

Louisiana Coastal Protection & Restoration Authority
150 Terrace Avenue
Baton Rouge, LA 70802
By email to: coastal@la.gov

March 9, 2019

Re: Comments on behalf of Atchafalaya Basinkeeper, Healthy Gulf, Louisiana Crawfish Producers Association-West and Sierra Club Delta Chapter on the DRAFT Atchafalaya Basin Program Annual Plan Fiscal Year 2020

I. Introduction

The Draft Atchafalaya Basin Program Annual Plan for the fiscal year 2020 (hereinafter, “Draft Plan”) briefly discusses the history of the Atchafalaya Basin Program, including the program’s recent move from within the Louisiana Department of Natural Resources (LDNR) to the Coastal Restoration and Protection Authority (CPRA), to be incorporated in its annual plan, and into the state’s Coastal Program. The Draft Plan provides that the FY 2020 Project List, updated water quality priority list, includes the following projects:

1. Grand Lake Depth Restoration
2. East Grand Lake Upper Region
3. Flat Lake Study
4. Murphy Lake depth Restoration
5. Buffalo Cove Water Management Project

Atchafalaya Basinkeeper, Healthy Gulf, Louisiana Crawfish Producers Association-West and Sierra Club Delta Chapter submit this comment letter to CPRA regarding its Draft Atchafalaya Basin Program Annual Plan for the fiscal year 2020, with specific emphasis on the following projects contained in the FY 2020 project list: Grand Lake Depth Restoration, East Grand Lake Upper Region and Buffalo Cove Water Management Project.

Atchafalaya Basinkeeper is a non-profit organization comprised of over 1,1000 members dedicated to protecting and restoring the ecosystems within the Atchafalaya Basin for future generations. **Healthy Gulf** (formerly Gulf Restoration Network) is a diverse coalition of individual citizens and local, regional and national organizations committed to uniting and empowering people to protect and restore the natural resources of the Gulf of Mexico. **Louisiana Crawfish Producers Association-West** (LCPA) is a nonprofit organization whose purpose is to educate the public and advocate for the right to access navigable waters. Its members are commercial and recreational fishermen, hunters and nature photographers. Its members regularly use the Atchafalaya Basin and other public waters and lands in pursuit of these interests. The members of LCPA have economic, recreational, cultural, historic, spiritual and aesthetic interests in the Basin. **Sierra Club Delta Chapter** is a national, grassroots organization whose mission is to explore, enjoy and protect the wild places of the Earth; to practice and promote the responsible use of the Earth’s ecosystems and resources; and to educate and enlist people to protect and restore the quality of the natural and human environment.

Atchafalaya Basinkeeper, Healthy Gulf, Louisiana Crawfish Producers Association-West and Sierra Club Delta Chapter reserve the right to rely on all comments to this permit application submitted by any party.

II. Discussion

First, we seek to express our disappointment in the manner in which the recent Atchafalaya Basin Program (ABP) public hearings in Bayou Sorrel and Henderson were conducted. On Tuesday, February 5, 2019, and Wednesday, February 6, 2019, in Bayou Sorrel and Henderson respectively, CPRA hosted two Atchafalaya Basin Program Public Hearings. However, the Atchafalaya Basin Program did not notify individuals on their email list about the hearings as has been done in previous years. Rather, it appears that The Nature Conservancy contacted interested persons individually, persons who have expressed support for ABP's East Grand Lake Project. Neither Atchafalaya Basinkeeper nor the Louisiana Crawfish Producers Association-West were contacted. We learned of the public hearings only days before thanks to one of our members. People rely on those emails to learn about the hearings, and many were unaware that the Atchafalaya Basin Program is now under CPRA, further most do not know how or do not have the time or capacity to regularly monitor the website for hearing schedules, and some community members do not own a computer or are not computer literate.

Although no time limits were set for comments at the public hearing in Bayou Sorrel this year, in Henderson an individual's comment time was limited to only 3 minutes. A person working with The Nature Conservancy (TNC) told ABK Executive Director Dean Wilson, who attended the hearing, that the time limit was set to rein in Jody Meche, president of LCPA-West and an opponent of the project, and even asked our director to help rein in Jody.

At the last public hearings in Bayou Sorrel and Henderson, in the fall of 2016, there was a showing of 100% opposition to the East Grand Lake Project, for the many reasons expressed in detail in our comments to U.S. Army Corps of Engineers proposed permit for the project. *See* footnote 2, *infra*. Don Haydel, who led the Atchafalaya Basin Program at that time, told attendants that despite the 100% public opposition expressed at these hearings, if the legislature and Corps approve the project, it will move forward.¹ Although Mr. Haydel represented that he would come back with a plan presumably to reach some amicable solution regarding these projects, this group of concerned citizens and stakeholders were not approached again to offer input, but rather the EGL project was pushed forward to obtain permits. *Id.* at 4:01:00 to 4:01:15 (“We have to design something that makes sense, and if it doesn’t make sense to everybody...”); 4:14:50 to 4:15:10 (“Let me beg ya’ll to let me come back to you, let me come back to you with a plan.”). We do not think the East Grand Lake Project makes sense, and we have not been included in discussions regarding project components and alternatives since these 2016 public hearings.

In light of this momentum of opposition from the local communities, it appears that the project proponents are working hard to garner support by any means necessary. For example, we have

¹ *See* audio recording of the 2016 public hearings in Henderson and Bayou Sorrel at 4:18:50 to 4:20:55 (2016), attached hereto as [Exhibit F](#), and sent via regular mail to CPRA with these comments (hereinafter, “2016 Recording”).

heard from one fisherman that TNC informed him that it would not introduce river water, but were merely cutting gaps in existing spoil banks. Another fisherman was told by TNC that they will build sediment traps and/or that river sand and silt will only move on the bottom of the river and that no accretion will take place. This after LDNR admitted in the 2016 public hearing in Henderson that the project will ultimately result in accretion in the area, and TNC's publications lauding the benefits of the accretionary process. We have also learned that TNC has told media and other environmental groups that the cypress trees in the area are dying, which we know is not true and it have subsequently failed to identify dying cypress in the area. The amount of apparent misinformation that appears to be circulating around the EGL project is extremely unsettling, and a disservice to the public who deserves to receive honest, accurate information about a project proposal with the capacity to greatly impact the long-term health of an area that provides both important wildlife habitat, and recreational and commercial interests.

These kinds of divisive, deceiving tactics are unacceptable and unwise, especially in the face of growing threats to our communities from coastal erosion, sea level rise and increased extreme weather events. Pitting fishermen against fishermen, neighbor against neighbor, and sharing inaccurate or incomplete information is dividing our communities, and for what? To gather support for projects that will fill the Basin with sediments and put millions of people and the entire industrial corridor along the Mississippi River at a greater risk from a Mississippi River flood year after year? We ask CPRA to consider these harmful tactics in ascertaining whether there truly is community support for these projects, and whether it is in the public's best interest to move forward with these projects, without additional transparency and input from stakeholders and members of the impacted community to reach a reasonable, scientifically-supported and sustainable solution.

Unfortunately, as we have observed over the years, the Atchafalaya Basin Program has a long history of authorizing project modifications that impair the efficacy of the proposal while benefiting certain powerful interests (often landowners in the Basin), and refusing to work with certain stakeholder groups whose mission is to protect what is left of the Basin's swamps, lakes and bayous for the public.² Some of the projects that have been modified to benefit special interest groups include projects at Bayou Postillion, Bayou Fouché, Little Bayou Pigeon, Grand Lake, East Grand Lake and the dam on Brown Bayou. We hope that with the Atchafalaya Basin Program now under CPRA, and incorporated with the state coastal plan, it will consider the interrelated nature of the Basin's health and the state of our coast, and will ensure the efficacy, scientific support and sustainability of the projects pursued through the basin program for the long-term health of the Atchafalaya Basin, its communities and our state as a whole.

Priority projects included in the ABP 2020 Plan, including the Grand Lake depth restoration project, the East Grand Lake project, and the Buffalo Cove Water Management Project, raise specific cause for concern for the long-term health and sustainability of the Basin.

² For example, in 2010, ABK and LCPA-West sent a memorandum of understanding with a code of ethics for water quality projects funded by taxpayers to LDNR, but LDNR declined to sign the MOU. Attached hereto as [Exhibit E](#). In 2016, ABK sent an expression of interest letter to the ABP to be included on the development of projects, including East Grand Lake. But the Atchafalaya Basin Program denied our request, reiterating that it will place the landowner vision at the forefront. [See Exhibit E](#) to EGL Comments, *infra*.

a. Grand Lake Depth Restoration (and Little Pigeon)

The swamps of the Atchafalaya Basin are considered the most productive swamps in the world, and Grand Lake is the most important estuary for fish in the Eastern Atchafalaya Basin. The Atchafalaya Basin is losing deep water habitat at an alarming rate, without deep water habitat, fish do not have a place to live during the low water season, jeopardizing much of the Basin's productivity. Excessive sediment and contorted distribution of sediments is the greatest, current threat to the survival of the Atchafalaya Basin. Decades of unrestricted, noncompliant development, oil and gas exploration, and the Corps' attempts to manipulate flow and introduction of Mississippi bedload into the Atchafalaya Basin has resulted in a massive increase in accretion and the loss of deep-water swamps and habitat. The introduction of sediments impairs the Basin's capacity to contain floodwaters, putting millions of people across coastal Louisiana at risk from Mississippi River floods and destroying the most important habitats for migratory birds in the entire Western Hemisphere. The ABP 2020 Plan acknowledges that the filling of Grand Lake threatens public access and aquatic habitat.

Although the Draft Plan provides a general summary of the history of events at Grand Lake, a more detailed account highlights the difficulties in effectively restoring the area, raising public concerns for the implementation of any additional actions at Grand Lake and the need for public input and transparency in this process. The Enterprise pipeline crosses the Atchafalaya Basin east to west, and as it crosses the Atchafalaya River (a significant sediment source) a plug (dam) was built to prevent the pipeline for carrying river sediment into deep swamps, lakes and bayous. During the 2011 flood, such a plug on a pipeline owned by Enterprise started to collapse. Local fishermen contacted the company, and Enterprise sent two individuals to visit the site, they acknowledged that the plug was going to fail but Enterprise did nothing to prevent it. Eventually the plug washed away the following year, and for years was left open creating a 17-acre island on Grand Lake.

This project is another example of how special interest groups and politics can override common sense and the best interests of the public. Enterprise's negligence was responsible for this environmental catastrophe. Rather than require Enterprise to fix the damage, LDNR obtained a permit to remove the island by suction-dredging the sand back into the river to be carried to the coast at tax-payers' expense. Additionally, Enterprise managed to negotiate to fill the pipeline canal instead of relocating the dredged material back into the river as required by the permit. The Corps authorized LDNR to modify the permit to fill the pipeline canal without first publicly noticing the modification as required by law. LDNR did much of the dredging during high water, and as a result, much of the liquid sand-mud flowed freely into wetlands between Grand Lake and the Atchafalaya River, filling them with sediment and creating a second environmental disaster. To make matters worse the dredging was not completed and the hydrology remains impaired; rather than remove the entire island, LDNR left a strip of land that will slow the current of muddy water currently coming from Coon Trap from the north and eventually fill parts of Grand Lake again. Not only is the dredging not complete, the hydrology of the surrounding area was absolutely not maintained by leaving Schwing Chute open. Because the sand was pumped onto the pipeline

canal without any sediment control measures, they also filled Schwing Chute and severely impacted the wetlands.

This sequence of events at Grand Lake is a perfect example of why public input is so important. We do not support the use of public funds to fill a pipeline to protect an exposed pipe, for a private pipeline company, or the authorization of project modifications that warrant additional opportunity for public comment. Had the public had the opportunity to comment on the proposed modification to the permitted activity, at the very least ABK would have suggested that measures should be implemented to contain the dredge material within the canal by putting barriers on any gaps in the spoil bank and sloughs crossing the canal, protecting Schwing Chute and averting a second environmental catastrophe. However, the public was denied the opportunity to comment, and the “solution” implemented and authorized by the Corps exacerbated the problems at Grand Lake and the surrounding area.

The Draft Plan identifies that the adjacent depth restoration and Little Bayou Pigeon was separated from the depth restoration at Grand Lake due to an unresolved ownership boundary challenged by the adjacent landowner. However, it is imperative to understand the importance of Little Bayou Pigeon and its restoration to the efficacy of the Grand Lake restoration. Little Bayou Pigeon filled in because a canal captured the water flow away from the bayou bed. Now the only access to the northern part of Grand Lake is through that canal. The Atchafalaya Basin Program should work to protect the public ownership of Little Bayou Pigeon, restore Little Bayou Pigeon to the historical depth, finish dredging Grand Lake to the original width and depth and restore, as much as possible, the damage done to sloughs and wetlands by the dredging. It is worth notice that the same landowners that stopped this project are benefiting the most from the accretion that will result if the East Grand Lake project is implemented.³

It is unclear from the Draft Plan what completion of the Grand Lake Depth Restoration Project entails. Although the Draft Plan notes that the hydrology of the surrounding area was maintained, there remains a strip of land in Grand Lake that will continue to disrupt flow, affect navigation and collect an unsustainable distribution of sediments, eventually causing the area to fill in again if appropriate measures are not taken to remove the remaining built up “island” and restore the surrounding areas. Dumping the sand in the pipeline canal without barriers to control the sediment filled Schwing Chute and severely impacted wetlands. Further, funds should be allocated for ongoing remediation in this area to the extent necessary to keep an unsustainable build-up of sediment. The Corps and ABP should work with the responsible party, ultimately Enterprise, to assure that the wildlife habitat, deep-water lake and surrounding waterways are free of impediments and the distribution of sediments is sustainable to maintain these areas for public use and wildlife habitat.

b. East Grand Lake Project

The Draft Plan states that the East Grand Lake Project “was intended as a first step toward realigning water flow patterns and strategically redirecting sediment in the East Grand Lake (EGL) project area.” However, as designed, this project will have devastating consequences to an area

³ See, comments from landowners opposing the proposed dredging in Little Bayou Pigeon, attached hereto as [Exhibit A](#).

that is already rapidly filling in with sediment. The project has been modified to exclude all the gaps along the Williams Canal that were originally proposed, which means water (and sediment) cannot move freely south because of that pipeline, leaving areas to fill with sand and silt to the north.

The Draft Plan acknowledges the problem with sediment in the area, noting that “the highly channelized flow of water through the School Board Canal (Unnamed Canal), Indigo Bayou, Salt Mine Bayou, Williams Canal, Bayou Pigeon, and the Coon Trap creates a sediment delivery network that carries sediment deep in the area, promoting further restriction of flow and isolation of small areas.” It also notes that to restore the hydrology in the area “requires modifying this network of channelized water inputs.” It is accurate that restoration or maintenance of the hydrology in this area will require modifications to the current channelized network of water inputs. However, what the ABP has failed to account for is the long-term, detrimental effect the proposed modifications will have on the area. Implementing the cuts pursuant to the current project proposal will cause an introduction of sediment-laden water from Bayou Sorrel and the Gulf Intracoastal Waterway into the area, without an escape route, distributing the sediment in the swamps and areas below the cuts. Eventually those cuts will fill in themselves, but TNC claims that they have the funding and the intention to reopen them, again creating new waves of accretion and destroying more swamps. Thus, although the water flow may be improved in the immediate aftermath of implementing the proposed modifications, the end game will be loss of the wetlands to the south.

What the ABP fails to address is the source of the problem – the unsustainable input of sediments into the Basin and the west-east impediments to flow and management distribution of sediment in the form of spoil banks and accreted areas in and around spoil piles. As discussed in more detail in ABK et al.’s April 19, 2018 Comments regarding the proposed East Grand Lake Project, attached hereto and fully incorporated herein, there are a myriad of alternatives to the proposed action, that are both more sustainable and responsive to the source of the existing problems than the project’s present design.⁴ Any true solution should include modifications and/or outright removal of the existing impediments that will not result in more harm than the status quo. However, the project as proposed will not only fail to restore the hydrology, but will accelerate the demise of the wetlands in the project area.

How much accretion will take place? Dr. Ivor van Herdeen has calculated how much sediment will go through those gaps: “So, this EGL project, in just a four-month flood based on 2011 data (Welch et al, 2014) **covers 1188 acres with at least 4 inches of sediment, and this is a very conservative estimate.** If you review Table 3 (Stations 10 and 11) you will see that the suspended sediment loads measured during the 2011 flood were well below the median of the historical data.”⁵ Dr. van Heerden's findings reflect what we know to be true from our personal, on-the-

⁴ *Comments on Behalf of Atchafalaya Basinkeeper, Gulf Restoration Network, the Louisiana Crawfish Producers Association-West and Sierra Club Delta Chapter regarding the Proposed Ecological Swamp Enhancement Project (East Grand Lake) in the Atchafalaya Basin (MVN 2016-01163-CM, WQC 180312-01)*, April 19, 2018, at 7-10, attached hereto as [Exhibit B](#) (hereinafter “EGL Comments”) (including, but not limited to, dredging the areas, removing spoil or realigning Bayou Sorrel and installing a weir or other mechanism to keep sediments in the main river channel).

⁵ Ivor L. van Heerden, Ph.D., *Updated Expert Report on Proposed East Grand Lake Project (EGL)*, March 4, 2019, at 13, attached hereto as [Exhibit D](#) (hereinafter, “Updated Expert Report”).

ground knowledge and observations. *See* also at page 19 of the Report, showing layers of sand along the banks of Bayou Sorrel that came from the top column of the water, and at page 21, showing how that sand is being directed away from the Atchafalaya River to the distributaries that feed the swamp.

The Draft Plan notes that the project is now moving forward through a partnership between ABP and TNC, and that in December 2015, DNR and TNC signed a memorandum of understanding to formalize their partnership. The Draft Plan reports that TNC has initiated a “robust monitoring program,” which “includes a combination of continuously recording instruments and discrete monitoring stations to determine the change in water flow patterns resulting from restoration.” Since the outset of this proposed project, ABK and LCPA have tried to be involved, provide meaningful, on-the-ground input and observations to the proponents, and engage in collaboration in pursuit of an effective solution. *See, e.g.*, EGL Comments, at 26-27 (noting ABK’s attempts to participate in the MOU between TNC and DNR). Moreover, alternatives and concerns have been expressed throughout the development of this project. *See* EGL Comments, at 26 (noting the concerns of Chris Tauzin – then council member for District 5 in St. Martin Parish – at the November 3, 2016 Research and Promotion Board meeting that “every time you open a cut, you get silt” therein suggesting that the program concentrate on removing spoil banks instead).

The lack of pertinent data has made it difficult for our expert to review crawfish research that could be used to support this project. Although some information has been shared, including sediment data, there has been a paucity of information or confirmation regarding the location of data collection. Additionally, Dr. van Herdeen requested that Nicholls University share the data used in Lauren Kong’s Thesis, but was denied the information requested on the basis that they were still working on manuscripts for publication.

The Draft Plan notes that the phase 1 of project construction is underway in design and permitting, which includes “a suite of elements designed to restore healthy flow patterns in the EGL Upper Region.” However, as noted in more detail in our comments, the design is fatally flawed. *See generally*, EGL Comments. Also, please find attached Dr. Ivor van Heerden’s updated expert report and review of the thesis offered in support for the project, to which Dr. van Heerden offers the following conclusion: “As concerns the management of the Basin, this 1:1000 year rain included 2017 flood data as well as the 2016 catchment flood data as presented in Kong’s 2017 thesis *does not support opening or cutting cuts in channel banks* and trying to flush swamps with suspended sediment laden flood waters to improve water quality and reduce hypoxic events. *Rather these actions lead to hypoxia.*” *Updated Expert Report*, at 65 (emphasis added).

The Draft Plan also states that, as the project progresses, “there will be ample opportunities for public input at TAG and CPRA meetings, which are held throughout the year. Additionally, the CPRA holds public meetings annual to receive input on the CPRA Annual Plan which includes the Basin Plan.” However, as discussed in section I above, and throughout our incorporated April 2018 Comments, it does not appear that the majority opposition to the project has had any significant bearing or impact on the project’s trajectory towards permitting and implementation at any cost. Meanwhile, recently garnered support for the East Grand Lake project within the Basin is minimal and concentrated in a group of fishermen with stake in the game. In Bayou Sorrel, most

of the few supporters of this project are fishermen working with a crawfish buyer that is close friends with one of the landowners, and most of these fishermen do not know all the facts.

Unfortunately, as we have both witnessed and been told directly from individuals within the Atchafalaya Basin Program, our “input” falls on deaf ears. The fishermen and individuals that recreationally and commercially use this area have continually expressed concern that the current project proposal will result in an unsustainable influx of sediment-laden river water into this area that will fill-in these swamps. Despite a showing of total opposition to the project at the 2016 public hearings (*see* 2016 Recording), under pressure from the project proponents, a few fishermen now support the project, under false pretenses or with hopes of short-term personal gain. LDNR made clear at the public hearing in Henderson in 2016 that even if most community members continue to oppose the project, which LDNR again acknowledged will ultimately result in filling-in of the area, LDNR will nevertheless move forward with the project if the Corps authorizes the activity. *See* 2016 Recording at 4:01:00; 4:18:50. Thus, assurances that there will be ample opportunity for public comment appears to serve as a means to placate the public and assure compliance with legal requirements on its face, without affording truly meaningful participation in the decision-making.

c. Buffalo Cove Water Management Project

The Draft Plan describes this project as a Corps project designed to improve water circulation and sediment management to enhance fish and wildlife resources in the Buffalo Cove Water Management Unit. The project includes “the improvement of interior circulation within the swamp; the removal of barriers to north-south flow; the input of oxygenated, low temperature river water; and the prevention or management of sediment input into the interior swamps.” However, it is clear thus far from observations on the ground in the Buffalo Cove Management Unit area (BCMU), that these goals have not only been missed, but the destruction and loss of deep-water habitat is being accelerated as a result of the Corps’ manipulations in this area.

As discussed in more detail in ABK et al.’s July 18, 2018 Comments regarding the proposed Buffalo Cove Management Unit – Element 10 and Draft Environmental Assessment attached hereto and fully incorporated herein,⁶ any chance at reconnecting flow to the Atchafalaya River and improving hydrologic connection in the area, including between Buffalo Cove Lake and Ice Box is crippled by the current on-the-ground status, which shows that there remains little to connect. During low water, there is no longer any deep-water habitat to connect to – there is essentially no longer a Buffalo Cove Lake because it has already filled in. Furthermore, Bayou Eugene is completely filled in and Bayou Gravenburg and Jackass Bay are no deeper than 4’ during low water.⁷ Ironically, the goals of the project are contrary to the occurrences on the ground since the BCMU pilot project began implementation. Rather than improving the quality of the area, observations of massive accretion resulting in disappearing cypress swamps and deep-water

⁶ *Comments on Behalf of Atchafalaya Basinkeeper, Gulf Restoration Network, the Louisiana Crawfish Producers Association-West and the Delta Chapter of Sierra Club regarding the proposed Buffalo Cove Management Unit – Element 10 and Draft Environmental Assessment (EA #441) for the Atchafalaya Basin Floodway System, Buffalo Cove Management Unit*, July 18, 2018, attached hereto as [Exhibit C](#) (hereinafter, “BCMU Comments”).

⁷ *See Friday, July 13, 2018 Trip Report, Exhibit A* to BCMU Comments, *supra*.

habitat is plaguing the area. Projects like the BCMU created by the Corps are forever destroying valuable wetlands to improve water quality on those wetlands.

The Draft Plan does note, however, that “(s)ome of these elements were impacted by unprecedented high water during the Mississippi River Flood of 2011 and were no longer functioning as designed.” However, this does little to reassure the public and surrounding communities, who in recent years have experienced increasing major flood events in the Basin.⁸ Although some degree of impact is to be expected in the wake of unusual high water, as these events become more and more frequent and unpredictable, these projects must take into account the growing occurrences and impacts of high water events in these areas.

The Draft Plan includes a photo of the Buffalo Cove Water Management Unit element at Bayou Eugene which it states was repaired after the flood in 2011. However, as noted above, Bayou Eugene is now completely filled in. Even so, the Draft Plan identifies that these elements were repaired in February 2013, and as of June 2016, “the project was considered substantially complete.” Currently, Element 10 remains to be constructed, and was open for public comment in 2018. In our BCMU Comments, attached and fully incorporated herein, we raise the point that the Corps has failed to explain how the fate of element 10 will differ from these elements previously implemented in the area, that have led to the accelerated accretion in these areas. *See, e.g.*, BCMU Comments, at 8-9.

The Draft Plan also notes that once Element 10 is complete, “the State of Louisiana has a cost share of 25% of ongoing operation and maintenance funding for this project.” However, we are wary of the efficacy of these purported “monitoring efforts” and the accuracy of the reporting. As we note in our BCMU Comments, the Corps discussed in detailed in the draft EA for the project that it took extensive pre and post construction monitoring efforts to evaluate the performance of the BCMU elements. BCMU Comments, at 28. And, despite assurances that the project’s effectiveness would continue, and its assurance that it had been collecting data since 1997, the ongoing trend of an expansive buildup of sediment in the area continues. *See Exhibit A* to BCMU Comments.

We further question whether the cost share with the State, and the current budget allotted for the project, is enough to reverse the existing harms and ensure that these areas are restored in the future. Many of these areas, including Bayou Eugene, are already filled with sediment, and

⁸ *See, e.g.*, the following media stories touching on flood events affecting the Basin in recent years: *Flooding threat prompts emergency declaration in St. Martin Parish*, The Advocate, Mar. 4, 2019, available at https://www.theadvocate.com/acadiana/news/article_8cf86558-3ec0-11e9-9d01-477be0692772.html; Becky Gillette, *Flooding On The Mississippi River Becoming More Common And Severe*, Delta Business Journal, June 15, 2018, available at <https://deltabusinessjournal.com/flooding-on-the-mississippi-river-becoming-more-common-and-severe/>; Mark Schleifstein, *Rising river bottom could switch Mississippi to Atchafalaya riverbed in next mega flood*, NOLA.com, Dec. 12, 2017, available at https://www.nola.com/environment/2017/12/rising_river_bottom_could_swit.html; Forrest McBride, *River Watch 2016: Unusually high water headed through the Atchafalaya Basin*, KLFY.com, Jan. 5, 2016, available at <https://www.klfy.com/news/river-watch-2016-unusually-high-water-headed-through-the-atchafalaya-basin/966670244>; Brian Richard, *Flooding closes deer hunting area in Atchafalaya Basin*, KATC.com, Dec. 31, 2018, available at <https://katc.com/news/2018/12/31/flooding-closes-deer-hunting-area-in-atchafalaya-basin/>.

restoration would require extensive dredging. The Draft Environmental Assessment that corresponds to the proposed activity at element 10 discusses the monitoring efforts by the Corps and the measuring goals for the monitoring program. However, these efforts either fail in their entirety to detect the sediment accretion in the area that is measurable in feet and continuing to this day, or willfully disregard the rate of accretion in hopes of finally “completing” the project. In the face of the so-called “adaptive management” approach to the project, one is left to inquire as to whether the Corps and Basin Program actually intend to respond to results of its monitoring efforts. If there sufficient funding to restore this area and actually improve hydrologic connections and habitat as the project was initially intended to do? Is there funding allocated to perform the extensive dredging that would be required to meet the above-articulated goals and desired outcomes for the project? Are these measures part of the project as it is currently underway and set for completion? Are there funds set aside to provide for future dredging necessary to maintain the area? These pertinent questions remain unanswered.

We respectfully request that the Atchafalaya Basin Program consider the current status of the Buffalo Cove Management Project to date, the efficacy of the previous elements and the likelihood of success of the final proposed element 10 before authorizing any additional activities in the area beyond maintenance and dredging to restore areas that have already suffered from severe sediment disposal and accretion as a consequence of this project. We encourage the ABP to consider the importance of these areas to wildlife habitat, particularly fish populations, and the importance of deep-water habitat and the Basin as a whole in containing floodwaters and protecting countless communities from Mississippi River floodwaters. Finally, we request that the ABP acknowledge the problem – sedimentation and distribution of sediments – prior to authorizing further action that will exacerbate the harm, causing irreparable damage to wetlands.

d. Flat Lake Study

We completely agree with the Draft Plan’s presentation of the situation in Flat Lake insofar as sedimentation is causing loss of access and aquatic habitat in Flat Lake, and is detrimental to the overall health of the ecosystem. Sediment accumulation in Flat Lake exacerbates drainage issues and stagnation of interior swamp habitat throughout the Upper Belle River Water Management Unit. This study is an evaluation of the lake and its ecosystem to support the design of a restoration project to rehabilitate habitat, improve biological conditions, and reestablish access for the benefit of public use.

The “Overview and Planning Process of the East Grand Lake Water Quality Improvement and Sediment Management Plan” (2010) clearly and correctly identified the Flat Lake area as an important component of the drainage of the East Grand Lake and Upper Belle River Water Management Units. The study correctly concluded that the hydrodynamic influence of Flat Lake should be quantified as part of the planning process and suggested that decisions regarding the future management of the waterways in and around Flat Lake will have a significant influence on the hydrology and ecology of the Western and Upper regions. Because of its proximity to Coastal Master Plan projects designed to build wetlands in Terrebonne Parish, Flat Lake was chosen as a location for a demonstration project in utilizing Atchafalaya Basin sediments as a borrow source. This study will include analysis of lakebed sediments and will provide that and other information to assess the feasibility of this area as a component of the Coastal Plan. So long as this process is

based on sound-science and free from undue influence, we believe that this study can result in an appropriate plan that is beneficial for the Atchafalaya Basin and our coast.

e. Depth Restoration at Entrance to Murphy Lake

Sediment has nearly closed off access to Murphy Lake in the East Grand Lake WMU in low water conditions, causing water circulation and water quality problems. The project would involve dredging sediment accretion from the entrance of Murphy Lake to improve access and water flow into the lake. This project should be expanded to dredge the entire lake. If done right, this project can greatly enhance water quality in the East Grand Lake area, restoring critically needed deep water habitat. This is an example of a project that will not introduce more sediments and can be entirely beneficial. We suggest that this project be expanded to dredge the entire lake instead of only the entrance, and that funds earmarked for the East Grand Lake Project are reallocated to assist in implementing this depth restoration effort.

III. Conclusion

The importance of the Atchafalaya Basin for wildlife habitat, recreation, commercial interests, flood control and protection for communities cannot be overstated. The pursuit of projects on the basis of incomplete or inaccurate scientific support, promised yet inadequate monitoring and maintenance, and purported outcomes that fail to come to fruition frustrates the Atchafalaya Basin State Master Plan's mission to conserve and restore the natural habitat of the Basin, and afford the public an opportunity to enjoy the Basin. CPRA itself acknowledges that "a sustainable landscape is a prerequisite for both storm protection and ecological restoration." Coastal Protection and Restoration Authority of Louisiana, *Executive Summary*, Louisiana's Comprehensive Master Plan for a Sustainable Coast, at 3 (2007). Furthermore, the cost of destroying Louisiana's wetlands can be measured in billions of dollars per year. See Coastal Protection and Restoration Authority of Louisiana, Louisiana's Comprehensive Master Plan for a Sustainable Coast, at 74 (2017). In consideration of the connection between coastal resources and the irreplaceable wetlands of the Atchafalaya Basin, the state of Louisiana cannot afford to continue to degrade our wetlands under misguided aims of water quality improvement projects to fail to take into account all the variables that cause any given action or project to succeed or fail.

The Grand Lake depth restoration has not yet been completed. The Atchafalaya Basin Program should finish the project, remove the entire island at Grand Lake, and restore Schwing Chute and the sloughs damaged by pumping the sand into the Enterprise pipeline.

The Little Pigeon Restoration Project should move forward and, if needed, CPRA should defend in court public ownership of the bayou.

The East Grand Lake project should be modified. Instead of cuts to introduce more sediment-laden river water into wetlands, funds should be used to restore the hydrology by addressing problematic pipelines in the area and restoring Lake Murphy.

The Buffalo Cove Water Management Project is a failure. Despite the articulated goals, purpose and need for the BCMU project, this project presents a significant threat to the health of the

ecosystems, habitats, fisheries, communities and wildlife of the Atchafalaya Basin, and to the ability of the Atchafalaya Basin to handle Mississippi River floods. For the many reasons discussed herein, in the interest of the public and in accordance with applicable federal and state law, Atchafalaya Basinkeeper, the Louisiana Crawfish Producers Association-West and Healthy Gulf (former GRN) respectfully request that the CPRA halt and modify the project to restore deep-water habitat and keep sediments away from the area.

The Flat Lake Study could have huge beneficial impacts to the coast and the ecology of the Atchafalaya Basin if a plan is developed and implemented as a result of the study. We hope that CPRA will keep this project free from undue influences for the benefit of the public and the state.

The Depth Restoration at entrance of Lake Murphy should be expanded to include dredging the entire lake and should be a priority for implementation.

It is not our mission to oppose any or all projects proposed in the name of water quality improvement or sediment management. Rather, we seek to provide pertinent, on-the-ground observations, and the collective knowledge of our organizations to facilitate a more sustainable approach to water quality and sediment management that does not come at such a high cost to our communities and our state. However, if we are continually disregarded, our concerns and suggestions ignored, projects such as those discussed herein pushed forward despite robust opposition and acknowledgment of the long-term consequences, public funds expended to fill irreplaceable wetlands, we will all suffer the consequences. Atchafalaya Basinkeeper, Healthy Gulf, Louisiana Crawfish Producers Association-West and Sierra Club Delta Chapter respectfully requests that CPRA and the ABP work diligently to acquire accurate information regarding the proposed project sites, work with and not against all interested stakeholders to determine the most effective, efficient and sustainable solutions moving forward, and to not authorize projects that the program has itself acknowledged will result in long-term exacerbated harms.

Thank you for your time and consideration of our comment.

Respectfully submitted by,



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Dave Stets
Chair
Sierra Club Delta Chapter

LIST OF EXHIBITS

- [EXHIBIT A:](#) Comments from landowners opposing the proposed dredging in Little Bayou Pigeon
- [EXHIBIT B:](#) *Comments on Behalf of Atchafalaya Basinkeeper, Gulf Restoration Network, the Louisiana Crawfish Producers Association-West and Sierra Club Delta Chapter regarding the Proposed Ecological Swamp Enhancement Project (East Grand Lake) in the Atchafalaya Basin (MVN 2016-01163-CM, WQC 180312-01), April 19, 2018 (“EGL Comments”).*
- [EXHIBIT C:](#) *Comments on Behalf of Atchafalaya Basinkeeper, Gulf Restoration Network, the Louisiana Crawfish Producers Association-West and the Delta Chapter of Sierra Club regarding the proposed Buffalo Cove Management Unit – Element 10 and Draft Environmental Assessment (EA #441) for the Atchafalaya Basin Floodway System, Buffalo Cove Management Unit, July 18, 2018 (“BCMU Comments”).*
- [EXHIBIT D:](#) Ivor L. van Heerden, Ph.D., *Updated Expert Report on Proposed East Grand Lake Project (EGL)*, March 4, 2019 (“Updated Expert Report”).
- [EXHIBIT E:](#) 2010 Proposed Memorandum of Understanding – Atchafalaya Basin Code of Ethics for Water Quality Projects Funded by Taxpayers
- [EXHIBIT F:](#) Audio recording of the 2016 public hearings in Henderson and Bayou Sorrel (2016), sent via regular mail to CPRA with these comments (“2016 Recording”).