Louisiana Environmental Action Network
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Mississippi River/Gulf of Mexico
Watershed Nutrient Task Force
OWOW - Coastal Management Branch
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (4504T)
Washington, DC 20460

We are submitting the following comments on the draft revision of the Gulf Hypoxia *Action Plan* behalf of the four Waterkeeper Alliance member groups in the state of Louisiana – the Atchafalaya Basinkeeper, the Louisiana Bayoukeeper, the Lower Mississippi Riverkeeper, and the Ouachita Riverkeeper. We share the national concern for the health of the Gulf of Mexico ecosystem, which supports one of our nation's most productive coastal fisheries that fishing families, communities, and coastal parishes have economically and culturally depended on for generations. These resources and the long term sustainability of Louisiana's coastal communities are seriously threatened by the growth of Gulf Hypoxia. Each of our Waterkeeper groups' watersheds is part of the larger Mississippi River Basin, and each has an essential role to play in the alleviation of the Gulf hypoxia problem.

Our members and partners strongly support national action to address the Gulf Hypoxia problem as a national matter of concern. The *Action Plan* agreed upon in 2000 made it clear that there was a commitment on the part of the federal government to not only take action, but to provide significant resources to reduce the spread of the Gulf Hypoxic Zone. That commitment is missing from the draft revision of the *Action Plan*. Though the draft revision makes it clear that lack of resources has hindered the efforts of the Task Force and remains a major obstacle to making progress, it neglects to explain the reason for this setback – the Bush administration has refused to fund the *Action Plan*.

The administration has made no effort to fully fund the Plan for the past six years, and has no intention of doing so in the future. This policy constitutes a reneging on the commitment made in 2000, and is the real context in which the revision of the Action Plan and the discussions about future steps to reduce the Gulf hypoxic zone must be viewed. Absent this commitment, stakeholders and the public cannot draw any conclusion about the degree of reality possessed by the revision of the *Action Plan*.

We do note that while the draft revision retains the 2015 date of the "Coastal Goal" from the original plan (with a weakening of the accompanying language), it does not have clear dates for completion of specific actions, in contrast to the earlier version of the Plan. This lack of specific timelines, coupled with the lack of a funding commitment, make it unlikely that the Coastal Goal will be met.

While it is valid for the revision to point out that some actions have been taken, and to list these, we are concerned that the impression is given that the 2000 *Action Plan* was implemented to a greater

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degree than is actually the case. The revision lists the acreage figures for USDA Farm Bill programs for wetlands restoration undertaken in the basin, and gives the impression that these were implemented as part of the *Action Plan*. Not only is that inaccurate, but the Hypoxia Task Force played no role in the development of the current Farm Bill, and made no effort to see that hypoxia was included as one of its priorities.

The solution to the Gulf Hypoxia problem remains clear – actions need to be taken throughout the basin to reduce nutrient inputs and increase nutrient uptake. While these actions can build upon activities already underway, such as the Farm Bill conservation and management programs and the private and public wetland restoration programs, additional federal funding will be required. While the fiscal situation is more challenging than it was in 2001, a supposed lack of any new funding for reducing hypoxia is unconvincing at a time when the administration supports spending at least $2.5 billion a week in Iraq.

The watersheds that we focus on – the Atchafalaya basin, the lower Mississippi River, the Barataria basin, and the Ouachita River – illustrate both important opportunities and some challenges in being utilized to help reduce nutrient loading to the rivers and Gulf.

The Atchafalaya Basinkeeper patrols the Atchafalaya Basin which is the largest freshwater swamp in North America, and generally channels about 30% of the combined flows of the Red River and the Mississippi River under the management of the Corps of Engineers. The recently released report by the EPA Science Advisory Board's Hypoxia Advisory Panel notes that the Atchafalaya delivers a significant part of the nutrient load to the Gulf, and that its hydrology has been significantly altered over the last century. Increasing the nutrient uptake capacity of the Atchafalaya will involve complex re-engineering of this altered hydrology. Restoration of natural flows will benefit the swamps, but faces significant management challenges involving landowners and agency authority. Research has shown that cypress swamps are some of the best systems for nutrient uptake, but the cypress swamps in the Atchafalaya basin face increased logging pressure to feed the national market for cypress garden mulch.

The Lower Mississippi River monitored by the Lower Mississippi Riverkeeper is largely cut off from its watersheds due to the mainline levee system, but it does include the industrial corridor between Baton Rouge and New Orleans (which also extends south of New Orleans.) This corridor, which includes the cities of Baton Rouge and New Orleans (along with smaller municipalities), constitutes the largest point source contribution to the river. While proportionally it lags behind the millions of acres of cultivated agricultural land in the basin as a nutrient source, the industrial corridor also provides a key area where nutrient reductions are measurable and verifiable. Some facilities have undertaken voluntary reductions of nitrate releases, and there were several actions taken to reduce major phosphorus releases to the river in the 1990s. But further opportunities for point source reductions remain, both here and in cities like Memphis upstream.

The Louisiana Bayoukeeper is made up of recreational and commercial fishermen, charter captains, and tourism businesses based in the Barataria Basin whose constituants are economically and culturally dependant on healthy natural resources. The Barataria Basin constitutes a major coastal watershed in Louisiana, Formerly connected to the Mississippi River, its large areas of swamp and marsh were built by the spring floods that the levee system has cut off for the past 80 years. Fresh water diversion projects, such as Davis Ponds and Myrtle Grove, are reintroducing Mississippi River water into the Barataria Basin. There are several additional, critically needed, coastal restoration

projects both planned and being built that will reconnect the river to the coastal basin. As has been documented, the ultimate impacts of these projects could be positive or negative, depending on how they are constructed and operated. Add sewerage discharges and aquaculture impacts to the mix and the potential for irreparable damage to Louisiana's natural resources increases significantly. When nutrient-laded river water is channeled directly into coastal bays and waterbodies, algal blooms and eutrophication can result. There are also concerns that nutrient levels in the river can be so high at times that coastal wetlands cannot adequately assimilate them. A key window of time exists to reduce nutrient levels upstream during the lag time for funding and construction of any coastal projects involving freshwater diversions from the Mississippi and Atchafalaya Rivers, if the Hypoxia *Action Plan* itself is adequately funded.

Finally, the Ouachita River, home to the Ouachita Riverkeeper, in northeast Louisiana is a key area for reducing nutrient loading to the Atchafalaya. The Ouachita River enters Louisiana from Arkansas, and joins with the Tensas River to form the Black River before it drains into the Atchafalaya. Its tributaries include Bayou Bartholomew, another waterway where both states have undertaken restoration and management actions to improve water quality. Other tributary bayous and small rivers are listed on Louisiana's 303(d) list for impairment, much of it from non-point sources. Continuing work to reduce farm runoff and restore the watershed will help alleviate that problem. A more immediate threat comes from the Corps of Engineers' plan to clear the forests on large sections of the Ouachita's banks, which will both increase water pollution from erosion and runoff, and reduce the natural buffering ability of streamside areas.

These watersheds are all areas where resources should be invested to help improve local water quality and reduce the nutrient loading that causes Gulf hypoxia. In Louisiana, the local benefits and Gulf benefits are more easily seen together, while the connection is less obvious to the public for watersheds upstream. This reinforces the need for a real federal and national commitment to provide funding to those areas, a prerequisite for progress in reducing the Gulf "Dead Zone."

Sincerely,

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Cc: Governor's Office of Coastal Activities
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