shore Levee Ponchartrain project by providing construction funds for the River Reintroduction to Maurepas Swamp project is the best and only viable option. Please include the Maurepas project in your mitigation plan for West Shore Lake Pontchartrain.



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Sincerely,

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