

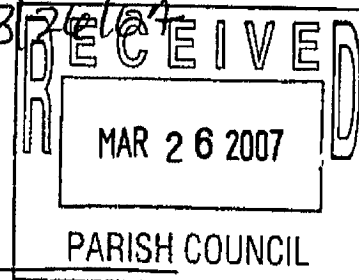
Council (Persons to Address the Council); Willowridge Est. Subd. (Ph. VI) Luling

2007-0108

PETITION TO ADDRESS THE COUNCIL

St. Charles Parish Council Chairman
P. O. Box 302
Hahnville, LA 70057
(985) 783-5000

Today's Date: 3/26/07



Dear Chairman:

Please place my name to address the Council on:

DATE: April 2, 2007

SPECIFIC TOPIC: permit for Willowridge Phase VI

(*see specific
guidelines on
reverse and
refer to
Parish Charter-
Article VII., Sec. I.)

DOCUMENTS, IF ANY: YES NO

NAME:

Allison St. Pierre Prendergast

MAILING
ADDRESS:

~~623~~ 623 Willowdale Blvd
Luling LA 70070

PHONE:

(985) 331-0596

SIGNATURE:

Allison St. Pierre Prendergast

Dear Constituent:

Thank you for your active participation. Your views and comments will be considered by the Council in making our decisions. The Council has a considerable amount of business to conduct in a limited amount of time, therefore, please note the following items that are expected of you:

- > The Home Rule Charter provides for citizens to address the Council. It makes no provision for initiating debate, discussion, or question and answer sessions with Councilmembers or Administration Officials. Your right is also guaranteed to examine public documents as you prepare your presentation. Should you have any questions for Councilmembers and/or Department Heads as you prepare, please forward such inquiries to the Council Office to insure a timely response. Should you wish to speak to any Official or Department personally, a complete list of contact information will be furnished at your request.
- > Please be brief and limit your comments to the specific subject matter on which you have requested to address the Council.
- > Please forward supporting documents to the Council Secretary for distribution to the Parish Council before your scheduled appearance in order for the Council to prepare themselves, if necessary.
- > Upon completion of your allotted time to address the Council, please respect the time given to Councilmembers to respond to your comments by not interrupting or interjecting remarks.
- > Slanderous remarks and comments will not be tolerated. If slanderous remarks or comments are made, your opportunity to address the Council will end, regardless of the remaining time left to address the Council.
- > Repetitious comments and subject matter will be strictly limited.

A confirmation letter will follow when your name is placed on the agenda.

Sincerely,
April Black
APRIL BLACK
COUNCIL CHAIRMAN

(OVER)

Allison St. Pierre Prendergast

623 Willowdale Blvd., Luling, LA 70070 • (985) 331-0596 • prendergasta@cox.net

March 26, 2007

St. Charles Parish Council Chairman
P. O. Box 302
Hahnville, LA 70057

Dear Chairman:

I respectfully request that the council file a formal objection to the request by Willowridge Estates, LLC. for a coastal use permit for Willowridge Phase VI, which would destroy 80 acres of wetlands to put 200 homes in an area with no hurricane protection.

There are numerous reasons this request should be denied ranging from wetlands destruction to increased traffic to impact on existing development. However, since the request at this stage is specifically limited to a coastal use permit, I will limit my objections to this area as well. (Documentation for these objections is attached.)

1. There is inadequate existing hurricane protection for this area of the west bank of St. Charles. In a Dec. 2005 article in the *St. Charles Herald Guide*, a representative of the developer stated the existing levee was never intended to be used for hurricane protection. In the same article, parish public works officials said the levee is in need of major repairs.
2. While the plat in the public notice for Willowridge Phase VI references the alignment of the St. Charles hurricane levee and its coordination with the proposed neighborhood, AND despite years of discussion between the Army Corps of Engineers and parish representatives, there is still no "acceptable alignment for this levee" according to Corps Project Manager Roger Swindler. Before this neighborhood expansion is considered, there must be a finalized alignment and construction completed on the west bank levee for St. Charles Parish. Otherwise governmental agencies are simply putting more people and more property at risk.
3. One of The Corps of Engineers' self-described "most urgent projects underway to protect metropolitan New Orleans from tropical storms" may protect Orleans and Jefferson Parishes, but will potentially harm other parts of the Barataria Basin, including the area slated for this development. The West Bank and Vicinity Hurricane levee project – which essentially builds a wall of protection across the west bank from Avondale to Algiers – will prevent storm surge coming up from the Gulf through the Barataria Basin from moving north and east. Therefore, this surge will flow west into St. Charles and Lafourche parishes. Additional residential development without hurricane protection should not be placed in the path of this surge.
4. A field investigator for the LA Dept of Natural Resources stated that this area serves as a buffer zone for storm surge for existing development. He recommended that the permit be denied.

5. Section XX of the parish's own zoning ordinance prevents or regulates the construction of flood barriers which will "unnaturally divert flood waters or which may increase flood hazards to other lands." Further, the purpose of this ordinance is "to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas." Additional residential development in this area will only add to any flood blight areas in the future.
6. Numerous studies, plans, and efforts on the state and federal levels are currently underway in an effort to protect and restore Louisiana's coast. Some of these include the Coastal Wetlands Planning, Protection, and Restoration Act, the Coast 2050 Plan, the state-federal joint Coastal Impact Assistance Program, the LRA's Louisiana Speaks program, and most recently the Draft Comprehensive Management Plan for a Sustainable Coast. The destruction of 80 acres of wetlands for private subdivision development, and the placement of that development in an area that even the developer admits does not have adequate hurricane protection, goes against everything these plans are trying to achieve.
7. All of these programs have coastal/wetlands restoration projects funded with tax dollars from all levels of government: local, state and federal. For example, the parish is partnering with the state to fund the Lake Salvador Shoreline Protection Project Phase III at a cost of \$2.6 million. It would seem contradictory on one hand for the parish to spend this amount to protect the wetlands at Lake Salvador, and on the other hand, approve the destruction of 80 acres of wetlands a few miles north of the area. And how much worse is it for the state to do the same to the federal government: on one hand ask for millions of dollars to protect and restore our wetlands and on the other hand permit 80 acres of wetlands to be destroyed.
8. According to the Gulf Restoration Network in public comments to the LA DNR, this development contradicts the state's current coastal master plan in several areas. The plan plainly states that wetlands in general must be preserved and it states that wetlands inside of hurricane protection levees must be preserved as an added layer of storm protection.
9. The GRN also states that wetlands mitigation isn't much help in this case. The organization says, "These wetlands, once filled, cannot be replaced, no matter how much mitigation takes place elsewhere.....We question if any amount of acreage offsite would be able to replace the function and values (*local flood mitigation*, local flora/fauna, etc.) that this large tract of urban wetland currently performs." As you know, this development is in the northern portion of the Barataria Basin, which according to the USGS, lost 18 square miles of land as a result of Hurricanes Katrina and Rita.
10. In addition to wetlands concerns, scientists believe areas in southeast Louisiana, particularly those south of I-10, are subsiding at an alarming rate. A recent article in the *American Association of Petroleum Geologists Explorer*, cites studies that indicate the subsidence may be caused by oil and gas extraction as well as geologic features such as faults in the area. The area for the Willowridge 6 development is near such oil and gas fields, as well as a geologic subsurface fault.

11. The Louisiana State Senate issued a concurrent resolution in 2004 that requests Congress to authorize and fund a Coastal Forest Reserve program. The resolution, co-authored by local state senator Joel Chiasson, states a major "concern in the state is the conservation and management of privately-owned coastal forests due to their importance in stabilizing soils and providing structural barriers against coastal erosion". The resolution states that the program would provide incentives to coastal forest owners to preserve and sustainably manage their coastal forests as part of the state and national initiative to restore our coast.
12. Parish residents who participated in the recent Louisiana Speaks survey strongly urged officials to be wise in making future growth decisions post-Katrina. The survey states that 84% say flood protection should be prioritized above other needs and 71% say some areas are too high-risk for building. (see attached)

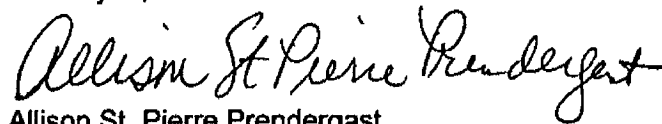
A major component of the Louisiana Speaks effort is determining future growth in the state -- balancing new development with coastal restoration efforts. New residential development is certainly beneficial to our parish, if built in the right areas, an example being Ashton Plantation. However, Hurricane Katrina taught us that building in low-lying areas without hurricane protection can be deadly.

Katrina was an urgent wake-up call as to how vulnerable we all are to storm surge. Our own Tab Troxler said at the parish Hurricane Summit of 2006 that if Katrina had come 40 miles further west, a storm surge of 15' would have hit the Mississippi River levee. In fact, Mr. Cocie Rathborne, CEO of Rathborne Land and the developer of Willowridge Estates and Ashton Plantation, said in a *Times-Picayune* article last June* that Katrina clearly made everyone more aware of our vulnerability. The article also states that Mr. Rathborne is chairman of Jefferson Parish President Aaron Broussard's committee to investigate Category 5 hurricane protection for Jefferson residents.

While Mr. Rathborne is fighting for even stronger hurricane protection levees than the existing ones in Jefferson Parish -- a noble cause for sure -- an affiliated company wants to add 200 more homes to the hundreds it already developed in an area that has no hurricane protection levee.

I believe the residents of St. Charles Parish are just as deserving of strong hurricane protection as our neighbors in Jefferson. Development of Willowridge Phase 6 undermines the little hurricane protection that currently exists for the residents of this area. I encourage you to strongly object to the development of Willowridge Phase 6.

Thank you,



Allison St. Pierre Prendergast

*Gordon, Meghan, "Pace of Harvey Canal levee fix causes concern," *The Times Picayune*, June 5, 2006.
<http://www.nola.com/news/t-p/frontpage/index.ssf?/base/news-5/1149487051100370.xml&coil=1>

Allison St. Pierre Prendergast

623 Willowdale Blvd., Luling, LA 70070 • (985) 331-0596 • prendergasta@cox.net

References • Letter to Parish Council • March 26, 2007

1. Taylor, Ann. "Wetlands stand in the way of protecting the neighborhood," *The St. Charles Herald Guide*, December 15, 2005.
<http://www.heraldguide.com/news/dec05/levee.htm>
2. Swindler, Roger. Email message. March 5, 2007:

----- Original Message -----

From: "Swindler, Roger D MVN" <Roger.D.Swindler@mvn02.usace.army.mil>

To: "Allison Prendergast" <prendergasta@cox.net>

Sent: Monday, March 05, 2007 1:01 PM

Subject: RE: Willowridge levee status (UNCLASSIFIED)

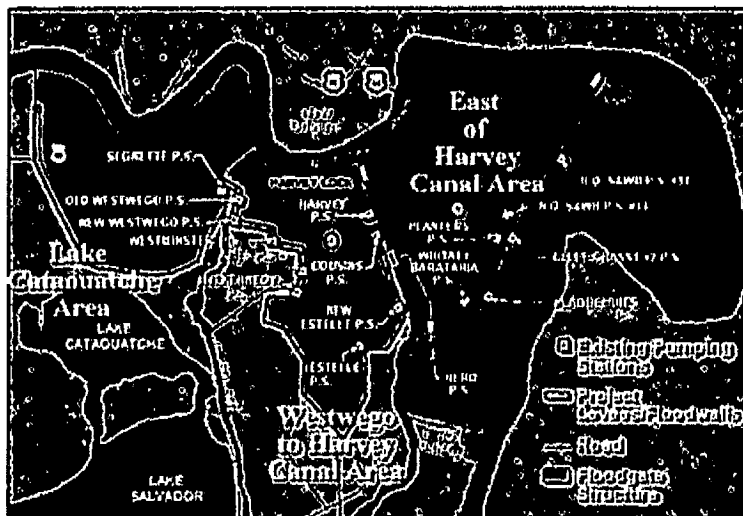
Classification: UNCLASSIFIED

Caveats: NONE

The past project manager for this application accepted a job with another governmental agency. While I was given his project, my present workload has not allowed me to get up to speed on this project at this time. Attached is the public notice from July 2005 showing the requested alignment which would impact the conservation area. **There is no accepted alignment at this time for the hurricane protection levee.** (emphasis added)

3. West Bank and Vicinity Hurricane map, U.S. Army Corps of Engineers website: <http://www.mvn.usace.army.mil/>

West Bank & Vicinity Hurricane Protection Project



The red line is the authorized alignment for the West Bank project

4. Kilgren, Kirk. "Biological Investigation Report," Louisiana Department of Natural Resources, Coastal Management Division, October 25, 2006. Attached as Appendix A.
5. St. Charles Parish Zoning Ordinance of 1981, *Section XX. Flood Damage Prevention*. 3.a. and 4.c.
6. State, federal coastal restoration plans:
 - a. Coastal Wetlands Planning, Protection, and Restoration Act - http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_59A.html
 - b. Coast 2050 Plan - <http://www.coast2050.gov/>
 - c. Coastal Impact Assistance Program - <http://dnr.louisiana.gov/crm/ciap/ciap.asp>
 - d. LRA's Louisiana Speaks program - <http://www.louisianaspeaks.org/>
 - e. Draft Comprehensive Management Plan for a Sustainable Coast – www.louisianacoastalplanning.org
7. Executive Summary, *Draft Louisiana Coastal Impact Assistance Plan*, February 2007, p.14. <http://dnr.louisiana.gov/crm/ciap/ciap.asp>
8. Rota, Matt, Water Program Resources Director, Gulf Restoration Network, Public Comments to DNR, COE, DEQ, re: Willowridge Phase VI, March 15, 2007. Attached as Appendix B.
9. Farris, Gaye. "USGS Reports Latest Land Change Estimates for Louisiana Coast," News Release, U.S. Geological Survey, U.S. Department of Interior. October 3, 2006. <http://www.usgs.gov/newsroom/article.asp?ID=1568&from=rss>
10. Durham, Louise S., "Subsidence a Lurking Villain – Levees vs. Wetlands Get Spotlight," *American Association of Petroleum Geologists' Explorer*., January 2007.
11. Louisiana State Senate, Concurrent Resolution No. 75, Regular Session, 2004. Attached as Appendix C.
12. St. Charles Parish response, Louisiana Speaks, Louisiana Recovery Authority. Attached as Appendix D.

DEPARTMENT OF NATURAL RESOURCES
COASTAL MANAGEMENT DIVISION

BIOLOGICAL INVESTIGATION REPORT

- I. Public Notice No. 20060372 Date: 10-31-06
Aerial Check: Ground Check: 10-25-06
- II. Description of Project Site and/or Area of Influence
- A. Habitat classification (s): Bottomland hardwoods
 - B. Drainage basin: Barataria
 - C. Qualitative condition(s): Extremely high
 - D. Soil type(s): Sharkey-Commerce; Barbary-Fausse
 - E. Water salinity:
- III. Habitat Type and Vegetative Analysis
- A. Non-wetlands (above 5 ft. contour; natural or man-made)
acres(s)
 - B. Non-vegetated wetlands (below 5 ft. contour; open water, mud flats, etc.
4.95 acre(s) -
 - C. Vegetated wetlands (below 5 ft. contour; vegetated w/emergent and/or
submergent species)
78.85 acre(s) -

1. Obligate wetland species:	% composition
Bald cypress (<i>Taxodium distichum</i>)	80
Red maple (<i>Acer rubrum</i>)	20

Pub. No. 20060372

2. Facultative wetland species:	% composition
Hackberry (<i>Celtis laevigata</i>)	80
Green ash (<i>Fraxinus pennsylvanica</i>)	20

3. Facultative species:	
Live oak (<i>Quercus virginiana</i>)	60
Water oak (<i>Quercus nigra</i>)	20
American elm (<i>Ulmus Americana</i>)	20

IV. Flora and Fauna Community Resources

A. Predominant fishery community:

Sunfish, bass

B. Predominant wildlife community:

Furbearers, native & migratory birds, alligators, deer

C. Endangered or threatened species and/or sensitive communities:

V. Potential Direct and/or Indirect Environmental Impact on Habitat Resources.
Unique and valuable habitat for wildlife and aquatic organisms will be destroyed.

Pub No 20060372

VI Recommendations Concerning Project Design, Operation, Location, etc to Prevent or Reduce Impact on Natural Resources:

→ At this time, this project should be denied
This very unique, thriving habitat whose ridges were developed by overflows of the Mississippi River many years ago should not be developed because

- (1) The alignment for the West Bank Hurricane Protection Levee has not been decided. The current preferred (least damaging) alignment by most agencies is directly south of existing development to the north. If the levee is situated there, this proposed subdivision would be outside of the system. This permit should not be considered for issuance until the levee matter is resolved.
- (2) There are questions whether or not this proposed subdivision can be located directly adjacent to the perpetual Conservation Servitude area which would be affected by effluent runoff, noise issues, etc. Establishing a levee around the perimeter of the proposed development would also infringe on the Conservation Servitude area.
- (3) The Conservation Servitude area is not depicted on the plats.
- (4) The drainage servitude area is not clear with the plats that are provided.
- (5) This proposed project area serves as a significant storm buffer/water retention area that protects adjacent habitats as well as developed areas.
- (6) A ditch was constructed within the proposed project area prior to the perpetual Conservation Servitude agreement. An accompanying culvert was installed with the ditch. These items are not depicted on the plats.
- (7) This area and areas around it have been considered the No. 1 restoration area within the coastal zone of Louisiana (as referred to in the Conservation Servitude agreement).
- (8) Green buffer zones are not depicted on the plats.

VII Mitigative Recommendations to Offset Environmental Impact (if any).

If this permit is issued, it would be difficult to come up with truly proper mitigation for the area. The location possesses many live oak trees with girths of 5' and over with a significant variation of bottomland hardwood habitat. This habitat possesses superior quality. If the permit is issued, it is recommended that a 4:1 ratio of acreage be assigned for mitigation. The mitigation should be remunerated and completed prior to the issuance of the permit.

VIII Field Reconnaissance Data

A Investigator(s)

Paul Hagen

B Date of Investigation: ground 10-25-06
aerial

C Time of Investigation: ground: 1300 hrs
aerial

APPENDIX B

—REFERENCES • PRENDERGAST LETTER TO PARISH COUNCIL • 3/26/2007 —



United For A Healthy Gulf

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

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COASTAL MANAGEMENT
DIVISION

March 15, 2007

Darrell Barbara
United States Army Corps of Engineers
New Orleans District
Attention: Regulatory Branch
Post Office Box 60267
New Orleans, LA 70160-0267
Darrell.Barbara@mvn02.usace.army.mil

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

Tim Robertson
State of Louisiana
Department of Natural Resources
Coastal Management Division
Post Office Box 44487
Baton Rouge, LA 70804-4487
timr@dnr.state.la.us

RE: Joint Public Notice for Applicant: Willowridge Estates, L.C.C.
COE Number: MVN-2006-3898-EFF
WQC Number: JP 061102-08
CUP Number: P20060372

Dear Mr. Barbara, Phillippe, and Robertson:

I am writing on behalf of the Gulf Restoration Network (GRN), a diverse coalition of individual citizens and local, regional, and national organizations committed to uniting and empowering people to protect and restore the resources of the Gulf of Mexico. We have serious concerns about the application for a Section 404/401 and Coastal Use permit submitted to the U.S. Army Corps of Engineers (Corps), Louisiana Department of Environmental Quality (LDEQ), and Louisiana Department of Natural Resources (LDNR) by Willowridge Estates, L.L.C., c/o Danny J. Hebert, P.E. Willowridge Estates intends to develop an 83.8 acre subdivision (Willowridge Estates Phase VI) in an area that is almost exclusively wetland habitat (78.85 acres). The GRN opposes Willowridge Estates' request for 404, 401 and Coastal Use permits and we ask that the Corps deny this permit request as proposed, based on the following concerns:

GRN Comments
COE# MVN-2006-3898-EFF; WQC# JP 061102-08; CUP# P20060372
Page 2 of 5

1. This type of new development in wetland areas directly contradicts the current draft of Louisiana's coastal master plan.

The effects of Hurricane Katrina should have taught us all the lesson that we must preserve our wetlands—not only for their water quality and wildlife habitat benefits, but also as one of our “lines of defense” against storms and flooding. As this development is in the Barataria Basin, an area with massive amounts of wetland loss and subsidence, filling these wetlands would directly conflict with Louisiana's restoration and community protection goals. The recent release of the draft *Comprehensive Management Plan for a Sustainable Coast*, clearly states that these valuable wetlands must be preserved. For example, the first key assumption that the *Comprehensive Plan* makes (on p. 2 of the executive summary) is that “a healthy landscape is essential to achieving both a sustainable ecosystem and reliable flood protection.” Filling in these wetlands removes both the ecosystem and flood protection functions of this tract of land, thus placing it in direct conflict with the state's goals

Also, this proposed development is located outside of any hurricane levees. So, currently the surrounding communities are protected from storms and flooding by the wetlands that Willowridge Estates intends to fill in. The permitting agencies would be doing the local communities and state a great disservice by allowing these protective wetlands to be filled in.

Not only is this proposed development outside of current hurricane levees, it even lies outside of some of the most environmentally friendly alignments of levees that are currently under consideration. Therefore, building of this subdivision would preclude some of the best options for protective levees. Even if a levee were built to include the proposed wetland fill area, development of these wetlands would once again directly interfere with the state's plan. Page 53 of the state *Comprehensive Plan* plainly states that “wetland areas inside the hurricane protection system need to remain intact and undeveloped. The most state of the art hurricane protection system can actually increase the assets at risk if it encourages development in wetlands or areas near the levee footprint. Such action would not only be risky from a safety and economic standpoint, but it would also degrade wetlands and eliminate interior flood storage capacity.” Given these statements, it would be against the public interest to allow Willowridge Estates to destroy wetlands that should be preserved in order to protect the citizens of Louisiana.

2. Water dependence is not demonstrated in the Public Notice.

According to the public notice, the purpose of the project is to “develop [an] 83.8 acre subdivision (Willowridge Estates Phase VI).” This purpose is not water dependant, and the applicant has not sufficiently demonstrated why the alignment or the project as a whole is necessary for this specific location.

GRN Comments
COE# MVN-2006-3898-EFF; WQC# JP 061102-08; CUP# P20060372
Page 3 of 5

3. Direct, indirect, secondary, and cumulative impacts must be fully considered.

Given the information in the Public Notice it does not appear that Willowridge Estates fully considered the direct impacts, or even addressed indirect, secondary, and cumulative impacts of the proposed wetland fill:

Direct impacts—The direct impacts of this project are extremely significant. There could be a considerable impact to water quality and wildlife habitat, including a potential for endangered species that either abide in this area, or use it for a feeding area. Additionally, there is a conservation servitude abutting this proposed development directly to the east. The proposed project has the distinct possibility to adversely impact this area directly through staging areas.

Also, the fill of such a large area is in violation of the federal and state antidegradation policy. The Louisiana policy states that "the administrative authority will not approve any wastewater discharge or certify any activity for federal permit that would impair water quality or use of state waters." (Title 33, Part IX, Subpart 1, §1109.A.2) Since this water body is designated for Fish and Wildlife Propagation, filling it would obviously impair this use and constitute significant degradation.

Indirect impacts—This development would destroy wetlands that are a part of subsegment 020303 (Lake Cataouatche and tributaries), which is a water body that is listed on the impaired waters list as impaired for nutrients and dissolved oxygen. Destroying these wetlands would reduce the amount of nutrients taken up, and would facilitate the depletion of dissolved oxygen, and thus cause more damage to an impaired water body.

Also, the indirect impacts would include impacts to the above mentioned servitude. By filling these wetlands the hydrology that supports the protected area to the east would be altered. This would damage an area that is supposed to be protected in perpetuity.

Secondary impacts—As the permitting agencies know, there has been a proposal for the St. Charles Parish hurricane protection levee. The most environmentally responsible alignment of this levee would place this development outside of the hurricane protection levee, thus leaving the new community vulnerable. Additionally, this development would fill wetlands that are currently acting as storm and flood protection for existing communities.

Cumulative impacts—Similar to secondary impacts, the cumulative impacts on storm and flood protection must be taken into consideration. The individual impacts of this project must be looked cumulatively with *all* wetland fill projects in coastal Louisiana, and especially in the Barataria Basin. The function of these wetlands, once filled, cannot be replaced, no matter how much mitigation takes

GRN Comments

COE# MVN-2006-3898-EFF; WQC# JP 061102-08; CUP# P20060372

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place elsewhere. Therefore we request that the "avoidance and minimization" portions of this review be taken very seriously and with the entire region in mind.

4. Alternatives have not been adequately addressed.

The Public Notice gives no indication that there was any sort of alternatives analysis to determine if there were any non-wet sites for this project. This alternative analysis must include direct, indirect, secondary, and cumulative impacts that take into account water quality, wildlife, and flood protection. Up to this point, the public have not been given any information as to why this project is necessary and why it must be located in this location.

5. We question that any mitigation for lost wetlands could completely replace the function and values lost.

If any impacts to wetlands occur during this project, mitigation will be required. We feel that it would be extremely difficult to replace the function and values of this particular wetland if offsite mitigation takes place. If mitigation does take place, the acreage must significantly exceed a 1:1 ratio for acreage, as the eventuality of at least partial failure must be taken into account. Also, we question if any amount of acreage offsite would be able to replace the function and values (local flood mitigation, local flora/fauna, etc.) that this large tract of urban wetland currently performs.

6. The final plan, including a mitigation plan, should be made available to the public before any permits are granted.

We feel that the current Public Notice system is not adequate to fully involve the public in the Section 404 and 401 and Coastal Use permitting processes. The only item available to the public in the entire process is the Initial Public Notice, which occurs before LDEQ, Corps, LDNR, and the permittee go through the "avoid, minimize, and mitigate" process. Therefore, the public is never given the opportunity to comment on the final project, including the mitigation plan. We have often been told that many changes happen to permits before they are issued, but the public never sees them until the wetlands have already been filled and water quality altered. Therefore we request more information in the initial Public Notice (e.g. preliminary mitigation plans, efforts made to avoid impacts, necessity of project location, etc.).

7. Regulatory and planning divisions of the Corps must collaborate to ensure local, state, and federal restoration goals are met.

The issuance of this permit would conflict with current policies and priorities of the State of Louisiana and the Corps. Louisiana has lost over 46% of its original wetlands and continues to lose 25-35 square miles of valuable coastal wetlands each year as a result of subsidence, dredging, and increased human intervention. The continuing loss of Louisiana wetlands threatens a thriving commercial and recreational fishery, migratory

GRN Comments

COE# MVN-2006-3898-EFF; WQC# JP 061102-08; CUP# P20060372

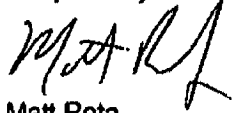
Page 5 of 5

birds, wildlife, storm and flood abatement, and the communities dependent on those resources.

The State of Louisiana and the Corps, pursuant to the Coastal Wetlands Planning, Protection, and Restoration Act, the Coast 2050 Plan, and now the Draft Comprehensive Management Plan for a Sustainable Coast are responsible for protecting and restoring Louisiana's wetland resources. Therefore, the Corps, LDEQ, and LDNR should not approve a permit that impacts such a large amount of wetlands. Louisiana is seeking billions of dollars from the federal government for coastal protection and restoration. If our state and region are to have any hope of receiving the funds necessary to protect our economic, community, and environmental assets, we all must demonstrate our willingness to act as stewards of Louisiana's remaining coastal resources. The issuance of this permit could hardly be considered an act of coastal resource stewardship. If the State and the Corps are to ever achieve their goal of restoration and protection of Louisiana's coastal resources, they must become the premier guardian and steward of those resources, rather than a participant in their destruction. Instead of being a united front for protecting and enhancing wetlands, it seems that the regulatory and planning divisions of the Corps are working against each other—one destroying wetlands and one building them. If we want to have any chance of restoring the wetlands the Corps and the state of Louisiana are charged with protecting, the different divisions and agencies must work together towards the same goal.

Especially since the 2005 hurricane season, the GRN has become more and more alarmed by the wetland destruction that has been occurring throughout Louisiana. We hope that the Corps, LDEQ, and LDNR will take the above comments seriously and act upon them. In order to keep us and the public properly informed, we request notification of denials/changes to Willowridge Estate's Section 404/401 and Coastal Use permit requests, as well as an Environmental Assessment that quantitatively evaluates direct, indirect, secondary, and cumulative impacts. We look forward to a written response.

Respectfully submitted,



Matt Rota

Water Resources Program Director

Cc: Colonel Wagenaar, New Orleans District, US Army Corps of Engineers
Brigadier General Crear, Mississippi Valley Division, US Army Corps of Engineers
Tulane Environmental Law Clinic (via e-mail)
Coalition to Restore Coastal Louisiana (via e-mail)
Louisiana Audubon Council (via e-mail)

APPENDIX C
REFERENCES • PRENDERGAST LETTER TO PARISH COUNCIL • 3/26/2007

ENROLLED

Regular Session, 2004

SENATE CONCURRENT RESOLUTION NO. 75

BY SENATORS N. GAUTREAUX, AMEDEE, BOASSO, CHAISSON, DUPRE, B. GAUTREAUX, HAINKEL, MCPHERSON, MOUNT, ROMERO, SCHEDLER, THEUNISSEN, MALONE AND MICHOT AND REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to authorize and fund the establishment of the Coastal Forest Reserve Program, and to urge the United States Department of Agriculture Forest Service, the Louisiana Department of Agriculture and Forestry, and the Louisiana State University School of Renewable Natural Resources, with the assistance from the University of Louisiana at Lafayette and other Louisiana universities, to provide an inventory and assessment of coastal forests.

WHEREAS, Louisiana's coastal land loss problem is well known within the state and is gaining recognition across the country as one of the nation's most pressing conservation issues; and

WHEREAS, of recent concern in the state is the conservation and management of privately-owned coastal forests due to their importance in stabilizing soils and providing structural barriers against coastal erosion, in addition to their particular importance to neotropical migratory song birds and colonial wading birds; and

WHEREAS, the United States Congress has responded to the need to conserve and restore wildlife habitat throughout the nation by authorizing and funding numerous conservation incentive programs such as the Conservation and Wetlands Reserve Programs (CRP/WRP); and

WHEREAS, Conservation and Wetlands Reserve Programs are authorized to apply to agricultural lands and therefore are not available to provide incentives to coastal forest owners to preserve their forests or manage them sustainably; and

WHEREAS, considering the dramatic loss of coastal forests to saltwater intrusion and the importance of coastal forests, and individual trees, to the structural integrity of

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Louisiana's coastal wetlands, now popularized as "America's WETLAND," it is ironic that an incentive program is not available to secure the conservation of this critical resource.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana memorializes the Congress of the United States to authorize and fund the establishment of a Coastal Forest Reserve Program to provide incentives to coastal forest owners to preserve and sustainably manage their coastal forests as part of the state and national initiative to restore the Mississippi River coastal delta and chenier plain of southwest Louisiana.

BE IT FURTHER RESOLVED that the Legislature of Louisiana urges and requests the United States Department of Agriculture Forest Service, the Louisiana Department of Agriculture and Forestry, and the Louisiana State University School of Renewable Natural Resources, with assistance from the University of Louisiana at Lafayette and other Louisiana universities, to provide an inventory of coastal forests and assess their functional values for the purposes of establishing eligibility and priority ranking for enrollment in a Coastal Forest Reserve Program.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the chief of the United States Department of Agriculture Forest Service, the commissioner of the Louisiana Department of Agriculture and Forestry, the director of the Louisiana State University School of Renewable Natural Resources, and the president of the University of Louisiana at Lafayette.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES