

Appendix I

PUBLIC NOTICE COMMENTS ON DRAFT EIS

Comment	Response
EPA	
Chapter 8 discusses environmental laws that the project must comply with. Several of the consultations with federal and state agencies have not been completed. EPA recommends the consultations be completed prior to the issuance of the FEIS, if feasible. EPA also recommends DOTD comply with all recommendations made by federal and state agencies.	Concur - All applicable coordination dates and environmental compliance is provided in Section 8 of the report.
NOAA/NMFS	
The NMFS is concerned the construction of foreshore rock dikes along the eastern shoreline of the HNC could impede marine fishery access to tidally influenced marsh and shallow water areas. As discussed in the draft EIS, marsh and open water habitats in the project area, including those located between the HNC and either Louisiana Highway 57 or Bayou Grand Caillou, are categorized as essential fish habitat (EFH) for a variety of federally managed fishery species identified in Table 5-11. Maintenance of migratory pathways for those fishery species to utilize the existing EFH is critical. Foreshore rock dikes between miles 15 and 25 could block the movement of economically important marine fishery species to EFH, if located as depicted in Figure 4-3 and constructed as shown in Figure 4-8. We recommend the final project design include fish dips at least 50 feet wide and to a depth of -2 ft NAVD 88 in all sections of foreshore rock dike which would block the only tidal connection between those shallow water areas and the HNC. Our Baton Rouge Field Office staff are willing to work with DOTD and USACE to identify appropriate locations for the siting of fish dips in the foreshore rock dikes. The NMFS also recommends fisheries access issues be specifically addressed in the appropriate sections of the final EIS.	Concur - It has been stipulated in Sections 4.4.2 and 4.7.2 that the rock features would be breached, or fish dips would be installed, where necessary, to maintain fishery access to open water and marsh east of the HNC. Language was also added to the report stating that coordination with the National Marine Fisheries Service will take place during Preliminary Engineering and Design to determine the exact location, number, and design of the openings.
Page 4-8, paragraph 2. The Minerals Management Service (now Bureau of Ocean Energy Management) is incorrectly identified as the Materials Management Service. This should be corrected.	Concur - The language in Section 4.4.1 was modified to reference the Minerals Management Service.
Figures, 4-1, 4-3, 4-5. These figures incorrectly identify Lake Boudreaux as Lake Quitman. This should be corrected.	Concur - The figures were modified to remove the incorrect label for Lake Quitman.
Page 4-31, paragraph 2. Wording in this paragraph suggests staff of both the National Marine Fisheries Service (NMFS) and the National Oceanic and Atmospheric Administration (NOAA) participated on the interagency team which identified inland sites for disposal efforts. The NMFS is an office within NOAA. As such, separate mention of both governmental organizations is confusing and we recommend references to NOAA be deleted in the final EIS.	Concur - The language in Section 4.4.4 was modified to reference only the National Marine Fisheries Service instead of both agencies.
Figure 4.3, page 4-34. This figure depicts proposed foreshore protection and rock retention dike locations on the inland reach of the HNC. While there appear to be some gaps depicted in the foreshore rock dikes, the scale of the figure is such that their location in relation to existing tidal connections cannot be evaluated. Additional finer scale figures should be provided in the final EIS. These figures should depict the location of foreshore dikes in relation to tidal connections to open water areas located between the HNC and either Louisiana Highway 57 or Bayou Grand Caillou. Where such tidal connections provide the only pathway for fishery migrations, fish dips should be provided in the foreshore rock dikes to allow for estuarine dependent fishery access to EFH.	Information Only - Since the exact location of the fish dips will not be determined until the PED phase, modifying the figures would not provide any additional information. This has been discussed with the NMFS and additional language has been added to the report in Section 4.4.2. The new language describes how the recommendation of fish dips will be handled during subsequent phases of the project. During the PED phase, once the locations where fish dips would provide a connectivity between the HNC and the adjacent EFH has been identified, more precise figures will be developed and provided to the NMFS for review and acceptance.
Page 4-33. In the final EIS this section should include details of the number and design of fish dips to be included in the foreshore rock protection to maintain existing levels of access for marine fishery species to EFH. As indicated above, dips should be a minimum of 50 feet wide and to a depth of -2 ft NAVD 88.	Concur - See responses to previous comments made by the NMFS.
Page 5-30, paragraph 1. The first sentence of the paragraph references attached tables for a listing of species having EFH in the project area. The sentence should be revised to correctly reference Table 5-11.	Concur - The sentence in question was modified reference Table 5-11.
Page 6-20, 6-21. The evaluations for the various alternatives did not assess the potential for the foreshore dikes to block access of federally managed fishery species to EFH. The final EIS should thoroughly identify the specific locations of fish dips to be located in the foreshore dikes, or this section of the document should be revised to include a description of the potential for project implementation to impede fishery access to hundreds of acres of EFH.	Concur - See responses to previous comments made by the NMFS.

Comment	Response
<p>The NMFS has a “findings” with the New Orleans District (NOD) on the fulfillment of coordination requirements under provisions of the Magnuson-Stevens Fishery Conservation and Management Act. In those findings, the NOD and NMFS agreed to complete EFH coordination requirements for federal civil works projects through our review and comment on National Environmental Policy Act documents prepared for those projects. Therefore, NMFS recommends the following to ensure the conservation of EFH and associated fishery resources: Fish dips should be included in all sections of foreshore dike which would impede fishery access to wetlands and water bodies adjacent to the HNC.</p>	<p>Concur - See responses to previous comments made by the NMFS.</p>
LDWF/LDNR	
<p>Inland Reaches - It is anticipated that this proposed project will benefit wildlife resources; therefore, LDWF has no objection.</p>	<p>Supportive Comment</p>
<p>Terrebonne Bay - LDWF recommends the beneficial use of dredged material as opposed to open water disposal should funds become available. Single point discharges in open water do not contribute to much needed coastal restoration efforts nor do they provide habitat benefits. LDWF is willing to work with the applicant, local government, and state and federal agencies to identify appropriate spoil placement areas .</p>	<p>Concur - The only requirement for a NED project such as this one is to maximize NED benefits, while adhering to the Federal Standard. However, the Recommended Plan does include the beneficial use of dredged material within the inland reaches. It is preferred that beneficial use is maximized for this project as much as possible, as long as the aforementioned criteria are adhered to. If additional funding becomes available to allow the beneficial use of dredged material within the Terrebonne Bay reach, it could be evaluated during the PED phase of the project.</p>
<p>Cat Island Pass - LDWF strongly supports the beneficial use of dredge material from the Cat Island Pass channel segment at Wine Island which is part of LDWF's Isle Dernieres Barrier Islands Refuge. Restoring Wine Island in order to create seabird nesting habitat is an important objective of LDWF's. Because there is no longer an island located within the ring of rock that once surrounded Wine Island, there are no restrictions on the timing of construction. LDWF can be flexible in this regard so as to increase the opportunity of beneficial use on or adjacent to Wine Island. LDWF believes that the ring of rock that once surrounded Wine Island and the shoal outside of the ring of rock are hazards to recreational and commercial vessels. Restoring Wine Island through beneficial use of dredge material will greatly reduce this hazard. LDWF will also continue to try and acquire additional funding that, in addition to USACE beneficial use, will facilitate restoration of Wine Island. For instance, LDWF has requested funding from sources such as oil spill recovery funds, the Coastal Wetlands Planning, Protection and Restoration Act, and North American Wetlands Conservation Act for refurbishing the rock protection, constructing dune and marsh habitat and planting native vegetation. To date, funding for such activities has not been granted.</p>	<p>Concur - The only requirement for a NED project such as this one is to maximize NED benefits, while adhering to the Federal Standard. However, the Recommended Plan does include the beneficial use of dredged material within the inland reaches. It is preferred that beneficial use is maximized for this project as much as possible, as long as the aforementioned criteria are adhered to. If additional funding becomes available to allow the beneficial use of dredged material within the Cat Island reach, it could be evaluated during the PED phase of the project.</p>

Comment	Response
<p>Our database indicates the presence of bird nesting colonies within one mile of this proposed project. Please be aware that entry into or disturbance of active breeding colonies is prohibited by the Louisiana Department of Wildlife and Fisheries (LDWF). In addition, LDWF prohibits work within a certain radius of an active nesting colony. If work for the proposed project will commence during the nesting season, conduct a field visit to the worksite to look for evidence of nesting colonies. This field visit should take place no more than two weeks before the project begins. If no nesting colonies are found within 1000 feet (2000 feet for Brown Pelicans) of the proposed project, no further consultation with LDWF will be necessary. If active nesting colonies are found within the previously stated distances of the proposed project, further consultation with LDWF will be required. In addition, colonies should be surveyed by a qualified biologist to document species present and the extent of colonies. To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed: 1) For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, Roseate Spoonbills, Anhingas, or cormorants), all project activity occurring within 1000 feet of an active nesting colony should be restricted to the non-nesting period (i.e., September 1 through February 15. 2) For colonies containing nesting gulls, terns, or Black Skimmers, all project activity occurring within 650 feet (2000 feet for Brown Pelicans) of an active nesting colony should be restricted to the non-nesting period (i.e., September 16 through April 1). 3) No other impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within 114 mile of the proposed project.</p>	<p>Concur - Additional language has been added to the report in Section 6.10.2, stipulating the requirements associated with the potential presence of Colonial Nesting birds near the project area. Additional surveys can be conducted as requested during subsequent phases of the project and prior to construction.</p>
DOI/USFWS	
<p>The September 2017 Integrated Feasibility Report and Environmental Impact Statement is titled as a final document. It is our understanding that this is a draft document out for public comments. If so, this error should be explained within the true final document.</p>	<p>Concur - The language within the document has been modified to indicate that the document is a draft until all required public reviews have been finalized.</p>
<p>In a specific section of the document identified below, the gross marsh creation acres by marsh type are incorrectly reported as "net acres." Net acres are correctly calculated as the future with-project acres minus future without-project acres.</p>	<p>Concur - The referenced benefits have been modified to correctly list the net acres.</p>
<p>Page 4-36. Section 4.4.6 - Mitigation - The last paragraph states that the cause of increased loss of bottomland hardwoods for the deepening alternatives is increased traffic and widening of the channel. To more clearly indicate that the project does not include measures to widen the channel, this statement should be reworded to state that the cause of widening is "increased vessel traffic and resulting increased bank erosion."</p>	<p>Concur - The referenced language was modified to indicate that increased vessel traffic has resulted in increased bank erosion.</p>
<p>Page 4-37, Section 4.4.6 - Mitigation - The second paragraph states that, "A net loss of 8.08 AAHUs would occur at Site 19C upon implementation of the 18-foot alternatives." This and the following statement suggest that the deepening alternatives directly cause marsh loss. The text should indicate that the reduction in benefits is because more marsh acres would be created without the project than with either deepening alternative.</p>	<p>Concur - The language in Section 4.4.6 has been modified to clarify that the reduction in benefits is due increased marsh creation for the No-Action alternative when compared to the deepening alternatives.</p>
<p>Section 4.4.6 - Mitigation - Within the intermediate marsh zone, the document incorrectly states that the 18-foot alternative creates a net of 387 acres. Because 314 acres are created without the project, the net acres for the 18-foot alternative would be 387 minus 314 (no-action acres) = 72 acres. Similarly, for the 20-foot alternative, the net acres would be the 461.5 acres minus 314.43 acres = 147 acres.</p>	<p>Concur - The language in Section 4.4.6 was modified to correctly provide the net acres created for each deepening alternative.</p>
<p>Section 4.4.6 - Mitigation - For the brackish marsh, the correct net acres value for the 18-foot channel with adjacent disposal is 111 acres, and 256 net acres for the 20-foot channel. In saline marsh, the 18-foot alternative results in 95 and 3,415 net acres for the adjacent and confined disposal alternatives, respectively. In saline marsh, the 20-foot alternative results in 173 and 3,699 net acres for the adjacent and confined disposal alternatives, respectively.</p>	<p>Concur - The language in Section 4.4.6 was modified to correctly provide the net acres created for each deepening alternative.</p>
<p>Page 4-70, Section 4.8.9 - Threatened and Endangered Species - Because the list of threatened and endangered species is updated annually, the FWS recommends that Endangered Species Act consultations be updated annually if a project has not been initiated within a year. Because 15 years has elapsed since the FWS's 2002 concurrence, a revised Biological Assessment should be provided which addresses the current list of threatened and endangered species, and critical habitat impacts if critical habitat may be affected.</p>	<p>Concur - Additional language was added to Section 4.8.9 stipulating that the Endangered Species Act consultations be conducted every year prior to construction. An updated Biological Assessment will be provided as part of the Combined Feasibility Report/EIS.</p>

Comment	Response
<p>Page 4-77, Section 4.8.18 - Mitigation Plan - The report states that swamp and bottomland hardwood impacts would be mitigated by purchase of 18.3 acres of BLH and 2.1 acres of swamp habitat from the Upper Bayou Folse Mitigation Bank "or other equivalent bank in the area." The referenced habitat type acres are applicable to only the Upper Bayou Folse Bank. If a different bank is used, a revised mitigation analysis would be needed specific to that bank.</p>	<p>Concur - Additional language has been added to Section 4.8.18 stating that if a different mitigation bank is used, a revised mitigation analysis would be necessary.</p>
<p>Page 6-14, Section 6.13.1 - No-Action Alternative - The second paragraph states that the "No-Action Alternative would not have any direct impacts on the Florida manatee or whales." The common name for the manatee is the West Indian Manatee as shown on page 5-44. This section and subsequent sections for the various project alternatives should also state whether the project would impact piping plover critical habitat.</p>	<p>Concur - The language was modified in Section 6.13.1 to reference the West Indian Manatee.</p>
<p>Page 6-57, Table 6-11 - Comparison of Environmental Consequences - Under the Threatened and Endangered Species row for Alternative IA, a blank date is provided for the FWS's concurrence. The actual date should be inserted. If the Biological Assessment has not yet been submitted, it should be provided as soon as possible.</p>	<p>Concur - The appropriate date has been added to the referenced portion of Table 6.11.</p>
<p>Page 8-4, Section 8.2.6 - Fish and Wildlife Coordination Act Report - The Draft HNC Deepening Feasibility Report and DEIS should include the FWS's December 2015 Draft Fish and Wildlife Coordination Act Report (DCAR) and should include the project sponsor's responses to those FWS recommendations within the Final HNC Deepening Feasibility Report and Final EIS.</p>	<p>Concur - The most up to date version of the Fish and Wildlife Coordination Act Report (CAR) is included in Appendix E. All comments provided by the USFWS have been addressed within the CAR.</p>
<p>Page 8-4, Section 8.2.7 - Endangered Species Act of 1973 - This section has blank dates for the Biological Assessments sent to the FWS and a blank date for the FWS's reply. Those dates should be provided. If the Biological Assessments have not yet been submitted, they should be submitted soon.</p>	<p>Concur - The appropriate dates will be added to Section 8.2.7 once final acceptance of the Biological Assessment has been received.</p>
<p>Page 8-6, Section 8.2.11 - Migratory Bird Treaty Act of 1918 - This section references a water bird nesting colony near project feature "3a1 within the HNC" and a seabird colony near feature "6b2 within the Rockefeller restoration area." As these feature numbers are foreign to the proposed project, this assessment of impacts to nesting bird colonies should be revisited and feature numbers should be checked to verify that they pertain to the subject project.</p>	<p>Concur - The references to the unknown sites were removed from Section 8.2.11.</p>