



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVENUE  
NEW ORLEANS LA 70118-3651

25 APR 2025

CEMVN-Z

Mr. Gordon E. Dove  
Chairman  
Coastal Protection and Restoration Authority  
150 Terrace Avenue  
Baton Rouge, LA 70802

Dear Mr. Dove,

We have received your recent correspondence and information regarding your Mid-Barataria Sediment Diversion (MBSD) project, to include our meeting on February 26, 2025, and your March 6, 2025, March 7, 2025, March 24, 2025, and April 10, 2025 letters. We thank you and Mr. Glen Ledet for coming to the New Orleans District (MVN) on April 8, 2025, to continue discussion regarding the State of Louisiana's (State) concerns over its ability to comply with the conditions of the MBSD Department of Army (DA) permit (MVN-2012-02806-EOO) and its ability to perform maintenance on the project after it is operating.

As noted in our March 31, 2025 letter to you, we previously concluded through a technical review that the materials you provided in and prior to our meeting on February 26, 2025 and in your letters dated March 7, 2025 and March 24, 2025 would not affect the DA permit for the MBSD project. However, based on our further discussions and consideration of the letters, information and materials you have provided and public announcements, we preliminarily find that:

- a. During the DA permit evaluation process, the State deliberately withheld information from MVN that the State knew it should provide to MVN for MVN's consideration whether to include that information in the MBSD Environmental Impact Statement;
- b. The State has not obtained or reached resolution with Plaquemines Parish Government (PPG) regarding required PPG permit(s) and PPG's concerns regarding compliance with National Flood Insurance Program requirements in light of the increased water levels to be caused by operation of MBSD;
- c. The State has suspended construction activities for the MBSD project and has expressed to MVN its interest in studying a smaller diversion in the same location;
- d. The State asserts it may not be able to afford the maintenance dredging required to achieve MBSD's land-building objective; and
- e. MVN's original decision on the DA permit concluded that the projected benefits of the project slightly outweighed its projected harms:

**Overall, CEMVN anticipates that the potential benefits of the project (including but not limited to: land building, creation of new wetland habitat, increased bed elevations, sediment transport, abundance of SAV, enhanced EFH) slightly outweigh the anticipated potential negative impacts (such as, increased water levels and tidal flooding in communities within 10 miles to the north and 20 miles to the south of the diversion outfall, increased storm surge impacts, particularly on communities not protected by levees, greatly reduced abundance of brown shrimp and eastern oyster and the cultural and economic losses that could cause, altered larval transport and recruitment patterns of some aquatic species, and functional extinction of three of the four subpopulations of BBES bottlenose dolphins and severe reduction of the fourth subpopulation of BBES dolphin stock, an overall 97 percent reduction compared to No Action).**

...  
**While sediment diversions are a novel coastal restoration technique, the analysis conducted using best science and modeling available to CEMVN indicate that the significant project benefits slightly outweigh the significant project detriments, provided that the Project is operated as proposed.**

Memorandum for Record on Pending Permit Decisions (ROD), pp. 234-235, 237.

f. That balance of benefits versus harms may be implicated by the State's current positions and new information.

In light of the foregoing, I find it in the public interest to suspend DA permit MVN-2012-02806-EOO immediately in accordance with Code of Federal Regulations Title 33, Section 325.7(c) in order to reevaluate the circumstances and conditions of the MBSD permit.

This letter serves as your notification of the suspension. If any work authorized by the DA permit is ongoing, it must stop. Within 10 days of receipt of this notice, you may request a meeting with the District Engineer and/or a public hearing to present information regarding the above preliminary findings or other information you believe may be relevant. If you disagree with or dispute any of the above preliminary findings, MVN strongly suggests that you submit such disagreement or dispute in writing with supporting information. After such meeting or hearing, if requested, or after a reasonable period of time if no meeting or hearing is requested, a decision will be made to reinstate, modify or revoke the DA permit.

MVN asks the State to furnish the (previously withheld) June 3, 2022 FTN modeling report you provided to MVN in February 2025 to the Louisiana Departments of Environmental Quality and Energy and Natural Resources, as those agencies may wish to reconsider their respective decisions on the MBSD Water Quality Certification and MBSD Coastal Use Permit in light of that new information. MVN will post the June 3, 2022 unredacted FTN modeling report to our website:

<https://www.mvn.usace.army.mil/Missions/Regulatory/Permits/Mid-Barataria-Sediment-Diversion-EIS/>.

This suspension is based on the State's actions (including failures to act or to obtain compromise), its public statements and positions, the new information and potentially changed circumstances since permit issuance. The suspension does not reflect on the efforts MVN undertook over multiple years with federal, state, and local partners to inform MVN's December 2022 MBSD DA permit decision.

At your earliest convenience, please inform this office as to how you wish to proceed so that we may take appropriate steps. Should you have additional questions, please reach out to Mr. Durund F. Elzey, Deputy District Engineer for Programs and Project Management Division, at [Durund.Elzey@usace.army.mil](mailto:Durund.Elzey@usace.army.mil), or (504) 862-2204.



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