



St. Bernard Parish Government

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Guy McInnis
Parish President

June 1, 2021

U.S. Army Corps of Engineers
New Orleans District
Attn: CEMVN-ODR-E; MVN-2012-2806-EOO
7400 Leake Avenue
New Orleans, Louisiana 70118

Re: Mid-Barataria Sediment Diversion Draft Environmental Impact Statement

To Whom It May Concern:

As noted in the attached St. Bernard Parish Council Resolution SBPC #2124-04-21 (pages 6 & 7) and April 21, 2021 letter from Parish President Guy McInnis (page 8), St. Bernard Parish Government is opposed to the referenced project. The parish's specific concerns regarding the findings outlined in the draft environmental impact statement (EIS) are provided below.

The stated project purpose and need are inconsistent with the actual project scope of work and likely outcomes.

The applicant describes the project's purpose and need as follows:

...to restore for injuries caused by the DWH oil spill by implementing a large-scale sediment diversion in the Barataria Basin through the delivery of sediment, fresh water, and nutrients to support the long-term viability of existing and planned coastal restoration efforts. The proposed Project is needed to restore habitat and ecosystem services injured in the northern Gulf of Mexico as a result of the DWH oil spill. (ES-2)

The DWH oil spill did not deprive the Barataria Basin of sediment, freshwater, or nutrients. Consequently, the diversion of these materials from the Mississippi River into the Barataria Basin will not restore habitat or ecosystem services to pre-DWH oil spill conditions or mitigate the risk associated with future industrial accidents. According to the EIS, the proposed project would instead introduce new and permanent risks to habitat, ecosystem services, and coastal communities in the affected area.

The environmental and economic risks associated with the largescale diversion of freshwater into Louisiana's estuaries are well documented.

The proposed discharge of freshwater into the Barataria Basin will result in adverse impacts to aquatic resources, commercial and recreational fisheries, wildlife resources, essential fish habitat, and water quality. The discharge of freshwater at the Bonnet Carre' Spillway during the *Gulf of Mexico Freshwater Flooding in Louisiana, Mississippi, and Alabama* (2019) federal fishery disaster recently caused over \$500 million in economic damage in less than six months. Additionally, the event triggered a NOAA-declared unusual mortality event (UME) for the *bottlenose dolphin* in the northern Gulf of Mexico. A total of 328 deceased dolphins were found throughout the region during the event. NOAA concluded its UME investigation as follows:

Based on necropsy, histopathology, and diagnostic findings and the extreme environmental conditions documented in the NGOM during this time period, the cause of the mortality event was determined to be environmentally driven by exposure to low salinity waters resulting from extreme freshwater discharge from watersheds that drain into the NGOM, including rivers in Florida, Alabama, Mississippi and Louisiana. (NOAA, 2020)

The EIS identifies project impacts that are very similar to those experienced during the 2019 fishery disaster. Many of the expected impacts on commercial and subsistence fisheries are described in the EIS as "major, permanent, and adverse" (ES-15). The EIS describes the impacts on bottlenose dolphins in the Barataria Basin as "immediate and permanent, major, adverse impacts on survival" (ES-12). The primary difference between the 2019 fishery disaster and the proposed project is the EIS describes many of the project's adverse impacts as *permanent*.

The EIS describes the project's likely severe adverse impacts on the natural environment, including many that may be permanent.

The proposed Project would result in impacts on the general character of the Barataria Basin, including but not limited to salinity, temperature, land accretion, and water quality [...] and subsequently to the people that rely on the area plants and animals for economic, recreational, and other purposes. (ES-6)

The EIS specifically references major, permanent, and adverse impacts on the shrimp fishery. The study also predicts that impacts on commercial shrimping "may also exacerbate trends in the aging workforce to leave the industry" (ES-15). According to the Louisiana Department of Wildlife and Fisheries (LDWF) (2016b), shrimp landings in the Barataria Basin averaged over 27 million pounds per year between 2000-2013. Brown shrimp landings in the basin represented 44% of all landings statewide and were the highest in Louisiana during the same period (LDWF, 2016b). The mitigation measures proposed in Appendix R would not sufficiently offset economic impacts to the Barataria Basin shrimp industry due to the proposed project.

The EIS also references major, permanent, and adverse impacts on the oyster fishery. Persistent low salinity is expected to drastically reduce oyster abundance. Additionally, “the introduction of Mississippi River water containing elevated fecal coliform concentrations into oyster propagation areas could cause permanent, major, direct adverse impacts” (ES-9). Oyster landings in the Barataria Basin averaged over 2.8 million pounds per year between 2000-2014, second only to the Pontchartrain Basin (LDWF, 2016a). Oyster value per pound (\$3.62) landed in the basin was the highest and average total annual value (over \$10.8 million) was the second highest in Louisiana during the same period (LDWF, 2016a). The mitigation measures proposed in Appendix R would not sufficiently offset economic impacts to the Barataria Bay oyster industry due to the proposed project.

The EIS describes the project’s likely severe adverse impacts on the socioeconomic well-being of coastal communities.

Many coastal communities are also *fishing communities*, which the Magnuson-Stevens Fishery Conservation and Management Act defines as “geographic areas encompassing a specific locale where residents are dependent on fishery resources or are engaged in the harvesting or processing of these resources” and who are “substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs” (Shaw & Conway, 2007, p. 12). It has been estimated that resource-dependent communities in the United States are five to ten times less economically stable than other communities around the country (Freudenburg & Frickel, 1994). This is primarily because such communities rely heavily upon favorable environmental conditions and government regulations but are often unable to effectively control either (Shaw & Conway, 2007). The EIS appropriately points out that:

The Project area includes numerous coastal communities that rely heavily on commercial fishing activities. Community members are employed as captains or crew on fishing boats, as seafood dealers, or as employees of businesses serving the commercial seafood industry (3-184).

The health of commercial fisheries and the socioeconomic well-being of coastal communities in Louisiana are closely intertwined. Commercial fisheries have a combined annual economic impact of over \$2 billion and account for at least 22,000 jobs (State of Louisiana, 2019). Landings in Louisiana (nearly 900 million pounds in 2017) are second only to Alaska, and 70% of all oysters in the United States are harvested from the state (State of Louisiana, 2019). Twenty-five percent (25%) of all seafood consumed nationwide comes from coastal Louisiana (Jones, 2015). The EIS describes immediate, major, and permanent adverse impacts on several critical species in the Barataria Basin, including shrimp and oysters. Such impacts will undoubtedly change the commercial fishing industry and inflict economic harm on area businesses, families, and individuals.

The proposed Project is expected to cause minor to moderate, permanent, adverse impacts on economy, population, housing and property values, tax revenues, public service, and community cohesion in communities near the outfall area (ES-13).

However, the adverse economic impacts described above will not be limited to communities located near the outfall area. Entire parishes and municipalities within the affected region will face a decline in overall tax revenue and the associated consequences: poor fiscal health, a decline in public services and quality of life, and the prospect of an increased per capita tax burden.

The EIS identifies many particularly vulnerable communities that are likely to be disproportionately impacted by the proposed project.

Vulnerability has been defined as “the characteristics of a person or group and their situation that influences their capacity to anticipate, cope with, resist, and recover from the impact of a hazardous event” (Wisner et al., 2004, p. 11). Factors contributing to vulnerability include race, class, gender, political influence, and access to critical resources (Cutter, Boruff, & Shirley, 2003). The EIS identifies Myrtle Grove, Hermitage, Grand Bayou, and Happy Jack as low-income and minority communities that might experience disproportionately high and adverse economic impacts as a result of the proposed project, particularly as such impacts relate to commercial and subsistence fishing (ES-14).

The EIS also identifies vulnerable communities located outside of structural risk reduction systems as being more likely to experience the following as a result of the proposed project: 1) increased days of inundation due to tidal flooding; 2) impacts on public health and safety due to increased risk of storm surge flooding; and 3) outmigration and permanent adverse impacts on community cohesion (ES-13 & 19).

The land-building capacity of the proposed project is likely overstated and the EIS supports previous findings regarding the possibility of the project causing land loss and increasing flood risk.

The gradual depletion of the Mississippi River sediment budget has been well documented and increased periods of inundation have been found to adversely impact existing vegetation and contribute to land loss. Consequently, the Expert Panel on Diversion Planning and Implementation (convened by the Water Institute of the Gulf) previously expressed concerns regarding the possibility of largescale sediment diversions causing land loss during at least the first ten years of operation (<http://www.coastal.louisiana.gov/diversion-resources/>).

A modeling report recently commissioned by the USACE Engineer Research and Development Center (ERDC) similarly concluded that:

[...] diversion-induced inundation results in a reduction in plant productivity, which induces an acceleration of land loss. Significant uncertainty exists with respect to the response of the existing wetland vegetation to diversion-induced inundation.
(Brown et al., 2019, p. iii)

The EIS projects that the proposed project will increase water levels in the Barataria Basin by 1.1 feet and prolong inundation periods (ES-8). With regard to communities outside of existing

structural risk reduction systems, it is expected that increased water surface elevations and tidal durations will not only have adverse impacts on public health and safety (ES-13 & 19) but will also flood local roadways and other property at grade (Appendix R, 21 & 22). Finally, it is reasonable to expect that increased periods of inundation outside of existing structural risk reduction systems will hamper the ability of responsible parties to access and maintain such systems, thereby adversely impacting system functionality and useful life.

The operational regime for the project may evolve in a manner that exacerbates adverse impacts to the natural and human environment over time.

CPRA's stated commitment to *adaptive management* may eventually result in the agency making substantial adjustments to the operational regime of the proposed project. CPRA has made similar adjustments to the operational regime of other diversion projects for decades (specifically the Caernarvon freshwater diversion), adversely impacting local fisheries with minimal oversight while providing virtually no recourse for affected stakeholder groups.

A list of references is provided on page 9.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "GMC".

Guy McInnis
Parish President
St. Bernard Parish Government



St. Bernard Parish Council

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Roxanne Adams
Clerk of Council

#16

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 20, 2021 AT THREE O'CLOCK P.M.

On joint motion of the Chair, without objection and by unanimous consent, it was moved to adopt the following resolution:

RESOLUTION SBPC #2124-04-21

A RESOLUTION OPPOSING THE PROPOSED MID-BARATARIA SEDIMENT DIVERSION PROJECT.

WHEREAS, The Coastal Protection and Restoration Authority is proposing the Mid-Barataria Sediment Diversion Project; and,

WHEREAS, water, and the wildlife that inhabits it, does not respect parish boundaries, any project effecting Plaquemines water quality and estuaries will have similar impact on the waters and related businesses of St. Bernard Parish; and,

WHEREAS, while the loss of coastal wetlands is a valid concern, the resolution or remediation of that problem must avoid ancillary damages to the people and wildlife of Plaquemines and St. Bernard Parish; and,

WHEREAS, the Environmental Impact Statement related to the current proposed Mid-Barataria Sediment Diversion Project indicates that the project will do permanent harm to the wildlife of Plaquemines and St. Bernard Parish and their respective seafood industries; and,

WHEREAS, the seafood industry of Plaquemines and St. Bernard Parish are central to their respective economies, culture, and heritage; and,

WHEREAS, the environmental remediation efforts related to the potential harm caused by the current proposed Mid-Barataria Sediment Diversion Project is insufficient; and,

WHEREAS, the potential benefits in the minimal land development that is predicted are far outweighed by the unremediated damage that the Mid-Barataria Sediment Diversion Project will cause to the people and wildlife of Plaquemines and St. Bernard Parish; and,



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Extract #16 continued
April 20, 2021

WHEREAS, the long term damage caused by the Mid-Barataria Sediment Diversion Project to the wildlife and fisheries of Plaquemines and St. Bernard Parish will destroy the livelihood of countless local businesses and people; and,

WHEREAS, the destruction of those livelihoods will lead to the loss of the St. Bernard tax revenues that are used to fund vital services to the people of St. Bernard Parish.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, opposes the proposed Mid-Barataria Sediment Diversion Project.

BE IT FURTHER RESOLVED, that this Resolution be forwarded to all of the following:

- Governor John Bel Edwards
- The Coastal Protection and Restoration Authority
- The House Natural Resources and Environment Committee
- The Senate Natural Resource Committee
- Representative Mack Cormier, Representative Ray Garofalo, Senator Sharon Hewitt, Senator Joseph Eouie and Senator Troy Carter
- U.S. Army Corps of Engineers, Brad Laborde

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as YEA.

And the motion was declared adopted on the 20th day of April, 2021.

April 21, 2021 Letter from Parish President Guy McInnis



St. Bernard Parish Government

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Guy McInnis
Parish President

April 21, 2021

At its April 20, 2021 regularly scheduled council meeting, the St. Bernard Parish Council unanimously approved Resolution SBPC #2124-04-21, "A Resolution opposing the proposed Mid- Barataria Sediment Diversion project". As Parish President, I join with the council in objecting to this proposed project. As the draft Environmental Impact Statement from the US Army Corps of Engineers confirms, this project will do irreparable harm to the wildlife and estuaries of St. Bernard and Plaquemines Parish, and therefore to our respective seafood and tourism industries. We respectfully request alternative projects be considered to rebuild our all-important coastlines in St. Bernard Parish, while preserving our economy, culture, and heritage.

Respectfully,

A handwritten signature in blue ink, appearing to read "Guy McInnis".

Guy McInnis
Parish President
St. Bernard Parish

References

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