



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

1445 Ross Avenue, Suite 1200

Dallas, TX 75202-2733

November 21, 2011

Nathan Dayan
U.S. Army Corps of Engineers
Regional Planning and Env. Division
South, New Orleans Env. Branch
PO Box 60267
New Orleans, LA 70160-0267

SUBJECT: Supplemental Environmental Assessment #498, West Bank and Vicinity Hurricane Protection Project Implementation of Previously Authorized Mitigation Plans

Dear Mr. Dayan:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Supplemental Environmental Assessment (DSEA) and Draft Finding of No Significant Impact (FONSI) for West Bank and Vicinity Hurricane Protection Project Implementation of Previously Authorized Mitigation Plans. Detailed comments are listed below which more clearly identify our concerns and the informational needs requested for incorporation into the Final Supplemental EA.

Water Quality-Wetlands

We appreciate that the proposed activities described in this DSEA are intended to address unfulfilled mitigation needs associated with adverse wetland impacts which occurred prior to Hurricane Katrina. EPA understands that the existing authorization for these activities might restrict the extent to which the subject compensatory mitigation projects could be modified to meet current standards and/or produce superior environmental outcomes (without having to seek reauthorization). Proceeding with the mitigation activities as proposed in the DSEA does, therefore, appear to be the most expeditious way to attempt to address unmet mitigation needs.

Nevertheless, EPA questions whether the St. Charles Parish wetland preservation component (referred to in the draft SEA as "STC") is consistent with Federal compensatory mitigation standards. Specifically, EPA questions whether the wetlands to be preserved are indeed under threat of destruction or adverse modifications. The area in question is on the flood side of the proposed Willowridge Levee. As such, it is a highly unlikely location for residential and/or commercial development. While unsustainable cypress logging has in the recent past been a threat to some areas in Barataria Basin (and elsewhere in coastal Louisiana), EPA is not aware of any proposal or interest in logging the area in question.

In addition, the ratio of acres preserved to acres adversely impacted is low. While there is no National standard for such, it is not uncommon to find preservation ratios of 10:1 or even higher. Indeed, the New Orleans District has recently employed far higher preservation ratios to satisfy mitigation requirements associated with specific Clean Water Act Section 404 permits. Even if there were some demonstrable threat to the area in question, it is unclear whether the actual ecological benefits of preserving the site would be sufficient to offset the associated impacts.

EPA requests that the Corps of Engineers review the preservation component of the proposed mitigation plan to determine if the site in question is under threat of destruction or adverse modifications, and if so, whether the amount of preservation being offered would be sufficient to offset the associated adverse wetland impacts. If it is determined that the proposed preservation component would not provide adequate compensatory mitigation, EPA suggests that the Corps of Engineers look for other mitigation options that could be expeditiously accomplished within the confines of the existing authorization. The Region 6 Wetlands Section would be happy to assist in that regard.

For questions or concerns regarding the comments above, please contact Mr. John Ettinger, EPA Region 6 Coastal Planning and Wetlands Coordinator, at 504-862-1119 or ettinger.john@epa.gov.

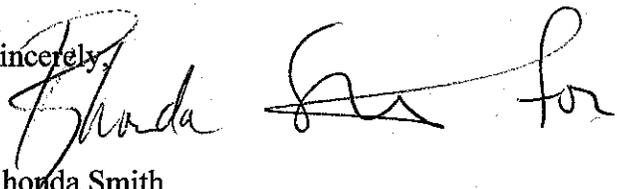
Air Quality

Any demolition, construction, rehabilitation, repair, dredging or filling activities have the potential to emit air pollutants and we recommend best management practices be implemented to minimize the impact of any air pollutants. Furthermore, construction and waste disposal activities should be conducted in accordance with applicable local, state and federal statutes and regulations.

EPA encourages the use of clean, lower-emissions equipment and technologies to reduce pollution. EPA's final Highway Diesel and Nonroad Diesel Rules mandate the use of lower-sulfur fuels in nonroad and marine diesel engines beginning in 2007.

We appreciate the opportunity to provide comments for the draft EA and FONSI. Thank you for your coordination and don't hesitate to contact John MacFarlane, of my staff, at 214-665-7491 or macfarlane.john@epa.gov should you have any questions or concerns regarding this letter.

Sincerely,


Rhonda Smith
Chief, Office of Planning and
Coordination