



## UNITED FOR A HEALTHY GULF

541 Julia Street, Suite 300, New Orleans, LA 70130  
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24 August, 2015

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RE: **CUP 2014 1416 ; WQC 150423-01**  
**MVN-2014-2121** Maurepas Pipeline, LLC “Louisiana Refining System” Project

Dear Ms. Zumo, Ms. Terrell and Ms. Johnson,

I am writing on behalf of the Gulf Restoration Network (GRN)<sup>1</sup>. We have serious concerns about the application for a Coastal Use Permit (**P2014 1416**) submitted to the Louisiana Department of Natural Resources (“LDNR”) Section 404 permit (**MVN-2014-2121**) submitted to the U.S. Army Corps of Engineers (“Corps”), and a Water Quality Certification (**WQC# 150423-01**) submitted to the Louisiana Department of Environmental Quality (“LDEQ”) by Maurepas Pipeline LLC. (“Louisiana Refining System”).

We believe this endeavor has been misrepresented as a “pipeline” to avoid certain costs and evaluations normally required of intermediates and refined products, and refineries. Elsewhere<sup>2, 3</sup>, this project has been referred to, even by Motiva, as the first step in the “Louisiana Refining System,”<sup>4</sup> and so we refer to it as such here. Without a terminal and refineries at either end of the pipelines, there is no purpose for the project.

<sup>1</sup> 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

<sup>2</sup> \$500 million pipeline system to link Motiva refineries in Norco, Convent by Timothy Boone  
<http://theadvocate.com/news/business/11949796-123/500-million-pipeline-system-to>

<sup>3</sup> Refinery positions itself to handle more U.S. shale crude by Ted Griggs  
<http://theadvocate.com/news/acadiana/11955305-123/refinery-positions-itself-to-handle>

<sup>4</sup> Motiva Integrates Refineries to Create Louisiana Refining System  
<http://www.motivaenterprises.com/media-center/2015/motiva-integrates-refineries-to-create-louisiana-refining-system.html>



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*We request that the application be withdrawn as submitted, as applicants cannot piecemeal projects.*

To date, Motiva refineries have been using “low to no cost”<sup>5</sup> methods to deal with a temporary glut in light crude supply. No information is available on how long this oversupply will last, or what the market holds for the refined products proposed to be transported.

*We question the economic need for the Louisiana Refinery system, and ask for the full economic evaluation, Needs and Justification for a refinery expansion. We request an Environmental Impact Statement with a “No Build” scenario that outlines the current methods Motiva is employing to deal with oversupply.*

The applicant has proposed three pipelines to connect refineries, in order to deal with a temporary glut in crude supply, through the last sustainable area of the Maurepas Basin, much of which has been designated a Wildlife Management Area. The benefits seem temporary, the impacts will last decades. Our organization was part of a coalition of groups which sought the cessation of logging in the area. This was spurred by the Governor’s Science Working Group’s report of the fact that, without river restoration of the basin, the Cypress would not regenerate in most of the acreage on the eastbank.

*We request an environmental impact statement so that the the significant and complex impacts of this project can be properly evaluated.*

The Maurepas WMA was expanded to preserve the natural and recreational values of this forest, which, in its decline, could not be silvicultured. The applicant now proposes an alternative for pipeline routes through this same WMA, created to preserve the canopy, and argues that mitigation for this destruction can be settled by planting marsh that has been ruled “Class III degraded” by this same Science Working Group—a classification for former forest, now marsh, that cannot be sustained as forest by artificial means<sup>6</sup>. The mitigation proposed ignores the values of this wetland forest, and assumes hydrologic conditions that simply do not exist.

*We request that the application be withdrawn as submitted, as the mitigation plan contains much incorrect information and must be re-drawn.*

Previous publications have asserted that the wetland values of “Class II” forest, much of which is proposed for mitigation for destruction of “Class I” in the path of the Louisiana Refining System, cannot be sustained without freshwater introduction. The Louisiana Refining System passes through the channel for a state and federal freshwater re-introduction project, the Maurepas River Re-introduction, and may interfere with LCA

<sup>5</sup> US EIA. Technical Options for Processing Additional Light Tight oil Volunes within the United States April 2015  
<http://www.eia.gov/analysis/studies/petroleum/lto/pdf/lighttightoil.pdf>

<sup>6</sup>Published as Schaffer et al, 2009 Degradation of Baldcypress-Tupelo Swamp to Marsh and Open Water –an Irreversible Trajectory? Journal of Coastal Research, Special Issue No. 54, 2009  
[https://www.southeastern.edu/acad\\_research/depts/biol/faculty/publications/pdf/2009/shafe\\_et\\_al2009a.pdf](https://www.southeastern.edu/acad_research/depts/biol/faculty/publications/pdf/2009/shafe_et_al2009a.pdf)



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Blind River. Planning for this diversion has been funded to the tune of \$19 million by the RESTORE Council, and we would see that the Refining Project takes special care to avoid contaminating or interfering with the operation of the freshwater introduction.

*We request that check valves be placed as a minimal precaution against contamination of diversions, upstream and downstream of the diversion channel where the Refinery System pipelines cross them. We ask for an engineering evaluation of the soils under the diversions, through which the pipelines would pass*

The latest update to the scientific effort to map the viability of Cypress / Tupelo and hardwood forest is due out this year, and preliminary discussions have mentioned the need for a sediment diversion around Convent to sustain or restore the Hardwood and Cypress wetland forests (PFO2 and PFO1). This channel could be placed in conflict with the proposed route of the crude oil leg of the Louisiana Refining System.

*We request an engineering evaluation of the conflicts of the Refining system pipelines with this proposed sediment diversion.*

The Louisiana Refining System's crude, intermediates, and refined products pipelines would lie adjacent to existing rights-of-way, but expand them in a way so as to essentially create a new right-of-way alongside other rights-of-way. In other areas, the right-of-way is entirely, wholly new.

This creates a total impact to wetlands of 503.96 acres, an inordinately excessive amount of the kind even New Orleans District rarely sees. This amount of impact is certainly significant alone. Add the complications of tunneling under the river levees, two or three diversions, an Outstanding Natural Resource Water and Scenic River, the Blind River, the potential conflict with the West Shore Lake Pontchartrain Project, and the two Spillway levees, and the significance only magnifies.

The majority of the acres, 325.05, are Cypress-Tupelo forest, much of which is targeted for restoration. 102.39 acres are Bottomland forest. 193.66 acres are Cypress –Tupelo forest protected on public lands.

The GRN opposes the Louisiana Refining System's request for a Section 404 permit and Water Quality Certification, and we ask that LDNR, the Corps and LDEQ deny this request based on the following concerns:

**1. *The destruction of coastal wetlands directly conflicts with Louisiana's Master Plan and a 2007 Executive Order issued by Gov. Jindal.***

Filling in these wetlands directly conflicts with Louisiana's restoration and community protection goals. The *Comprehensive Management Plan for a Sustainable Coast*, clearly states that these valuable wetlands *must* be preserved.



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For example, one of the key assumptions of the 2007 *Comprehensive Plan* makes is that “a sustainable landscape is a prerequisite for both storm protection and ecological restoration.”<sup>7</sup>

Additionally, in 2012, land use specifications were further clarified:

We do not want construction of new hurricane protection systems to encourage unwise development in high risk areas, as has occurred in the past. Such development increases overall levels of risk and diminishes the effectiveness of the protection structures themselves. This phenomenon is called “Induced Risk,” and it runs counter to the master plan’s objectives of sustaining wetland ecosystems and reducing the flooding risks borne by coastal communities. Similarly, wetland areas inside the hurricane protection system need to remain intact and undeveloped. [2012 SMP, page 159]<sup>8</sup>

Filling in these wetlands removes both the ecosystem and flood protection functions, thus placing it in direct conflict with the state’s goals. For Convent and other communities, these forests are the flood protection.

The Louisiana Legislature approved the latest iteration of the Coastal Master Plan during the 2012 Regular Session,<sup>9</sup> with overwhelming public support.<sup>10</sup>

On January 23, 2008, Louisiana Governor Bobby Jindal gave even greater weight to the recommendations laid out in the 2007 Master Plan by issuing Executive Order No. BJ 2008-7 (“Executive Order”). This Executive Order requires that all state agencies “administer their regulatory practices, programs, contracts, grants, and all other functions vested in them in a manner consistent with the Master Plan and public interest to the maximum extent possible.”<sup>11</sup> The Executive Order, in addition to ordering all state agencies to comply with the Master Plan, asserts that “state agencies must function in a manner that recognizes the vital importance of expediting hurricane and coastal protection and ensuring sustainable practices in our coastal zone.”<sup>12</sup>

While the Executive Order strives to implement the Master Plan’s goals to preserve wetland areas, Louisiana Refining System seeks to obtain a permit for a project that would destroy 503.96 acres of wetlands, which protect communities from localized flooding, in order to construct an industrial development in its place, and possibly re-plant some areas. LDEQ cannot both follow the Executive Order and issue a Water Quality

<sup>7</sup> Coastal Protection and Restoration Authority of Louisiana, *Executive Summary, in LOUISIANA’S COMPREHENSIVE MASTER PLAN FOR A SUSTAINABLE COAST 3* (2007).

<sup>8</sup> Coastal Protection and Restoration Authority of Louisiana, *2012 Comprehensive Master Plan for a Sustainable Coast*, p 159)

<sup>9</sup> SCR No.62, 2012 Leg., Reg. Sess. (La. 2012)

<sup>10</sup> Louisiana Coastal Master Plan Public Opinion Survey, Southern Media & Opinion Research, Inc. Online at <http://www.mississippiriverdelta.org/files/2012/04/2012-Louisiana-CMP-Opinion-Survey.pdf>

<sup>11</sup> Exec. Order No. BJ 2008-7, available at <http://gov.louisiana.gov/assets/docs/OfficialDocuments/2008EO7SustainableCoast.pdf>.

<sup>12</sup> *Id.*



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Certification to Louisiana Refining System given its impact on more than 500 acres of wetlands and neighboring habitat for development.

The Master Plan also states that “overall hydrology must be improved by minimizing impediments to water flow.”<sup>13</sup> Allowing Louisiana Refining System to continue affecting over 500 acres of wetlands is obviously inconsistent with the mandate to improve hydrology and minimize impediments to water flow.

*The destruction of water flow is contrary to the unequivocal language of the Master Plan. The loss of ecosystem services is contrary to the language of the Master Plan.*

### **2. Water Dependence is not demonstrated in the Public Notice.**

According to public releases and the public notice, the purpose of the project is to construct a series of pipelines for the Louisiana Refining System. The applicant has not clearly demonstrated that the project is water-dependent, nor has the applicant clearly demonstrated that practicable alternatives do not exist. In fact, the American refineries have been pursuing alternatives to expanding light crude refining capacity. According to 40 CFR §230.10(a)(3):

where the activity associated with a discharge which is proposed for a special aquatic site (as defined in subpart E) does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e. not water dependent), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the same aquatic ecosystem, unless clearly demonstrated otherwise.<sup>14</sup>

Wetlands are considered “special aquatic sites.”<sup>15</sup> There is no reason or explanation given by Mr. Bruno concerning why this development must be sited in wetlands to “fulfill its basic purpose,” and therefore, as the burden rests with the applicant, it is not water dependent. According to the regulations, it is assumed that non-wet practicable alternatives do exist.<sup>16</sup>

*Given these facts, the Corps must deny the permit to Louisiana Refining System, as this development would violate federal regulations.*

<sup>13</sup> *Id.*

<sup>14</sup> 40 C.F.R. §230.10(a)(3) (2009).

<sup>15</sup> 40 C.F.R. §230.41.

<sup>16</sup> It should be further noted that 40 C.F.R. §230.20(a)(2) allows for the consideration of alternative sites *not owned* by the applicant if they can be reasonably obtained and utilized for the basic purpose. Here, where the basic purpose is **commercial development**, it can be easily assumed that numerous non-wetland properties could be reasonably obtained to fulfill the basic purpose, and it is clearly within the applicant’s burden to demonstrate otherwise.



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**3. Because this permit is located within an area vulnerable to storm surge, FEMA should be included the agency review of this permit.**

As stated, these wetlands lie within the inland extent of storm surge per the SLOSH model of the National Hurricane Center, as well as within the 100-year floodplain<sup>17</sup>. Since FEMA is charged with administering the flood insurance program for this residential development, they should also be informed of this permit, which places people and developed property in harm's way.

In the case of Convent, an environmental justice community, these forests are the flood protection for people and property. The Corps must take the Executive Orders on environmental justice seriously.

*We request that FEMA and local floodplain managers be notified of this loss to flood protection and storage.*

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

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

Direct impacts – The direct impacts of this project are certainly significant. There could be a considerable impact to water quality and wildlife habitat, including a potential threat to threatened species that either reside or feed in this area.

The fill of such a large area is in violation of the federal and state anti-degradation policy. The Louisiana policy states that “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.”<sup>18</sup>

The Federal regulations have not been fully implemented. Per executive orders 11988 and 11990, in order to prevent impacts to wetlands certain aspects need to be analyzed.

Title 18 of the Code of Federal Regulations states,

It is the policy of the Council to provide leadership in floodplain management and the protection of wetlands. Further, the Council shall integrate the goals of the Orders to the greatest possible degree into its procedures for implementing the National Environmental Policy Act. The Council shall take action to: Avoid long- and short-term adverse impacts associated with the occupancy and modification of floodplains and the destruction or modification of wetlands; Avoid direct and indirect support of floodplain development and new construction in wetlands wherever there is a practicable alternative; Reduce the risk of flood loss; Promote the use of nonstructural loss reduction methods to reduce the risk of flood loss; Minimize the impact of floods on human health, safety and welfare; Minimize the destruction, loss or

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<sup>18</sup> LA. ADMIN. CODE tit. 33, pt. IX §1109(A)(2).



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degradation of wetlands; Restore and preserve the natural and beneficial values served by floodplains; Preserve and enhance the natural and beneficial values served by wetlands.<sup>19</sup>

Given that the public notice does not thoroughly adhere to the executive order, LDEQ and the Corps should deny the permit application.

Indirect and Secondary impacts – This project both has and will further destroy wetlands that act as a buffer to reoccurring storms and localized flooding. The unpermitted destruction of these wetlands, in direct opposition to the State Master Plan, would certainly contribute to the weakening of the state’s storm defenses. The Code of Federal Regulations recognizes the significance of secondary impacts from wetland destruction by emphasizing that “minor loss of wetland acreage may result in major losses through secondary impacts.”<sup>20</sup> Where almost 500 acres of wetlands are involved, it is unacceptable that the applicant offers no analysis of these probable impacts.

We question the ability of the applicant to re-plant forested wetlands over a heated line. We are concerned with the increase of invasive species facilitated by opening the canopy for three rights-of-way. None of these impacts are addressed anywhere in the applicant’s documents.

Cumulative impacts – The cumulative impacts on storm and flood protection must be taken into consideration. This project could incite additional construction and in turn jeopardize even more wetlands unique to this area. This activity, combined with similar wetland-destroying projects, could result in more flooding in surrounding communities, as well as degraded water quality in the Blind River and surrounding wetlands. The whole area must be looked at as an interrelated ecological unit in order to adequately assess the true cumulative impacts.

*Since the public notice does not assess, or even recognize, the potential direct, indirect, and cumulative impacts that will result from the disruption of more than 500 acres of wetlands, the Corps must not approve this permit as submitted.*

### **5. Alternatives have not been adequately addressed.**

The Public Notice gives no indication whether applicant engaged in any alternatives analysis to determine if any non-wet sites for this project exist. This alternative analysis must include direct, indirect, secondary, and cumulative impacts that take into account water quality, wildlife, and flood protection. Presently the public has not been given any information as to why this project is necessary and why it must be located in this location.

Impacts to wetland areas could be minimized if the development were relocated to a non-wet site. Impacts could be eliminated with low to no cost alternatives. As noted above, a burden to show the non-existence of practicable alternatives rests with the applicant where the proposed project is not water-dependent and is located in a special aquatic habitat.

<sup>19</sup> 18 C.F.R. §725.2.

<sup>20</sup> 40 C.F.R. §230.41.



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*We request an alternatives analysis in response to this letter.*

***6. The supplied Mitigation Plan is insufficient; Additionally, it contains an analysis based on the existence of state and federal restoration projects that the Louisiana Refining System conflicts with.***

Federal law also requires the applicant to compensate for, or mitigate, the damages resulting from the destruction of our nation's wetlands, if the permit is issued. In the public notice, there is only a vague mention of proposed plans for the use of a mitigation bank to offset any unavoidable losses to wetland functions caused by project implementation. Mitigation plans were provided to LDNR in August 2015. It is impossible for the public to adequately comment on a project without being able to also review more detailed proposed mitigation plans. For this reason, all permit applications should include specific mitigation plans so that they can be evaluated throughout the application process.

*In light of the release of the mitigation plans, we request a new public notice and comment period, so that the experts in the Science Working Group can evaluate the trade off of wetland areas proposed by the applicant.*

According to the joint EPA/USACE "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule" (33 CFR 322.4[c]), mitigation plans for all wetland compensatory mitigation projects must contain the twelve elements, including

- site selection criteria
- baseline information for impact and compensation sites
- ecological performance standards
- monitoring requirements

Given the general failure of mitigation, the mere mention of a possible plan is obviously not sufficient to evaluate whether the chosen mitigation plan is compensating for wetland losses according to these four criteria, much less the full twelve. A mitigation plan could place wetland mitigation in another Corps district, for example.

The public notice offers no meaningful opportunity for our members who reside near the development to scrutinize and comment on the proposed project. It offered no information to wetland experts interested in the project.

Corps/EPA regulations concerning mitigation plans specifically require that the Corps "must ensure that adequate [mitigation plan] information is included in the public notice to enable the public to provide



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meaningful comment,” providing exception only for data which is “legitimately confidential for business purposes.”<sup>21</sup>

The mere mention of mitigation banking cannot reasonably satisfy this requirement of “adequate information” to allow “meaningful comment.” Considering that localities in Southern Louisiana have a strong public interest in minimizing the effects of storm surge and localized flooding, the nature and location of compensatory mitigation is of vital importance to those who wish to provide meaningful comment.

*Due to the fact that this regulation is not followed, the public notice is incomplete and must be reissued with a mitigation plan.*

**7. 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 permitting process. The only item available to the public in the entire process is the initial Public Notice, which occurs before the Corps and the permitted 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 the permits before they are issued, but the public never sees them until the wetlands have already been filled and water quality altered.

*We request more information in the initial Public Notice (e.g., preliminary mitigation plans, efforts made to avoid impacts, necessity of project location, adequate alternative analysis, environmental assessments, etc.).*

*Due to the fact that this regulation is not followed, the public notice is incomplete and must be reissued with a mitigation plan.*

**8. We question whether any mitigation for lost wetlands could completely replace the function and values lost.**

If any impacts to wetlands occur during this project, mitigation is required. Given the general history of failure of mitigation, particularly in the New Orleans District, in less sensitive areas, we feel that it would be extremely difficult to impossible to replace the function and values of this particular wetland if offsite mitigation takes place. Even replanting rights-of-way may be unviable without successful diversions.

Recent scientific literature reviews<sup>22,23</sup> of wetland mitigation sites have described these kinds of general failure in detail, but the failure is due partially to the fact that the functions of wetland soils are largely unaccounted

<sup>21</sup> 40 CFR § 230.94(b).



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for. The overall lack of recovery of biogeochemical functioning may have been driven largely by the low recovery of the carbon storage and the low accumulation of soil organic matter.<sup>24</sup>

A recent LSU master's thesis has outlined the failure to replace ecological functions by the New Orleans District 404 regulatory branch.<sup>25</sup> The in-lieu fee program begun by the cooperation between the LDNR and USACE did not include forested wetlands because of the current undermitigation of wetland forests.

Even if mitigation took place within the same hydrologic basin, 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 tract of wetland currently performs. Furthermore, compensatory mitigation in distant ecosystems with no ecological interrelation with the parcel and locality at issue wholly removes any meaning behind the word "compensatory."

We have many concerns about the use of preservation of "degraded", Class III forest as mitigation. The proposal is oxymoronic. The only way such a proposal is viable would be if all of the river restoration projects proposed are functioning. In 2015, not one is functioning. This is a deeply flawed mitigation plan.

The mitigation plan states that it ignores a previous case of preservation in the New Orleans district (page 8) we ask that this instance be specifically included in any future analysis of preservation. We are deeply concerned that the applicant and its mitigation partner are excluding examples of preservation in the New Orleans District in their analysis.

In the case of the Maurepas Basin, we have had, since 2006, a specific series of studies on the viability of Cypress-Tupelo and Hardwood forests. This information is simply not incorporated into the mitigation plan, and the applicant is proceeding as if a decade of research into the Maurepas wetlands has not been initiated by previous Governors. It has led to a mitigation plan that is simply unviable.

*The public notice is incomplete and must be reissued with a new mitigation plan that incorporates the decade of wetlands research begun by the Science Working Group and continued by Southeastern.*

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<sup>22</sup> Spieles, D. J. 2005. Vegetation Development in Created, Restored, and Enhanced Mitigation Wetland Banks of the United States. *Wetlands*. 25:51-63.

<sup>23</sup> Moreno-Mateos D , Power ME , Comín FA , Yockteng R , 2012 Structural and Functional Loss in Restored Wetland Ecosystems. *PLoS Biol* 10(1): e1001247. [doi:10.1371/journal.pbio.1001247](https://doi.org/10.1371/journal.pbio.1001247)

<sup>24</sup> *Id.*

<sup>25</sup> WETLAND MITIGATION BANKS AND THE NO-NET-LOSS REQUIREMENT: AN EVALUATION OF THE SECTION 404 PERMIT PROGRAM IN SOUTHEAST LOUISIANA by Abbey Anne Tyrna [http://etd.lsu.edu/docs/available/etd-04102008-141642/unrestricted/Tyrna\\_thesixx.pdf](http://etd.lsu.edu/docs/available/etd-04102008-141642/unrestricted/Tyrna_thesixx.pdf)



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### SUMMARY

- 1. The project is inconsistent with the State Master Plan and the 2007 executive order.**
  - a. *We request that the permit be denied.*
  
- 2. Water dependence of the project has not been demonstrated by the applicant in the Public Notice.**
  - a. *Given these facts, the Corps must deny the permit, as this development would violate federal regulations.*
  
- 3. FEMA should have agency review of this 404 project, because it increases the likelihood of local flooding.**
  - a. *We request that FEMA and local floodplain managers be notified of this loss to flood protection and storage.*
  
- 4. Direct, indirect, secondary, and cumulative impacts must be fully considered.**
  - a. *Since the public notice does not assess, or even recognize, the potential direct, indirect, and cumulative impacts that will result this permit, the Corps must not approve this permit as submitted.*
  
- 5. Alternatives have not been addressed.**
  - a. *We request an alternatives analysis in response to this letter.*
  
- 6. The public notice fails to describe the mitigation plan adequately.**
  - a. *To assure that minimization and mitigation in the same watershed and for the correct type of wetlands are occurring, we request that the mitigation bank and avoidance and minimization statement used are included in the public notice.*
  
- 7. The final plan, including a mitigation plan, should be made available to the public before any permits are granted.**
  - a. *We request more information in the initial Public Notice (e.g., preliminary mitigation plans, efforts made to avoid impacts, necessity of project location, adequate alternative analysis, environmental assessments, etc.).*
  - b. *Due to the fact that this regulation is not followed, the public notice is incomplete and must be reissued with a mitigation plan.*
  
- 8. We question whether any mitigation for lost wetlands could completely replace the function and values lost.**
  - a. *We request more information in the initial Public Notice on efforts made to avoid impacts, necessity of project location, adequate alternative analysis, environmental assessments, and agency comments.*



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In conclusion, the Corps and LDEQ must take the mandates of the Clean Water Act and related federal regulations seriously; this is compounded by the inadequacy of the Public Notice. LDNR and LDEQ must take their duties under Article IX of the Louisiana Constitution seriously.

The applicant has not shown that the basic purpose is water-dependent, has not shown a lack of practicable alternatives, has not assessed many of the varied and large impacts, and has only included a flawed plan for compensatory mitigation for part of the wetlands impacted.

Ten years since the 2005 hurricane season, when many of us lost our homes and some of us lost our neighbors, the GRN has become more and more alarmed by the wetland destruction that has been occurring throughout Louisiana and the rest of the Gulf Coast through the permitting process. This project alone may account for weeks worth of football fields that Louisiana is currently losing.

In order to keep us and the public properly informed, we request notification of approvals/denials/changes to Louisiana Refining System Coastal Use, Section 404 permit and Water Quality Certification request, as well as an Environmental Impacts Statement that quantitatively evaluates direct, indirect, secondary, and cumulative impacts.

We look forward to a written response.

For a healthy Gulf,  
[sent via e-mail]

A handwritten signature in black ink, appearing to read "Scott Eustis", is positioned below the text "For a healthy Gulf, [sent via e-mail]".

Scott Eustis, M.S., Coastal Wetland Specialist

Cc: Matt Rota, Water Resources Program Director  
Machelle Hall, Tulane Environmental Law Clinic  
Raul Gutierrez, U.S. EPA, Region 6