

APPENDIX P
Scoping Meeting Report

SCOPING REPORT

Replacement of the Inner Harbor Navigation Canal Lock

New Orleans, Louisiana

Public Scoping Meeting Comments and Concerns

INTRODUCTION

The National Environmental Policy Act (NEPA) of 1969 established a nationwide policy to include a detailed statement of the environmental impacts of the proposed action for all major Federal actions that could significantly affect the human or natural environment.

The NEPA also provides for an early and open public process for determining the scope of issues, resources, impacts, and alternatives to be considered. A Notice of Intent (NOI) to Prepare a Draft Supplemental Environmental Impact Statement (SEIS) for the construction of a new lock, including impacts to the local community and supporting infrastructure, was published in the *Federal Register* (Volume 72, No. 61) on Friday, March 30, 2007. The NOI also announced the start of the scoping process. A public scoping meeting was held on April 4, 2007 at 6:00PM in the cafeteria trailer of the Holy Cross School in New Orleans, Louisiana. The proposed construction of a new lock, including dredging requirements and disposal sites, were presented at this meeting. Twenty-one categories of public comments expressed during the scoping meeting are presented and summarized in this Scoping Report.

Study Purpose

The Inner Harbor Navigation Canal (IHNC) connects the Mississippi River, the Gulf Intracoastal Waterway (GIWW), the Mississippi River-Gulf Outlet (MRGO), the Industrial Canal, and Lake Pontchartrain. The existing lock, located between the St. Claude and Claiborne Avenue Bridges, was commissioned in 1923 to allow vessel traffic from the Mississippi River to Lake Pontchartrain and permit industrial development away from the river. During World War II, the GIWW was rerouted through the IHNC. Because it was anticipated that barge and ship traffic would increase, the lock replacement project was authorized in Chapter 112 of the River and Harbors and Flood Control Act of 1956 for the construction of a new lock when the existing lock was determined to become obsolete. Since the 1960s, when a connection was made with the MRGO, barge and ship traffic have greatly increased and the existing lock can no longer accommodate navigational needs efficiently through the IHNC. The Water Resources Development Act (WRDA) of 1986 reauthorized the project and established cost-sharing requirements, and the WRDA of 1996 authorized a Community Impact Mitigation Plan.

In March of 1998, the New Orleans District of the United States (U.S.) Army Corps of Engineers (CEMNVN) issued a Final EIS analyzing several alternatives and recommending construction of a new lock north of the Claiborne Bridge, replacement of the St. Claude Avenue Bridge, modification of the Claiborne Bridge, extension of the Mississippi River flood protection levees

and floodwalls, a socio-economic mitigation plan, and a fish and wildlife mitigation plan. A Record of Decision (ROD) was signed on December 18, 1998 selecting the location and construction method of the replacement lock and several additional project components to improve the surrounding project area. CEMVN's decision was challenged in U.S. District Court and the Court's Order for Motions for Summary Judgment was issued on October 3, 2006 as part of Case No. 2:03-cv-00370-EEF-KWR, District Court Eastern District of Louisiana. The Court's decision enjoined CEMVN from continuing with the project until additional NEPA compliance was completed. As such, this SEIS is needed to update and supplement the 1998 Final EIS to determine if any significant changes are necessary to the project and to ensure sufficient environmental analysis of the project impacts.

CEMVN proposes to replace the IHNC Lock with a larger, modern lock because the existing lock is too small and congested causing delays to inland navigation traffic. The study area is located in Orleans Parish, Louisiana, north of the junction of the IHNC and the Mississippi River (Figure 1).

Study Alternatives

The No Action and Proposed Action Alternatives from the 1998 ROD will be evaluated and retained throughout the study. Potential alternatives to be examined include the cast-in-place versus float-in-place construction methods, and dredged material disposal sites. Additionally, other alternatives to be evaluated in detail are expected to be developed during the scoping process, such as methods of dredging, dredged material handling, and disposal alternatives.

Scoping Meeting and Request for Public Comment

An announcement of a public scoping meeting to be held on April 4, 2007, at 6:00PM in the cafeteria trailer of the Holy Cross School in New Orleans, Louisiana, was distributed to interested parties in March 2007. In the announcement, two questions were provided as a means of focusing the public's concerns:

Question #1: What are the most important issues, resources, and impacts that should be considered in the SEIS?

Question #2: Are there any other alternatives or modifications to the tentative alternatives that should be considered in the SEIS?

At the scoping meeting, CEMVN presented a brief description of the scoping process, CEMVN study process, and CEMVN compliance procedures for implementing the NEPA process, with particular emphasis on the SEIS. Facilitators recorded participants' comments and 44 individuals participated in the scoping meeting. The sign-in sheet is presented in Attachment 1. Scoping meeting participants presented their concerns regarding the proposed study. Every individual comment was recorded until no new comments were expressed.

REVIEW OF SCOPING COMMENTS

The scoping process enables CEMVN to gather information concerning sensitive resources from regulatory and responsible regulatory agencies and determine the public's major concerns. This information will be considered both in the CEMVN study process and in preparation of the draft

SEIS. Each scoping comment was reviewed for content and categorized by SEIS subject matter heading. A total of 21 general categories of comments were recorded from scoping meeting participants (Table 1). Table 1 also identifies the section of the SEIS where comments are likely to be addressed, the number of times the comment was raised, and the source of the comment. A scoping comment may be addressed in more than one section of the SEIS if such consideration is required to appropriately address the ramifications of the comment. Draft SEIS subject matter headings include: purpose and need for action (PN), alternatives, including the proposed action (Alt), affected environment (AE), environmental consequences (EC), and consultation and coordination (CC) with the public and other agencies. Compliance with regulations (Federal, state, and local environmental laws and regulations) is included in the latter category. Compliance with major environmental laws and regulations such as the Endangered Species Act of 1973, the Coastal Zone Management Act of 1972, and the Fish and Wildlife Coordination Act will be addressed in specific sections of the SEIS (especially in the Environmental Consequences section).

Table 1. Scoping Meeting Comments.

#	SEIS Section					Comments	Number of Comments	Source of Comments
	PN	Alt	AE	EC	CC			
1				X		Noise or vibration impacts from pile driver	2	A, C
2					X	Two CEMVN meetings scheduled at the same time	10	H, P, R
3					X	Additional meeting requested	1	P
4		X		X		Location of the confined disposal facility	2	H, P
5		X		X		Possible contamination associated with placing dredged material in a restoration area	2	C, U
6					X	Testing of dredged material	3	P
7		X				Plan to deal with dredged material	2	P, U
8	X	X				Economic viability of the lock	2	P, S
9	X					Opinion that the traffic at lock is not congested and there is no need for lock expansion	3	P
10	X	X				Deep draft channel vs. shallow draft channel	1	P
11	X					Information from reevaluation of location, height, and significance of the levees	1	C
12	X	X				Current alternatives to replacing the lock, including potential use of alternative routes	1	C
13				X		Impacts on the City of New Orleans redevelopment and recovery plan	1	C
14	X			X		Request a new cost benefit analysis	2	C, H
15				X		Affects of proposed dredging and construction on water quality and wetlands	2	A, C
16				X		Impacts to area levees considering their current stability	1	C
17			X	X		Loss of historic lock and St. Claude Avenue Bridge	1	H
18				X	X	Impacts from the duration of construction on the rebirth of commercial areas	2	A, P
19				X		Predicted increase in vessel traffic and potential increase in collisions	1	C
20		X				Closure of MRGO	2	C, H, P
21				X		Impacts to bridges and traffic congestion associated with construction	2	P

Sections:

PN = Purpose and Need
 Alt = Alternatives
 AE = Affected Environment
 EC = Environmental Consequences
 CC = Consultation and Coordination

Source:

A = Association of Community Organizations for Reform Now
 C = Coastal Restoration Network
 H = Holy Cross Neighborhood Association
 P = Public or Unidentified Speaker
 R = Recovery Center for the Lower 9th Ward
 S = Sierra Club
 U = University of Wisconsin Water Resource Management Program

SUMMARY OF SCOPING COMMENTS

The concerns expressed at the public scoping meeting are summarized below. The most numerous concerns expressed by meeting participants regard the environmental consequences section, followed by project alternatives, purpose and need for action, affected environment, and consultation and coordination.

There were multiple comments regarding general construction activities. A common concern was raised about noise or vibration impacts from the pile driver (*e.g.*, impacts to building foundations). There were also concerns about the length of time the bridges would be closed to traffic and how that would affect general operations around construction sites. An additional concern was raised about the potential loss of a historic lock and bridge and the impact on the people in the area. A related comment dealt with the concern over current alternatives to replacing the lock, including the use of alternate routes.

Additional comments concerned the economic viability of the proposed IHNC replacement lock. Two groups requested a new cost benefit analysis due to a different set of circumstances after Hurricane Katrina. Additionally, there were concerns about the need for a deep draft channel versus a shallow draft channel and the economic benefits of each. Further concerns involved the compatibility of the IHNC lock replacement with the City's recovery and redevelopment plan. A related comment involved impacts from the duration of construction on the rebirth of the Claiborne and St. Claude commercial areas.

The last major category of comments dealt with dredging. Some of the major concerns were the dredging and disposal of contaminated materials, including the method of disposal and location of a confined disposal facility. Additionally, there were concerns about how the dredged material would be tested. Subsequent plans to deal with potential contaminated sediments and the placement of those sediments were also a concern. Water quality issues in the Mississippi River, Lake Pontchartrain and nearby wetlands as a response to dredging were also mentioned.

CONCLUSIONS

The scoping comments described herein will be addressed in the significant issues, range of alternatives, and consultation and coordination sections of the SEIS. Many of the scoping comments and concerns are presently being considered as part of the sampling and analysis plan and in determining project alternatives. However, some comments are outside the scope of this project and CEMVN will consider them in consultation and coordination, where appropriate. The Draft SEIS will be distributed for public comment and interagency review for a minimum of 45 days, which is anticipated to begin on July 1, 2008. CEMVN's responses to public comments on the Draft SEIS will be included in the Final SEIS, which is anticipated to be available to the public for review no later than September 28, 2008.

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IHNC PUBLIC SCOPING MEETING

The Public Scoping Meeting held before
Judy Polderman Gomez, Certified Court Reporter,
authorized to administer oaths of witnesses
pursuant to Section 961.1 of Title 13 of the
Louisiana Revised Statutes of 1950, as amended,
reported at the Holy Cross High School, 4950
Dauphine Street, New Orleans, Louisiana, on
April 4, 2007.

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1 APPEARANCES:

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3 Members of the Panel:

4 Royce B. Kemp, Chairman

5 Larry Poindexter, Project Manager

6 Linda Mathies, Operations Division

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REPORTED BY:

15 Judy Polderman Gomez, CCR

Certificate Number 87294

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1. BY THE CHAIRMAN:

2. Let's go ahead and get started please.
3. I would like to thank you for coming
4. tonight. All right. I would like to thank
5. everybody for coming tonight. It's
6. good to have a community show up. My name
7. is Royce Kemp. I'm a biologist with the
8. Corps of Engineers here in New Orleans.
9. With me tonight is Larry Poindexter the
10. project manager for the ICC lock
11. replacement project. And Linda Mathies
12. from our operations division. Just a
13. little admin stuff before we get started,
14. for everyone's information, there's not a
15. bathroom in this building; but there's a
16. bathroom in the white trailer as you exit
17. the door on your left. Also, we have
18. agendas tonight. I placed them at the end
19. of each of the tables. Also there's a box
20. at the end of this table, some agendas and
21. a sign-in sheet. On the sign-in sheet,
22. there's a place to indicate if you would
23. like to be on our mailing list to for
24. future documents and project updates and
25. any future meetings we have on this.

1 We're here tonight to seek input on
2 our preparation of supplemental
3 environmental impact statement for the ICC
4 lock replacement project. This has helped
5 fulfill our responsibility under the
6 National Environmental Policy Act, NEPA.
7 NEPA Requires Federal agencies to
8 adequately consider environmental impacts
9 in their decision-making process. This is
10 meant to help foster better decisions for
11 those projects which have an impact on the
12 environment and society. NEPA requires the
13 application of many environmental and
14 social laws and regulations, executive
15 orders, in the analysis of potential
16 project impacts. Furthermore, it requires
17 full disclosure of the impacts and that the
18 agencies actively involve the public in the
19 NEPA process. Again, that's why we're here
20 tonight, to seek input from you into our
21 preparation of this document.

22 In the agenda on the first page, I've
23 listed two questions that are in bold that
24 I would like you to think about as you
25 consider what should be the important

1 issues covered in the supplemental EIS.
2 The first one is asking you to think about
3 the important issues, resources, and
4 impacts. And the second question speaks to
5 the alternatives or modifications to the
6 alternatives that we're tentatively looking
7 at. This is to help develop scope of
8 analysis for the document and the project.

9 Now, on Page 3 -- take a look at Page
10 3 -- I listed some preliminary issues that
11 we have been discussing internally. The
12 first one is analysis of a comprehensive
13 sampling analysis plan that we developed.
14 And from that, we're making an evaluation
15 on how we're going to handle the dredge
16 material that will be generated in the
17 construction phase of the project. There
18 are several alternatives that we have been
19 looking at as far as the actual dredging
20 methods. And then from our analysis and
21 44B evaluations in the Clean Water Act,
22 that's how we determine what to do with the
23 dredge material. We'll be deciding where
24 the best place is to deposit or place this
25 material that's dredged. The second item

1 is lock construction method. In the
2 original EIS, it was decided that there
3 would be a float-in-place construction.
4 We're revisiting this because it has been
5 ten years, and there have been some lessons
6 learned from float-in construction.
7 Namely, there have been some cost overruns,
8 some safety concerns, and some time delays.
9 It benefits us to look at cast-in-place
10 construction that might alleviate some of
11 the concerns. For everyone's information
12 -- especially in the community -- you know,
13 that having zero residential relocations
14 was a big issue and we're keeping that in
15 mind as we look at this alternative of
16 cast-in-place. Again, we're in the very
17 preliminary stages of that. We have two
18 fold-out displays showing you how each
19 project would progress to the final new
20 lock footprint.

21 Now, if there are other significant
22 issues that we have not identified here but
23 identified in the NEPA process to this
24 grouping, we will add them accordingly.

25 I want to point out -- it's

1 important -- this is a supplement EIS. It
2 facilitates a need to update the original
3 EIS which was a final published in March of
4 1998. Later that year, in December of
5 1998, a record of decision was signed which
6 selected a lock construction method --
7 float-in place -- and some other of the
8 project features. Since then, there has
9 been some ongoing litigation; and most
10 recently, a District Court order requiring
11 the Corps to further comply with NEPA and
12 develop this document, this supplemental
13 EIS.

14 Larry Poindexter is going to give us a
15 project history and how we got to where we
16 are today. When he's finished, Linda is to
17 going talk about the sampling plan for the
18 dredge material that we'll be generating
19 during the construction phase. Then we're
20 going to open up the floor to receive
21 scoping comments.

22 With that, I want to turn it over to
23 Larry. Thank you.

24 BY MR. POINDEXTER:

25 Good afternoon. As far as the

1 background for the IHNC, the Port of New
2 Orleans constructed the existing lock in
3 1921. The existing navigation lock is 75
4 foot by 640 foot long and 31.5 foot deep.
5 It's a vital link between the nation's
6 inland waterway navigation system. It
7 connects the Mississippi River, the Gulf,
8 Intercoastal Waterway, GIWW -- as it's
9 known, the Mississippi Gulf Outlet, MRGO
10 and the Industrial Canal known as the IHNC
11 lock and to the Lake Ponchartrain.

12 Growth of the waterways traffic over
13 the years of the IHNC is one of the
14 nation's most congested locks with an
15 average waiting time of about 10 hours.
16 But in some cases, up to 24 to 36 hours.
17 The basic problem is that the lock is too
18 small and antiquated. The replacement lock
19 is 110 feet wide by 1200 feet long, and the
20 depth is 36 feet. The new lock would
21 provide continuous deep draft access to the
22 IHNC and three-fold increase in lock
23 chamber capacity. The authority for the
24 project was under the River and Harbors Act
25 of 1956 and the Water Resource Development

1 Act authorized or reauthorized the project
2 that established a cost share between the
3 Corps and the port. It was also
4 reauthorized by Congress in 1996 to
5 authorize the Community Impact Mitigation
6 Plan. The scope of the project recommended
7 plan of the deep draft lock -- again 110
8 feet wide by 1200 feet long and 36 foot
9 draft. The project construction consists
10 of a new lock, flood walls, channel
11 dredging, bridges, demolition of the Galvez
12 Street Wharf, the Coast Guard station, and
13 the existing lock.

14 In 1998 Congress authorized
15 construction of the lock replacement. In
16 1999, Congress gave us -- the Corps -- a
17 construction start. In 2002 the real
18 estate was purchased from the Port of New
19 Orleans. In 2002, again, the Corps
20 contracted design for the lock. In 2003,
21 we demolished the Galvez Street Wharf; and
22 in 2005, construction for the demolition of
23 environmental restoration on the East Bank
24 was completed. And that's going to be the
25 future location of the new lock. 2005,

1 again, the Corps began soil collection and
2 sediment water in the channel which was
3 interrupted by Hurricane Katrina. And
4 October 4th, 2007, the United States Court,
5 East District of Louisiana, enjoined the
6 project and directed the Corps to prepare a
7 supplemental environmental impact
8 statement before proceeding with
9 construction. Right now, that's basically
10 what this scope and meeting is all about so
11 we can actually go back and now look at the
12 environmental impact to do a supplemental.

13 And with that I'll turn it over to
14 Linda.

15 BY MS. MATHIES:

16 My name is -- Royce told you this --
17 Linda Mathies. I work in Operations
18 Division. I'm sort of the sediment testing
19 person at the Corps. I'm supposed to make
20 sure everybody does all the testing that
21 they do right and consistent with the
22 protocols and policies that the Corps has.
23 Back in 2001, the then project manager for
24 this project, Joe Dusherri (phonetic),
25 approached me along with the district

1 engineer and said you need to get involved
2 with this IHNC lock replacement project
3 because we need to do a more thorough
4 characterization of the dredge material
5 that we were going to remove. At that time
6 I think they were already working on the
7 site, you know cleaning up the East Bank
8 industrial area. And so I got involved
9 with this project. There's -- there were,
10 as most of you know, there are four
11 proposed placement areas or disposal areas
12 for the dredge material that they're going
13 to be removing. One of them is the
14 Mississippi River. You can see these on
15 the figure that's in the handout. There's
16 placement in the Mississippi River,
17 placement at the mitigation site, which is
18 actually mitigation for some of the impacts
19 of the project. There's proposed placement
20 as backfill around the new lock site
21 actually within the IHNC; and there's
22 proposed confined disposal facility on the
23 south bank of the MRGO GIWW there.

24 Well, in order to put dredge material
25 in the Mississippi River or in the

1 mitigation site or into any water of the
2 U.S., the Corps of Engineers has to
3 evaluate the dredge material to make sure
4 that it's suitable for placement in that
5 water. And when suitability is based on
6 whether or not the material -- the
7 placement would violate State water quality
8 standards. If it would, you have to
9 stop -- you have to make it -- you have to
10 either manage the material so that it does
11 meet the water quality standards or you
12 don't put it in that placement site. You
13 also have to make that your placement of
14 that dredge material into that open water
15 site does not adversely impact the
16 aquatic ecosystem.

17 If you put material as backfill around
18 the lock or at the mitigation site or the
19 Mississippi River, you have a potential
20 discharge into a water of the U.S. We have
21 to evaluate that using testing protocols
22 that were developed by the Corps of
23 Engineers and EPA in 1998, and they call it
24 the Inland Testing Manual. The protocols
25 are in there. We're testing this material

1 in accordance with those protocol. Any
2 material that fails the 404B1 guidelines
3 based on the testing we get from the
4 protocols, will be put into the confined
5 disposal facility. We also have to test
6 the material that would go -- we're testing
7 all of the material for placement either in
8 open water and/or into the confined
9 disposal facility because there are a
10 number of pathways for contaminants to
11 leave a confined disposal facility. We
12 have to make sure that we test each one of
13 the pathways to protect the human
14 environment.

15 We have a total of 63 sampling sites
16 in the channel itself and on the banks of
17 the IHNC. We're going to be testing at
18 four reference areas that are going to be
19 the areas that we do the same test on that
20 we do for the dredge material so that we
21 can see how they compare. We're going to
22 be testing that in all three of the
23 disposal areas and in the receiving water
24 at Bayou Bienvenu. I'm going to be
25 available -- I mean, it's pretty

1 complicated, the testing that we do. But
2 it's -- this is the most thorough test that
3 I think that anybody's -- no one that I
4 know in the history of the Corps of
5 Engineers nationwide has ever tested as
6 intensely as we're testing this material.
7 So we're sort of on the cutting edge with
8 these tests, and we're going to do a good
9 job and do what's right with this material.

10 If you have other questions about the
11 sampling and analysis and you want to get
12 into more detail, I'll be around all
13 evening to help you. I'll give you my card
14 so you can call me if you need to come by
15 and chat with me about it.

16 BY THE CHAIRMAN:

17 Thank you, Linda. In just a minute
18 we're going to open the floor for those
19 of you that wish to provide verbal scoping
20 comments. We'll start at one table and
21 work our way around. We are accepting
22 scoping comments tonight in a public
23 hearing style format. That's where you
24 come to the microphone, state your comment,
25 then the next person will follow. We're

1 not directly answering questions from the
2 microphone tonight. This is meant to allow
3 everyone who wants to speak tonight an
4 opportunity to speak. If time allows after
5 everybody is done providing their comments,
6 then we'll open it up for questions.

7 Please use the microphone for speaking
8 so the court reporter can actually take
9 dictation, and so everyone else can hear
10 you. When you first approach the
11 microphone, please state your name and
12 address. If you're representing a company
13 or agency, please state the name of the
14 company or agency. Please be to the point
15 in your remarks so others will have a
16 chance to talk tonight. I will ask the
17 audience to be courteous of the person
18 speaking, whether you agree or disagree
19 with what they're saying. If you don't
20 want to speak tonight, that's fine. You
21 may leave your written comments with me.
22 We provided a comment sheet in the agenda.
23 You can either leave it here at box the end
24 of table or you can email them or mail them
25 to me. My contact information is in the

1 agenda. You can also call me. I'll take
2 your comments over the phone. We have set
3 a date of May 4th to have all scoping
4 comments submitted to us. Comments
5 received before May 4th will be
6 incorporated into the scoping report which
7 will be included in the supplemental EIS.

8 with that, I'm going to open the
9 microphone for those wanting to provide a
10 verbal comment. We'll start at this table
11 right in front of me. If there's anybody
12 that would like to speak, please do so now.

13 BY MS. DERRINGER:

14 My name is Vanessa Derringer
15 (phonetic). I live at 827 Tupelo Street
16 here in the Lower 9th Ward. I represent
17 ACORN. I'm the chair for the Lower 9th
18 Ward area. First of all, we're opposed to
19 the locks in this area. We have a barge
20 rip through our levees. We don't want our
21 levees to be in danger with lots of barges
22 and big ships in the canal. You're talking
23 about spending 641 million dollars on the
24 widening the locks. Why are you not
25 spending that on protecting us -- spending

1 it on our levee system here in the Lower 9.
2 It seems that the Corps will stoop to no
3 end to just forget about us. You're
4 talking about widening locks. Residents
5 don't want this. It has been proposed for
6 30 years. All of the money should go to
7 repair the existing levees. 641 million.
8 We're against eminent domain. Expansion
9 will result in residents losing their
10 property. Also, widening the canal would
11 lead to more barges trapped in the canal
12 during hurricane season. Widening the
13 canal would lead to more pollution in both
14 the Upper and Lower 9th Wards. By the time
15 the project is complete, it will be
16 obsolete. Ships are being built now that
17 too big for the expanded lock. The
18 widening of the Industrial Canal would take
19 years to complete. Bridge traffic will be
20 tied up and delay the rebuilding of our
21 community. God knows, we're trying to
22 rebuild. All of the pile driving that
23 you-all are going to be doing during the
24 rebuilding, cracks our foundations, damages
25 our houses. We're trying to come back to

JUDY POLDERMAN GOMEZ, C.C.R.
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1 our community. This is an insult to have
2 you here to talk about these locks. We are
3 opposed. We don't want these locks
4 expanded. We want you-all to spend this
5 money on the levee system. As you should
6 be spending it. I'm just appalled that you
7 can come here and talk about dredging and
8 anything else. Have you walked around this
9 community? Do you know how many people
10 died here? Are you even concerned? 56
11 days to hurricane season, and we got to be
12 worried about barges, ships and everything
13 else in the canal and coming back to our
14 homes. You sit here and talk about a lock.
15 I am appalled. This is unacceptable.

16 BY THE CHAIRMAN:

17 Thank you.

18 BY MS. DESHIELD:

19 My name is Pam Deshield (phonetic),
20 and I'm president of the Holy Cross
21 Neighborhood Association. And I do have
22 some comments. First, I would like to
23 say thanks to the inspiration of the
24 membership of the neighborhood association
25 and our neighbors and groups like ACORN and

1 other groups that are represented here. We
2 held you-all off for the past 40 years or
3 so, and I want you to know that we will
4 continue to do that. But to get down to
5 specifics, first of all, why no -- okay.
6 not why. But the fact that the Corps
7 scheduled meetings, two meetings, at the
8 same time, one in St. Bernard Parish
9 dealing with the levees, the other one here
10 dealing with the lock project, is
11 completely unacceptable. It appears to be
12 some kind of hustle. Why in the world
13 would -- we are as interested and as
14 impacted by the levees as we are by the
15 lock. Both projects are problematic. So
16 that, number one, is something that is
17 completely unacceptable and that really
18 takes away from any credibility that the
19 Corps might have. Second, you say you're
20 not answering questions tonight. When will
21 you answer these questions?

22 BY THE CHAIRMAN:

23 Just to clarify that, please, it was
24 just meant so that everybody will have an
25 opportunity to talk. If there's time after

1 the meeting, after everybody speaks, we
2 will answer questions. I'm sorry if I gave
3 you the wrong impression.

4 BY MS. DESHIELD:

5 When will you answer the questions
6 that are submitted in writing from all of
7 us as well as from your experts? I believe
8 there's most likely a procedure here where
9 people -- just as you describe, people can
10 submit their questions; and there are --
11 there are some that you possibly might not
12 be able to answer tonight right off the
13 cuff. So the question -- my question is:
14 When will you answer the questions given to
15 you tonight? Next thing. You talk about a
16 supplemental EIS. We need a new EIS.
17 Conditions have changed drastically. All
18 conditions have changed drastically since
19 1996, since 1986, since 1976. And on back.
20 You need a completely new EIS -- that's an
21 environmental impact statement -- to look
22 at each and every aspect of the project
23 from the economics of it to the mechanics
24 of it to the biology of it. Everything.
25 Fourth thing. The confined disposal units

1 that you were talking about. I'm thinking
2 -- granted you put a lot of thought into
3 those sites and into the units themselves.
4 You spent a lot of money contracting for
5 that before Katrina. Had those units gone
6 to the places where you were going to put
7 them, in the state they were in, we would
8 have had five times the contamination that
9 we ended up having here in Lower 9. Who
10 knows what would have happened? So, yes,
11 you're doing your best. I mean, I don't
12 doubt that you're good people. You all
13 live here, too. We all live here. You
14 have your jobs. We have ours.
15 Unfortunately, your job seems to be to
16 deprive us of our community. The 800 plus
17 million dollars that will be spent on this
18 project needs to be spent on levees, on
19 rebuilding the communities. The Army Corps
20 of engineers has a kind of control over
21 this City that's unprecedented in the
22 United States because of where we are.
23 Because we're all surrounded by so much
24 water. The Corps has several missions to
25 enhance navigation, to protect the

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1 environment, to flood control. But
2 primarily what you're supposed to do is to
3 protect the interests of the people of the
4 United States. Well, we are people of the
5 United States and that's not -- has not
6 been what's happened. You have -- the
7 agency that you work for has destroyed the
8 lives and the livelihoods of most of the
9 people in the City of New Orleans and just
10 about everybody in this room. That can
11 never ever happen again. We are not ever
12 going to let that happen. But the agency
13 that you work for has destroyed --
14 destroyed -- this and many other
15 communities. Next, what materials are
16 going to be tested? That's another
17 question I have. What materials will you
18 test? Finally, Corps reform. The Corps
19 reform movement is one that's gaining
20 momentum. The agency that you work for
21 destroyed lives and livelihoods and killed
22 people. The agency that you work for
23 destroyed lives and livelihoods and killed
24 people. Corps reform, from the top down,
25 is something that has to be accomplished.

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1 This project is an example of the old ways,
2 of doing things the old way. Let's look at
3 what your mission is. Let's look at what
4 the needs of the people you serve are.
5 Let's weigh those priorities. Is the
6 profit -- is the profit for the navigation
7 industry, is that worth more than the lives
8 of the people of the Lower 9th Ward or
9 Lakeview or St. Bernard Parish or whatever?
10 That's the question. That's the question.

11 BY THE CHAIRMAN:

12 Thank you, ma'am. Anybody else at the
13 first table here? The next table then.
14 Anyone who would like to make a comment?
15 We'll move to the third table. Anybody at
16 that table want to get up and make a
17 comment?

18 BY MS. DEPOCHE:

19 The only thing I would like to say is
20 that the sooner we can expedite our
21 comments, the more time you guys will have
22 to answer questions from us. Thank you.

23 BY MR. POINDEXTER:

24 Can we get your name?

25 BY MS. POCHE:

1 Peggy Poche.

2 BY THE CHAIRMAN:

3 Yes. If there's anybody that wants to
4 make a comment, I do want them to have that
5 opportunity. Please don't feel rushed to
6 make comments. Please keep in mind that
7 there may be other people down the line
8 that do want to comment. With that,
9 there's nobody else at that table. Let's
10 move to the next table, please. If there's
11 anybody at the next table. That would be
12 the fourth back. Thank you.

13 BY MR. BAKER:

14 Hi, my name is Andy Baker. I'm
15 with the University of Wisconsin Water
16 Resource Management Program. We're down
17 here working with the Holy Cross
18 Neighborhood Association investigating the
19 community role in the Bayou Bienvenu
20 restoration project. We have concerns
21 about placing contaminated sediment in a
22 restoration area. We're hoping that the
23 Corps will realign its priorities and work
24 toward the restoration of the coastal
25 wetlands, which are really New Orleans'

1 best and original hurricane protection.
2 So I would say it's time to put the public
3 good above the narrow interests of any one
4 industry and refocus the entire management
5 strategy for the Delta to move sediment
6 around and restore those wetlands.
7 Thank you very much for the opportunity to
8 speak.

9 BY THE CHAIRMAN:

10 Thank you. Anyone else on that table?
11 Very good. We'll move to the very last
12 table. Anyone that would like to get up
13 and provide comments? We'll move to this
14 side of the room. Let's start at the back
15 and work forward, please. The very last
16 table. Sir, you're standing. Would you
17 like to come to the mike or are you
18 standing back there?

19 BY MR. JEREMY:

20 Well, I just got what everybody knew.
21 My name is Andrew Jeremy, Sr. This is
22 what I got. I have a powerful storm
23 Katrina. I'm trying to get the song around
24 the country to help somebody down here in
25 New Orleans. I'm trying to help either the

1 charities, or I'll help you-all. The song
2 is going to raise millions of dollars. The
3 name is, Katrina, What It Did To Us. You
4 never heard it before. I'm trying to use
5 it to raise money. I want to help. I want
6 to help New Orleans. I have been talking
7 to the charities. Nobody will take me up
8 what I'm trying to do. I'm trying to be
9 a hero. I want to help. I'm going to go
10 to the car and get some of the CDs and
11 bring. I'm going to pass them to all of
12 you-all out there. I'll help you-all,
13 donate money to you-all. Whatever. It's
14 powerful. You-all got to hear it. I'm
15 going to give some out to the people in the
16 audience, too. I'm going to get it.
17 It's a CD. It's powerful.

18 BY THE CHAIRMAN:

19 Thank you. Anybody at that back
20 table? Sir?

21 BY MR. IRVING:

22 My name is Henry Irving, Sr. I live
23 at 2526 St. Maurice Avenue. I'm curious.
24 That lady said something about taking 63
25 samples in the Industrial Canal; is that

1 correct? Three to four years ago it was
2 determined by a sample that was taken then
3 that the soil in the Industrial Canal
4 violates all the EPA rules. You can take
5 63 samples and come up with 63 different
6 things. Who is going to do the checking?
7 Is it going to be an independent person or
8 somebody you select? Even after you dredge
9 the contaminants out of the soil, what are
10 your plans on doing with it? I'm just
11 curious to know what you're going to do
12 with it. Because the soil is too
13 contaminated. That was determined a long
14 time ago. Now, you're still talking about
15 widening the canal.

16 BY THE CHAIRMAN:

17 Thank you.

18 BY MR. WILLIAMS:

19 My name is Bill Williams. I used to
20 reside at 5005 Dauphine Street before a
21 barge destroyed the canal waters and
22 flooded my home. One question Mr. Irving
23 asked, who will test the dredge material?
24 My first question is who will test the
25 dredge material and who will determine the

1 sites for the storage of these materials?
2 Is the Corps of Engineers responsible for
3 testing these materials? Will they be
4 tested by the independent lab? If it's by
5 the Corps of Engineers, what faith would we
6 have in the Corps of Engineers passed upon
7 the past performance? What can they say to
8 us to give us any faith or believe that
9 they can do a better job than they did with
10 the levee system? The other part was: Who
11 would determine the sites, or who
12 determined the sites? Why? The other
13 thing that really struck me was in your
14 diagram, you had a placement site here for
15 MRGO. I'm trying to determine, was this a
16 Freudian by putting this here, the MRGO
17 placement? Does this indicate there's no
18 plan to close MRGO?

19 BY THE CHAIRMAN:

20 Thank you.

21 BY MR. SMITH:

22 Good evening. My name is Henry Smith.
23 And I have 1320 Alamo, 1408 Alamo, and 1130
24 Alamo. And I have -- all of my houses got
25 flood. My son came down and said it was 23

1 foot of water. It's said. I don't want to
2 fault anybody because God knows what the
3 answer is. It's sad that New Orleans, we
4 can't get any help down here. They go
5 helping across the seas and everywhere
6 else. We're trying to get back in our
7 homes and whatnot. We cannot get back in
8 our homes. Everybody passing the buck on
9 to somebody else. All we getting is talk.
10 We don't get no straight answers here.
11 It's sad running our peoples out of New
12 Orleans to Mississippi, Alabama, Georgia
13 and everywhere else when we should have the
14 levee or whatever fixed. I know if God
15 intended for something to happen, it's
16 going to happen. It's just sad I'll say
17 for the Mayor, the President and Governor
18 and engineering everybody else ought to
19 quit passing the buck on and try to help us
20 out to get back in our homes and stuff.
21 That's all I have to say.

22 BY THE CHAIRMAN:

23 Thank you. Is there anyone else at
24 the last table that wants to speak? The
25 next table forward then, please. I'm

1 sorry. Ma'am.

2 BY MS. JONES:

3 I just have a question as when do you
4 get to respond to all the questions that
5 have been raised today?

6 BY MR. POINDEXTER:

7 Can we get your name, please?

8 BY MS. JONES:

9 Patricia Jones. My address is 1012
10 Lazarde Street. I'm the director for the
11 recovery center in the Lower 9th Wards.
12 Again, I would ask the question. When do
13 we get the responses to the questions
14 that's been asked tonight? What's the
15 purpose of giving information and not
16 getting a response?

17 BY THE CHAIRMAN:

18 Yes, ma'am. It looks like we're going
19 to have time after everybody provides their
20 comments to answer some questions tonight
21 that we can answer. Those questions that
22 we can't answer tonight, they'll be
23 addressed more than likely in the scoping
24 report, if not prior to that. For
25 everybody's information, we'll likely have

1 additional meetings. I know that's a
2 concern here as well. We'll try to answer
3 everyone questions as soon as we can.

4 BY MS. JONES:

5 Will these meetings be respective of
6 the other Corps meetings that are going on
7 across the street? We're here for the
8 lock. There's the flood walls and all that
9 in another location. Had can you
10 coordinate your system? Who is making the
11 decisions? Is that purposeful?

12 BY THE CHAIRMAN:

13 No, ma'am.

14 BY MS. JONES:

15 We need to think about that.

16 Seriously.

17 BY THE CHAIRMAN:

18 Thank you.

19 BY MR. WILEY:

20 My name is Darryl Wiley. I live at
21 618 Apple Street in New Orleans. I work
22 for the Sierra Club. I'm here with
23 preliminary comments from the Sierra club.
24 We'll have additional comments before the
25 May 4th date. And a couple of questions.

1 You talked about final environmental impact
2 statement. Where physically is a copy of
3 that statement these days. I know some
4 people down here had copies, but they got
5 flooded. If we're supposed to be looking
6 at that, we would like to have a hard copy
7 someplace in the Lower 9 so people can
8 access them on a regular basis. Without
9 having that hard copy, of the first EIS,
10 and you're expecting comments not only on
11 the supplemental and on that EIS, I feel
12 the May 4th deadline is just unrealistic.
13 If we're going to have to drive up to Leake
14 Avenue, spend time looking through whatever
15 documents you have at the Corps. We want
16 some kind of documentation in the Lower 9th
17 Ward. Your list of preliminary issues for
18 evaluation on your, I think they're in the
19 wrong order. I think the number one issue
20 about this whole thing is this lock
21 economically viable? I would say no. 6
22 hundred million, 7 hundred million, 8
23 hundred million, how much million is it
24 going to cost? It's never going to pay for
25 itself. never. And we just heard from the

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1 Corps of Engineers economic folks on MRGO
2 that have all of a sudden decided, damn,
3 light bulb went off. It didn't pay for
4 itself. So how many years after this
5 project gets done -- if it gets done
6 because it ain't going to get done because
7 we're going to sue you. There might be
8 some people laying down in front of you.
9 you ain't going to build this lock. When
10 are we going to stop this progress? The
11 testing is not coming from the goodness of
12 your heart. It's coming because the Holy
13 Cross Neighborhood Association sued your ass
14 and forced you to do it. You might be very
15 good people. But your agency is piss poor at
16 protecting the people in the Lower 9. It
17 killed people in '65. It killed people in
18 2005. We need to take some of that money and
19 have some -- there we go --

20 BY UNIDENTIFIED SPEAKER:

21 There's the Army Corps stomping on the
22 Lower 9th Ward.

23 BY MR. WILEY:

24 This whole process is not conducive to
25 an intelligent discussion if you're giving

1 us three or four pages at the time of the
2 meeting. We need to have information
3 beforehand. We need to know if all the
4 things are available on websites for people
5 that can get on the web. We'll make sure
6 there are more comments in by the 4th.
7 We'll see what you come back with answers.
8 If it ain't the right ones, we have nice
9 lawyers around here. Thank you.

10 BY MS. WASHINGTON:

11 My name is Diane Washington. I live
12 at 919 Forstall Street. 40 years ago with
13 Betsy, I was a teen-ager. I was involved
14 with Betsy. During the years coming up,
15 they promised to do a whole lot of things
16 to the levee, channel, lock. And now 40
17 years -- 41 years later -- it still haven't
18 been done; and nobody asked the public.
19 Nobody asked any of us would that benefit
20 us. No. Would that help us? No. So,
21 until you have lived in it, lived with it,
22 and put up with it -- and that's has been
23 40 years ago all the way until today. Why?
24 Why? We pay taxes. We are not refugees.
25 We are not -- we displaced. I hate the

1 word refugees. People classified us that.
2 I really hate it with a passion. But why
3 is it that you couldn't ask the public or
4 us or anybody else in New Orleans? Why did
5 you come after Katrina? What happened to
6 before Katrina? Things that would help.
7 Okay. You're trying up a channel lock,
8 which we need a levee. Why the levee
9 couldn't come first before the channel
10 lock? What benefit is it going to do the
11 channel lock to be widened for ships to
12 come through that we don't even need to
13 come through here like that. Have you
14 thought about the community? Have you
15 thought about, okay, these houses are old.
16 Some blew away. People are not even in
17 them. Have you thought about them? Then
18 you want to tie it up with some more
19 construction. They're trying to get their
20 lives back together to get home. Trust me.
21 I've seen dead bodies floating around me.
22 That was during Betsy. That couldn't be
23 helped. This time, I wasn't here. I think
24 about the people that was here. My husband
25 was here from day one to day nine. He

1 stayed here nine days. If you ever been in
2 it, lived in it, you would know. You would
3 know why we opposed to it. To me, it's
4 disgraceful. Because you didn't consider
5 us as human beings. We're not a piece of
6 the furniture. We have feelings. We have
7 lives. It's not easy. My daddy 83 years
8 old. That's not easy. The elderly people
9 have to go through this here and go through
10 that. Road to Recovery or Road Home. They
11 put you through change. Now, you're going
12 to come here and put us through more
13 change. To me, it's unfair. What happened
14 to you 40 years ago? What happened to you
15 before Katrina? Why are you not saying,
16 well, what could we do to help the
17 community? Why you can't wait until the
18 levees are supposed to be intact that we
19 can live in peace before you talk about
20 bringing the channel lock. To me, it's not
21 that important compared to our life. If
22 you think a channel lock is more important
23 to anybody livelihood or community or
24 trying to raise a family in a community,
25 hun-uh, I can't see it. I cannot see it.

1 And you say you're going to open it up for
2 questions. That's the main thing I'm going
3 to ask you. Have you considered us? Have
4 you considered where we live at? We don't
5 know if anything is contaminated or not.
6 Are you going to invite us there to do the
7 testing or know anything about the testing?
8 Are you going to tell us who it was? Are
9 you going to have people come from other
10 places to say yea or nay. To me, it seems
11 like you're dictating to us what you want
12 to do and like it's already decided. This
13 is our community. We have been through
14 hell -- not hell in back. We have been
15 through hell and still going through hell.
16 When somebody tell you your house done blew
17 away, your life done been disrupted; and
18 they tell you about, oh, you got to give me
19 \$500 or \$1000 or \$100,000, and you have to
20 even fight for that. It should not be a
21 fight. We pay taxes. Nobody gave it to
22 us. We had to earn it. We work hard for
23 it. Some of us still have to go back to
24 work and do things. I have a lady call
25 me and say I went back to Entergy where I

1 retired from. She's 73 years old. I
2 understand it's hard. My daddy 83 years
3 old. They have aches and pains. They
4 wanted to do what? They want to rebuild
5 the community. They're not trying to run
6 away. None of us is trying to run away.
7 the thing is -- my thing is nobody
8 considered asking us.

9 BY THE CHAIRMAN:

10 Thank you. Anyone else at the last
11 table? Let's move it forward then to the
12 next table. If there's anybody that would
13 like to speak, please approach the
14 microphone.

15 BY MS. PHILLIPS:

16 My name is Gina Phillips. I live at
17 819 Sister Street. The Industrial Canal is
18 right in front of my house. And I have to
19 say that I've noticed that you-all
20 mentioned the traffic takes hours and hours
21 for the barges and ships to go through. It
22 seems to me -- I'm up there every day. I
23 notice the traffic. It's never more than
24 few minutes, or usually the traffic goes
25 straight through. It seems to me that's an

1 indication the expansion of the lock is not
2 necessary.

3 BY THE CHAIRMAN:

4 Thank you. Let's move to the next
5 table. Is there anybody? That would be
6 the middle table.

7 BY MR. WILLIAMS:

8 I would agree with the lady that said
9 we need to get through these comments, that
10 you're here to answer questions. I would
11 also agree with Darryl and him that you are
12 all nice people. I want to tell you just
13 think for one second, shut your eyes, and
14 think how much resources are needed in this
15 community and how much the Government that
16 you work for is saying, no, we're going to
17 build a lock before we protect you. I want
18 to tell you that you have a 17-foot wall
19 that will allow you to build this lock. I
20 bet you made sure that it was 17 feet tall.
21 Do you know the levee right next to it is
22 13 feet. It's going to stay that way
23 forever. They also decided without letting
24 this community know that they're going to
25 big something out further down, and we

1 don't think you need to be protected. They
2 haven't been back to tell this neighborhood
3 that. They did come two months ago and say
4 you will be protected, and we will raise
5 those levees. The Corps of Engineers will
6 raise your levees between now and 2010.
7 You got a risk. Now they said -- nobody
8 came back and told anybody here in the room
9 -- that they're not going to raise those
10 levees. Can you imagine putting 8 hundred
11 million dollars in a lock project when all
12 these people that are right up against it,
13 if you spend a fraction of that money, same
14 organization, just a fraction of that money
15 to raise those levees down through St.
16 Bernard. That you would have a meeting
17 about levees tonight and have this meeting
18 at the same time is gross. Don't ever do
19 that again. You're nice people, but you
20 got to believe everybody here should be at
21 that meeting right now. But they want to
22 ask questions. Let's get through this, and
23 you should answer these questions because
24 there's a lot of good questions. The last
25 thing, it's priorities. Our Government is

1 really screwed up. Spending 8 hundred
2 million dollars on a lock project when the
3 community right next to it needs pennies to
4 get going. It's priorities, and the Corps
5 put this neighborhood in that position.
6 Thank you.

7 BY THE CHAIRMAN:

8 Would you mind returning back to the
9 microphone and stating your name and
10 address, please.

11 BY MR. WILLIAMS:

12 Probably not. My name is John
13 Williams. I live at 2428 Pine Street. I'm
14 a friend of the Lower 9th Ward.

15 BY THE CHAIRMAN:

16 Thank you. Anybody else at that
17 table, please.

18 BY MS. GRAFF:

19 My name is Alberta Graff. I'm now a
20 resident of St. Bernard. But I grew up in
21 the Lower 9. I was born at St. Claude and
22 Caffin. My family had a business on
23 Dauphine Street before the Corps cut the
24 Industrial Canal through. I can tell you
25 the story of my family. That the people

1 protested as much as then as they're doing
2 now. And I can tell you that the Corps'
3 attitude has not changed. They do not
4 listen to the people. I was born 12 years
5 after the canal opened. My mother was on
6 one of the first vessels that's went
7 through the canal. The MRGO was a
8 announced, and the Corps was advised it was
9 not a wise move. Betsy came just a few
10 years afterwards. Betsy was predicted.
11 Betsy should have been -- Betsy was a
12 stroke, if we look at the canals that you
13 have built through here as a human body --
14 Betsy was a stroke. It should have been a
15 warning to your agency of the dangers of
16 what you're doing to this community. And
17 have done. Nothing was listened to.
18 Hurricane Katrina came through. It was
19 predicted. It followed almost the same
20 path as Betsy. Hurricane Katrina is a
21 heart attack. Now, when do you plan to
22 bury us? What this agency has done to the
23 fragile coastal lands of Louisiana is
24 unthinkable. How that agency could have
25 such a hold on a Government and create such

1 a destruction here over the last, I guess,
2 74 years. What your agency is doing today
3 is incomprehensible. It's unfathomable. I
4 don't know where this is going to lead to.
5 But there is at least one publication in
6 St. Bernard that says St. Bernard and the
7 Lower 9 is becoming a spillway. How can
8 you justify the loss of life, the loss of
9 community, against the measurement of
10 navigation? Then you say that this canal
11 is going to be a deep draft. Why? Where
12 do the deep draft vessels need to go? The
13 MRGO that you're not going to close? Thank
14 you very much.

15 I also was appalled by the fact that
16 Corps would schedule two meetings. Is the
17 purpose to try to split the protest?

18 BY THE CHAIRMAN:

19 Thank you. Anybody else at that
20 table? We'll move it forward then to the
21 second table, please.

22 BY MS. SARTOU:

23 Cynthia Sartou (phonetic) with the
24 Coastal Restoration Network. I'm director.
25 We are at 3338 Baronne Street, New

1 Orleans. I have written comments so you
2 don't really -- I know you have to. I'll
3 give them to you. We were one of the
4 groups that was involved in the litigation
5 over the contamination. I guess mine are
6 more legalistic comments. I think it would
7 have helped, to be honest, to explain to
8 the public a little bit about what a
9 scoping meeting is all about. I'm not sure
10 that it was made clear. In the future, it
11 might be good for you-all to explain in
12 more laymens terms what a scoping hearing
13 is about. My comments are actually based
14 on scoping. I will give them to you. I
15 think the community has concerns. I will
16 try to make it little more brief and give
17 you the written comments. I do believe, as
18 Pam said, this needs to be a comprehensive
19 reassessment of this project. That as
20 Judge Fallon said, the EIS was completed in
21 1997; and the details of the Corps'
22 decision to modernize the lock were set
23 forth in 1998. The effects of Hurricane
24 Katrina have exposed the inadequacy of the
25 Corps' planning and analysis. Moreover, in

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1 the years since Hurricane Katrina local
2 circumstances have drastically changed.
3 The future of the MRGO is in doubt --
4 although I would say it is not since I work
5 everyday to get that canal deauthorized and
6 we have the language to do so -- have
7 drastically changed. The location, height,
8 and significance of the levees are being
9 reevaluated and their priorities are
10 shifting from transportation needs of
11 community to the restoration of the basic
12 infrastructure. I would agree with Judge
13 Fallon. I think that we need a
14 comprehensive reassessment. Some of the
15 questions that I think need to be addressed
16 in light of current and intervening events
17 are: What are some current alternatives to
18 the replacement of the lock, including
19 potentially use of alternative routes? The
20 effect of construction of the replacement
21 lock expected to last several years could
22 have on the recently announced
23 redevelopment and recovery plan that the
24 City of New Orleans wishes to do targeting
25 the area of the 9th Ward adjacent to this

1 very canal? What your plans to enlarge it
2 may do? Needed updates and the cost
3 benefit analysis for the project including
4 but not limited to costs associated with
5 additional testing of dredge sites needed
6 to adequately determine levels of
7 contaminants? Costs associated with the
8 corps' admission that sediments from
9 dredging of the canal must be disposed of
10 in a Type I landfill rather than through
11 open water and wetland disposal. And
12 increases in construction costs in a
13 post-Katrina environment. Why deepening is
14 now required when in fact there is current
15 authorization language of several million
16 dollars -- I think 3 hundred million in the
17 last legislation I saw to move deep draft
18 industry out of the canal. And closure of
19 the MRGO is imminent. So I'm not quite
20 sure why traffic coming down the GIWW,
21 which is generally not deep draft in
22 nature, would need to go through the canal
23 and why any other deep draft navigation
24 would need to come from the Mississippi
25 River into the canal when those industries

1 will no longer be here. The effect of the
2 proposed dredging and construction on
3 water quality in Lake Pontchartrain and
4 other water bodies in the vicinity of the
5 Industrial Canal. Updates on the current
6 level of lock traffic, current backlogs and
7 traffic that travels through the lock, if
8 any, and predicted use of the lock in the
9 future, particularly in light of the
10 proposed deauthorization of the Mississippi
11 River Gulf Outlet as a navigation channel.
12 The impact of flooding associated with
13 Hurricane Katrina and Rita on the stability
14 of levees and structures in the vicinity of
15 the proposed construction and the potential
16 destabilization or negative impact to those
17 levees and structures and the driving of
18 pilings and other construction activities
19 associated with the replacement lock. I
20 would note that I have worked on this
21 project for a long time. There were a lot
22 of complaints by local residents before
23 Katrina that pile driving in fact were
24 undermining their foundations, were causing
25 significant shaking, were causing water

1 quality and issues to infrastructure, and I
2 would assume that the Corps is going to do
3 some analysis of what flooding may have
4 done to existing historical structure
5 foundations and what pile driving might
6 impact do to increase the undermining or
7 the weakening of those structures. The
8 potential increases in collisions of marine
9 vessels arising from predicted increases in
10 vessel traffic associated with both
11 replacement and expansion. And the direct
12 cumulative and secondary impact of
13 replacement of the canal and alternatives
14 to the replacement of the canal, including
15 to water quality wetlands and any other
16 issue that might arise. Those are some of
17 our issues. I'm sure we'll have others. I
18 do look forward to you addressing all of
19 those issues in the first draft of the
20 supplemental EIS. Thank you.

21 BY MR. COLFULL:

22 My name is John Colfull (phonetic). I
23 lived at 415 Tupelo Street. I am a board
24 member, an officer of Citizens Against
25 Widening The Industrial Canal, a member of

1 the Holy Cross Neighborhood Association. I
2 was one of the people that personally, as
3 well as institutionally sued the Corps of
4 Engineers about the toxic sediments. And I
5 want to tell you that we also think you're
6 good people. And working in your little
7 small area here. And I'm also concerned
8 about having two meetings at one time. It
9 wasn't because of NIMBY, Not In My
10 Backyard, that we sued about toxic
11 sediments. It was because we could see
12 from the EIS that the money wasn't set
13 aside, and the program wasn't there to do
14 an adequate job with the sediments. And I
15 think it had everything to do with
16 manipulating the cost benefit reductions.
17 There were a lot of things that were taken
18 out of the cost side of it and a lot of
19 benefits produced that were projections
20 that were real pie in the sky and never
21 happened. For instance, commodities
22 through the Industrial Canal reached a high
23 peak of tonnage in 1988; and even though
24 the Corps could see it was going down a
25 million tons a year through the canal and

1 is still going down, as far as we know, the
2 1996 EIS used not real figures but
3 projections of these things going all the
4 way up. And right now it's below project
5 justification. Yet you say growth and
6 waterway traffic over the years has made
7 the Industrial Canal lock one of the
8 nation's most congested locks with an
9 average wait of 10 hours, often as much as
10 24 to 36 hours. The basic problem is that
11 the current lock is simply too small to
12 accommodate the value of existing and
13 future traffic. This statement hasn't been
14 substantiated at all. It's just
15 repeated over and over and over again. So it
16 forms a perimeter, well, we can't talk about
17 that because it's a given. But it's not
18 scientific. The numbers aren't there.
19 We know you have been pushed by the waterway
20 industry. We see the documents. But what
21 we need you to do is to not go into your
22 little mole hole and do your little part of
23 it. But to witness that this is -- we
24 really need a new EIS. Katrina, like the
25 judge said, has made it absolutely clear

1 that the sediments would have been sitting
2 there where they would have been all over
3 our neighborhood. As it was, we had the
4 sewage treatment plant all over our
5 neighborhood. A lot of things have
6 changed. The MRGO is closing, right? This
7 was called the Mississippi River Gulf
8 Outlet new lock and connecting project
9 until 1988. And simply the name was
10 changed. Now, the MRGO is going to close.
11 That changes the use of it. Also, we're in
12 danger of losing our historic lock and the
13 bridge out here which we really like. We
14 consider them a great historic value to the
15 City. Yet, with this given cost benefit,
16 doesn't give any cost to us losing that.
17 That's a tremendous hit for the City. And
18 even the Corps acknowledged they were
19 really significant historic structures. I
20 believe that the barge going over our levee
21 down by Derbigny Street was at least in
22 part able to happen because the Corps was
23 digging down there, whether for
24 remediation. Whatever it was. We have
25 seen satellite photos of before the storm

1 and after the storm. It's obvious that
2 activity was going on down there, and we
3 know that's where the bypass channel was.
4 People get impatient because things are
5 slow, but I think you got a little ahead of
6 your timing there. The seawall or the
7 levee wall wasn't -- was supposed to be
8 done first before that was dug up. Am I
9 going too long? I think the secrecy with
10 the Corps has operated with our political
11 leaders has really given us a bad
12 impression of you-all. We know that you
13 have been keeping the MRGO open to float
14 the new lock module in. We know that those
15 contracts are out there, and you don't like
16 to criticize those. I know the politicians
17 don't. We know that's the reason why
18 you're pressed maybe into doing a molded-in
19 place lock, poured-in-place, which the
20 Judge said they probably would never do
21 because it wasn't safe for the community
22 once it was built. So we think you really
23 -- we really need to have a new cost
24 benefit analysis done. Because of the
25 events of Katrina and also because this

1 project has always been pursued, as far as
2 I'm concerned, in an unjust fashion. This
3 project was selected over one in St.
4 Bernard because the Port of New Orleans did
5 something behind the scenes, and the Corps
6 went along with it because they lost
7 control. There were a lot of moves like
8 that. We had neighborhood working group
9 sessions where the project manager -- that
10 was your job then -- said that Joe Desherri
11 (phonetic) said there will be no project,
12 folks, unless the community goes along with
13 it. Guess what? It wasn't true. And so
14 there's a lot of things. But I think now
15 is the time to really to be more together
16 on this, folks. We need more openness and
17 honesty. We need it to be scientific.
18 Just because the waterway users are going
19 to pay -- folks may not know that waterway
20 users trust fund is going to pay for half
21 of most of the capital cost of the regular
22 size lock, the regular depth lock. The
23 Port's going to pay for the extra bid, and
24 the Corps is going to pay for other half.
25 The waterway users, they don't have the

1 right to come into here and build a lock
2 that is unjustified just because they're
3 big companies and everything. You are
4 giving them preference. They don't have
5 the right to build that just because they
6 need it. It's not cost justified. Any
7 money that's coming from the people of the
8 United States deserves better accounting.
9 We deserve better accounting because of all
10 the harm that has come to us and will come
11 to us in many ways because you haven't put
12 in the costs to this community which are
13 tremendous. Thank you.

14 BY THE CHAIRMAN:

15 Thank you. Anybody else at the second
16 table?

17 BY MR. ALEXANDER:

18 Good evening. My name is Calvin
19 Alexander. Prior to August 29th, I lived
20 at the corner of Caffin and Chartres in the
21 Holy Cross neighborhood. I want to
22 reiterate a couple of things that have been
23 said this evening, because I don't think it
24 can be appreciated enough that you have
25 displaced families, that you have destroyed

1 lives and livelihoods. I have a sign that
2 I personally wrote before I came this
3 evening. I am personally still holding the
4 Corps accountable for what happened here in
5 August, September, of 2005. You -- they,
6 the Corps of Engineers are at fault. In
7 September of 1965, my mother-in-law lived
8 near Carver High School on Metropolitan
9 Street, 2900 block of Metropolitan Street.
10 Today, because of flooding from some of the
11 same waterways, she lives in a trailer in
12 the rear yard of 1600 block of Desire
13 Street at 91 years old. Thank you. This
14 past Saturday my third daughter drove a
15 moving van here from Memphis, Tennessee, to
16 come home finally since August of 2005.
17 thank you. I can really thank you because
18 before August 2005, my daughter didn't
19 drive anything. She drove a moving van
20 here from Memphis, Tennessee, by herself
21 pulling a car that she bought while she was
22 evacuated from this area. I have to
23 apologize to whoever it is that doesn't
24 like the term refugee. That's a discussion
25 I had with someone when I was evacuated

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1 from Memphis, Tennessee, myself in 2005. I
2 understand the English language, and I know
3 what a refugee is. Get a dictionary.
4 Maybe you will find out what a refuge is.
5 New Orleans damn sure was not a refuge in
6 September of 2005. I own the property 600
7 block of Caffin Avenue. I own a property
8 at the 600 block of Flood Street, the next
9 street over. I own a property in the 6300
10 block of Burgundy Street. I own a property
11 in the 5400 block of Royal Street. I own
12 the property where my mother-in-law has a
13 trailer, along with myself, in the 1600
14 block of Desire Street. All of those
15 properties flooded. Thank you. I want to
16 refer back to some of your own information
17 concerning the need for a deep draft access
18 to the Industrial Canal. According to the
19 rendering we see here in front of us, as I
20 understand it, I believe you are moving
21 this 1200-foot lock on the opposite side of
22 North Claiborne Avenue from where the
23 current lock exists. I trust that's
24 correct?

25 BY THE CHAIRMAN:

1 Yes, sir, the north side.

2 BY MR. ALEXANDER:

3 Yes. Approximately where the flood
4 waters came in on the north side of the
5 Claiborne bridge. I think that's where the
6 wall collapsed where it was, quote by some,
7 blown where the barge knocked it down. Now
8 I heard on the news report last night and
9 this morning that you want that have a lock
10 that's wide enough for three barges to come
11 in abreast. We can have plenty of traffic
12 and we can have plenty of barges and enough
13 water that come in now, if there's any
14 storm activity, so that any barges that are
15 not in control -- as this barge obviously
16 was not -- we can have lots of breaks in
17 our levees, with more water coming in and
18 no heightening of the canal on the west
19 side of the canal. That means the house on
20 Desire Street that flooded where I
21 presently have my trailer, along with my
22 mother-in-law, can get more water in the
23 future. Now, in light of the recent
24 announcement by the City's redevelopment
25 executive and the Mayor, the St. Claude

1 Avenue commercial corridor and the
2 Claiborne Avenue commercial corridor are
3 supposedly a part of the catalyst that's
4 going to help redevelop the Lower 9 and
5 Holy Cross area. I would like to know what
6 the long term construction plans for this
7 project would do to negatively impact that
8 rebuild and that rebirth for this area.
9 I've already you told how just in my
10 personal portfolio you have displaced the
11 lives and livelihoods of eight families
12 directly involving myself and my family. I
13 have a real problem with the way this thing
14 is being stuffed down our throats. Because
15 the numbers are not there. You know, the
16 shipping industries know that they're
17 tonnage has increased, particularly on the
18 industrial waterways. There is no
19 justification for this project whatsoever.
20 And when you consider the lives and
21 livelihoods of the untold thousands of
22 people that you have affected and you
23 compound that by having a, quote, levee
24 protection meeting tonight at the same time
25 you do this one is ridiculous.

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1 BY THE CHAIRMAN:

2 Thank you. Anybody else at this
3 table? The first table. There's people on
4 the perimeter. Would anybody on the
5 perimeter like to speak? Thank you.

6 BY MR. LEEMAN:

7 Hello. My name is James Leeman
8 (phonetic). And I'm kind of puzzled with
9 all that you are here talking about
10 widening the canal and building flood gates
11 The Industrial Canal, what we need is
12 bridge. You folks probably don't live down
13 here. But the bridge goes up every 30
14 minutes. For me that's a big problem. As
15 far as trying to dredge out the canal, if
16 you haven't been familiar with the flood
17 that happened down here, most of the soil
18 and stuff that come out the canal is
19 contaminated. It contaminated this whole
20 area already. You-all disturbing the soil
21 that's already at the bottom of the canal
22 would be a bad thing for this whole
23 community. That's not counting the fact
24 what it's going to do to the rest of the
25 waterways that's around here. The locks

1 themselves was replaced back in the 70s
2 when they took the gates out and put new
3 gates in and all this kind of stuff. But
4 you still got the problem with this whole
5 area sinking, and the markers that they had
6 were sinking with it. I don't know where
7 you-all be getting your information from.
8 They got a lot stuff that you-all are not
9 really paying attention. I'm quite sure it
10 ain't got nothing to do with none of
11 you-all folks. I mean, I don't know what
12 you-all job is, what you-all do. I mean, I
13 actually studied some of the stuff that be
14 going on down here. I live down here, and
15 there's not a one of you-all who will go
16 out here and drink any of the water out the
17 canal. I used to go swimming in the River
18 like we did as kids. My friends fish in
19 the canal over here. You got all kind of
20 industrial problems. You got Circle Square
21 which is a major super fund site. You
22 right back here off of Desire or Galvez,
23 another super fund site. You got them
24 worried about how tall to put the landfill
25 because the ground sinking. I think you

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1 need to go back and do some more homework
2 because you got serious problems and
3 you-all not paying attention to the serious
4 problem. I don't know. 6 hundred million
5 dollars, what you need to do is give it to
6 the schools and let them be studying some
7 of the stuff that actually be going on down
8 here.

9 BY THE CHAIRMAN:

10 Thank you. Is there anyone else that
11 would like to bring up any comments now at
12 this time? We got about a half hour left
13 in the meeting tonight. We'll go ahead and
14 take some questions and try to answer them
15 as best as we can.

16 BY UNIDENTIFIED SPEAKER:

17 Quickly I would like to find out when
18 and from who I can obtain an audio tape of
19 this meeting. Can you tell me that?

20 BY THE CHAIRMAN:

21 I'll be receiving a tape of it. I'm
22 sure you can get it from me.

23 BY UNIDENTIFIED SPEAKER:

24 Your name again?

25 BY THE CHAIRMAN:

1 Royce Kemp. If you pick up my agenda,
2 my contact information is in there.

3 BY UNIDENTIFIED SPEAKER:

4 We have a audio tape rolling right
5 now?

6 BY THE CHAIRMAN:

7 Yes, ma'am.

8 BY UNIDENTIFIED SPEAKER:

9 Or the transcript.

10 BY THE CHAIRMAN:

11 Both.

12 BY UNIDENTIFIED SPEAKER:

13 Thank you. That's terrific.
14 And I can get a transcript. The next thing
15 is who would we speak to the New Orleans
16 District office so that we can be able to
17 help and be sure there's no conflict in
18 scheduling of meetings like this for people
19 who have to be at the same type of meeting
20 for related areas? We don't ever want this
21 to happen again. Can you tell me -- two
22 things I'll ask. How it happened this
23 time, first of all. Why did this happen
24 tonight?

25 BY THE CHAIRMAN:

1 Well, first I'll apologize for it. I
2 set up this meeting some time ago. I was
3 unaware of the other meeting tonight.
4 Totally unaware. Not done for any
5 intentional purpose.

6 BY UNIDENTIFIED SPEAKER:

7 Again, can you tell me who I or some
8 other representatives of community can --

9 BY THE CHAIRMAN:

10 Probably the project manager. In this
11 case it would be Larry, I guess.

12 BY UNIDENTIFIED SPEAKER:

13 The project manager will know not to
14 conflict things. So we think we can solve
15 this problem, okay?

16 BY THE CHAIRMAN:

17 I'm not blaming it on Larry.

18 BY MR. POINDEXTER.

19 We will be looking into this.

20 BY THE CHAIRMAN:

21 Or the public affairs maybe.

22 BY MR. BREAUX:

23 My name is Richard Breaux. I work for
24 the Corps. I really did not plan to say
25 anything. I do want to say that's a very good

1 point. Again, I'm the supervisor of the Corps.
2 I work with Royce. I was probably in the best
3 position in history to realize that there was a
4 potential for two meetings to be on the same
5 date. We're having a lot of meetings that are
6 hurricane related. They're happening -- I
7 think there are two this week, two next week,
8 two last week. I should have realized there
9 was a potential. I failed. I heard a couple
10 of kind words about we're good people. We
11 wouldn't be good people if we had conspired to
12 try to divide people up. But I can assure you
13 it was an oversight. There is no one person at
14 the district that's going to be able -- at
15 least I don't know of anyone -- that could have
16 realized that there was two.

17 BY UNIDENTIFIED SPEAKER:

18 That's fine. These are major, major
19 issues that affect this community.
20 It's unconscionable, okay? And I have a
21 date book. A date book that I schedule
22 things on. It's like 6:00 -- 6:00 levee
23 meeting.

24 BY MR. BREAUX:

25 Yes, ma'am. I understand. Let me

1 add a couple of words. I know that's not
2 going to satisfy everybody. We have a
3 multitude of people from all over the Corps
4 -- literally thousand of people have come
5 into the district to help with the
6 hurricane protection system. Like John
7 said, the Corps is somewhat a -- we may not
8 be overly outward with our information. I
9 can assure you there are a lot of people
10 who are working on the hurricane protection
11 system. Those people are not assigned to
12 the IHNC lock project. They're not working
13 on hurricane protection levees. We're
14 working very hard to try to get the
15 hurricane protection system rebuilt and
16 build better levees. I'm not saying it's a
17 good excuse. I'm not saying it's any
18 excuse. I'm just telling you it was not
19 -- I can assure you that it was not an
20 intentional thing.

21 BY UNIDENTIFIED SPEAKER:

22 It's really stupid. It's just stupid.
23 We have lost our families and lives. It's
24 so insensitive to pursue this idea. We
25 should not be having this meeting. Our

1 people are not home. We should not have
2 this meeting. You're wasting our time.
3 Just pursuing this is an insult in and of
4 itself. Please. It's very disrespectful.
5 We should be concentrating on levee
6 protection, wetland protection, instead of
7 putting our tax dollars into staff for the
8 wrong thing.

9 BY UNIDENTIFIED SPEAKER:

10 I promise everyone in the room on both
11 sides of the aisle I would follow up on
12 this issue. Finally, what will you do with
13 the information you have received from us
14 verbally tonight and what you will receive
15 in writing? What is the purpose of your
16 receiving these comments and information up
17 until the May 4th deadline, both tonight
18 verbally and other? What is the purpose of
19 it and what will happen with those
20 comments?

21 BY THE CHAIRMAN:

22 First off, we set the May 4th
23 deadline just to set a day. 30 days is
24 usual to allow people an opportunity to
25 make a comment, initial comment. Either

1 like we have done tonight or more specific
2 comments to help us decide on alternatives,
3 think about resource issues that we may
4 have missed. They're to help us make a
5 better NEPA document and to help us make
6 a better decision.

7 BY UNIDENTIFIED SPEAKER:

8 What will specifically be done with
9 the comments?

10 BY THE CHAIRMAN:

11 They'll be discussed. We have a
12 project delivery team. Larry, if you want
13 to talk about that maybe.

14 BY MR. POINDEXTER:

15 Basically, what we're going to get all
16 of the information that was presented
17 tonight. We're going to look at some of
18 the concerns that you have, and we're going
19 try to work that into the plans that are
20 going forward. I would like to kind of
21 answer the lady in the back, the
22 question that she mentioned about using the
23 money for the lock to build levees. The way
24 the program is set up, these funds are
25 different appropriations. You

1 don't mix -- BY UNIDENTIFIED SPEAKER:

2 That's not what I said. What I said
3 was to use the staff for important things.
4 That's the levee. Whatever has been
5 appropriated, the Congress can make that
6 decision. It can make another decision to
7 reappropriate.

8 BY MR. POINDEXTER:

9 Congress can do that. We are dictated
10 by Congress to do both this project and
11 also the rebuilding of the levees. It's
12 done out of two appropriations. Even if
13 the money for the lock or the lock would
14 disappear tonight, the fact that those
15 funds cannot be transferred over to
16 building of the levees.

17 BY UNIDENTIFIED SPEAKER:

18 I didn't say it again. Congress needs
19 to think and reappropriate its energies.
20 That's all we're giving back to you to go
21 back and tell all your great bosses and all
22 the people that sent you here to waste our
23 time this evening.

24 BY MR. POINDEXTER:

25 The problem is we're not in Congress.

1 BY UNIDENTIFIED SPEAKER:

2 Why are we having a public comment if
3 you're not going to bring information back?
4 What's the purpose? We have legitimate
5 concerns from the community.

6 BY MR. POINDEXTER:

7 We understand that. I understand the
8 urgency of your comments. I understand
9 your concerns. Again, what I'm saying is
10 the problem that you have with the lock, we
11 have been appropriated funds to look at the
12 lock and to build the lock. The only thing
13 we can do is continue that unless Congress
14 tell us different.

15 BY UNIDENTIFIED SPEAKER:

16 Therefore, I would like to know who I
17 contact about the times, the meetings for
18 the project delivery team. I would like to
19 know if the meetings are open to the
20 public. Who I would contact about that for
21 those team meetings when you-all look over
22 and review and peruse the comments that you
23 get through May 4th.

24 BY MR. POINDEXTER:

25 We'll get back to you as far as the

1 meetings are concerned. We have the
2 meetings on a weekly basis.

3 BY UNIDENTIFIED SPEAKER:

4 Who would be the person in charge of
5 that, the project delivery team for this
6 project?

7 BY MR. POINDEXTER:

8 That's correct.

9 BY UNIDENTIFIED SPEAKER:

10 That's who? That's you?

11 BY MR. POINDEXTER:

12 I'm the project manager, that's
13 correct.

14 BY UNIDENTIFIED SPEAKER:

15 You would be in charge of the project
16 delivery team and the meetings?

17 BY MR. POINDEXTER:

18 That's correct.

19 BY UNIDENTIFIED SPEAKER:

20 Why were all the meetings scheduled
21 all over the place, not scheduled near in
22 the Lower 9? You got a meeting in
23 Chalmette. We were affected by a barge.
24 We are devastated down here. It looks like
25 you don't want to come here to talk to us.

1 Why wasn't a meeting scheduled down here?
2 Can a meeting be scheduled down here to
3 address levees. Not the lock. The
4 levees. I read in the papers today you --
5 the Corps is saying they need to do a
6 study. It's 19 months since the storm.
7 All of the studies that you could have
8 done, you should have done by now. We're
9 56 days to hurricane season. The levees
10 are at 13 feet. Why are we not having a
11 meeting about levees in this area. I don't
12 know why we got a meeting here tonight
13 about locks. Can a meeting be scheduled to
14 address the levees in this area? That's
15 what we want to talk about.

16 BY MR. POINDEXTER:

17 This meeting was again for our lock.
18 To answer the question, we can get some
19 information on whether or not the project
20 -- I'm the project manager for this lock.
21 There are other project managers for the
22 rebuilding of levees and footing walls.

23 BY UNIDENTIFIED SPEAKER:

24 You work for the same agency. How
25 hard is that?

1 BY MR. POINDEXTER:

2 I don't personally have any control.
3 The project manager responsible for that
4 particular activity will set their own
5 schedule.

6 BY UNIDENTIFIED SPEAKER:

7 You could not go to the administrative
8 office and recommend?

9 BY MR. POINDEXTER:

10 I did not say that I wouldn't take
11 that information back. What I told you is
12 the actual fact. We have different project
13 managers doing different things.

14 BY UNIDENTIFIED SPEAKER:

15 We want a meeting down here. We
16 should have a meeting here to address the
17 levees here.

18 BY THE CHAIRMAN:

19 I agree with you. This is one reason
20 I decided to have the meeting. So the
21 public could come and view this. I
22 appreciate all of you --

23 BY UNIDENTIFIED SPEAKER:

24 I can't go to this meeting in the
25 Parish because I'm in this meeting. This

1 is ridiculous.

2 BY THE CHAIRMAN:

3 We'll take that with us. We'll see if
4 we can -- if anybody speaks, please use the
5 microphone so others can hear you.

6 BY MS. JONES:

7 My name is Gina Jones. I'm standing
8 watching you guys with a blank face. I'm
9 standing here today where my husband is at
10 home gutting a house that we have been
11 trying to gut out for two years. When my
12 insurance bill comes, can I mail it to the
13 Corps? You can pay for every which way but
14 right. When will the Corps give a tent to
15 the Holy Cross to provide us with water to
16 clean up the mess you guys made. You come
17 here to give us a meeting with security.
18 The money that you paid for security --
19 we're not here to harm you-all. What about
20 taking the money for that to give us
21 something for our associations like
22 computers or laptops To find our
23 neighbors. One house in five blocks is
24 home. He's barely home. You guys go to
25 your homes. I go to a trailer with five

1 dogs. That's not right. You-all took
2 three years of my life. You may as well
3 say it's five. I won't ever be as far as
4 you guys were at my age. Be fair. I
5 understand that's your jobs. You have to
6 provide for your family. I have to provide
7 for mine, too. Thank you.

8 BY UNIDENTIFIED SPEAKER:

9 You mentioned the money being spent
10 for what it was desired for. I'm curious
11 when they replaced the flood wall from
12 Florida Avenue to Claiborne, why did they
13 build a T wall that stands 15 feet high and
14 is connected into an I wall under the
15 Claiborne Bridge and didn't go no further.
16 On the opposite way -- I thought if we had
17 the money, we could have raised the levee
18 on both sides. If water comes again, it
19 will always seek the lowest spot. We got
20 15 feet for 8 blocks. The other side was
21 12. Water has got to be on the other side
22 first. Why didn't they tear down all of
23 the I walls and replace it all the way
24 around. The levee around Holy Cross is
25 three feet lower than what it was supposed

1 to be three years ago. I don't know what
2 it is now. It was never up to level. The
3 money was there. Why didn't they protect
4 us? What they built that don't hold.
5 Nothing is going to hold. You just put the
6 concrete on the other side to stop the
7 water from coming over and gouging it out
8 so you could use an excuse that's where the
9 levee fell. Your barges -- that barge was
10 left there deliberately. That was on
11 purpose there. That was not one barge that
12 broke that levee. That levee was
13 dynamited. You can build anything you
14 want. When they get ready to do it
15 again, they'll do it. I suffered through
16 Betsy and Katrina. I lost. I'm not
17 satisfied with what the Government is doing
18 to help. This group who you work for, it's
19 the Corps of Engineers, sir?

20 BY MR. POINDEXTER:

21 Yes, I do.

22 BY UNIDENTIFIED SPEAKER:

23 You had another group,

24 BY MR. POINDEXTER:

25 People have a tendency -- the project

1 manager before me retired. That happens as
2 people get older. They retire, move on,
3 change jobs.

4 BY UNIDENTIFIED SPEAKER:

5 What happened to all the plans they
6 had three years ago to replace the bridges?
7 Have those just been thrown away?

8 BY MR. POINDEXTER:

9 We haven't thrown anything away.

10 BY UNIDENTIFIED SPEAKER:

11 Are you planning on building a
12 secondary bridge on St. Claude?

13 BY MR. POINDEXTER:

14 We are revisiting the SCIS. We're
15 revisiting a number of issues including the
16 bridges, including the float-in versus
17 cast-in-place. We are looking at all of
18 the alternatives that we looked at earlier.

19 BY UNIDENTIFIED SPEAKER:

20 The Claiborne bridge, are you still
21 contemplating on building the bridge over
22 -- under 510 floating around replacing it
23 with a whole new bridge? I don't see it up
24 here. I don't know where the Corps is
25 going right now. If you would not have

1 scheduled two meetings at the same time,
2 they would have many St. Bernard residents
3 in here as there are Lower 9th Ward.

4 BY MR. SCHEXNEIDER:

5 My name is Ann Schexneider. I want
6 to -- I guess I don't quite understand.
7 We have a public comment meeting because
8 you're obligated at this point to fulfill
9 some need. The reaction or the feelings,
10 as I can assess in this room alone with the
11 limited number of people that we have
12 because we have more meetings, is
13 overwhelming negative against this project.
14 Now, you're holding this because of some
15 legal obligation that you have to do this.
16 but I feel that you're just doing it
17 because you're obligated to. You're not
18 really listening to what we're saying
19 obviously or perhaps you cannot comment at
20 this time. I don't know that you're taking
21 how we feel to heart. I feel like we're
22 talking just to speak. I don't feel that
23 you're here or you're not going to do
24 anything with what you hear. I don't
25 understand the entire process. What you

1 said, sir, Mr. Poindexter, was something to
2 the effect that Congress is giving you or
3 allocating funds to build the lock. It
4 doesn't seem as if you're ever going to
5 stop building the lock. You're charging
6 ahead due to ego because you have committed
7 yourself to the project for so long. You
8 don't seem to stop or care about what
9 people are saying. I live here. This
10 negatively impacted my life day to day. I
11 don't know what to tell you. Except that I
12 don't feel you're hearing me. I don't feel
13 that you're hearing my neighbors, the
14 people that I saw day to day. We go back
15 and forth. We're affected by a levee. As
16 a matter of fact, when you look at your
17 project there, you can see the houses
18 smattered because they're still in place.
19 It breaks my heart when I see that. I
20 think of going down Tennessee, seeing the
21 trees and knowing that the people that I
22 knew on that street I did know -- a couple
23 of people are gone. It breaks my heart
24 because this affects me. This project
25 across from this area affects me and

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1 affects me when I don't live there.
2 If I live on the lower part. But this is
3 my neighborhood. This is our neighborhood.
4 You're just -- it's kind of a travesty
5 taking a public comment from us that you
6 don't seem to listen. It's just -- an
7 audio tape is not going to be enough. It's
8 just not enough. Who is going to listen to
9 it? Okay. Again, my name is Ann
10 Schexneider. I live at 821 Jordan Avenue.
11 Thank you.

12 BY UNIDENTIFIED SPEAKER:

13 Mr. Poindexter, we have never met
14 before. But I'm uncomfortable with some of
15 your comments about how you view the
16 project, that Congress told you to do it.
17 the original numbers came from the office
18 that you now hold. I think it's got to be
19 a dynamic process between you and your
20 superiors and inferiors and Congress. I
21 think that you need more of an open
22 attitude, if I can say that, to realize
23 where you're placing this thing. That it
24 isn't just to be open to the truth.
25 Those numbers that came out of your office

1 justifying this project were just
2 speculation. They weren't even based on
3 the truth that we have. Now, what I would
4 like tonight is a commitment from you all
5 that we get those numbers of traffic coming
6 through the lock. I know you will have no
7 fear of that. We would like to see it. We
8 don't believe the statement that the lock
9 is justified, and they're kind of set in
10 stone and that gives you the marching
11 order. We want those figures, okay?
12 Mr. Breaux, could we have those figures?
13 can we get though it without having to go
14 to the Freedom of Information? Can we get
15 the lock tonnage figures, annual figures
16 coming through? That's one set of data
17 that's available. It was pulled off the
18 web a long time ago.

19 BY MR. BREAUX:

20 I don't know. I know there's called a
21 run stat center that compiles all of the
22 tonnage data for nationwide navigation.
23 And, Larry, correct me if I'm wrong, that's
24 public information.

25 BY MR. POINDEXTER:

1 That's public information.

2 BY UNIDENTIFIED SPEAKER:

3 And -- but the lock wait times were
4 going up. We asked what about that. The
5 tonnage is going down yet the wait time is
6 going up. The response was to pull it off
7 the website. I didn't realize it was that.
8 I would be happier if you said you would
9 help us get for us what we would like to
10 know. If this project is justified, fine.
11 But we don't know that it is. We would
12 like to see the beef. We want to see the
13 figures.

14 BY UNIDENTIFIED SPEAKER:

15 I live two houses from the canal on
16 North Rampart and Sisters. It's almost a
17 big deal to watch a barge go through, let
18 alone them talking about there being backed
19 up traffic and everything. It's just not
20 true. It's not there.

21 BY UNIDENTIFIED SPEAKER:

22 The community does need to see the
23 data. I think it's important within the
24 EIS. I am a lawyer. I do know the
25 authorization process. I do know the

1 appropriations process. The fact that the
2 law does provide for the Corps of Engineers
3 to request that Congress reconsider
4 authorization if in fact the cost benefit
5 is not justified. In fact, that was done
6 in the Pearl River, both in the 1990 and
7 again recently when the Corps of Engineers
8 found they did not feel that the project
9 was justified. So we would request
10 formally that, in accordance with the law,
11 that this EIS or SEIS reassess the
12 economics to determine whether it meets the
13 cost benefit requirement for -- I think
14 it's a 121 -- maybe it's more than that --
15 benefit. And if it does not, that the
16 Corps formally request deauthorization of
17 this project from Congress. I would
18 request -- I've talked to Pam, too, and the
19 community members working in the Holy Cross
20 Neighborhood Association to contact your
21 Congressional representatives and that we
22 start -- that you can work with us to do a
23 formal petition process to the higher ups
24 in Congress with the audio tape and some
25 other documentation to get this project

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1 deauthorized. If not deauthorized, at
2 least shrunk to an extent it does not
3 jeopardize this neighborhood. I think we
4 can work together. There's a process that
5 we can go through. There are groups that
6 are willing to work with you in DC. They
7 would like nothing better than get this
8 deauthorized. So I would ask that you work
9 with Pam and the Holy Cross Neighborhood
10 Association and work with the rest of us to
11 really try to get the message to Congress.
12 It is time this project be cancelled.

13 BY UNIDENTIFIED SPEAKER:

14 Mr. Poindexter, don't take this
15 personally.

16 BY MR. POINDEXTER:

17 I understand.

18 BY UNIDENTIFIED SPEAKER:

19 You are the image that we see. If we
20 beat up on you, it's because we can't get
21 to someone else. So what really bothers
22 me, Mr. Breaux, is you're winning this on
23 your own when you set up the meeting.

24 BY MR. BREAUX:

25 Unfortunately, we do not have any

1 administrative assistance.

2 BY UNIDENTIFIED SPEAKER:

3 The meeting in St. Bernard
4 Bernard just happened by osmosis?

5 BY MR. BREAUX:

6 As I said before, we have a large
7 number of people who are working with the
8 rebuilding of the levees. Those people are
9 assigned to work on rebuilding the levees.
10 The people in this room, the Corps, were
11 assigned to work on the lock project. It's
12 true we see each other in the hall. Pass
13 each other in the cafeteria. But I can
14 assure you it was nothing devious.

15 BY UNIDENTIFIED SPEAKER:

16 This is another example of taxpayers'
17 money being run amuck. Like the United
18 States Army paying \$31 for a \$10
19 screwdriver.

20 BY MR. BREAUX:

21 One more thing. Yesterday morning I
22 was talking to the supervisor that is in
23 the office next to me. He said, you know
24 we're having those meetings. The meeting
25 last night, I believe, was in Our Lady of

1 Holy Cross school on the West Bank. I
2 said, where is the meeting tomorrow night?
3 he goes, St. Bernard. Oh, no. That was
4 my reaction. This was not a planned thing.
5 Look, you can really criticize; and I can
6 understand your criticism. I really do.
7 All I can tell you is that I can assure you
8 it was not done intentionally.

9 BY UNIDENTIFIED SPEAKER:

10 We demand another meeting.

11 BY MR. BREAUX:

12 This is important. I meant to say it
13 earlier. The meetings that are being held
14 for the hurricane system are environmental
15 meetings, similar to those -- similar to
16 this one. Those meetings are being held
17 for -- I'm going to get into a little bit
18 of detail -- for the Lake Ponchartrain
19 vicinity project which stretches all
20 through the Chalmette area, Jefferson, St.
21 Charles Parish, Orleans Parish, and the
22 West Bank vicinity project which runs from
23 the River down below Belle Chasse, all the
24 way across the River to Highway 90.
25 These meetings are being held to see what

1 the people are doing to rebuild the levees,
2 huge system of levees around the New
3 Orleans area. There's a whole series
4 of meetings right now. I'm virtually
5 certain that there will be additional
6 meetings in the same locations or similar
7 locations for those projects. So I
8 think -- Royce, do you know are they going
9 to be having the meetings each month?
10 I'm quite certain --

11 BY THE CHAIRMAN:

12 I think a monthly basis.

13 BY MR. BREAUX:

14 I know that we have a conflict here.
15 There will be more opportunities. I
16 believe it's in a month. There will be
17 three or four or five weeks for you to be
18 involved with the hurricane protection
19 meetings that are occurring. Again, I know
20 that's not an entire consolation. There
21 will be more meetings. Please, if there's
22 anybody that you know that went to that
23 meeting that could have come to our
24 meeting, let us know. You got the contact
25 information. We'll do our best to make

1 sure we get their input.

2 BY UNIDENTIFIED SPEAKER:

3 We wanted a schedule. We want the
4 opportunity to do the scheduling work.

5 BY UNIDENTIFIED SPEAKER:

6 Mr. Poindexter, it's -- I can't fathom
7 an organization as large as the Corps of
8 Engineers so disjointed that no one is
9 coordinating these activities. You have a
10 meeting in St. Bernard and here on lock.
11 You have one in St. Bernard on levee
12 protection which pertains to this area.
13 We're trying to understand why, Mr.
14 Poindexter.

15 BY MR. POINDEXTER:

16 All I can tell you is that based on
17 the meetings that we will -- I will talk to
18 the project manager that's involved with
19 the rebuilding of the levees, and we can
20 set up a meeting for this particular area.

21 BY UNIDENTIFIED SPEAKER:

22 Back to the lock project. Mr. Irving
23 asked a question. You wore a different hat
24 maybe three years ago. You said the monies
25 has not been appropriated for this project.

1 Mr. Jones asked a question about why
2 the project's still going forward. You
3 didn't respond to that.

4 BY MR. POINDEXTER:

5 The reason why is because once a
6 project is authorized, unless Congress or
7 the public --

8 BY UNIDENTIFIED SPEAKER:

9 We're the public.

10 BY MR. POINDEXTER:

11 Unless Congress or the public and/or
12 Congress will get together and deauthorize
13 a project, the project is authorized and
14 goes forward as designed, as conceived.

15 BY UNIDENTIFIED SPEAKER:

16 Irregardless to public opinion or
17 public outcry?

18 BY MR. POINDEXTER:

19 The public opinion -- we're gathering
20 public opinion. That was done in 1997 in
21 the original EIS. The same process -- the
22 supplement to this particular EIS is the
23 same process that was followed back in '97.

24 BY UNIDENTIFIED SPEAKER:

25 The Holy Cross Association -- Darryl

1 said he sued to have this part of it
2 brought forward. That's why we're here
3 tonight.

4 BY MR. POINDEXTER:

5 That's correct.

6 BY UNIDENTIFIED SPEAKER:

7 If we're here because the Holy Cross
8 Association sued and have been successful
9 in the suit and you're here because of
10 certain mitigation of circumstances, we're
11 still to trying to figure it out,
12 Mr. Poindexter. It doesn't make any sense.

13 BY MR. POINDEXTER:

14 The project was stopped by the judge
15 and he told us to go back and look at -- to
16 inquire where the needs were. That's
17 exactly what we're doing. We're following
18 exactly what the judge asked us to do.

19 BY UNIDENTIFIED SPEAKER:

20 When addressed to get public opinion.
21 But we will still proceed with the project?

22 BY MR. POINDEXTER:

23 The project's enjoined. This is a
24 process that we're going through now to
25 answer what the judge required us to do.

1 That is to present him with a supplemental
2 EIS. In order for us to do that, we have
3 to have the public meeting to get your.
4 input.

5 BY UNIDENTIFIED SPEAKER:

6 If we want to get this project
7 cancelled, the only way to do that would be
8 get our Congressman to pull the funds?

9 BY MR. POINDEXTER:

10 That's about it.

11 BY UNIDENTIFIED SPEAKER:

12 We shouldn't be focusing our attention
13 on you because you are powerless.

14 BY MR. POINDEXTER:

15 When you say we're powerless, again,
16 when a project is authorized and we're
17 given funding, we're supposed to construct
18 whatever project we're given to do.

19 BY THE CHAIRMAN:

20 This is one reason we have located
21 officials. We will go until 8:00. I'm
22 going to hear from this lady. I want to
23 make sure, there was a sign-in sheet with a
24 place to indicate your comments.

25 BY UNIDENTIFIED SPEAKER:

1 Couple of points. First of all, in
2 terms of scheduling the meetings, I have
3 been involved in this for about 15 years.
4 this may be the 50th time this has
5 happened. As far as meetings being
6 scheduled at the same time to divert the
7 public -- to diffuse public opinion. It
8 happens all the time. That's the Corps'
9 modus operandi.

10 BY MR. POINDEXTER:

11 It's not my --

12 BY UNIDENTIFIED SPEAKER:

13 It's the Corps' modus operandi.
14 That's the way the Corps works. To divert
15 us, to confuse us. The next thing is that
16 this is not going to happen. Just as you
17 said, the issue is with Congress. Our
18 problem right now is Senator Landrieu and
19 Vitter. Some of other Congressional
20 representatives. That's our problem. But
21 you're carrying their water. And I really
22 want to tell you that's not going to
23 happen. It hasn't happened in 40 years.
24 We are not going to let this happen. We
25 let the Corps destroy the community. We

1 let the Corps kill our neighbors and our
2 families. We are not going to let it
3 happen ever again. Never again.

4 BY THE CHAIRMAN:

5 Thank you, ma'am.

6 BY UNIDENTIFIED SPEAKER:

7 I want to reiterate what I think is
8 very important. These meetings --
9 unfortunately, this is a no win situation
10 for you. There are two choices. That's,
11 A, it was done on purpose. But there are
12 no other choices. There is no reason
13 whatsoever that you would not understand or
14 know that there was another meeting going
15 on tonight. It's completely unacceptable.
16 I don't think anybody in the room believes
17 you.

18 BY MR. POINDEXTER:

19 I can only tell you that, as Richard
20 said before, it wasn't done intentionally.
21 Whether you believe it or not, that's the
22 situation.

23 BY UNIDENTIFIED SPEAKER:

24 It's incompetence.

25 BY MR. POINDEXTER:

1 If that's what you choose to believe,
2 then what's what you believe. I'm telling
3 you it was not done intentionally.

4 BY UNIDENTIFIED SPEAKER:

5 You don't care enough as an
6 organization to get it right, to see how --
7 you put yourselves in our place when you're
8 planning a schedule. That's essentially
9 the problem.

10 BY THE CHAIRMAN:

11 I would like to thank everybody for
12 coming tonight. I do appreciate it.

13 (AT THIS TIME THE RECORD WAS CLOSED)

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REPORTER'S PAGE

I, Judy Polderman Gomez, Certified Court Reporter, in and for the State of Louisiana, the Officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the Record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporter's transcription of proceedings, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript.

Also, any words and/or names which could not be verified through reference material have been denoted with the word "(phonetic)".

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That I am not of counsel, not related to counsel or the parties hereto, and not in any way interested in the outcome of this matter.

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for and for the State of Arizona
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