



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

July 19, 2012

Mr. Michael Saucier  
Chief, Natural Resources Management Function  
U.S. Army Corps of Engineers  
CEMVN-OD-T  
P.O. Box 60267  
New Orleans, LA 70160-0267

RE: Comments to the Draft Atchafalaya Basin Floodway System Master Plan Update

Dear Mr. Saucier:

Attached are the Louisiana Department of Natural Resources (LDNR), Atchafalaya Basin Program's (ABP) comments on the above document. We appreciate the opportunity to provide our thoughts and suggestions for the future of this critically important, internationally recognized natural resource.

Please note the first comment that requests that the items identified in these and other comments be addressed in a subsequent draft document, and that an additional comment period of at least sixty (60) days be provided to all further comments on changes or clarifications that are made. A single thirty (30) day comment period is not sufficient for a review of a document of this magnitude and importance.

We understand that the primary function of the ABFS is flood control, and Louisianans certainly appreciate the successful implementation of that function, especially during the flood event of 2011. However, we are deeply concerned about the priority and pace of the protection, preservation, and restoration activities that are essential in preventing the permanent loss of this unique environment.

Please consider our comments as the expression of our desire to work more closely with the Corps in this mission while ensuring that the costs for the necessary work are allocated fairly among the partners. It is paramount that all steps, procedures, and agreements be fully understood in advance and that they are transparent so that our intentions and work are open for stakeholder and public input and evaluation.

Mr. Michael Saucier

July 19, 2012

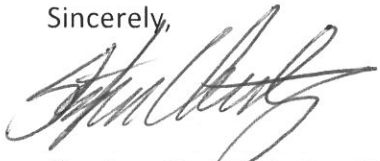
Page 2

It is a difficult process attempting to balance the needs of many stakeholders, but it must proceed as expeditiously as possible to preserve as much as we can of the beauty and bounty of the ABFS for future generations. Our comments request more communication, more understanding, and more action.

Man-made obstacles to north-south sheet water flow must be addressed soon. Pilot projects that take twenty years lose their validity in the decades-long process. By the time we learn what works, it will no longer be applicable to current conditions. We appreciate the continued work and support of the individuals that work on this project, but we urge the Corps to find ways to streamline the process of getting this crucial work done.

Thank you for your consideration of these comments. We look forward to continuing to work with the Corps as our partner to conserve, enhance, and protect this priceless national asset.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Chustz', written over a horizontal line.

Stephen Chustz, Acting Director  
Atchafalaya Basin Program

SC:ps0

Attachment

## **Comments on the USACE Master Plan Update**

First, we respectfully request that the items identified in these comments be addressed in a subsequent draft document and an additional comment period be provided to allow comment on changes or clarifications that are made.

Page ES-1, line 35 states that the ABFS encompasses an area of 595,000 acres. Page 1-3, line 28 states that the Lower Atchafalaya Basin Floodway encompasses 838,000 acres. Further explanation should be provided that explains the differences between these two areas.

Page ES-2, line 11 contains a typo and should read “fee title”.

Page 1-4, Table 1-1 is unclear in its data presentation. For example, what lands do the 44,000 and 27,800 numbers represent? The acreage of private ownership is stated as 445,000. This should be reconciled with the statement on page 1-3, line 28, that 48% of the 838,000 acres is privately owned (402,240 acres).

Page 1-6, line 21 mentions, “Federal construction of the remaining 20 access sites that would be locally operated and maintained.” The location of these sites should be provided in this document so that input may be provided regarding appropriateness of those locations. It should be noted that any features in the Corps Master Plan that are not in the State Master Plan will require further action at the State level before they can be moved forward to construction.

Page 1-8, line 35 references the recommendation of the 1982 ABFS Feasibility Study of 1982. In 2012, thirty years later, many of these recommendations have not been implemented. For example, out of the 367,000 acres of authorized easements, only 97,000 acres of easements have been acquired. Actions should be taken to expedite and prioritize these acquisitions. The state urges that future easements contain more restrictive language that would allow modification of the property by the state or federal government to affect improved water flow. Additional easement language should also be considered that provides for timely removal of any unauthorized structures so that the hydrology is not disrupted. Language regarding timber harvesting should be re-evaluated to ensure sustainability of Basin forests and habitat.

Page 1-9, line 7 mentions the two “pilot” WMUs (Buffalo Cove and Henderson Lake). Yet later in the document it is discussed that Flat Lake has replaced Henderson Lake as a pilot unit. This is inconsistent with information that has been provided to the State and also inconsistent in this document.

It is important that the chronology that starts on page 1-12 address Act 606 of the 2008 regular session of the Louisiana Legislature, which transitioned the focus of state program for the

Atchafalaya Basin to water quality improvement with a statutorily mandated 75% of funding dedicated to water quality, management and access projects. It should also be noted that Act 606 transitioned projects under the direction of an annual plan that is guided by a science-based decisions in review by a Technical Advisory Group (TAG).

Page 1-14, line 22 states that management issues for balancing the interests of crawfishing, boating, duck hunting and tour boat operators are discussed in the Master Plan update. We see no discussion in the document of how these are balanced and current rules that are applied.

Page 1-16, line 41 refers to Buffalo Cove, Flat Lake, Cocodrie Swamp, and Beau Bayou having passed the preliminary planning and assessment phase, and mentions a 2006 USACE scoping report. These documents should be included as attachments to this plan.

Page 1-17      The state strongly urges that the Buffalo Cove WMU project be expedited so that it can be completed and evaluated, leading to timely implementation of projects in other areas of the ABFS. The state also strongly suggests an expedited search for funding mechanisms for the Sherburne freshwater diversion structure at Big Alabama that was authorized in 1986 after being recommended in 1982. Since the feasibility study of 1982, thirty years have passed and a large portion of the ABFS has filled in with sediment, water circulation and sheet flow have deteriorated, and little progress has been made on the “Environmental Protection” section of recommendations.

Page 1-18      It is difficult to comment on the Recreational Development Feature when the SEIS for recreation features has not yet been finalized. The Master Plan should have more detailed discussions about the recreation features. It should also be noted that recreation features requiring the acquisition of property from private land owners can only be done with willing sellers.

                 The East Grand Lake Study that is discussed as being conducted by the USACE should be included as an appendix or at a minimum a link provided to that document.

                 A copy of the most recent OMP should be included as an appendix or at a minimum a link provided to that document.

Page 1-20, line 35 discusses WRDA of 2007. The state urges a timely reevaluation of the operation of the ORCS to optimize the management of the water and sediment to benefit the natural resources while considering the needs of all stakeholders.

Page 1-21, line 26 describes future documents. The state urges the timely execution of the draft PPAs for the public access, flood control, and environmental features and continues to

request that actions be taken that allow the state to obtain in-kind credit for work it is performing while it awaits Corps studies to be completed.

Page 2-56, line 9 should read, "...to facilitate access to fishing resources..."

Page 3-7 The Bayou Sorrel Boat Launch project in Iberville Parish is being pursued without federal participation as requested by the Parish. This project has been funded and designed by the State and Iberville Parish and is currently at the Corps for permitting. This should be acknowledged in the Master Plan.

Page 3-9 Regarding the 1,500 acres for recreation features further explanation should be included regarding lands that can be included in this total.

Page 3-11 A link should be provided to additional information regarding the 3,000 acres at the ORCS that is available for public access to further the public's knowledge of the availability of these resources.

Page 3-19 Additional information should be provided to the State regarding credit the non-federal sponsor will receive for conducting periodic aerial inspections, title searches in courthouses for timber-harvesting deeds, and for assisting the PO with inspections and landowner meetings. There needs to be enhanced regulatory control to further strengthen the federal government's ability to ensure that projects within the ABFS do not conflict with the objectives of the Master Plan.

Page 3-20, line 35 states, "Flat Lake subsequently replaced Henderson as the second pilot unit because of Flat Lake's greater potential for significant improvement, as well as its greater public support." This is inconsistent with information that has been provided to the State and information that is included in this document regarding Henderson Lake. Further explanation should be provided.

Page 4-6 The state is about to implement a "Primitive Campsites" project in the ABFS, with approximately twenty (20) - thirty (30) campsites located on state lands Therefore the state expects to claim the acreage utilized for these recreation features towards the 1,500 acres required in the recreation development feature described in 4.2.3 Additionally, the state expects to count the acreage utilized at previously built project features towards the 1,500 acres required in the recreation development feature described in 4.2.3.

A link to USACE guidelines and reporting requirements on fees collected by the state or third party concession on state lands used to satisfy the 1,500 acre state component of recreational features should be included in the document.

Page 4-8 The state concurs with the efforts of the USACE Real Estate Division in identifying and acquiring road and channel easements to reach land-locked previously acquired fee lands.

The state concurs with the effort of the USACE to reestablish a more historical forest condition, specifically bald cypress / tupelo swamps.

Page 4-12, line 24 is the only reference in the update to the Master Plan to conflicting interests in the ABFS, but suggests no resolution or even a path forward to discuss resolution of these conflicts.

Page 4-13, line 18 states that until PPAs have been executed, the non-Federal sponsor cannot fully participate in the ABFS. This apparently infers that the non-Federal sponsor cannot be held to any cost share obligation for costs incurred prior to the execution of the PPAs.

Page 5-1, line 39 states that the primary purpose of the ABFS project is flood control, **“while retaining and restoring the unique environmental features on long-term productivity of the Basin.”** The state requests that a more aggressive and timely approach be taken by the Corps to meet this environmental purpose.

Page 6.1, line 26 states that canal closures and water circulation improvements are unscheduled and currently not addressed in this master plan. Canal spoil banks and a lack of water circulation are two major problems in the basin and should be addressed as soon as possible.

Page 6-2, line 26, Section d) states that, “There are no mitigation lands required by this project.” Does this apply to all features of the ABFS, whether constructed by the USACE or the non-Federal sponsor? It is evident that all of the water quality / access / improvement projects are being performed to restore conditions and should be self-mitigating in many cases. Further clarification on mitigation lands should be provided.

Page 7-2, line 41 states that, “Portions of the BDOA have been used and will continue to be used for off-site mitigation banking...” Additional information should be provided on the location of these sites and how they are used as mitigation banks.

Page 8-23 Further clarification is needed regarding the non-Federal sponsor’s anticipated contribution for the proposed improvements to the Public Access features at Dixie pipeline, IBA, Oxbow Site, and the PO.

Page 13-5, line 26 states that there are draft PPAs under review at MVD Headquarters. The non-Federal partner should be involved in the development of those PPAs at the earliest possible time.



Figure 2 should have Sherburne Wildlife Management Area labeled as such. The title of the figure should better describe what it is depicting.

Figure 3 gives the impression that land was purchased from St. Martin Parish, rather than St. Martin Land Co. It should be titled, "St. Martin Land Co. Land Purchase." Also, it would be helpful to move the "St. Martin Parish" label outside of the purchase area.

Figure 5 - The title of the figure should better describe what it is depicting.

Figure 7 - The title of the figure should better describe what it is depicting.

Figure 8 - The title of the figure should better describe what it is depicting.

The even pages of the Appendix E MOU are missing.

Every other page is missing in Appendix F.

Regarding Appendix J, Further clarification should be provided regarding any anticipation of non-Federal Sponsor cost-share in the construction of the features proposed in the plan.

As evidenced by the lack of water entering many parts of the Atchafalaya Basin during the flood event of 2011, much work remains to be done with respect to water introduction from the main channel into traditional channels. Much work also remains to re-open blockages that have been placed that impede north to south flow. This work should be given the highest and most urgent priority. More stringent permit requirements and better enforcement of those requirements could be easily implemented at little cost, and would be a significant first step toward controlling barriers to water flow through the Basin. DNR requests a monthly report of permit violations reported in the Atchafalaya Basin to the Corps.

Finally, LDNR believes that, due to the length of time it is taking to implement the recommendations of the 1982 ABFS Feasibility study, the USACE should provide a straightforward and simplified timeline / process tree that describe what is currently being done along with what is projected to be done in the APFS in the next ten years. This would allow current personnel and future personnel that work with the project to plan for financial requirements and non-Federal partner participation. This draft update to the Master Plan, although it provides a wealth of information is unclear and nebulous in describing who is doing what, when it will be done, and what the obligations of each step are.