



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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Lafayette, Louisiana 70506

September 22, 2015

Colonel Richard L. Hansen  
District Commander  
U.S. Army Corps of Engineers  
Post Office Box 60267  
New Orleans, Louisiana 70160-0267

Dear Colonel Hansen:

The U.S. Fish and Wildlife Service (Service) has reviewed Public Notice MVN-2012-2367-EPP, dated August 24, 2015. The Plaquemines Parish Government has requested a permit from the Department of the Army to restore Cat Island East in Barataria Bay. The project entails restoring Cat Island, currently less than 0.5 acres, to a footprint of approximately 19.85 acres above mean high water (MHW) to provide essential nesting habitat for a variety of avian species. The Service has reviewed the project information and offers the following comments in accordance with the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.).

According to the Public Notice, project implementation would require excavation 26.78 acres and temporary deposition of approximately 114,775 cubic yards (yd<sup>3</sup>) for a north access channel and excavation of 13.26 acres and temporary deposition of approximately 56,929 yd<sup>3</sup> for a south access channel. Materials dredged for perimeter access (72,826 yd<sup>3</sup>) would be deposited within the restoration footprint. A 29.10 acre borrow pit would be excavated in an area located within the bay and southwest of the existing island. That borrow pit would be dredged 14 feet deep from existing grade. A 45 foot circumference geotube would be installed with a top elevation of +2.0 feet (ft) North American Vertical Datum 1988 (NAVD88) for containment. The geotube would be covered by a rock splash apron with a 1:3 slope and a target elevation of +5.0 ft NAVD88. The area encompassed by the geotube (18.41 acres) would be filled to an elevation of +4.5 ft NAVD88.

Today, Cat Island East is only a remnant of its former self. That island, just like the many spread across the Mississippi River Deltaic Plain are rapidly disappearing into the bays ultimately creating shallow underwater shoals. But, unlike many similar islands located across the estuaries of southeast Louisiana, Cat Island East and its surrounding islands have served as vital nesting sites for colonial birds because they are small and remotely located, far removed from larger land

masses including barrier islands that support extensive predator populations. As such, they have been extremely valuable for bird reproduction. The Service is committed to the protection of Louisiana's wetlands from ongoing land loss and recognizes that the proposed project will benefit important coastal wetland resources in the Barataria Bay estuary by extending the longevity of a once vital bird nesting island. For that reason, we support the proposed activity; however, we feel that some alteration of that design would help to ensure and further enhance the productivity of this island. Because colonial nesting waterbirds may occur within the project area, the Service also recommends that the applicant adhere to the conditions set forth under the migratory bird section of this letter. Lastly, the Service has concerns that proposed borrow excavation could re-suspend potentially contaminated sediment.

The Service commends Plaquemines Parish's efforts to reverse the loss of this vital island by restoring its land base. We do, however, have concern that the restoration work will not contain some of the elements that are needed to be a productive nesting and nursery site. As such, we recommend that the island restoration work include design components that will better address the habitat needs of different species of nesting birds. Those design components include:

1. Ensuring fill material has a high sand content to support species of concern (i.e., terns and skimmers).
2. Depositing crushed shells (e.g., oyster) and sand on footprint area to provide a nesting substrate for terns and skimmers.
3. Construction elevation, accounting for subsidence and sea level rise, should ensure that an elevation in the intertidal range (i.e., +1.5 to +2.5 ft. NAVD88) is available 20 years post construction.
4. Filling areas in the footprint to elevations greater than +4.5 ft NAVD88 to increase interspersions, promote resilience to erosional processes, and ensure nesting success during extreme high tide events (i.e., hurricanes, prolonged south winds, etc.).

### Migratory Birds

The proposed project would be located in an area where colonial nesting waterbirds may be present. Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by monitoring the colony sites that were previously surveyed during the 1980s. Until a new, comprehensive coast-wide survey is conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season. To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

1. For colonies containing nesting brown pelicans, all activity occurring within 2,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 15 through March 31). Nesting periods vary considerably among Louisiana's brown pelican colonies, however, so it is possible that this activity window could be altered based upon the dynamics of the individual colony. The Louisiana Department of Wildlife and Fisheries' Fur and Refuge Division should be contacted to obtain the most current information about the nesting chronology of individual brown pelican colonies. Brown pelicans are known to nest on barrier islands and other coastal islands in St. Bernard, Plaquemines, Jefferson, Lafourche, and Terrebonne Parishes, and on Rabbit Island in lower Calcasieu Lake, in Cameron Parish.
2. For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, and roseate spoonbills), anhingas, and/or cormorants, all activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 1 through February 15, exact dates may vary within this window depending on species present).
3. For colonies containing nesting gulls, terns, and/or black skimmers, all activity occurring within 650 feet of a rookery should be restricted to the non-nesting period (i.e., September 16 through April 1, exact dates may vary within this window depending on species present).

In addition, we recommend that on-site contract personnel be trained to identify colonial nesting birds and their nests, and avoid affecting them during the breeding season (i.e., the time period outside the activity window).

Due to the importance of the project area as nesting habitat for bird species of conservation concern, the Service recommends that the project be constructed in a manner that would minimize bird impacts. The Migratory Bird Treaty Act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the U.S. Department of the Interior. While the Act has no provision for allowing unauthorized take, the Service realizes that some birds may be harmed or killed as a result of project-related activities even when reasonable measures to protect birds are implemented. The Service's Office of Law Enforcement (LE) carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to minimize their impacts on migratory birds, and by encouraging others to enact such programs. As such, LE focuses its resources on investigating and prosecuting individuals and entities that take migratory birds without regard for their actions or without effort to implement Service recommendations or conservation measures. In this case, we recommend that, to the maximum extent practicable, the proposed work be implemented during the non-nesting season (August 1 to March 1).

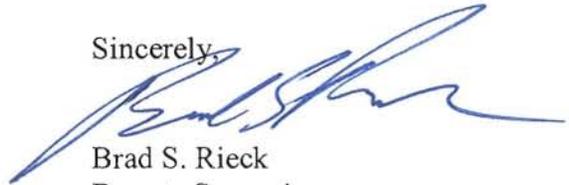
Deepwater Horizon Contaminated Sediment

In the Spring and Summer of 2010, the proposed work area was contaminated with oil from the Deepwater Horizon oil spill. Some of that oil is believed to have settled into the substrate on the bottom of the bay. In addition, the possibility exists that the proposed work area has been contaminated post the Deepwater Horizon spill up to beginning construction. Dredging for borrow material and access in the proposed work area may re-suspend oiled sediment, which could result in adverse impacts to an assortment of fish and wildlife species. Subsequently, the borrow material may be unsuitable for habitat creation due to contamination. Therefore, the Service recommends conducting soil core sampling prior to construction to determine presence/absence of possible contaminants.

The U.S. Coast Guard is responsible for tracking spills and other potential contaminants in coastal waters. If Plaquemines Parish intends to obtain borrow from the bay as depicted in the Public Notice drawings, we recommend that the applicant work with the U. S. Coast Guard regarding dredging protocol in this sensitive area, and that the established protocol and contaminants abatement be incorporated into project development/construction. The Coast Guard contact for such consultation is MST1 James Langford. He can be reached at 504-365-2411 or via e-mail at james.w.langford@uscg.mil.

The above findings and recommendations constitute the report of the Department of the Interior. For questions regarding this letter or further coordination, please contact John Savell of this office at 337/291-3144.

Sincerely,



Brad S. Rieck  
Deputy Supervisor  
Louisiana Ecological Services Office

cc: EPA, Dallas, TX  
LDWF, Natural Heritage Program, Baton Rouge, LA  
LDNR/OCM, Baton Rouge, LA  
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