May 25, 2022

Mr. Eric M. Williams, Chief
Environmental Planning Branch
New Orleans District (CEMVN–PDC-C)
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118

RE: Draft Supplemental Environmental Impact Statement for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study in St. John the Baptist, St. James, Ascension, Livingston, St. Tammany, and St. Charles Parishes, Louisiana (CEQ No. 20220051)

Dear Mr. Williams:

Pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508), and our NEPA review authority under Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) reviewed the Draft Supplemental Environmental Impact Statement (EIS) for West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study by the U.S. Army Corps of Engineers (USACE).

The proposed project reevaluates mitigation alternatives to compensate for unavoidable impacts to significant resources associated with the construction of the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project. The Draft Supplemental EIS documents analysis of impacts for two alternatives and a no-action alternative. Specifically, the proposed mitigation plan would replace the lost functions and services of impacted swamp habitat through restoration, establishment, enhancement, or preservation activities designed to create, increase, and improve the habitat functions and services at specific mitigation sites.

For your consideration, the following recommendations are provided and focus on improving the clarity of the Draft Supplemental EIS. EPA recommends mitigation measures adequately address adverse impacts of the proposed action reasonably foreseeable for human health and environment, as applicable, which should be included in the Record of Decision.

In Appendix L, the Draft Supplemental EIS states that no environmental chemistry data has been collected to make contaminant determinations for project area sediments. It further states that if excavated material has any significant contamination, its’ relocation may alter the rate of release of contaminants into the aquatic environment, beneficially or detrimentally. Due to the industrialized nature of the area, sampling and chemical constituent characterization of excavated
soil and sediment using appropriate testing methodologies is recommended prior to placement. If soil or sediment contaminants exceed regulatory levels, the USACE should take appropriate action(s) to ensure there is not a release into ground or surface waters, in the proposed project area, or other areas.

The Draft Supplemental EIS does not clarify the type of construction activities located outside of stream or channel embankments, wetlands, swamps, or water resource areas, if any. If construction activities are expected or planned to occur on land, Clean Water Act (CWA) Section 402 permitting may be required via Louisiana Department of Environmental Quality’s construction general permit or other Louisiana Pollutant Discharge Elimination System (LPDES) permit for earth-disturbance activities.

The Draft Supplemental EIS should discuss whether the communities to the east of the diversion area are protected by the structural levee. The EPA recommends the USACE clarifies how converting the minority and low-income areas to swamp land does not cause disproportionately high and/or adverse impacts. We also recommend the Draft Supplemental EIS clarify if the swamp mitigations in St. James Parish and St. John the Baptist Parish’s Pine Island will serve as a swamp buffer for the Maurepas Swamp Project and other areas.

With segmented or phased approach of proposed or existing projects, the EPA recommends the USACE clarifies the disproportionately high and adverse human health or environmental effects the proposed project will have on the existing disadvantaged and overburden communities and minority and low-income populations. The USACE should clarify the socioeconomic conditions that the specific proposed project has on minority and low-income populations in St. John the Baptist Parish’s Pine Island and St. James Parish, including the conversion of farmland and other land areas.

We look forward to the receipt of the electronic version of the Final EIS and your responses to the recommendations. If you have any questions or want to discuss, please contact Kimeka Price of my staff at (214) 665-7438 or by e-mail at price.kimeka@epa.gov.

Sincerely,

ROBERT HOUSTON
Robert Houston
Staff Director
Office of Communities, Tribes and Environmental Assessment