



June 3, 2021

United States Army Corps of Engineers
New Orleans District
Attn: CEMVN-OD-SE, MVN-2012-2806-EOO
7400 Leake Avenue, New Orleans, LA 70118

Email attachments sent to: CEMVN-Midbarataria@usace.army.mil

Re: Mid-Barataria Sediment Diversion EIS

Dear Mr. Brad Laborde:

On behalf of the Louisiana Oyster Task Force, I am pleased to formally submit our response to and comments on the Mid-Barataria Sediment Diversion draft Environmental Impact Statement (EIS) for the record.

After careful review of the draft EIS, we continue to hold strong reservations as to the “purpose and need” of the MBSD to rebuild our coast at the expense of our fisheries and essential fish habitat, our industry’s jobs and our coastal heritage and way of life. We believe this EIS as currently scoped, and CPRA’s proposed plan of action is incompatible with both a healthy environment and a healthy economy for southeast Louisiana. Over the years, we have pleaded for alternatives to be considered that would lessen the impact on our fisheries and communities, and yet, all six alternatives considered by CPRA involve mass amounts of freshwater to overflow into Barataria Basin. CPRA has not looked at a single alternative – dredge projects, small diversions, or other – that would limit the destruction to the estuary within. Thus, in our view, they have failed the people of Louisiana and that failure is written large throughout the draft EIS.

The irreversible impacts outlined within this response and the draft EIS itself cannot be overstated. Louisiana’s oyster industry has been a major fishery for over 150 years, providing for almost 4,000 direct jobs with an economic impact of \$317 million annually. Altogether, Louisiana’s commercial fisheries provide approximately 35,000 jobs for Louisiana residents and produce and sell \$2.4 billion of seafood annually.

It should be no surprise that joining us in our strong opposition to this freshwater flood are Louisiana's Shrimp and Crab Task Forces, the Parish Councils for Plaquemines, St. Bernard and St. Tammany, and Louisiana Lieutenant Governor Billy Nungesser, all of whom know the demonstrated risks that come with such large-scale freshwater diversions.

It will cost the state billions in damages over 50 years compared to the erroneous and insultingly low \$300 million in mitigation money suggested by CPRA. We implore the Army Corps of Engineers to consider the complete cost of the negative impacts as part of the total cost of the project before allowing this plan to advance.

Within the first five years, the impacted area will lose much of our salt and brackish water marine life including dolphins in exchange for the chance we *might* build land by 2070. If the real concern is protecting our coast, then we need to make an impact immediately. We need to build land now, not maybe build land in 50 years.

As stewards of the coast, we believe deeply in protecting and restoring our coastline, however, not at the expense of our most valuable natural resources. The Louisiana Oyster Task Force and our colleagues who shrimp, crab and fish for a living believe we can rebuild the coast without sacrificing the diversity of our estuaries and destroying current fish and wildlife habitat.

We are grateful to the scientists and academics devoted to protecting Louisiana's coast, but with all respect, science gets you so far. At some point, we have to look at real life experience and listen to the experts that have been protecting our estuaries for generations.

Sincerely,

Mitch Jurisich, Chairman
Louisiana Oyster Task Force

TABLE OF CONTENTS

SUMMARY OF THE LOUISIANA OYSTER TASK FORCE’S OBJECTIONS TO USACE DRAFT EIS FOR THE 4
MID-BARATARIA DIVERSION PROJECT 4
POSITIONING STATEMENT 5
1.4 PURPOSE AND NEED 6
1.6.1 THE OPA AND DWH NRDA DECISION..... 8
2.0 ALTERNATIVES..... 9
3.0 AFFECTED ENVIRONMENTS 11
 3.11 MARINE MAMMALS..... 11
 3.13 SOCIOECONOMIC..... 13
 3.14 COMMERCIAL FISHERIES..... 15
 3.14.3 OYSTER FISHERIES..... 16
APPENDICES 18
 Appendix 1 - Letter to the Editor New Orleans Advocate 18
 Appendix 2 - Letter to the Editor (sent to numerous newspapers throughout Louisiana) 19

SUMMARY OF THE LOUISIANA OYSTER TASK FORCE'S OBJECTIONS TO USACE DRAFT EIS FOR THE MID-BARATARIA DIVERSION PROJECT

- Louisiana's oystermen and women have been champions of protecting and restoring our damaged coastal environment for decades. As representatives of the more than 4,000 residents who rely directly on oyster harvesting and processing for their livelihoods, we are active and vocal advocates for policies and projects that work responsibly toward saving our coastal communities. Investing our own funds and resources through building cultch and coastal water bottoms more than demonstrates our commitment to a common goal we can share with CPRA and others.
- The Mid Barataria Diversion Project defies its own Purpose and Need by intending to use funds obtained and earmarked for damages incurred by the 2010 Deepwater Horizon oil spill for purposes that have nothing to do with mitigating damages caused by the spill. There is no claim, legitimate or inferred, that the DWH spill has played any role in coastal land loss. As such, it is our strongly held contention that these funds will be misappropriated if applied to the MBSD project.
- This project has been purposefully and deceptively mis-named by CPRA to deceive the public: As a project that will move 99% fresh river water and only 1% sediment (of which somewhere between 5-30% will remain in place), it is clearly a freshwater diversion and not a sediment diversion project. Sediment movement is merely a limited by-product of the movement of vast amounts of water. Notably, CPRA accurately terms other diversion projects they have undertaken such as the Caernarvon and David Pond diversions as freshwater diversions. Rebranding MBSD as a sediment diversion insults the intelligence of policy makers and the people of Louisiana.
- In its zeal to tout and build "the largest project of its kind in the world" CPRA intentionally failed to give legitimate study or credence to any other viable alternatives to massive freshwater floods. All seven options considered by CPRA either call for massive freshwater intrusions or no action at all. That "no action at all" should be considered a responsible approach to solving what CPRA has termed a critical problem that must be addressed is the height of cynicism and flies directly in the face of numerous other CPRA projects that utilize alternative methods such as sediment dredging and shoreline protection.
- Any advantages gained through diverting massive amounts of chemical-laden river water into the region's prime oystering, shrimping, crabbing and commercial and recreational fishing grounds will be more than offset by damages done to the estuaries and these industries and the people and communities that depend on our natural resources.
- Necessary mitigation funding estimated by CPRA and identified in the draft EIS is woefully inadequate to compensate for the economic and resources damages that will actually be incurred, leaving it to the taxpayers of Louisiana to pick up the tab to mitigate the true damages.

- The opinions of those who know best are intentionally ignored or downplayed by CPRA and thus by the draft EIS. Parish governments in Plaquemines, St. Bernard and St. Tammany and leaders of each of the state's commercial fishing task forces vehemently object to this project and draft EIS as scoped.
- Destroying numerous natural or environmental resources in an ill-conceived attempt to protect another is not, by anyone's standards, sound public policy. Doing so at a cost of \$2 billion is nothing short of folly.

POSITIONING STATEMENT

The Louisiana oyster industry has been a major fishery in Louisiana for over 150 years. Shellfish are an invaluable sustainable resource that are culturally and economically important to many of Louisiana's coastal communities, and by extension, to Louisiana's tourism-driven economy and reputation as a producer of many of America's most beloved seafood products. Louisiana's commercial oyster industry provides for almost 4,000 jobs and has an economic impact of \$317 million annually. Looking at Louisiana's oyster, crab, and shrimp industries the state produces and sells \$2.4 billion of seafood annually.

In fact, Louisiana produces $\frac{1}{3}$ of all seafood consumed in the United States, making Louisiana the second largest producer of seafood in the country. Broadly speaking, Louisiana's commercial fisheries provide approximately 35,000 jobs for Louisiana residents. That amounts to approximately one job out of every 70 jobs in the state.

In looking at the net loss of \$258 million to our state's commercial fisheries by the 2016 opening of the Bonnet Carre' spillway to a freshwater flood alone, there is little uncertainty about what will lie in store for our state's fisheries by opening the floodgates on the massive MBSD project (*November 20, 2019, Seafood Source*).

Louisiana's oystermen and women have long been among the most active advocates for saving and restoring our coast. Decades before coastal protection and restoration were deemed of any real importance by state and federal government agencies, the people who earned their livings on the water had been spending their own funds on building coastal water bottoms through using the resource itself to build cultch and strengthen against storm surge or sea level rise. We continue to do so today, nearly every day of the week, in fact.

And, while we support broader efforts to restore the wetlands and to provide for coastal flood protection, those of us who live and work in our coastal communities and depend on the natural fisheries and wildlife resources of Louisiana's estuaries, and whose culture is intertwined with those resources, deserve to have the guarantee that all efforts will be taken to preserve these natural renewable resources for generations to come.

The huge volumes of river water that will flood Barataria Basin with this project would completely inundate and overly freshen the entire estuary, destroying the current eco-habitat. This is a fact beyond

any dispute or trivializing. Historically productive oyster reefs would be swamped with upriver sediment, wiping out the marine life habitat that currently exists and has existed for centuries. River water also contains industrial and traces of biological pollutants which can degrade water quality within the estuary and will adversely affect all marine life.

Important assets like historical oyster reefs should be protected. Louisiana's coastal communities depend on the health of the estuaries for economic sustenance. There are other proven ways to rebuild the coastal wetlands that can help to restore and enhance the Barataria Basin without destroying livelihoods, increasing local flooding risks, and hurting our coastal communities. CPRA has deliberately and cynically failed to explore any of them. CPRA should be instructed by the Corps of Engineers to further explore other viable options beyond freshwater diversions before the Corps is permitted to submit its final EIS.

We should not have to destroy our natural resources, the marine resources, and our estuaries, to save them. Doing so makes no sense. We can do better, and we believe that the U.S. Army Corps of Engineers can and should help us do so by rejecting this poorly conceived freshwater flood initiative.

1.4 PURPOSE AND NEED

CPRA has promoted the assertion that a large-scale river diversion is important and necessary to restore the Barataria Basin for damages resulting from the Deep-Water Horizon Oil Spill (DWH). The Purpose and Need as currently scoped in the draft EIS clearly states that the Mid Barataria diversion is intended to “restore for injuries caused by the DWH oil spill” and that the project will “reconnect and re-establish sustainable deltaic processes between the Mississippi River and the Barataria Basin through the delivery of sediment, fresh water and nutrients”. Additionally, the statement of Purpose and Need indicates that the “the project is intended to restore habitat and ecosystem services in the northern Gulf of Mexico as a result of the DWH oil spill.”

This positioning statement of Purpose and Need is simply not true. It is merely an attempt to justify using funds generated from punitive measures related to the Deepwater Horizon spill for purposes that suit the needs of the CPRA in pursuit of an enormously expensive project no government or combination of governments (federal, state, or local) would ever expend funds for on their own.

More specific evidence of CPRA's duplicity in promoting and justifying this project in the context of DWH is LATIG's Strategic Restoration Plan and Environmental Assessment #3 which categorically and unequivocally focuses on the historic (pre DWH and in fact pre 20th and 21st century condition of the Mid Barataria area) and states that “historically Mississippi River channel migration, crevasses, and overbank flooding deposited sediment, freshwater, and nutrients in the Barataria Basin, building land and sustaining wetland habitats”.

Other direct references to causation unrelated to DWH in the statement of Purpose and Need include: the levee-induced channelization of the Mississippi River which has “altered natural fluvial interaction and sediment transport from the river into the basin...”, “exacerbated wetland loss including the

excavation of canals for transportation and oil exploration, the introduction of invasive species, and sea level rise.” “Recent hurricane events” are also identified as culprits in the condition of Louisiana’s coast in the statement of Purpose and Need as well as the placement Mississippi River flood control structures (again, totally unrelated to damages caused by DWH), as well as dredging itself, a frequent weapon used by state and federal authorities to restore lost land and prevent future land loss.

More consensus around the real causes of coastal land loss can be found in the May 31, 2021 New Orleans Advocate article and graphical depiction of causes of land loss by Dan Swenson (These six factors explain why Louisiana is rapidly losing land; see graphics). Specifically, six, and only six, factors are documented in the article:

1. Levees and jetties
2. Canals and channels
3. Subsidence
4. Saltwater intrusion
5. Invasive species
6. Sea level rise

Nowhere is the Deepwater Horizon oil spill (or any other oil spill) mentioned as a primary or contributing factor in Louisiana’s coastal land loss.

Specific evidence showing levees as a real culprit in the causation of land loss can be found in the fact that prior to the Deepwater Horizon oil spill, CPRA long held that Mississippi River flood control projects were the primary causes of coastal land loss. Notably, for decades the U.S. Army Corps of Engineers has spent hundreds of millions of dollars building these levees which, and while serving to protect surrounding acreage from water intrusion and flooding, have also served to make that surrounding acreage sink due to the sheer weight of the levees themselves (evidence of subsidence).

Louisiana’s estuaries, and the marshlands that connect them, have endured many man-made changes over the past 50 years, much of it directly in the interests of the oil and gas exploration industry yet these causes of land loss are not addressed by CPRA. Approximately 80% of the acreage projected to be reclaimed or built through implementation of the Mid Barataria Diversion Plan is privately owned by oil and gas production, exploration, or pipeline companies, which are widely acknowledged to be largely responsible for land loss due to the construction of hundreds of miles of canals and cuts used by those companies to service their well and pipeline sites. Essentially and ironically MBSD is designed in large part to rebuild land owned by some of the very interests that are responsible for land loss in the first place. CPRA should explain to the people of Louisiana why this actually makes sense.

To provide additional weight to these facts, a study by the Louisiana Mid-Continent Oil and Gas Association concluded oil and gas canals were "the overwhelming cause" of land loss. Another study by the U.S. Geological Survey stated the industry caused 36 percent of land loss. And another study by the American Petroleum Institute found that the industry caused 34 percent of the land loss. Dr. R Eugene

Turner, an LSU coastal scientist, concluded the industry caused over 80 percent of the land loss. Other published papers have attributed 20 to 33 percent of the land loss was caused by the industry. For the sake of this response, let's settle on an average between all these studies and conclude 44% land loss is attributed to the oil and gas industry.

Land companies, which own much of the coastal wetlands, profited handsomely from mineral royalties at the expense of losing the surface wetlands because of a poorly planned government coastal permitting process that looked only for maximizing short-term gains. For too long, the state and local governments have turned a blind eye to the environmental problem that was being created by the oil and gas industry, enabling unaccounted for damages to the wetlands to accumulate – meanwhile no one accepts or even suggests any responsibility. Damages to our coastal wetlands, bays and bayous are still allowed to continue today.

Instead, CPRA is seeking to spend nearly \$2B to build a new river delta where one never existed for over 1,000 years. Building *a new* river delta in Barataria Bay is not restoration by anyone's standards no matter how much money they have spent to pretend otherwise. CPRA and their allies are misleading the public by twisting the facts to better sell a lame and transparent narrative. In reality, Barataria Bay is already connected to the river with existing diversions at Davis Pond, West Pointe à la Hache and Naomi. Rather than restoration, what CPRA seeks to do is re-create the coast in an image of its own bureaucratic imagining.

1.6.1 THE OPA AND DWH NRDA DECISION

This project is in clear violation of OPA 15 CFR Sect 990.54 which states that the restoration alternatives be evaluated by: *"The extent to which each alternative will prevent future [injury](#) as a result of the [incident](#), and avoid collateral [injury](#) as a result of implementing the alternative"*.

The proposed MBSD will without question cause additional injury and collateral injury to many of the same eco-resources damaged by the DWH oil spill, like bottlenose dolphins, seafood fisheries, Essential Fish Habitat, and others. We strongly believe, as do Louisiana Lieutenant Governor, Plaquemines, St. Tammany, and St. Bernard Parish governments and others, that this proposed project violates OPA because OPA regulations clearly state that no expenditure of oil spill-related fines or penalties can be used to exacerbate the effects of an oil spill. This project, as scoped, does just that.

It is also demonstrable that CPRA's diversion plan *claims* to be designed to restore impacts caused by the Deepwater Horizon Oil Spill. Such a claim only exists to justify spending fines and penalties from the spill on CPRA's pet freshwater flood project.

In truth, the CPRA, Corps of Engineers, and others know, but fail to publicly acknowledge, that this claim has no basis since the DWH spill is not, by anyone's standards, a principal cause of wetlands loss, especially when compared to other major and more important and on-going contributing causes as outlined in Dan Swenson's May 31st article for *The New Orleans Advocate: These six factors explain why*

Louisiana is rapidly losing land; see graphics. Of those main causes include levees and jetties, canals and channels, subsidence, saltwater intrusion, invasive species, and sea level rise, **NOT** the Deepwater Horizon oil spill.

2.0 ALTERNATIVES

CPRA has failed to adequately consider any viable alternatives to a large-scale freshwater diversion that would minimize the impact on our fisheries. This all or nothing approach is an insult to all of us whose livelihoods rely on the fisheries. We are referring to generations of fishermen and women. While we all agree that we cannot do nothing, but why, out of six alternatives, did CPRA or its allies not consider a single approach that would save our fisheries or at the very least give us a fighting chance?

Neither CPRA nor the Corps of Engineers seem to have given serious enough consideration to viable alternatives although several certainly exist. For reasons of their own CPRA and its proponents are locked into a large-scale freshwater diversion. In effect, they have given us only one approach to managing and mitigating these issues despite the proven track record of other approaches in addressing these challenges in south Louisiana.

Dredging

Dredging has been purposefully ignored by CPRA and therefore is disregarded as a viable option in the draft EIS. Yet, it is well known and agreed upon that dredging has numerous and immediate beneficial results that do not entail generating the harsh and negative impacts of a freshwater flood.

It is clear that diversions will not produce a net gain of land for 20 years or more, while dredging shows a much more promising and instantaneous net gain on land and storm surge protection. Negative impacts from dredging operations are minimal – almost nonexistent – compared to diversions and dredge materials can be strategically and accurately placed where desired and needed and as high as needed to build ridges, islands, etc. This level of specificity and cannot be accomplished with diversions, especially like the high volume floods being considered by the Corps under this EIS. And of course, there is no argument that the true cost of acreage created by diversions is higher than acreage created by dredging because the cost of adverse negative impacts to our seafood industry among other things.

CPRA touts its support and direct involvement in implementing dozens of coastal dredging projects, pumping “more than 157 million cubic yards of sediment to benefit 48,894 acres of coastal habitat, created 60 miles of coastal barrier islands and berms and improved 336 miles of levees”, according to the agency’s own press release of December 11, 2020.

Recent examples of large dredge projects, undertaken by CPRA include:

- \$32 million marsh restoration in Cameron Parish (“1.9 million cubic yards of sediment dredged from the Gulf of Mexico...to build 308 acres of marsh.”)
- \$16.4 million dredge project on Rabbit Island in Cameron Parish to “restore 88 acres.”

- \$167 million dredge of Trinity-East Island in Terrebonne Parish designed to create 2.5 miles of land and 1100 acres of marsh and dune (using 9.2 cubic yards of sand pumped more than 15 miles).
- Whiskey Island dredge of 13.4 million cubic yards to construct 1,100 acres of barrier islands (also using BP spill money).

Moreover, based on experience in projects such as these, there should be little doubt that the method of flood diversion called for in the draft EIS will not be anywhere nearly as effective or immediate at building storm surge protection because, among other factors, there is not enough sediment from the Mississippi River to build more than a very small portion of the coastal zone over the 50-year life of the project.

There is also no doubt, as conceded but perhaps underplayed by project supporters, that the enormous amount of water required to transport the desired amount of sediment will change salinity regimes and destroy existing commercial fisheries. Additionally, as designed, this project does nothing to protect the small amount of sediment that will be delivered from erosion by wind and wave action, essentially minimizing the effectiveness of the marginal amounts of sediment deposited over the project's lifespan.

In reference to the planned Mid Breton diversion project, even CPRA's Ken Savastano concedes this fact, saying that "CPRA decided several years ago the lower two diversions (Mid Barataria and Mid Breton) weren't feasible to build."

Storm Surge Protection Barriers

The current diversion plan needs to be reengineered to create meaningful storm surge protection. Even CPRA acknowledges that the amount of land to be built by the project through diverted river sediment over 50 years will not keep pace with the amount of land lost through erosion by wind and waves over that same time. This reality is due to the absence of real storm surge protection offered by the diversion plan. As such, based on what the diversion will do versus what it purports to do, this plan is an egregious misuse of available funds.

Encircled Diversion

An encircled diversion, which can operate as a surge reservoir provides a better opportunity to achieve the stated goal of protecting and restoring the coast. Encircling the downstream sides of the diversion area with sediment and water containment bulkheads or levees will allow the enclosed area to be quickly filled with sediment through a combination of controlled diversion and dredging. The process is simple: rising flood water will fill the reservoir, dropping sediment at the end of the flood period. During non-flood times, dredging can be used to infuse the encircled area with sediment material. Doing so will protect marine resources and the commercial fishing interests that depend upon them and result in more effective storm surge protection in much less time.

3.0 AFFECTED ENVIRONMENTS

Louisiana oyster reefs provide innumerable benefits to the health and productivity of our estuaries.

Oyster reefs provide habitat for many other species including recreational and commercial fish, creating nursery habitat for fish and crabs, and providing small animals shelter from larger predators.

In addition to offering shelter and food, oyster reefs provide many benefits that promote healthy coastal environments including buffering coasts from waves, reducing erosion, and creating calmer waters that support the growth of coastal marshes and seagrass beds, which can in turn provide their own flood and erosion reduction benefits. Oysters are also extremely effective filter feeders, improving their surrounding water quality and clarity and further enhancing the health of the larger bay or estuarine systems in which they reside.

Studies from the Gulf of Mexico have found that oyster reefs can reduce the energy of high-power waves by as much as 76 to 93 percent.

Oyster reefs, shrimp, finfish, turtles, dolphins and these important fisheries and nurseries and their delicate marsh grasses known as spartina patens will be obliterated by the vast amount of river water released by this diversion project. The amount of released river water will far exceed the volume of sediment that will be released and will devastate the entire estuary in the northern Gulf of Mexico. In fact, early production runs used in the draft EIS predicted the accelerated land loss as the mortality rate of the brackish marsh grasses were greater than 50-60% in the first 10-60 days as these delicate plants cannot tolerate voluminous river water inundation.

Experiences on the east side of the river from the discharge of river water through the Caernarvon Diversion and the breach at the old Bohemia Spillway known as Mardi Gras Pass has killed brackish marsh grass only to be replaced with invasive species such as giant salvinia, hyacinth and lilies that are not indigenous to the area and choke up brackish marsh.

Further evidence of the negative consequence we can expect can be readily and scientifically observed. Many life cycles of different marine species have been affected on the east side included impacts from the release of river water through the Bonnet Carre' Spillway which killed over 300 dolphins in 2019 from back-to-back openings of the spillway releasing river water into the Mississippi Sound.

3.11 MARINE MAMMALS

The wildlife that occupies Louisiana's coastal environment has always been a critical element of and contributor to the health and vitality of our state's ecosystem. The enormous quantity of freshwater that will flow into Barataria Bay over the proposed 50-year operation of the MBSD, will reduce salinity to dangerous levels and is predicted to be a very real threat to the survival of several species that inhabit this area including the bottlenose dolphin.

The dolphin population in this region has already suffered significant damage almost to the point of decimation. According to a letter issued by the federal Marine Mammal Commission on February 5,

2018, part of the fallout of the BP Oil Spill in 2010 was “35 percent of the dolphins in Barataria Bay died, and 46 percent of remaining female dolphins had experienced reproductive failures.” A study published by the Society of Environmental Toxicology and Chemistry also suggests the effects of the BP Spill even a decade later, may also extend to multigenerational effects to dolphins' immune responses. (Ironically but tellingly, while funds from the BP spill fund are supposedly to be earmarked to mitigate damages from the DWH spill, this project will use those same funds to make a problem attributed in part to the spill even worse.)

Another study issued by the National Marine Fisheries Service, indicated the 2019 rerouting of Mississippi River water through the Bonnet Carre Spillway and into Lakes Pontchartrain and Borgne and the Mississippi Sound for more than 123 days led to dolphins enduring prolonged exposure to dangerously low salinity levels and was linked to an “unusual mortality event” where 337 were stranded along the Louisiana, Mississippi, and Alabama coasts. Furthermore, legislation designed to safeguard wildlife such as The Marine Mammal Protection Act passed in 1972 has also come under threat. Again in 2018, at the direction of Congress, a waiver was granted by the U.S. Department of Commerce to two Mississippi River diversion projects which meant they could progress without adhering to federal measures in place aimed at protecting species such as the bottlenose dolphin from death, injury, or health effects.

The proposed MBSD Project now represents another possibly disastrous endeavor for bottlenose dolphins. As detailed in a March 2 article on NOLA.com, a study issued by the National Marine Fisheries Service has examined the predicted damaging effects on the bottlenose dolphin population because of the proposed diversion. With potentially as much as 75,000 cubic feet per second of freshwater, sediment and nutrients being infused into the northeastern part of Barataria Bay during high river periods, salinity is expected to drop to alarming levels for an average 177 days a year. The study forecasts, in the central and western parts of the bay, dolphin survival rates “are expected to decline by 65.9% and 41.9%, respectively”. Further to this, a May 17 article on NOLA.com went on to describe the findings of another study conducted, under instruction from the federal Marine Mammal Commission, by the University of St. Andrews in Scotland, SMRU Consulting and the National Marine Mammal Foundation. This study also anticipates the diversion will cause a significant reduction in dolphin numbers to the point of “functional extinction”, as well as health issues such as skin lesions that can cover much of the dolphins’ body leading to sickness or death. The report goes further to suggest dolphin numbers will see a steady increase of about 3% a year over the same 50-year period without the diversion.

Detailed in a 2015 letter to the Army Corps of Engineers, the National Marine Fisheries Service documented that dolphin commonly live in water with salinity levels ranging from 20 to 35 parts per thousand. The letter went on to say "The proposed Barataria Bay and Breton Sound Mississippi River diversions are expected to reduce salinity to less than 4 parts per thousand throughout the majority of the resident dolphin habitat for more than four months of the year, depending on the diversion scenario. The extent of the freshwater would essentially eliminate suitable estuarine and nearshore coastal habitats for the Barataria Bay and Mississippi River Delta dolphin stocks."

3.13 SOCIOECONOMIC

Strongly held concerns regarding this proposed project are well documented by scientific studies including the US Army Corps of Engineers own body of work such as *Pictorial Account and Landscape Evolution of the Crevasses near Fort St. Philip Louisiana* and *USACE Perspective on Mississippi River Sediment Diversions*. The Corps and other scientific studies by Howes and others, which are based on empirical data and not conjecture, show that this project will most likely negatively impact the environment and residents who depend on it.

The public is being badly misled by those who promote this counterproductive and wasteful project.

First, the proposed Mid Barataria Sediment Diversion plan will not build land. It will, however, build freshwater marsh and grass that will fail to be sustainable in the face of large hurricanes and storms that will inevitably strike coastal Louisiana. If anything, three prior freshwater diversion projects including the Caernarvon diversion (the largest freshwater diversion created thus far) have proven that an influx of nutrient-rich freshwater and inundation of marsh plants will make the Barataria Basin more susceptible to storm surge.

Building a single acre of marshland serves no direct or positive economic purpose as opposed to the historically prolific fisheries of coastal Louisiana which generate an estimated \$2.4 billion in economic benefits for the State of Louisiana and the people of south Louisiana.

The Corps of Engineers' draft EIS states the planned diversion will create 85,500 acres of wetland by 2070 and yet without the planned diversion, 72,800 acres will still be created. Therefore, this diversion project will cost nearly \$2 billion to create just 12,700 additional acres, which equates to the inefficient and cost-unproductive creation of new wetlands to the tune of more than \$150,000 per acre and take 50 years to do so.

Recognizing the high potential for significant negative and irreparable impacts on residents, Parish Councils in Plaquemines, St. Bernard, and St. Tammany have collectively voiced their opposition to this project. The St. Bernard Parish Council stated in part that the project will "do permanent harm to the wildlife of Plaquemines and St. Bernard parishes and their respective seafood industries", "destroy the livelihoods of countless businesses and people", and result in the "loss of local tax revenues to fund vital services".

The Council's resolution of opposition also notes that the EIS demonstrates that "potential benefits in minimal land development that is predicted are far outweighed by unremediated damage to the parishes and their people". St. Tammany's resolution identifies numerous problems with the proposed plan including its lack of cost-effectiveness, inefficiency as a means of rebuilding the coast, minimal results as measured against costs, and "long-term damage" to "wildlife and fisheries of St. Bernard and Plaquemines Parishes" which will "destroy the livelihoods of countless" residents of those parishes.

Notably, St. Tammany's resolution also points out that CPRA failed to consider any other valid options including dredging which have been proven to be a cost-effective and useful means of rebuilding or sustaining Louisiana's coastal acreage and wetlands.

Lt. Governor Billy Nungesser, Plaquemines Parish resident and longtime champion of coastal restoration also questions the EIS findings and opposes the MBSD Project.

Nungesser served eight years as Plaquemines Parish President and has consistently opposed this project throughout his governmental career, recommending instead that the Corps and CPRA pursue building wetlands and ridge projects with dredged and pumped sediment from the Mississippi River as has been done in dozens of other Louisiana coastal restoration and protection projects.

Nungesser, in part is quoted as dismissing "the Mid-Barataria draft environmental impact statement's estimate that the diversion would kill 34% of the Barataria basin's bottlenose dolphins" (Garrison et al, December 2020). Instead, Nungesser cites data presented by the Marine Mammal Institute which found that numerous freshwater openings of the Bonnet Carre' Spillway resulted in dolphin killings of closer to 70%. Nungesser also correctly points out that Louisiana and coastal Mississippi are home to the world's largest population of bottlenose dolphins. He also questioned why the state of Louisiana encouraged Congress to exempt the MBSD project and the Mid Breton Sound Diversion from compliance with the Marine Mammal Protection Act. And he raised serious questions regarding how the project could be paid for with funding from the BP Deepwater Horizon restoration settlement as he believes those funds are to be allocated to address damage the oil spill inflicted on Louisiana's fisheries.

Finally, Lt. Governor Nungesser points out that CPRA's stated \$300 million fund for mitigation of damages incurred from the diversion project by the state's shrimp and shellfish industries is not only speculative, but wholly inadequate to mitigate the actual damages which will be incurred. He notes as well that those speculative funds would only account for half of the seafood landings in the past two years.

The draft EIS acknowledges that measuring economic and socio-economic impacts over an extended period is an inexact science, noting among other things, that "economic markets adjust over time in response to changing economic conditions" and that it is "particularly difficult to anticipate over long-time horizons." Yet, that is exactly what CPRA has done (and what is captured and presented to the public in the draft EIS). This acknowledgement is hardly reassuring for the coastal communities and the people of southeast Louisiana who may be negatively and long-term impacted. It also fails to build confidence in a project that claims to be based in such detailed and exact science.

As relates to prospective economic impacts of Louisiana's oystermen and women, the draft EIS does demonstrate that the oyster fishery in the impacted area makes up slightly more than one-third of all statewide landings and that the "activity within the Barataria Basin has actually increased in recent years." Based on anticipated damage to be done to the industry, the fact that these harvest grounds are otherwise becoming more important to the state's oyster production, it only stands to reason that costs

of mitigation for economic and socio-economic damages will only increase over time. A fact not considered in the low ball estimate provided by CPRA.

The draft EIS provides some commentary on workplace “substitutions” i.e. the types of industries and occupations that MAY provide job opportunities for area residents who may be displaced courtesy of MBSD. Importantly though, as stated in the draft EIS: “However, these types of substitution are not likely to fully offset the adverse impacts.” The draft also acknowledges that the uncertainty of true negative impacts from the project “may result in further accelerations in exits from the industry” especially for older members of the workforce for whom job re-training may not be as easily undertaken.

3.14 COMMERCIAL FISHERIES

More than 35,000 Louisiana residents earn part or all their livings through commercial fisheries, the very industry which will be most heavily impacted by the MBSD Project. Yet, in its zeal to build what it touts as the “largest project of its kind in the world” CPRA and its allies treat those employed in commercial fishing and the seafood resource itself as collateral damage that is secondary to their mission of recreating the coast.

The Louisiana Department of Wildlife and Fisheries (LDWF) published an economic report for Barataria Bay titled *An Assessment of the Principal Commercial Fisheries in Barataria Bay and Its Environs* in April 2021. The report used commercial fishing data collected by the LDWF for three areas in Barataria Bay.

The areas covered in this report, adjacent to the site of the proposed MBSD, account for much of the area’s commercial fishery production.

According to the report, the average cumulative volume and real dockside value in these identified areas between 2000 and 2017 were 4.6 million pounds and \$4.5 million for blue crabs, 12.3 million pounds and \$14.5 million for brown shrimp, 12.6 million pounds and \$21.0 million for white shrimp, and 3.2 million pounds and \$16.6 million for oysters.

Also noted in the report that the dockside values of seafood landings within the three areas were influenced by changes in the value per pound which were likely to have been driven by market forces beyond the confines of Barataria Bay. Recent increases in the value per pound of oysters, for example, have amplified the effect of increases in landings on the bivalves’ dockside values.

This assessment is based entirely on the volume and real dockside value of the six specified seafood types harvested from three sections of Louisiana’s waters. It does not include the value added from additional elements of the seafood marketing chain, such as processing or retailing, and does not consider changes in employment.

A glaring weakness in the draft EIS as relates to CPRA’s MBSD proposal relates directly to vastly low and inadequate estimates of what funding will be necessary to compensate the state’s commercial fisheries for dramatic and toxic changes to the coastal ecosystem. Specifically, the estimated \$300 million in mitigation funds which would be allocated for lost fisheries earnings is unrealistically low, especially as measured against shrimp and oyster landings values over just the last two years. Forcing shrimpers to

travel greater distances to ply their trades will require significant and expensive vessel upgrades including larger freezer capacities as well as put more revenues into fuel costs. Pushing damages and negative impacts out over a fifty-year period, it becomes easy to see how short sighted CPRA's mitigation funding estimates are and why their plans for this diversion project should be placed on hold pending further detailed and realistic economic damage and mitigation estimates.

Also, while the permit application acknowledges that the project will alter or destroy 7,530 acres of Essential Fish Habitat, not fully addressed is the anticipated destruction of oyster habitat and associated shrimp, crab and sports fishing habitat several times larger than the projected 7,530 acres. More specifically, public oyster seed reefs in Breton Sound and Eloi Bay run to 40,000 acres alone (nearly 5 times more than the projected 7,530 acres), with private oyster leases in Breton Sound amounting to several times more than the public reefs.

As accurately stated by John Dale "Zach" Lea, PhD in his April 2019 comments to the Corps, the project as currently designed is a "misuse of public resources because it does not maximize the benefits expected from the investment and assumes the destruction of a major portion of the oyster industry. The loss in oyster production and related crab, shrimp and sport fish production are not justified by the increased value of storm production created."

CPRA, an agency that pretends it can accurately predict every minute detail of the positive impacts of its pet project, should be held accountable for developing a detailed economic assessment and job creation and retraining program for those who will or may be displaced or economically or socially impacted by the Mid Barataria freshwater diversion before the Corps of Engineers or state of Louisiana permit this project.

3.14.3 OYSTER FISHERIES

For more than 150 years, oyster harvesting and processing have been important to Louisiana's economy and coastal communities. Oystering is central to our state's culture, heritage, and reputation as a food mecca for people around the world. Ours is a \$317 million business annually, working in concert with our colleagues who crab (\$293 million annual impact) and shrimp (\$13 billion annual impact). And yet, as documented, though underplayed in the MBSD draft EIS, this plan will do irreparable "near-term and long-term harm" to the industry and the more than 4,000 men and women and their families who make their living in the industry. Sadly, the draft EIS treats likely damage from implementation and operation of this massive freshwater flood project as "collateral" and just another cost of doing business, well worth the project's \$2 billion price tag.

While CPRA and the draft EIS attempt to skirt too much discussion, detail or inquiry into the harsh impacts which will befall the state's oyster industry, here is what we know:

- Shellfish (and crab, shrimp, and finfish) harvests will drop quickly and precipitously and won't recovery for years or even decades.

- Louisiana will lose its place in the upper echelon of seafood producing states; product from Texas, Alabama, Mississippi and elsewhere will fill the void, perhaps permanently.
- The local economy will suffer.
- Significant near- and long-term job losses will occur.
- Jobs that CPRA claims will be created because of MBSD will not be those that displaced oyster harvesters or processors will necessarily qualify to do.
- Many of those highly touted new jobs will be filled by consultants, engineers, and others from outside the area who have no vested interest beyond that in our coastal communities.
- Mitigation funds will be wholly inadequate to the task of making whole those who have lost their businesses, their jobs, and their way of life. The paltry \$300 million CPRA plans to set aside for mitigation fails to even cover one year of current oyster landings and sales and is an insult to the people who work and live on oyster producing communities.
- Availability of product for local restaurants will be limited and prices for local consumers and tourists will rise, creating further space in the market for out of state competitors.
- While CPRA hopes to build 20-40 square miles over 50 years, our local economy will be slow to recover, our jobs in seafood harvesting and processing will be lost, and our coastal quality of life will change forever.

The Corps of Engineers should make no mistake in interpreting the strongly held opinions of the Louisiana Oyster Task Force and our colleagues in other commercial fisheries organizations. We support and encourage efforts to save, protect and rebuild Louisiana's coast and we know that with the right approach and the right collaboration, Louisiana can rebuild and protect our coast without sacrificing the diversity of our estuaries or destroying our abundant marine life and fisheries.

Louisiana's oystering community has been a champion of protecting and restoring our damaged coastal environment for decades. Investing our own funds and resources through building cultch and coastal water bottoms more than demonstrates our commitment to a common goal we can share with CPRA and others. However, based on our more than 150 years of experience living and working in the very community the project will impact, we know with certainty that MBSD will wreak havoc on the local environment, the marine species that populate area waters, and on the livelihoods and cultural heritage and way of life of those who live in and near Plaquemines Parish. We also know, but deeply regret that CPRA has been intransigent in its unwillingness to give our depth of experience and knowledge of how the river and our coastal estuaries work, any credibility at all as they have weighed the (very limited options) they have ultimately considered to present to the people of Louisiana and the Corps of Engineers.

We respectfully ask that the Corps demand that CPRA provide it and the people of Louisiana with a detailed economic impact and loss/benefit study so that a truly informed decision can be made regarding the efficacy and future of this project so that actual costs of mitigating damage caused by it can be a central part of the discussion rather than an inconvenient afterthought.

Oyster reefs provide innumerable benefits to the health and productivity of our coastal estuaries. These reefs provide habitat for many other species including recreational and commercial fish, creating

nursery habitat for fish and crabs, and providing small animals shelter from large predators. Oyster reefs promote healthy coastal environments including buffering coasts and shoreline from waves, reducing erosion, and creating calmer waters that support the growth of coastal marshes and seagrass beds. Studies have indicated that oyster reefs can reduce the energy and impact of high-power waves in the Gulf of Mexico by as much as 76% to 93%.

Our concerns regarding this proposed freshwater flood are rooted in other similar experiences, also undertaken courtesy of CPRA (with Corps approval) including the Davis Pond and Caernarvon diversion projects, which, according to PDRAP/PEIS documentation caused “collateral injuries” to estuarine organisms such as oysters and brown shrimp. We have also witnessed the breach at Mardi Gras Pass decimate oyster reefs in Breton Sound and Black Bay. We know from firsthand experience that high volume diversions, whether man-made or created by nature, serve to obliterate marsh grass or spartina patens and disrupt the natural ecology and marine life in those impacted areas and that recovery is a painstaking and long-term process.

APPENDICES

Appendix 1 - Letter to the Editor New Orleans Advocate

February 2021



To The Editor:

In reference to the article “‘The Einstein of our coast’ reflects on decades of Louisiana environmental work,” by Halle Parker on February 13, I would like to first applaud John Lopez for his extraordinary work in coastal sciences as well as his work on the Multiple Lines of the Defense Strategy.

While Lopez has earned national acclaim for much of his work, science and protecting the coast at all costs has come at a considerable price. The policies he has long sought to implement have in fact had hugely negative impacts on the state’s commercial fishing, shrimping and oystering communities, doing far more damage to the state’s economy and coastal employment than any lasting good to our coastal infrastructure.

To be clear, the Louisiana oyster industry supports efforts to restore the wetlands and provide for coastal flood protection. Communities who have depended on the natural fisheries and wildlife resources of Louisiana’s estuaries, and whose culture is intertwined with those resources, deserve to have the guarantee that all efforts will be taken to preserve those natural renewable resources.

The Louisiana Oyster Industry believes that we can achieve coastal rebuilding without sacrificing the diversity of our estuaries and destroying current fish and wildlife habitat. Where we have disagreed with Mr. Lopez are the tens of thousands of acres of historic public oyster seed ground on the east bank of the river in Plaquemines and St. Bernard Parishes that are being irreparably destroyed by damages from coastal restoration projects.

The industry has been a major fishery in Louisiana for over 150 years and is an invaluable sustainable resource that is culturally and economically important to many of Louisiana's coastal communities. In fact, Louisiana's commercial oyster industry, which provides for almost 4,000 jobs, has an economic impact of \$317 million annually. It is disheartening to see that when it comes to loss of jobs and damaging the economies of coastal communities, most scientists look the other way.

We cannot allow the state to take its most valuable renewable resource for granted.

Public seed grounds produced 60% of Louisiana's oysters. Today, it barely produces 2%. Ninety percent of oyster production today comes from private leases. Over the years, individual oystermen and growers have been the protectors of the natural coastal environment. The industry has invested millions of out-of-pocket expenses adding to the estuaries to help build reefs.

Sadly, Louisiana, for the first time, is close to losing its longstanding title as the number one oyster producer in the world to Texas. As a fourth-generation oysterman, my greatest fear is losing our livelihood for the next generation who can no longer sustain this living. Important assets like historical oyster reefs should be protected in future coastal plans. Louisiana's coastal communities depend on the health of the estuaries for economic sustenance.

Mitch Jurisich, Chair, Louisiana Oyster Task Force

Appendix 2 - Letter to the Editor (sent to numerous newspapers throughout Louisiana)

May 2021



To The Editor:

June 3rd closes the public comment period on the Army Corps of Engineer's draft environmental impact statement (EIS) for the proposed \$2 billion Mid Barataria freshwater diversion project, the latest and largest effort to help protect and restore Louisiana's coastline by flooding vast amounts of acreage in Plaquemines Parish.

Proponents have traveled the state to convince the public that this plan is the only one that will work and that nothing else deserves consideration. Those of us who live and work in coastal communities,

including Parish Councils in St. Tammany, St. Bernard and Plaquemines, respectfully disagree for reasons that are strong, clear and without contradiction.

One look at the \$258 million loss to the state's fisheries inflicted by the 2016 flooding of the Bonnet Carre' spillway paints a stark picture of what will accompany this latest freshwater flood. In reality, the damage promises to be far, far worse.

While the state's seafood producer organizations oppose the current plan, we are strong advocates for smart coastal restoration and protection that actually does more good than harm. Louisiana oyster harvesters and processors and our colleagues who shrimp, crab and fish for a living believe we can rebuild the coast without sacrificing the diversity of our estuaries and destroying current fish and wildlife habitat. Alternative options we have urged the agencies to pursue instead include dredging, which has proven its effectiveness and cost-efficiency in Louisiana time and time again.

Sadly, the Coastal Protection and Restoration Authority is immovable from its plan to flood southeast Louisiana and do immense and irreparable economic, human, and cultural damage that could be avoided if other options were considered. We urge the Army Corps of Engineers to strongly consider the devastating realities facing our fisheries if this project moves forward as planned.

The oyster industry has been a major fishery in Louisiana for over 150 years, providing for almost direct 4,000 jobs with an economic impact of \$317 million annually and feeding tourists and residents alike. As a fourth-generation oysterman, my greatest fear is losing our livelihood for the next generation who can no longer sustain this legacy or way of life.

The comment period for the public to weigh in on this freshwater flood project closes on June 3rd. We respectfully request that all who share our concerns about the detrimental, unintended but very real consequences of this \$2 billion folly make their voices heard by commenting at CEMVN-Midbarataria@usace.army.mil.

Mitchell Jurisich, Chair, Louisiana Oyster Task Force

The views and opinions expressed in this content are solely that of the Oyster Task Force, a board established in law to study and monitor the molluscan industry and to make recommendations for the maximization of benefit from that industry for the state of Louisiana and its citizens.