DISPOSITION FORM

For use of this form, see AR 340-15; the proponent agency is TAGO.

~~Mr. Tom Hill~~
PD-G
~~[illegible]~~

REFERENCE OR OFFICE SYMBOL	SUBJECT
LMVBC-D	Lake Pontchartrain, LA, & Vicinity (Hurricane Protection)

may need, arnolds help.

TO	FROM	DATE	CMT 1
LMVED LMVPD	LMVBC-D	31 Jul 84 Pritchett/gcj/5805	T. Hill

1. Attached as Incl 1 is proposed changes to Illustration B-2.4 - Supplemental Information Sheet for Continuing Construction (Incl 2).

2. Request your comments be furnished this office NLT 2 Aug 84.

2 Incl
as

for Julia M. Pritchett
LAMARR L. JOHNSON

LMVPD-G

TO	FROM	DATE	CMT 2
C/PDO	C/Plng Div	31 Jul 84	Walton/ea/7058

Comments are marked in the text.

2 Incl
nc

FRED H. BAYLEY III

Division: Lower Mississippi Valley
District: New Orleans

1 July 1984

ILLUSTRATION B-2.4

SUPPLEMENTAL INFORMATION SHEET FOR CONTINUING CONSTRUCTION, MAJOR REHABILITATION, DAM SAFETY ASSURANCE, OR DEFICIENCY CORRECTION PROJECTS

Project: Lake Pontchartrain, Louisiana, and Vicinity (Hurricane Protection)

1. Location and Description: The project is located in St. Charles, Jefferson, Orleans, St. Bernard, and St. Tammany Parishes in southeast Louisiana in the general vicinity of New Orleans adjacent to Lake Pontchartrain.

The high level plan would provide for heightening and strengthening the existing hurricane protection levee systems in Orleans Parish, the east bank of Jefferson Parish, and the St. Bernard Parish; repairing and rehabilitating the Mandeville Seawall in St. Tammany Parish; building a new mainline hurricane levee on the east bank of St. Charles Parish, just north of US Highway 61 (Airline Highway); raising and strengthening the existing levee which extends along the Jefferson-St. Charles Parish boundary between Lake Pontchartrain and Airline Highway; and deferring construction of the proposed Seabrook lock until its feasibility as a feature of the Mississippi River-Gulf Outlet navigation project can be determined. Areas which would be inclosed by the proposed levee and floodwall construction would be provided protection against tidal surge flooding resulting from the Standard Project Hurricane (SPH).

2. Authorization: Flood Control Act of 1965 and Water Resources Development Act of 1974.

3. Justification: The lowlands in the Lake Pontchartrain tidal basin are subject to tidal overflow. The Greater New Orleans Metropolitan Area which lies in this basin will continue its rapid economic development in the future years even though severe damages have resulted from several hurricanes in past years. Hurricane damages result from surges entering Lake Pontchartrain from Lake Borgne through natural tidal passes at the Rigolets and Chef Menteur Pass and the Inner Harbor Navigation Canal. The surges are intensified by local wind effects and the combination of waves and surges causing overtopping of the protective works along the shores of Lake Pontchartrain. The eastern portion of the area is also subject to flooding by surges and waves that move directly from Lake Borgne and overtop the existing inadequate protective system seaward of the developed land areas. As a result, residences and industrial and commercial establishments suffer damage, business activities are disrupted, lives are endangered, and hazards to health are created. Hurricanes much more severe than any of record are possible. In the event of the occurrence of such a severe hurricane, catastrophic property damage and loss of human life would be experienced. Local interests have requested protection against these threats to life and property. The Lake Pontchartrain hurricane protection project will provide the necessary protection. The Mississippi River-Gulf Outlet via the Inner Harbor Navigation Canal provides a direct tidal route from the Gulf of Mexico to Lake Pontchartrain.

Hurricane "Betsy," in September 1965, caused extensive damage and flooding of urban areas of the New Orleans area to depths of up to 10 feet. Hurricane "Camille" occurred in the project area in August 1969 and flooded areas along the Inner Harbor Navigation Canal. Extensive flooding and overtopping of levees would have occurred in the project area in September 1974 if hurricane "Carmen" had continued on its predicted course.

4. Change in Completion Dates:

	Last Presented To Congress	Present Schedule	Explanation of Change
Entire Project	1991	2006	Based on project change from the Barrier Plan to the High Level Plan.
Barrier Unit	Indef	Not Presented	Ditto
New Orleans East Unit	Sep 1988	Dec 1993	Ditto
New Orleans West Unit	Indef	Sep 2006	Ditto
Mandeville Unit	Indef	Indef	Completion schedule indefinite until financial support is furnished by local interests.
Chalmette Unit	Sep 1991	Sep 1991	No change since last presented to Congress.

5. Status of Local Cooperation:

a. Chalmette Area Plan:

(1) Orleans Levee District: New agreements of assurances covering all local cooperation requirements and a deferred payment plan, as authorized by Public Law 93-251, were executed on 30 March 1976. These assurances were accepted on behalf of the United States on 7 December 1977.

(b) St. Bernard Parish Police Jury and Lake Borgne Basin Levee District: New joint agreements of assurances covering all local cooperation requirements and a deferred payment plan, as authorized by Public Law 93-251, were executed on 2 April 1976. These assurances were accepted on behalf of the United States on 7 December 1977.

b. Barrier Plan:

(1) Orleans Levee District: New agreements of assurances covering all local cooperation requirements and a deferred payment plan, as authorized by Public Law 93-251, were executed on 30 March 1976. These assurances were accepted on behalf of the United States on 7 December 1977.

(2) St. Tammany Parish: The Louisiana Office of Public Works executed an act of assurance, dated 8 November 1976, agreeing to fulfill all local cooperation requirements for that portion of the project in St. Tammany Parish. These assurances were accepted on behalf on the United States on 7 December 1977.

(3) Pontchartrain Levee District: New agreements of assurances covering all local cooperation requirements and a deferred payment plan, as authorized by Public Law 93-251, were executed on 20 September 1976. On 8 November 1976, the Louisiana Office of Public Works agreed to lend financial assistance above $100,000 to the Pontchartrain Levee District for that portion of the Barrier Plan which is the responsibility of the levee district. These assurances were accepted on behalf of the United States on 7 December 1977. Revised assurances are under review for the St. Charles Parish portion of the project.

c. High Level Plan:

Amended Agreements of Local Cooperation will be obtained from the Orleans Levee District for Orleans Parish; St. Bernard Parish Police Jury and Lake Borgne Basin Levee District for St. Bernard Parish; Pontchartrain Levee District for St. Charles Parish; and Jefferson Levee District for Jefferson Parish. An amended Agreement of Local Cooperation will be obtained from St. Tammany Parish Police Jury in the immediate future because that portion of the project located in St. Tammany Parish is currently in a deferred status.

New Orleans District is currently drafting the required amended Agreements of Local Cooperation which will include the revised cost estimates contained in the Lake Pontchartrain Reevaluation Report. These amended Agreements will be forwarded to higher authority for review and approval in June 1984.

6. Local Method of Financing:

Agency	Method	Date	Status
Orleans Levee District	Existing tax revenues and 3 mil tax passed March 1976	Annual	Current
Pontchartrain Levee District	Existing tax revenues	Annual	Current
Jefferson Levee District	Existing tax revenues	Annual	Current
St. Tammany Parish Police Jury (Department of Public Transportation and Development)	Existing tax revenues	Annual	Current
St. Bernard Parish Police Jury & Lake Borgne Levee District	Existing tax revenues	Annual	Current

7. Status of Environmental Impact Statement and Section 404 Requirements:

a. Status of Environemtal Impact Statement. The final statement was filed with CEQ on 17 January 1975. By court order dated 30 December 1977, a new environmental impact statement was ordered.

The reevaluation study compared a high level plan to the authorized barrier plans. The report recommends the selection of the high level plan for both environmental and economic reasons. The notice of availability of the draft Supplement I to the Environmental Impact Statement was published in the Federal Register on 30 December 1983. The final supplement is scheduled to be filed with the EPA in September 1984.

b. Environmental Opposition (Barrier Plan). The known environmental opposition to the Lake Pontchartrain, Louisiana, and Vicinity Hurricane Protection project is summarized below:

(1) The Orleans Audubon Society opposes the disposal and ponding of dredged material in the marshes along the Chef and Rigolets Passes, the MRGO, and in New Orleans East, and the proposed borrow area on Apple Pie Ridge along US Highway 90. They believe these disposal and borrow plans will destroy valuable marshland that Louisiana cannot afford to lose. The also recommend that levees be built around populated areas only and the barrier plan be eliminated.

(2) The Louisiana Wildlife Federation recommends that the St. Charles Parish segment be eliminated from the project plan because it will instigate further encroachment and deterioration of a rapidly dwindling and fragile marsh ecosystem. They feel that the placing of the barrier structures as proposed on the Rigolets and Chef Menteur Passes may have severe, irreversible consequences on the delicate balance which differentiates between the fine line which constitutes a fresh and a saline marsh ecosystem.

(3) The Sierra Club, Delta Chapter, believes that wetlands represent economic, environmental, and recreational values which are far more important to the public interest than the claimed benefits from developing such lands for increased taxes. For this reason they recommend that the project should be used to protect existing settlement, and not to encourage intensive development in one of the large flood plains between the Mississippi River and the Gulf of Mexico.

(4) The Bonnet Carre Rod and Gun Club and the St. Charles Environmental Council oppose the St. Charles Parish levee segment as originally authorized. They favor a hurricane protection levee generally along Airline Highway (US Hwy 61) in St. Charles Parish as proposed to the High Level Plan. They believe this alinement would be environmentally acceptable and would still protect the presently developed areas in St. Charles Parish.

(5) The Clio Sportsman's League of New Orleans' position is that they favor hurricane protection but oppose the "so-called" policy of unnecessary private land enhancement at the expense of the public and the environment. They opine that the barriers, with borrow, disposal, and ponding areas and accompanying future developments, will play a leading role in the destruction of Lake Pontchartrain and, eventually, the entire Maurepas, Pontchartrain, Catherine, and Borgne estuary system.

(6) The St. Tammany Environmental Council is of the opinion that the acknowledged and potentially adverse environmental and economic impact of the Lake Pontchartrain, Louisiana, and Vicinity hurricane protection plan far outweighs the benefits our population may receive in the form of hurricane protection.

(7) The St. Tammany Sportman's League is opposed to the "Floodgates" at the Rigolets because they say it will destroy the interplay between the lake and the marshes which supplies 50 percent of all nutrients that feed the flora and fauna in Lake Pontchartrain. "The loss of these nutrients will result in the death of the lake," they opine.

(8) The Environmental Defense Fund has expressed concern regarding the whole project--more specifically, the New Orleans East Area. They consider the wetlands in the New Orleans East Area are still viable and could be restored to a high level of productivity given appropriate redesign of the levees, a provision for tidal flows and water recirculation, and strigent regulation of dredge, fill, and drainage activities in accordance with the Corps' regulations and wetlands policy.

(9) Environmental opposition to the High Level Plan centers on two major issues. A number of groups are opposed to the inclosure of wetlands by the hurricane protection levee in St. Charles Parish and New Orleans East. Concern has also been expressed over the proposal to locate borrow pits in Lake Pontchartrain near Jefferson Parish. Possible water quality impacts are the primary concern.

c. Other Environmental Opinions:

(1) The US Fish and Wildlife Service and the National Marine Fisheries Service have fully cooperated in developing a plan for hurricane protection for the metropolitan area of New Orleans that will alleviate, to the fullest extent feasible, any project impacts on the fish and wildlife resources in area. Both have opposed the St. Charles Parish levee, as presently proposed, and have made specific recommendations in the other segments of the project to help minimize the destructive features of the project.

(2) The Environmental Protection Agency has also fully cooperated in helping us to develop an environmentally feasible plan. In their review of the Statement of Findings for the plans for placement of dredged material for this project, they stated that tidal interchange should be allowed into the New Orleans East area until developed areas are threatened and that the Seabrook Lock should be constructed as soon as possible in order to reduce salt water intrusion into Lake Pontchartrain.

(3) The Louisiana Wildlife and Fisheries Commission expressed concern regarding damages to productive oyster beds near the Chef Menteur Barrier Structure. In the spirit of full cooperation, they have requested that the design of the ponding areas and wing walls for the Chef structure be coordinated with them and that a periodic review and evaluation regarding the effects of the other project works on fish and wildlife resources be scheduled during the entire construction period. This will insure minimum destruction of the fish and wildlife resources. They have stated that the Seabrook Complex will provide the capability for managing salinities within the lake.

d. Environmental Studies.

(1) The effects of flood control barriers in passes of Lake Pontchartrain obtained in a study completed in September 1982 by L. Eugene Cronin, Ph.D, professor at Johns Hopkins University, were that the combined recreational and commercial fisheries of Lake Pontchartrain and that portion of the Gulf of Mexico system which it supports will be reduced by an amount estimated to be at least $184,700 annually at present prices. This estimate is considered to be conservative since many data are incomplete on recreational activities, shrimp production and catch, replenishment of rangia clams, and other economically significant effects of construction and operation of the barriers.

(2) Phase I of the biological transport studies contract entered into with Louisiana State University along with a Preliminary Phase II scope study based on Phase I data have been completed. The remaining portions of the contract have been terminated at the request of LMVD due to the preference for the high level plan.

(3) The EPA in their review of the 404 proceedings has requested us to study whether the drainage structures in the South Point to GIWW levee can be changed with regards to their operation. They would like to see the structures remain open during normal tidal conditions to nourish the marsh in New Orleans East with the lake water. The Louisiana Wildlife Federation and the US Fish and Wildlife Service are supportive of this recommendation. We are coordinating with the Orleans Levee District, the Sewerage and Water Board, the Mosquito Control Board, and the City Planning Commission to obtain their views on this recommendation. A report on this matter was discussed in the draft supplement to the Environmental Impact Statement which was made public in December 1983. The issue will also be considered in the Mitigation Report and EIS which are currently under preparation.

(4) The New Orleans City Planning Commission has requested us to study the possibility of purchasing wetlands outside the protected area to mitigate the loss of wetlands included in the project.

e. Status and Impact of Compliance with Section 404, Federal Water Pollution Control Act of 1972.

The provisions of Section 404 of the Clean Water Act have been met by Public Notices signed by the District Engineer on 29 November 1974 and 22 January 1975 for the majority of the project. The provisions of Section 404 of the Clean Water Act for work after 1 October 1981 have been met for the Chalmette Unit by a Section 404(b)(1) Evaluation Report signed by the District Engineer on 15 November 1982. The provisions of Section 404 of the Clean Water Act for the high level plan for the New Orleans East and New Orleans West Unit were met by a Section 404(b)(1) Evaluation Report signed by the District Engineer on 18 November 1983, Public Notice issued on 28 March 1984, and a State Water Quality Certificate applied for on 19 April 1984.

8. Post Authorization Changes:

A post authorization change report is being prepared to accompany the reevaluation report scheduled to be submitted to LMVD in July 1984. The report will request approval for a design change from the Barrier Plan to the High Level Plan.

9. Problems and Information: On 5 December 1975, Save Our Wetlands, Inc. (SOWL), filed suit in US District Court essentially seeking the following:

a. The Court enjoin defendants from proceeding with the project until such time as the conditions for final EPA approval under Section 404 of the FWPCA are met, more particularly, the condition that the St. Charles portion of the project be "eliminated completely" from the project;

b. The Court issue a preliminary and permanent injunction against proceeding with the project until such time as a regional cumulate Environmental Impact Statement is prepared;

c. The Court order the levee being constructed along the New Orleans East Lakefront be removed and that three openings for tidal interchange be provided under the Southern Railroad embankment. . .

On 30 March 1977 the St. Tammany Parish Police Jury also filed suit against the project, primarily seeking to prevent the construction of the barrier complexes at Chef Menteur and Rigolets Passes. At the request of the US Attorney and having recognized the similarity of issues with the SOWL suit, the court directed that the St. Tammany suit be combined with the SOWL suit.

The Government moved to dismiss the lawsuit based on laches and the contention that the allegations of the plaintiffs were not liable to trial in a court of justice under the national Environmental Policy Act. A hearing was held on 5 November 1976 and the court denied the motion on 7 December 1976. In addition, a hearing was held on 15 December 1976 on the Orleans Levee District's (a co-defendant) motion to dismiss issues regarding assurances for the project. The Court denied the motion. On 30 December 1977, Judge Charles Schwartz, of the Federal District Court in New Orleans, issued an order enjoining any further construction of the Chef Menteur and Rigolets Complexes, New Orleans East Area (east of Paris Road), and the Chalmette Area of the project until a new environmental statement is prepared.

On 8, 10, and 27 March 1978 Judge Charles Schwartz lifted the injunction on the New Orleans East Area (east of Paris Road) and on 10 march 1978 he lifted the injunction on the Chalmette Area Plan.

A group of individuals in St. Charles Parish filed suit on 12 April 1977 asking that the court direct the Corps to construct the St. Charles Parish portion of the project which has been deferred. At a 17 May 1978 hearing, Judge Charles Schwartz declared that the suit was premature and deferred further consideration until completion of the revised Environmental Impact Statement.

Public meetings were held in New Orleans on 21 November 1981 and on 12 April 1984 to seek public comments on the tentatively selected High Level Plan. The High Level Plan would be constructed in lieu of the authorized Barrier Plan of protection. The High Level Plan would eliminate the proposed barrier complexes at Rigolets Pass, Chef Menteur Pass and Seabrook, and would substitute, in their place, higher protection levees along the south shore of Lake Pontchartrain. The public response was heavily in favor of the High Level Plan. However, there is still some environmental opposition to levee alignments which inclose wetland areas and the use of the Lake Pontchartrain lake bottom for borrow material.

A special election was held in St. Tammany Parish on 22 October 1983 to authorize a special tax and/or levy a sales and use tax to repair or replace the seawall at Mandeville. Both propositions failed. At a Council meeting on 27 October 1983 the Board of Aldermen voted unanimously to accept the canvassing of the election and not to finance the project. Therefore, the completion date for the Mandeville Unit is indefinite.

10. Allocation of Total Project/Element Cost:

Purpose	Estimated Cost $000	Percent of Total Cost
Flood Control	$820,000	100%
TOTAL	$820,000	100%

11. Non-Federal Cost Estimate:

	Cost Sharing $000	
	Traditional	Innovative
Land and Damages	58,572	58,572
Relocations	27,568	27,568
Required Cash	114,860	114,860
TOTAL	$201,000	$201,000

LAKE PONTCHARTRAIN, LA, AND VICINITY

7.b(9) Environmental Opposition (High Level Plan)

Environmental opposition to the High Level Plan centers on two major issues. Fourteen groups have expressed concern over the proposal to locate borrow pits in Lake Pontchartrain near the Jefferson Parish lakefront. Possible adverse water quality impacts are the primary concern. Eleven of these groups have expressed opposition to the inclosure of wetlands by the hurricane protection levee in New Orleans East. Four groups also oppose the levee alinement in St. Charles Parish. because the levee [illegible] To date, there are no court injunctions filed against this plan.

7.c. c. Other Environmental Opinions:

(4) Seven groups indicated a desire to have mitigation concurrent with project construction and to include a mitigation plan in the September 1984 project FEIS . Mitigation plan selection will be an involved task, and the New Orleans District has begun work on a mitigation plan for the High Level Plan. Four conceptual plans were developed and presented to the public for their comments and suggestions at a scoping meeting held on 28 June 1984. The meeting was attended by Federal, State, and local agencies, environmental groups, and private citizens. Future meetings will be held as plans are developed in more detail. The draft mitigation report and associated draft EIS will be completed and available to the public by July 1985. The final report and EIS are scheduled for completion in January 1986.

(5). The New Orleans District has prepared a coastal Zone Management Consistency Determination which concluded that the High Level Plan was consistent with the Louisiana Coastal Resources Program to the maximum extent possible. However, the Louisiana Department of Natural Resources, Coastal Management Section feels that the ~~plan~~ may not be consistent ~~in the~~ New Orleans East levee alinement. ~~We are continuing to coordinate~~ Coordination is continuing with them on this matter.