



REPLY TO  
ATTENTION OF:  
Office of Counsel

## DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

December 22, 2004

Edwin M. Roy Jr.  
Editor and Publisher  
St. Bernard Voice  
P.O. Box 88  
Arabi, La. 70032

Dear Mr. Roy:

The St. Bernard Voice's November 2004, article "Judge Puts Industrial Canal Dredging Project on Hold" is at variance with the facts. Despite its assertions that the U.S. Army Corps of Engineers intended to dredge the Inner Harbor Navigation Canal without further testing, there is clear evidence to the contrary:

--A letter to the Lake Pontchartrain Basin Foundation dated Nov. 13, 2001, in which the Corps stated its intent to conduct more sampling and analysis of canal-bottom sediments.

--A letter to the Tulane Environmental Law Clinic dated July 1, 2002, in which the Corps again confirmed its intent to conduct additional testing of canal-bottom sediments.

These Corps of Engineers letters were sent 15 and 7 months, respectively, before plaintiffs filed their suit to stop all dredging.

The Tulane Environmental Law Clinic represents the Holy Cross Neighborhood Association in this action. Representatives of both organizations are quoted in the article as representing that U.S. District Court Judge Eldon Fallon's Order stopped the Corps from dredging. In fact, Judge Fallon's Order of November 24<sup>th</sup> was based on the Corps' own guarantee that no dredging will take place until the additional testing is accomplished. That guarantee by the Corps was made by sworn affidavit in the Corps' Motion to Stay Litigation, filed with the court on July 1, 2004.

So, the Holy Cross Neighborhood Association's lawsuit did not force the Corps to submit to further testing. We had long planned it. Nor was imminent dredging staved off by Judge Fallon's Order. The Corps will not be dredging the Industrial Canal for some time, as the project status makes clear: There are no final engineering design drawings for dredging, there is no scope of work to attach to a request for contract bids, the east bank clean-up is not

complete, and the Corps has not conducted its additional testing of canal-bottom sediments. The Corps presently estimates dredging to begin in August 2006, as can be found on the Inner Harbor Navigation Canal website at <http://www.mvn.usace.army.mil/prj/ihnc/interactive.asp#TOP>, at "Dredging, Phase 1".

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Northey", with a stylized flourish extending from the end of the name.

Robert Northey,  
Office of Counsel