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GICA
GULF INTRACOASTAL
CANAL ASSOCIATION

Organized At Victoria, Texas - August 8, 1905

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Lafayette, LA 70504
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February 4, 1997

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JL D
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Lafayette, Louisiana

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VERNON BEHENDORST
Lafayette, Louisiana

Colonel William L. Conner
Commander & District Engineer
New Orleans District
U.S. Army Corps of Engineers
P.O. Box 60267
New Orleans, LA 70160

Dear Colonel Conner:

GICA requests you include these written comments in the record on IHNC, due February 24, 1997. Our focus will be to address arguments against replacement.

Comments noted.

1. It will provide no jobs. Freight moves through New Orleans on the way to or from other locations. While there are no Wal-Marts, 7-Elevens, or gas stations planned for the site, navigation structures are never intended to provide these kinds of jobs. There will be construction jobs, and there will be permanent ports and waterways jobs in New Orleans, the state, and region, due to low cost transportation made available for coal, crude oil, refined products, and industrial chemicals. These represent the heart of producer/manufacturer cost advantages in our region of the country. Cost advantages mean jobs.

2. Dangerous cargo moving through our neighborhood poses unacceptable risks. Delays with the current old lock mean these volatile cargoes sit around on location sometimes for days awaiting passage. Delays will be significantly reduced with a new lock, meaning on site presence, and neighborhood risk will be reduced.

3. IHNC project is a waste of taxpayer's money and only the big shipping companies will profit. Only Corps of Engineers projects, out of a \$1.7 Trillion Federal budget, must establish a favorable benefit/cost ratio, meaning that taxpayer's dollars are not wasted. Barge companies and other shipping companies pass the transportation cost saving through to the producer/manufacturer, or other shipper. These reduced costs benefit society as a whole through less expensive electricity, less expensive jet fuel, diesel, motor gasoline and thousands of ordinary, everyday plastic based products derived from the chemical industry.

Sincerely,



Doug Svendson, Jr.

DS/tlt



Board Memo



Date : January 27, 1997

Good evening !

My name is Dick Watson and I am speaking in my capacity as Chairman of the Board of Directors of The Holy Cross School, whose members have authorized me to speak in behalf of their concerns regarding the adverse effect of the IH-NC Lock Project on Holy Cross School..

As a "native" of New Orleans, one whose family -- grandparents and parents -- have lived in this neighborhood as residents and businessmen for more than 75 years, both my father and I were born and raised within a dozen blocks of this School and the locks.

I have witnessed, and was an unwilling participant, in the physical and economic devastation inflicted by Hurricane Betsy, the negative economic repercussions, of which, are still felt today.

I know first hand the "real life" frustration caused by living in this isolated neighborhood : bounded by the River and the Canal, "cut off" from the "City" by the Bridges and are separated from "The Parish" by both municipal boundaries and the Jackson Barracks.

We may be an "orphan", but we have a history. For nearly 140 years, Holy Cross - the religious congregation and the school -- have been an "anchor" of stability. So much so, that this National Historic District has taken Holy Cross as its name.

I would like to share with you a resolution passed by our Board on January 16, 1997:

While we appreciate the economic significance of the locks improvement project to the city, the region, the nation and the maritime industry, we likewise believe that it will have adverse economic impact on Holy Cross School and neighborhood, which we do not believe has been adequately documented by the U.S. Army Corps of Engineers in its various studies. Therefore, The Board of Directors of Holy Cross School respectfully request that the U.S. Army Corps of Engineers, initiate and fully fund, an independent economic impact study, to be conducted by a panel of local experts, to quantify the adverse economic impact of this project on Holy Cross School and the Holy Cross Historic District. It is our belief that objective data from such a study is essential to insure the economic stability of Holy Cross School and the Holy Cross Historic Neighborhood and to provide adequate mitigation funds for appropriation and allocation

The adverse economic impact of this project, to Holy Cross, is more far reaching than simply the loss of tuition income during the construction phase due to inconvenience and safety concerns. Holy Cross School is the only, all male Middle and High School in the Greater New Orleans area. The loss of a fifth grader represents the loss of a student for eight (8) years.

In his remarks, Brother Stephen Walsh spoke of the family legacy of Holy Cross.

Allow me to illustrate:

My father was unable to attend Holy Cross, but as his only child, could send me and I began in seventh (7th) grade (the earliest grade at that time). As a result of the satisfaction expressed by my parents, my five (5) cousins all graduated from Holy Cross, beginning in the fifth (5th) grade. My two sons have since graduated and they plan to send their sons as well. Finally, my parents and I have also recommended Holy Cross to at least five neighbor's sons, who have either graduated or are currently enrolled, each entering Holy Cross in the fifth (5th) grade.

Had I not attended Holy Cross, the economic impact to this School would have been the loss of 13 students over a thirty-year period. Quantitative, the loss would have been 102 years of tuition payments or an amount in excess of \$150,000, simply from the loss of one student. This is historical fact, not fiction. A five percent (5%) decline in enrollment could impact Holy Cross for the next 30 to 50 years, with the economic consequences totaling into the millions of dollars.

Correspondingly, reduced enrollment will result in immediate loss of revenue for the transportation services, the cafeteria, bookstore, athletic gate receipts, band and choir concerts, summer camps. Accompanying all of this, will very likely be an uncertainty about the future of this school, which could erode donor confidence and result in a decrease in philanthropic giving. Reduced enrollment could also result in an associated economic loss to the Community in terms of reductions in jobs for teachers, administrators, coaches, bus drivers, cafeteria workers, maintenance, security and clerical staff. This project will create temporary jobs, during the construction phase, but may also cause the loss of permanent jobs.

None of these concerns of Holy Cross and other businesses along St. Claude Ave. have been adequately addressed or documented in your reports to date. For this reason we request the independent economic impact study. Thank you.



Dick Watson
Chairman, Board of Directors
The Holy Cross School

As a result of the comments received at the public meeting and subsequent to the public meeting during the public review period, the project plan has been revised to incorporate a temporary bridge at St. Claude Avenue. The impact of the project on Holy Cross School should now be minor. Compensation will also continue to be included in the mitigation plan. Business losses will have to be documented in order to be considered for reimbursement.

HOLY CROSS COMMUNITY DEVELOPMENT CORPORATION
4950 DAUPHINE STREET
NEW ORLEANS, LOUISIANA 70117
(504) 948-4191
Fax (504) 943-1042

March 3, 1997

Colonel William Conner
District Engineer
US Army Corps of Engineers
P.O. Box 60267
New Orleans, La. 70160-0267

Re: IHNC Draft Proposal MRGO

Dear Col. Conner,

On February 19, 1997, at a board meeting, the Holy Cross Community Development Corporation passed a unanimous resolution opposing the U.S. Corps of Engineer's proposal to widen the Industrial Canal.

Comments noted.

This is to go on record confirming this opposition.

Sincerely,



Allen Powell
President

HOLY CROSS
NEIGHBORHOOD ASSOCIATION
P.O. Box 3417, New Orleans, Louisiana 70177

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March 2, 1997

Colonel William Conner
District Engineer
US Army Corps of Engineers
P.O. Box 60267
New Orleans, La. 70160-0267

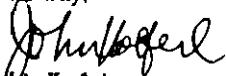
Re: IHNC Draft Proposal MRGO

Dear Col. Conner,

On Thursday, March 14, 1996, at a full membership meeting, the Holy Cross Neighborhood Association passed a unanimous resolution opposing the U.S. Corps of Engineers' proposal to widen the Industrial Canal.

This is to go on record confirming this opposition. The resolution is attached to this letter.

Sincerely,



John Koefer
Chairperson, Holy Cross Neighborhood Association Board
415 Tupelo Street
New Orleans, Louisiana 70117

The Board of Directors of the Holy Cross Neighborhood Association recommends to the general membership that they reject the proposed widening of the Industrial Canal. This recommendation is based on the following rationale.

1. The Holy Cross Neighborhood has negotiated in good faith with the Corps of Engineers since the inception of the project.
2. We have participated in every committee structure formed throughout the community input phase of the project. Committee members have dutifully reported to the general membership keeping everyone informed.
3. The Holy Cross Neighborhood Association wrote a mitigation proposal. This proposal was approved by the general membership and submitted to the Corp of Engineers.
4. Very little if any of our mitigation plan was accepted by the Corps and included in the final mitigation Plan.
5. We feel that the length of the project (6 to 10 yrs) will seriously compromise our health and safety as we have no assurances of 24 hour police or fire protection.
6. Since the interception of the project the neighborhood has made great strides both in community planning (UNO study) and community action (HCCDC, Christmas in October, Mayor's Strike force, Community garden, etc.) We feel the widening of the canal and resulting limited access to the community would seriously jeopardize the progress we have made. In order to maintain and expand our progress we need to attract new residents who are willing to invest in our historic community and encourage existing residents to maintain, renovate and/or improve their property. To this end we participate in the Live in a Landmark Program sponsored by the Preservation Resource Center. A major disruption in traffic patterns and city services for 6 to 10 years would virtually strangle our community and its future.

Submitted to the general membership March 14, 1996.

Approved unanimously.

cc: Mayor, Sen. Johnston, Sen. Breaux, Rep. Jefferson, CA0,
Rep. Copelin, Sen. Johnson, By-Water, Corps of Engineers,
Coun. Ellen Hazeur, P.R.C. Patty Gay, Prof. M. Lauria, Lower
Nine, State Preservation Officer

Comments 1 & 2. Comments noted.

- Comments 3 & 4. The Association's proposal includes some elements considered to be appropriate and within the scope of the mitigation plan for the project. Many of the items included in the proposal have merit but are beyond the scope of the mitigation plan for this project and beyond the authority of the Corps. The Neighborhood Association's efforts are commendable and should be pursued in tandem with the lock replacement project.
- Comment 5. The plan does address its impacts of the project. Fire and police protection are functions normally provided for by local government. Coordination with the City of New Orleans to insure that the level of these services is not diminished by the implementation of the project will be required.

Comment 6. The community is to be commended for its efforts in community planning. In response to comments received from the public at the public meeting and in subsequent comments provided during the public review period, the plan has been revised to include a temporary bridge at St. Claude Avenue. This should alleviate the concerns about disruption of traffic patterns as traffic will continue to flow during the construction of the project. Impacts to vehicular transportation will be minor.

**HOLY CROSS
NEIGHBORHOOD ASSOCIATION
P.O. Box 3417, New Orleans, Louisiana 70177**

February 4, 1997

Col William L. Conner

96-97 OFFICERS
JL DOUCETTE,
President

W W DASHIELL
US Army Corps of Engineers
P.O. Box 60267
New Orleans, La. 70160-0267

MARY CLARE HOGAN
Recording Secretary

Treasurer

Re: IHNC Locks Project

Dear Colond Conner:

In reviewing the six pages of Section 7 "Air Quality" of the Environmental Draft Report we are struck by the scarcity of data and limited collection locations, as well as by a lack of interpretation.

We know that the air here in our neighborhood is very dirty. Everything often gets covered with black grime. The air quite often smells funny. When we hang out the laundry to dry, it smells good at first then gains sharp or heavy smells, the longer it is left out the more it smells. Night is the worst. You can smell the air in the yard, on the street, up on the levee. Sometimes it is better, sometimes worse.

The air here has a lot of extras with it - including sometimes the most wonderful sweet olive and jasmine; yet we have no real data about what those are. We seldom think of the hazards to just breathing it but the dirt and recurring industrial odors remind us of where we are and the hazards that are noticed in passing every day but are undoubtedly cumulative. We are and the hazards that are noticed in passing every day but are undoubtedly cumulative. Brother Stephen Walsh is in effect on us. What really gets us is that our children being exposed to this constantly.

We feel that a sizable portion of these pollutants come from ship traffic and stacks dockside venting at all hours, but mostly at night. Undoubtedly some come from the Mobil Refinery in Chalmette two miles away. But though do not know exactly what is in our air we know that something is not right and needs to be examined seriously. When we read this section of your report we were not able to believe a serious effort has been made to research air quality in this affected neighborhood.

We ask that you restudy this matter to determine what is in our air and what its sources are. Then we will all have a base from which to evaluate further stress on our air quality which this proposed project is sure to impose.

Sincerely,

John Koefer
John Koefer
IHNC Board Chairperson

cc. U.S. Environmental Protection Agency
Congressman William Jefferson
Senator Mary Landrieu
Mayor Marc Morial
Councilmember Ellen Hazel-Distance

Air quality is monitored on a regional basis in Louisiana by the Louisiana Department of Environmental Quality through the Louisiana Ambient Air Quality Monitoring Network. Monitored pollutants are those for which the Environmental Protection Agency has promulgated National ambient air quality standards. These are carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, lead, and particulate matter less than 10 microns in diameter. Orleans and St. Bernard Parishes are in attainment for all monitored pollutants. However, for ozone, the two Parishes are operating under a full maintenance plan. In maintenance areas, Federal Agencies are obligated to assure that its projects do not cause violations of applicable air quality standards. In the case of Orleans and St. Bernard Parishes, this responsibility applies only to ozone.

The final EIS and Environmental Appendix contain an analysis of emissions from construction-related equipment. The analysis shows the quantity of volatile organic compounds (VOC) estimated to be emitted. VOC emissions are used to determine ozone compliance. The estimated quantity of VOC emissions is about one-half of the threshold level which would require mitigating actions.

You are correct in stating that the Corps has not researched the air quality in your neighborhood. Such an effort is beyond the scope of our responsibilities.

SAVE OUR LAKE

LAKE PONCHARTRAIN BASIN FOUNDATION

January 27, 1997

Mr. Leslie S. Waguespack
Study Manager, Inner Harbor Navigation Canal Lock Replacement
Department of the Army
New Orleans District, Corps of Engineers
P.O. Box 60267
New Orleans, LA 70160-0267

Dear Mr. Waguespack,

The LPBF's mission is the protection and restoration of the Ponchartrain Basin. In that capacity, we have reviewed the draft Environmental Impact Statement (EIS) in regards to its impacts on the water quality and habitat of Lake Ponchartrain. These are preliminary comments prepared for the January 27, 1997 public hearing. The Lake Foundation will be submitting additional, more detailed, comments before the comment period ends.

The LPBF's mission is the protection and restoration of the Ponchartrain Basin. In that capacity, we have reviewed the draft Environmental Impact Statement (EIS) in regards to its impacts on the water quality and habitat of Lake Ponchartrain. We do, however, recognize that there are many other potential impacts to the neighborhoods surrounding the proposed projects, neighborhoods that the Foundation has worked closely with since our creation over eight years ago. While we appreciate and understand each neighborhood's concerns, we believe we can best serve the needs of the community by focusing our attention on the environmental impacts of the proposed project.

In our role as a public entity, we will gladly share any information we obtain on the potential environmental impacts with the various community groups as we continue our review.

From our preliminary review of the EIS, it is apparent that there is a significant problem with contaminated sediments in the area around the current lock facility. In addition, we believe the dredging and disposal of these materials, as described in the EIS, has the potential to spread these toxic materials to other areas within the Ponchartrain Basin.

Page 2, item 1. Canal sediments analyzed for mercury (Hg) yield total concentrations ranging from <0.1 mg/kg or ppm through <0.9 ppm which are far below the proposed Louisiana Department of Environmental Quality (LDEQ) 1995 Risk-Based Corrective Action (RBCA) Program Soil Corrective Action Level (SCAL) criteria of 4 mg/kg (inorganic Hg) and 22 mg/kg (organic Hg) which are soil level criteria protective of the groundwater, based on leach ability.

As the LPBF indicated in their letter, dredging does stir up bottom sediments, which may release constituents into the water column. As such, NOD conducted appropriate testing (water, bulk sediment, and elutriate) to determine the possible effects of dredging the bottom sediment. Elutriate testing is a simplified simulation of the dredging and disposal process wherein predetermined amounts of dredging site water and sediment are mixed together to approximate a dredged material slurry. This test was developed by the U. S. Army Corps of Engineers Waterways Experiment Station (WES). Historically, numerous studies have compared elutriate constituent levels to actual constituent levels measured during dredging operations. These studies have proven that the elutriate test is an accurate approximation of the constituent levels which could be expected to occur during actual dredging and disposal operations. For each constituent, the elutriate levels are compared to the ambient water levels. For mercury, it can be seen that the elutriate levels (those which would approximate levels to be expected in the water column during dredging and disposal operations) are not elevated above the applicable LDEQ acute criteria. Therefore, it can be shown that neither degradation of the water quality due to elevated levels of mercury in the water column, nor exceeding of the water quality criterion for mercury, is expected as a result of dredging the bottom sediments of the IHNC.

It appears that the LPBF may have mistakenly confused the canal sediments with soil samples collected from the Bypass Channel site, on the east bank of the canal. A total of 79 soil samples, collected from shallow and deep (3.5 feet) soil borings on the east bank of the canal and sample, collected for targeted metals, yielded mercury concentrations at detectable levels. Only one soil sample yielded a total concentration of 20.8 mg/kg. This sample (IC-2-1) was collected from the Indian Towing site. IC-2-1 is a soil sample collected on dry ground and is not canal sediment sample. A duplicate (IC-2-8) of sample IC-2-1 yielded mercury total concentration of 1.2 mg/kg reflecting either heterogeneous distribution of mercury in the same soil sample or laboratory analytical error.

A total of 16 soil samples were collected from the Indian Towing site alone. Out of these 16 samples, 8 samples were collected from 8 different shallow soil boring locations within the site as well, as 8 samples (1 duplicate included) collected at different depths from one deep boring (IC-2). Total concentration of mercury in the 8 shallow soil samples at the Indian Towing site range from 0.046 mg/kg to 1.5 mg/kg, while, except for sample IC-2-1 and its duplicate (IC-2-8), the other 6 samples from boring IC-2 yield mercury total concentrations from 0.043 mg/kg to 0.13 mg/kg. Overall, the above data indicate that the singular high mercury value detected in IC-2-1 is an isolated occurrence. If the mercury level of 20.8 mg/kg in IC-2-1 is real and considering low mercury levels in the other soil samples surrounding (below and near) IC-2-1, the volume of soil with a mercury level of about 20 mg/kg is small. The LPBF's assertion that 1.36 million cu. yd. of sediments is contaminated with mercury at 20 ppm is a wrong interpretation or projection of the data. Because soil sample IC-2-1 is also co-located within an area delineated for special handling due to high levels of lead (Pb), soil from this site would be removed to an industrial landfill.

Page 2, item 2. The sampling and testing strategy at the IHNC is a cost-effective tiered (or phased) approach that involved a discovery phase of environmental anomalies or questionable areas followed by detailed investigations of these anomalies. Compacting of samples is

Generally, we believe the New Orleans District need to do additional work to address the levels and areal extent of contamination and subsequent potential human and environmental health concerns related to the removal and disposal of contaminated material. This work must be completed before the review process can move forward.

Our initial remarks on the proposed project are as follows:

- 1) Some of the sediment core samples indicated that there are very high levels of heavy metals, specifically mercury, contained in the sediments in and around the lock.

Many of the pollutants entering our waterways settle to the bottom, creating toxic reservoirs in the sediments. Dredging contaminated areas stirs up bottom sediments, releasing toxic materials into the water where they are ingested or absorbed by living creatures.

To measure the levels of sediment contamination in the inner harbor canal, the Army Corps collected sediment samples. One of the samples contained a mercury level of 20 parts per million (ppm), 40 times the level considered "safe" by the State of Louisiana. Many other samples contained high levels of heavy metals. Yet, in the public notice, the New Orleans District describes the levels of contamination as "moderate". This designation is based upon faulty science (see below).

The proposed project will require the removal and disposal of 1,364,000 vls³ of contaminated sediments over 130,000 dump truck loads. Clearly, there is a public health issue involved with the removal and safe disposal of these materials that must be addressed in greater detail.

- 2) The EIS uses questionable methodology to describe the sediment quality.

For example, the EIS lists the "average" level of mercury in a nine foot sediment core as .9 ppm, a level below the federal safe standard. Yet, we question how the Corps reached this determination. In our opinion, by averaging the readings of the entire sample one invalidates the findings. If the upper section contains high levels, one cannot say it is not contaminated. It is simply a misuse of statistics, and it calls into question the use of the data to make broad based assumptions.

We believe that each segment of the core should be carefully analyzed for contaminates, especially the top foot which logically contains the greatest level of contamination. Using more acceptable scientific practices, some of the contamination levels listed would be described as hazardous material and would require disposal in hazardous material deposit sites rather than the proposed Confined Disposal Facilities.

In the EIS, the Corps uses both RCRA (Hazardous) and TCLP (toxic) designations to discuss disposal alternatives. Both of these methods are used for disposal

frequently undertaken during the initial phases of investigations when the presence or absence of pollutants on a large volume or package of sediment / soil material is being verified. Grab samples taken from various portions of a sediment / soil package or core sample are composited into a single sample which is assumed to be an unbiased representative of that particular volume of sediment / soil package or core sample. This same technique of compositing is used as an exploration strategy in the mineral industry where chemical anomalies are sought for profit. The analytical result of the composite sample should theoretically represent the chemical concentration(s) in the soil / sediment package or core sample.

In the case of the sediment samples collected from the bottom of the IHNC, compositing of the entire core sample was done only for the core sample collected for Site A (between the existing lock and the river). The core sample taken at Site C (between the existing lock and Claiborne Avenue) was composited into three segments: 0-1 foot depth, 1-5 foot depth, and 4-9 foot depth. The core sample taken at Site G (adjacent to the Galvez Street Wharf) was also composited into three segments: 0-1 foot depth, 1-4 foot depth, and 4-9 foot depth. There were two core samples taken at Site E (turning basin south of Florida Avenue). They were composited into two segments for the first core (1-1.5 foot depth and 1.5-6 foot depth) and two segments for the second core (0-8 foot depth and 8-12 foot depth). By looking at the mercury levels in the following table, it can be seen that there is no evidence of stratification of mercury in the bottom sediments of the IHNC. The two core samples at Sites C and G, which composited the first foot of sediment, would not lead one to believe that mercury levels in the sediments of the IHNC are stratified. From this, it can be seen that the Corps did use acceptable scientific practices in evaluating the sediment quality of the IHNC.

MERCURY LEVELS IN SEDIMENTS OF THE IHNC
NOD Testing (May 1993)

Site	Depth of Composite	Hg, Bulk Sediment (ug/kg)	Elutriate Hg (ug/L)	Applicable Criteria Hg, (ug/L)
A	0-9 feet	<100	<0.2	2.4
C	0-1 feet 1-5 feet 4-9 feet	<100 200 100	0.2 <0.2 <0.2	2.1 2.1 2.1
G	0-1 feet 1-4 feet 4-9 feet	300 200 <100	<0.2 <0.2 0.2	2.1 2.1 2.1
E (1st core)	1-1.5 feet 1.5-6 feet	500 400	<0.2 0.2	2.1 2.1
E (2nd core)	0-8 feet 8-12 feet	900 <100	<0.2 <0.2	2.1 2.1

The Section 404(b)(1) Evaluation addressed, in detail, the potential environmental impacts of sediment disposal. Utilizing the data collected during the 1991 sampling effort, the effects on chemical and physical properties (including toxic metals) in the water column were evaluated.

alternatives, but neither adequately addresses the potential environmental impacts of sediment disposal.

Rather than utilizing a method that inadequately describes potential health risks and environmental impacts, we call on the New Orleans District to utilize a methodology that will clearly spell out the potential risks to human and wildlife health.

3) **The EIS fails to clearly indicate the extent and the locations of the contaminated sediments.**

The EIS does not include a map with the location of each sediment sample. While the narrative description is helpful, it is difficult to identify areas where the contamination is located.

Are some of the contaminated sites located on private property? How far off-site does the contamination extend? Does the sampling schedule fully address the area of contamination?

A map with sampling sites clearly identified should be included in the document.

4) **We question the effectiveness of proposed Confined Disposal Facilities (CDFs) to adequately protect the public and the environment from the potential impacts from contaminated sediments.**

The New Orleans's District proposes to dispose of 1.1 million yds³ of contaminated sediment in CDFs. This is despite the fact that CDFs have historically had problems: they are poorly monitored, they have limited ability to keep toxins out of the environment, they can allow fish and wildlife to come into contact with contaminated materials and they can leak contaminated leachate into surface and ground waters.

The Corps proposes to use this technology in spite of the fact that a similar facility for disposal of contaminated sediments in the Calcasieu River has been shown to be leaking toxins into the environment.

According to the U.S. Army Corps of Engineers report entitled, *Review of Removal, Containment and Treatment Technologies for Remediation of Contaminated Sediment in the Great Lakes*, "A CDF designed to receive hydraulically dredged/disposed sediments (such as the proposed project) must provide adequate detention time for settling and be able to drain and treat large volumes of water. This may require larger facilities, sometimes divided into two more components to allow for secondary settling."

Will the proposed CDFs contain settling ponds? Water quality treatment systems? How long will the CDFs be maintained? Who will perform the maintenance on the

Also included in the 404(b)(1) Evaluation is a section on contaminant determinations. In the evaluation it was stated that although no soil samples were collected and analyzed as elutriates from the existing industrialized east bank of the IHNC nor the west bank of the IHNC, the HTRW Remedial Investigation which was conducted as a part of the lock replacement study presented soil contaminant concentrations on the east bank of the IHNC. The HTRW testing indicated that the total concentrations of constituents in soils below depths of 5 feet on the east bank of the IHNC had levels ranging from comparable to moderately higher than levels of constituents found in canal bottom sediments. "Some soils within the first 5 feet have been designated "industrial waste" and will not be used for aqueous disposal, but rather will be disposed at an industrial landfill. No material which is deemed "industrial" from this proposed testing will be used for aqueous disposal. The material on the east bank and west bank is designated to be used at the mitigation and MRGO sites and the IHNC disposal site, and similar constituents found in the 1993 elutriates from canal bottoms would be expected to be present in this material. Since constituent levels ranged from comparable to moderately higher than the canal sediment bottom material, levels would be expected to be the same to moderately higher than what was found for these two disposal sites. [Also included in the 404(b)(1) Evaluation are proposed disposal site determinations (including a lengthly mixing zone determination, determination of compliance with applicable water quality standards, and the potential effects on human use characteristics). Mixing zones were determined for the disposal locations to provide a region where concentrations of constituents are disbursed into receiving waters. A determination of compliance with applicable water quality standards was also conducted. The potential effects on human use were evaluated by looking at the effects to municipal and private water supplies, recreational and commercial fisheries, water-related recreation, and aesthetics.]

The work done is support of this 404(b)(1) Evaluation is deemed adequate to address the potential risks to human and wildlife health, as well as to address the potential environmental impacts of sediment disposal resulting from disposal of dredged material. These facts show that the analyses were based upon acceptable scientific practices. The elutrate test is the main basis for these conclusions, and it is a valid and well-researched scientific practice used to determine the expected constituent levels in the water column during dredging operations.

Page 3, item 3. Maps showing the location of soil and sediment sampling locations were inadvertently left out of the HTRW appendix by the printer. The omission was not discovered until the after the report had been distributed. The maps are provided in the final report. These maps show the location of sediments (in the canal) as well as soils (on both banks of the IHNC) that were sampled and tested. The areas that are interpreted to require more attention (special handling) can be projected from these maps. However, since the water quality testing yielded sediment testing results that do not require special handling (treatment or industrial landfill disposal), volume estimates of questionable sediments were not made.

The lands on the banks of the canal within the proposed project limits are currently leased to private industries--(McDonough Marine, Mayer Yacht, etc.) as well as Federal government agencies (US Coast Guard, USACE-NOD, New Orleans' Military Ocean Terminal)--by the Port of New Orleans. About 30,000 cubic yards of questionable soils were discovered on the east bank of the canal between the Florida Avenue bridge and the Claiborne Avenue bridge. These soils are located within the industrial sites on Port of New Orleans' properties on the flood side of the levee. Soil samples from a core boring located on the protected site of the levee / floodwall yield results indicating no evidence for off-site migration. The physiography of the industrial sites including the thick clay subsurface, levee and floodwall alignment, and drainage patterns would prevent contamination from migrating toward nearby residential areas. The ultimate receptor of any horizontal migration of pollutants from the contaminated areas would be the IHNC. But, as demonstrated by the elutriate testing results, the sediments of the IHNC are not expected to pose a contaminant problem.

Page 3, item 4. The 1,364,000 cubic yards of material referred to in LPBF's comment will come primarily from the IHNC channel bottom (1,158,000 cubic yards), with small portion from the east bank of the IHNC (206,000 cubic yards). Therefore, 8% of the material to be deposited into the MRGO site will be from the IHNC channel bottom. The suitability of the IHNC channel bottom material for wetland disposal has been discussed in the responses to comments 1-3 above. Analysis of the bulk sediment results obtained for the east bank of the IHNC, the shows that the additional 15% from the east bank of the IHNC also will not pose a threat to the environment. In addition to the fact that the MRGO site is isolated from the tidal system by its elevation, this conclusion is based on the fact that the bulk sediment analysis of the IHNC channel sediments were comparable to moderately higher than the bulk sediment analysis for the channel bottom.

As with any disposal action, the Corps will follow the direction of regulatory agencies such as LDEQ in designing and carrying out the disposal of dredged material. The disposal site, at the MRGO site, is a previously used Corps of Engineers dredged disposal site. The site was originally subdivided into four cells, each individually diked. The Corps plans to strengthen the exterior dikes to prevent release of the dredged material into Bayou Bienvenue and other tidal waters. The interior dikes will also be reinforced as necessary to aid in lengthening the detention time of the dredging effluent. This site is not tidally influenced and is surrounded by confinement dikes and a hurricane protection levee. Any additional requirements considered necessary will be included in the disposal plan developed in the design memorandum to be prepared for the dredging of channels to ensure that the effluent from the disposal site will not pose a threat to the environment or public. An appropriate water quality monitoring plan will be developed and will be conducted during dredging and disposal operations to ensure that the public and environmental health are not threatened.

The disposal site is within the hurricane protection system. Erosion from the MRGO would not be allowed to compromise the hurricane protection levee. The disposal site is located in what could be considered a "dead-end" system, near the headwater of Bayou Bienvenue, also known as the Main Outfall Canal. All dredging and disposal would occur in Orleans Parish. The canal receives urban stormwater runoff from a pumping station at the head of the canal. During any anticipation of abnormally high tidal stages (winter storms, tropical storms, or hurricanes) the floodgates at Bayous Bienvenue and Dupre are closed, preventing tidal surges from entering the large area where the disposal site is located. Therefore, any contaminants in the soils would not be mobilized.

Page 4, item 5. The contaminant levels of the IHNC sediments and soils have been addressed in responses to comments 1-3, above, and in the HTRW appendix. The sediments and soils to be dredged have been shown to be not hazardous. Some of the questionable soils, based on lead contamination, would be hauled to an industrial landfill. The portion of the IHNC south of the MRGO, where all of the dredging would occur, is virtually a dead end system, with the inflow and outflow produced from the small amount of exchange from the Mississippi River through the existing lock during lockages. A relatively small amount of tidal flushing also occurs with the rise and fall of tides in the canal. A significant amount of tidal current flows from Lake Pontchartrain through the northern half of the IHNC to the MRGO, and vice versa. The sluggish water movement in the southern half of the IHNC would severely limit the amount of sediments and associated suspended and dissolved constituents from being flushed into Lake Pontchartrain and the MRGO. Therefore, the effects of dredging operations on the Lake and MRGO are considered to be minimal.

The proposed disposal area is on the protected side of a section of the hurricane protection levee along the south bank of MRGO. The potential of leachate migration from the proposed disposal site to Lake Pontchartrain should be minimal to non-existent. The MRGO is structurally separated from the disposal site by a hurricane protection levee while the surface drainage flow in the disposal area should be southward and away from MRGO and Lake Pontchartrain. However, the northern channel segment of the IHNC remains as a direct pollutant pathway from the dredging area to the lake.

We question the Corp's choice of a disposal site. Why place hazardous material next to the Mississippi River Gulf Outlet, one of the most dynamic areas in the Pontchartrain Basin? What happens when a hurricane hits St. Bernard Parish? Will the polluted sediments spread all over the St. Bernard marshes?

Contaminated dredged material remain active sources of pollution, even after they are deposited in CDFs. Some of the toxins, such as polycyclic aromatic hydrocarbons and other organic contaminants, such as the ones identified in the sediments samples from the inner harbor, enter the atmosphere as gases.

LSU and the U.S. Army Engineer Waterways Experiment Station are conducting research to define the conditions that lead to the release of pollutants in CDFs.

Is the New Orleans District familiar with this research? Has District personnel contacted these scientists to get their input on the design of the proposed CDFs?

Clearly, the discussion of the CDFs raises more questions that it answers. The public deserves an answer to all these questions before the process can be allowed to move forward.

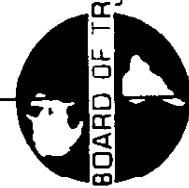
5. The dredging of the IHNC could allow contaminated sediments to enter Lake Pontchartrain.

The proposed construction would stir up a tremendous volume of material, much of it contaminated. What procedures will be put into place to prevent these materials from entering the Lake?

Thank you for this opportunity to comment. The Lake Pontchartrain Basin Foundation will be submitting additional comment in the near future.

For the Lake and Basin

N:AN
Neil A. Armingeon
Environmental Director



504-425-3271 316 BOARD OF TRADE PLACE
NEW ORLEANS, LA., U.S.A. 70130

February 25, 1997

Colonel William Conner
District Engineer
U.S. Army Corps of Engineers
P.O. Box 610267
New Orleans, LA 70160-0267

Dear Colonel Conner

The New Orleans Board of Trade, representing 200 members engaged in the commerce of the port, endorses the U.S. Army Corps of Engineers plan to replace the lock on the Industrial Canal in New Orleans at the existing IHNC site.

Our members appreciate the fact that the present lock is 73 years old and unable to perform the level of service expected in 1997 with 1924 hardware.

We also appreciate that the Corps considered seven sites for a new lock and concluded that the most environmentally acceptable site was Mississippi River Mile 926. The selection of this site serves to re-affirm your judgement in selecting this same site for the first lock in 1923.

Sincerely,


Thomas L. Westfeldt
President

Comments noted.

→ Dictionary

new orleans steamship association

2240 WORLD TRADE CENTER, 2 CANAL STREET NEW ORLEANS, LOUISIANA 70130-407
504-522-1882, FAX 504-523-1140

✓✓✓✓✓

February 27, 1997

Colonel William L. Conner
Corps of Engineers
P O Box 60267
New Orleans LA 70160-0267

RE: INNER HARBOR NAVIGATION CANAL LOCK REPLACEMENT

Dear Colonel Conner:

The New Orleans Steamship Association (NOSSA) represents 47 owners, operators, agents and stevedores, and through them, thousands of vessels that call on the lower Mississippi River from Baton Rouge to the Gulf of Mexico. Among our many activities on behalf of our membership, NOSSA is involved in matters that promote safety on the lower Mississippi River and the Mississippi River-Gulf Outlet. Also, NOSSA promotes recognized development needed for the safe movement of commerce.

We support the construction of the new Inner Harbor Navigation Canal Lock (Industrial Canal Lock) because it will provide for the safe and efficient movement of commerce, which is greatly needed. The lock is an integral part of our nation's waterborne transportation system. It is the major east/west corridor for shallow-draft commerce. But its current obsolete dimensions cause congestion, which is neither efficient nor safe. The lock's inefficiency delays traffic, increasing the cost of transportation. The congestion is a hazard because of increased potential for an accident. This antiquated lock no longer serves its intended purpose and will deprive our nation from moving our country's transportation system into the 21st Century.

The new lock will provide the economic benefits that are vital to keep our country's goods flowing in both intrastate and interstate commerce and move us to the 21st Century. From a local standpoint, a new lock will strengthen the ability of Louisiana's ports to remain among the major players in waterborne commerce at home and abroad. It will support the base for jobs now and in the future through the state's port facilities, private facilities, and many independent support services (i.e., rail, truck, warehousing). This, in turn, will keep our state's economy prospering. A University of New Orleans (UNO) study reports that about one tenth of the jobs in the state are directly and indirectly related to port activity.

The new larger lock will provide a smoother and more efficient flow of traffic. This will improve the movement of cargo bunkers and vessels (both deep-draft and shallow-draft) between the Port of New Orleans' facilities on the Mississippi River and terminals on the Industrial Canal and Mississippi River-Gulf Outlet (MR-GO), thus helping the port with future development. Currently

Colonel William L. Conner
Page 2
February 27, 1997

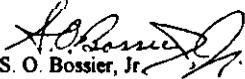
most of the port's container facilities are on the Industrial Canal, with access for ships only through the MR-GO. The larger lock will give ships an alternative access to those facilities. There would be more dependability in the movement of barge cargoes to and from ships on the canal and a shorter delivery time of ship's fuel.

The cost/benefit ratio of the proposed lock is almost two to one, a very cost effective use of funds. The waterborne commerce industry will share a large part of the project's cost, and the public will be the greater beneficiary. More efficient transportation reduces the cost to move goods to the public and will ultimately benefit the consumer with lower prices. Besides securing jobs, it will improve the economy and the ability to meet future growth with a safer waterway. The UNO study also shows that activity generated by our ports and their users in one year translates into an economic impact of some \$21 billion throughout the state. In addition, state and local revenues are bolstered with over \$300 million from our industry through taxes.

Failure to proceed with this project would have a negative impact on our state and our country. Delays and congestion will increase as the volume of intrastate and interstate traffic grows. It would jeopardize Louisiana's economy and the jobs of our people. We, therefore, urge the construction of the new Industrial Canal Lock for the benefits it will provide our industry, ports, state, country and the public.

Very truly yours,

NEW ORLEANS STEAMSHIP ASSOCIATION


S. O. Bossier, Jr.
Director of Regulatory Affairs

SOBjr/sgg

March 3, 1997

Mr. Gerald J. Dicharry, Jr.
Sr. Project Manager
U.S. Army Corps of Engineers
P.O. Box 60167
New Orleans, LA 70160-0267

Rc: New Lock and Connecting Channels

Dear Mr. Dicharry:

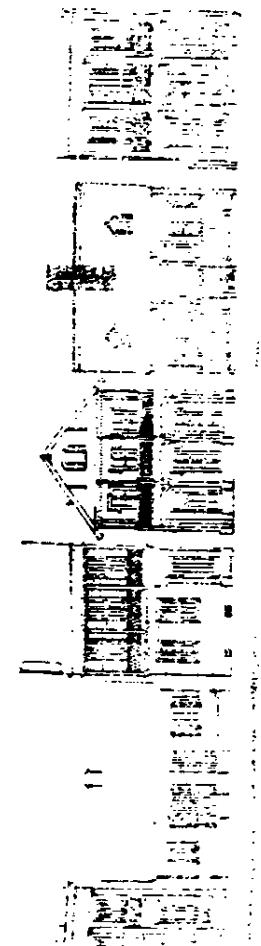
On behalf of the Preservation Resource Center, I am writing to express our concern about the negative impact that the proposed canal lock expansion project will have upon the historic neighborhoods of Bywater and Holy Cross. These neighborhoods, even though they have suffered from typical urban problems of the past few decades, have been very effective in reversing decline. Any development there should only enhance revitalization efforts, and we fear the opposite will happen.

Specifically, the PRC is concerned about the following aspect of the project which would have an adverse effect on the neighborhoods' property values and alienate the area's residents and businesses:

- The demolition of the St. Claude Avenue bridge and the rerouting of traffic to Claiborne Avenue would sever a vital link between Holy Cross and the heart of the city. As the main connection to Holy Cross, this bridge also serves both pedestrian and bicycle traffic which is not allowable on the Claiborne bridge. The 0 year period needed for demolition and construction of a new bridge would have major impact on the St. Claude Avenue businesses. Although the plan does not include a temporary St. Claude bridge, Bywater and Holy Cross neighborhood associations have indicated that this would alleviate this problem.
- The new bridge approaches and monolithic floodwalls will further alienate the neighborhoods and decimate the aesthetic value of the neighborhood which

The project plan has been revised, based on feedback from the public, to include a temporary bridge at St. Claude Avenue. This will insure continuous vehicular access across the canal throughout the construction of the lock replacement project. This should minimize the project impact on the community.

The bridge approaches at St. Claude Avenue will be within the footprint of the existing bridge approaches. The proposed new bridge design will include supports that are more open than the existing bridge, thereby opening up the area beneath the bridge and tying the area together.



faces the levee. Although the plan allows for lighting and landscaping to offset the negative impact of cement ramps, property values will nevertheless decline where bridge approaches reach into and further divide the neighborhood. In addition, the plan does not adequately study the impact that a monolithic floodwall will have upon the revitalization of this area. On page D-5-8 of the report, the finding of no adverse affect on public parks, shoreline access points or other areas of public use and concern is not accurate. The levee functions as a public park, offering residents a visually attractive view of the river and a much used recreational space. In fact, the levee is one of the most significant amenities of Holy Cross.

Thank you for taking the time to address our concerns, and we look forward to hearing from you regarding further PRC involvement in revitalization of both neighborhoods.

Sincerely,


Patricia H. Gay

PG/ad

cc: Holy Cross Neighborhood Association
 Bywater Improvement Association
 Mayor Marc Morial
 Councilman Troy Carter
 Councilman Ellen Hazelour-Distance

ST. BERNARD WETLANDS FOUNDATION
P.O. Box 1694
Metairie, Louisiana 70075
February 13, 1997

Colonel William J. Conner
U. S. Army District Engineer
New Orleans District
P. O. Box 60267
New Orleans, La. 70160-C267

Re: Mississippi River Gulf Outlet
New Lock and Connecting Channels

Dear Colonel Conner,

In your Draft Evaluation Report and Environmental Impact Statement, you advise under the Clean Water Act Section 404 (B) (1), concerns that the above project would require dredging 3,244,000 cubic yards of material from the bottom of the IHNC and its banks.

It is our understanding that 1,364,000 cubic yards of this material has been found to contain moderate levels of contamination, including but not limited to, heavy metals. Part of this material may be deposited on a jurisdictional wetland which could adversely effect these lands, some of which may be located in St. Bernard Parish. St. Bernard has already lost many areas of wetland due to the damaging effects of the Mississippi River Gulf outlet and from past experience, we doubt that the loss of land from this project will be restricted to the 277 acres as stated in your advisory.

Because of the possibility of further damage to St. Bernard Parish's fragile wetlands, we oppose the disposal of any spoil which may contain contaminants in this Parish and would appreciate the disposal of this spoil somewhere other than in St. Bernard marshland. However, any spoil resulting from the project which is deemed clean of contaminants would be welcomed and appreciated along the eroding banks of the M.R.G.C. in St. Bernard Parish.

We further question the spending of \$750,000,000.00 on the IHNC and its banks without the consideration of also financing the closing of the M.R.G.O. and the repair of the damage it has caused to St. Bernard Parish.

Sincerely,

William P. Weber, Chairman

CC:
U.S. Senator John Breaux
U.S. Senator Mary Landrieu
U.S. Congressman Billy Tauzin
U.S. Congressman Robert Livingston
LA State Senator Lynn B. Dean
LA State Representative Kenneth Odinet
LA State Representative Thomas Warner
St. Bernard Parish President Charles Ponstein

**COMMENTS OF HOLY CROSS NEIGHBORHOOD ASSOCIATION,
LOUISIANA ENVIRONMENTAL ACTION NETWORK,
AND SIERRA CLUB - NEW ORLEANS GROUP
ON U.S. ARMY CORPS OF ENGINEERS'
DRAFT EVALUATION REPORT FOR NEW LOCK
AND CONNECTING CHANNELS FOR MISSISSIPPI RIVER-GULF OUTLET**

Prepared by:

Theresa Urban Guill
Mary Penny Thompson
Student Attorneys

Andree Jacques
Robert Kuehn
Supervising Attorneys

Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, LA 70118
(504) 865-5789

March 3, 1997

MAR - 3 1997

Received by: Brenda Olson

**COMMENTS OF HOLY CROSS NEIGHBORHOOD ASSOCIATION, LOUISIANA
ENVIRONMENTAL ACTION NETWORK, AND SIERRA CLUB - NEW ORLEANS
GROUP ON U.S. ARMY CORPS OF ENGINEERS'
DRAFT EVALUATION REPORT FOR NEW LOCK
AND CONNECTING CHANNELS FOR MISSISSIPPI RIVER-GULF OUTLET**

I. INTRODUCTION

The Holy Cross Neighborhood Association ("Holy Cross"), Louisiana Environmental Action Network (LEAN), and Sierra Club - New Orleans Group ("Sierra Club"), through undersigned counsel, submit these comments on the Draft Evaluation Report for the New Lock and Connecting Channels, Mississippi River - Gulf Outlet ("Draft Evaluation") to the Inner Harbor Navigational Canal (IHNC).¹ The purposes of Holy Cross, LEAN, and Sierra Club include the protection and preservation of the community, the historical buildings, and the natural environment found on the levee bordering the Industrial Canal. Their purposes also include the protection of their members from pollution, as well as health and environmental threats. Members of these groups live in the neighborhoods surrounding the proposed project and take advantage of the community and recreational opportunities provided in the area and on the levees. Conditions during and after the proposed IHNC project will adversely affect the quality of community life, the surrounding environment, and the health and welfare of members of these groups and their families.

The project proposes to replace two bridges over the IHNC, deepen the canal itself, and install a new lock in the canal. The IHNC serves as the navigational connection between the Mississippi River, the Gulf Intracoastal Waterway and the Mississippi River-Gulf Outlet. Studies suggest that a high volume of vessel traffic and the closure of the bridges due to vehicular traffic have lead to delays in navigation at the IHNC lock. The Draft Evaluation purports to compare two main alternatives: the existing IHNC site in New Orleans and a site at

¹The Tulane Environmental Law Clinic submits these comments on behalf of the above-listed groups, and not on behalf of Tulane University or the Tulane Law School.

Violet, Louisiana. The evaluation concludes with a recommendation for a new float-in lock of 110 x 1200 feet at a site north of Claiborne Avenue with a low St. Claude Avenue Bridge and a replacement of the existing Claiborne Avenue Bridge.

The effects of the proposed project are wide-ranging, implicating numerous concerns, many of which the draft evaluation fails to deal with whatsoever or addresses only superficially. The following specific comments attempt to illuminate points at which the draft evaluation fails to satisfy statutory requirements of the National Environmental Protection Act, the National Historic Preservation Act, and the Fair Housing Act, among other federal and state laws and regulations. The comments address each volume or issue in turn.

II. COMMENTS

A. VOLUME ONE: MAIN REPORT AND EIS

1. Main Report

On page 29, the Draft Evaluation notes that the use of the IHNC lock by deep draft vessels has remained "stable or diminished in the past decade." This evidence does not indicate a need for more deep draft vessel capacity, and, in fact, argues against the recommended alternative which includes a deeper lock. No further evidence is adduced to indicate that building such a deeper draft lock will result in greater use by deep draft vessels and, therefore, greater economic benefits than possible with the existing lock.

On page 34, the Evaluation considers future conditions without the lock and makes at least two questionable predictions. First, it foresees a "proliferation of gambling casinos."

Considering the recent legal fights and flight of much of the riverboat gambling industry to more lucrative sites, it seems unrealistic to continue to expect any growth in this industry in this part of the state or to imply any economic or employment gains from the industry. Second, the Evaluation notes that the population in the New Orleans Metropolitan Area is growing, while the

Page 2, item 1. Based on Federal criteria, construction of the deep draft increment is not warranted. While 95 percent of the savings are shallow draft, the Port of New Orleans has requested that the Corps construct a deep draft project as the locally preferred plan. This increment is being constructed at non-Federal expense.

Page 2, item 1, para 2. The report has been revised to more accurately reflect current conditions relative to casinos. Provisions in the Water Resources Development Act of 1986 require that preference be given to local residents in the construction of the project.

population in Orleans Parish is declining. It then projects that employment conditions in Orleans Parish will improve. It fails to note, however, that it is more likely that what jobs are created will go to non-Orleans parish residents.

On page 12, the Evaluation analyzes the National Economic Development (NED) Impacts. However, its analysis is skewed in favor of the chosen project. The NED cost estimate fails to include the \$46 million estimated for social and environmental mitigation costs. These costs are clearly foreseeable and required by Section 326 of the Water Resources Development Act of 1996, Public Law 303 of the 104th Congress, which states that "[u]sing funds made available . . . the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer." Clearly, adding this cost to the NED would reduce the chimerical economic benefit of \$75.8 million and the average annual benefits ratio.

On page 43, the Draft Evaluation suggests that the material dredged from the Industrial Canal in the creation of the deep draft lock will be dumped into open water to create new wetlands. Considering the possible toxicity and the almost definite high salinity of the material that will be retrieved from the bottom of a canal that has been used continuously for heavy industry since its creation in 1923, this plan is unrealistic. There is no suggestion, and certainly no cost estimate, for how this dredged material will be treated if too toxic or too highly saturated to form the basis of sustainable wetlands. Further, considering the possibility that the material dredged may be for the most part unusable, the Evaluation fails to answer whether there is sufficient room for all of the dredged material at the previously existing fill area.

Page 43 of the Evaluation also purports to address the impacts on cultural resources. However, it says nearly nothing about the impacts except to promise a memorandum of agreement with the Advisory Council on Historic Preservation and the State Historic Preservation Officer. The project is likely to have wide-ranging and seriously adverse effects on

Page 3, para 1. The information cited reflects the historical evaluation and preliminary screening of sites. The results of the screening would not change the conclusion of the screening with the inclusion of mitigation.

Page 3, 2nd full para: "The EIS and Section 404(b)(1) evaluation (Appendix D, Section 3) address the dredged material disposal plans. Laboratory analysis of soils and sediments to be dredged has led to plans for removing contaminated soils to an industrial landfill, depositing canal bottom sediments and some canal-bank soils in a confined disposal site, and using clean soils for wetland restoration."

Page 3, para 3. The cultural resources in the project area have been identified in a number of studies that have been coordinated with the SHPO. These cultural resource studies have been completed to an appropriate level of detail for this stage of project planning. Impacts have been identified and mitigation measures have been proposed. There is no evidence that impacts to a few historic structures will contribute to "destroying the historic and aesthetic qualities of the community."

historic resources. The failure to address these effects at this point is a critical deficiency.

Certainly, mitigation plans should include extensive recognition of the need to preserve the historic resources and character of the surrounding communities (rather than simply that of particular structures). Moving one historic building or documenting another historic structure fails to properly mitigate for otherwise destroying the historic and aesthetic qualities, "tout ensemble," of a community.

In the discussion on page 44 regarding the proposed mitigation measures, specifically addressing impacts on individual homes, the Draft Evaluation does not clearly explain what the nature of the "impacts" on the homes will be. Will there only be noise or noise, dust, and vibrations? The Draft further does not discuss the costs and possibilities of permanent relocation if requested by the community members. The dislocation of 620 individuals and the "[several neighborhood businesses]" also should be mentioned in the Real Estate Supplement (Volume 7). Such disjunction occurs continuously in the Draft Evaluation. The Evaluation also offers no cross-references to other sections or volumes of the evaluation. Its use is, therefore, difficult and such difficulty hinders its ability to meet its duty of informing the public about the proposed project. Home and business owners concerned about the effects on their properties who read the Real Estate Supplement would be lulled into a false sense of ease belied by the Main Volume.

On page 44 -45, the Draft Evaluation discusses the National Economic Development impacts. In this discussion, the Corps includes the cost of environmental mitigation for the Violet site but not for the IHNC site. Further, the lack of maintenance for the old Violet lock is not included as a benefit for the NED while the lack of maintenance at the IHNC lock is. The NED for the IHNC site needs to include the social mitigation costs as required by law. The proffered NED comparison is one of apples and oranges. Costs are included or discarded as suits the conclusion the Corps seeks. The same costs must be included in both NED cost analyses to fairly determine the ratios and the economic benefits possible. This deficiency is among the

Page 4, para 1. The reference is to preliminary screening for a plan that was eliminated. It is not required in the Real Estate Supplement which presents information on the recommended plan.

Page 4, para 2 - Page 5 para 2. For the preliminary screenings referred to in these paragraphs, the Corps used the best information available at the time. The proposal for social and cultural mitigation was not yet being considered for either site. However, the Violet site had such severe and devastating impacts to the natural environment that even if these mitigation costs were included at that time, the recommendation to eliminate the Violet site would not have changed. It was believed that alternatives existed at the IHNC site that could be developed with appropriate mitigation that would be less environmentally damaging than the Violet site. The recommended plan at the North of Claiborne Avenue location, including the community impact mitigation plan, is such a plan.

most egregious of the Evaluation, but is also indicative of the nature of the Draft Evaluation: the conclusions are foregone and the discussions merely rationalize the desired project.

Page 46 of the Draft Evaluation assesses social and cultural impacts of the Violet site. These impacts are considerably lower than those estimated for the IHNC site. This disparity of impact should have been taken into account in comparing the projects, not only in the economic sense as noted in the paragraph above, but also politically. While the Evaluation notes many times the public opposition to the Violet site, it notes only once the equally strong resistance of the community to the IHNC site. Further, it never directly compares the two sites in terms of cultural impacts to indicate that the community opposition at the IHNC site is not theoretical or NIMBY (Not In My backyard) based, but rather is based on a desire to protect their homes and their immediate quality of life. The resistance of the Violet community should not be given greater weight than that of the individuals trying to preserve their homes near the IHNC.

Further, the Comparison of Sites on page 46 of the Draft Evaluation should address the impacts on social and cultural resources as required by federal statutes. The National Environmental Policy Act, 42 U.S.C. § 4331, recognizes "the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances," and makes it the "continuing responsibility" of the Federal Government "to use all practicable means" "to improve and coordinate Federal plans, functions, programs, and resources; to the end that the Nation may . . . assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings."

The Corps is also under a duty to ensure that the goals of environmental justice are met in the planning of projects. The Fair Housing Act, Presidential Executive Order No. 12,898, 59 Fed. Reg. 7629-33 (Feb. 11, 1994) and the Department of Defense's Environmental Justice

Page 5, para 3. See Section 1.1.8 of the EIS.

Strategy require that “each federal agency shall make achieving environmental justice part of its mission by identifying and addressing . . . disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” Executive Order 12,898 also requires analysis of environmental justice impacts of federally funded projects. A no point in the Draft are environmental justice considerations addressed, although the Draft admits that the affected communities are largely minority. In failing to recognize the disparate social and cultural impacts of the IHNC and Violet projects, the Draft Evaluation fails to meet the requirements of the law and the Executive Order.

Page 60 of the Evaluation discusses pre-construction mitigation but proposes no pre-construction mitigation for the north Claiborne bridge. There will be a great deal of traffic dislocation caused by the temporary removal of this bridge, especially considering that the current North Claiborne bridge accommodates approximately fifty-one percent of current traffic (see p. 33), and these impacts must be identified and fully analyzed.

The allocation of funds indicated by the table on page 66 reflects little consideration of the neighborhoods impacted by the IHNC project. While only \$51,000 is allocated for job training, despite the grandiose promises in the mitigation plan, \$600,000 is allocated to document a bridge and lock that will be torn down. This is an outrageous sum for documentation of historic value when compared with the ~~nicayune~~ sum allocated to job training. More outrageous, however, is the comparison of the almost \$3 million offered to Orleans Parish for lost sales tax revenue to the paltry \$35,533 to compensate homeowners for decreased property value. The estimation of decreased property value compensation is ridiculous. The table estimates housing compensation for only one year when the project itself is to continue for seven years beyond two years of pile driving. Property values will be decreased not only for the duration of pile-driving but permanently from the disfigurement of the Holy Cross and 3rdwater communities (such as replacing green levees with high concrete floodwalls) that the IHNC lock replacement will bring.

Page 6, para 1. Preconstruction mitigation is being proposed in the current plan. In addition, because of innovative construction techniques, the service outage of the Claiborne Avenue bridge would be limited to a short period of time (currently estimated between 1 to 4 weeks).

Page 6, para 2 - page 7, para 1. Preliminary numbers used in the table reflect early estimates in the mitigation planning effort. The text is being changed to clarify information in the report reference.

The table on page 64-67 has several other failings. It indicates nine months of utility assistance to pay for air conditioners, and the provision of air conditioners to some community members to drown the noise of pile driving (a questionable mitigation in and of itself).

However estimates for pile driving are twenty four months. There is no explanation of the disparity in the times. Further, if the construction is to continue for nine years, no mention is made of mitigating for noise, air, and other pollution for the other eight years and three months.

The table further fails to indicate the mitigation costs required for providing emergency and police services to the communities during construction. On page 67 of the table, it indicates mitigation for pedestrian and public transportation but does not include any plans or compensation for the huge numbers of private commuters who will be affected. If those commutes are included in the pedestrian and public transportation, the table fails to account for what will be a huge increase in the number of public commuters.

In describing Impact Avoidance on page 77, the Draft Evaluation indicates no resurfacing of roads near the construction area, only resurfacing of outlying roads. The impacts of the construction will be greatest on the roads bordering the project area. These roads should be resurfaced, not, as the Evaluation offers elsewhere, fixed on an as-needed basis. The worse shape these roads are in, the more vibrations and noise in the surrounding communities.

On page 98 the Draft Evaluation states that textured surfaces will be used on floodwalls to improve aesthetics. There is no proof adduced in the Draft Evaluation that texture on floodwalls makes them somehow less unsightly or more resistant to vandalism, despite the fact that the report constantly touts textured walls as a mitigation or neighborhood improvement. If there is proof of such beneficial effects, it should be produced. If there is no proof, then realistic measures should be offered to improve the aesthetic problems posed by tall concrete walls.

The direct mitigation measures suggested on page 99 present numerous problems. The "Aesthetics" paragraph promises "new plantings" adjacent to the lock and "landscaping" in

Page 7, para 2. The specific location of roads to be resurfaced will be determined in future studies.

Page 7, para 3. Textured finishes will be accomplished but not as a part of the mitigation plan. In addition, a "fold-down" floodwall has been included in the levee design along the canal in the Holy Cross area.

Page 7, para 4 - page 8 (para ending at the top of the page). Lands adjacent to the lock will be maintained with maintenance funds for the lock project. Landscaping and plantings on other areas will be the responsibility of local interests.

numerous areas. However, the table on page 19 indicates no continuous future funds set aside for landscaping. Unless the landscaped areas are maintained and replanted as necessary, and funds for such maintenance are already allocated, the area will most likely come to resemble the post-apocalyptic wasteland that forms the median of I-10 in Eastern New Orleans, eternally promised landscaping funds (see August 1996 Transportation Implementation Plans of the Regional Planning Commission) but never improved. The promised additional green spaces are referred to only vaguely, without promising to make specific green areas. Furthermore, a jogging path on a floodwall looks more like an invitation to deal drugs without being noticed by passersby than to jog. It is simply ridiculous to assert that jogging on the top of a huge, concrete wall is a mitigation for the destruction of a green, gently sloping levee.

On page 99, the Evaluation also promises many direct mitigation measures as to transportation but, again, little, if any, money is allocated to many of these ideas in the funds tables (see p. 64-66). If these are realistic possibilities, the funds need to be allocated beforehand. The transportation problems posed by this project are so large that the mitigation must be well-prepared and well-funded, as well as properly implemented.

On page 99 also, the Evaluation states that landlords and commercial establishments will be compensated monetarily for demonstrable declines in sales and rents during periods of bridge closure. However, the Evaluation does not indicate how landlords and commercial establishments will be able to demonstrate such declines. Further, the onus of demonstrating loss should not be on the already overburdened landowners in the Holy Cross and Bywater neighborhoods. At the very least, the Corps should employ an independent appraiser to indicate loss in value. If these business people are not afforded this information, they cannot agree to this plan because the compensation is worthless if the standard of proof to show financial decline is impossible to meet!

Page 8, para 1. With the currently proposed plan, which includes a temporary bridge at St. Claude Avenue and innovative construction techniques at Claiborne Avenue, transportation impacts would be minimized.

Page 8, para 2. Details of the reimbursement methodology will be developed after project implementation is approved.

On page 99, the Evaluation also offers supervised playgrounds. Again, funds are not allocated for this proposal. The report does not indicate who will provide such playgrounds, who will supervise them, and where they will be created when there is so little green space in the area, much of which will itself be destroyed by the lock expansion project.

2. Environmental Impact Statement

It is unclear why this is a separate section. If this is the Environmental Impact Statement (EIS), what is the rest of the document? Taken alone, the EIS skirts too many issues without providing real answers. The form in which it presents the alternative proposals, for example, fails to "sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decisionmake[and the public]" as required by the § 1502.14 of the Council on Environmental Quality regulations. If the other parts of the evaluation are meant to be incorporated by reference into the EIS, then they are also required to meet the statutory requirements for an EIS. The use of a separate EIS should be explained and the conformity of the rest of the report to all statutory requirements for an EIS should be confirmed.

Returning to more specific issues, EIS Section 1.1.3 mentions, as did the Main Report, the opposition of the Violet community to the Violet site without mentioning the opposition of the Bywater and Holy Cross neighborhoods to the IHNC site. This creates the impression that the community opposition in Violet is greater than at the IHNC site, and that the community in Violet is more directly affected than the community at the IHNC site. As neither of these conclusions is correct, the information should be given in an impartial and accurate way.

EIS section 1.1.3.1 suggests that the soil dredged from the canal and taken from the banks will be uncontaminated. This is highly unlikely considering the continuous use of the canal by industry since its opening in 1923. The report should address the likely contamination of the soil as well as the costs to mitigate such contamination. Considering the likelihood of contamination, it is also unlikely that the soil will make a good basis for a new marsh. If such soil is

Page 9, para 1. The mitigation plan includes the provision of facilities. It is anticipated that supervisor and maintenance will be a non-Federal responsibility.

Page 9, 2nd full para. The format of the report/EIS follows the "combined" format addressed in 40 CFR 1506.4, as reflected in the Corps' Engineering Regulation (ER) 200-2.2, Procedures for Implementing NEPA, Paragraph 13 and in the Corps' Planning Guidance Notebook (ER 105-2-100), Appendix F.

Page 9, 3rd full para. Section 1.1.1 has been modified to reflect the socioeconomic impacts and community opposition to the recommended plan.

Page 9, 4th full para. The soils and sediments to be excavated and disposed have been extensively tested for the presence of contaminants. The testing analyses are summarized in the EIS and described in great detail in the Engineering Investigations (Volume 3), the HTRW Appendix (Volume 5), and the Environmental Appendix (Volume 6). Investigations show that the soil on the east bank of the IHNC, below 5 feet in depth, which is to be excavated for the bypass channel, contains only background levels of contaminants. This is the only material proposed for marsh development.

contaminated and, therefore, unsuitable to form the basis for a new marsh, the use of wetlands for the graving site will not be mitigated by the creation of said marsh.

Section 4.2.1. EIS page 26, fails to address the declining use of the IHNC by deep draft vessels. Such usage surely needs to be taken into account in any consideration of need for a new lock.

Sections 4.2.2 and 4.3.4.4, along with many other sections of the Main Report and the EIS, do not address the numerous problems associated with the reconstruction of the Florida Avenue Bridge. The Draft Evaluation comments often on the role that the Florida Avenue Bridge will play in the construction of the new lock and the management of traffic problems created by the closure of the North Claiborne Bridge and the St. Claude Avenue Bridge. However, reliance on a reconstructed Florida Avenue Bridge is misplaced. That project faces many political and financial hurdles before realization. No plans are indicated for rerouting traffic if the Florida Avenue Bridge is not reconstructed by the beginning of the project. The new IHNC lock evaluation is required by the regulations to address the effects of a "crucially interrelated project," such as the Florida Avenue Bridge project.

Section 4.2.4. EIS page 29, does not acknowledge or discuss the current, and reasonably successful, community efforts to strengthen and stabilize the Bywater and Holy Cross neighborhoods. The failure to recognize these improvements both creates the impression that there is not much to be lost for these neighborhoods and allows the Evaluation to avoid recognition of the full impacts of the project on these newly revitalized communities. The report also does not address the fact that part of the problem in the area has been the black cloud of a possible lock project such as this hanging over all neighborhood revitalization efforts.

Section 4.3.4.3 does not indicate to where the Coast Guard facility and its attendant jobs will be removed. The Evaluation in general fails to account for jobs that will be lost because of the removal of employers such as the Galvez Street Wharf, the Society for the Prevention of

Page 10, 1st full para. Please see response to comment on Page 2, 3rd full para.

Page 10, 2nd full para. Please see response to similar comment made by Ms. Mary Penny Thompson at the public meeting.

Page 10, 3rd full para. The report has been revised to reflect current efforts by neighborhoods to revitalize their neighborhoods.

Page 10, 4th full para. It has not yet been determined where the U.S. Coast Guard would be relocated. The functions of the Galvez St. Wharf would be replaced by other existing facilities within the Port of New Orleans. The SPCA would not need to be relocated. Two commercial/industrial facilities, operating on areas leased from the Port of New Orleans, would be dislocated from the east bank of the IHNC. Plans for relocating these businesses would be developed with the assistance of the Port of New Orleans, as stated in the EIS.

Cruelty to Animals, and commercial establishments. In a delicate economy, the removal of each employer and source of community revenue is felt powerfully. Such removal should be acknowledged in the report and accounted for in the Evaluation.

Section 5.3.7.4.2 promises a temporary housing revitalization program. However, such a temporary plan cannot compensate for the permanent destruction of a neighborhood. Furthermore, even if the neighborhood were not permanently destroyed by the aesthetic and visual changes brought about by the new lock, there might be no community left to revitalize at the end of a nine year construction period. Any viable revitalization project requires more of a commitment of time and resources.

Section 5.3.12.4.2. EIS page 63 addresses mitigation for vehicular traffic obstruction. However, there is no guarantee that the traffic from the work site and other rerouted traffic will follow the designated routes. It is common knowledge that many detoured trucks going to and from the Tchoupitoulas Corridor project take whichever uptown road they fancy. The Corps needs to plan for the likely possibility that heavy and regular vehicles will take any of the smaller roads surrounding the project area. These roads should be resurfaced. It is insufficient to fill potholes as they develop. Such piecemeal work inevitably is long in coming and short in success.

Section 4.1.3.14. EIS page 65, offers no mitigation plans for impacts on community cohesion even though the EIS recognizes that the construction will have significant deleterious effects on community cohesion (see 5.3.14.4). None of the mitigation plans offered reveal a plan that can truly assist community cohesion in the face of a project this large and destructive.

Section 5.3.18.1, on EIS page 74, addresses the impacts to wetlands. In this section, in contrast to the 25 acres quoted by EIS section 1.1.3.1, the EIS states that the graving site will affect 103 acres of wetlands. Which number of affected acres is it and what are the differing impacts, if any, to the 25 and the 101 acres? This section also mentions that much of the

Page 11, 1st full para. Comments noted.

Page 11, 2nd full para. The mitigation for vehicular traffic impacts has been substantially modified due to the reduction in bridge closure period with the inclusion of a temporary bridge at St. Claude Avenue and the less-extensive modifications proposed for Claiborne Avenue. The new plan includes extensive improvements to community streets.

Page 11, 3rd full para. While there is no specified mitigation item to directly address impacts to community cohesion, the entire project construction plan and mitigation plan is designed to avoid, minimize, and compensate for impacts to the adjoining neighborhoods (communities).

Page 11, 4th full para. The 103 acre area is the total area of wetlands within which the graving site would be built. The impacts of the graving site would be limited to 25 acres. Section 5.3.18.1 describes the wetland habitats of all areas to be affected by dredging and disposal. The areas affected by urban runoff from pumping stations and possibly by leachate from landfills are the proposed mitigation area and the proposed disposal area along the south bank of the MRGO. The graving site is within the forced drainage area on the north bank of the MRGO isolated from the south bank of the MRGO and the mitigation site. Please refer to Plate 2.3 showing the locations of the dredging and disposal areas. The term "ample dredged material" refers to the soil from the east bank of the IHNC below 5 feet in depth which has been determined to not be contaminated. More of this material is available than is required to mitigate for impacts of the graving site.

wetlands in this area are also subject to storm runoff from two pumping stations, as well as runoff from landfills and a sewerage treatment plant. The report fails to indicate clearly, the effects these have had on the wetlands and what impact the addition of the graving site will have on the area. Surely an area such as this is already delicately situated and should not be subjected to further danger from a graving site in a forced drainage area. At sections 5.3.18.4.2 the EIS states that the dredged material from the East Bank of the IHHC can be used to create 41 acres of wetland. Even were this soil usable as a basis for creating wetlands, the EIS does not explain how further wetlands would be created from the "ample dredged material" considering that such material is most likely toxic and highly saline.

Section 5.3.19.5 fails to explain what effects the construction would have on the Mississippi River Gulf Outlet project and how the two projects are related. Considering the vast impacts of this plan, it is necessary to address the effects on the MR-GO channel in terms of sediment, toxics, metals, salinity, water temperature, and suspended sediment, as well as impacts on MR-GO traffic and erosion.

Section 5.3.20.4.2, on page 86, addresses mitigation for the adverse effects to aesthetic values. Again it mentions the ever-present and unconvincing textured surfaces for floodwalls and bridges. Again the section fails to mention real aesthetic mitigation plans such as creation of specific green areas in the community and continued maintenance of these areas in terms of landscaping and supervision. In discussing the removal of the old stand of oak trees currently on the levee, the EIS fails to state specifically to where these venerable trees will be moved and what kinds of plants will replace them; a tallow tree is not a live oak. As in other mitigation sections, the mitigation offerings are more illusory than helpful. A path next to a concrete floodwall does not compensate for the loss of a path following a levee. Observation points on top of the floodwall are invitations to drug dealers. Compensation is limited to a four-block area despite the fact that the project will impact the communities on either side of the Canal for a much greater distance.

Page 12, 1st full para. Impacts of the listed items on the MRGO are not explained because only minor, temporary increases in turbidity would be expected. Predicted changes in vessel traffic on the MRGO are shown in Section 5.4.3.3.

Page 12, 2nd full para. Texturing of floodwalls and bridges has been deleted from the mitigation plan and is now part of project construction. The mitigation plan provides a specified funding amount for construction of playgrounds and parks. The specific areas where these would be constructed would be worked out during detailed project design. Likewise, the specifics of mitigating for the loss of the oak trees at the old lock site has not been subjected to detailed design. The specific details of these items are not undertaken during the feasibility phase, which is where we are now. The mitigation plan has been modified substantially to expand mitigation outside of a four-block area or each side of the IHNC. A "told-down" floodwall has been incorporated into the plan. For all but less than one month out of the year (on average), the wall will be horizontal and out of sight. This wall is planned for areas along the canal that currently have only levee. This will allow for an unobstructed view of the river and canal.

B. VOLUME TWO: MITIGATION

Pages 15-16 discuss traffic congestion. This mitigation plan, and indeed the Main Report, fail to present a Comprehensive Traffic Management Plan from the Regional Planning Commission. This project has many and far-reaching consequences for vehicular traffic throughout the New Orleans metropolitan area. It is outrageous that no management plan is presented with his proposal. This lack of a plan suggests that the Corps has little idea what effects the construction will have on traffic patterns and less of an idea of how to deal with changing traffic patterns. The Evaluation Draft presumes in places that vehicular traffic numbers on particular roads will remain steady. However, there is evidence that improving a road (or a bridge) causes not only a shift in traffic but an increase (see Stephen H. Burrittong, Restoring the Rule of Law and Respect for Communities in Transportation, 5 N.Y.U. ENVT. L.J. 1 (1996)). The Traffic Management Plan is central to this project and should be completed and commented on by interested parties before any other aspect of his project moves forward.

On page 17 the "Aesthetics" section throw out many promises but without specific plans or indication of where the money for the promises will come. Further, this section fails to guarantee even a minimal reintroduction of green spaces into the communities (the backfill area is a green space that will be recreated [with toxic dredged materials?] not created anew), despite the numerous and large green spaces that will be wiped out to make room for the larger lock. The impact avoidance for aesthetics offers empty promises based on the whimsy of "appropriate non-Federal agency[ies]." If realistic mitigation is planned, it should be offered in this document. The communities surrounding the project area should not be forced to accept the project when they have received no specific guarantees regarding mitigation. If the mitigation offered in this volume is not going to be guaranteed then the Mitigation volume should not have been written because it is filled only with empty promises.

Page 13, para. 1. With the inclusion of a temporary bridge at St. Claude Ave. and the reduction of the closure time at Claiborne Ave. to a couple of weeks, the need for a comprehensive traffic management plan is not as critical. The community impact mitigation plan includes appropriate measures (synchronized traffic signals, computerized message boards, additional traffic control officers, additional tow trucks on stand by during peak traffic hours, etc.) to deal with the residual traffic impacts that would still occur. There will be adequate time to work out more details for this in the detailed design phase.

Page 13, para. 2. The proposed community impact mitigation plan has been authorized by Congress in the 1996 Water Resources Development Act which offers some credence that the proposal is not empty promises. It is true that funds for the mitigation measures have not yet been appropriated. But, the same is true for the overall project. An oversight committee consisting of local residents, elected officials, city officials, and any others will be established and will decide in more detail how the mitigation funds will be expended. A Partnering Agreement will be signed by all participants to work together for the betterment of the affected communities.

On page 18, the Mitigation volume fails to address the maintenance of the landscaping that it suggests will be provided. Plans chosen for landscaping should be appropriate and ornamental. A certain number of plans inevitably die because of the trauma of replanting and these should be replaced. It is unclear who will pay to maintain green spaces and from where the money will come. This should be spelled out if the communities are to believe that these promises will come to fruition.

The direct mitigation for noise impacts states on page 19 that "soundproofing measures could include installing insulation where needed or adding air conditioning so houses will not have to be opened during construction." The language is conditional and so not reassuring. The noise impacts will be great on the surrounding communities, not just Holy Cross and Bywater, but also the Faubourg Marigny and the Ninth Ward. The fears of communities regarding noise levels should be addressed with concrete promises not conditional suggestions.

Page 20 addresses transportation mitigation measures. While it suggests that there will be van shuttle service to accommodate pedestrian traffic during closure of the St. Claude Bridge there is no suggestion that any such service will be available during the closure of the North Claiborne Avenue Bridge. Further, a van shuttle will take an unreasonably long time for many pedestrians to get to work or to stores, and so may not be particularly helpful. Such information should be presented in a Comprehensive Traffic Management Plan. The unknown value of the van shuttle again illustrates why this Draft Evaluation is rendered insufficient in so many ways by the absence of such a traffic management plan.

On page 21 in section k of transportation mitigation, the Draft Evaluation addresses expected delays in school busing for Holy Cross School. The language of the proposed mitigation is conditional. Further, it suggests that funds will only be compensated for "demonstrated losses in enrollment attributable to busing delays or other transportation related delays as a result of project construction." No standards are delineated indicating how the

Page 14, para. 1. The continued coordination stated above will insure that these issues will be addressed. (See comment for page 7, para 4 - page 8.)

Page 14, para. 2. Drawings in the report delineate areas where noise impacts are expected to be the greatest. Measures to mitigate for those impacts have been included in the plan. Construction plans have included provisions for the contractors to implement procedures that will reduce the noise levels to the maximum extent practicable.

Page 14, para. 3. There is no pedestrian crossing at the Claiborne Ave. bridge presently as there is at St. Claude Ave., so no van shuttle services was included for that bridge. With the inclusion of a temporary bridge at St. Claude Ave., which will have provisions for pedestrian access, the need for a pedestrian shuttle service at that location is non-existent.

Page 14, para. 4. The inclusion of the temporary bridge at St. Claude, which will have the same number of lanes as the existing bridge, makes this impact non-existent

school will have to demonstrate losses. The funds offered are not certain, but conditional. Such a mitigation plan leaves too much to agency discretion. For the residents of these communities and for Holy Cross School, this promise and the money is too chimerical.

Page 2: of the Mitigation volume addresses mitigation for impacted aesthetic resources. As in other discussions regarding the old oak trees and their removal, the Evaluation fails to state specifically to where the trees will be moved, citing only vaguely "available public land within the community." The Evaluation needs to state specifically where this public land is.

The mitigation proposed for community cohesion purposes on pages 26 and 27 have numerous problematic issues. First, the Evaluation indicates that lighting and drainage improvements will be made to the four blocks surrounding each side of the project. Such mitigation is minimal when the effects from the new lock project will extend well beyond a four block area. This section also proposes to put lighting within the vacant areas under the current Claiborne Avenue Bridge approaches. The benefits of this additional lighting to the community are unclear. As with the textured floodwalls, this mitigation suggestion smacks more of gimmick than genuine compensation. Finally, recreational spaces are proposed, but as in other sections discussing recreation, it is unclear from where the funds or the supervision will come. The Evaluation offers only that the facilities will be turned over to "non-Federal interests for incorporation into existing programs." If such interests exist and are willing to take on more recreational supervisory duties then they should be named and the commitments made clear and enforceable. If there are currently no such interested parties, then the Draft Evaluation should make that clear and come up with realistic proposals based on available resources.

C. VOLUME FIVE: TOXICS

Sediment core samples indicating high levels of heavy metals, specifically mercury, in the sediments surrounding the lock call for further study and planning prior to project approval.

Page 15, para. 1. Future detailed studies and coordination with those concerned with this issue will determine the best location for these transplanted trees.

Page 15, para. 2. Future coordination with the appropriate local interests and agencies will determine the details for these mitigation measures.

Page 15, para 3 - Page 18, 1st full para. All of the comments in this section are duplicates of comments provided by the Lake Pontchartrain Basin Foundation in their letter dated January 27, 1997. Please refer to the responses to those comments.

Pollutants entering the main harbor canal settle to the bottom creating toxic reservoirs in the sediments. Dredging these contaminated areas stirs up the bottom sediments re-releasing toxic materials into the water where they may be ingested or absorbed by plants and animals. Such impacts should be considered and addressed in the Evaluation.

To measure the levels of sediment contamination in the inner harbor canal, the Corps collected sediment samples. One of the samples contained a mercury level of twenty parts per million (20 ppm). This level is forty times greater than the level considered "safe" by the State of Louisiana. Many other samples contained high levels of heavy metals. Yet, in the public notice, the Corps describes the levels of contamination as "moderate." This designation is based upon faulty science (see below). The proposed project will require the removal and disposal of 1,364,000 cubic yards of contaminated sediments, an equivalent of over 130,000 dump truck loads. Clearly, the removal and safe disposal of these materials involves a public health issue which should be addressed in greater detail.

The Corps relies upon faulty science in drawing its conclusions about heavy metal levels. The DEIS lists the "average" level of mercury in a nine foot sediment core as .9 ppm, a level below the federal safe standard. Averaging the readings of the entire sample invalidates the findings. If the upper section contains high levels of heavy metals, it is not possible to say the entire sample is uncontaminated. The averaging is a misuse of statistics and calls into question the use of the data to make broad-based assumptions. Each segment of the entire core sample should be carefully analyzed for contaminants, especially the top foot which logically contains the greatest level of contamination. Under more accepted scientific practices, some of the contamination levels listed would be described as hazardous and would require disposal in hazardous material deposit sites rather than the proposed Confined Disposal Facilities.

In addition, the Corps proposes to dispose of 1.3 million cubic yards of contaminated sediments in Confined Disposal Facilities (CDFs), despite the fact that CDFs historically have

had problems: they are poorly monitored, they have limited ability to keep toxins out of the environment, can allow fish and wildlife to come into contact with contaminated materials, and can leak contaminated leachate into surface and ground waters. The Corps proposes to use this technology in spite of the fact that a similar facility for disposal of contaminated sediments in the Calcasieu River has been shown to be leaking toxins into the environment. According to the Corps report entitled, *Review of Removal, Containment and Treatment technologies for Remediation of Contaminated Sediment in the Great Lakes*, a CDF designed to receive hydraulically dredged/disposed sediments (similar to the proposed project for the Industrial Canal) must provide adequate detention time for settling and be able to drain and treat large volumes of water. This may require larger facilities, sometimes divided into two or more components to allow for secondary settling." Will the proposed CDFs contain settling ponds? Will they contain water quality treatment systems? How long will the CDFs be maintained? Who will perform the maintenance on the CDFs? How often will they be monitored? By whom? What are the facilities life expectancies? Clearly, further analysis, planning, and opportunity for public comment on this issue of CDFs is needed before any further action can be taken on the Industrial Canal expansion project.

Further, the Corps' choice of a disposal site is problematic. Why place hazardous material next to the Mississippi River Gulf Outlet, one of the most dynamic areas in the Pontchartrain Basin? Why place it near St. Bernard Parish, an area which was rejected for canal construction because of its environmentally sensitive locale? What happens when a hurricane hits St. Bernard Parish? Will the polluted sediments spread all over the St. Bernard marshes?

Besides the impacts of contaminated dredged materials upon directly adjoining water and land, the materials remain active sources of pollution even after they are deposited in CDFs. Some of the toxins, such as polycyclic aromatic hydrocarbons and other organic contaminants identified in the sediment samples from the inner harbor, enter the atmosphere as gases. Louisiana State University and the U.S. Army Engineer Waterways Experiment Station are

conducting research to define the conditions that lead to the release of pollutants in CDFs. The Corps should be familiar with this research or Corps personnel contacted these scientists to get their input on the design of the proposed CDFs. Clearly, the discussion of the CDFs raises more questions than it answers. The public deserves an answer to all these questions before the process can be allowed to move forward.

Finally, the proposed construction would stir up a tremendous volume of material, much of it contaminated. The Corps needs to explain what procedures will be put in place to prevent these materials from entering Lake Pontchartrain, an area of aesthetic beauty and recreation.

D. VOLUME SIX: ENVIRONMENTAL

Page D-3-4 fails to indicate what kind of protection will be afforded to the surrounding communities if there are raised waters or other unexpected disasters during the construction of the lock. Page D-1-9 indicates that there was a tragedy during the building of the first lock. How can the Corps guarantee, if at all, that the soil is not even more unstable than in 1919 when the first lock was built? The Corps needs to address the dangers of flooding or unstable soil and needs to have emergency plans in place. The surrounding communities must be protected.

Page D-3-5 discusses the wetlands that were at one time Cypress swamps. However, the Corps fails to indicate how the swamps deteriorated to the extent they have and what further effect the current project will have on this area.

On page D-1-10, the Evaluation discusses odor problems too vaguely. It attempts to cover up that the creation of unpleasant odors is likely during the project. If this is so, then this is an adverse impact that must be dealt with not only in terms of mitigation but also in terms of site comparison. If odor problems will be treated only at the IHNC site, then logic argues against this site. If both the IHNC and the Violet sites are likely to experience adverse effects due to odor and the Violet site is surrounded by less residential area then logic again argues

Page 18, 2nd full para. The original lock excavation was entirely different than the recommended plan. The excavation would occur without dewatering the entire lock construction site, as was done for construction of the existing lock. Extensive soil foundation and stability analyses, documented in the Engineering Investigations Appendix (Volume 3) have been undertaken to assure that levee failures do not occur. Appropriate safety factors are included in all calculations.

Page 18, 3rd full para. Deterioration of the cypress swamps in this area has been attributed to subsidence of the soils from natural compaction of alluvial sediments and from draining during the early part of the 20th Century. Increases in salinity, at least partly due to the MRGO, have contributed to the loss of this habitat type. However, from the appearance of the area in photos from the early 1960's (prior to the MRGO) the cypress at the time were standing in open water, which shows that all ground cover or understory had been lost prior to completion of the MRGO. The project would have a beneficial effect on the existing habitat (shallow, brackish water), as demonstrated by the results of the U.S. Fish and Wildlife Service's Haxtut Evaluation Procedures. This is discussed in Section 5.3.18.4.2.

Page 18, 4th full para. Although there may be odors associated with some dredging and disposal activities at the IHNC, this is hardly a reason to abandon the site in lieu of the Violet site. Odors associated with dredging would be most obvious at the disposal sites, which are located far away from residential areas.

against the IHNC site. Either way, the Corps needs to address the possible adverse effects due to odor because none of the mitigation measures proposed by the Corps address or decrease odors.

On page D-3-19 the Environmental volume states that the water quality effects are considered “minimal.” This conclusion seems outrageous in the face of evidence that heavy metals will be dredged up and churned up from the floor of the Canal. The Corps needs to define what it means by minimal and what effect minimal heavy metal problems will have on surrounding communities and surrounding bodies of water such as the MR-GO channel, Lake Pontchartrain, and the Mississippi River.

Page D-3-21 supposedly addresses aesthetics but brings up some serious human health and water quality issues. If the water in the IHNC is churned up and possibly toxic materials or heavy metals are also churned up, then the water quality of not only the Industrial Canal is affected but also that of surrounding bodies of water. While such effects pose Clean Water Act permitting problems (a dredging material disposal operation would probably be a point source under current case law), they also pose dangers to fish and wildlife, and to the health of humans coming into contact with such contaminated water through recreational activities such as fishing. These adverse effects are not addressed anywhere else in the Evaluation but raise additional concerns for the communities surrounding the project areas, concerns that should be addressed in a fair and unbiased manner.

On page D-3-36 the Evaluation admits that the dredged material will have deleterious effects on commercial fisheries for two years. However, the Evaluation fails to recognize that the effects are not temporary. In this section, as in others, the Corps attempts to create a false window of temporary degradation rather than admitting the full impact of the project. Furthermore, returning conditions to current levels is insufficient when those levels are already deleterious to human health and welfare. The Corps has a responsibility to address the long term impacts of the project as well as a duty to protect the water quality of the state.

Page 19, 2nd full para. The issue of contaminants has been raised previously in your comments. Please refer back to the responses to previous comments concerning this issue.

Page 19, 3rd full para. The disposal of dredged material into the MRGO site and the mitigation site is expected to have adverse impacts to fisheries resources for a period (estimated as long as 2 years) because of turbidity associated with the dredging operations and runoff from unvegetated dredged material. Once the material becomes consolidated and vegetated, runoff from the MRGO site would no longer be turbid. This is what happens at all of the dredged material disposal areas along the MRGO. The mitigation site is expected to have an increased habitat value for fisheries resources (compared to the existing and future without project conditions) because aquatic vegetation and marsh grasses would colonize the site.

Pages D-72 through D-76 present tables of air quality indicators. These tables give only current air quality data. They fail to present any estimate of future values with or without the new lock project. Such data needs to be made available. Further, the locations at which the air quality is tested are all far from the project site. The communities surrounding the project site already struggle with air quality problems. The Corps must make clear what effects this project will have on the air quality in these neighborhoods.

Page 1-26 and the following pages suggest that when the first lock was built few historical and cultural resources were destroyed. This lack of cultural destruction then becomes the Corps basis for asserting that little history will be lost by the expansion of the current lock. It is a recurring problem that the Corps, to suit their own development aims, treats these communities as lacking in historical importance and resources. The Corps needs to address the serious impacts of the first lock and how the expansion of the lock will continue the adverse impacts on a community already under siege from earlier city development objectives.

E. VOLUME EIGHT: REAL ESTATE SUPPLEMENT

On page 4, the Real Estate Supplement states that the Florida Avenue Bridge will be a high rise. Such a conclusion is not warranted on current evidence which suggests that agency infighting will interfere with efforts to rebuild the bridge. Also, the Supplement mentions that the St. Claude Bridge will be opened approximately twelve times a day but does not indicate the current average number of openings per day. Citizens surrounding the bridges need accurate information as to current usage and likely future usage. Such information is vital for estimating effects on surrounding property values.

On page 5, the Draft Evaluation describes the disposal pipes to remove dredged material from the construction site to the disposal site. The Evaluation does not indicate whether these pipes will be open or closed. If they are open, or possibly leak, how does the Corps plan to deal with the extensive and serious dangers posed by transporting possible hazardous dredged

Page 20, para. 1. Estimates have been included of the volatile organic compound emissions from construction equipment to be used for the project.

Page 20, para. 2. The numerous cultural resource studies completed in the planning of this project do not assert that little history will be lost by construction of a new lock. Comprehensive historical, architectural, visual, and archaeological investigations identified all historic properties to be impacted by this project. These studies have been coordinated with the Louisiana State Historic Preservation Office. They do not treat the communities surrounding the lock as lacking in historical importance and resources. The studies have identified a number of properties as eligible for the National Register of Historic places, including the existing lock the St. Claude Bridge, the Galvez Street Wharf, and Sewerage Pumping Station B. In addition, the New Orleans District recognizes that the Bywater and Holy Cross Historic Districts are eligible for the National Register. Plans to avoid impacts to historic properties or to mitigate for adverse impacts will be incorporated into a memorandum of agreement at the appropriate time.

Page 20, para. 3. The report has made the assumption that a vehicular bridge, high-rise or mid-rise, will be part of the without project condition, as the State of Louisiana has had plans for such a bridge for a number of years. With the inclusion of the temporary bridge at St. Claude Ave. and the reduction of the closure time at Claiborne Ave. to a couple of weeks, the project does not need that bridge for a comprehensive detour plan.

Page 20, para. 4. All pipes will be closed and sealed to convey dredged material.

material through these neighborhoods? The Evaluation does not indicate from whom it will acquire this Right of Way, nor under what circumstances. In order to acquire the Right of Way, the Corps must be honest about the dangers associated with the use it plans to make of the rights it acquires.

On page 7 the Real Estate Supplement states that an easement will be acquired for dumping dredged material. The dumping of the dredged material is not a temporary use. Once the dredged material is there, it will remain. This property should be acquired because the use is neither temporary nor dissipating. In fact if the dredged material has toxic characteristics, its dumping completely changes the nature of the land where it has been dumped and precludes other uses.

The assessment, on page 9, of dangers to the historic and cultural resources of the surrounding communities is vague. The Evaluation must set out specifically the dangers to the surrounding historical resources. It must also have a clear plan for mitigating such dangers, a plan worked out, before commencement of the project, with interested historic preservation agency parties. Such a plan should be included in this Evaluation. The adverse impacts for historic and cultural resources are significant and the communities should be made aware of the dangers the project poses to these resources and the actions that the Corps can and will take to ameliorate the situation.

F. GENERAL COMMENTS

The Draft Evaluation does not discuss safety. Safety risks to the community and the environment during and after the project need to be analyzed. If traffic increases through the IHNC due to the new lock, then more hazardous materials will be traveling through these neighborhoods. The Corps needs to have a plan for addressing hazardous leaks, explosions, and emergencies. Further, the waiting areas for ships may also pose the danger of ships ramming into the shores, as happened on the Mississippi River in December. The Corps addresses none of

Page 21, para 1. The Corps normally acquires easements for disposal of dredged material unless it is for mitigation purposes. The low levels of contaminants does not preclude their use for such purposes.

Page 21, para 2. The impacts to historic resources are identified in the many studies completed for this project. It is unclear what the term "dangers" means in this comment. Adverse impacts will be mitigated as a result of an agreement with the SHPO and the Advisory Council on Historic Preservation. Local communities will have an opportunity to comment on the proposed mitigation plan.

Page 21, last para. (See Koefer comments.)

these safety concerns in the Draft Evaluation, despite their crucial connection to the welfare of the communities surrounding the IHNC lock.

In discussing neighborhood opposition, the Corps never admits that the opposition to the project arises from the very people with whom it worked to develop a relationship. In fact, almost every community member who dealt with the Corps extensively during this project has come to view it as exceedingly destructive for the surrounding communities.

In early meetings, the Corps promised the surrounding communities that the IHNC project would not go forward without their approval and agreement to mitigation plans. Currently, however, the Corps has rejected its cooperative approach and has threatened to go forward with the project so long as it has the general approval of an undefined "community of reference." Further, the IHNC was originally established as a barge canal. Throughout the years it has grown along with national needs, such as wartime or MR-GO. However, the community has had increasingly little voice in the development surrounding its homes. The community cannot be expected to support a project by an agency that has increasingly disempowered the communities surrounding the lock while increasing its own power and reach. Despite the Corps' developmental designs for the Canal, the neighborhoods surrounding it have also grown and developed and homeowners have put care and resources into developing a cohesive community and a home for their families; a home and a community that are now put at great risk by the Corps' proposed project and inadequate Draft Evaluation.

The DEIS is incomplete without a thorough analysis of the Florida Avenue bridge replacement which is an integral and crucial step to the Corps' construction and mitigation plan. The Draft Evaluation continuously states that the first phase involves removal and then replacement of the current Florida Avenue bridge. Without the Florida Avenue bridge demolition, the lock replacement parts cannot be floated into place and construction cannot proceed. Yet, the Corps fails to analyze the impacts of such an action in its Draft Evaluation. In

Page 22, para 1. The report has been revised to more clearly reflect the opposition of local residents during the coordination process.

Page 22, para 2. It was hoped that agreement could be reached with the surrounding communities on the mitigation plan. It was never promised that the local communities had veto power on this project. The local communities have been allowed to be a part of the process of developing this mitigation plan, which may be different from the past on other projects.

Page 22, Section F, 3rd para. through Page 24, Section F, 2nd para. - These comments deal with the Florida Ave. Bridge issue, which is not an authorized part of the lock replacement project. The inclusion of the temporary bridge at St. Claude Ave. and the reduction of the closure time at Claiborne Ave. to a couple of weeks alleviates the need for the Florida Ave. bridge to serve as a comprehensive detour plan. They need not be addressed in this report.

doing so it fails to follow one of the most important precepts of NEPA documents: to "concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail." (40 C.F.R. § 1500.1 (1996)). Nothing could be more significant than a required first step in construction.

In addition, the impacts on the human environment are significant. The Corps fails to discuss the effects of the Florida Avenue Bridge construction project on the surrounding area or how the project will affect the timing and methods employed for the rest of the project. It should discuss extra construction time that will be added to the project; effects on congestion worsen if there are delays; and impacts of noise, vibrations, and air pollution on the surrounding communities from the additional construction. It should also address mitigation for this intimately connected phase of the project?

Public hostility to the Florida Avenue bridge runs high. In the January 27, 1997 public hearing, opposing opinions were presented over the type of bridge to be built. Some citizens desired a high-rise bridge capable of evacuating surrounding areas during a hurricane. Others hoped to retain the historic character of their neighborhoods and saw a high-rise bridge as a threat to the cultural and historic integrity of the area. There needs to be analysis of these alternatives and impacts.

The controversy over the St. Claude Avenue Bridge should be taken as an example of the type of problems which will inevitably arise and should be considered prior to project approval. In that situation, citizens' concern over congestion and economic degradation of their communities resulting from isolation from New Orleans prompted the Corps to propose a temporary bridge. The demolition of Florida Avenue is likely to create the same types of problems and, therefore, warrant the same type of consideration.

Also, it is important to note that the Corps' "quick fix" of the St. Claude Avenue bridge problem has never been analyzed for impacts or alternatives. The public first heard of the new

proposal at the January 27, 1997 public hearing. Little notice and opportunity to comment were available during the short time after the public hearing and the deadline for written comments. Clearly, the new bridge proposal as well as analysis of each of the bridge replacements requires further analysis.

State and local agencies present at the public hearing readily admitted that there was no funding currently available for construction of any bridge at Florida Avenue. In addition, there is no plan to provide funds in the future for such a bridge. The Corps needs to provide an analysis of contingencies if State and local agencies are unable to replace the Florida Avenue bridge.

Despite the lack of information on impacts or alternatives regarding the Florida Avenue bridge replacement, the Corps relies on a new and improved Florida Avenue bridge in its mitigation plans and traffic analysis. In the Evaluation, the Corps identifies "Unresolved Issues" including (1) resident opposition to construction because of traffic congestion; (2) the only net benefits received by locals are largely limited to improved vehicular traffic after project completion; and (3) an unsettled amount of mitigation. (see Draft EIS, altation § 1.3.) In later discussion, the Corps suggests the use of the Florida Avenue bridge as an alternate route for traffic while the Claiborne Avenue and St. Claude Avenue bridges are being replaced respectively. Yet, there is no analysis of the effect of an unfinished or unfinished Florida Avenue bridge during these times.

In drafting an Environmental Impact Statement or this Evaluation if it serves as a substitute for the EIS, the Corps has a duty to evaluate reasonably foreseeable significant adverse effects on the human environment. (40 C.F.R. § 1502.22 (1996)). "Reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason." (40 C.F.R. 1502.22(b)(1) (1996)). A hurricane landing on the coast of Louisiana while bridges providing evacuation routes to all residents east of the Industrial Canal is such a catastrophic consequence. The analysis must be

Page 24, 3rd full para. The bridge closure periods have been reduced to zero (2 lanes of traffic for 2-3 months) for the St. Claude Bridge and to 4 weeks for the Claiborne Avenue Bridge. (The 2-lane restriction period and the closure period would not overlap.) These limited periods of traffic impacts would not require an evaluation of the effects of a hurricane forcing the evacuation of southeast Louisiana during this same period of time.

presented in the Evaluation.

It is important to note at this point that the report on traffic analysis was unavailable during the public comment period. The Evaluation suggests that the report is being compiled, but is not included within the actual Evaluation itself. This is unacceptable to the purpose of NEPA and the compilation of an EIS. "If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement." (40 C.F.R. § 1502.22(a) (1996)(emphasis added). Without analysis of traffic congestion, especially emergency service and hurricane evacuation routes, the agency could not have made a reasoned choice among alternatives. As it stands, the Draft Evaluation is incomplete and insufficient as in an EIS under the law.

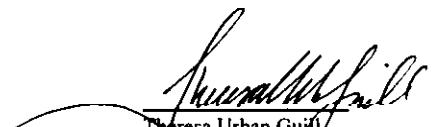
The Corps' failure to analyze this critical piece of information cripples the effectiveness of the Evaluation and suggests that a thorough analysis of this action is required. The Draft Evaluation must satisfy to the fullest extent possible the requirements established for final statements in § 102(2)(C) of NEPA. (40 C.F.R. 1502.9 (1996)). If an EIS is "so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion." (*Id.*) The lack of analysis of the Florida Avenue bridge replacement could result in delay if not halting of the project. It effects not only the immediate environment of surrounding neighborhoods through traffic congestion and construction impacts, but also threatens the very safety of lives in these neighborhoods as well as nearby St. Bernard Parish by failing to examine hurricane evacuation in the absence of a Florida Avenue bridge replacement.

III. CONCLUSION

The Holy Cross Neighborhood Association, Louisiana Environmental Action Network, and Sierra Club - New Orleans Group request that the Army Corps of Engineers address and adopt each and every comment contained herein, as well as those by any other person or entity

that has commented on the Draft Evaluation Report for the New Lock and Connecting Channels.
Mississippi River - Gulf Outlet. In addition, these community groups request that the Corps
provide them with a copy of the Final Evaluation Report as soon as it is available.

Respectfully submitted,



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March 3, 1997



WORLD TRADE CENTER of New Orleans

THE FIRST WORLD TRADE CENTER DEDICATED TO WORLD TRADE TRADE AND UNDERSTANDING

February 13, 1997

Colonel William Conner
District Engineer
U.S. Army Corps of Engineers
P.O. Box 90267
New Orleans, LA 70160-0267

Dear Colonel Conner:

After a careful review by our Transportation and Government Affairs Committee, the WTC's Executive Committee, acting on behalf of the WTC's 2,000 members, has unanimously endorsed the U.S. Army Corps of Engineers plan to replace the lock on the Industrial Canal in New Orleans.

While we recognize that the project will require significant automobile traffic displacement during the construction period for residents of the adjoining neighborhoods, we concur with the Corps of Engineers' view that the lock is badly needed to correct a major bottleneck to shipping on the national inland waterways system. In addition, the project will help ensure the competitiveness of industry currently located along the Canal, as well as allow a greater range of vessels to access those facilities.

Louisiana's waterborne transportation sector is of course a major element of the state's economy. A recent University of New Orleans study suggests that the maritime sector is one of the state's largest industries in terms of:

1. Employment -- 1 in 10 jobs in the state is related to the port industry;
2. Spending -- the total economic impact generated by the port industry and port users reached more than \$21.9 billion in 1994; and,
3. Tax Revenue -- more than \$310 million in state and local taxes was generated by ports and firms located in Louisiana because of ports.

The volume of cargo shipped through or from Louisiana ports is enormous by any measure. Louisiana's top five ports combined handle more than 458 million tons of cargo annually. Five of the state's deep-draft ports consistently rank in the top 15 ports in the country in the amount of cargo tonnage handled annually. Since a great deal of this volume flows through the state's inland waterway system, the delays created by the current navigation lock have a direct negative impact on Louisiana's maritime industry, and consequently, the state economy.

Louisiana's major role in U.S. foreign commerce may also be affected. According to recent statistics compiled for the U.S. Department of Commerce by the Massachusetts Institute for Social and Economic Research (MISER), Louisiana is the ninth largest exporting state, with \$16.6 billion in exports during the first three quarters of 1996. Considering the potential constraint on Louisiana's industry and economy, as well as the possible impact on the state's foreign commerce, the WTC fully supports the efforts of the U.S. Army Corps of Engineers to replace the navigation lock on the Industrial Canal.

Sincerely,

John Ochsner
President