

Appendix N

DRAFT AND FINAL PUBLIC COMMENT PERIODS

impact associated with the use of cooling water intake structure(s).

Burden Statement: The annual average reporting and recordkeeping burden for the existing collection of information by facilities responding to the Section 316(b) Phase III rule is estimated to be 921 hours per facility respondent (*i.e.*, an annual average of 34,080 hours of burden divided among an annual average of 37 facilities). Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate for the existing ICR, which is only briefly summarized here:

Estimated total number of potential respondents: 37 facilities.

Frequency of response: Every five years, ongoing.

Estimated total average number of responses for each respondent: 4.2.

Estimated total annual burden hours: 34,080 hours.

Estimated total annual costs: \$2,433,612. This includes an estimated labor burden cost of \$1,836,559 and an estimated cost of \$597,053 for capital investment or operations and maintenance.

Change in the Estimates: This ICR estimates an annual average respondent burden of 34,080 hours, which represents a 3-fold increase (22,842 hours) in burden currently identified in the OMB Inventory of Approved ICR Burdens. The change in burden results mainly from the shift from the approval period to the permit implementation and renewal period of the Section 316(b) Phase III rule. Because NPDES permits are issued every five years, this ICR covers the last two years of the initial permit approval period (*i.e.*, years four and five after promulgation) and the first year of the renewal period (*i.e.*, year six after promulgation). In this first year of the renewal period facilities will be applying for a permit for the first

time or re-applying for permit coverage that was obtained during the three years covered by the previous ICR. The activities to renew an NPDES permit are assumed to be less burdensome than those for issuing a permit for the first time.

Dated: May 18, 2009.

John Moses,

Director, Collection Strategies Division.

[FR Doc. E9-12008 Filed 5-21-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8593-6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-1399 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed ??? Through ???

Pursuant to 40 CFR 1506.9.

EIS No. 20090153, Final EIS, AFS, MT, Grizzly Vegetation and Transportation Management Project, Proposes Timber Harvest, Prescribed Burning, Road Maintenance, and Transportation Management Actions, Three Rivers Ranger District, Kootenai National Forest, Lincoln County, MT, *Wait Period Ends:* 06/22/2009, *Contact:* Kathy Mohar 406-295-4693.

EIS No. 20090154, Draft EIS, NPS, AL, Tuskegee Airmen National Historic Site, General Management Plan, Implementation, Tuskegee, AL, *Comment Period Ends:* 07/20/2009, *Contact:* Amy Wirsching 404-507-5708.

EIS No. 20090155, Draft EIS, BIA, NY, Cayuga Indian Nation of New York Conveyance of Land into Trust Project, Approval of a 125+ Acre Fee-To-Trust Property Transfer of Seven Separate Parcels located in the Village of Union Springs and Town of Springport and Montezuma in Cayuga County and the Town of Seneca Falls in Seneca County, NY, *Comment Period Ends:* 07/06/2009, *Contact:* Kurt G. Chandler 615-564-6832.

EIS No. 20090156, Draft EIS, NIH, MD, National Institutes of Health (NIH), Transport of Laboratory Personnel Potentially Exposed to Infectious Agents from Fort Detrick, Frederick, MD to the National Institutes of Health Clinical Center, Bethesda, MD, *Comment Period Ends:* 07/24/2009, *Contact:* Mark Radtke 301-451-6467.

EIS No. 20090157, Draft EIS, AFS, WY, Upper Greys Vegetation Management Project, Proposes to Conduct Timber Harvest on 362 Acres in Upper Greys River Watershed, Greys River Ranger District, Bridger-Teton National Forest, Lincoln County, WY, *Comment Period Ends:* 07/06/2009, *Contact:* Heidi Whitlach 307-886-5305.

EIS No. 20090158, Final EIS, FHW, IL, Illinois Route 29 (FAP 318) Corridor Study, Transportation Improvement from Illinois 6 to Interstate 180, Funding and US Army COE Section 404 Permit, Peoria, Marshall, Putnam and Bureau Counties, IL, *Wait Period Ends:* 06/22/2009, *Contact:* Matt Fuller 217-492-4625.

EIS No. 20090159, Draft EIS, FHW, NC, Gaston East-West Connector Project, Construction (from I-85 west Gastonia to I-485/NC 160 near the Charlotte-Douglas International Airport, Gaston and Mecklenburg Counties, NC, *Comment Period Ends:* 07/17/2009, *Contact:* John F. Sullivan 919-856-4346.

EIS No. 20090160, Draft EIS, AFS, MN, Border Project, Proposing Forest Vegetation Management and Related Transportation System Activities, LaCroix Ranger District, Superior National Forest, St. Louis County, MN, *Comment Period Ends:* 07/06/2009, *Contact:* Carol Booth 218-666-0054.

EIS No. 20090161, Draft EIS, AFS, MT, Marsh and Tarhead Allotment Management Plans, Proposes to Authorize Grazing of Livestock under 10-Year Permits, Lincoln Ranger District, Helena National Forest, Lewis and Clark County, MT, *Comment Period Ends:* 07/06/2009, *Contact:* Amber Kamps 406-362-7002.

EIS No. 20090162, Final EIS, SFW, CA, Cullinan Ranch Unit Restoration Project, Proposing a Restoration Plan for 1,500 Acres of Former Hayfield Farm Land, San Pablo Bay, Issuance of Permits and/or Approval from Section 7 Endangered Species Act and U.S. Army COE Section 404 Permit, San Pablo Bay National Wildlife Refuge, Solano and Napa Counties, CA, *Wait Period Ends:* 06/22/2009, *Contact:* Christy Smith 707-769-4200.

EIS No. 20090163, Final EIS, NPS, SD, Minuteman Missile National Historic Site, General Management Plan, Implementation, Jackson and Pennington Counties, SD, *Wait Period Ends:* 06/22/2009, *Contact:* Nick Chevance 402-661-1844.

EIS No. 20090164, Draft EIS, FRC, ME, Downeast Liquefied Natural Gas

(LNG) Project, Construction and Operation, Proposed Liquefied Natural Gas (LNG) Terminal, Natural Gas Pipeline and Associated Facilities, Washington County, ME, *Comment Period Ends: 07/06/2009, Contact: Patricia Schaub 1-866-208-3372.*

EIS No. 20090165, Final EIS, AFS, UT, Dixie National Forest Motorized Travel Plan, Implementation, Dixie National and the Teasdale portion on the Fishlake National Forest, Garfield, Iron, Kane, Piute, Washington and Wayne Counties, UT, Wait Period Ends: 06/22/2009, Contact: Andi Falsetto 435-896-9233.

EIS No. 20090166, Draft Supplement, COE, LA, Calcasieu River and Pass, Louisiana Dredged Material Management Plan, Implementation, Calcasieu Ship Channel, Port of Lake Charles, Calcasieu and Cameron Parishes, LA, Wait Period Ends: 07/06/2009, Contact: Sandra Stiles 504-862-1583.

EIS No. 20090167, Final EIS, FAA, AK, Sitka Rocky Gutierrez Airport Master Plan, Improvements to the Runway Safety Area, Taxiway, Seaplane Pullout, Approach Lighting System, and the Seawall, U.S. Army COE Section 10 and 404 Permits, NPDES Permit, AK, Wait Period Ends: 06/22/2009, Contact: Patricia Sullivan 907-271-5454.

Amended Notices

EIS No. 20090048, Draft EIS, AFS, MT, Montanore Project, Proposes to Construct a Copper and Silver Underground Mine and Associated Facilities, Including a New Transmission Line, Plan-of-Operation Permit, Kootenai National Forest, Sanders County, MT, Wait Period Ends: 07/27/2009, Contact: Bobbie Lacklen 406-283-7681. Revision to FR Notice Published 02/27/2009: Extending Comment Period from 05/28/2009 to 07/27/2009.

EIS No. 20090123, Draft EIS, FHW, MS, Greenville Connector Project, from Relocated U.S. 82 to Proposed I-69 Corridor south of Benoit, City of Greenville, Washington and Bolivar Counties, MS, Wait Period Ends: 07/06/2009, Contact: Andrew Hughes, P.E. 601-965-4217. Revision of FR Notice Published 04/24/2009: Extending Comment Period from 06/08/2009 to 07/06/2009.

Dated: May 19, 2009.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. E9-12012 Filed 5-21-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8593-7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7146.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 17, 2009 (74 FR 17860).

Draft EISs

EIS No. 20090054, ERP No. D-AFS-K65358-CA, Stanislaus National Forest Motorized Travel Management (17305) Plan, Implementation, Stanislaus National Forest, CA.

Summary: EPA expressed environmental concerns about adverse impacts on water quality, sensitive species and habitat. Additional information is needed on seasonal closures, monitoring, and enforcement commitments. Rating EC2.

EIS No. 20090062, ERP No. D-FRC-E05104-00, Catawba-Wateree Hydroelectric Project (FERC No. 2232), Application for Hydroelectric License, Catawba and Wateree Rivers in Burke, McDowell, Caldwell, Catawba, Alexander, Iredell, Mecklenburg, Lincoln and Gaston Counties, NC and York, Lancaster, Chester, Fairfield and Kershaw Counties, SC.

Summary: EPA expressed environmental concerns impacts to aquatic species. Rating EC1.

Final EISs

EIS No. 20090110, ERP No. F-USN-C11023-NJ, Laurelwood Housing Area, Access at Naval Weapons Station Earle, Lease Agreement, Monmouth County, NJ.

Summary: No formal comment letter was sent to the preparing agency.

Dated: May 19, 2009.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. E9-12011 Filed 5-21-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TRANSPORTATION

[FRL-8909-3]

RIN 2060-ZA15

Notice of Upcoming Joint Rulemaking To Establish Vehicle GHG Emissions and CAFE Standards

AGENCIES: Environmental Protection Agency (EPA) and Department of Transportation (DOT).

ACTION: Notice of Intent to conduct a joint rulemaking.

SUMMARY: There is a critically important need for our country to address global climate change and to reduce oil consumption. In this context, EPA and DOT currently intend to work in coordination to propose standards for control of emissions of greenhouse gases and for fuel economy, respectively. If proposed and finalized, these standards would apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles (light-duty vehicles) built in model years 2012 through 2016. Together, these vehicle categories, which include passenger cars, sport utility vehicles, minivans, and pickup trucks, are responsible for almost 60 percent of all U.S. transportation-related greenhouse gas emissions. If ultimately adopted, these standards would represent a harmonized and consistent national policy pursuant to the separate statutory frameworks under which EPA and DOT operate. The approach addressed in this Notice, if ultimately adopted, is intended to allow manufacturers to build a single light-duty national fleet that would satisfy all requirements under both programs and would provide significant reductions in both greenhouse gas emissions and oil consumption.

FOR FURTHER INFORMATION CONTACT:

EPA: Christopher Lieske, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: 734-214-4584; fax number: 734-214-4816; e-mail address: lieske.christopher@epa.gov, or Assessment and Standards Division Hotline; telephone number (734) 214-

Public/Agency Comment Table with USACE Responses

**Calcasieu River and Pass, LA Project
Comments on Draft Dredged Material Management Plan/Supplemental Environmental Impact Statement**

Commenter	#	Comment	Corps Response
Federal Agencies DOI Fish and Wildlife Service	1	While we do not object to the selection of alternative B as the preferred alternative, we believe that collaboration between the State, the Corps' New Orleans District, and the other State and Federal resource agencies is imperative to maximizing the beneficial use of Louisiana's sediment resources in the future.	Concur.
	2	1.9.5 Related Studies and Reports, page 1-13 – The Louisiana Coastal Area (LCA) Beneficial Use Dredge Material (BUDMAT) Program is a feature of the Near-term Ecosystem Restoration Plan for the LCA, Louisiana, Ecosystem Restoration Feasibility Study. This section should be revised accordingly.	Section 1.9.5 has been revised to say that the LCA BUDMAT Program is a feature of the Near-term Ecosystem Restoration Plan for the LCA, Louisiana, Ecosystem Restoration Feasibility Study.
	3	3.6.3 (HTRW) Conclusions, Table 3-28, Page 3-47 – Calcasieu Refining, a significant emissions site, is not referenced in the list of recognized environmental concern (REC) sites. The Calcasieu Refining Website is at: http://www.calcasieurefining.com/ . Examples of other major REC sites that should be included are PPG, Inc., Oxychem, Equistar, Conoco/Phillips, SASOL, Firestone, and WR Grace. Potentially up to 90 companies release chemicals into the Calcasieu Estuary. These locations and companies are too numerous to mention in the Hazardous, Toxic, and Radioactive Waste (HTRW) Assessment Report. We suggest cross indexing with current listed REC sites in the document and evaluating for significant additional REC sites at the following websites: http://www.epa.gov/waters/tmd/docs/2614_calctoxics(f).pdf , and http://www.epa.gov/earth1r6/6sf/sfsites/calcinitt.htm .	The HTRW assessment has been expanded to include 45 additional companies and sites identified by the Port of Lake Charles of the list provided in this comment. The expanded assessment has been added to Appendix G. A summary of the expanded assessment has been added to Section 3.6 of the main report.
	4	3.8.3.1 Biological Resources, Plants, Page 3-63 – Submerged aquatic vegetation (SAV) can occur within lower salinity areas protected from wave energy. Areas of protected shallow open water within Cameron Prairie National Wildlife Refuge (NWR) and Sabine NWR are known to support SAV habitat. This section should be revised to include not only the presence or absence of SAV habitat within Calcasieu Lake but also within the proposed beneficial use sites in the adjacent marsh complexes.	Section 3.8.3.1 has been revised to include discussion of SAV habitat in the proposed beneficial use areas.
	5	3.8.4 Protected Species, Table 3-35, page 3-72 – This section accurately states that the bald eagle has been delisted as a threatened species; however, Appendix F, Biological Resources, has not been updated to reflect that delisting. Please revise accordingly.	Appendix F has been updated to reflect the delisting of the bald eagle as a threatened species.
	6	4.15.8 Reasonably Foreseeable Future Actions, Page 4-32 – When evaluating reasonably foreseeable actions, such as constructing anchorage areas for deep-draft vessel traffic and construction of new LNG terminals, the associated dredge disposal needs of these actions should be evaluated separately and should not rely on the approved disposal areas evaluated under the preferred alternative plan.	Concur. Dredge disposal capacity for future anchorage areas would be evaluated in a USACE feasibility study separate from this current DMMP. Disposal capacity for LNG terminals would be evaluated and planned for separately under the Federal Energy Regulatory Commission (FERC). Any permits for dredging and material placement would require a USACE Section 10/404 Permit that will be coordinated with all state and federal resource agencies.
	7	5.10.2 Beneficial Use, Page 5-23 – Dredged material placement contracts should be written to ensure target marsh elevations are achieved and not exceeded. To ensure marsh elevations are achieved, we recommend that contracts include a clause requiring initial target elevations be set at no more than 1 foot above healthy marsh elevation. That elevation would be established with input from participating resource agencies. After initial target elevations are achieved, inspection should be conducted to determine if additional material is necessary to achieve the determined final target elevations. Furthermore, staging areas should avoid impacting wetland habitats as much as feasible; if wetland impacts are unavoidable, the staging area should be minimized.	These recommendations will be taken into consideration. Target elevations of marsh will be coordinated with the FWS and other agencies prior to construction.
	8	Endangered Species Coordination, Appendix L – The special operating conditions for protecting the West Indian manatee are operating conditions used on the east coast of Florida. We recommend revising those conditions to include the standard manatee protection measures provided by the FWS Lafayette Field Office (see enclosure).	Appendix L has been corrected to include the standard manatee protection measures provided by the FWS Lafayette Field Office.
	9	Wetland Value Assessment, Appendix P – It appears that the values referenced in the fourth paragraph have not been updated to reflect the most recent revisions and do not coincide with the main report. Please revise accordingly.	Appendix P has been corrected to reflect the most recent revisions of the WVA habitat units.

<p>EPA, Region 6</p>	<p>10</p> <p>With regard to the alternatives analyses in the Supplemental Environmental Impact Statement, we agree with the decision to eliminate from further consideration Alternative D, which calls for material dredged from south of Channel Mile 22 to be disposed in the Ocean Dredged Material Placement Site (ODMDS). We support the Corps' efforts to use as much of the suitable material as possible for vital coastal enhancement, restoration, or creation rather than placing the material in ODMDS.</p>	<p>Concur.</p>
<p>NOAA, National Marine Fisheries Service, Richard Hartman</p>	<p>11</p> <p>We strongly support the strategy incorporated into Alternative B in which beneficial use sites will be scheduled to receive material prior to placement in the confined disposal sites. This would allow for the possibility, under Alternative B, of utilizing some of the additional beneficial use sites identified in Alternative C during future updates to the Dredged Material Management Plan. Maintaining flexibility in the Dredged Material Management Plan is essential in light of the rapid pace of evolving regulatory and financial options for utilizing dredged material to restore and sustain the degrading Gulf coastal landscape.</p>	<p>Concur.</p>
	<p>12</p> <p>We strongly encourage the Corps to use as much of the material as possible dredged during each and every dredging event for purposes of coastal habitat creation or restoration. This material is simply too valuable to the ecosystem to do otherwise.</p>	<p>One of the planning objectives of the DMMP/SEIS is to optimize beneficial use of dredged material.</p>
	<p>13</p> <p>NMFS finds that the document adequately evaluates potential project impacts to essential fish habitat and related marine fishery resources.</p>	<p>Comment noted.</p>
	<p>14</p> <p>NMFS is most concerned about the impacts associated with the expansion of CDFs 17 and 19. As proposed for the preferred alternative, this expansion would result in the conversion of 68 acres of marsh and 443 acres of water bottoms to upland elevations. While NMFS understands that these adverse impacts would be offset through the beneficial use of sediment at other locations, we question the overall need for this level of impact. NMFS recommends the SEIS be revised to include an evaluation of less damaging sediment placement alternatives for this reach (miles 16 to 21) of the ship channel. Less damaging alternatives NMFS suggests be considered include using the proposed disposal sites for marsh creation instead of upland confined disposal. If such an option is not feasible, the SEIS should explain the reasoning behind such a determination.</p>	<p>Another alternative for placement of material between miles 16 to 21 of the channel has been evaluated under Plan C. Here, Plan C would not expand CDF 17/19, but would instead place the material in beneficial use (BU) sites 4, 24, 48, 50, and 52. Plan B was chosen as the Tentatively Selected Plan (TSP) because this alternative is more cost effective and allows greater flexibility for dredged material placement in the event of oil spills or other emergencies. BU sites not included as components of the TSP may be reevaluated during future updating of the DMMP. If it is determined that placing dredged material at these sites is a least-cost, environmentally acceptable method of placement, they may become part of the base plan/Federal standard for the project and the dredged material could be placed in accordance with the prescribed navigation cost share. Expanding CDFs to accommodate dredge material is planned for later years in the 20-year DMMP/SEIS. The reason for this is to provide an opportunity for incorporating additional BU sites into the plan. See report sections 2.5.4 and 2.7.3.</p>
	<p>15</p> <p>For created wetland expansion of CDF D/E, there is a proposed rock dike shore protection feature to be constructed on the Calcasieu Lake side. NMFS recommends that there be, at minimum, 25 ft-wide fish dips every 1,000 feet along this proposed rock dike. The fish dip depth should be designed and constructed to the pre-project natural water bottom depth.</p>	<p>Concur. Please refer to section 5.10.2. Fish dips will be constructed in the rock dike approximately every 1,000 feet. This section has been revised to say that dips will be approximately 25 ft. wide. The final design of the fish dips will be coordinated with resource agencies.</p>
	<p>16</p> <p>For existing marsh areas not being utilized for placement of material under the plan, but are proposed to also receive rock dike shoreline protection:</p> <ol style="list-style-type: none"> 1. If the area residing on the left side of the channel (mile 16.5 to 18.7) is high marsh with limited fish access, NMFS would consider recommending fewer dips and/or a fixed crest that still allows for some fish access and sediment exchange. Additionally, due to high energy wave action increasing erosion rates on the channel side, the fish dip depth could be raised from pre-project water bottom depth to a +0.0 ft NAVD 88 elevation. 2. The same recommendations would apply to the existing marsh on the right side of the channel (15.6 to 20). 3. However, we still would recommend that any constructed shoreline protection for existing marsh on the Calcasieu Lake side include fish dip depth design to pre-project water depth elevations as recommended for the created marsh expansion in CDF D and E. 	<p>Crab Gully will remain open as well as Kelso Bayou. According to January 2009 BUMP imagery of the right-descending bankline, there are only 2 strips of marsh that will not have continuous tidal/fisheries access once bank armoring has been constructed: 1. About 500 ft. of high marsh/scrub-shrub habitat located between Crab Gully and the developed channel-side property to the south; 2. About 3100 ft. of marsh between the developed channel-side property and the road that meets the channel and then follows the channel bankline due south to reach some sort of facility located on the channel bank. This strip of marsh averages about 200 ft in width. Above and below these 2 sites the marsh is tidal/fisheries accessible from the landside where open water connects these areas back to the channel. Based on these observations, if we were to follow NMFS' recommendations, only 2 fish dips would be constructed in the 3100-foot-long strip of 200-foot wide marsh along the entire right-descending bankline where we propose bank armoring. We estimate that the fisheries habitat value of this marsh strip does not warrant fish dips along this segment when strip, the road that parallels it on its west boundary, and all the habitat west of that road) that would eventually result from wave erosion from the channel.</p> <p>On the left-descending bankline, the only bank armoring that will be constructed along CDF 17 will impact about 2000 ft of marsh that will not be part of the CDF itself. We could construct a single fish dip in the middle of this bank armoring strip, but considering that this marsh strip will likely be part of the access corridor for equipment and pipeline used for CDF 17 (easier to go over bank armoring than foreshore rock dikes) there would be little value for such a single fish dip when the marsh (which is part of CDF 17) is going to be periodically heavily impacted by disposal activities.</p>

17	<p>The next recommendation would pertain to WVA consistency. The horizontal expansion for CDF D and E was evaluated for the emergent marsh and open water conversion to upland on the lake side of the site, but not for the open water foreshore dike (Mile 11.2 to 15.6). There is an equal amount of open water that has habitat value and NMFS is recommending that it be included in the WVA. We might want to talk with Angela with FWS regarding this recommendation.</p>	<p>This recommendation has been addressed through coordination between the Fish and Wildlife Service and NMFS.</p>
18	<p>Finally, NMFS is aware that a rock dike has been constructed out 500 ft into the water fronting the proposed foreshore dike expansion (Mile 11.2 to 15.6) at CDF D and E on the channel side. NMFS is also aware that this area has been constructed for at least one year now and will not be filled to upland elevation until year seven once the DMMP is implemented. To the best of our knowledge the rock dike was constructed without fish dips and is tied into land at both the north and south end of the site. NMFS recommends, if practicable, temporary fish dips be constructed to allow trapped fish to move out of the impounded area and into both shallow and deep waters as temperature warrants for survival.</p>	<p>Do not concur. This is an upland disposal available for use in the Mile 5 to 17 contract that will be awarded in July 2009. Therefore, fish dips will not be constructed.</p>
19	<p>In the "Essential Fish Habitat" description of Chapter 3, page 3-84, the paragraph that describes shrimp species can omit the need for pink shrimp to be considered for this project area of evaluation.</p>	<p>The reference to pink shrimp has been deleted from this section.</p>
20	<p>However, in the following page (3-85) under the paragraph for "Reef Fish", both lane snapper and dog snapper should be included. List life stages of these 2 species for which EFH has been designated in the project area. They are both federally listed marine managed species within this study area.</p>	<p>Information on the lane snapper and dog snapper has been added to the paragraph.</p>
21	<p>In addition, in the "Coastal Migratory Pelagic Species" paragraph on the same page, the bonnethead shark for its juvenile life stage should also be included under the same federally listed mandates.</p>	<p>The bonnethead shark has been added to the section.</p>
22	<p>For created wetland expansion of CDF site D and E, there is a proposed rock dike shore protection feature to be constructed on the Calcasieu Lake side. NMFS recommends that there be, at minimum, 25 ft-wide fish dips every 1000 ft along this proposed rock dike. The fish dip depth should be designed and constructed to the pre-project natural water bottom depth.</p>	<p>Please see comment/response 15.</p>
23	<p>For existing marsh areas not being utilized for placement of material under the plan, but are proposed to also receive rock dike shoreline protection:</p> <ol style="list-style-type: none"> 1. If the area residing on the left side of the channel (mile 16.5 to 18.7) is high marsh with limited fish access, NMFS would consider recommending fewer dips and/or a fixed crest that still allows for some fish access and sediment exchange. Additionally, due to high energy wave action increasing erosion rates on the channel side, the fish dip depth could be raised from pre-project water bottom depth to a +0.0 ft NAVD 88 elevation. 2. The same recommendations would apply to the existing marsh on the right side of the channel (15.6 to 20). 3. However, we still would recommend that any constructed shoreline protection for existing marsh on the Calcasieu Lake side include fish dip depth design to pre-project water depth elevations as recommended for the created marsh expansion in CDF D and E. 	<p>Please see comment/response 16.</p>
24	<p>Finally, NMFS is aware that a rock dike has been constructed out 500 ft into the water fronting the proposed foreshore dike expansion (Mile 11.2 to 15.6) at CDF D and E on the channel side. NMFS is also aware that this area has been constructed for at least one year now and will not be filled to upland elevation until year seven once the DMMP is implemented. To the best of our knowledge the rock dike was constructed without fish dips and is tied into land at both the north and south end of the site. NMFS recommends, if practicable, temporary fish dips be constructed to allow trapped fish to move out of the impounded area and into both shallow and deep waters as temperature warrants for survival.</p>	<p>Please see comment/response 18.</p>
<p>State Agencies</p>		
25	<p>There are no objections based on the limited information submitted to us. Should you encounter a problem during the implementation of this project, please make the appropriate notification to this department.</p>	<p>Comment noted. The USACE will notify the appropriate office of LADEQ should we encounter a problem during the implementation of this project.</p>
<p>Louisiana Department of Environmental Quality, Community and Industry Relations</p>		

Louisiana Department of Wildlife and Fisheries	26	LDWF continues to urge the USACE to further explore the use of cost-efficient beneficial use sites and practices, and to incorporate such into the required periodic updates of the Dredged Materials Management Plan. As well, the applicant should be required to exhaust all proposed beneficial usage options and existing confined disposal facilities (CDFs) within each reach before being allowed to expand proposed CDFs into valuable habitats. This temporal arrangement may allow for exploitation of unforeseen future beneficial usage opportunities in lieu of the planned conversion of wetlands and open waters into uplands.	Concur. Beneficial use sites not included as components of the tentatively selected plan may be reevaluated during future updating of the DMMP. If it is determined that placing dredged material at these beneficial use sites is a least-cost, environmentally acceptable method of placement, the sites may become part of the base plan/Federal standard for the project and the dredged material could be placed in accordance with the prescribed navigation cost share. Expanding confined disposal sites to accommodate dredge material is planned for later years in the 20-year DMMP/SEIS. The reason for this is to provide an opportunity for incorporating additional beneficial use sites into the plan during periodic updates of the DMMP. Please see Section 2.5.4 the report.
	27	The Calcasieu River and Pass Project supports the industries that make up the Port of Lake Charles and is, first and foremost, a Navigation Project. Therefore, the DMMP must be evaluated as a plan for a Navigation Project and not as an environmental enhancement project. However, the Draft 20-year DMMP provides a substantial amount of environmental benefit while maintaining a navigation channel vital to the economy of the United States.	Comment noted.
Lake Charles Harbor and Terminal District	28	Plan C, outlined in the DMMP, creates more environmental benefit through the creation/restoration of more than 10,000 acres of marsh. Unfortunately, Plan C does not provide for the restoration and maintenance of the CDFs adjacent to the Ship Channel. The CDFs are a vital component of the Project and must be maintained and available to ensure the viability of this strategic energy port. While LCH&TD certainly supports and advocates the need to create and restore coastal wetlands, the LCH&TD must first ensure that the navigation channel is properly maintained in a timely and efficient manner. Thus, it is critical for the Port of Lake Charles that the CDFs be refurbished and maintained.	Comment noted.
	29	Over the last five years, the Calcasieu River and Pass Project has received an average of \$13 million annually in funding for O&M. With an estimated 20-year DMMP cost of \$865 million for Plan B, O&M funding must increase to over \$40 million dollars annually. This will not be an easy task. The CDFs are vital to allow for the management of funding shortfalls.	Comment noted.
	30	While the Tentatively Selected Plan is the least costly environmentally acceptable plan, it is not the least costly to the Local Sponsor. The Local Sponsor's cost shared amount is greater for Plan B, but it is necessary to protect and maintain the CDFs adjacent to the ship channel. Plan C is less expensive for the Local Sponsor; however, it has a greater federal 20-year O&M cost and does not provide the necessary deferred and future maintenance of the CDFs. Plan C does not allow for the proper navigation maintenance during emergencies or adequate dredging during funding shortfalls.	Comment noted.
	31	LCH&TD will advocate and promote the beneficial use of dredged materials beyond those envisioned in Plan B whenever possible.	Comment noted.
Organizations, Companies, and Individuals			
Coalition to Restore Coastal Louisiana, Natalie Snider	32	After reviewing the Draft Calcasieu River and Pass DMMP and SEIS, the Coalition believes that the current planning objectives of the project are well-established. However, the Coalition would like to see the addition of an objective that states that the sustainability of the Calcasieu Ship Channel and its surrounding landscape is a long-term goal of the project. It is recommended that beneficial use sites are selected to maintain the integrity and sustainability of the existing landscape to minimize long-term impacts of land loss on the channel. The long-term sustainability of the Calcasieu Ship Channel and its surrounding wetlands would fulfill not only the navigational needs of the channel but would also help address flood protection and coastal restoration issues in the Chenier Plain.	The Tentatively Selected Plan, Plan B, will play a role in sustaining the ship channel and its surrounding landscape by creating 6,306 acres of marsh in the project area and by reducing erosion in the channel and in Calcasieu Lake by adding shoreline stabilization features. While the planning objectives established for the project do not include the word "sustainable", they do capture the goal of sustainability. For example, one planning objective is to "Optimize beneficial use of dredged material". Another states, "Maintain dredged material disposal sites in a manner to optimize capacities and comply with sound economic and environmental principles."
	33	To select Alternative C as the TSP would provide an approximately 40% increase in marsh acreage created while eliminating any adverse impacts to the environment for just over \$20 million, which is only 2.3% of the cost estimate for Alternative B. For a large-scale project, such as the Calcasieu River and Pass DMMP, \$20 million is a negligible amount. Incorporating the additional beneficial use sites from Alternative C into Alternative B would be highly cost cost-effective and beneficial to the Calcasieu Ship Channel, providing better protection for the channel into the future.	Expanding confined disposal sites to accommodate dredge material is planned for later years in the 20-year DMMP/SEIS. The reason for this is to provide an opportunity for incorporating additional beneficial use sites into the plan during periodic updates of the DMMP. Section 2.5.4 of the report explains this.
	34	When dealing with cost estimates for long-term projects, uncertainties are almost always unavoidable. Many cost estimates for long-term projects have large standard error values; therefore, there is the potential that the current cost estimates for Alternatives B and C are not significantly different or the true reflections of the actual costs to be paid for the project over the 20-year lifespan. If further analysis reveals that the cost estimates of Alternatives B and C are very close in value, the USACE would then be acting in a highly cost-effective manner by selecting Alternative C as the selected plan for the project.	We concur that this is a planning-level document that is subject to uncertainties inherent in the planning process. If it is determined that placing dredged material at beneficial use sites rather than upland disposal is a least-cost, environmentally acceptable method of placement, the sites may become part of the base plan/Federal standard for the project and the dredged material could be placed in accordance with the prescribed navigation cost share. This language is included in Sections 2.5.4 and 2.7.3 and will be added to the Executive Summary and description of the Tentatively Selected Plan in the main report.

	<p>According to the fourth planning objective in the DMMP and SEIS report, the project is designed to "provide flexibility for future placement of dredged material." Therefore, the Coalition believes that the beneficial use sites from Alternative C should be included as an Options Plan that allows for the beneficial use of 100 percent of the material dredged from Calcasieu River and Pass within Alternative B in the event that cost estimates decrease, permanent pipelines are installed or additional funding becomes available so as to incorporate more beneficial use sites into the selected alternative. If these additional beneficial use sites from Alternative C are not cleared for Alternative B, the USACE may be restricting their ability to create marsh at these sites in the future without revisiting the EIS process. There is an urgency to implement this project quickly and efficiently. By incorporating the additional beneficial use sites from Alternative C into Alternative B as an Options Plan, the USACE would be allowing themselves the ability to move quicker in the future by providing flexibility in the design and construction phases.</p> <p>In the past, the State of Louisiana has provided funding for beneficial use projects in the Chenier Plain, including projects in Black Lake and Sabine National Wildlife Refuge, and could, therefore, be a potential funding source for the Calcasieu River and Pass DMMP. Additionally, the Louisiana Coastal Area (LCA) Study has a beneficial use program that could be incorporated into the Calcasieu River and Pass DMMP. Finally, the USACE could potentially couple the Calcasieu River and Pass DMMP with the Southwest Coastal Louisiana Feasibility Study, which could possibly reduce cost estimates while simultaneously fulfilling the objectives of both projects.</p> <p>We request that we be notified of any change or action regarding the Calcasieu River and Pass DMMP and SEIS.</p>	<p>The beneficial use sites under Plan C will be considered environmentally cleared under the NEPA regulation because they have been evaluated in this plan. Please see comment/response 26.</p>
<p>CITGO Petroleum Corporation</p>	<p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p>	<p>Concur. The DMMP relates to USACE authority for the Calcasieu River and Pass Navigation project. Although outside the scope of this DMMP, there are other authorities, studies, and potential partnerships that may provide additional funding avenues.</p> <p>Concur. A copy of the Final DMMP/SEIS will be provided to CRCL. CRCL is on the public notice mailing list.</p> <p>Thank you for your comment. Although not the environmentally preferable plan, Alternative B was selected as the tentatively selected plan (TSP) because it is the lowest cost, environmentally acceptable plan.</p> <p>Beneficial use sites not included as components of the TSP may be reevaluated during future updating of the DMMP. If it is determined that placing dredged material at these beneficial use sites is a least-cost, environmentally acceptable method of placement, the sites may become part of the base plan/Federal standard for the project and the dredged material could be placed in accordance with the prescribed navigation cost share.</p> <p>The DMMP includes capacity for private industry dredge disposal, but no specific disposal areas have been identified. Coordination with the USACE will be required on a case by case basis.</p> <p>Comment noted.</p> <p>Concur. A combination of foreshore dikes and bank armoring have already been constructed or will be constructed soon under stimulus funds or as part of this DMMP on both sides of the ship channel between approximate channel miles 11 to 20. Upland disposal is planned behind the foreshore dikes on the left descending bank between approximate miles 11 and 20. Please refer to Figure 2-4.</p> <p>Comment noted.</p> <p>Bank armoring has been installed or will be installed along areas of the ship channel with the highest rate of erosion.</p> <p>The purpose of the DMMP/SEIS is to provide for the management of materials dredged through operations and maintenance of the ship channel and berthing areas for a minimum period of 20 years. The goal of enforcing speed limits for ships is under the jurisdiction of the U.S. Coast Guard.</p>
<p>ACE, Charlie Atherton</p>		

	<p>I own land in both areas M and N and object to contaminated material being deposited on my property or in any other disposal site. Any contaminated material should be addressed and disposed of properly in a secure upland hazardous waste site.</p>	<p>Sediment to be dredged from within the Calcasieu Ship Channel has been extensively tested for the presence of a wide variety of chemical constituents in accordance with the USACE and EPA's <i>Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. -- Testing Manual</i> (Inland Testing Manual) and the USACE's <i>Evaluation of Dredged Material Proposed for Disposal at Island, Nearshore, or Upland Confined Disposal Facilities — Testing Manual</i> (Upland Testing Manual). Sediment, water quality, and plant and animal bioassay testing conducted at commercial laboratories and at the USACE Engineer Research and Development Center indicated that the sampled sediment does not pose a risk to human health or to the environment.</p> <p>The USACE has numerous protocols in place to ensure additional testing and specialized handling of sediment known to contain contaminants in excess of approved standards. Disposal of contaminated material is carried out under strict environmental and ecological protocols and considerable protective measures are in place at those areas designated to receive contaminated material. Disposal of such sediment is carried out in consultation</p> <p>Portions of M & N currently have a 25-year disposal easement with a no-withdrawal clause. If there is a withdrawal clause, the landowner can choose to release the easement over their property. There are plans for the first year of project construction for the Port to acquire a long-term disposal easement for site N. This is necessary especially since two disposal area sites on N have already been released.</p> <p>Real estate acquisitions under this plan will be in accordance with all applicable state and Federal laws, including Public Law 91-646.</p> <p>The northern 1.1 mile of the Cameron Loop is authorized at -12 ft. MLG at 200 feet. The DMMP has adequate disposal capacity to accommodate material to be dredged from the federally authorized project.</p> <p>Alternative B was selected as the tentatively selected plan (TSP) because it is the lowest cost, environmentally acceptable plan. Beneficial use sites not included as components of the TSP may be reevaluated during future updating of the DMMP. If it is determined that placing dredged material at these beneficial use sites is a least-cost, environmentally acceptable method of placement, the sites may become part of the base plan/Federal standard for the project and the dredged material could be placed in accordance with the prescribed navigation cost share. Please see comment/response 26.</p>
<p>LA Ash, Inc., Danielle King</p>	<p>45</p>	<p>Comment noted.</p>
<p>Public Meeting Comments, June 9 and 10, 2009</p>		
<p>Lake Charles Harbor and Terminal District (Port of Lake Charles)</p>	<p>51</p>	<p>The Corps concurs that the maintenance of CDFs is an important component of the tentatively selected plan.</p>
	<p>52</p>	<p>The Corps appreciates the Port's support of the plan and will continue to combine beneficial use and navigation priorities.</p>

Curt Marcantel	53	I am a landowner in Cameron Parish. I have found that the process for acquiring state funding to pump material to my land--beneficial use site 50--required two years. If there could be a schedule in place ahead of time that would enable us to know the amount of material that would need to be pumped and the area that would be pumped to, I might be able to acquire some additional funding in time to meet your needs in a timely manner.	Please see the implementation schedule in Table 5-1 of the DMMP.
Charlie Atherton	54	I commend the Corp for your knowledge of not only what you're trying to accomplish with navigation but also with coastal restoration. We do appreciate the collective interest of everybody working together. You don't see that a lot. Thank you.	Comment noted. Thank you.
Coalition to Restore Coastal Louisiana, Carolyn Woosley	55	I urge flexibility in the direction of Plan C as the years go on, in particular because I think erosion of the interior is an economic issue.	Comment noted. Beneficial use sites not included as components of the tentatively selected plan may be reevaluated during future updating of the DMMP. If it is determined that placing dredged material at these beneficial use sites is a least-cost, environmentally acceptable method of placement, the sites may become part of the base plan/Federal standard for the project and the dredged material could be placed in accordance with the prescribed navigation cost share.
	56	I ask that dredging machinery be prioritized for the Calcasieu Ship Channel on an annual basis so that it is not usurped for the use of other ship channels so that we can have a multi-year schedule for dredging that can be counted on.	USACE does not have authorization to dedicate any dredge to this or any Federal waterway.
	57	I ask that this navigation plan, which is laudatory in its beneficial use, be informed by the Southwest Coastal Louisiana study findings as those proceed over the next 30 months. I ask that there be dialogue between the navigation arm of the Corps and the coastal restoration and hurricane arms of the Corps.	Concur. This project will continue to consider other ongoing related projects and studies.
	58	I want to commend the Port of Lake Charles and the Corp. After so many hurricanes that we have experienced on our coast, we understood that we had to integrate coastal protection and restoration. This is the first time that people are starting to really understand that we have to incorporate navigation into our protection and restoration scheme. This is not happening anywhere else on our coast.	Comment noted. Thank you.
Coalition to Restore Coastal Louisiana, Natalie Snyder	59	I understand that with the preferred alternative "B," there is a goal of flexibility. The goal is how you will re-look at this plan every five years. I know how set EISs can get and because of that am uncomfortable that there is not at least the outlines on the map to show additional sites that are a possibility for the future. Is there any way to merge additional sites into alternative "B" although it might not be what is in the cost analysis, but it's actually part of the alternative that you can move to with additional funding. We've had too many times where our EIS just stalemated on what is exactly that preferred alternative, and there is no leniency in any way, shape, or form.	Please refer to comment/response 26.
	60	We definitely want you to continue to look at additional funding. With the Southwest Louisiana studies and the DMMP, there are two authorizations that can work together, and when we go to get funding for dredging, we're also getting it for restoration. So, you have a bigger group going to Congress.	Please refer to comment/response 57.
	61	I would like the cost analysis to be re-looked at, whether within the next year or in the near future to address permanent pipelines and what cost savings that could give you to go with Plan C.	Unforeseen events or conditions, such as the installation of permanent pipelines, may result in the shifting of priorities for the placement of dredged material for beneficial use or the rehabilitation of CDFs. In the event that it becomes necessary for CEMVN to alter the DMMP, the alterations would be fully coordinated with state and Federal agencies, and the public would be advised of the changes. The DMMP will be reevaluated at a minimum of every five years.
Bo Walters, Coastal Engineers Fenstermaker	62	We've been in the oil and gas business since 1950. Therefore, we have lots of land owners in this area that we represent. We've been cautious through the years as people have asked us to support them in this area, and we've chosen not to because we want to make sure that we communicate with land owners before we set meetings like this and started making comments. That's one comment.	Comment noted.
	63	The second thing I want to say, in the past, as a consultant through the years, even though we had to go to Washington many, many times, as we stood up and the department heads said, "Well, you have studies five years out, ten years out, and this is not part of it," we're able to still work with the communities in a grass-roots effort, and that seemed to open up the channels.	Comment noted.
Cameron Parish Policy Jury and Cameron Port, Ernest Broussard	64	I have the pleasure of representing not only the Cameron Parish Police Jury, but also both the east and west Cameron ports. We are concerned what our disposal costs are going to be as we do the east fork and the loop dredging. Of course, the Corp has been very, very contemporary with us going through that. Your proposed mooring, while we do support such, we do have our concern as to what it does to the pocket of some of our key areas that we have identified for economic development. We will have to be in communications with you guys on that.	Comment noted.

**Comment Letters from Agencies
and the Public on the
Draft DMMP/SEIS**



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1001 Indian School Road NW, Suite 348
Albuquerque, New Mexico 87104



ER 09/539
File 9043.1

June 23, 2009

Sandra Stiles
U.S. Army Corps of Engineers
Planning, Programs and Project Management Division
Environmental Planning and Compliance Branch
CEMVN-PM-RS
PO Box 60267
New Orleans, Louisiana 70160-0267

Subject: Draft Supplemental Environmental Impact Statement and Draft Dredged Material Management Plan (DSEIS/DMMP) for the Calcasieu River and Pass Project, Louisiana

Dear Ms. Stiles:

The U.S. Department of the Interior has reviewed the subject DSEIS/DMMP. The purpose of this study is to develop a management plan for the placement of material dredged from the Calcasieu Ship Channel for a minimum of 20 years while updating and redefining the base plan and Federal standard for the project. The U.S. Fish and Wildlife Service (FWS) submits the following comments in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321 et seq.), the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), and Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The DSEIS provides a good description of fish and wildlife resources in the study area, the purpose and need for the proposed action, and the potential impacts associated with each alternative. Four alternatives were evaluated including the no-action alternative. Alternative B would place material in both Confined Disposal Facilities (CDFs) and beneficial use sites with emphasis on rehabilitation and maximum use of CDFs between channel miles 12 and 22; 30 percent of dredged material between channel miles 5 and 36 would be used for the creation and nourishment of marsh and estuarine habitat. Alternative C would also place material in both CDFs and beneficial use sites while emphasizing maximum use of beneficial use sites west of the channel between channel miles 12 and 22; approximately 44 percent of dredged material between channel miles 5 and 36 would be used beneficially. Alternative D, which was eliminated from detailed evaluations, would place material dredged south of channel mile 22 into the Ocean Dredged Material Disposal Site. Dredging operations for the River Reach would be identical to what is proposed under Alternatives B and C.

While Alternative C is the environmentally preferred plan, Alternative B was selected as the preferred alternative because it is certain to provide disposal capacity for 20 years, it is the lowest cost alternative, it is implementable with much of the beneficial use placement sites being located on public lands, and it is environmentally acceptable as defined by the Federal Standard. Because of the lack of capacity within the CDFs, beneficial use sites are necessary and will be considered a general navigation feature of the project. Therefore, beneficial use sites evaluated under all alternatives of this study comply with NEPA and could become a placement option should they become available in the future. Technical assumptions were made to estimate quantities for cost estimating and site capacity determinations, and alternatives were evaluated on a planning level; therefore, additional requirements under NEPA and other statutes and regulations may be required prior to designing the site for construction.

Consultation with the FWS under the ESA should be conducted on an annual basis, as beneficial use sites are being evaluated, and prior to making expenditures for construction. If the scope or location of the proposed project is changed, consultation should occur as soon as such changes are made.

Certain assurances may be required should the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA)-funded permanent pipeline facilitate beneficial use of dredged material. Please coordinate with the CWPPRA project managers [Mr. Robert Dubois with the FWS (337/291-3127), and Ms. Fay Lacheney with the Corps (504/862-2309)] when planning begins for those beneficial use sites.

Implementation of the preferred alternative would directly impact 68 acres of estuarine marsh and 443 acres of associated estuarine water and lake bottom through the expansion of existing CDFs. A habitat analysis was conducted to compare alternatives B and C and their associated fish and wildlife impacts. That analysis used several technical and placement site assumptions based on the information available at the time. According to the Wetland Value Assessment (WVA) analyses, the preferred alternative would result in the creation of 6,306 acres estuarine marsh habitat benefiting 1,260 average annual habitat units (AAHUs) of brackish estuarine marsh offsetting proposed impacts. Should additional impacts be incurred as a result of using disposal options evaluated under the preferred alternative or other alternatives evaluated in the SEIS, we recommend coordinating with the resource agencies. Additional mitigation obligations will be evaluated at that time.

Maximizing the beneficial use of dredged material is a necessary tool for sustaining the Louisiana coastal landscape. The FWS recognizes that the Corps' Operations and Maintenance Division is limited fiscally by the Federal Standard when maintaining Federal navigation channels. While we do not object to the selection of alternative B as the preferred alternative, we believe that collaboration between the State, the Corps' New Orleans District, and the other State and Federal resource agencies is imperative to maximizing the beneficial use of Louisiana's sediment resources in the future.

Specific Comments

1.9.5 Related Studies and Reports, page 1-13 – The Louisiana Coastal Area (LCA) Beneficial Use Dredge Material (BUDMAT) Program is a feature of the Near-term Ecosystem Restoration

Plan for the LCA, Louisiana, Ecosystem Restoration Feasibility Study. This section should be revised accordingly.

3.6.3 (HTRW) Conclusions, Table 3-28, Page 3-47 – Calcasieu Refining, a significant emissions site, is not referenced in the list of recognized environmental concern (REC) sites. The Calcasieu Refining Website is at: <http://www.calcasieurefining.com/>. Examples of other major REC sites that should be included are PPG, Inc., Oxychem, Equistar, Conoco/Phillips, SASOL, Firestone, and WR Grace. Potentially up to 90 companies release chemicals into the Calcasieu Estuary. These locations and companies are too numerous to mention in the Hazardous, Toxic, and Radioactive Waste (HTRW) Assessment Report. We suggest cross indexing with current listed REC sites in the document and evaluating for significant additional REC sites at the following websites: [http://www.epa.gov/waters/tmdl/docs/2614_calctoxics\(f\).pdf](http://www.epa.gov/waters/tmdl/docs/2614_calctoxics(f).pdf), and <http://www.epa.gov/earth1r6/6sf/sfsites/calcnit.htm>.

3.8.3.1 Biological Resources, Plants, Page 3-63 – Submerged aquatic vegetation (SAV) can occur within lower salinity areas protected from wave energy. Areas of protected shallow open water within Cameron Prairie National Wildlife Refuge (NWR) and Sabine NWR are known to support SAV habitat. This section should be revised to include not only the presence or absence of SAV habitat within Calcasieu Lake but also within the proposed beneficial use sites in the adjacent marsh complexes.

3.8.4 Protected Species, Table 3-35, page 3-72 – This section accurately states that the bald eagle has been delisted as a threatened species; however, Appendix F, Biological Resources, has not been updated to reflect that delisting. Please revise accordingly.

4.15.8 Reasonably Foreseeable Future Actions, Page 4-32 – When evaluating reasonably foreseeable actions, such as constructing anchorage areas for deep-draft vessel traffic and construction of new LNG terminals, the associated dredge disposal needs of these actions should be evaluated separately and should not rely on the approved disposal areas evaluated under the preferred alternative plan.

5.10.2 Beneficial Use, Page 5-23 – Dredged material placement contracts should be written to ensure target marsh elevations are achieved and not exceeded. To ensure marsh elevations are achieved, we recommend that contracts include a clause requiring initial target elevations be set at no more than 1 foot above healthy marsh elevation. That elevation would be established with input from participating resource agencies. After initial target elevations are achieved, inspection should be conducted to determine if additional material is necessary to achieve the determined final target elevations.

Furthermore, staging areas should avoid impacting wetland habitats as much as feasible; if wetland impacts are unavoidable, the staging area should be minimized.

Endangered Species Coordination, Appendix L – The special operating conditions for protecting the West Indian manatee are operating conditions used on the east coast of Florida. We recommend revising those conditions to include the standard manatee protection measures provided by the FWS Lafayette Field Office (see enclosure).

Wetland Value Assessment, Appendix P – It appears that the values referenced in the forth paragraph have not been updated to reflect the most recent revisions and do not coincide with the main report. Please revise accordingly.

We appreciate the opportunity to comment on the DSEIS and DMMP. If your staff has additional questions regarding our comments, please contact me at (505) 563-3572 or Angela Trahan, FWS Lafayette Field Office, at (337) 291-3137.

Sincerely,

A handwritten signature in blue ink that reads "Stephen R. Spencer". The signature is written in a cursive style with a long horizontal flourish at the end.

Stephen R. Spencer
Regional Environmental Officer

Enclosure

cc: Barbara Keeler, U.S. EPA, Dallas, TX
Richard Hartman, NOAA's National Marine Fisheries Service, Baton Rouge, LA
Kyle Balkum, Louisiana Department of Wildlife and Fisheries, Baton Rouge, LA
Louisiana Department of Wildlife & Fisheries, Natural Heritage Program, Baton Rouge, LA
Reneé Sanders, Louisiana Office of Coastal Protection and Restoration, Baton Rouge, LA
G.E.C., Inc., Baton Rouge, LA

Standard Manatee Protection Measures

USFWS, June 8, 2006

Federally listed as an endangered species, West Indian manatees (*Trichechus manatus*) occasionally enter Lakes Pontchartrain and Maurepas, and associated coastal waters and streams during the summer months (i.e., June through September). Manatees have been regularly reported in the Amite, Blind, Tchefuncte, and Tickfaw Rivers, and in canals within the adjacent coastal marshes of Louisiana. They have also been occasionally observed elsewhere along the Louisiana Gulf coast. The manatee has declined in numbers due to collisions with boats and barges, entrapment in flood control structures, poaching, habitat loss, and pollution. Cold weather and outbreaks of red tide may also adversely affect these animals. The following are standard manatee protection measures that would minimize potential impacts to manatees:

- All contract personnel associated with the project should be informed of the potential presence of manatees and the need to avoid collisions with manatees, which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.
 - All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
 - Temporary signs should be posted prior to and during all construction/dredging activities to remind personnel to be observant for manatees during active construction/dredging operations or within vessel movement zones (i.e., work area), and at least one sign should be placed where it is visible to the vessel operator.
 - Siltation barriers, if used, should be made of material in which manatees could not become entangled, and should be properly secured and monitored.
 - If a manatee is sighted within 100 yards of the active work zone, special operating conditions should be implemented, including: no operation of moving equipment within 50 feet of a manatee; all vessels shall operate at no wake/idle speeds within 100 yards of the work area; and siltation barriers, if used, should be re-secured and monitored. Once the manatee has left the 100-yard buffer zone around the work area on its own accord, special operating conditions are no longer necessary, but careful observations would be resumed.
 - Any manatee sighting should be immediately reported to the U.S. Fish and Wildlife Service (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821).
-

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 06 2009

Sandra Stiles
US Army Corps of Engineers
New Orleans District
P.O. Box 60267
New Orleans, LA 70160-0267

Dear Mr. Stiles:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the Region 6 Office of the U.S. Environmental Protection Agency (EPA) has completed the review of the Draft Supplemental Environmental Impact Statement (DSEIS) for the Dredged Material Management Plan (DMMP) for the Calcasieu River and Pass, Louisiana. Currently, the project does not have the adequate DMMP needed to maintain the channel to authorized depths. Alternative B is the Tentatively Selected Plan since it meets the project goals, is the lowest cost, and is consistent with sound engineering practices and Federal environmental standards.

EPA classifies your Draft EIS and proposed action, Alternative B, as "LO" i.e., EPA has "Lack of Objections." We have enclosed some detail comments for your consideration to strengthen the Final Supplemental EIS. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions. If you have any questions, please contact Mike Jansky of my staff at (214)-665-7451 or by e-mail at jansky.michael@epa.gov for assistance.

We appreciate the opportunity to review the Draft EIS. We request that you send our office one (1) copy of the Final SEIS at the same time that it is sent to the Office of Federal Activities (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,

A handwritten signature in cursive script that reads "Cathy Gilmore".

Cathy Gilmore
Chief, Office of Planning
and Coordination (6ENXP)

Enclosure

JUL 0 8 2009

**DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
CALCASIEU RIVER AND PASS, LOUISIANA
DREDGED MATERIAL MANAGEMENT PLAN**

EPA Region 6 has completed a review of the May 22, 2009, Draft Calcasieu River and Pass, Louisiana, Dredged Material Management Plan and Supplemental Environmental Impact Statement. As explained in this analysis, there is currently inadequate dredged material disposal capacity to maintain the Calcasieu Ship Channel to the authorized depths. Accordingly, this document establishes a new strategy for managing dredged materials through operation and maintenance of the ship channel and berthing areas for a minimum of an additional 20 years.

With regard to the alternatives analyses in the Supplemental Environmental Impact Statement, we agree with the decision to eliminate from further consideration Alternative D, which calls for material dredged from south of Channel Mile 22 to be disposed in the Ocean Dredged Material Placement Site (ODMDS). We support the Corps' efforts to use as much of the suitable material as possible for vital coastal enhancement, restoration, or creation rather than placing the material in ODMDS.

The Tentatively Selected Plan, Alternative B, targets the use of confined disposal sites and designates specific eroded and subsided coastal wetlands for beneficial use, which could result in an estimated 6,306 acres of marsh and estuarine habitat creation or nourishment. While Alternative C could result in an estimated 14% more dredged material used beneficially, the constraints of real estate acquisition, maintenance of existing confined placement facilities, and other practical considerations make it a somewhat less viable management alternative at this time. However, we strongly support the strategy incorporated into Alternative B in which beneficial use sites will be scheduled to receive material prior to placement in the confined disposal sites. This would allow for the possibility, under Alternative B, of utilizing some of the additional beneficial use sites identified in Alternative C during future updates to the Dredged Material Management Plan. Maintaining flexibility in the Dredged Material Management Plan is essential in light of the rapid pace of evolving regulatory and financial options for utilizing dredged material to restore and sustain the degrading Gulf coastal landscape. We strongly encourage the Corps to use as much of the material as possible dredged during each and every dredging event for purposes of coastal habitat creation or restoration. This material is simply too valuable to the ecosystem to do otherwise. Thank you for the opportunity to participate in this review. Please call if you any questions.

Barbara Keeler
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**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 5, 2009

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

Mr. Richard Boe, Acting 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 Mr. Boe:

NOAA's National Marine Fisheries Service (NMFS) has received the draft Dredge Material Management Plan (DMMP) and Supplemental Environmental Impact Statement (SEIS) for the Calcasieu River and Pass, Louisiana, project prepared by the U.S. Army Corps of Engineers, New Orleans District (NOD). The purpose of the study was for the NOD to develop a management plan for the placement of material dredged for the maintenance and operation of the Calcasieu Ship-Channel during the next 20 years. Currently the project does not have the adequate dredged material disposal capacity needed to maintain the channel to authorized depths. Existing discharge sites are at or near capacity, and past maintenance deficiencies have resulted in substantial erosion of discharge facilities into adjacent water bodies. As a result, it has become necessary for the NOD to reduce channel widths in some reaches.

The preferred alternative proposed in the in the SEIS designates the placement of dredge material into both confined disposal facilities (CDFs) and beneficial use sites, and emphasizes the rehabilitation and maximum use of CDFs between channel miles 12 and 22. The implementation of the proposed DMMP would result in the conversion of 511 acres of estuarine water column habitat to uplands with the horizontal expansion of existing CDFs (17, 19, D, E). However, the plan also would result in the creation of 6,306 acres of intertidal marsh from beneficial use of dredged material.

NMFS has reviewed the document and finds that it adequately evaluates potential project impacts to essential fish habitat and related marine fishery resources. In addition, the document discloses that, in most cases, the beneficial use sites designated in the preferred plan are scheduled to be used prior to disposing material for the horizontal expansion of the CDFs. The document also indicates that additional beneficial use sites will continue to be evaluated for incorporation into the disposal system during periodic updates of the DMMP.

NMFS is most concerned about the impacts associated with the expansion of CDFs 17 and 19. As proposed for the preferred alternative, this expansion would result in the conversion of 68 acres of marsh and 443 acres of water bottoms to upland elevations. While NMFS understands that these adverse impacts would be offset through the beneficial use of sediment at other



locations, we question the overall need for this level of impact. NMFS recommends the SEIS be revised to include an evaluation of less damaging sediment placement alternatives for this reach (miles 16 to 21) of the Calcasieu Ship Channel. Less damaging alternatives NMFS suggests be considered include using the proposed disposal sites for marsh creation instead of upland confined disposal. If such an option is not feasible, the SEIS should explain the reasoning behind such a determination.

NMFS appreciates the opportunity to review the draft DMMP and SEIS. If you have questions regarding our comments and recommendations, or wish to discuss this matter further, please contact Kimberly Clements at (225) 389-0508, ext 204.

Sincerely,



for Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette
EPA, Dallas
LA DWF, Balkum
LA DNR, Consistency
NOAA PPI, Reid
F/SER4, Dale
F/SER46, Swafford
Files

-----Original Message-----

From: Kimberly Clements [<mailto:Kimberly.Clements@noaa.gov>]
Sent: Friday, February 27, 2009 1:50 PM
To: Stiles, Sandra E MVN; Angela_Trahan@fws.gov
Subject: Re: Calcasieu DMMP-SEIS Expansion of CDF 9,10,11,13

Hi Sandra,

NMFS also appreciates the consideration taken to re-evaluate and remove CDF 9, 10, 11 and 13 for the 20-year plan due to its potential impacts to essential fish habitat. After reviewing the Calcasieu River and Pass DMMP and Supplemental EIS that was transmitted via email, there are some recommendations that NMFS would like to have evaluated in the document:

1. In the "Essential Fish Habitat" description of Chapter 3, page 3-84, the paragraph that describes shrimp species can omit the need for pink shrimp to be considered for this project area of evaluation.

1. However, in the following page (3-85) under the paragraph for "Reef Fish", both lane snapper and dog snapper should be included. List life stages of these 2 species for which EFH has been designated in the project area. They are both federally listed marine managed species within this study area.
2. In addition, in the "Coastal Migratory Pelagic Species" paragraph on the same page, the bonnethead shark for its juvenile life stage should also be included under the same federally listed mandates.

2. For created wetland expansion of CDF site D and E, there is a proposed rock dike shore protection feature to be constructed on the Calcasieu Lake side. NMFS recommends that there be, at minimum, 25 ft-wide fish dips every 1000 ft along this proposed rock dike. The fish dip depth should be designed and constructed to the pre-project natural water bottom depth.

3. For existing marsh areas not being utilized for placement of material under the plan, but are proposed to also receive rock dike shoreline protection:

1. if the area residing on the left side of the channel (mile 16.5 to 18.7) is high marsh with limited fish access, NMFS would consider recommending fewer dips and/or a fixed crest that still allows for some fish access and sediment exchange. Additionally, due to high energy wave action increasing erosion rates on the channel side, the fish dip depth could be raised from pre-project water bottom depth to a +0.0 ft NAVD 88 elevation.
2. The same recommendations would apply to the existing marsh on the right side of the channel (15.6 to 20).
3. However, we still would recommend that any constructed shoreline protection for existing marsh on the Calcasieu Lake side include fish dip depth design to pre-project water depth elevations as recommended for the created marsh expansion in CDF D and E.

4. The fourth recommendation would pertain to WVA consistency. The horizontal expansion for CDF D and E was evaluated for the emergent marsh and open water conversion to upland on the lake side of the site, but not for the open water foreshore dike (Mile 11.2 to 15.6). There is an equal amount of open water that has habitat value and NMFS is recommending that it be included in the WVA. We might want to talk with Angela with FWS regarding this recommendation.

5. Finally, NMFS is aware that a rock dike has been constructed out 500 ft into the water fronting the proposed foreshore dike expansion (Mile 11.2 to 15.6) at CDF D and E on the channel side. NMFS is also aware that this area has been constructed for at least one year now and will not be filled to upland elevation until year seven once the DMMP is implemented. To the best of our knowledge the rock dike was constructed without fish dips and is tied into land at both the north and south end of the site. NMFS recommends, if practicable, temporary fish dips be constructed to allow trapped fish to move out of the impounded area and into both shallow and deep waters as temperature warrants for survival.

Thank you for allowing NMFS the opportunity to review the DMMP and draft EIS.

Please contact me by email or phone with any questions regarding these considerations.

Sincerely,

Kimberly Clements

NMFS

(225) 389 0505 x 204

-----Original Message-----

From: Diane Hewitt [<mailto:Diane.Hewitt@LA.GOV>]
Sent: Monday, June 08, 2009 12:55 PM
To: Stiles, Sandra E MVN
Subject: DEQ SOV:90520/1240 USACE Draft DMMP & SEIS

June 8, 2009

Sandra Stiles
USACE, CEMVN-PM-RS
P.O. Box 60267
New Orleans, LA 70160-0267
sandra.e.stiles@usace.army.mil <<mailto:sandra.e.stiles@usace.army.mil>>

RE:
90520/1240 USACE Draft DMMP & SEIS
Calcasieu River & Pass
Calcasieu and Cameron Parishes

Dear Ms. Stiles:

The Department of Environmental Quality, Office of Environmental Assessment and Office of Environmental Services received your request for comments on the above referenced project. Please take the appropriate steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.

There were no objections based on the limited information submitted to us.

However, the following comments have been included. Should you encounter a problem during the implementation of this project, please make the appropriate notification to this Department.

The Office of Environmental Services/Permits Division recommends that you investigate the following requirements that may influence your proposed project:

* If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.

* If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify their LPDES permit before accepting the additional wastewater.

* LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact Melissa Conti at (225) 219-3078 to determine if your proposed improvements require one of these permits.

* All precautions should be observed to control nonpoint source pollution from construction activities.

* If any of the proposed work is located in wetlands or other areas

subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps to inquire about the possible necessity for permits. If a Corps permit is required, part of the application process may involve a Water Quality Certification from LDEQ.

* All precautions should be observed to protect the groundwater of the region.

* Please be advised that water softeners generate waste waters that may require special limitations depending on local water quality considerations.

Therefore if your water system improvements include water softeners, you are advised to contact DEQ, Water Permits to determine if special water quality based limitations will be necessary

* Any renovation or remodeling must comply with LAC 33:III.Chapter 28.Lead-Based Paint Activities, LAC 33:III.Chapter 27.Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation) and LAC 33:III.5151.Emission Standard for Asbestos for any renovations or demolitions.

Currently, Calcasieu and Cameron Parishes are classified as attainment parishes with the National Ambient Air Quality Standards for all criteria air pollutants.

Please forward all future requests to Ms. Diane Hewitt, LDEQ/Performance Management/ P.O. Box 4301, Baton Rouge, LA 70821-4301 and we will expedite it as quickly as possible.

If you have any questions, please contact me at (225)219-4079 or by email at diane.hewitt@la.gov <<mailto:diane.hewitt@la.gov>> . Permitting questions should be directed to the Office of Environmental Services at 225-219-3181.

Sincerely,

Diane Hewitt
LDEQ/Community and Industry Relations
Business and Community Outreach Division Office of the Secretary P.O.
Box
4301 (602 N. 5th Street) Baton Rouge, LA 70821-4301
Phone: 225-219-4079
Fx: 225-325-8208
Email: diane.hewitt@la.gov



BOBBY JINDAL
GOVERNOR

State of Louisiana

ROBERT J. BARHAM
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

JIMMY L. ANTHONY
ASSISTANT SECRETARY

July 6, 2009

Attn: Sandra Stiles
Planning, Programs, and Project Management Division
Environmental Planning and Compliance Branch
United States Army Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267

*Application: draft DMMP & SEIS for the Calcasieu River and Pass
Applicant: U.S. Army Corps of Engineers, New Orleans District
Notice Date: May 22, 2009*

Dear Ms. Stiles:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the above referenced notice. Based upon this review, the following has been determined:

LDWF continues to urge the USACE to further explore the use of cost efficient beneficial use sites and practices, and to incorporate such into the required periodic updates of the Dredged Materials Management Plan. As well, the applicant should be required to exhaust all proposed beneficial usage options and existing confined disposal facilities (CDFs) within each reach before being allowed to expand proposed CDFs into valuable habitats. This temporal arrangement may allow for exploitation of unforeseen future beneficial usage opportunities in lieu of the planned conversion of wetlands and open waters into uplands.

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to contact Habitat Section biologist Matthew Weigel at 225-763-3587 should you need further assistance.

Sincerely,

Michael Carlross
Biologist Division Assistant Administrator

Page 2

Application: draft DMMP & SEIS for the Calcasieu River and Pass
July 6, 2009

mw

c: Matthew Weigel, Biologist
EPA Marine & Wetlands Section
USFWS Ecological Services

July 2, 2009

Colonel Alvin Lee
District Engineer
New Orleans District
U.S. Army Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267

RE: Calcasieu River and Pass, Dredged Material Management Plan and Supplemental Environmental Impact Statement

Dear Colonel Lee:

The Lake Charles Harbor & Terminal District (LCH&TD), as the Local Sponsor of the Calcasieu River and Pass Project, wishes to express its strong support for the Draft Dredged Material Management Plan and Supplemental Environmental Impact Statement (DMMP). The proposed project, as described in the Draft DMMP, reflects the success of the partnering effort among the staffs of the New Orleans District, the Local Sponsor, and the state and federal resource agencies. Without that cooperative spirit, it would have been impossible to develop a plan that provides regional, state, and federal economic benefits and a net positive environmental affect on the Calcasieu River and Pass Project Area.

The Port of Lake Charles is the 11th largest Port in the United States based on tonnage. In terms of energy importance, the Port is the second largest Strategic Petroleum Reserve facility in the U.S. (219 million barrels of oil or 33 percent of the U.S. total). A nine day closure of the channel in 2006 cost U.S. gasoline consumers \$710 million and natural gas consumers \$313 million -- a total impact of over \$1 billion to the nation's economy.

The Calcasieu River and Pass Project supports the industries that make up the Port of Lake Charles and is, first and foremost, a Navigation Project. Therefore, the DMMP must be evaluated as a plan for a Navigation Project and not as an environmental enhancement project. However, the Draft 20-year DMMP provides a substantial amount of environmental benefit while maintaining a navigation channel vital to the economy of the United States.

The Tentatively Selected Plan, Plan B, creates and restores more than 6,000 acres of marsh in Coastal Louisiana over the next 20 years while refurbishing and maintaining the confined disposal areas (CDFs) adjacent to the ship channel. Because of the lack of funding for the Project over the years, the CDFs have not been maintained and currently have less than 5 million cubic yards of available capacity. The 20-year capacity needed to properly maintain the channel is estimated at over 97 million cubic yards. In addition, the CDFs must be maintained and ready in the event of an emergency that does not allow dredged material to be used beneficially or should there be insufficient funds to cover increased dredging costs associated with pumping dredged material over long distances to beneficial use sites.

Plan C, outlined in the DMMP, creates more environmental benefit through the creation/restoration of more than 10,000 acres of marsh. Unfortunately, Plan C does not provide for the restoration and maintenance of the CDFs adjacent to the Ship Channel. The CDFs are a vital component of the Project and must be maintained and available to ensure the viability of this strategic energy port. While LCH&TD



**Lake Charles
Harbor
& Terminal
District**

Post Office Box 3753
Lake Charles, LA 70602
Phone 337-439-3661
Facsimile 337-493-3523

certainly supports and advocates the need to create and restore coastal wetlands, the LCH&TD must first ensure that the navigation channel is properly maintained in a timely and efficient manner. Thus, it is critical for the Port of Lake Charles that the CDFs be refurbished and maintained.

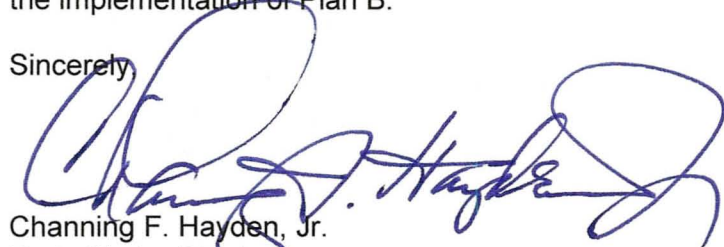
Over the last five years, the Calcasieu River and Pass Project has received an average of \$13 million annually in funding for O&M. With an estimated 20-year DMMP cost of \$865 million for Plan B, O&M funding must increase to over \$40 million dollars annually. This will not be an easy task. The CDFs are vital to allow for the management of funding shortfalls.

While the Tentatively Selected Plan is the least costly environmentally acceptable plan, it is not the least costly to the Local Sponsor. The Local Sponsor's cost shared amount is greater for Plan B, but it is necessary to protect and maintain the CDFs adjacent to the ship channel. Plan C is less expensive for the Local Sponsor; however, it has a greater federal 20-year O&M cost and does not provide the necessary deferred and future maintenance of the CDFs. Plan C does not allow for the proper navigation maintenance during emergencies or adequate dredging during funding shortfalls.

The LCH&TD remains committed to coastal restoration through the beneficial use of dredged materials. The Draft 20-Year DMMP provides a substantial amount of environmental benefit while maintaining a navigation channel vital to the U.S. economy. Plan B will create and restore more wetlands through the beneficial use of dredged materials than any other authorized project in Louisiana. LCH&TD will advocate and promote the beneficial use of dredged materials beyond those envisioned in Plan B whenever possible.

The staff of the USACE New Orleans District, their contractors, as well as the federal and state resource agencies that have collaborated on this project, should all be commended for their efforts. LCH&TD looks forward to our continuing partnership in the implementation of Plan B.

Sincerely,



Channing F. Hayden, Jr.
Port of Lake Charles
Director of Navigation and Security
ch:mgb





Coalition to Restore Coastal Louisiana

6160 Perkins Road • Suite 225 • Baton Rouge, LA 70808
(225)767-4181 • (225)768-8193 fax • (888) LACOAST • crcl.org

July 6, 2009

Ms. Sandra Stiles
U.S. Army Corps of Engineers
CEMVN-PM-RS
P.O. Box 60267
New Orleans, Louisiana 70160-0267

RE: Draft Calcasieu River and Pass Dredged Material Management Plan and Supplemental Environmental Impact Statement

Dear Ms. Stiles,

For over twenty years, the Coalition to Restore Coastal Louisiana has been a strong advocate for the protection and restoration of a sustainable coastal Louisiana. Representing the businesses, scientists, local governments, and citizens of the state of Louisiana, the Coalition works to ensure that the state and federal governments are designing and implementing sound protection and restoration policies across Louisiana's coast in an efficient manner. Due to the significant wetland loss and threat for continued loss in coastal Louisiana, the Coalition requests that the U.S. Army Corps of Engineers (USACE) address and incorporate the following concerns and recommendations into the final version of the Calcasieu River and Pass Dredged Material Management Plan (DMMP) and Supplemental Environmental Impact Statement (SEIS).

Firstly, the Coalition would like to commend the USACE and the Lake Charles Harbor and Terminal District (Port of Lake Charles) on designing a 20-year management plan for the dredged material in the Calcasieu River and Pass that is the first long-term planning effort to integrate navigation and restoration. Once successfully completed, the DMMP will allow for continued navigation of the Calcasieu Ship Channel and operation of the Port of Lake Charles, providing large economic benefits to the local, state, and national levels. The plan will also result in beneficial use of dredged material, allowing for marsh creation in Cameron Parish. The Coalition believes that a successful DMMP for the Calcasieu Ship Channel will benefit both the economy and the ecosystem within the Chenier Plain.

After reviewing the Draft Calcasieu River and Pass DMMP and SEIS, the Coalition believes that the current planning objectives of the project are well-established. However, the Coalition would like to see the addition of an objective that states that the sustainability of the Calcasieu Ship Channel and its surrounding landscape is a long-term goal of the project. In order to ensure

the proper long-term management of dredged material within the Calcasieu Ship Channel, the channel itself must be sustainable so that the removal of material does not adversely impact the channel's hydrology or navigational requirements. As evidenced by the Mississippi River delta, losing the surrounding landscape can threaten the efficiency of the navigation channels, increasing dredging needs, channel instability and maintenance costs into the future. The loss of the surrounding landscape could alter the Calcasieu Ship Channel in unforeseen, but likely expensive ways. For example, the loss of the Calcasieu Land Bridge could cause increased interaction between the Gulf of Mexico and the channel, increasing sedimentation from long-shore drift and requiring additional dredging or channel modifications. It is recommended that beneficial use sites are selected to maintain the integrity of the existing landscape to minimize long-term impacts of land loss on the channel. The long-term sustainability of the Calcasieu Ship Channel and its surrounding wetlands would fulfill not only the navigational needs of the channel but would also help address flood protection and coastal restoration issues in the Chenier Plain.

When comparing Alternatives B and C in the Calcasieu River and Pass DMMP, Alternative C is clearly the environmentally preferred alternative. However, Alternative B was chosen from the two alternatives as the tentatively selected plan (TSP) because it has a lower cost estimate while still meeting federal environmental standards and using sound engineering practices. Alternative B will result in the creation of 6,306 acres of marsh while impacting 511 acres of wetlands and estuarine habitats for a total cost estimate of \$865,863,000 while Alternative C will result in 10,030 acres of marsh being created with no adverse impacts for a total cost estimate of \$886,276,000. To select Alternative C as the TSP would provide an approximately 40% increase in marsh acreage created while eliminating any adverse impacts to the environment for just over \$20 million, which is only 2.3% of the cost estimate for Alternative B. For a large-scale project, such as the Calcasieu River and Pass DMMP, \$20 million is a negligible amount. Incorporating the additional beneficial use sites from Alternative C into Alternative B would be highly cost-effective and beneficial to the Calcasieu Ship Channel, providing better protection for the channel into the future.

In addition, when dealing with cost estimates for long-term projects, uncertainties are almost always unavoidable. Many cost estimates for long-term projects have large standard error values; therefore, there is the potential that the current cost estimates for Alternatives B and C are not significantly different or the true reflections of the actual costs to be paid for the project over the 20-year lifespan. If further analysis reveals that the cost estimates of Alternatives B and C are very close in value, the USACE would then be acting in a highly cost-effective manner by selecting Alternative C as the selected plan for the project.

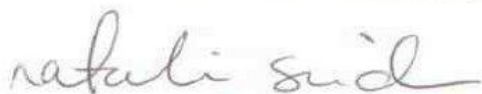
According to the fourth planning objective in the DMMP and SEIS report, the project is designed to "provide flexibility for future placement of dredged material." Therefore, the Coalition believes that the beneficial use sites from Alternative C should be included as a Options Plan in Alternative B in the event that cost estimates decrease, permanent pipelines are installed or additional funding becomes available so as to incorporate more beneficial use sites into the selected alternative. If these additional beneficial use sites from Alternative C are not cleared for Alternative B, the USACE may be restricting their ability to create marsh at these sites in the future without revisiting the EIS process. Because the Calcasieu River and Pass DMMP is

essential to the integrity of the Calcasieu Ship Channel and the wetlands of the Chenier Plain, there is an urgency to implement this project quickly and efficiently. Therefore, by incorporating the additional beneficial use sites from Alternative C into Alternative B as an Options Plan, the USACE would be allowing themselves the ability to move quicker in the future by providing flexibility in the design and construction phases.

If additional funding sources become available in the future, the USACE could easily and efficiently implement this proposed Options Plan into the project, allowing for an increase in beneficial use sites. In the past, the State of Louisiana has provided funding for beneficial use projects in the Chenier Plain, including projects in Black Lake and Sabine National Wildlife Refuge, and could, therefore, be a potential funding source for the Calcasieu River and Pass DMMP. Additionally, the Louisiana Coastal Area (LCA) Study has a beneficial use program that could be incorporated into the Calcasieu River and Pass DMMP. Finally, the USACE could potentially couple the Calcasieu River and Pass DMMP with the Southwest Coastal Louisiana Feasibility Study, which could possibly reduce cost estimates while simultaneously fulfilling the objectives of both projects.

Overall, the Coalition strongly supports the actions of the USACE and the Port of Lake Charles to utilize the dredged material to restore and enhance our dying wetlands. We urge the Corps to incorporate an Options Plan that allows for the beneficial use of 100 percent of the material dredged from Calcasieu River and Pass within Alternative B. We hope that all associated federal, state, and local authorities work to promote the sustainability of coastal Louisiana, and through integrated efforts, we hope that Louisiana's coast can be protected and restored for the long-term. We request that we be notified of any change or action regarding the Calcasieu River and Pass DMMP and SEIS.

We look forward to your written review.

A handwritten signature in cursive script that reads "natalie snider". The signature is written in dark ink on a light-colored background.

Natalie Snider
Science Director

cc: Norwyn Johnson, Louisiana Office of Coastal Protection and Restoration



P.O. Box 4689
Houston, TX 77210-4689

CITGO Petroleum Corporation

June 24, 2009

Ms. Sandra Stiles
U.S. Army Corps of Engineers
Planning, Programs, and Project Management Division
Environmental Planning and Compliance Branch
CEMVN-PM-RS
P.O. Box 60267
New Orleans, Louisiana 70160-0267

Dear Ms. Stiles:

By way of introduction, my name is Bob Kent and I am the Senior Vice President of Refining for CITGO Petroleum Corporation. One of our facilities, the CITGO Lake Charles Manufacturing Complex is a 400,000 barrel per day refinery located in Lake Charles, Louisiana that utilizes the Calcasieu Ship Channel.

The industries along the Calcasieu represent a substantial portion of the refining, LNG, and chemical capacity of the United States. Each of us depends upon the Calcasieu to bring in raw materials and to ship finished products to our customers in the United States.

In reviewing the draft Dredge Maintenance Management Plan (DMMP) and Supplemental Environmental Impact Statement, I would like to submit several comments on behalf of CITGO Petroleum Corporation.

1. CITGO recommends Alternative C for the following reasons:
 - a. Alternative C provides 8,351 acres more for beneficial use of material than Alternative B. Looking back at the recent hurricane damage to our natural protection found in our marshlands, developing additional coastal wetlands is prudent.
 - b. Alternative C provides for more disposal area, nearly 4,000 more acres or 40% more area, than Alternative B at a minimal increase in overall cost of DMMP.
 - c. Regarding the non-federal dredging undertaken by CITGO, we request that the U.S. Army Corps of Engineers designates Spoil Disposal Areas 8 or 9 for our maintenance and capital dredging needs.
2. CITGO would like to see the U.S. Army Corps of Engineers provide a study on the silting rate of the Calcasieu Ship Channel if nothing is done and Alternative A is chosen.
3. CITGO would like to see priority be given in the DMMP to shoreline stabilization by building up the narrow parallel stretch of land between the ship channel and Calcasieu Lake to its original footprint.

I believe it is important for the Army Corps of Engineers, industries along the Calcasieu and the Ports to work together to properly maintain the Calcasieu River. Please let me know if you have any questions. Thank you for your time.

Sincerely,

Bob Kent
Senior Vice President of Refining
CITGO Petroleum Corporation
1293 Eldridge Parkway
Houston, Texas 77077
Phone: 832-486-5524

ACE Public Comments DMMP Calcasieu River and Pass
July 5, 2009

To: Sandra Stiles

Ms. Stiles,

I thank the Corp for the large amount of information and the opportunity to comment on the DMMP for the Calcasieu River and Pass for the next 20 years.

I offer brief comments relative to the spirit and intent of issues of concern.

I believe the study that was began years ago to determine exactly where the dirt and silt is coming from should be completed before this plan is finalized. You must know exactly where the material is coming from that continually needs to be dredged. This material is coming from individual land owner property somewhere and this erosion of land should be stopped. The plan should allow for the rocking or sheet piling of the entire ship channel over a scheduled 20 year time. Speed limits for ships should be put in place and electronically, publically documented and enforced as part of this DMMP.

I own land in both areas M and N and object to contaminated material being deposited on my property or in any other disposal site. Any contaminated material should be addressed and disposed of properly in a secure upland hazardous waste site.

I ask that the land that I own in M and N be allowed to return to its natural state as it originally was. I want to be able to use this land to mitigate other lands that I own that the Corp might someday say I should mitigate for. As I understand the Corps thinking I could return my land in M and N to its natural state to mitigate for other lands that I own that might someday need to be mitigated for.

All land owners should be paid for the use of their land for a disposal area. I request a newly designated disposal site for dredging of the Cameron Loop. I request Plan C for maximum public benefit and storm surge protection. Thank you for your help and time.

Charles Atherton 337-625-7613 charlieatherton@suddenlink.net

122 Vine St.

Sulphur, La. 70663

-----Original Message-----

From: Danielle King [<mailto:dking@laash.net>]

Sent: Monday, July 06, 2009 3:17 PM

To: Stiles, Sandra E MVN

Subject: Comment for DMMP-Lake Charles Port

Dredge Material Management Plan: Army Corp of Engineer & The Port of Lake Charles

Comment from: LA Ash, Inc.

P.O. Box 1728, Sulphur, LA 70664

337-625-4260

Dredge Spoils Site

The management of LA Ash has the product and expertise that was used to turn a 23 acre dredge spoils site in Jacksonville Florida into a major production facility, and they have been the major consultants for countless dredge spoils site from Florida to Louisiana.

LA Ash has a variety of products to not only stabilize the dredge spoils in to a beneficial use product that has already been engineered for construction and has a green impact that's environmentally safe for use all over the country.

The residual effect of the stabilization of dredge materials at the port can offer added structural efficiency and cost expanding acreage. The stabilized and dredged product can remain in place and serve as an impermanent barrier for greater shoreline or dock protection.

The stabilized dredge is valuable and is more impermeable than a clay liner in a landfill, but the product can offer temporary structures that can be dismantled and reconstructed up to 3 additional times with product consistency, use beyond that point has not been tested or tried.

The stabilized dredge spoils area in Florida was constructed at 35 feet Means Sea Level (MSL) and the perimeter dikes were engineered to provide structural integrity to support a substantial stockpile load weighing 100's of thousands in tonnage, and for handling over 100,000 shipment trucks annually.

The stabilized dredge spoils was turned into a State-of-the-Art facility with over a mile perimeter ditch and connecting pond that was designed for zero discharge and to handle a 100 year storm event.

The pond built out of stabilized dredge spoils was tested in real-time conditions, while the water was at less than a third of its capacity, and the product demonstrated

watertight seal and held over 20 million gallons of project -related and storm water at the 35 foot elevation.

LA Ash has been part of other dredge material stabilization projects in the past.

The Prien Lake Park in Lake Charles, LA is built on dredge material reclaimed from Lake Charles and stabilized with CFB bed ash.

LA Ash also supplied CFB ash to Recon for stabilization of the Sabine Pass Cheniere LNG facility on top of which now rest 5 LNG tanks.

CFB ash was also supplier to Golden Pass LNG facility (Golden Pass LNG Terminal LLC, Qatar Petroleum, ExxonMobil, and Conoco Phillips) on top of which are 5 LNG tanks.

Thank you,

Danielle King

Marketing Coordinator

LA Ash, Inc.

www.laash.net

Phone: 337-625-4260 Ext. 26

Fax: 337-625-4259

DISTRIBUTION LIST OF DRAFT DMMP/SEIS

Phil Boggan
SHPO, Dept. of Culture
Recreation and Tourism
P.O. Box 44247
Baton Rouge, LA 70804

Don Hoffman
EPA, Region VI - Off. of Planning and
Coord. / Mail Code 6EN-XP
1445 Ross Avenue
Woodland Hills, CA 75202-2733

Mr. Thomas Griggs
LA DEQ
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[Federal Register: October 15, 2010 (Volume 75, Number 199)]
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[ER-FRL-8993-2]

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Pursuant to 40 CFR 1506.9.

Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the Federal Register. Since February 2008, EPA has been including its comment letters on EISs on its Web site at: <http://www.epa.gov/compliance/nepa/eisdata.html>. Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the Federal Register.

EIS No. 20100400, Final EIS, NPS, WY, Jackson Hole Airport Use Agreement Extension Project, To Enable Continued Air Transportation Services, Grand Teton National Park, Teton County, WY, Wait Period Ends: 11/15/2010, Contact: Mary Gibson Scott 307-739-3300.
EIS No. 20100401, Draft EIS, BIA, CA, Manzanita Casino--Manzanita Band of Kumeyaay Indians Fee-To-Trust and Casino Facility/Hotel Project, Construction and Operation, City of Calexico, Imperial County, CA, Comment Period Ends: 12/22/2010, Contact: John Rydzik, 916-978-6051.
EIS No. 20100402, Final EIS, USFS, WV, Fernow Experimental Forest Project, To Continue Long-Term Research Studies Involving Removal of Trees, Prescribed Burning, Fertilization, and Use of Herbicides and other Management Activities to Control Invasive Plant Species, Tucker County, WV, Wait Period Ends: 11/15/2010, Contact: Mary Beth Adams, 304-478-2000 Ext 130.
EIS No. 20100403, Draft EIS, NPS, MD, Hampton National Historic Site, General Management Plan, Implementation, Baltimore County, MD, Comment Period Ends: 12/14/2010, Contact: Peter Iris-Williams, 215-597-6479.
EIS No. 20100404, Final EIS, USFS, CA, Tahoe National Forest Motorized Travel Management Project, Proposed Changes to the National Forest Transportation System, Implementation, Nevada, Placer, Plumas, Sierra,

and Yuba Counties,

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CA, Wait Period Ends: 11/15/2010, Contact: David Arrasmith, 530-478-6220.

EIS No. 20100405, Draft EIS, USFS, MT, Beaver Creek Landscape Management Project, Vegetation Treatment, Implementation, Ashland Ranger District, Custer National Forest, Powder River County, MT, Comment Period Ends: 11/29/2010, Contact: Walt Allen, 406-784-2596.

EIS No. 20100406, Final Supplement, USACE, LA, Calcasieu River and Pass, Louisiana Dredged Material Management Plan for 20 Years While Updating and Redefining the Base Plan, Implementation, Calcasieu Ship Channel, Port of Lake Charles, Calcasieu and Cameron Parishes, LA, Wait Period Ends: 11/15/2010, Contact: Sandra Stiles, 504-862-1583.

EIS No. 20100407, Final EIS, BLM, NV, Amargosa Farm Road Solar Energy Project, Construction and Operation of Two Concentrated Solar Power Plant Facilities, Right-of-Way Application on Public Lands, Nye County, NV, Wait Period Ends: 11/15/2010, Contact: Greg Helseth, 702-515-5023.

EIS No. 20100408, Draft Supplement, MMS, AK, Chukchi Sea Planning Area, Oil and Gas Lease Sale 193, Analyzing the Environmental Impact of Natural Gas Development and Evaluate Incomplete, Missing, and Unavailable Information, Chukchi Sea, Alaska Outer Continental Shelf, AK, Comment Period Ends: 11/29/2010, Contact: Deborah Cranswick, 907-334-5267.

EIS No. 20100409, Final EIS, NRC, IA, GENERIC--License Renewal of Nuclear Plants Regarding Duane Arnold Energy Center, Supplement 42 to NUREG-1437, near the Town of Palo, Linn County, IA, Wait Period Ends: 11/15/2010, Contact: Charles Eccleston, 301-415-8537.

Amended Notices

EIS No. 20100326, Draft EIS, NPS, SD, South Unit--Badlands National Park, General Management Plan, Implementation, SD, Comment Period Ends: 10/18/2010, Contact: Eric J. Brunnemann, 605-433-5361. Revision of FR Notice Published 08/20/2010: Extending Comment Period from 10/18/2010 to 11/01/2010.

EIS No. 20100391, Final EIS, USACE, NC, Surf City and North Topsail Beach Project, To Evaluate Coastal Storm Damage Reduction, Topsail Island, Pender and Onslow Counties, NC, Wait Period Ends: 11/08/2010, Contact: Scott Nicholson, 202-761-7770. Revision to FR Notice Published 10/8/2010: Change Wait Period from 11/22/2010 to 11/08/2010 and Change Contact Name and Number to Scott Nicholson, (202)761-7770.

Dated: October 12, 2010.

Cliff Rader,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 2010-26073 Filed 10-14-10; 8:45 am]

BILLING CODE 6560-50-P

-----Original Message-----

From: Angela_Trahan@fws.gov [mailto:Angela_Trahan@fws.gov]
Sent: Tuesday, October 19, 2010 2:38 PM
To: Stiles, Sandra E MVN
Cc: lcarnes@gecinc.com
Subject: Calcasieu DMMP

Sandra:

I'm reading over the final Calcasieu DMMP and noticed that the brown pelican is included as a federally listed species. Since the last draft of the DMMP the brown pelican was delisted on December 17, 2009... .

Brown pelicans (*Pelecanus occidentalis*) are known to nest on Rabbit Island in Calcasieu Lake west of the Calcasieu Ship Channel. Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by monitoring the colony sites that were previously surveyed during the 1980s. Until a new, comprehensive coast-wide survey is conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season.

Although the brown pelican has been removed from the List of Endangered and Threatened Species, it continues to be protected under the Migratory Bird Treat Act (MBTA, 40 Stat. 755, as amended; 16 U.S.C. 703 et seq.). All activity occurring within 2,000 feet of a brown pelican rookery should be restricted to the non-nesting period (i.e., September 15 through March 31). Nesting periods vary considerably among Louisiana's brown pelican colonies, however, so it is possible that this activity window could be altered based upon the dynamics of the individual colony. The Louisiana Department of Wildlife and Fisheries' Fur and Refuge Division should be contacted to obtain the most current information about the nesting chronology of individual brown pelican colonies. Brown pelicans are known to nest on barrier islands and other coastal islands in St. Bernard, Plaquemines, Jefferson, Lafourche, and Terrebonne Parishes, and on Rabbit Island in lower Calcasieu Lake, in Cameron Parish.

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