



UNITED FOR A HEALTHY GULF

338 Baronne St., Suite 200, New Orleans, LA 70112
Mailing Address: P.O. Box 2245, New Orleans, LA 70176
Phone: (504) 525-1528 Fax: (504) 525-0833
www.healthygulf.org

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Robert Tewis
United States Army Corps of Engineers
New Orleans District
Regulatory Branch
PO Box 60267
New Orleans, LA 70160-0267
Robert.M.Tewis2@usace.army.mil

Jamie Phillippe
State of Louisiana
Department of Environmental Quality
ATTN: Water Quality Certification
Post Office Box 4313
Baton Rouge, LA 70821-4313
Jamie.phillippe@la.gov

RE: Permit request for "Construction of a barrier berm within St. Bernard, Plaquemines & Jefferson Parishes, Louisiana."
Permit Application Number: MVN-2010-01066-ETT
WQC Application Number: WQC JP 100714-02

Dear Mr. Tewis and Mr. Phillippe,

I am writing on behalf of the Gulf Restoration Network (GRN), a diverse coalition of individual citizens and local, regional, and national organizations committed to uniting and empowering people to protect and restore the resources of the Gulf of Mexico. We respectfully submit the following concerns and suggestions regarding the proposed "construction of a barrier berm within St. Bernard, Plaquemines & Jefferson Parishes, Louisiana." As proposed in the Joint Public Notice that was announced on July 19, 2010:

I. Concerns

1. The timeline of this proposal

According to Dredging Today, approximately 4 miles of berm have been constructed.¹ This proposal of a berm 101 miles long would take an extremely long time to build. BP authorized \$360 million for construction of the berms under an emergency permit on June 7. If this is taken as a start date, berms have been constructed at a rate of approximately 2 miles per month. Given this rate, this proposed project would take 50 months. Even if the rate of construction were doubled, or quadrupled, the time it

¹ <http://www.dredgingtoday.com/2010/08/06/usa-sand-berm-barrier-project-continues/>

would take to build the proposed berms would still be approximately a year. Given the fact that the oil has been capped at the ocean floor, and the time it would take to build the project, this does not seem to be an effective method to prevent further oil from flowing into Louisiana's wetlands.

Further, the initial 4 miles of berm have not been shown to be an effective defense against the oil, even when it was still free-flowing from the bottom of the Gulf. According to discussions with Federal agencies, these berms have at the worst experienced some tar balls, and maybe some light oiling. Mr. Garret has stated that "1,200 pounds of oil and oily debris has been collected from the E-4 berm."² We request evidence of this, including how much of the "oily debris" is actually oil. Since much of the volume of oily debris could be sand, this could amount to be less than 1 cubic yard of oily debris, which is quite insignificant when compared to the amount of sand moved for this project, currently approximately 5 million cubic yards.³

Finally, given the impacts that tropical storms have on these barriers brings into question the efficacy of the proposal. According to the USGS, "During even relatively low-intensity storms, it is likely that the berm material will be overtopped by waves and sand driven into the island and possibly into the back bay...Such overwash during storms could transport oil and sediment across the island and into the back bays toward the mainland."⁴ In fact, it has already been shown that relatively small storms can have large impacts on these berms (see slideshow at <http://healthygulf.org/201007141410/blog/bp-s-oil-drilling-disaster-in-the-gulf-of-mexico/building-house-on-the-sand-a-bird-s-eye-view>). The vulnerability of the proposed berms must be taken into account.

2. Limited amounts of sand and sediment

When it comes to coastal restoration, it has become exceedingly clear that one of the limiting factors is the amount of sediment available for restoration purposes.⁵ This must be taken into account when considering this sand barrier plan. Sand used for this project will not be available for other restoration projects, especially if it is fouled with oil. It is important that not only are the direct environmental impacts of this project considered, but also the impacts to future restoration projects that are dependent on available sediment.

² <http://www.dredgingtoday.com/2010/08/06/usa-sand-berm-barrier-project-continues/>

³ Ibid.

⁴ D. Lavoie, et al. 2010. Effects of building a sand barrier berm to mitigate the effects of the Deepwater Horizon oil spill on Louisiana marshes. USGS. Open-File Report 2010-1108.

⁵ M.D. Blum and H.H. Roberts. 2009. Drowning of the Mississippi Delta due to insufficient sediment supply and global sea-level rise. Nature Geoscience 2:488-491

3. Impacts of oil on new barriers

We would like to see more information as to the efficacy of building and enhancing barrier islands if the intention is that they might become polluted with oil. How will these barriers be cleaned? Will the sand need to be removed and disposed of, thus reducing the amount of sediment we have for restoration?

4. Impacts to hydrology

Despite the dozens of drawings in the public notice, there does not appear to be any analysis of the effects the sand barriers might have on the hydrology inside the barrier islands. Some questions that need to be answered are: Will these barriers restrict the hydrology so water within the barriers will rise? Will the constricted passes between the barrier islands increase velocities such that flow will increase, potentially pulling oil towards the coast during certain tidal periods?

5. Impacts to fish and marine life

The Public Notice does not include any analysis as to how the proposed barriers would impact fish, other marine life, water fowl, and other wildlife. An obvious goal of these barriers should be to protect wildlife. Given this, we feel that there must be a thorough analysis on what impacts these barriers might have on wildlife in our oceans, estuaries, and existing barrier islands.

According to NMFS, 8,118.2 acres Essential Fish Habitat (EFH) and 324.9 acres abutting EFH would be destroyed or altered by the proposed project. This loss is unacceptable and an EIS should be prepared to evaluate the impacts of the project before any other segments are permitted.

Additionally, according to the USGS, anoxic conditions may occur in the borrow areas.⁶ This potential for water quality conditions that could harm or kill wildlife must be addressed before any further action is taken on this project.

6. Impacts to sea turtles

Of particular interest in the realm of fish and marine life, is the impact this project is having and will continue to have on sea turtles. According to Corps data, in the short period of July 10-13, 5 loggerhead turtles were "taken."⁷ This is an unacceptable amount, especially given that this is only on 4 miles of the proposed 101 mile project. Given the impact to these sensitive creatures, as well as potential impact to other

⁶ D. Lavoie, et al. 2010. Effects of building a sand barrier berm to mitigate the effects of the Deepwater Horizon oil spill on Louisiana marshes. USGS. Open-File Report 2010-1108.

⁷ <http://el.erdc.usace.army.mil/seaturtles/project.cfm?Id=654&Code=Project>

endangered sea turtles, current dredging should be stopped until turtles can be better protected. Further, if the Corps continues to consider this proposal, a full EIS must be performed in order to assess all environmental impacts, including turtle impacts.

7. Lack of mitigation plans in the Public Notice

Federal law requires the applicant to compensate for, or mitigate, the damages resulting from the destruction of our nation's waters, if the permit is issued. In the public notice, there is no mention of mitigation requirements associated with this project. It is impossible for the public to adequately comment on a project without being able to also review proposed mitigation plans. For this reason, all permit applications should include specific mitigation plans so that they can be evaluated throughout the application process.

Due to a lack of any data concerning the mitigation plans, the public notice offers no meaningful opportunity for our members who reside near the development to scrutinize and comment on the proposed expansion project. Corps/EPA regulations concerning mitigation plans specifically require that the Corps "must ensure that adequate [mitigation plan] information is included in the public notice to enable the public to provide meaningful comment," providing exception **only** for data which is "legitimately confidential for business purposes."⁸ Due to the fact this regulation is not followed, the public notice is incomplete and must be reissued with a mitigation plan.

8. Necessity of an Environmental Impact Statement

We understand that the BP oil drilling disaster is a disaster of unprecedented proportions. However, this project will certainly have impacts that should require a full Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). Multiple Federal agencies and other organizations have submitted comments that raise questions that can only be answered in an EIS.

II. Suggestions

1. Focus earth-moving projects on projects that have been shown scientifically that they will be beneficial to the coast

We understand that there are past and developing plans to repair Louisiana's existing barrier islands. Perhaps it would make more sense to, instead of moving forward with the whole sand barrier project, focus efforts on bolstering existing barrier islands with the tools we have acquired through CWPPRA and other projects.

⁸ 40 CFR § 230.94(b)

2. Hold a public hearing

Much of the public has the perception that they and coastal scientists have largely been left out of the decision-making process for the sand berms, as well as other oil response general permits. We request that the Corps hold a public hearing to gather more information from the public and scientific community.

We would like to be clear that we are very concerned about the impacts of the BP oil drilling disaster and understand that the State needs to be doing what we can to reduce the impacts. However, moving forward with such a massive and expensive effort that may, in the end, prove ineffective and possibly inflict harm on existing natural resources may not be the best approach. Additionally, it must be acknowledged by both the State and BP that these sand barriers are a short term response to the oil *response* not remediation/restoration for the impacts the oil will have on the Gulf Coast.

Thank you for reviewing our concerns and suggestions. I would be happy to explore these ideas further if you have any questions.

For a healthy Gulf,

Matt Rota
Water Resources Program Director

CC: Mike Boots, CEQ
Horst Greczmiel, CEQ
Garret Graves, State of Louisiana
Lisa Jackson, EPA
Lawrence Starfield, EPA Region 6
John Ettinger, EPA Region 6
Jane Lubchenco, NOAA
Pete Serio, USACE New Orleans District