

**Volume IV**

**APPENDIX E:**

**Louisiana Coastal Resources Program  
Consistency Determination**

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## **Volume IV**

### **APPENDIX E:**

#### **Louisiana Coastal Resources Program Consistency Determination**

**CONSISTENCY DETERMINATION  
LOUISIANA COASTAL ZONE MANAGEMENT PROGRAM  
LCA Small Diversion at Convent/Blind River  
St. James Parish and Ascension Parish, Louisiana**

#### **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 for the proposed LCA Small Diversion at Convent/Blind River, located largely in St. James Parish and in a small portion of Ascension Parish, Louisiana. Coastal Use Guidelines were written in order to implement the policies and goals of the Louisiana Coastal Resources Program, 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.

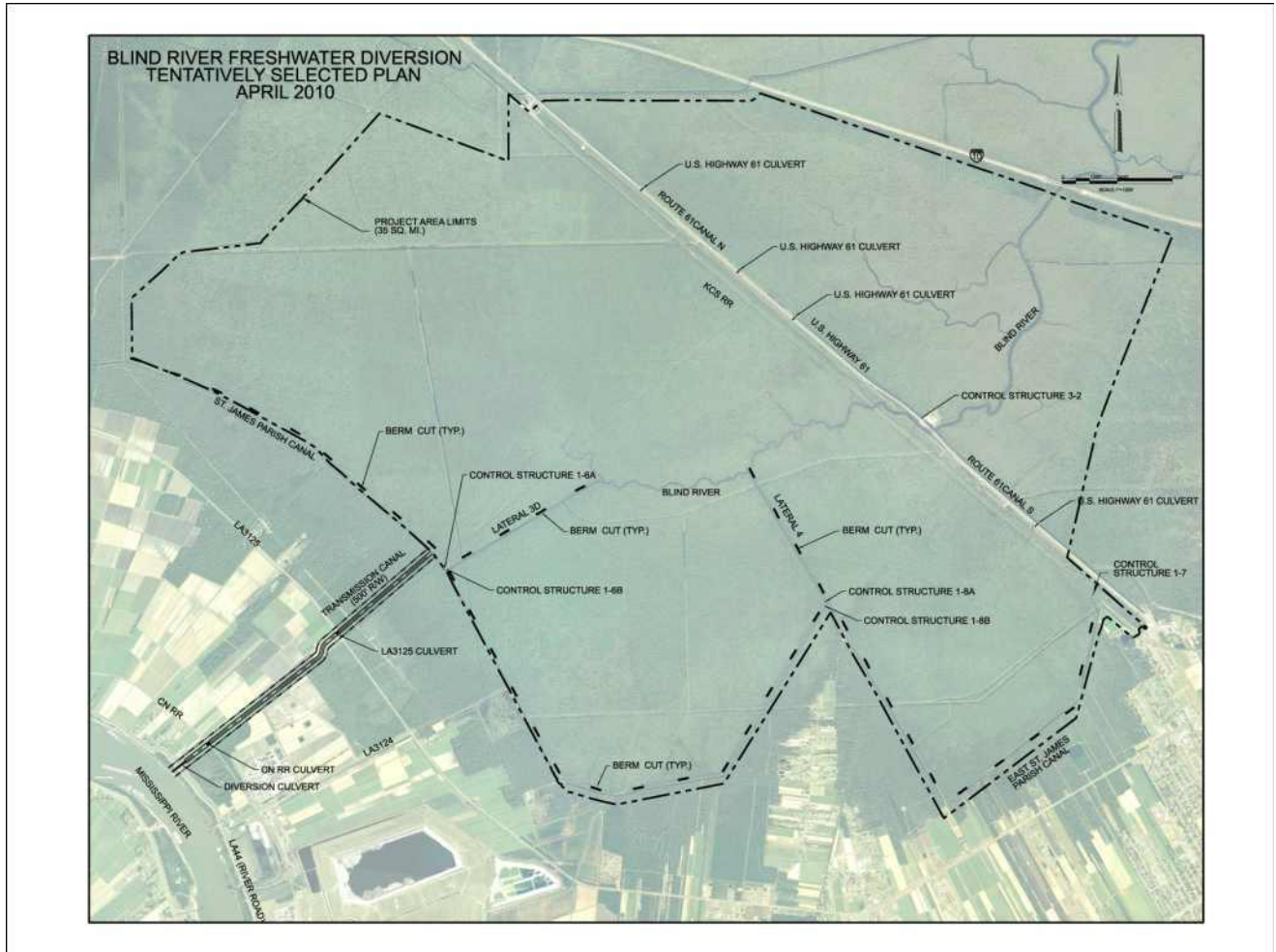
#### **PROJECT DESCRIPTION**

The main objective and goal for this project, LCA Small Diversion at Convent/Blind River, is to restore portions of the southeastern Maurepas Swamp; it is a coastal restoration project designed to reverse the trend of deterioration in the swamp and in the Blind River. The Mississippi River levee system has cut off the Maurepas Swamp (and Blind River) from the natural periodic, near annual flooding by the Mississippi River, and past construction of logging trails, drainage channels, pipe lines and other utilities, and roads through the Swamp have disrupted the natural flow and drainage patterns, and impacted the biological productivity of the Swamp. Without action, the Swamp is predicted to continue to deteriorate at the same or accelerated rates, with approximately 9,850 acres (3,991 hectares [ha]), including 6,255 acres (2,534 ha) of brackish marsh and 3,595 acres (1,456 ha) of saline marsh, projected to be lost over the 50-year period of analysis.

The main components of the tentatively selected plan (TSP), a 3,000 cfs diversion at Romeville, include a diversion from the Mississippi River consisting of three gated culverts, a 3-mile long transmission canal, five concrete drainage control structures with downward opening weir gates, thirty berm gaps approximately 500 feet wide each, and three culverts at the railroad/Hwy 61 crossing. Figure 1 shows location of the diversion, transmission canal, and structures.

The schedule to begin construction of the diversion, the transmission channel, and the in-swamp water management/control structures is dependent on final approval of the feasibility study by the Chief of Engineers (USACE HQ) and congressional authorization to use appropriated funds for construction.

**Figure 1. The Project Area and TSP Feature Locations for the LCA Small Diversion at Convent Blind River.**



### Disposal Areas

Designated disposal sites for previously dredged or excavated materials that are generated during construction of the Blind River diversion system include areas adjacent to the diversion structure, berms adjacent to the transmission canal, and in swamp areas adjacent to control structures and berm gaps. Previously dredged material will be excavated using various types of equipment for construction of the diversion, the transmission canal, the berm gaps, and for placement of control structures. Front end loaders, backhoes, and trackhoes, as well as barge supported excavators may be used.

Material removed from structure locations near the edge of the swamp will be used to create berm areas around the structures or to enhance berms/higher elevations close to the structure locations. Material would be placed at semi-confined areas along channel banks to create a sub-aerial platform at typical wetland elevations. It is anticipated that wetland plants would colonize these areas, and that the disposal site would transform into functioning wetland. Material removed as a function of gapping along the existing drainage canals will be used in much the same manner as dredged material at structure locations.

## **GUIDELINES**

### **1. Guidelines Applicable to All Uses**

Guideline 1.1: The guidelines must be read in their entirety. Any proposed use may be subject to the requirements of more than one guideline or section of guidelines and all applicable guidelines must be complied with.

Response: Acknowledged.

Guideline 1.2: Conformance with applicable water and air quality laws, standards, and regulations, and with those other laws, standards and regulations which have been incorporated into the coastal resources program shall be deemed in conformance with the program except to the extent that these guidelines would impose additional requirements.

Response: Acknowledged.

Guideline 1.3: The guidelines include both general provisions applicable to all uses and specific provisions applicable only to certain types of uses. The general guidelines apply in all situations. The specific guidelines apply only to situations they address. Specific and general guidelines should be interpreted to be consistent with each other. In the event there is an inconsistency, the specific should prevail.

Response: Acknowledged.

Guideline 1.4: These guidelines are not intended to, nor shall they be, interpreted so as to result in an involuntary acquisition or taking of property.

Response: Acknowledged.

Guideline 1.5: No use or activity shall 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. Revocations of such grants and donations shall be avoided.

Response: The tentatively selected plan would not cause violations or revocations of such grants or donations.

Guideline 1.6: Information regarding the following general factors shall be utilized by the permitting authority in evaluating whether the proposed use is in compliance with the guidelines.

- a) type, nature, and location of use.
- b) elevation, soil, and water conditions and flood and storm hazard characteristics of site.
- c) techniques and materials used in construction, operation, and maintenance of use.
- d) existing drainage patterns and water regimes of surrounding area including flow, circulation, quality, quantity, and salinity; and impacts on them.
- e) availability of feasible alternative sites or methods for implementing the use.
- f) designation of the area for certain uses as part of a local program.
- g) economic need for use and extent of impacts of use on economy of locality.
- h) extent of resulting public and private benefits.
- i) extent of coastal water dependency of the use.
- j) existence of necessary infrastructure to support the use and public costs resulting from the use.
- k) extent of impacts on existing and traditional uses of the area and on future uses for which the area is suited.
- l) proximity to and extent of impacts on important natural features such as beaches, barrier islands, tidal passes, wildlife and aquatic habitats, and forest lands.
- m) the extent to which regional, state, and national interests are served including the national interest in resources and the siting of facilities in the coastal zones as identified in the coastal resources program.
- n) proximity to, and extent of, impacts on special areas, particular areas, or other areas of particular concern of the state program or local programs.
- o) likelihood of, and extent of impacts, resulting secondary impacts and cumulative impacts.
- p) proximity to, and extent of, impacts on public lands or works, or historic, recreational or cultural resources.
- q) extent of impacts on navigation, fishing, public access, and recreational opportunities.
- r) extent of compatibility with natural and cultural setting.
- s) extent of long-term benefits or adverse impacts.

Response: All of the above are acknowledged

Guideline 1.7: It is the policy of the coastal resources program to avoid the following adverse impacts. To this end, all users and activities shall be planned, sited, designed, and constructed, operated, and maintained to avoid to the maximum extent practicable significant:

- a) reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow.

Response: The effect of the proposed new channel alignment and increased channel depths on the natural supply of sediment and nutrients entering the eastern portion of the Gulf of Mexico is expected to be minimal because of rapid dilution in the receiving

water body as has historically been the case.

b) adverse economic impacts on the locality of the use and affected governmental bodies.

Response: Long-term economic benefits to the region and nation are anticipated as a result of project implementation. Improved habitat for fish and wildlife, reduction in conversion of swamp to marsh and open water, reduction in storm surge, and improved recreational benefits would result upon project completion.

c) detrimental discharges of inorganic nutrient compounds into coastal waters.

Response: There would be a temporary increase in the concentration of inorganic nutrient compounds near the dredging/clearing and/or construction locations due to resuspension of sediments during dredging operations. Any effects are expected to be minor and would only occur during actual dredging and construction operations.

d) alterations in the natural concentration of oxygen in coastal waters.

Response: Oxygen concentrations in the canal waters near dredging site(s) would have a tendency to be reduced during dredging operations. Ambient oxygen concentrations would return once dredging operations were completed.

e) destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and water bottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features.

Response: No adverse effects to the stream and canals interior to the swamp are expected. No tidal passes, beaches, dunes, barrier islands, or protective coastal features would be affected. Impacts associated with dredging access and floatation channels are unavoidable and would result in a brief variation in bottom topography.

f) adverse disruption of existing social patterns.

Response: The area is remote, accessible only by boat or aircraft, and uninhabited. Adverse social impacts might occur temporarily from the rerouting of recreational boat traffic near dredging operations. However, any disruptions would be short-term and are not expected to disrupt existing social patterns.

g) alterations of the natural temperature regime of coastal waters.

Response: Project construction would not cause a measurable change in the natural temperature regime of coastal waters, effecting only canals and bayous internal to the swamp area. Temporary and localized increases in water temperatures might occur with increased turbidity during dredging operations; however, temperatures would return to ambient levels following completion of dredging operations.

h) detrimental changes in existing salinity regimes.

Response: No measurable change in existing salinity regimes would occur.

i) detrimental changes in littoral and sediment transport processes.

Response: This plan would not affect littoral or sediment transport processes.

j) adverse effects of cumulative impacts.

Response: There would be no adverse cumulative impacts from the proposed action.

k) detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging.

Response: Coastal water would not be affected. This project would cause only a minor, temporary increase in the suspended sediment load within canals and bayous in the Maurepas Swamp area. The bulk of the material would rapidly settle to the bottom and become part of the bed load. Increased turbidity would be detectable for only a short distance downstream of dredge operations and are expected to return to ambient conditions once dredging is completed.

l) reductions or blockage of water flow or natural circulation patterns within or into an estuarine system or wetland forest.

Response: Circulation patterns would not be altered for any estuarine systems; however, the point of this project is to achieve a hydroperiod conducive to growth in wetland forests (baldcypress-tupelo).

m) discharges of pathogens or toxic substances into coastal waters.

Response: No pathogens would be discharged.

n) adverse alteration or destruction of archaeological, historical, or other cultural resources.

Response: No cultural resources will be adversely impacted or destroyed-no archaeological sites exist within the project area where construction or disruption of surface features will occur.

o) fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas.

Response: No detrimental secondary impacts are expected in undisturbed or biologically highly productive wetlands.



p) 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 forest lands.

Response: No critical habitat for endangered species, nor any wildlife management or sanctuary areas would be adversely altered or destroyed by the proposed project. There could be temporary displacement of wildlife and aquatic organisms away from dredging and disposal sites due to turbidity and physical disturbance by construction equipment; however, the project would ultimately increase the quantity and quality of available habitats for terrestrial and aquatic organisms to utilize.

q) 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.

Response: No such areas would be adversely impacted.

r) adverse disruptions of coastal wildlife and fishery migratory patterns.

Response: No adverse disruptions of wildlife and fishery migratory patterns would occur. There could be temporary displacement of wildlife and fishery organisms away from dredging and disposal sites due to turbidity and physical disturbance by construction equipment. However, any such impacts would be minimally disruptive since most fish and wildlife in the area are mobile and would move to adjacent undisturbed areas during construction activities.

s) land loss, erosion, and subsidence.

Response: No land loss, erosion, or subsidence would result from the proposed project. The net effect from this project would be a net gain in wetland habitat.

t) increases in the potential for flood, hurricane, or other storm damage, or increases in the likelihood that damage will occur from such hazards.

Response: The proposed project would not increase flooding potential.

u) reductions in the long-term biological productivity of the coastal ecosystem.

Response: The proposed project would not result in long-term reduction of biological productivity; to the contrary, the project is intended to increase biological productivity.

Guideline 1.8: In those in which the modifier "maximum extent practicable" is used, the proposed use is in compliance with the guideline if the standard modified by the term is complied with. If the modified standard is not complied with, the use will be in compliance with the guideline if the permitting authority finds, after a systematic consideration of all pertinent information regarding the use, the site, and the impacts of the use as set forth in Guideline 1.6,

and a balancing of their relative significance, that the benefits resulting from the proposed use would clearly outweigh the adverse impacts resulting from noncompliance with the modified standard and there are no feasible and practical alternative locations, methods, and practices for the use that are in compliance with the modified standard and:

- a) significant public benefits will result from the use, or;
- b) the use would serve important regional, state, or national interests, including the national interest in resources and the siting of facilities in the coastal zone identified in the coastal resources program, or;
- c) the use is coastal water dependent.

The systematic consideration process shall also result in a determination of those conditions necessary for the use to be in compliance with the guideline. Those conditions shall assure that the use is carried out utilizing those locations, methods, and practices which maximize conformance to the modified standard; are technically, economically, environmentally, socially, and legally feasible and practical and minimize or offset those adverse impacts listed in guideline 1.7 and in the guideline at issue.

Response: Acknowledged.

Guideline 1.9: Uses shall, to the maximum extent practicable, be designed and carried out to permit multiple concurrent uses which are appropriate for the location and to avoid unnecessary conflicts with other uses of the vicinity.

Response: The purpose of the proposed project is for improved habitat (fish and wildlife) and recreational use. After construction, recreational pursuits would be encouraged to the maximum extent practicable.

Guideline 1.10: These guidelines are not intended to be, nor shall they be, interpreted to allow expansion of governmental authority beyond that established by La. R.S. 49:213.1 through 213.21, as amended; nor shall these guidelines be interpreted so as to require permits for specific uses legally commenced or established prior to the effective date of the coastal use permit program nor to normal maintenance or repair of such uses.

Response: Acknowledged.

## **2. Guidelines for Levees**

Guideline 2.1: The leveeing of unmodified or biologically productive wetlands shall be avoided to the maximum extent practicable.

Response: No levees will be constructed that would disrupt biologically productive wetlands. The berm associated with the transmission canal will be constructed on lands currently used for agricultural purposes.

Guideline 2.2: Levees shall be planned and sited to avoid segmentation of wetland areas and

systems to the maximum extent practicable.

Response: No wetland areas or system would be segmented; the intent of the project is to improve hydrologic connectivity between areas of the swamp that have been impounded as a result of anthropogenic changes in years past.

Guideline 2.3: Levees constructed for the purpose of developing or otherwise changing the use of a wetland area shall be avoided to the maximum extent practicable.

Response: No levees associated with this project would encourage or cause development or change the use of wetlands.

Guideline 2.4: Hurricane and flood protection levees shall be located at the wetland/non-wetland interface or landward to the maximum extent practicable.

Response: The project does not include construction of hurricane or flood protection levees.

Guideline 2.5: Impoundment levees shall only be constructed in wetland areas as part of approved water or marsh management projects or to prevent release of pollutants.

Response: No impoundment levees will be constructed in the wetland areas. Excavated material from berm gaps will be placed behind the remaining berms and spread out to increase exiting uplands.

Guideline 2.6: Hurricane or flood protection levee systems shall be designed, built, and thereafter operated and maintained utilizing best practical techniques to minimize disruptions of existing hydrologic patterns, and the interchange of water, beneficial nutrients and aquatic organisms between enclosed wetlands and those outside the levee system.

Response: The project area does not include construction of hurricane or flood protection levees.

### **3. Guidelines for Linear Facilities**

Guideline 3.1: Linear use alignments shall be planned to avoid adverse impacts on areas of high biological productivity or irreplaceable resource areas.

Response: No linear use alignments will be used.

Guideline 3.2: Linear facilities involving the use of dredging or filling shall be avoided in wetland and estuarine areas to the maximum extent practicable.

Response: No linear use alignments will be used in wetland or estuarine areas.

Guideline 3.3: Linear facilities involving dredging shall be of the minimum size and length.

Response: Not applicable to this project.

Guideline 3.4: To the maximum extent practicable, pipelines shall be installed through the "push ditch" method and the ditch backfilled.

Response: Acknowledged.

Guideline 3.5: Existing corridors, right-of-way, canals, and streams shall be utilized to the maximum extent practicable for linear facilities.

Response: Acknowledged.

Guideline 3.6: Linear facilities and alignments shall be, to the maximum extent practicable, designed and constructed to permit multiple uses consistent with the nature of the facility.

Response: Temporary disruption to multiple uses of the project area may occur during dredging operations, but would be restored following project completion.

Guideline 3.7: Linear facilities involving dredging shall not traverse or adversely affect any barrier island.

Response: No barrier islands would be affected. The proposed project does not occur on or near any barrier islands.

Guideline 3.8: Linear facilities involving dredging shall not traverse beaches, tidal passes, protective reefs or other natural gulf shoreline unless no other alternative exists. If a beach, tidal pass, reef or other natural gulf shoreline must be traversed for a non-navigation canal, they shall be restored at least to their natural condition immediately upon completion of construction. Tidal passes shall not be permanently widened or deepened except when necessary to conduct the use. The best available restoration techniques which improve the traversed area's ability to serve as a shoreline shall be used.

Response: No such areas would be affected.

Guideline 3.9: Linear facilities shall be planned, designed, located, and built using the best practical techniques to minimize disruption of natural hydrologic and sediment transport patterns, sheet flow, and water quality, and to minimize adverse impacts on wetlands.

Response: Acknowledged.

Guideline 3.10: Linear facilities shall be planned, designed, and built using the best practical techniques to prevent bank slumping and erosion, saltwater intrusion, and to minimize the potential for inland movement of storm-generated surges. Consideration shall be given to the use of locks in navigation canals and channels which connect more saline areas with fresher areas.

Response: Acknowledged.

Guideline 3.11: All non-navigation channels, canals and ditches which connect more saline areas with fresher areas shall be plugged at all waterway crossings and at intervals between crossings in order to compartmentalize them. The plugs shall be properly maintained.

Response: The proposed project may affect downstream salinity patterns with the introduction and flow of freshwater through the swamp and toward Lake Maurepas; this is not considered an adverse impact as more saline water has spiked the area during storm surge and is gradually doing more harm to existing wetlands.

Guideline 3.12: The multiple use of existing canals, directional drilling and other practical techniques shall be utilized to the maximum extent practicable to minimize the number and size of access canals, to minimize changes of natural systems and to minimize adverse impacts on natural areas and wildlife and fisheries habitats.

Response: Acknowledged.

Guideline 3.13: All pipelines shall be constructed in accordance with parts 191, 192, and 195 of Title 49 of the Code of Federal Regulations, as amended, and in conformance with the Commissioner of Conservation's Pipeline Safety Rules and Regulations and those safety requirements established by LA R.S. 45:408, whichever would require higher standards.

Response: Acknowledged.

Guideline 3.14: Areas dredged for linear facilities shall be backfilled or otherwise restored to the pre-existing conditions upon cessation of use for navigation purposes to the maximum extent practicable.

Response: Acknowledged.

Guideline 3.15: The best practical techniques for site restoration and re-vegetation shall be utilized for all linear facilities.

Response: Acknowledged.

Guideline 3.16: Confined and dead end canals shall be avoided to the maximum extent practicable. Approved canals must be designed and constructed using the best practical techniques to avoid water stagnation and eutrophication.

Response: The proposed project would not construct confined or dead end canals.

#### **4. Guidelines for Dredged Spoil Deposition**

Guideline 4.1: Spoil shall be deposited utilizing the best practical techniques to avoid disruption of water movement, flow, circulation, and quality.

Response: Acknowledged. Excavated or previously dredged material for canal spoil banks and wetland restoration/berm expansion will be generated during construction of the diversion, the transmission canal, the berm gaps, and several types of control structures as well as from O&M activities to maintain integrity of the transmission canal, berms, and structures. This material will be excavated from areas not located in any waterway, wetland or waterbody, but from upland areas.

Guideline 4.2: Spoil shall be used beneficially to the maximum extent practicable to improve productivity or create new habitat, reduce or compensate for environmental damage done by dredging activities, or prevent environmental damage. Otherwise, existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas.

Response: Acknowledged. Designated disposal sites for previously dredged or excavated materials that are generated during construction of the Blind River diversion system include areas adjacent to the diversion structure, berms adjacent to the transmission canal, and in swamp areas adjacent to control structures and berm gaps.

Guideline 4.3: Spoil shall not be disposed of in a manner which could result in the impounding or draining of wetlands or the creation of development sites unless spoil deposition is part of an approved levee or land surface alteration project.

Response: No dredged material would be deposited in a manner that would create adverse impacts as a result of impoundment; however, the control structures and material placement resulting from installation of the structures and the berm gaps will be placed in such a way as to encourage hydrologic connectivity and flow through the swamp, including drainage that would encourage dry-out periods for cypress propagation. The problem in the swamp is improper drainage, and the project and dredge material will be used in all ways to improve swamp conditions.

Guideline 4.4: Spoil shall not be disposed of on marsh, known oyster or clam reefs, or in areas of submerged vegetation to the maximum extent practicable.

Response: Dredged material used to renourish/build upon existing marsh could result in disruption to submersed vegetation. However, recolonization of submerged vegetation is expected to occur once the project is completed. No dredged material will be placed on known oyster or clam reefs.

Guideline 4.5: Spoil shall not be disposed of in such a manner as to create a hindrance to

navigation or fishing, or hinder timber growth.

Response: No hindrance to navigation, fishing, and timber growth would occur. The project area may be unavailable for fishing activities during construction; however, alternative fishing areas exist nearby and fishing access would be restored after construction.

Guideline 4.6: Spoil disposal areas shall be designed and constructed and maintained using the best practicable techniques to retain the spoil at the site, reduce turbidity, and reduce shoreline erosion when appropriate.

Response: Acknowledged.

Guideline 4.7: The alienation of state-owned property shall not result from spoil deposition activities without the consent of the Department of Natural Resources.

Response: No state-owned properties would be alienated by deposition of dredged material.

## **5. Guidelines for Shoreline Modification**

Guideline 5.1: Non structural methods of shoreline protection shall be utilized to the maximum extent practicable.

Response: Acknowledged.

Guideline 5.2: Shoreline modification structures shall be designed and built using best practical techniques to minimize adverse impacts.

Response: Acknowledged

Guideline 5.3: Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, to not interfere with navigation, and they should foster fishing, other recreational opportunities, and public access.

Response: Acknowledged.

Guideline 5.4: Shoreline modification structures shall be built using best practical techniques to avoid the introduction of pollutants and toxic substances into coastal waters.

Response: Acknowledged.

Guideline 5.5: Piers and docks and other harbor structures shall be designed and built using best practical techniques to avoid obstruction of water circulation.

Response: The proposed action would not construct any piers, docks or other harbor structures.

Guideline 5.6: Marinas and similar commercial and recreational developments shall to the maximum extent practicable not be located so as to result in adverse impacts on open productive oyster beds, or submerged grass beds.

Response: The proposed action would not construct any marinas or similar commercial or recreational developments.

Guideline 5.7: Neglected or abandoned shoreline modification structures, piers, docks, mooring and other harbor structures shall be removed at the owner's expense, when appropriate.

Response: Acknowledged.

Guideline 5.8: Shoreline stabilization structures shall not be built for the purpose of creating fill areas for development unless part of an approved surface alteration use.

Response: Acknowledged.

Guideline 5.9: Jetties, groins, breakwaters and similar structures shall be planned, designed and constructed so as to avoid to the maximum extent practicable downstream land loss and erosion.

Response: Acknowledged.

## **6. Guidelines for Surface Alterations**

Guideline 6.1: Industrial, commercial, urban, residential, and recreational uses are necessary to provide adequate economic growth and development. To this end, such uses will be encouraged in those areas of the coastal zone that are suitable for development. Those uses shall be consistent with the other guidelines and shall, to the maximum extent practicable, take place only:

- a) on lands five feet or more above sea level or within fast lands; or
  - b) on lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreasonably endangered; and
- 1) the land is already in high intensity of development use, or
  - 2) there is adequate supporting infrastructure, or
  - 3) the vicinity has a tradition of use for similar habitation or development.

Response: Acknowledged.

Guideline 6.2: Public and private works projects such as levees, drainage improvements, roads,



airports, ports, and public utilities are necessary to protect and support needed development and shall be encouraged. Such projects shall, to the maximum extent practicable, take place only when:

- a) they protect or serve those areas suitable for development pursuant to Guideline 6.1; and
- b) they are consistent with other guidelines; and
- c) they are consistent with all relevant adopted state, local, and regional plans.

Response: Acknowledged.

Guideline 6.3: Blank (Deleted by LA Department of Natural Resources).

Guideline 6.4: To the maximum extent practicable, wetland areas shall not be drained or filled. Any approved drain or fill project shall be designed and constructed using best practical techniques to minimize present and future property damage and adverse environmental impacts.

Response: No wetlands shall be filled or drained. Rather the proposed project would create/nourish and rehabilitate wetlands, create upland areas and encourage a hydroperiod to nurture baldcypress and tupelo propagation.

Guideline 6.5: Coastal water-dependent uses shall be given special consideration in permitting because of their reduced choice of alternatives.

Response: Acknowledged.

Guideline 6.6: Areas modified by surface alteration activities shall, to the maximum extent practicable, be revegetated, refilled, cleaned, and restored to their pre-development condition upon termination of the use.

Response: The proposed action would utilize dredged material to enhance the marsh. These areas are expected to revegetate naturally within 9-12 months following construction.

Guideline 6.7: Site clearing shall, to the maximum extent practicable, be limited to those areas immediately required for physical development.

Response: Acknowledged.

Guideline 6.8: Surface alterations shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Alterations in wildlife preserves and management areas shall be conducted in strict accord with the requirements of the wildlife management body.

Response: After construction, the upland areas created with excavated or previously dredged material would be allowed to vegetate naturally. The proposed action has been coordinated with US Fish and Wildlife, LA Department of Wildlife and Fisheries, and

National Marine Fisheries Service. No critical wildlife or vegetation areas would be impacted by the proposed project. No alterations of wildlife preserves or management areas would occur.

Guideline 6.9: Surface alterations which have high adverse impacts on natural functions shall not occur, to the maximum extent practicable, on barrier islands and beaches, isolated cheniers, isolated natural ridges or levees, or in wildlife and aquatic species breeding or spawning areas, or in important migratory routes.

Response: The proposed action has been coordinated with the US Fish and Wildlife Services and the National Marine Fisheries Service to minimize impacts to threatened and endangered species and their critical habitat. Although the proposed action would involve activities in the habitat of the Gulf and Pallid sturgeon and the West Indian manatee, the scope of these activities is not likely to adversely impact these species. No sturgeon breeding or spawning areas, or manatee foraging areas, would be impacted. Benthic organisms upon which Gulf sturgeon feed may be temporarily impacted by dredging actions; however, the benthic organisms would quickly re-establish, and dredging windows would be used to minimize the potential to affect individuals.

Guideline 6.10: The creation of low dissolved oxygen conditions in the water or traps for heavy metals shall be avoided to the maximum extent practicable.

Response: Low dissolved oxygen conditions may occur during dredging operations and as a result of increased turbidity. However, any such conditions would be of short duration and would return to ambient conditions after construction activities were completed.

Guideline 6.11: Surface mining and shell dredging shall be carried out utilizing the best practical techniques to minimize adverse environmental impacts.

Response: Not applicable.

Guideline 6.12: The creation of underwater obstructions which adversely affect fishing or navigation shall be avoided to the maximum extent practicable.

Response: No underwater obstructions would be created.

Guideline 6.13: Surface alteration sites and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment and minimize other adverse impacts.

Response: Acknowledged.

Guideline 6.14: To the maximum extent practicable, only material that is free of contaminants and compatible with the environmental setting shall be used as fill.

Response: The excavated and previously dredged material will be used to enhance surrounding upland areas. The excavated and previously dredged material is expected to be free of contaminants, based on the HTRW survey for the project area.

## **7. Guidelines for Hydrologic and Sediment Transport Modifications**

Guideline 7.1: The controlled diversion of sediment laden waters to initiate new cycles of wetland building and sediment nourishment shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversions shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

Response: The proposed project is a controlled diversion to direct Mississippi River water into a portion of the Maurepas Swamp for the purpose enhancing swamp productivity.. An adaptive management plan, as well as water quality monitoring, are included in the plan for this project.

Guideline 7.2: Sediment deposition systems may be used to offset land loss, to create or restore wetland areas or enhance building characteristics of a development site. Such systems shall only be utilized as part of an approved plan. Sediment from these systems shall only be discharged in the area that the proposed use is to be accomplished.

Response: The river diversion includes sediment reintroduction to the southeastern Maurepas Swamp to restore wetland areas and enhance vertical accretion in conjunction with increased swamp productivity.

Guideline 7.3: Undesirable deposition of sediments in sensitive habitat or navigation areas shall be avoided through the use of the best preventive techniques.

Response: Acknowledged.

Guideline 7.4: The diversion of freshwater through siphons and controlled conduits and channels, and overland flow to offset saltwater intrusion and to introduce sediment and nutrients into wetlands shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversions shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

Response: The proposed action will reintroduce water flow and increase nutrient delivery. See also response to Guideline 7.2.

Guideline 7.5: Water or swamp management plans shall result in an overall benefit to the productivity of the area.

Response: Acknowledged.

Guideline 7.6: Water control structures shall be assessed separately based on their individual merits and impacts and in relation to their overall water or marsh management plan of which they are a part.

Response: Acknowledged. Intensive modeling (HEC-RAS and EFDC models) have been applied to the project study area to assess the best possible placement of structures and overall water distribution and flow into the swamp.

Guideline 7.7: Weirs and similar water control structures shall be designed and built using the best practical techniques to prevent “cut arounds,” permit tidal exchange in tidal areas, and minimize obstruction to the migration of aquatic organisms.

Response: Acknowledged.

Guideline 7.8: Impoundments which prevent normal tidal exchange and/or the migration of aquatic organisms shall not be constructed in brackish and saline areas to the maximum extent practicable.

Response: The proposed project does not include any impoundments that prevent normal tidal exchange.

Guideline 7.9: Withdrawal of surface and ground water shall not result in saltwater intrusion or land subsidence to the maximum extent practicable.

Response: Not applicable.

## **8. Guidelines for the Disposal of Wastes**

Response: The proposed action would not involve the disposal of wastes and, therefore, these guidelines are not applicable.

## **9. Guidelines for Uses That Result in the Alteration of Waters Draining into Coastal Waters**

Response: The proposed action would not involve the alterations of waters draining into coastal waters, and, therefore, these guidelines are not applicable.

## **10. Guidelines for Oil, Gas, and Other Mineral Activities**

Response: The proposed action would not involve oil, gas, or other mineral activities, and, therefore, these guidelines are not applicable.

## **CONSISTENCY DETERMINATION**

Based on this evaluation, it is proposed that implementation of the Tentatively Selected Plan (Freshwater Diversion from Mississippi River located at Romeville, 3,000 cfs), would be consistent, to the maximum extent practicable, with the State of Louisiana's approved Coastal Resources Program.

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BOBBY JINDAL  
GOVERNOR



ROBERT D. HARPER  
SECRETARY

State of Louisiana  
DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF COASTAL MANAGEMENT

July 22, 2010

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

RE: **C20100165**, Coastal Zone Consistency  
**New Orleans District, Corps of Engineers**  
Direct Federal Action  
LCA Convent/Blind River Diversion Project, **St. James Parish, Louisiana**

Dear Ms. Exnicios:

This office has received the above referenced federal application for consistency review with the approved Louisiana Coastal Resources Program in accordance with Section 307(c) of the Federal Coastal Zone Management Act of 1972, as amended. NOAA Regulations on Federal Consistency, at 15 CFR '930.41(a), allow 60 days for the review of Direct Federal Activities, and at '930.41(b) allow an additional 15 days with appropriate applicant notification. Please be advised that, by this letter, Interagency Affairs/Field Services Division is requesting the 15 day time extension.

A final determination will be made within the authorized time period ending August 9, 2010. Please refer to the above Consistency Application number when responding to this letter. If you have any questions please call Brian Marcks of the Consistency Section at (225) 342-7591 or 1(800) 267-4019.

Sincerely yours,

Gregory J. DuCote  
Administrator  
Interagency Affairs/Field Services Division

GJD/bgm

Cc: William Klein, Jr., COE-NOD





BOBBY JINDAL  
GOVERNOR



ROBERT D. HARPER  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF COASTAL MANAGEMENT

August 5, 2010

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

RE: **C20100165**, Coastal Zone Consistency  
**New Orleans District, Corps of Engineers**  
Direct Federal Action  
LCA Small Diversion at Convent/Blind River, **St. James Parish, Louisiana**

Dear Ms. Exnicios:

The above referenced project 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 project, as proposed in this application, is consistent with the LCRP, provided the Corps complies with the LDWF stipulations with which your agency concurred by email of July 28, 2010.

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 yours,

A handwritten signature in black ink that reads "Gregory J. DuCote".

Gregory J. DuCote  
Administrator  
Interagency Affairs/Field Services Division

GJD/JDH/bgm

cc: William Klein, COE-NOD  
Bren Haase, OCPR  
Dave Butler, LDWF  
Chuck Spears, OCM FI  
Jody Chenier, St. James Parish

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