

Exhibit A



United States Department of the Interior



FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506
February 28, 2011

Mr. Ronnie Duke
Chief, Western Evaluation Section
Regulatory Branch
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

MAR 09 2011

RE: MVN-2010-1080, MVN-2010-1032 -*WLL*

WLL

Dear Mr. Duke:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated February 2, 2011, regarding the subject after-the-fact project authorizations. Mallard Basin, Inc. (MVN-2010-1080) and Scott Sebastian (MVN-2010-1032) received authorization by the U.S. Army Corps of Engineers (Corps) for previously conducted work in the Atchafalaya Basin. Service comments are submitted in accordance with provisions of the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The Service does not enter into section 7 consultations on permit applications when applicants are seeking "after-the-fact" authorization for projects or portions of projects that have already been completed. Such completed projects effectively limit any options for formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of federally listed species or destroying or modifying their designated critical habitats. The consultation process is intended to address the impacts of "proposed" actions rather than past, ongoing, or future effects of completed projects. **Therefore, the Service, by policy, does not consult after-the-fact on completed actions.**

As always, the Service appreciates the opportunity to consult on all permits prior to project completion that are issued by the Corps. Please contact Rob Smith (337/291-3134) of this office regarding any questions you may have regarding our comments.

Sincerely,

Brad S. Rieck
Acting Supervisor
Louisiana Ecological Services Office

Cc: LDWF, Baton Rouge, LA

