

SESSION 32: IMPLEMENTATION OF LARGE-SCALE RIVER DIVERSIONS: STAKEHOLDERS' PERSPECTIVES

National Conference on Ecosystem Restoration

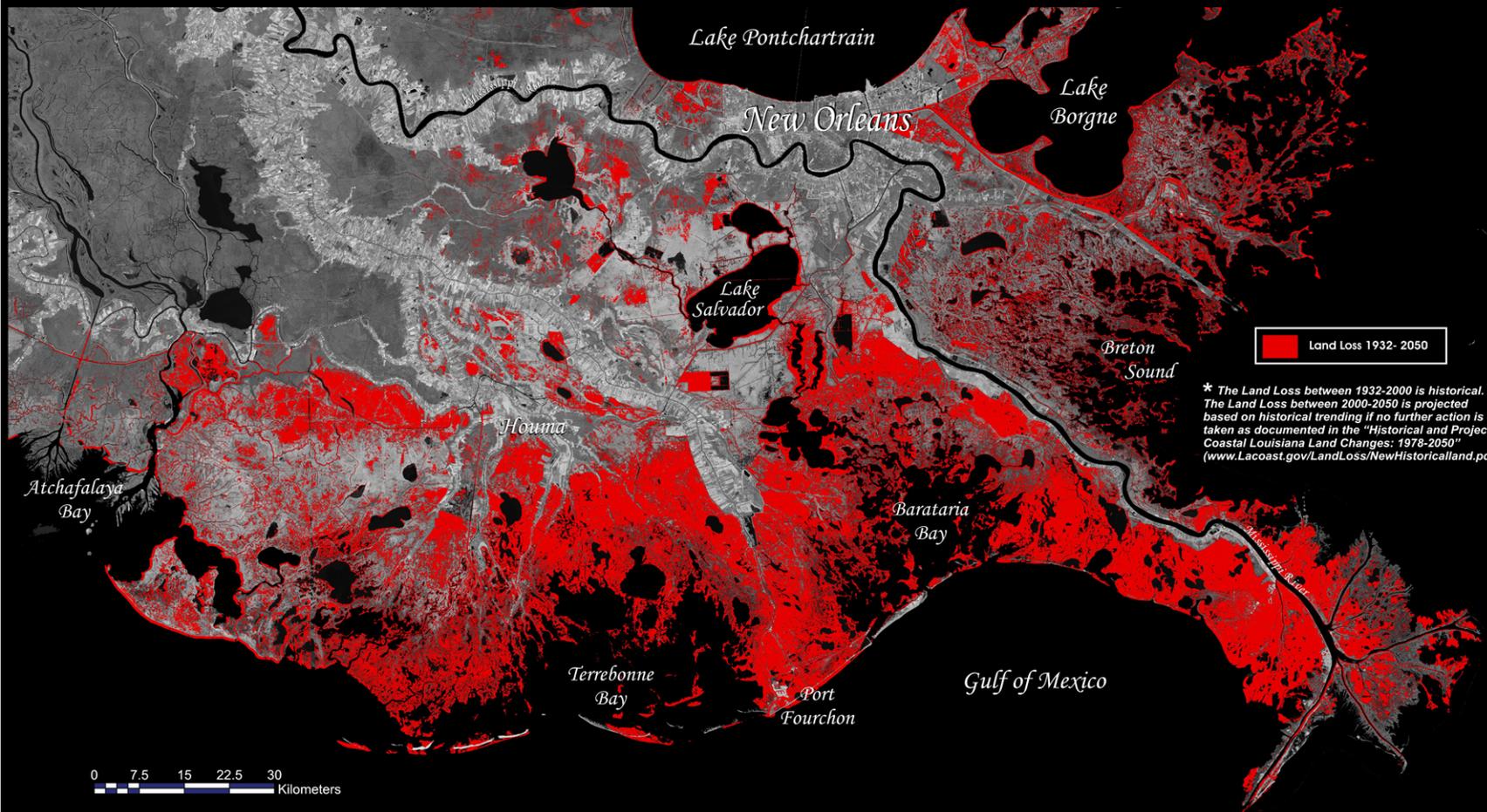
***Moderator: Brad Inman
US Army Corps of Engineers
New Orleans District***

August 29, 2018



**US Army Corps
of Engineers.**





* The Land Loss between 1932-2000 is historical. The Land Loss between 2000-2050 is projected based on historical trending if no further action is taken as documented in the "Historical and Projected Coastal Louisiana Land Changes: 1979-2050" (www.Lacoast.gov/LandLoss/NewHistoricalland.pdf)

0 7.5 15 22.5 30 Kilometers





Maurepas Diversion
(5K cfs)

Davis Pond Diversion
(Existing - 10.6K cfs)

Caernarvon Diversion
(Existing - 8K cfs)

Mid-Breton Diversion
(35K cfs)

Mid-Barataria Diversion
(75K cfs)

Legend

Existing Diversions	
CPRA Planned Diversions	

SESSION PRESENTATIONS

- **Implementation of Large-Scale River Diversions: An Applicant's Perspective** - Bradley Barth (Coastal Protection and Restoration Authority)
- **Implementation of Large-Scale River Diversions: A Regulatory Agency's Perspective** - Jeff Varisco (US Army Corps of Engineers, New Orleans District)
- **Implementation of Large-Scale River Diversions: A Contractor's Perspective** - Eddy Carter (G.E.C., Inc.)
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US Army Corps
of Engineers.



NCER CONFERENCE

COASTAL PROTECTION AND RESTORATION UPDATE

BRAD BARTH



2018 AUGUST 29



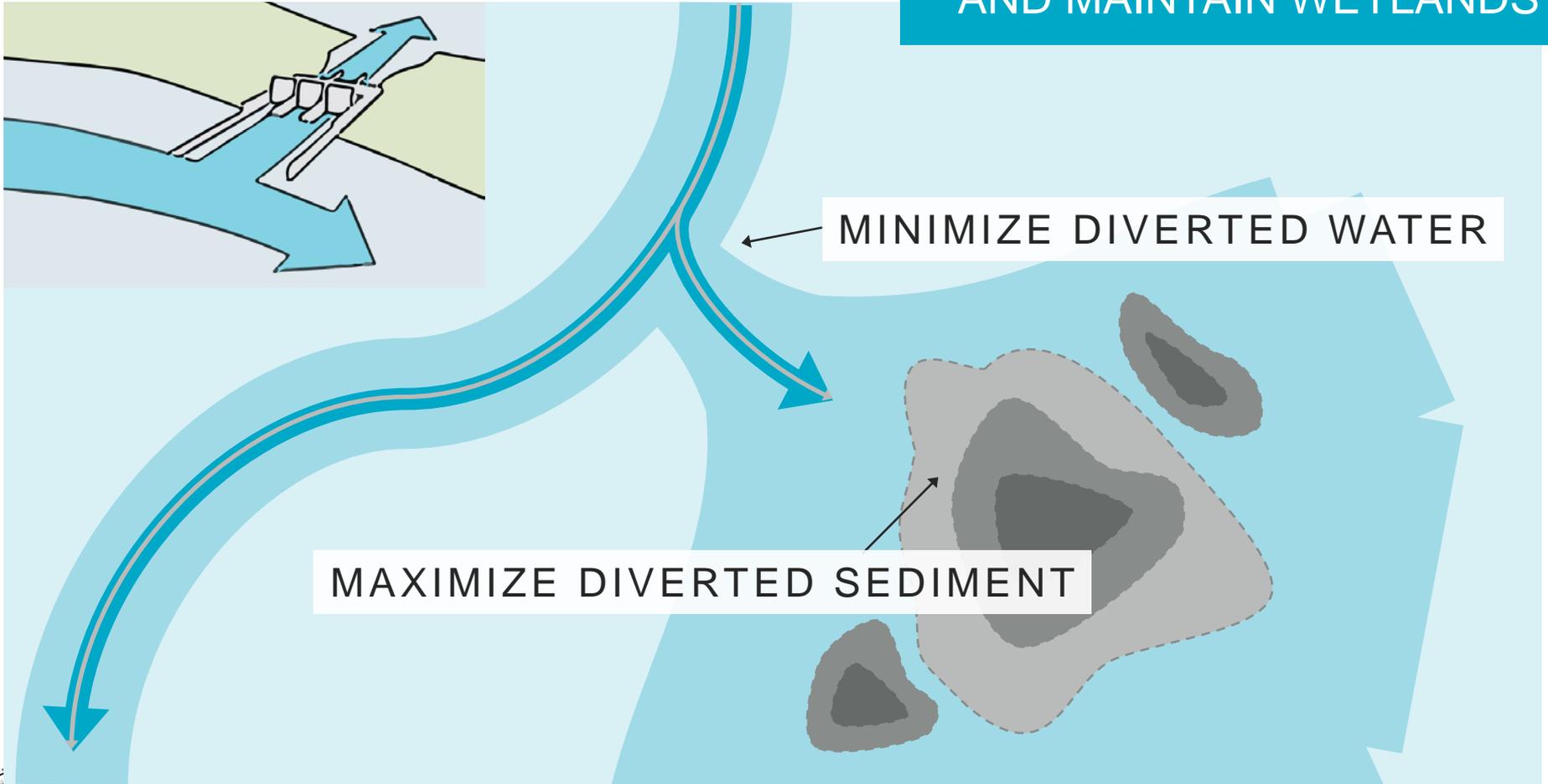
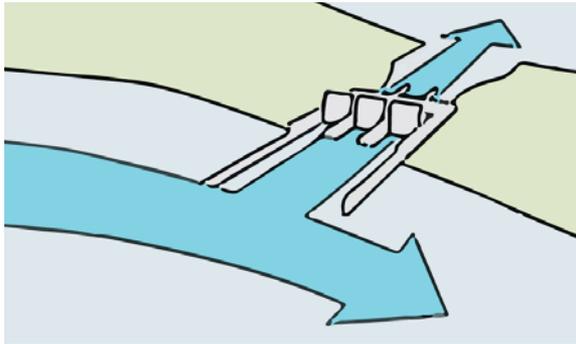
RECONNECTING THE RIVER



BOLD ACTION IS REQUIRED

SEDIMENT DIVERSIONS

- BUILD AND SUSTAIN LAND
- INCREASE NUTRIENTS AND SEDIMENT DEPOSITION TO SUSTAIN AND MAINTAIN WETLANDS



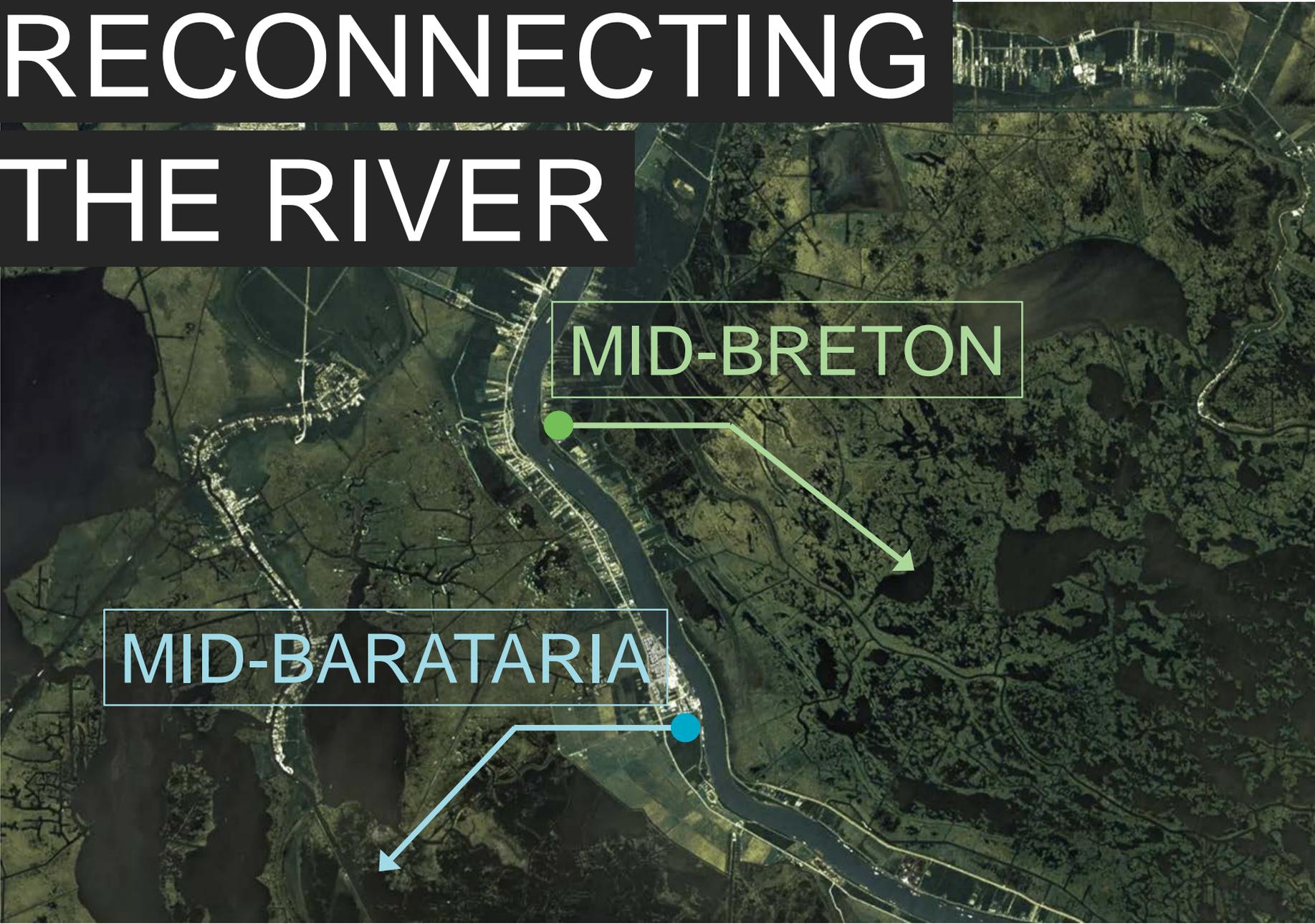
MINIMIZE DIVERTED WATER

MAXIMIZE DIVERTED SEDIMENT

SEDIMENT DIVERSION RENDERING



RECONNECTING THE RIVER

An aerial photograph of a river system, likely the Breton River in Louisiana. The river flows from the top center towards the bottom right. Two specific areas are highlighted with colored dots and lines. A green dot is located on the upper part of the river, with a green line extending to the right and then down to an arrow pointing towards a wetland area. A blue dot is located on the lower part of the river, with a blue line extending to the left and then down to an arrow pointing towards another wetland area. The surrounding landscape is a mix of green fields, dark wetlands, and some buildings.

MID-BRETON

MID-BARATARIA

PROJECT LOCATION

LOCATION

IRONTON, LOUISIANA

TASKS

- Funding E&D, Construction
- Permitting and Construction Approvals
- Environmental (EIS)
- Land Rights
- Engineering and Design
- Operations

DESIGN FLOW

30,000 to 75,000

PROJECT FEATURES

- Inlet, Conveyance Structure, Outlet
- Interior Drainage Pump Station
- Highway Modifications
- Rail Road Modifications

MID-BARATARIA SEDIMENT DIVERSION

PROJECT LOCATION

LOCATION

WILL'S POINT/
BERTRANDVILLE, LA

TASKS

- Funding E&D, Construction
- Permitting and Construction Approvals
- Environmental (EIS)
- Land Rights
- Engineering and Design
- Operations

FLOW

Est. 15,000 to 35,000

PROJECT FEATURES

- Inlet, Conveyance Structure, Outlet
- Interior Drainage Pump Station
- Highway Modifications

MID-BRETON SEDIMENT DIVERSION

SECTION 214 AGREEMENT

- **Contractual Agreement between the State of Louisiana and USACE**
- **Maybe executed prior to a permit application or 408 request**
- **Allows USACE to dedicate staff and resources to the applicant during the permitting and environmental review processes**
- **Large Scale Infrastructure Project (\$0.5 - \$1B), contract value on the order of \$1M – \$1.5M**

SECTION 10/404 AND 408

Section 10/404 Permit Application

- Plans, access routes, impact areas
- Purpose and need
- Est. direct impacts
- Wetlands Impacts (if available)
- Alternatives (State of Louisiana Coastal Use Permit)

Section 408 Initiation Request

- Description/plans
- Acknowledgement on the need for a Section 10/404
- Requesting In-kind credit
- Use of federally-owned real property
- Acknowledgement “No objection” from local Sponsors

EIS Third Party Contractor (TPC)

- Applicant contracts and funds
- Applicant selection / contracting policies/laws, TPC selection, contracting, and USACE policies/regulations must be known
- USACE directs and manages
- Agreement necessary between all three parties to define roles, responsibilities, communications, and documentation

LOUISIANA TRUSTEE IMPLEMENTATION GROUP (LATIG)

Mid-Barataria Sediment Diversion

Natural Resource Damage Assessment (NRDA)

- LATIG (NOAA, USDA, DOI, USEPA, State of Louisiana)
- Strategic Restoration Plan (SRP) Phase I / Environmental Assessment
 - Mid-Barataria Sediment Diversion
- Strategic Restoration Plan Phase II
 - Oil Pollution Act (OPA)
 - Environmental Impact Statement (EIS)
 - In-progress

APPROVALS

START EIS

COASTAL USE (LDNR), NAVIGATION, AND WETLANDS

- Section 10 (USACE Navigation)/404 (USACE Wetlands) and Coastal Use Permit (INDR CUP)
- **Permit Public Notice and Comment**
- Coastal Use Permit
- **Coastal Use Permit Public Act Notice and Comment**
- Coastal Use Permit Approval
- Section 10/404 Approval
- Project Implementation and Monitoring

NEPA COMPLIANCE

NATIONAL ENVIRONMENTAL POLICY ACT

- **Solicitation of Views (2013)**
- Notice of Intent for EIS
- Start EIS
- **Public scoping meeting**
- Draft EIS
- USACE (HQ/MVD) Approves Draft EIS for Release
- **Public Comment on Draft EIS**
- Final EIS
- **Public Review on Final EIS**
- Complete EIS (Record of Decision)

408 APPROVAL (USACE)

REQUEST TO ALTER A FEDERAL PROJECT OR PROJECT WITH FEDERAL INTEREST NO DIRECT PUBLIC INVOLVEMENT

- 408 Request
- 60% Plans and Specifications Review
 - District – PDT
 - Agency Technical Review (ATR)
 - IEPR-SAR Review
- USACE (HQ/MVD) Preliminary 408 Approval
- Record of Decision (408)
- 408 Approval
- 408 Construction Oversight

EIS PROGRESS

2017 JAN 24

Mid-Barataria
Sediment
Diversion placed
on Federal
Permitting
Dashboard
(FAST-41)

2018 JAN 26

MOU ANNOUNCEMENT

“The State is committed to developing the Project in an environmentally sound manner and in compliance with all applicable federal, state, and local laws and ordinances.”

2018 APR 2

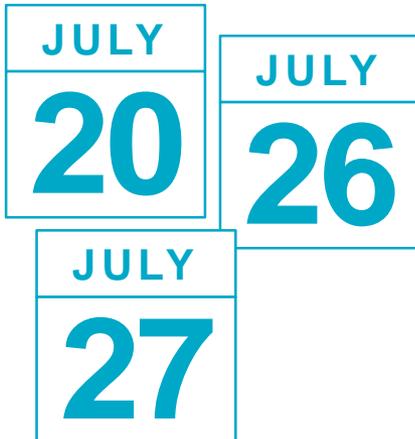
USACE ANNOUNCEMENT

Anticipated permit
decision date
moved up from
October 2022 to
November 2020

MID-BARATARIA

SCOPING PROCESS

**SCOPING
MEETINGS**



SCOPING PERIOD
CLOSED SEPTEMBER 5, 2017

OVER 800 COMMENTS



COMMENTS
FROM
OUTSIDE OF
LOUISIANA



INDIVIDUAL
(FORM)
LETTERS



“AFFILIATIONS”
WITHIN
COMMENTS

EIS PROGRESS

IMPACT ANALYSES

21

- Aesthetic and Visual Resources
- Air Quality
- Aquatic Resources
- Commercial Fisheries (industry impacts)
- Cultural Resources
- Environmental Justice (EJ)
- Essential Fish Habitat (EFH)
- Groundwater
- Land Use
- Marine Mammals
- Navigation (deep draft and tows)
- Noise
- Oil and gas resources
- Prime Farmland
- Public Safety (Flood Risk Reduction)
- Recreation (including fishing)
- Soils/Sediment (River and Basin)
- Socioeconomic (population, tax revenue, housing, etc.)
- Storm Surge/Flooding
- Threatened and Endangered Species (T&E)
- Water Quality (salinity/nutrients)
- Wetlands and Waters of the U.S.

CURRENT PROJECT ACTIVITY

EIS UNDERWAY
FEBRUARY 2017

PUBLIC SCOPING
MEETINGS HELD

JULY 20, 25, 27

ENGINEERING AND DESIGN
SOLICITATION POSTED

2017

JUL

AUG

SEP

OCT

NOV

DEC

AECOM SELECTED LEAD
ENGINEER AND DESIGNER

AECOM BEGINS
WORK

CMAR RFQ
AD POSTED

■ MID-BARATARIA ■ MID-BRETON



CURRENT

PROJECT ACTIVITY

2018

JAN

FEB

MAR

APR

MAY

JUN

STANTEC SELECTED LEAD ENGINEER AND DESIGNER

CPP UPDATED TO REFLECT NOV 2020 PERMIT DECISION

COMPLETED 1ST 408 REVIEW SOIL BORING PLAN

STANTEC BEGINS WORK

■ MID-BARATARIA ■ MID-BRETON



THANK YOU



@LOUISIANACPRA



BRAD BARTH | BRAD.BARTH@LA.GOV

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SUMMARY

- Administration and Congress are serious about Regulatory Reform
- USACE must strive to meet the goals and intent of EO 13807 and FAST-41 of streamlining our processes to provide more efficient, effective, and timely decisions
 - Early and continual collaboration, coordination and alignment, in a more transparent environment, is critical
 - Be prepared to challenge laws, policies, and procedures
- USACE must initiate change from within, before others act on our behalf



FIXING AMERICA'S SURFACE TRANSPORTATION ACT TITLE 41 (FAST-41)

- ▶ **Intended to increase timeliness, efficiency and transparency** of Federal Agency permit reviews and authorizations
- ▶ Targets infrastructure projects, with an emphasis on transportation projects
- ▶ Establishes new procedures **standardizing interagency consultation and coordination**
- ▶ Establishes **Federal Permitting Improvement Steering Council (FPISC)**
- ▶ Establishes the position of **Chief Environmental Review and Permitting Officer (CERPO)** in each environmental agency
- ▶ Expands scope of projects for which reviews will be accelerated
- ▶ **Codifies use of Permitting Dashboard** to track review timelines



EXECUTIVE ORDER 13807

- ▶ Establishes a **2-year goal for completing environmental reviews and decision** making (Section 2.h)
 - ▶ 2-year goal begins with Notice of Intent
- ▶ **Requires active collaboration** among Federal agencies and greater coordination efforts (4.a.i)
- ▶ Federal agency decisions in **one Record of Decision (ROD)** (5.b.ii)
 - ▶ Also known as One Federal Decision (OFD)
- ▶ **Dispute resolution** between Federal agencies may be resolved by CEQ (5.e.ii)
 - ▶ Similar to FAST-41 dispute resolution, but with CEQ instead for NEPA matters



Lessons Learned

- Developed a blueprint for successful FAST-41/_CPP implementation
- Utilize digital communication to streamline agency involvement (emails in lieu of letters)
- Early Vertical Team engagement is crucial to success

Key Challenges

- Guidance may or may not exist for all aspects of implementing FAST-41/EO 13807
- Managing applicant/sponsor expectations (FAST-41)
- 2-year EO 13807 EIS goal is aspirational in nature; complex projects may take longer

Path Forward

- Continue to work with staff at FPISC to realize efficiencies in regulatory process
- Be flexible and open in a rapidly changing system
- Strive to meet the goals and intent of both FAST-41 and EO 13807



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THIRD-PARTY CONTRACT EIS TEAM



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A Trustee Perspective

Mel Landry

NOAA

Sources of DWH Oil Spill Funding

NRDA
(Natural Resource Damage Assessment)
Oil Pollution Act

RESTORE Act
(Resources and Ecosystems
Sustainability, Tourist
Opportunities, and Revived
Economies)
CWA Civil

NFWF
(National Fish & Wildlife
Foundation)
CWA Criminal

(2) FEDERAL TRUSTEES.—The President shall designate the Federal officials who shall act on behalf of the public as trustees for natural resources under this Act.

(3) STATE TRUSTEES.—The Governor of each State shall designate State and local officials who may act on behalf of the public as trustee for natural resources under this Act and shall notify the President of the designation.

(4) INDIAN TRIBE TRUSTEES.—The governing body of any Indian tribe shall designate tribal officials who may act on behalf of the tribe or its members as trustee for natural resources under this Act and shall notify the President of the designation.

(5) FOREIGN TRUSTEES.—The head of any foreign government may designate the trustee who shall act on behalf of that government as trustee for natural resources under this Act.

(c) FUNCTIONS OF TRUSTEES.—

(1) FEDERAL TRUSTEES.—The Federal officials designated under subsection (b)(2)—

(A) shall assess natural resource damages under section 1002(b)(2)(A) for the natural resources under their trusteeship;

(B) may, upon request of and reimbursement from a State or Indian tribe and at the Federal officials' discretion, assess damages for the natural resources under the State's or tribe's trusteeship; and

(C) shall develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under their trusteeship.

Restoration Funding in Dollars

Major Restoration Categories	Unknown Conditions	Regionwide	Open Ocean	Alabama	Florida	LOUISIANA	Mississippi	Texas	Total Restoration Funding*
1. Restore and Conserve Habitat									
Wetlands, Coastal, and Nearshore Habitats				65,000,000	5,000,000	4,009,062,700	55,500,000	100,000,000	4,234,562,700
Habitat Projects on Federally Managed Lands				3,000,000	17,500,000	50,000,000	5,000,000		75,500,000
Early Restoration (through Phase IV)				28,110,000	15,629,367	259,625,700	80,000,000		383,365,067
2. Restore Water Quality									
Nutrient Reduction (Nonpoint Source)				5,000,000	35,000,000	20,000,000	27,500,000	22,500,000	110,000,000
Water Quality (e.g., Stormwater Treatments, Hydrologic Restoration, Reduction of Sedimentation, etc.)					300,000,000				300,000,000
3. Replenish and Protect Living Coastal and Marine Resources									
Fish and Water Column Invertebrates			380,000,000						380,000,000
Early Restoration Fish and Water Column Invertebrates			20,000,000						20,000,000
Sturgeon			15,000,000						15,000,000
Sea Turtles	60,000,000	55,000,000	5,500,000	20,000,000	10,000,000	5,000,000	7,500,000		163,000,000
Early Restoration Turtles	29,256,165						19,965,000		49,221,165
Submerged Aquatic Vegetation						22,000,000			22,000,000
Marine Mammals	19,000,000	55,000,000	5,000,000	5,000,000	50,000,000	10,000,000			144,000,000
Birds	70,400,000	70,000,000	30,000,000	40,000,000	148,500,000	25,000,000	20,000,000		403,900,000
Early Restoration Birds	1,823,100		145,000	2,835,000	71,937,300		20,603,770		97,344,170
Mesophotic and Deep Benthic Communities			273,300,000						273,300,000
Oysters	64,372,413			10,000,000	20,000,000	26,000,000	20,000,000	22,500,000	162,872,413
Early Restoration Oysters				3,329,000	5,370,596	14,874,300	13,600,000		37,173,896
4. Provide and Enhance Recreational Opportunities									
Provide and Enhance Recreational Opportunities				25,000,000	63,274,513	38,000,000	5,000,000		131,274,513
Early Restoration Recreational Opportunities			22,397,916	85,505,305	120,543,167	22,000,000	18,957,000	18,582,688	287,986,076
5. Monitoring, Adaptive Management, and Administrative Oversight									
Monitoring and Adaptive Management		65,000,000	200,000,000	10,000,000	10,000,000	225,000,000	7,500,000	2,500,000	520,000,000
Administrative Oversight and Comprehensive Planning		40,000,000	150,000,000	20,000,000	20,000,000	33,000,000	22,500,000	4,000,000	289,500,000
Adaptive Management NRD Payment for Unknown Conditions	700,000,000								700,000,000
Total NRD Funding	\$700,000,000	\$349,851,678	\$1,240,697,916	\$295,589,305	\$680,152,613	\$5,000,000,000	\$95,557,000	\$238,151,458	

* The total restoration funding allocation for the Early Restoration work; each restoration type; and monitoring, adaptive management, and administrative oversight is \$5.1 billion (plus up to an additional \$700 million for adaptive management and unknown conditions).

The Louisiana Trustee Implementation Group (LA TIG)

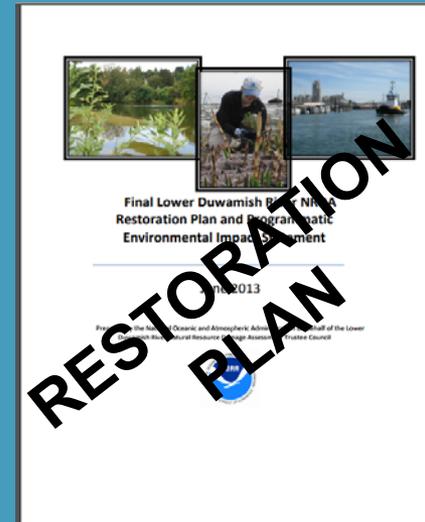


Typical NRDA & NEPA Process

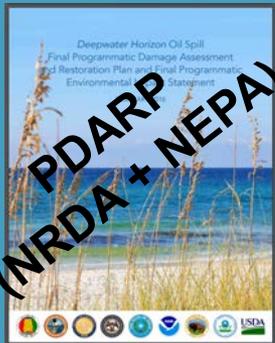
NRDA



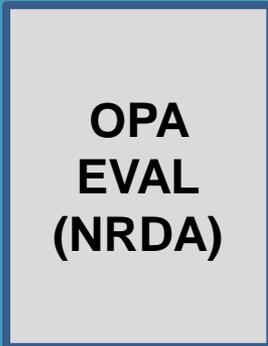
NEPA



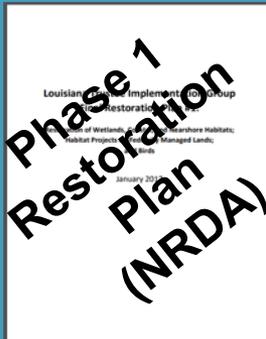
DWH Phased NRDA & NEPA Process



**PDARP
(NRDA + NEPA)**



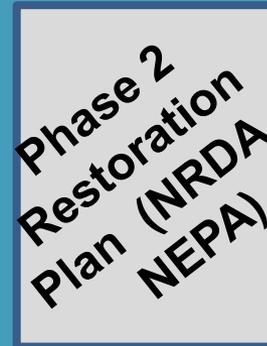
**OPA
EVAL
(NRDA)**



**Phase 1
Restoration
Plan
(NRDA)**



**Project
Design +
Enviro
Eval**



**Phase 2
Restoration
Plan (NRDA +
NEPA)**



Construction



Approaches
/ Techniques

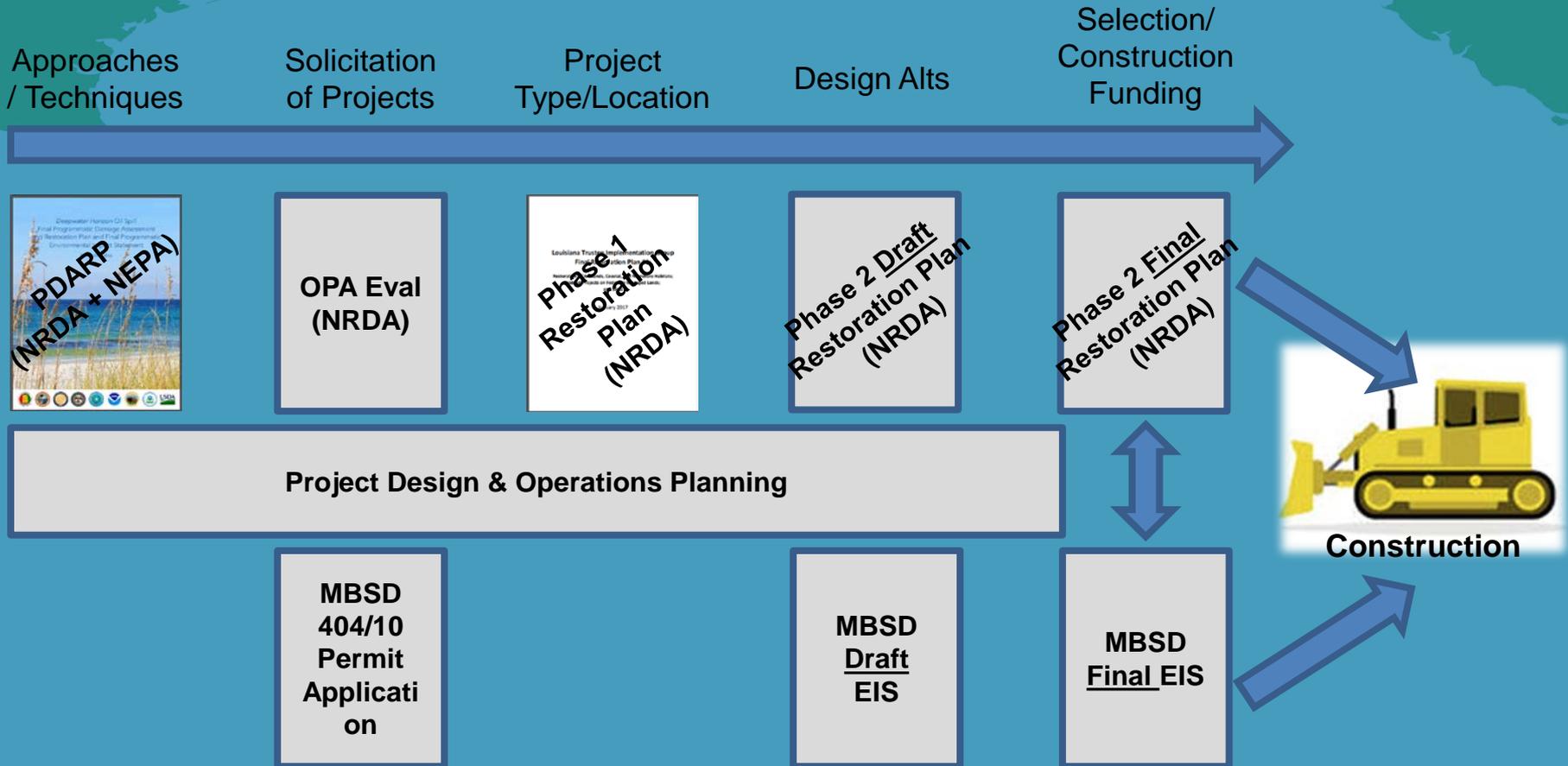
Solicitation
of Projects

Project
Type/Location
E&D Funding

Design Alts

Selection/
Construction
Funding

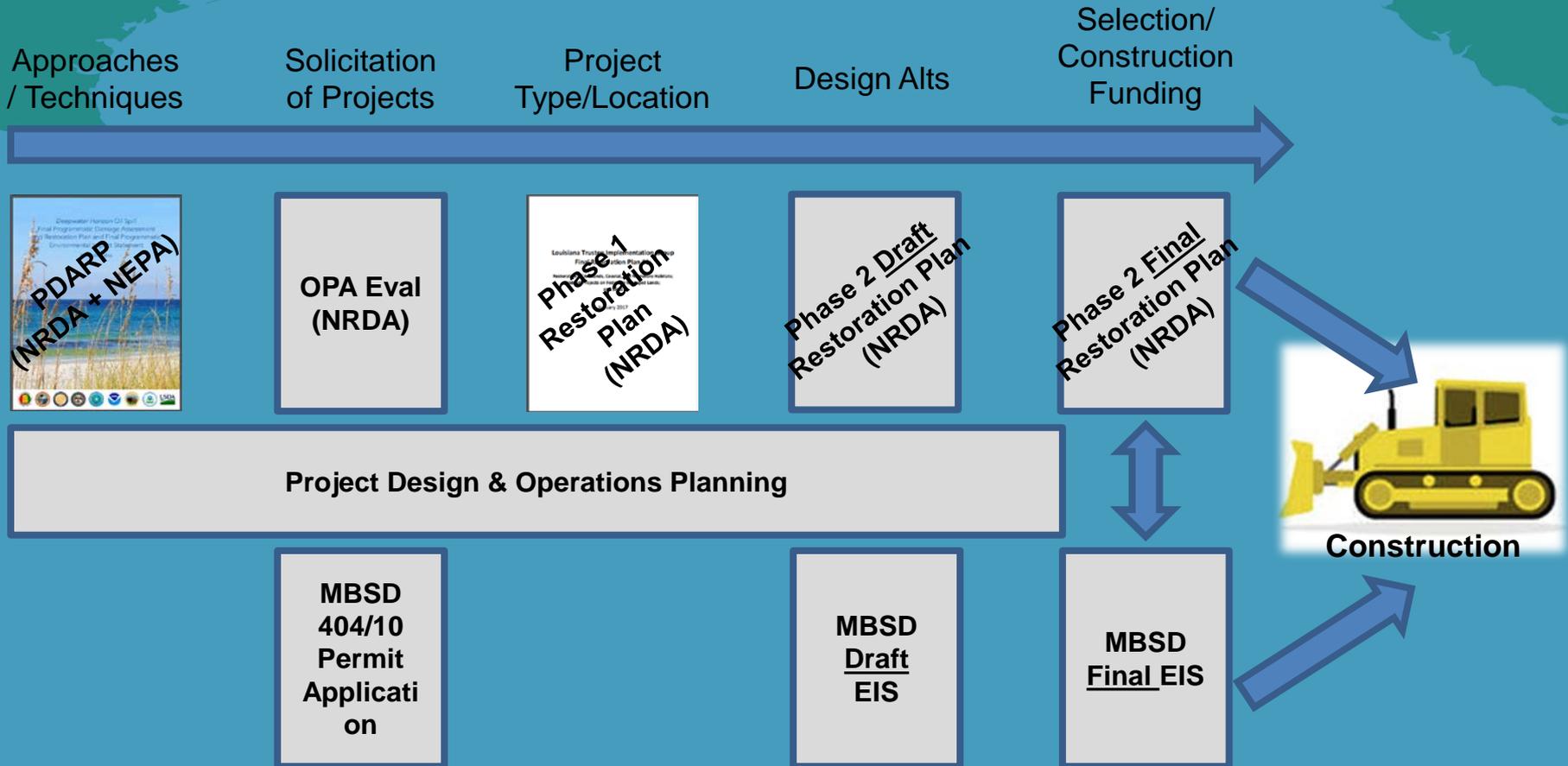
MBSD NRDA & NEPA Processes



***Deepwater Horizon* NRDA**
Louisiana Restoration Area

<p>Louisiana Trustee Implementation Group Strategic Restoration Plan and Environmental Assessment #3: Restoration of Wetlands, Coastal, and Nearshore Habitats in the Barataria Basin, Louisiana</p>	<p>March 2018</p>

MBSD NRDA & NEPA Processes



Barataria Basin Strategic Restoration Plan

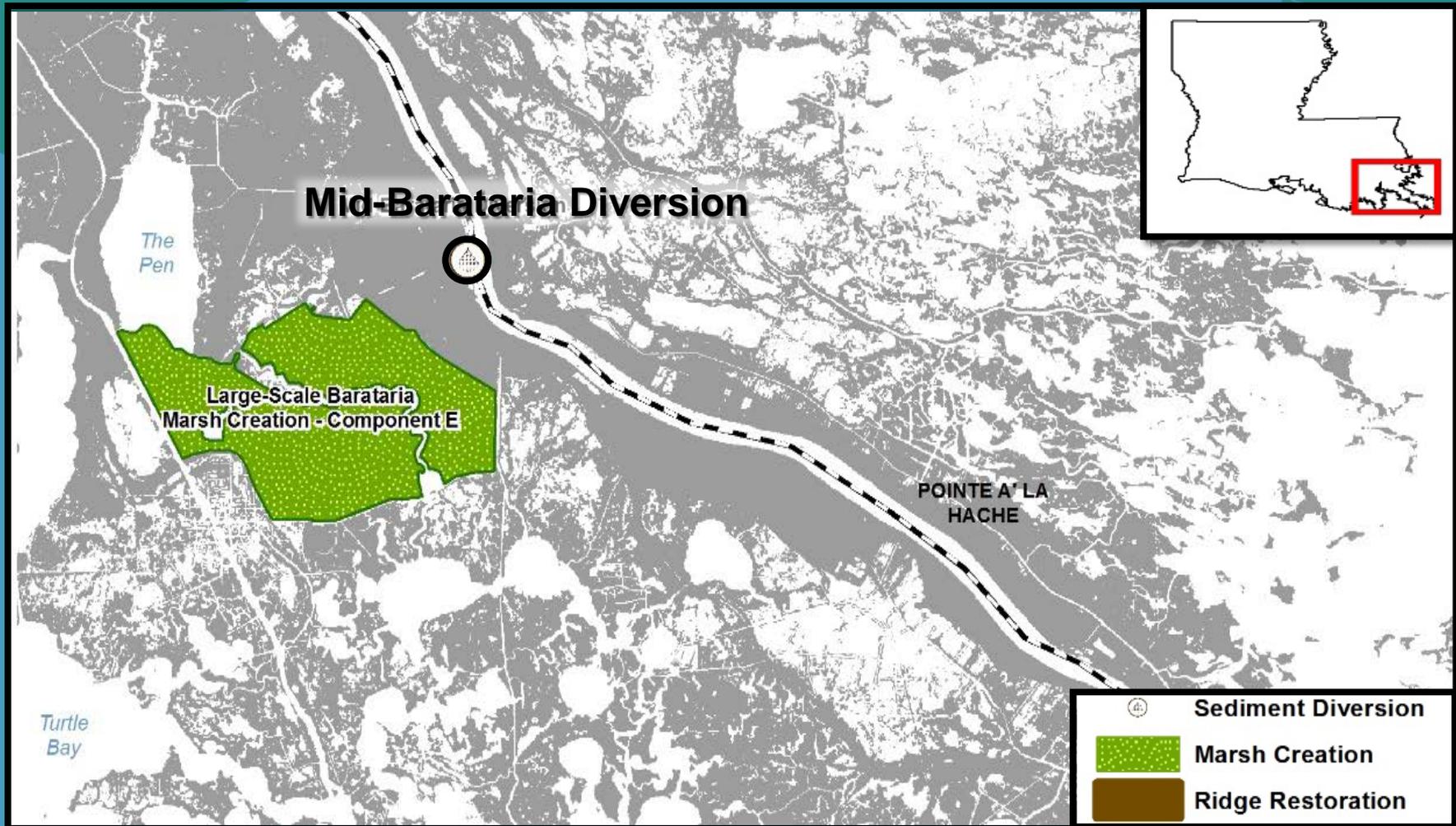
- ❖ **Strategic Restoration Plan and Environmental Assessment**
- ❖ **For the Restoration of Wetlands, Coastal, and Nearshore Habitats in the Barataria Basin**
- ❖ **Focuses on addressing ecosystem-level injury in Barataria Basin and the Gulf of Mexico**

Barataria Basin Strategic Restoration Plan

The Trustees' two decisions:

1. A preferred alternative that relies on a suite of restoration approaches/types, including large-scale sediment diversions to restore deltaic processes, marsh creation, and ridge restoration
2. Selected 3 projects for further evaluation and planning:
 - **Mid-Barataria Sediment Diversion**
 - **Large Scale Marsh Creation: *Component E***
 - **Barataria Basin Ridge and Marsh Creation: *Spanish Pass Increment***

Projects for Further Restoration Planning



Future Restoration Plans

- ❖ **Restoration Plan 1 - Phase II Plan(s)**
 - ❖ Evaluation of design alternatives for 6 projects in Restoration Plan 1 - Phase I

- ❖ **Restoration Plan 2 (Barataria Strategic Plan) – Phase II Plans**
 - ❖ Evaluation of design alternatives for Large-scale Barataria Marsh Creation - Component E
 - ❖ Evaluation of alternatives for the Mid-Barataria Sediment Diversion
 - ❖ Evaluation of Marsh and Ridge Projects for Outcome Base Performance Contracting

- ❖ **Living Coastal & Marine Resources Restoration Plan(s)**
 - ❖ Birds, Oysters, SAV, Marine Mammals, & Turtles