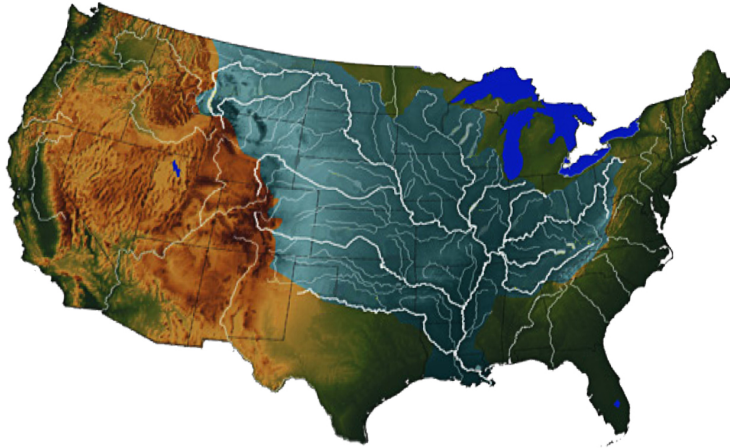


BIG RIVER COALITION



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September 5, 2017

U.S. Army Corps of Engineers
New Orleans District
Mr. Brad LaBorde
Attn: CEMVN-OD-SE #MVN-2012-2806-EOO
7400 Leake Avenue
New Orleans, LA 70118

Re: Comments on Mid-Barataria Sediment Diversion Permit Application

Dear Mr. LaBorde,

The Big River Coalition (BRC) was created in Fiscal Year 2011 in response to the announcement by the Commander of the United States Army Corps of Engineers' (USACE) Mississippi Valley Division that channel maintenance on the Mississippi River Ship Channel, Gulf to Baton Rouge (Louisiana) would be limited by the dedicated funding (Operations and Maintenance [O&M] budget). Prior to this position change the Mississippi River Ship Channel received preferential treatment and often received additional funding from other USACE projects. After the 1989 grounding of the M/V MARSHAL KONYEV (Pilottown) that virtually closed the Ship Channel to all traffic, the USACE's Headquarters announced in a position statement that it would maintain the nation's most critical navigation channel. The BRC originally focused on obtaining additional funding to supplement the shortfall in the Corps' O&M budget, to strive to establish a legislative firewall around the Harbor Maintenance Trust Fund and to represent members of the Mississippi River navigation industry in matters related to coastal restoration. As our membership grew and continued to make effective progress on these initiatives, members supported the Coalition's commitment to actively advocate for the deepening of the Mississippi River Ship Channel Gulf to Baton Rouge to 50 feet.

The Coalition's membership depends on the efforts of the USACE and the federal investments made to build and maintain navigation structures and navigable channels across the

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31 states that are connected by the Mississippi River and Tributaries (MRT). Economic studies have suggested that the MRT has an annual economic impact of over \$400 billion on the national economy, while our transportation infrastructure and channels suffer from neglect as perpetuated by chronic and long-term underinvestment. The Coalition has been actively engaged with coastal restoration efforts even prior to the formation of Louisiana's Coastal Protection and Restoration Authority.

The maritime industry must document their history with the approved conditions as related to the West Bay Diversion, the first sediment diversion on the Lower Mississippi River, as proposed and constructed under the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA). The navigation industry was engaged by the USACE and the state of Louisiana as represented by the Louisiana Department of Natural Resources (LDNR) and tasked with developing conditional agreements that would generate support for the Sediment Diversion project from the deep-draft navigation industry. This agreement required a lot of time, effort and coordination from the navigation stakeholders, that had to concede losing at least three key anchorage spots within the Pilottown Anchorage, for the diversion to be constructed at Mile 4.7 Above Head of Passes (AHP). The stakeholders were hopeful that the West Bay Diversion would be successful in achieving the goals projected by the modeling efforts, including the creation of nearly 10,000 acres within the West Bay receiving area.

There were three key conditions established and agreed to by USACE and LDNR as reproduced from the Steamship Association of Louisiana's letter to LDNR on April 28, 1998:

- 1) "Funds will be available through the CWPPRA Program to maintain the Pilottown Anchorage on the downriver side of the Diversion at its current depth. This will be accomplished through either annual maintenance or on an "X" year dredging cycle, which provides for advance maintenance dredging;
- 2) CWPPRA funds will be available, if needed, to maintain three deep-draft anchorage positions at -45' Mean Low Gulf above the Diversion. These anchorage positions (approximately 1600' long each) do not include any holes that may be caused by the Diversion inasmuch as the currents near the Diversion may make the area unsuitable for anchoring vessels; and
- 3) If induced shoaling in the navigation channel downriver of the Diversion is excessive, the Diversion will be closed."

The following quote is taken from Page 3 of the signed authorized agreement between the State and the Corps as dated August 29, 2002:

- "...Included as a Project feature is the maintenance of the outermost (eastern) 250-foot wide strip of the Pilottown Anchorage area and the entire width of the adjoining access area between this strip of the Pilottown Anchorage and the Mississippi River navigation channel. Advanced

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maintenance of the Pilottown Anchorage area shall be undertaken to account for the anticipated shoaling induced by the Project. Below the conveyance channel, the anchorage and access areas shall be maintained at the depths existing at the time the Phase One interim conveyance channel is constructed. Above the cut, three 45-foot deep by 1,500 feet long anchorage berths shall be constructed and/or maintained....”

Clearly, the language in the final agreement shares the objectives of the conditions developed by the navigation industry prior to the construction of the Sediment Diversion. The CWPPRA would eventually alter this agreement by removing the conditions that were established to protect the navigation interests and transiting vessels, specifically the commitment to maintain the Pilottown Anchorage at historic levels. When these changes were made by the CWPPRA program the undersigned and others navigation leaders objected and explained the importance of maintaining the Pilottown Anchorage. Due to the construction of the West Bay Diversion, the removal of the acknowledged navigation conditions and the lack of dredging within the Pilottown Anchorage since 2012, the anchorage is deficient and represents a hazard to navigation. Another caveat in the navigation agreement was the following:

“Our Association recommends that no further diversion projects be considered until this one has proven itself.”

The Big River Coalition has a vested interest in protecting the Mississippi River Ship Channel. The West Bay Diversion process, agreement and impact on the navigation industry, all while accepting the diversion has yet to create any noticeable acreage above the waterline has prompted our comments and objection to the Mid-Barataria Sediment Diversion (MDSB) project. The West Bay Diversion was promoted by the state of Louisiana as being able to create 9,831 acres over 20 years, yet after nearly 15 years the diversion has created much less land through accretion. However, several thousand acres have been created since 2009 through the beneficial use of dredged material using cutterhead dredges to restore the navigation channel. The West Bay Diversion agreement proved easy to alter after the fact and the creation of this sediment diversion has had a negative impact on both the shallow-draft and deep-draft vessels that transit this reach of the MRSC. The Pilottown Anchorage remains deficient and represents a hazard to navigation because of the deficient levels in the Anchorage, all vessels are now forced to bypass the anchorage and navigate within the busiest navigation channel in the country.

As a member of the Coastal Protection Restoration Authority’s Navigation Focus Group, I offer that there has been little specific discussion about the MBSB project with the stakeholders. Based on feedback from a Navigation Focus Group meeting several years ago, a rudimentary modeling effort was developed for deep-draft or ship traffic in 2014. However, during that meeting concerns were expressed that a more detailed deep-draft investigation and a comprehensive modeling effort to include shallow-draft or tow and barge traffic was needed. Three years later, there has been no follow up discussion or additional presentations on vessel modeling at the MBSB site.

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The members of the Navigation Focus Group should also be tasked with developing an operational plan, that if this diversion structure were opened could be used to ensure the structure did not represent a threat to safe navigation. The navigation industry has legitimate concerns based on their experiences with the West Bay Diversion, including the formation of a scour hole and the increased shoaling in the Pilottown Anchorage. Operational criterion should be established and an unbreakable binding agreement be reached before this permit is considered. Based on the ease at which the approved West Bay agreement was subsequently altered by the CWPPRA Task Force, the Big River Coalition requests a more secure legal operational agreement be ratified.

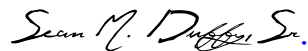
The membership of the Big River Coalition requests that the USACE deny the requested permit for the Mid-Barataria Sediment Diversion at least until the Coastal Protection Restoration Authority has directly addressed concerns specifically related to the impact on the navigation channel. A summary of the concerns of the navigation industry are all tied to the negative impact of the proposed Sediment Diversion to the country's most prolific tonnage channel and the maritime network that connects over half of the nation to international trade, including but not limited to:

- 1) Substantial increases to sedimentation in the Mississippi River Ship Channel in the area above and below the proposed location of the Mid-Barataria Sediment Diversion at approximately Mile 60.7 Above Head of Passes on the western side or right descending bank. The site is not in an area where the USACE performs maintenance dredging and all future channel maintenance needs would be attributable to the installation of said diversion. The CPRA should be held responsible for performing advanced maintenance to maintain the navigation channel at the maximum authorized draft of 55 feet. The CPRA should also have dedicated funding set aside to ensure it can fund and execute dredging contracts attributable to future Sediment Diversions.
- 2) An operational plan must be developed for the MBSD that is approved by all parties including representatives from the navigation industry.
- 3) The navigation industry requests that the MBSD be operated and/or controlled by the USACE as the lead agency trusted for representing integrated water management. The operation of this controlled sediment diversion must adhere to an operation plan developed with navigation stakeholders and not be amended unless all parties agree to the changes. The concerns of the navigation industry are tied to potential impacts to the navigation channel and include the potential development of a scour hole at the entrance to the diversion channel on the Mississippi River side; increased shoaling in the area surrounding the MBSD and the flow of water into the diversion canal being strong enough to alter the path of vessels transiting in the general vicinity of the diversion location.

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The Coalition continues to believe that one of the safest and most economical ways to build land along the Lower Mississippi River is through the beneficial use of dredged material. The CPRA has previously acknowledged the beneficial use of dredged material in the area of Southwest Pass as conducted by the USACE with the assistance of the dredge contractors, Louisiana Department of Wildlife and Fisheries, U.S. Department of Fish and Wildlife Service, Bar Pilots and BRC membership as “complimentary to or consistent with” the State’s Master Plan. The CPRA is relying on dredging on all other basins to create the bulk of their marsh restoration projects, but on the Lower Mississippi River the Master Plan is almost entirely based on the experimental sediment diversions.

Sincerely,



Sean M. Duffy, Sr.
Executive Director

CC: Colonel Michael Clancy