

APPENDIX A: LIST OF ACRONYMS AND DEFINITIONS OF COMMON TERMS

AAHU	Average Annualized Habitat Unit
APE	Area of potential impact
ASTM	American Society of Testing and Materials
BLH	Bottomland Hardwood (Forest)
BMP	Best Management Practice
CAR	Coordination Act Report
CED	Comprehensive Environmental Document
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
Clay	CH: Fat clay
Classifications	CL: lean clay ML: Silt
dBA	Decibel
DNL	Day-night average sound level
EA	Environmental Assessment
EIS	Environmental Impact Statement
EJ	Environmental Justice
USEPA	U.S. Environmental Protection Agency
ER	Engineering Regulation
ESA	Environmental Site Assessment
ESRI	Environmental Systems Research Institute
FONSI	Finding of No Significant Impact
GIWW	Gulf Intracoastal Waterway
HSDRRS	Hurricane and Storm Damage Reduction System (formerly known as the Hurricane Protection System)
HPS	Hurricane Protection System (see HSDRRS)
HTRW	Hazardous, Toxic, and Radioactive Waste
HU	Habitat Unit
IER	Individual Environmental Report
IERS	Individual Environmental Report Supplemental
IPET	Interagency Performance Evaluation Team
LCA	Louisiana Coastal Area
LACRP	Louisiana Coastal Resource Program
LADEQ	Louisiana Department of Environmental Quality
LADNR	Louisiana Department of Natural Resources
LPV	Lake Pontchartrain and Vicinity Project
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NRCS	National Resources Conservation Service
NRHP	National Register of Historic Places
NO _x	Nitrogen oxides
NOV	New Orleans to Venice Project
O ₃	Ozone
Pb	Lead
PDT	Project Delivery Team
PI	Plasticity index
PM	Particulate matter
PPM	Parts per million

P.L.	Public Law
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
ROD	Record of Decision
ROE	Right of Entry
Section 404 (of the Clean Water Act)	The Section 404 program for the evaluation of permits for the discharge of dredged or fill material was originally enacted as part of the Federal Water Pollution Amendments of 1972. The Secretary of Army acting through the Chief of Engineers may issue permits, after notice and opportunity for public hearings for the discharge of dredged or fill material into the navigable waters at specified disposal sites.
SHPO	State Historic Preservation Officer
SIR	Supplemental Information Report
SPH	Standard Project Hurricane
SO _x	Sulfur oxides
T&E	Threatened or Endangered Species
USACE	U.S. Army Corps of Engineers CEMVN: Mississippi Valley Division, New Orleans District
USDA	U.S. Department of Agriculture NRCS: Natural Resources Conservation Service
USFWS	U.S. Fish and Wildlife Service
WBV	West Bank and Vicinity Project
WRDA	Water Resources Development Act

**APPENDIX B: PUBLIC COMMENT AND RESPONSES
SUMMARY**



Choctaw Nation of Oklahoma

P.O. Box 1210 • Durant, OK 74702-1210 • (580) 924-8280

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

July 30, 2009

Joan Exnicios
Dept of the Army
New Orleans District, Corp of Engineers
PO Box 60267
New Orleans, Louisiana 70160-0267

Dear Joan Exnicios:

We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

Project Description: IER #29 Contractor Furnished Borrow Material #4

Comments: After review of the above-mentioned project(s), to the best of our knowledge, it will have no adverse effect on any historic properties in the project's area of potential effect. However, should construction activities exposed human remains, buried archaeological materials such as chipped stone, tools, pottery, bone, glass or metal items, or should it uncover evidence of buried historic building materials such as rock foundations, brick, or hand-poured concrete, this office should be contacted immediately at 1-800-522-6170 ext. 2137.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: Caren A. Johnson
Caren A. Johnson
Administrative Assistant

CAJ: vr

From: mvnenvironmental@usace.army.mil
Sent: Friday, July 31, 2009 8:35 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - General Comment

I currently reside in the Eastover Subdivision and I am 100% against the Corps borrowing material from my own back yard. We have not seen an impact study and are very concerned about the potential damage that our homes will suffer as a result of the removal of such a large amount of borrow. I have invested alot of money into my home and I am totally against this move. I also understand that there are no plans to back fill. The answer is NO!!!!

From: ■■■■■

Sent: Wednesday, August 12, 2009 11:44 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

I write in support of IER 29 which will create the Eastover lake. As a property owner at Eastover I am very much interested in the positive redevelopment that selling this dirt material to the Corps will bring to Eastover and to ALL of New Orleans East. I believe that the redevelopment that we will see at Eastover with the funds from the sale of this dirt FAR outweighs any negative comments and concerns I have heard from other Eastover residents. Anyone who opposes this project does not clearly understand what is at stake for Eastover - We believe that this is Eastover's ONLY real chance to rebuild. We have waited FOUR long years to have a real opportunity to rebuild our neighborhood and this project is long overdue. I and my family support this project completely. Thank you for making it happen for us!

From: ■■■■■

Sent: Wednesday, August 12, 2009 5:20 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

I am a homeowner and current resident at Eastover subdivision in New Orleans East. I am in complete support of IER 29. Thank you for the work you are doing to help rebuild our community.
Barry Pilson

From: mvnenvironmental@usace.army.mil
Sent: Wednesday, August 12, 2009 3:52 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

I am a resident of Eastover Subdivision and I am in strong support of the lake. This may be our only opportunity to rebuild our community.

From: ■■■■■

Sent: Wednesday, August 12, 2009 3:32 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

My name is Ruby DuCre-Gethers and I am a resident of Eastover. I have been following the progress of IER 29 and I would like to say that my family does not have any objections to the proposed lake. It is our hope that the lake will actually benefit the entire area and I feel that the lake will add value to our existing properties and not diminish the current values.

From: ■■■■■

Sent: Wednesday, August 12, 2009 3:22 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

Dear Sir or Madam,

Thank you for the opportunity to comment on the proposed Eastover Lake project. I believe that this proposal should be allowed to move forward because it will provide much needed benefits to multiple areas. First it will facilitate the flood protection of our area by supplying the need material for the levies at an economical price, saving the taxpayers significant funds. It will provide the funding necessary to rebuild the Eastover Club House and Golf Course, funding for which is not available from any other source. It will help the rebuilding of New Orleans East by reestablishing Eastover Country Club as an anchor in the area. Finally, with Eastover again a viable entity it will help reinvigorate the rebuilding of the New Orleans East area.

For these reasons I would ask that you approve moving this project forward.

Sincerely,

Cameron Barr

From: ■■■■■

Sent: Wednesday, August 12, 2009 11:14 AM

To: MVN Environmental

Subject: NOLA Environmental Comment - General Comment

I may not be able to attend the Thursday meeting regarding clay removal in the Eastover subdivision but I would like to make my support for the project known. I reside at ■■■■■ Eastover drive and I am in support of the Corps project in Eastover.

From: ■■■■■

Sent: Saturday, August 15, 2009 7:53 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

I believe the levee project using Eastover mud will not only help build the levees but will be a tremendous economic boost to the Eastover community but also the overall economic developmenet of New Orleans East.

From: ■■■■■

Sent: Saturday, August 15, 2009 10:00 AM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

I AM A RESIDENT OF THE EASTOVER SUBDIVISION AND I SUPPORT IER 29

From: ■■■■■

Sent: Saturday, August 15, 2009 9:58 AM

To: MVN Environmental

Subject: NOLA Environmental Comment - Orleans East Bank

I support ier 29. The majority of the eastover subdivision approved this project. I am very concerned that a public official is trying to derail this project especially enlight of the fact that she and 11 other people filed a lawsuit to stop this project. This is definitely a conflict of interest for senator Duplesis. Eastover has approximately 300 properties but only 12 people filed a lawsuit. I have contacted the FBI to investigate Ms. Duplesis and the misuse of her office. In closing once again I want ier 29

From: mvnenvironmental@usace.army.mil
Sent: Friday, August 14, 2009 10:27 AM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

I am opposed to the digging of burrow pits in the New Orleans East community, especially in the Eastover subdivision.

From: ■■■■■

Sent: Friday, August 14, 2009 10:26 AM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

I am a resident of New Orleans East and I am firmly opposed to the excavation of borrow pits in my area. I hope that you will take this as well as other concerns and criticisms into account when deciding whether to use the Eastover materials.

From: mvnenvironmental@usace.army.mil
Sent: Friday, August 14, 2009 10:06 AM
To: MVN Environmental
Subject: NOLA Environmental Comment - Orleans East Bank

I support the IER 29--Eastover rebuilding.

Gillian McKay
Resident

From: ■■■■■

Sent: Friday, August 14, 2009 8:00 AM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

100% in support of Eastover pit.

From: ■■■■■

Sent: Thursday, August 13, 2009 10:02 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

We are writing to support the approval of IER 29: This project will benefit the East in general (i.e. the entire East New Orleans Community) as well as the Eastover subdivision. In fact the benefit to the community will be far reaching from an economic, social, and quality of life perspective. We urge approval of this project.

Sincerely,

R.A. Henault and J.K. Henault

From: mvnenvironmental@usace.army.mil
Sent: Thursday, August 13, 2009 5:19 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

I have no objections to the proposed borrow at the Eastover site. As far as I can see a lake along with the reopening of Eastover Country Club and Golf Course would improve property values. Additionally, I don't see this project as having a negative impact on the area.

From: ■■■■■

Sent: Thursday, August 13, 2009 4:52 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

I am a resident of the Eastover community. This note is to express my support for the planned borrow lake for our community. Please be aware that there is very vocal minority of only 10 residents in Eastover that are against this project for various nebulous reasons. 95% of the community is in favor.

From: ■■■■■

Sent: Thursday, August 13, 2009 4:33 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - General Comment

Dear Mr.Owen I am unable to make tonights meeting concerning the barrow pit in the Eastover subdivision.However I do support the project fully.Senator Duplessis does not represent my concerns in this matter.As long as this project is done in a safe and professional matter I am fully in favor of it.

James M. Brown,III

■■■■ Eastover Drive

New Orleans,La.70128

From: mvnenvironmental@usace.army.mil
Sent: Thursday, August 13, 2009 1:42 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

I am writing to show my support for IER 29, which deals with Eastover Country Club. For four years we have not been able to rebuild our community because of a lack of resources. The plan that Eastover has created will help the community rebuild, which will in turn help surrounding neighborhoods in the East rebuild. Their plan will improve our property values and help set the foundation for a stronger community.

There are a few, usually more vocal residents that oppose the plan but offer no alternative. I hope you understand that the majority of Eastover residents fully support the approval of IER 29. Please do not let the voices of a few angry people stop you from doing what is right.

Please approve IER 29 and let us start the process of rebuilding our community.

From: ■■■■■

Sent: Monday, August 17, 2009 12:16 PM

To: MVN Environmental

Subject: Opposition to the borrow pit in Eastover Subdivision, New Orleans, LA

ATTN: Gib Owen

Please include my email message in the IER file.

My name is Cleo Cage, I live in the Eastover Subdivision, New Orleans, LA and I am in opposition to the borrow pit.

Thank you.

From: Pearl Cantrelle
Sent: Tuesday, August 18, 2009 1:41 PM
To: MVN Environmental
Cc: Joan Heisser; Sylvia Richards; Debbie Degruy Gordon;
Levees@levees.org; Hedge-Morrell, Cynthia Councilmember Dist D; Cynthia
Williard-Lewis; Fieklow, Arnie Council Member-At-Large; jackie
clarkson; Clarice T. Kirkland; Sen. Ann Duplessis; Rep. Cedric
Richmond; Austin Badon
Subject: Eastover Barrow Pits

To Whom It May Concern:

I recently attended a your meeting regarding the possible contract between the Army Corp of Engineers and a private contractor in Eastover Subdivision in New Orleans, LA. In that meeting there were some very important matters that surfaced, which deeply concerns me, should the Army Corp of Engineers use the clay/mud/dirt from a Barrow Pit in Eastover. And those concerns are as follows:

1. An Independent Engineer's report which states that the nearby residential properties can shift, (move or crack).

* Should this or any other major problem occur the Army Corp is not responsible, but the private contractor is.

2. Traffic Pollution:

* Who did a traffic study? There WOULD be possibly a hundred trucks per day for fourteen hours each day driving to and from the Barrow Pit to a staging site and then, MAYBE to a New Orleans Levee site. Or maybe to somewhere else in the United States.

* The Army Corp would not be responsible for any damage to the infrastructure or private properties. This would be the private contractor's problem.

3. Liability Insurance: The Army Corp has agreed or approved that the contractor will/must carry Twenty five million dollars worth of Liability Insurance.

* I ask, what will 25 mill take care of? The damaged residential properties, damaged streets...? Most of the houses in Eastover are valued over half a million; how many can be made whole? How many city streets can be repaired, how many residential properties can be repaired from the damage caused by the large dump trucks?

4. Noise Pollution: Once again, it seems that the Army Corp has relieved itself of that concern as well.

* No one is responsible for the noise from the digging or trucks. That is just too bad for everyone of the East New Orleans Citizens impacted.

It seems to me that the Army Corp of Engineers didn't make enough mess with Katrina, now it wants to do more. Your funding source is the tax payers of the United States. I am one of those tax payers. Yet, the only ones that you find it necessary to consult/listen to, feel obligated to, or just care anything about, is the contractor. The one making the money on this deal. I do not understand why you have no regard for the traffic, noise, or damage that this project may create.

I urge you NOT to use Eastover (or any other residential community) for a Barrow Pit. I also beg you to remember that you are suppose to be protecting the citizens and their properties not causing them more pain, agony and distress.

I also urge all of our elected official, not just the ones in New Orleans East, to join with the majority of the East New Orleans Citizens and STOP this harmful project.

By copy of this letter, I would like to thank Sen. Ann Duplessis and Councilwoman Jackie Clarkson for coming out to the meeting and supporting our community on this issue.

Sincerely,
Pearl M. Cantrelle, President
Kenilworth Civic and Improvement Association

bc: KCIA Membership

From: ■■■■■
Sent: Thursday, August 20, 2009 10:35 PM
To: MVN Environmental
Subject: Burrow Pits in New Orleans East

Attn: Gib Owen

The community of Eastern New Orleans DOES NOT SUPPORT the proposed use of the Eastover Golf Course and surrounding land for excavation and use of it's dirt and clay. The Eastern New Orleans Neighborhood Advisory Commission (ENONAC) represents the neighborhood associations and the community does not support this project. Please add this statement to the official statement from this commission onto the Corp of Engineer's official record.

Debbie Gordon

Eastern New Orleans Neighborhood Advisory Commission (ENONAC) Board
Secretary

From: ■■■■■

Sent: Thursday, August 20, 2009 8:51 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

I am strongly opposed to the Eastover Borrow Pit Project.

From: Wanda Martin
Sent: Thursday, August 20, 2009 8:38 PM
To: MVN Environmental
Subject: Eastover Borrow Pit Project

Please accept this message as my official notification that as an New Orleans East homeowner, I am absolutely opposed to the digging of this awful pit and the resulting trashing of my neighborhood and community that this will have. As a New Orleans East homeowner who has already had my life and property destroyed once, I have no desire to experience further devastation. If New Orleans East is unsafe for human habitation, then property owners should have been bought out after Katrina for a fair price. Don't come back after so many has reinvested their hard-earned money only to have their investment trashed.

Thank you,

Wanda Martin

From: ■■■■■

Sent: Thursday, August 20, 2009 3:02 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - New Orleans East

This letter is in support of the plan to excavate some of the undeveloped land at Eastover to provide sand and clay to the Corps of Engineers in order to economically rebuild our levees. I am in support because:

1. Ample tests have proven that the sand and clay at Eastover meet the requirements.
2. The excavation can be done so as to create a lake that will have a positive impact on the Eastover community.
3. Most homeowners at Eastover favor the excavation plan.
4. All necessary approvals are in hand from the City of N.O.
5. It's critical that the Corps move on with the rebuilding of levees and flood walls ASAP. The Eastover clay is in close proximity to some of that work.

I urge you to move promptly to let contracts to rebuild these levees and flood walls using Eastover material and any other that meets your requirements.

Sincerely,

Thomas Winingder

From: ■■■■■
Sent: Thursday, August 20, 2009 2:19 PM
To: MVN Environmental
Subject: Proposed Eastover Borrow Site

Gib Owen:

I am communicating once again regarding the proposed Eastover Borrow Site. I am appealing to the Corps' responsibility for the protection of all of our residents. As you are already aware, and as you have stated during your public meetings and comment periods, that you are not required to select any particular contractor furnished site. In fact, that you must weigh many factors in making decisions regarding particular sites. The fact of the matter is that the Corps has a choice, as was stated in your various meetings, and that there are contractor proposed sites that may never be used for borrow. Let me say, again, that the Eastover site should be one of those that you should never use for borrow. It is not in the best interest of our environment, our safety and most of all, adversely impacts the quality of life of Eastover residents as well as the Eastern New Orleans community. To rely solely upon contractors' discretion to put the proper safeguards in place, when these same contractors have demonstrated very poor track records for maintenance, repair and protection of their property and land, is completely unacceptable, irresponsible, and most of all, dangerous to the affected community. I beg to differ with you, when you say that the Corps bears no responsibility regarding contractor furnished sites, even at the risks involved, as stated in your IER 29 Report. Your responsibility and liability come in your ability to choose. You have a choice. You do not have to choose Eastover; you are not required to choose Eastover. You have heard much more testimony against the Eastover proposed site, than favorable. Colonel Al Lee has received petitions of a significant number of not just Eastover Residents, but Eastern New Orleans residents who are in opposition to the Eastover proposed site, and who will be gravely impacted if you decide to choose Eastover. In addition, you have received the Judgment from the lawsuit filed on behalf of the Eastover Residents, where in fact the judge believed that there was significant concern for the potential risks involved in this project, so much so, that he ruled favorably on behalf of the residents and have asked that this project receive further environmental study because of so many unknown factors. Protection of the people should be the number one concern, not the millions of dollars involved in the money making prospect of the individual contractors involved with this proposal. Please choose from the many alternative sites that you have access to, and that have been proposed to you, that do not disrupt, disturb and place unnecessary risks to environment and safety of residents, and particularly our children, because you do have responsibility for these concerns, you do have CHOICES. Please do not choose Eastover. Thanks for the opportunity to express the concerns of the people.

Tangee Wall, Eastover Resident and Board member for the East N.O.
Neighborhood Advisory Commission (ENONAC)

From: ■■■■■

Sent: Thursday, August 20, 2009 1:44 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - Environmental Justice

the james acosta site, in lower st bernard parish is found outside the flood protection levee system. upon information and belief , it has no local permit. not 500 feet off highway. and most important should be a wetland. it is flooded now from the tide from lake borgne it is coastal tidal land, part of it is used as a cow pasture, the cows are removed when the tide comes up. its use as a pasture does not take away for it being in a wetland, subject to tides and surrounded by a thriving marsh with three corner grass and other things that make it a wet land. to use this as a borrow pit, where the corps has decreed that no such land will be used in levee borrow is wrong. wrong wrong and not in conformity as to what was done in other sites.

the mimimum requirment of the USACE should be to protect the tidal coastline and coastlands subject to ebb and flow of tide in La.

please address this concern

this should be re classsified and re evaluated to have it declared wet, part of our louisiana coast that lies outside the flood protection levee and not destroyed.

From: Rosalind Dupre
Sent: Thursday, August 20, 2009 11:54 AM
To: MVN Environmental
Subject: BORROW1ER29

August 20, 2009

Army Corp of Engineer

ATTENTION: GIB OWEN

RE: Borrow 1ER29

Dear Gib Owen:

I oppose the Borrow 1ER29. I live in New Orleans East, but not Eastover. I am very concerned about my property loosing value and any damages in the future. I am also concerned that this can definitely be a health hazard and or threat to me, my family and all in East New Orleans. I must also mention my concern for the endanderment to young children along with other devastations too many to mention that are threaten by the impact of this Borrow that I unequivocally oppose.

THANK YOU for your ATTENTION to my REQUEST.

Rosalind Dupre

From: paul lesassier jr
Sent: Thursday, August 20, 2009 7:30 AM
To: MVN Environmental; vernon abadie
Subject: Ier29

Stop Please!!!! I LIVE IN new orleans east at Fairways Subdivision and do not want the Borrow pits project to destroy my lifestyle or chances for my community to recover from Katrina!!!! This is a project of sheer greed by the developers within the Eastover property....IT DOES AFFECT ALL OF THE NEW ORLEANS EAST RESIDENTIAL COMMUNITIES IN A VERY NEGATIVE WAY!. Please do not proceed until all questions have been answered to the satisfaction of our community. This happens to the east quite frequently due to the powers of political greed as evidenced by the silence of our supposed representative Cynthia W. Lewis as well as others. It seems that even a State Senator who through all her efforts to help us get the answers, cannot get those involved in this project to assume responsibility for any negative impact this project may have on our community and children. We have invested in the East for comfort and a better standard of living. We do not want our investment jeopardized by the same old political crap that seems to infect our so called leaders of the community. I am sorry if this seems a bit un-professional but what is happening to us is absolutely unacceptable. I personally will organize to stop the trucks even if I have to stand in the front of them until somebody answers the critical questions.

Paul M. LeSassier

From: ■■■■■

Sent: Thursday, August 20, 2009 9:21 AM

To: MVN Environmental

Subject: NOLA Environmental Comment - General Comment

I am OPPOSED to this project due to the impact on surrounding neighborhoods and the negative enviromental impact. I urge that you not approve this project.

From: VERNON ABADIE
Sent: Wednesday, August 19, 2009 5:37 PM
To: MVN Environmental
Subject: IER29

Dear Mr Gib Owen:

Thank you for the opportunity to state my opposition to the proposed IER29. My husband and I are retirees, who invested and reside in Eastover Subdivision. The Borrow proposed in EO is very troubling. The negative impact it will have on this area will be tremendous—the flooding aspect, land and foundation erosion, the truck traffic and staging, liability and endangerment to children, roads (I-10/ service road) and street destructions are only the tip of the iceberg. We are extremely concerned.

I respectfully ask the question who wants a big hole w/dirt piled up, in their neighborhood?

Certainly, not Mr. Pate, who doesn't live in this community. I am concerned that the lung condition my husband is experiencing may be jeopardized further, along with others who have health issues. The entire New Orleans East is being compromised for persons to get money. Dirt may be needed to build levees but, please don't let it be done, to negatively impact the citizens of New Orleans East. There are other areas where homes and lives will not be impacted. Areas where no homes will exist around a Borrow.

WE OPPOSE THIS BORROW, IN THE BEST INTEREST FOR NEW ORLEANS EAST AND ITS RESIDENTS.

From: ■■■■■

Sent: Wednesday, August 19, 2009 1:39 PM

To: MVN Environmental

Subject: NOLA Environmental Comment - General Comment

This note is to express support for the selection of the Eastover site for Clay material to be used to build Levee protection for the New Orleans area.

Robert L and Jean D. White

■■■■ Eastover Drive

6090 Eastover Drive
New Orleans, LA 70128
August 19, 2009

VIA FACSIMILE: 504-862-2088
Gib Owen, PM-RS
U. S. Army Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267

Re: IER 29
Eastover II, Orleans Parish

Dear Mr. Owen:

As residents of Eastover Subdivision in Orleans Parish, please accept the following as our comments regarding the subject Individual Environmental Report 29, entitled, "Pre-Approved Contractor Furnished Borrow Material, Number 4" (IER). Please note that we attended the recent Public Meeting held on August 13, 2009, at the Church of New Orleans, conducted to discuss the sites described in this IER and to provide an update on construction projects in New Orleans East.

While we appreciate the procedural efforts in conducting this meeting, we must respectfully indicate that significant questions remain concerning the proposed project and the potential to include the Eastover location on your list of borrow sites. The intended use of materials from the targeted areas, construction or reinforcement of earthen levees in the hurricane protection system, cannot be argued. However, any *temporary or permanent adverse impacts* associated with removal from the Eastover site cannot be allowed without a mandate for minimization or mitigation of any and all damages to surrounding landowners associated with the activity.

Our primary concerns are as follows:

1. The allowance of an abbreviated or expedited assessment of impacts via the Individual Environmental Report process versus a full Environmental Impact Statement or Environmental Assessment is unwarranted at this point. The basis of the Corps' action to permit this abbreviated assessment in order to expedite levee repair or reinforcement post-Katrina and Rita may have been well-founded in 2007 when this process commenced. However, two years later (four years after passage of the storms) this basis hardly remains viable. In substantially less than four years, a standard Environmental Assessment or Environmental Impact Statement could well have been prepared.
2. Throughout IER 29, are references to adverse impacts (whether in terms of transportation, noise, environmental justice, air quality, visual impacts, or otherwise), are temporary in nature. Without a full assessment, we must ask on what basis has it been demonstrated that these impacts are in fact temporary? We find no definition of "temporary" in the IER, nor do we find any indication of a period of time (other than after construction or removal activities are completed) required for recovery of the areas in fact impacted. We are most interested in a confirmation of the recovery period associated with the proposed removal activity. As well, while we **do not support** classification of the Eastover site as a Contractor Furnished site, we would submit that some form of monitoring

program be required before, during and after any activity which may be authorized. Based on the results of such monitoring program, it should be the responsibility of the contractor to immediately mitigate adverse impact. That mitigation should be a requirement of any authorization, permit or award which is granted by the Corps.

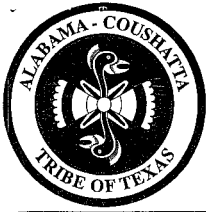
3. It would appear material to a final determination in this matter, that some integration of other project IERs be considered and what impacts (evaluating these removal activities in their totality) should be anticipated by the surrounding communities. Again, one would not argue with the overall objective of this effort – reinforcement of area hurricane protection levees; however minimization of adverse impact and compensatory mitigation, where such impact cannot be avoided, is imperative. The Corps has an obligation to insure that its programs do not create harm in one area (that is not otherwise mitigated) while attempting to correct problems in other areas.
4. Serious data gaps exist with the utilization of the IER approach that must be addressed before approving Eastover site as a Contractor Furnished site. We can find no other residential areas impacted by such a designation. The issues of environmental justice and socio-economic impact are of paramount importance in this instance. Not only are property value considerations warranted, but the physical impacts on existing structures (which have been raised as concerns) must be fully addressed. To date, they have not. A full and complete Environmental Impact Statement and/or Environmental Assessment would provide this much-needed information and allow for the clear delineation of the appropriate minimization/mitigation to be required.

The priority of protecting the people of the City of New Orleans cannot be minimized as a program objective. However, we must also emphasize that this objective should be undertaken with a full and appropriate evaluation of the impacts – not in an isolated and hurried fashion. Due consideration must be given to the totality of actions – physical, economic, aesthetic, and environmental impacts should be fully assessed and made available to the affected community before proceeding in an abbreviated manner. The justification for an abbreviated process has long since lapsed. We urge you to allow for a full evaluation of impacts on our community and property.

Your consideration of our comments is certainly appreciated.

Sincerely,

Mr. and Mrs. Jeffery A. Gates



ALABAMA-COUSHATTA TRIBE OF TEXAS

571 State Park Rd 56 • Livingston, Texas 77351 • (936) 563-1100

August 14, 2009

Gib Owen
U.S. Army Corps of Engineers
New Orleans District
P.O. Box 60267
New Orleans, LA 70160-0267

Dear Mr. Owen:

On behalf of Chief Oscola Clayton Sylestine and the Alabama-Coushatta Tribe, our appreciation is expressed on your agency's efforts to consult us regarding Individual Environmental Report #29, Pre-Approved Contractor Furnished Borrow Material #4, for Orleans, St. John the Baptist, and St. Tammany Parishes.

Our Tribe maintains ancestral associations within the state of Louisiana despite the absence of written records to completely identify Tribal activities, villages, trails, or grave sites. It is our objective to ensure any significances of Native American ancestry including the Alabama-Coushatta Tribe are administered with the utmost attention.

Upon review of the July 22, 2009 documents submitted to our Tribe, we object to Table 2 "Summary of Section 106 of NHPA correspondence" within the cultural resources section. Attached are internal copies of letters forward by this office in response to letters sent by the New Orleans district dated August 12, 2008 and September 26, 2008 wherein our responses were submitted September 4, 2008 and October 21, 2008, respectively.

Our responses indicate no known impacts to religious, cultural, or historical assets of the Alabama-Coushatta Tribe of Texas should occur in conjunction with these proposals. We request the absence of these responses within Table 2 be noted within the final decision despite any minimal impacts that could knowingly occur.

Additionally, in the event of inadvertent discovery of human remains and/or archaeological artifacts, activity in proximity to the location must cease and appropriate authorities, including this office, notified without delay. Should you require additional assistance, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Celestine".

Bryant J. Celestine
Historic Preservation Officer

Jacqueline Mae Goldberg-Brehm
Post Office Box 871034
New Orleans, LA. 70187-1034

VIA U.S. MAIL AND FACSIMILE 504-862-2088

August 17, 2009

Mr. Gib Owen
U.S. Army Corps of Engineers
Planning, Programs and Project Management Division
Environmental Planning and Compliance Branch
CEMVN-PM-RS
Post Office Box 60267
New Orleans, Louisiana 70160-0267

RE: Draft Individual Environmental Report #29

Dear Mr. Owen:

As a reiteration to the remarks I made at the August 13, 2009 public hearing on the aforecaptioned IER, please note for the record my question is one of financial protection as the owner of immovables located in New Orleans East.

More in particular, I call your attention to the second paragraph on page 98 of the draft IER #29 which notes the landowner and contractor "could potentially cause damage to the neighboring homes" if the borrow pit is not designed by them to discourage "site sidewall erosion or increase flood risk".

My questions are:

- (1) Will the landowner and contractor be immune from litigation as is the U.S. Army Corps of Engineers?
- (2) What form of financial protection, if any, will the landowner and contractor be required to post to protect me if I do sustain damage as a result of their going forward with

August 17, 2009
Mr. Gib Owen
Page 2 of 2 Pages

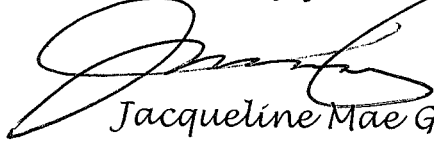
the project?

- (3) Will they be held liable jointly, severally or in solido?
- (4) What will be the prescriptive period to file suit especially in light of the fact that damages may not be known for several years?
- (5) How long will it take to make me whole for damages my immovables sustain as result of this project?

I do not believe the twenty-five million dollars Mr. Pate spoke of will be sufficient to cover the potential damages this project could cause. In my estimation, it will be billions. I suggest a panel of experts in the fields of real estate, construction, accounting and etc. be established to determine this number.

Thanking you for your courtesy in considering my comments on this matter, I am

Very truly yours,



Jacqueline Mae Goldberg-Brehm

JMG-B/st

CC: Mr. Sherman N. Copelin, Jr., President
Eastover Property Owners Association

Mr. Donald E. Pate, President
Country Club of New Orleans

Fax Confirmation Report

Date/Time : AUG-17-2009 04:21PM MON
Fax Number : 15042559476
Fax Name : workcentre4150
Model Name : WorkCentre 4150

No.	Remote Station	StartTime	Duration	Page	Mode	Job Type	Result
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Abbreviations:

HS: Host Send PL: Polled Local CP: Completed TS: Terminated by System
HR: Host Receive PR: Polled Remote FA: Fail RP: Report G3: Group3
WS: Waiting Send MS: Mailbox Save TU: Terminated by User EC: Error Correct MP: Mailbox Print

Jacqueline Mae Goldberg-Brehm
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- (1) Will the landowner and contractor be immune from litigation as is the U.S. Army Corps of Engineers?
- (2) What form of financial protection, if any, will the landowner and contractor be required to post to protect me if I do sustain damage as a result of their going forward with

- *Eastover Phase II*

Direct Impacts

The proposed Eastover Phase II borrow area is directly adjacent to the Eastover subdivision. Several homes in the Eastover subdivision border the Gannon Canal on the edge of the proposed contractor-furnished borrow area. Nearby residents may experience temporary, construction-related impacts such as degraded air quality, increased noise, and increased congestion on neighboring roadways. Trucks accessing the proposed contractor-furnished site would use East Point Court, which also serves as the I-10 East service road. Roads near the site that will also likely be used by trucks using the proposed Eastover Phase II borrow area are I-510 and Lake Forest Boulevard. Access to the site would not be provided from any of the residential streets inside the Eastover subdivision. Crews would likely work between 10 and 14 hours a day, 7 days a week, given the urgency of the task of completing the HSDRRS. The duration of construction is dependent on work schedules, weather conditions, and borrow need, none of which are known at this time. Congestion impacts are discussed further in section 3.3.2.4.

The proposed Eastover Phase II borrow area could be designed to not directly or indirectly damage nearby structures, encourage borrow site sidewall erosion or increase flood risk. However, the landowner and his contractor, not the CEMVN, are responsible for borrow site design. If the borrow area is not designed by the landowner and his contractor in such a fashion, it could potentially cause damage to neighboring homes. Otherwise, no permanent impacts to population and housing are expected. Impacts to population would last only through the excavation period, and there would be no displacement of any population.

An open borrow area may also pose a safety hazard to neighboring population if no barrier is erected around it. An open borrow area could pose a potential safety hazard to children in the adjacent Eastover community. There is also a potential danger to persons driving along the road bordering the proposed borrow area. While the decision to fence off the proposed borrow area is that of the landowner and his contractor, not the CEMVN, neighboring residents should use caution around these areas.

Indirect Impacts

There would be no indirect impacts to population and housing in the vicinity of the proposed borrow area as a result of the proposed action.

Cumulative Impacts

Excavation of the proposed Eastover Phase II contractor-furnished borrow area could temporarily contribute to cumulative population and housing impacts in the project vicinity. In addition, the approved Eastover Phase I contractor-furnished borrow area could also temporarily contribute to cumulative population and housing impacts in the project vicinity. Nearby residents may experience temporary, construction-related impacts such as degraded air quality, increased noise, and increased congestion on neighboring roadways. All impacts would last only through the construction period. Potential cumulative impacts to population and housing depend on what the landowner decides to do with the approved Eastover Phase I and proposed Eastover Phase II borrow areas following excavation.

Public Meeting: IER #29

13 August 2009

Meeting notes follow.

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IER 29 BORROW AND NEW ORLEANS EAST
CONSTRUCTION PUBLIC MEETING TAKEN AT THE CHURCH
AT NEW ORLEANS, 11700 CHEF MENTEUR HIGHWAY, NEW
ORLEANS, LOUISIANA 70129 ON THE 13TH DAY OF
AUGUST 2009 COMMENCING AT 6:30 P.M.

♀

1

MS. ALLEN:

2 Good evening. Thank you for
3 attending this evening's meeting
4 on Individual Environmental
5 Report. That is IER 29, and also
6 our New Orleans Risk Reduction
7 Project. I am Nancy Allen. I'm
8 the Chief of Public Affairs for
9 the Hurricane Protection Office.

10 Since 2007 we have had 70
11 meetings at which we have
12 discussed borrow and more than 25
13 meetings to discuss work in New
14 Orleans East. We have also
15 talked to a number of
16 neighborhood associations in
17 civic group meetings. If this is
18 your first time, we thank you for
19 being here, for coming out
20 tonight, and if you have been
21 with us before, we want to thank
22 you for your continued support
23 and involvement. I'm just going
24 to do a housekeeping things and
25 then we're going to get started.

3

1 If you have your Blackberry's or
2 cell phones with you please set
3 them to vibrate or turn them off.
4 Also please note that we have
5 emergency exits in the back of

6 the room, anything should happen
7 please exit in an orderly
8 fashion. I do want to tell
9 everybody that we do have a court
10 reporter here. It's very
11 important that if you want to
12 make a comment or question that
13 you do so from the mic so that
14 she can properly record
15 everything that takes place
16 tonight.

17 The primary purpose of
18 tonight's meeting is to discuss
19 IER 29. This is the
20 environmental document for three
21 contractors supplied borrow pits
22 in New Orleans East -- sorry.
23 One in New Orleans East, Eastover
24 Phase 2 and then Tammany Holding
25 in Slidell and Willow Bend Phase

4

1 2. We are also going to update
2 you on some of our current and
3 upcoming work in New Orleans
4 East. Work on the levees, flood
5 walls, floodgates and structures
6 that are going to provide the one
7 hundred year risk reduction to
8 this area of the city. Tonight
9 we're going to have with us

10 Colonel Robert Sinkler, who is
11 the Commander of the Hurricane
12 Protection Office, and Jason
13 Cade, who is the senior project
14 manager for levees and flood
15 walls in New Orleans East. Later
16 on I'm going to introduce some of
17 our other team members. We do
18 have some elected officials and
19 staff with us tonight. We have
20 State Senator Duplessis. Did I
21 say that correctly? Hue Truong
22 from Congressman Gow's (ph)
23 office, if I am saying that
24 right, and Devona Dolliole from
25 Congressman Arnie Fielkow's

♀

5

1 office. We thank you for being
2 with us this evening. Are there
3 any other elected officials or
4 staff representatives that I
5 missed?

6 I'm going to ask that you let
7 us go through our entire
8 presentation, it's very short,
9 before asking questions. We do
10 have a number of project managers
11 here to answer your questions and
12 we will do that after the
13 presentation. You will have

14 approximately three to five
15 minutes to make your
16 presentations or comments, and,
17 again, I just can't stress enough
18 please hold them and make them
19 for the microphone in on orderly
20 fashion so we can get everything
21 on the record. We really want
22 your input. We want to hear what
23 you have to say. We want to
24 answer your questions. We only
25 ask that we all respect each

6

1 other and allow us to hear all of
2 you. So I'm going to turn other
3 to Colonel Sinkler for some brief
4 remarks.

5 COLONEL SINKLER:

6 I'm not going to say too much
7 just because we have a lot of
8 people here and I want to make
9 sure we get to everyone. First of
10 all, how many of you are from the
11 New Orleans East area? Okay.
12 How many are you not? Where are
13 you guys from. St. Tammany.
14 Northshore. Okay. Anybody else?
15 Okay. Great. I just want to get
16 a feel for the audience and kind
17 of gather our presentation for

IER 29 BORROW MEETING.txt
18 the folks that are sitting out
19 there.

20 The most important thing for
21 us is to make the best decision
22 as possible as we're finishing up
23 the hurricane storm damage risk
24 reduction system. As you know,
25 we have a real short timeline.

7

1 We're trying to get a lot of
2 stuff done by 2011, and the Corps
3 of Engineers really has not
4 constructed a project in its
5 history this size in a short of
6 time, so we do appreciate
7 everybody's support and we really
8 prepare the great turn out
9 tonight because we make better
10 decisions with your input, and
11 this is really, as all of you
12 know, a project that we're
13 constructing is -- is really for
14 all of us and for everyone that
15 works, lives behind the hurricane
16 storm damage risk reduction
17 system. I did ask -- I know some
18 of the fliers went out earlier --
19 early on and we're going to focus
20 heavily on borrow, and that is
21 the primary purpose of this

IER 29 BORROW MEETING.txt
22 presentation tonight, but I did
23 want to throw a few slides
24 upfront and just kind of give you
25 an update on what is going on

8

1 around the Orleans East area, so
2 if you just bear with us and
3 we'll take a few minutes and do
4 that. Thanks.

5 MS. ALLEN:

6 We would like to begin our
7 presentation with this slide that
8 we call buying down risk. And
9 this is really just illustrating
10 how everybody shares the
11 responsibility in reducing risk.
12 It is hurricane season, we all
13 have our evacuation plans.
14 Please have your plans ready,
15 have your family ready if that
16 should occur and heed evacuation
17 orders. There is always risk,
18 but there are things that
19 everybody can do to reduce that
20 risk.

21 This gives you an overview of
22 what we call the hurricane and
23 storm damage risk reduction
24 system. It's a very long title.
25 You will hear it referred to as

1 the system or the HSDRRS. It
2 features flood walls, levees,
3 surge barriers, pump stations,
4 floodgates, all of the things
5 that work together to reduce risk
6 as a system. It is being
7 designed and constructed for the
8 one hundred year risk reduction.
9 What that means is that we are
10 reducing risk from a storm surge
11 that has a one percent chance of
12 occurring in any given year, so
13 those are some terms that you
14 will hear tonight. And while
15 we're here, we're here to listen
16 to you. We're here to hear your
17 comments and concerns and to
18 answer your questions. We are
19 guided by something call the
20 National Environmental Policy
21 Act, NEPA, which requires us to
22 do these meetings, but we want to
23 be here, we want to hear what you
24 have to say and we're very
25 interested in hearing that so we

10

1 can make more informed decisions.
2 With that, I'm going to turn

3 it over to Jason Cade. Jason is
4 our project manager to give you
5 some updates on the construction
6 that will be happening in your
7 area.

8 MR. CADE:

9 All right. Good evening.
10 Again, my name is Jason Cade and
11 I'm going to cover some of the
12 projects that we have occurring
13 in the New Orleans East area.
14 One of the first projects that we
15 have --

16 AUDIENCE MEMBER:

17 We can't hear you.

18 MR. CADE:

19 I am sorry. The first
20 project that we have is our LPV
21 108 project. Basically what LPV
22 stands for is Lake Ponchartrain
23 vicinity. So we basically
24 identify all of our projects by
25 project number. This LPV 108

11

1 project is from Paris Road to
2 South Point is currently one of
3 our projects that are under
4 construction. And what we're
5 doing is we are raising the
6 existing levee that is out there

7 to roughly 18 feet. It's been
8 under construction for the last
9 eight months or so, and we're
10 about 90, 95 percent complete
11 with the project currently.

12 The next project that I have
13 is the LPV 113 project. This is
14 a project that is being done for
15 NASA, and what we're doing is
16 we're raising the existing levee
17 that they have out there that is
18 along the Michoud Canal. Its
19 current elevation is roughly 16
20 feet and we are raising it up to
21 about 19.5 feet. We're adding
22 breakwater and stuff of that
23 nature. And that's been awarded
24 to Purnell Construction and they
25 are actually a locally owned and

12

1 operated small business here in
2 New Orleans or New Orleans area.

3 Next slide. All right. One
4 of the more impressive projects
5 that we have underway is our IHNC
6 surge barrier project. This
7 project was basically authorized
8 in 2006. It's one of the largest
9 design built projects that the
10 Corps has ever undertaken and we

11 basically have crews that are
12 working around the clock to have
13 this done by 2011. Basically
14 it's got a lot of impressive
15 features that are taking place
16 and it's definitely a massive
17 project that is underway.

18 All right. Basically what
19 this map shows is the projects
20 that we have which range from LPV
21 105, 106, 107, 108, 109, 110, 111
22 all around the East, and what we
23 identify here are some of our
24 upcoming contracts like LPV 105
25 contract, LPV 106, 107, 109 and

13

1 110, and also the projects that
2 we have that are currently under
3 construction, which is our LPV
4 108 project and our 113 project,
5 and we have a contract method
6 that is called ECI, which is our
7 111 project and I will talk a
8 little more later about some of
9 the benefits of using ECI as an
10 approach and how it gives us
11 innovative designs and helps us
12 move the project faster.

13 All right. One of the
14 projects -- another project that

15 we have is LPV 105 project. This
16 is at Lakefront. And basically
17 we're doing a couple of different
18 things for this project. One of
19 the things we're doing is we are
20 adding gates at Downman Road and
21 Jordan Boulevard, and we're also
22 building T-walls, existing that
23 is out there. We're going to do
24 offset T-walls and we are taking
25 it up to a rough elevation of

14

♀
1 15.5 feet, and we're also doing
2 levee -- basically from where the
3 105 sign is over is going to be
4 basically just levee project and
5 we're going to have that at
6 roughly 13 feet.

7 Our next project is LPV 106,
8 and this is our citrus levee, and
9 what we're doing is raising the
10 existing levee that is out there
11 from roughly 11.8 feet up to 13
12 feet, and we're doing things like
13 we're installing positive cutoff
14 flow valves and things of that
15 nature, and one thing that I
16 would like to point out with this
17 one as well as our previous
18 project is around the December,

19 January timeframe we expect to be
20 under construction and you will
21 actually see that with a lot of
22 these projects come December,
23 January timeframe they will all
24 be under construction.

25 All right. Our next project

15

1 is LPV 107 and this is our
2 Lincoln Beach levee and gate
3 project. Basically what we have
4 there is an existing gate system
5 and what we're going to do is we
6 are going to replace the existing
7 gate with a new -- new gate that
8 is going to be at a higher
9 elevation, and we expect to have
10 that elevation -- it's going to
11 be about 15.5 feet, but the same
12 as the rest of the contracts,
13 around January 2010 we expect to
14 have this project under
15 construction.

16 Next project we have is our
17 LPV 109.02A project. This is
18 from basically South Point to CSX
19 Railroad, and it runs from this
20 top point all of the way up here
21 all of the way down, and so what
22 -- we have a couple of different

23 actions that we're doing. The
24 109.02A project is raising the
25 levee from -- raising the

16

1 northern portion of the current
2 levee from elevation 13 to 22
3 feet is what it is now. We're
4 taking it all of the way up to
5 roughly 15 to 28 feet. We're --
6 same thing, we expect to be under
7 construction with this one by
8 March, but we are also using some
9 innovative approaches that we
10 expect to get us under
11 construction a lot sooner such as
12 early sand placement and things
13 of that nature. So though we're
14 saying we won't be in
15 construction until March, we will
16 actually have construction
17 activities underway here and in
18 actually about less than a month
19 here, I believe, at this point.

20 Next slide. All right. Our
21 109 -- LPV 109.02 project, this
22 is our I-10 crossing. This is
23 basically by the Bayou Sauvage,
24 and this is I-10. What we're
25 doing is -- there's actually an

17

1 existing ramp. Probably pretty
2 hard to see with the eye when you
3 are driving over there, but right
4 now it's currently at 13.5 feet
5 elevation, and what we're going
6 to do is we are going to raise
7 that elevation to roughly 16.5
8 feet, and when we raise it, we'll
9 tie into the existing 109.02A
10 levee, and same thing, we expect
11 to be under construction with
12 this project roughly by February
13 2010.

14 Okay. Next project we have
15 is our LPV 109.03C project. This
16 is along Highway 11 and Highway
17 90. Basically there are existing
18 gates that we have out there.
19 You know, through a lot of design
20 analysis and so forth we
21 determine that we want to raise
22 the elevation of these gates that
23 are out there. What we're going
24 to do is we are going to have the
25 existing gates in place, we're

18

1 going to make all gates and have
2 the existing gates remain in

IER 29 BORROW MEETING.txt
3 place until the new gates that
4 we're installing are put in place
5 and are tied into the new propose
6 -- the alignment that we're going
7 to have for the LPV 109.02A
8 project.

9 Next project we have is our
10 LPV 110 project and this is a CSX
11 Railroad gate. The one thing
12 that I like to point out about
13 most of the 109 projects is that
14 they are really in the middle of
15 nowhere. They start off by the
16 Bayou Sauvage, U.S. Fish and
17 wildlife Reserve and go all of
18 the way down to the GIWW, and so
19 basically this gate right here
20 allows for rail traffic from CSX
21 to entering and exit the city.
22 So what we have done is we
23 analyzed elevation that we have
24 had there, we determine that he
25 we want to build more T-wall and

19

1 we want to raise the elevation of
2 the gate that is there from the
3 existing 20 feet to 30 feet, so
4 we're going up basically over 20
5 feet for this gate. And we
6 expect this contract to be

IER 29 BORROW MEETING.txt
awarded by February 2010.

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All right. Next project we have is our LPV 111.01 project, and this is from basically where the CSX Railroad was where I pointed on the other slide along the Michoud canal. Now, what we're doing for this project -- let me cover elevations first. Raising it from roughly 19 feet to 24 and 27 feet along that alignment. This is one of the contracts that we're using our ECI process and basically what ECI is is Early Contractor Involvement, and the traditional method of construction is design, bid, build. You design it, you bid the job and then you build

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it. What the ECI process does is allows us to design and build simultaneously. Now, on top of that it also gives us a more informed design. It not only allows us to start construction early but it allows us to have the construction contractor as well as the designer in the same room and come up with innovative

IER 29 BORROW MEETING.txt
11 ways, cost effective ways and
12 ways to most importantly reduce
13 the construction duration to have
14 this protection in place as soon
15 as possible, and this one has
16 actually been awarded and it's
17 underway right now as we speak.

18 All right. Our LPV 111.02,
19 this is Pump Station 15. This is
20 also part of our ECI contract.
21 So the same premise. We expect
22 to have a far better, more
23 informed design. We expect to
24 reduce the construction duration.
25 what's out there now is an

21

1 existing T-wall. We are -- the
2 T-wall is roughly 24 foot
3 elevation and we're going to
4 raise that T-wall to roughly 30,
5 30.5 foot elevation.

6 All right. Borrow. Borrow
7 is basically clay material and
8 what we do is through intense
9 analysis and research, we
10 determine the best places to get
11 our borrow from. Borrow is
12 basically what the levees are
13 made out of, just a clay material
14 that we build our levees systems

IER 29 BORROW MEETING.txt
15 out of. We have investigated
16 over four hundred million cubic
17 yards worth of material areas to
18 see what borrow material meets
19 our stringent requirements.
20 Through that process we have
21 identified about 74 million cubic
22 yards that will meet our testing
23 requirements that will be
24 incorporated into our levee
25 system. Currently the Corps,

22

♀
1 we're looking for approximately
2 62 million more cubic yards of
3 clay material. Now, quick note,
4 all of this material won't be
5 used in the New Orleans East
6 area. This material will be used
7 throughout our system, you know,
8 and that runs from St. Bernard to
9 New Orleans East, New Orleans
10 metro, so the material can be
11 used in a wide variety of places.

12 All right. Individual
13 Environmental Report No. 29, IER
14 is titled: Contractor Furnish
15 borrow Material No. 4, and we're
16 investigating environmentally
17 what sites that we're clearing
18 and that's basically our Eastover

IER 29 BORROW MEETING.txt
Phase 2, which is Orleans Parish.
Tammany Holding Company, and
that's in St. Tammany Parish.
willow Bend Phase 2, and that's
in St. John Parish. Release for
public comment period on July 22,
2009 and the comment period

23

1 closes August 20, 2009. And I
2 just want to reiterate again as
3 Nancy said, the whole premise
4 behind the meeting here is to get
5 public input. We really want you
6 guys to provide us your input,
7 your comments, and if there's
8 things that we can't answer for
9 you this evening, we will
10 definitely and I will definitely
11 get back with you on anything
12 that we can't answer.

13 Sources of borrow. We have
14 three type of borrow. We have
15 our government furnish, which is
16 the material is tested and
17 acquired by the government. We
18 have our contractor furnished,
19 which is the material is tested
20 by the landowner, he is
21 responsible for the testing of
22 the material. He basically

IER 29 BORROW MEETING.txt
23 submits the information on the
24 material to the government for us
25 to approve it, and the

24

♀
1 acquisition method is between the
2 contractor and the landowner,
3 which basically that means that
4 the contractor buys the land, the
5 pit from the landowner. The
6 third method we have is a supply
7 contract, which is pretty similar
8 to the contractor furnished.
9 It's the material tested by the
10 landowner, submitted -- submit
11 documentation for the Corps to
12 review. We make sure that it
13 meets our stringent requirements
14 and then the acquisition process,
15 once again, that's between the --
16 that's between the landowner and
17 the Corps.

18 All right. On this map this
19 basically shows -- it shows where
20 the different pits are located.
21 It shows where Willow Bend Phase
22 2 is, where the Eastover Phase 2
23 pit is as well as where the
24 Tammany Holding pit is.

25 Okay. On this slide this

25

1 shows some of the government
2 furnished pits, some of the
3 supply pits and contractor
4 furnished pits. Basically the
5 two government pits that we have
6 are Cummings North and Maynard,
7 and we have actually been using
8 some of the material from these
9 pits on some of our levees, for
10 example, our LPV 106 and our LPV
11 108 project.

12 MS. ALLEN:

13 As Jason mentioned, we have
14 IER 29 currently out for public
15 review, and then IER 30, which
16 covers contractor furnished
17 borrow material No. 5 was
18 released yesterday and it will be
19 -- tomorrow, sorry. It will be
20 released tomorrow and there will
21 be a 30 day public comment
22 period. All of our copies are
23 available at
24 nolaenvironmental.gov. We have
25 several upcoming public meetings.

26

1 Not going to read through these.
2 We have copies of the
3 presentation and I think we will

4 get more copies of the
5 presentation. It will be online
6 tomorrow. The presentation will
7 be online tomorrow.

8 All right. Ways that you can
9 give us your public input.
10 Regular public meetings, make
11 sure you sign in if you didn't
12 sign in coming in, please do that
13 when you leave. Comments can be
14 submitted all of the time at
15 nolaenvironmental.gov and then
16 there's information about how to
17 submit comments on IER public
18 review. We have two websites
19 that you might want to check out.
20 One is, as I mentioned,
21 nolaenvironmental.gov. The other
22 is our Corps of Engineers
23 website, www.mvn.usace.army.mill.
24 All right. We're going to move
25 to our question and answer

27

1 period. I know a number of you
2 have come to previous meetings so
3 what we thought we would do is
4 kick it off with some questions
5 that we hear frequently. We're
6 going to go ahead and bring some
7 of our folks up to answer these,

8 and then we'll continue with your
9 questions and comments. We have
10 the facility until 9 p.m. so
11 we're going to keep the floor
12 open and keep working with you.
13 We do have our team available
14 also afterwards. You were handed
15 a questionnaire when you walked
16 in. If you will please fill out
17 that and leave it for us, that
18 will be great. We -- if you --
19 we want to answer your questions.
20 If you still have a question or a
21 concern when we leave here,
22 please find one of us that I'm
23 about to introduce and ask us.
24 As I mentioned, we will take
25 questions and comments from the

28

1 microphones. Again, we have
2 someone here recording. It's
3 very important that you line up
4 at the microphones when we ask
5 you to. We wait -- you wait
6 until you are called upon and
7 acknowledged and then we will
8 turn the floor over to you. So,
9 again, please state your name
10 when you make a comment, use the
11 microphone. We ask you to limit

12 it to three to five minutes
13 because we do have a lot of folks
14 here tonight and we want to hear
15 from you. Please respect each
16 other's time and we look forward
17 to hearing what you have to say.

18 I'm going to introduce some
19 of our team members and then we
20 are going to get started on a few
21 of these questions.

22 We have from our borrow team,
23 Tutashinda Salaam and Soheila
24 Holley. We have from the real
25 estate team, Joe Kopec and Deana

29

1 walker. Some of our geotechnical
2 engineers, Richard Pinner and Ken
3 Tulia (ph). And I think that's
4 it. We have other experts -- and
5 we have Gib Owen from
6 Environmental, who is very
7 important. And I see that we
8 have been joined by councilwoman
9 Clarkson. Thank you for being
10 here. I was going to ask Senator
11 Duplessis to make a few comments
12 and councilwoman Clarkson, if you
13 would like to make some comments
14 before we get started, you are
15 welcome to do that. We are going

16 to run through some questions and
17 then I will turn it over to
18 you-all.

19 Okay. So some of the
20 questions that we have heard, and
21 ask Richard if you will come up.
22 Yeah.

23 "What factors are considered
24 when designing a borrow site?"

25 MR. PINNER:

30

1 Some of the things -- I am a
2 geotechnical engineer. When I say
3 a borrow site it's more than just
4 a hole on the ground. I look at
5 a borrow site that is normally
6 designed by a civil engineer. We
7 look at the first thing is some
8 of the factors we look at is
9 material suitable for levee fill.
10 That's one of the first things
11 that we look for. Next thing
12 that we determine if from our
13 environment people it has been
14 cleared to use as a borrow pit.
15 And the other thing we have to
16 look for, like I said, just not a
17 hole in the ground, we look at,
18 okay, how much borrow material we
19 need for that site, so this is to

20 determine how big of a borrow
21 site you need. The other things
22 that you might be looking at is
23 staging areas. You know,
24 contractor need to stage his
25 equipment out. He's going to

♀

31

1 have to stock pile his material.
2 And also process material. When
3 I say process material, you have
4 to dig material out of the ground
5 and you either process it at the
6 borrow site or bring it to his
7 construction site. You need to
8 dry that material out before we
9 put in our levee fill. And also
10 from a geotechnical standpoint,
11 we had to design that borrow pit.
12 we look at -- we inline the
13 system to make sure we don't have
14 any problems and also we make
15 sure that we don't impact the
16 surrounding structures or
17 roadways, and that's part of our
18 design procedure. We look at
19 global stability. We look at
20 seepage, you know, if you have
21 sand underneath your borrow pit,
22 you make sure you don't hit
23 bottom. That's a government

24 determined borrow pit. If the
25 contractor determine borrow pit,
32

♀
1 that contractor needs to go
2 through his own procedures. He
3 needs to meet all of the rules
4 and regulations of the city codes
5 and ordinances. That is his
6 responsibility. And that's, you
7 know, some of the factors that we
8 look at for a borrow site and not
9 just a borrow pit.

10 MS. ALLEN:

11 Another question we hear
12 frequently, "how will the
13 stability of homes be impacted by
14 excavated borrow sites?"

15 MR. PINNER:

16 One of the things that I
17 looked at here is, you know, for
18 government furnished borrow pit,
19 again, we design that pit. When
20 we design that pit, we make sure
21 we don't impact the surrounding
22 structures. Again, adequately
23 design the pit to make sure --
24 you look at, you know, what
25 impacts you might have on global

♂
33

1 stability and how close are your
2 structures. You are going to
3 have some local impact on the
4 groundwater, and that very local
5 next to that borrow pit you
6 design for that conditions.
7 Again for the contractor borrow
8 pit, he needs to, again, design
9 his own borrow pit. He is
10 responsible for that pit. That is
11 a private pit, it's not owned by
12 the government.

13 MS. ALLEN:

14 "Will excavated borrow sites
15 fill with water and where does
16 that water come from?"

17 MR. PINNER:

18 Most borrow pits will fill
19 back with water. We have many
20 borrow pits in the New Orleans
21 East, old borrow pits. One of
22 them is Lake Bullard. That is an
23 old borrow pit they used to raise
24 -- you know, build I-10. The
25 water that fills in their borrow

34

1 pit is the groundwater, is
2 adjacent groundwater. That ground
3 water will seep into that borrow

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4 pit. Also the rain, rainfall in
5 this area also fill in the borrow
6 pits, so over time that borrow
7 pit will fill with water back to
8 the surrounding groundwater in
9 that area. You know, this is --
10 like I had said, many borrow
11 pits, if you drive around the
12 City of New Orleans you have
13 borrow pits. I think if you go
14 down to Kenilworth you have
15 another lake in that area and
16 also across the interstate along
17 of I-10. Those -- you know, and
18 that definitely will fill with
19 water.

20 MS. ALLEN:
21 "Who governs required permits
22 of construction contractors?"
23 Okay. Our contractors are
24 required to have all applicable
25 local, state, environmental

35

1 permits, anything that they are
2 required to have they are
3 required to have that and they
4 are required to comply with all
5 local, state and federal laws.
6 Soheila, I think you are up.

7 "How does the government" --

8 I am sorry, that's a real estate
9 question. Joe is going to answer
10 this.

11 "How does the government
12 determine the price that will be
13 paid for borrow?"

14 MR. KOPEC:

15 For the government furnish
16 borrow pits, the compensation is
17 based on the estimate of market
18 value is determined by an
19 appraisal. It's very close to a
20 land transaction where the
21 appraisal estimates the market
22 value of the interest acquired.
23 Generally because of the size of
24 the permits it's expressing so
25 much per acre.

♀

36

1 MS. ALLEN:

2 Jason, "will contracts will
3 be awarded to Louisiana
4 businesses?"

5 MR. CADE:

6 That's actually a very good
7 question. Simple answer is yes.
8 I like to point out that the
9 Corps of Engineers has a very,
10 very, very robust small business
11 program, and to that end, our

IER 29 BORROW MEETING.txt
12 system has a rough cost of about
13 \$14 billion, and of that \$14
14 billion system, about 1.4 to 1.9
15 billion is targeted to small
16 business, and there are several
17 different types of small
18 business. You have service
19 disabled veteran small business.
20 You have a hub zone business,
21 which is underutilized area. You
22 have 8A business, so, yes,
23 basically, as a matter of fact,
24 we do have several contracts
25 right now. Our LPV 108 is a

37

♀
1 small business contract. The
2 hauler, the people that drive the
3 trucks are from the area and the
4 companies is from the area.

5 MS. ALLEN:

6 Thank you. "And will borrow
7 sites be fenced?"

8 MR. CADE:

9 Basically for government, for
10 government pits the borrow sites
11 will be fenced during
12 construction. As far as the
13 contractor control pits, the
14 supply contracts, it's up to the
15 contractor to make sure that he

16 IER 29 BORROW MEETING.txt
17 meets all local, federal, state
18 guidelines that are required for
19 him to fulfill.

20 MS. ALLEN:

21 Thank you. I'm going to ask
22 Senator Duplessis would like to
23 make a couple of comments and
24 then councilwoman Clarkson.

25 MS. DUPLESSIS:

Thank you very much, and we

38

1 want to thank you for coming out
2 to Eastern New Orleans tonight to
3 share with us the plans for
4 hurricane protection and all of
5 the wonderful things that you are
6 doing. You know, tonight you are
7 going to have a variety of
8 concerns that will be addressed
9 to the Corps, a lot of which you
10 probably will not be able to
11 answer tonight. I think that I'm
12 going to speak for me, I have a
13 lot of concerns, many concerns of
14 a number of which I have placed
15 in a letter to the Corps, to the
16 City Hall, to the Mayor, to
17 anybody that will listen about
18 the impact that this particular
19 project in -- at the Eastover

IER 29 BORROW MEETING.txt
20 site will have on the community
21 as a whole, so I'm not going to
22 get on my high horse yet, I'm
23 going to let other folk talk
24 first, but I just want to thank
25 you for coming out, giving us

39

♀
1 information, and hopefully we can
2 leave the meeting tonight with a
3 clear direction about how we
4 feel, truly feel about this
5 particular project. Thank you.

6 MS. CLARKSON:

7 Thank you for this
8 opportunity. I'm Jackie
9 Clarkson, your Councilwoman At
10 Large. And I was thrilled to be
11 invited because now that I have
12 the whole city I want to be as
13 diligent in the East as I have
14 been in the west, on the westbank
15 and get to know your issues and I
16 have been trying to follow them
17 very closely, but -- but I have
18 been following the Corps very
19 closely and they know it, and I
20 stay pretty much on their necks,
21 so I'm here to see everything
22 that will be -- I'm here to hear
23 everything that will be discussed

IER 29 BORROW MEETING.txt
tonight in terms of what they are
doing for you. You are the most

40

vulnerable part of our city. You
are a very priceless part of our
city. We want every inch and
every one of you back. We want
sustainability. We want --
that's why the master plan, and I
know it's been controversial out
here and I'm the author, but the
reason as a 40 year realtor for a
master plan with a comprehensive
zoning code, the force of law is
you don't get projects you don't
want, you don't get landfills.
You don't get borrow pits if they
are not supposed to be there. You
don't get bars instead of grocery
stores. That's what it's all
about. That's what it's all
about and putting it in stone,
and that's why I'm determined to
get that done for this city
because Katrina taught us a good
lesson. We were already not
using solid principles in our
zoning approaches, in my opinion,

41

1 as someone that's done it
2 professionally, but since Katrina
3 it's even more critical that we
4 are careful about what we allow
5 to happen in neighborhoods and in
6 order to preserve quality of life
7 and sustainability, so this is
8 critically important to me and I
9 don't understand -- I mean,
10 everything that they are doing
11 out here we're watching, the
12 whole council is watching, and
13 especially as far as flood
14 control and hurricane protection,
15 but the borrow pit is something
16 that I have yet to understand why
17 we're doing, and -- I don't know
18 -- I mean, I don't know if -- and
19 I don't know if I'm right or
20 wrong, I will admit right
21 upfront, but I have no idea why
22 you go into the most elegant,
23 lovely subdivisions in the entire
24 city and start building a hole.
25 I don't get it. So I really,

42

1 truly don't get it, so I'm here
2 to find out if there is something
3 that I have been missing. I'm
4 going to be very honest with you,

5 I'm known for that, so I'm here
6 to learn, I'm here to hear your
7 opinions, and my door is open to
8 you, my phone is open to you for
9 anything else that, you know, we
10 have neglected to keep up with
11 out here on your behalf. Thank
12 you again for inviting me.

13 MS. ALLEN:

14 Thank you, ma'am. Okay. I
15 think we're going to start Q and
16 A and Councilwoman Clarkson has
17 so elegantly asked the first
18 question, and I think Soheila
19 might like to speak to that.

20 MS. HOLLEY:

21 Good afternoon. Soheila
22 Holley, senior project manager
23 for the borrow team. In your
24 response, we mention that there
25 are 60 million cubic yards of

43

1 material needed for the whole
2 system. In New Orleans East
3 there we need about 10 million
4 cubic yard of material. The
5 material is needed to build the
6 system to reduce risk. We have
7 government furnished sites where
8 the landowners, willing

9 landowners contacted the Corps
10 wanted to participated in the
11 borrow efforts. We did the
12 testing, we got the proof through
13 the NEPA process and we are -- we
14 have acquired them and we're
15 using them. In case of Eastover,
16 which I know that's what you are
17 concerned with, a willing
18 landowner has contacted us
19 through their representative and
20 they want to participate in a
21 viable borrow method which is
22 called contractor furnish, and in
23 this method, the landowner and
24 the reps, they do the same type
25 of geotechnical engineering

♀

44

1 testing and environmental
2 checklist and they submit that
3 data to the Corps for review.
4 Once that site -- investigation
5 review is complete then we put it
6 in an environmental document for
7 public review, which we have done
8 in this case, IER 29, which
9 includes Eastover Phase 2. Once
10 the commander receives all of the
11 comments and the commander will
12 review and analyze all of the

13 public comments and he will
14 decide if he wants to -- if it's
15 deemed important for that
16 environmental report to be
17 signed. If that report is signed
18 that site is considered approved.
19 Once it's approved then it goes
20 on a clay source list, which we
21 make it available to the
22 construction contractor. Now,
23 from the beginning we let the
24 landowners -- in case the
25 landowners rep, in case of

♀

45

1 Eastover 2, we make it clear to
2 them that the Corps does not
3 guarantee that that site will
4 ever be used. That site is only
5 used and approved by the Corps
6 saying the material meets our
7 standards. Once it goes on that
8 clay source list, we make it
9 available to the construction
10 contractor. The construction
11 contractor can go to any of those
12 sites, and there are many of
13 them, 20 plus, to use the
14 material, and then the
15 construction contractor will
16 contact the landowner or the

17 landowners rep and they will work
18 a deal as far as compensation is
19 concerned. So in general let you
20 know why we are using clay
21 material because you need clay
22 material to build a system. why
23 with have gone through three
24 methods, traditionally the Corps
25 only use government furnish, but

46

1 keep in mind at one time we need
2 over one hundred million cubic
3 yard of material. Some contracts
4 been awarded through design, some
5 contracts design sections have
6 changed from levees to flood wall
7 and therefore the quantity has
8 dropped. At this time the
9 remaining contracts for the
10 entire system, all of the
11 parishes is about 60 million
12 cubic yard. That's a very fluent
13 number. That number may go up
14 and down as the design reaches --
15 go through the final process.

16 In order to build the system
17 we need the levee and therefore
18 we're dealing with a lot of
19 material in a very compressed
20 time period. Our deadline is

21 June 2011. We understand, we
22 knew from the get-go that in
23 order for the government -- for
24 the Corps to use the government
25 furnished process is a very

47

1 lengthy, tedious process. We
2 were not going to be able to have
3 enough suitable material on time
4 so we wouldn't delay any
5 contracts, so out of necessity,
6 we're dealing with a compressed
7 time, I mention again. We were
8 compelled to go through three
9 methods to make sure we have
10 adequate material on time so we
11 don't delay the completion date.
12 And contract furnishes a viable
13 method. The landowner, the rep
14 has contact the Corps. We cannot
15 discriminate to a landowner. We
16 cannot reject their packages. If
17 we receive their packages, we
18 review it. If NEPA standard, we
19 put it out for public review and
20 comments on. And if the document
21 is signed then we have to, by our
22 process to be consistent with all
23 of the landowners to put that
24 site on the list.

25

Now, Eastover is not the only

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1 site. You see Cummings up there
2 in light blue, and that site is
3 still -- still review the package
4 and it will go through the same
5 process. This process is not
6 just in New Orleans. We have it
7 in Jefferson Parish. We have it
8 in St. Bernard. We have it in
9 Plaquemines Parish. Those three
10 borrow methods are viable borrow
11 options in all of those parishes
12 that we are working in.

13

MS. ALLEN:

14

Thank you. Okay. I'm going
15 to ask again that you come to the
16 microphones. Please wait until I
17 call on you. Please give us your
18 name and stick to three to five
19 minutes for comments so that we
20 have time to adequately address
21 everybody's comments, and I'm
22 going to start with you, sir.

23

MR. PATE:

24

My name is Donnie Pate. I am
25 the original developer and

49

1 President of the Eastover Country
2 Club. As usual, Councilwoman
3 Clarkson cuts to the chase. Why
4 would we want to do this in a
5 beautiful subdivision like
6 Eastover. I have been here 25
7 years, Councilwoman Clarkson, and
8 the hurricane obviously
9 devastated our development,
10 completely destroyed our golf
11 courses, completely destroyed our
12 development. We have been
13 working for the last three years
14 to assist our residents in
15 getting back in the subdivision
16 and we have about 75 percent of
17 our residents back.
18 Unfortunately the Country Club
19 and the golf course has no means
20 to come back other than a project
21 like this that will generate
22 capital for us. We have looked
23 high and low across the country
24 at various sources of capital and
25 there are no sources of capital

50

1 with which we can rebuild with.
2 If we don't rebuild the Country
3 Club there, our residents in
4 Eastover are looking at somewhere

5 between 75 and one hundred
6 million dollar reduction in
7 property values. We see that
8 every day as people try to buy
9 homes in Eastover that used to
10 sell for six, seven, eight
11 hundred thousand dollars and they
12 are buying for three or four
13 hundred thousand. Our people are
14 taking a serious hit in value.
15 The area in Eastover that we are
16 talking about using and digging
17 this lake, we called it a lake,
18 because our company has been
19 instrumental in building many of
20 the lakes in New Orleans East;
21 Lake Forest Estates, Lake
22 Bullard, and this another
23 opportunity. We would have liked
24 nothing better than to remain a
25 very active 36 hole golf course

51

1 where we have brought every type
2 of golf event from around the
3 nation to our city, the
4 conventions that come to our city
5 have used our facility, brought
6 traffic and brought business to
7 our community. When we realize
8 that this was our only option for

9 rebuilding with, we immediately
10 formed a committee of our
11 homeowners, we realized that we
12 couldn't do this in a vacuum. We
13 had to do this with the Eastover
14 Property Owners Association. We
15 put together various committees
16 to look at this. Our project was
17 unanimously approved by the
18 Eastover Board of Directors and
19 the Eastover membership in
20 February of '07. We have been
21 working at this process now for
22 about two and a half years. We
23 formed a committee called the
24 Eastover Reconstruction Committee
25 that has worked with us and we

♀

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1 have crafted an actual contract
2 that says the revenue generated
3 off this lake that we're going to
4 be constructing doesn't all come
5 to us, it -- our lender is going
6 to want to be repaid for their
7 mortgage, but we have committed
8 up to \$6 million of these
9 proceeds to go back into our
10 community to build our golf
11 course back and make it what it
12 was before the storm hit and

13 therefore helping our residents
14 retain their value there. We
15 would like nothing better than to
16 have never had to go through this
17 process, but we're here and this
18 is our only option to get our
19 facility back to where it was
20 before. We have looked from the
21 design standpoint as the
22 gentleman who was talking about a
23 while ago, we have gone through
24 that exact Corps process. We
25 have taken soil borings. All

♀

53

1 along the canal where our homes
2 will be overlooking this lake
3 will be constructed a three
4 thousand foot long bulkhead where
5 we will drive sheet piles down
6 into the clay base to prevent any
7 kind of seepage and any kind of
8 erosion of our houses over there.
9 The things that we're going to do
10 around this lake is going to
11 actually add another recreational
12 type facility for our
13 development. We are going to put
14 a two and a half mile jogging
15 trail around this. We're going
16 to dedicate two and a half acres

17 of land around the lake to the
18 homeowners association for a
19 park. I have been here 25 years
20 and every year I would ask why do
21 we not have a park for our
22 children to play in. Everybody
23 wants a park but nobody wants it
24 next to their house. This is
25 going to give us a great

♀

54

1 opportunity to address that need
2 that we have and get that
3 completed. So would we like to
4 have never to have do this, yes,
5 we would have. But we are where
6 we are and we have got to move
7 forward. If there were any other
8 options out there -- when all of
9 the government programs were put
10 in place to help homeowners and
11 individuals, it was fantastic,
12 and that's why at 75 or 80
13 percent of our residents are back
14 in their homes, but when the
15 national legislation was crafted
16 to help businesses down here, for
17 whatever reason, they
18 specifically excluded golf
19 courses from being able to tap
20 into that kind of -- two

IER 29 BORROW MEETING.txt
21 businesses, golf courses and
22 casinos were specifically
23 excluded from being able to
24 source those capital sources
25 there and use it to rebuild, so

55

1 we are forced to look for our own
2 sources and this is the best and
3 most viable option we have.
4 Thank you very much.

5 MS. ALLEN:

6 Thank you, sir. Ma'am.

7 MS. BELL:

8 My name is Cynthia Bell and
9 I'm a resident --

10 AUDIENCE MEMBER:

11 Can't hear you. The mic is
12 not on.

13 MS. BELL:

14 My name is Cynthia Bell. I
15 am a resident of Evangeline Oaks
16 in New Orleans East and while I
17 appreciate what Eastover has
18 said, it is no longer an Eastover
19 problem, it is now a New Orleans
20 East problem and we are not here
21 to speak for the residents of
22 Eastover, we are here to speak
23 for the residents of New Orleans
24 East amass. Do you realize that

1 which in the vernacular is a
2 hole. where you are proposing
3 this is where we have been
4 attempting for two and a half
5 years to get Six Flags
6 redeveloped. we have someone who
7 is willing to step in and
8 redevelop that, make it a
9 multi-million project. Okay.
10 what is that going to do to that?
11 Excuse me. Excuse me. Excuse me.

12 (AUDIENCE INTERRUPTION).

13 MS. BELL:

14 Am I not asking the
15 questions? I thought I had the
16 mic.

17 MS. ALLEN:

18 Yes, ma'am. You absolutely
19 do.

20 MS. BELL:

21 My question is is that going
22 to impact the site of the Six
23 Flags? That was my question. Is
24 what you are proposing going to
25 impact the site of Six Flags.

1 MS. ALLEN:

2 Will the site of the Eastover
3 borrow pit impact Six Flags.

4 MR. SALAAM:

5 The area that is being
6 proposed is not -- it's not --

7 AUDIENCE MEMBERS:

8 Can't hear you.

9 MR. SALAAM:

10 The area that is being
11 proposed is not the area that --
12 the Six Flags. The area that is
13 being proposed is inside the
14 Eastover community.

15 MS. BELL:

16 Evidently Eastover has a
17 dollar value to it, that's why we
18 have the applause, but those of
19 us in New Orleans East needs to
20 make sure that our system is not
21 going to be impacted also
22 economically. We're trying to
23 get the Plaza back. We're trying
24 to get Joe Brown Park back for
25 everyone not just the residents

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1 of Eastover. We're trying to get
2 Joe Brown Park back for everybody
3 in New Orleans East not just for
4 Eastover. What I heard was
5 pertaining to Eastover and

6 Eastover only. I want to know
7 what the impact to this New
8 Orleans East community is going
9 to be not just Eastover.

10 MS. HOLLEY:

11 As I mention before, this is
12 important for you guys to
13 remember. We are not -- the
14 Corps is not proposing this site
15 to be excavated to be used. All
16 we are saying this site has got
17 suitable material in it and if
18 the commander signs the document
19 this site will be approved if the
20 construction contractor would
21 like to use it in coordination
22 with the landowner. We are not
23 -- the Corps is not saying that
24 site will be used. That site may
25 never be used. Keep in mind the

59

♀

1 first phase, the 36.6 acres has
2 been approved through NEPA
3 process since October 2007. To
4 date, the Corps is not aware of
5 that site being excavated used
6 for any Corps projects. We have
7 numerous contractors on this site
8 throughout the parishes all of
9 the way to Mississippi that have

10 been approved for a long time and
11 none of them have been used.
12 Keep in mind the Corps is not
13 saying that site will be
14 excavated. We told the
15 landowners and the landowners rep
16 this from the get-go that the
17 Corps does not guarantee. This
18 is a business decision you are
19 going to make for this effort.
20 You are going to spend time and
21 effort and money investigating
22 that site. All we can do is
23 allow you to participate in this
24 viable option we made available
25 to the community. Keep in mind

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♀

1 this is only a courtesy list that
2 we make available to our
3 construction contractors to speed
4 up the process. A construction
5 contractor may never go to that
6 site, but then again it may. I
7 cannot say strong or lower or
8 medium. Potentially this site,
9 if approved, for example, the
10 dark blue, that is phase one,
11 which I mentioned, that was
12 approved October 2007. That site
13 was approved to be used has been

14 on our clay source since October
15 2007. To date we're not aware of
16 anybody excavating that site for
17 any Corps project. The second
18 phase, the 113 acres -- excuse
19 me. The 113 acres if approved
20 through the IER process will be
21 placed on a clay source and
22 available to the construction
23 contractor but we will never know
24 if a construction contractor will
25 go to it or not. Basically I'm

61

1 going to repeat myself. We could
2 not and will not discriminate
3 against a landowner who wants to
4 participate in this process.

5 MS. ALLEN:

6 Ma'am, I think your question
7 was will the borrow pit have an
8 impact on Six Flags. Did you get
9 an answer to your question?

10 MS. BELL:

11 My question, will the borrow
12 pit have an impact on New Orleans
13 East as a whole, not just
14 Eastover.

15 MR. OWEN:

16 Good evening. My name is Gib
17 Owen. I am the environmental

18 team leader for this. There will
19 be impacts to New Orleans East
20 temporary. Initially during the
21 construction, you will see a lot
22 of truck traffic. You are going
23 to see dirt on the roads. We
24 have construction requirements
25 that that will be cleaned. You

62

1 are going to see road damage.
2 working with the local
3 governments to work through how
4 that's going to be taken care of.
5 There will be noise. There will
6 be vibration. There are going to
7 be a lot temporary impacts. We
8 do not foresee any long term
9 impacts to New Orleans East.

10 MS. BELL: (No microphone
11 used)

12 If that's the case, if there
13 is going to be truck traffic, if
14 there going to be noise it's
15 going to impact New Orleans East,
16 why wasn't it open to the entire
17 New Orleans East community to
18 vote yeah or nay on it? why only
19 Eastover? Landowners, yes but
20 not the only --

21 MR. OWEN:

22 There is no vote. This is a
23 federal decision being made.

24 MS. BELL: (No microphone)
25 You said you had meetings.

63

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1 MR. OWEN:
2 We had numerous public
3 meetings and everybody was
4 invited to come to those public
5 meetings. There is no vote.
6 This is an open decision. We're
7 taking peoples comments. Based
8 on those comments, based on the
9 technical engineering and
10 environmental impacts, a decision
11 will be made.

12 MS. BELL: (No microphone)
13 So the people of New Orleans
14 East, other than Eastover, say we
15 don't want this borrow pit in our
16 area, we don't want this truck
17 traffic in our area, we have no
18 say in it at all, that's what you
19 are telling me?

20 MR. OWEN:
21 We are listening to your
22 comments. This is a balancing
23 act. We have to build this
24 system. There is going to be
25 impact, there is going to be

♀

1 truck traffic. It has to come
2 from somewhere. It has to come
3 from some borrow. If not this
4 one, another one, but we are
5 listening to the people.

6 MS. ALLEN:
7 We need to move on to another
8 comment. You are welcome to back
9 up once everybody is done. Ma'am.

10 AUDIENCE MEMBER:
11 My question has been and is
12 what's going to happen to the
13 under groundwater. If it's all
14 going -- how low is our
15 groundwater? If it's all going to
16 filling up these pits that you
17 are digging, you are going to
18 need a levee ten times that much
19 because we are going to be down
20 that much far. Our lands are
21 subsiding now. The more you dry
22 it out the further down we
23 subside it. I need to know how
24 much of our groundwater is going
25 to be placed in these pits?

1 MR. PINNER:

2 The groundwater in the
3 general area will not be
4 impacted. It would be the local
5 groundwater in the vicinity of
6 that borrow pit will be impacted
7 temporarily. You know,
8 groundwater through rainfall --
9 every time it rains, and also got
10 Lake Ponchartrain, you know, more
11 or less putting, you know,
12 restoring our groundwater. The
13 only reason why our groundwater
14 is down at minus four or minus
15 five is because we pump our
16 groundwater down. They turn
17 those pump stations off that
18 groundwater will rise above our
19 ground surface in this area. So
20 we get -- the groundwater is
21 refurbished between rainfall,
22 Lake Ponchartrain, GIWW, all of
23 the waterways in this area, so in
24 -- generally we're not impacting
25 groundwater. Like I said,

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1 temporary impact around that
2 borrow pit.

3 AUDIENCE MEMBER:

4 So I don't need to worry
5 about my lots continuing to

IER 29 BORROW MEETING.txt
subside five miles away?

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MR. PINNER:

7

Correct. You had to look at
is how they pump the city down.
If they lower your groundwater in
the canal and keep on pumping it
for year after year that's impact
your groundwater. If you turn
the pump station off right now
your groundwater rise, rise above
ground -- ground surface.

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AUDIENCE MEMBER:

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I'm taking you at your word.

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MS. ALLEN:

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Sir.

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MR. WALSH:

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Yeah. Hi. My name is Bill
Walsh and I live in New Orleans
East in the area the gentleman
refers to as no man's land. I

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happen to drive past this area
daily, twice daily and I do drive
past one of your current borrow
sites, one I think you call
Cummings South. It looks like
it's been abandoned for at least
a year.

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MR. SALAAM:

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It's Maynard, sir.

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IER 29 BORROW MEETING.txt
MR. WALSH:

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That's the one at Almonaster
and -- it's the 15,000 block of
Chef Menteur Highway on the left
hand side on the lakeside. It's
one of the Cummings properties.

MR. SALAAM:

That's not a Corps
excavation.

MS. ALLEN:

We are not excavating from
that site right now.

MR. WALSH:

Then I think what you need to
so is -- everything looks good on
paper, looks good on your slide

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presentation, but you need to get
guarantees -- you know, I read
into your presentation in that
the Corps is kind of -- could
slide any liabilities back to the
contractor. I mean, what's to
insure that the contractor is
going to build to the Corps
standards. They are doing all of
the testing. We have in the past
have had contractors filling
levee walls with paper down in
St. Bernard.

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MS. ALLEN:

Liabilities.

MS. HOLLEY:

If you are asking who is going to insure, the contractors is going to do the right by picking the right material. Those sites, borrow sites that are approved we have already looked at the data and approved them. We made sure that it meets the strength and it does not

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impact the environment in the areas that's been excavated. That was your question, how we are going to insure the construction contractor is building from the -- through the stability of material, building the levees.

MR. WALSH:

After it's constructed to make sure it's correctly built.

MS. HOLLEY:

Are you talking about the levee or the pit.

MR. WALSH:

The walls along the pit.

MS. HOLLEY:

IER 29 BORROW MEETING.txt
As Mr. Pinner mentioned in

18
19 case of the furnish when we have
20 control over it, for example,
21 Cummings and Maynard, the Corps
22 of Engineers will provide that
23 pit to the construction
24 contractor. Therefore Mr.
25 Pinner's team will design it

70

♀

1 properly, make sure there are no
2 impact, make sure it's sloped
3 properly and make sure there's no
4 failure within the pit or around.
5 It in case of contractor furnish
6 site that, as Mr. Pinner
7 mentioned, that is the
8 responsibility of the
9 contractors. And that's why is
10 called contractor furnish, and
11 the construction contractor has
12 to comply with all of the local,
13 state permits and ordinance. He
14 is liable for and he has to make
15 sure that he follows the
16 procedures.

17 MS. ALLEN:

18 Yes, sir.

19 MR. HENRY:

20 My name is Troy Henry and I
21 share the reconstruction Eastover

IER 29 BORROW MEETING.txt
22 property owners reconstruction
23 committee as it relates to this.
24 I think we need to do a little
25 bit of history lesson and

71

1 understand this was a very, very
2 irritative process that the
3 residents participated in as far
4 as going forward on what do we do
5 with the reconstruction of our
6 community. We all knew it was
7 devastated. We all knew that we
8 wanted to move into a golf course
9 community and we also knew that
10 we didn't have the funds
11 necessary and able to build the
12 golf course back to where it
13 needed to be on its own as well
14 as to basically revitalize the
15 properties as a whole. So a team
16 of residents came together to
17 work with the developer to come
18 up with the scenario where we
19 could still live in the golf
20 course community at the same
21 point in time have our community
22 revitalized, and the alternative
23 that we came up with was to have
24 something that we thought would
25 enhance the community like a

1 recreational lake, so this lake
2 would give us the ability, as
3 Donnie has already talked about,
4 with the jogging track and some
5 of the other things around it,
6 but if you look at the photo and
7 this is the standard that we are
8 going to hold the contractors and
9 other developers to as residents.
10 In addition to that we're also
11 going to have the Country Club
12 that is now back open again and
13 restored, in addition to that, a
14 new Country Club. So I think that
15 our alternative is to kind of
16 continue to have Eastover looked
17 the way it looks today, and that
18 was the desire of the community.
19 The community said, look, we want
20 our community back to the
21 prominence that it was before to
22 preserve our property values and
23 the way to do that without having
24 us to now jack up our association
25 fees to some ridiculous amount

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1 was to be able to do it in a way
2 where we can enhance the

3 community while at the same point
4 in time accomplishing the goals
5 and objectives of our property
6 values. I think we did that. We
7 negotiated with the developer.
8 we negotiated with the property
9 owners association to make sure
10 that we held their feet to the
11 fire and then we are going to
12 implement a contract as a result
13 of that to make sure that
14 everybody lives up to the
15 obligations that we have laid out
16 for them. So I think we have
17 tried to do what is in the best
18 interest of every resident, every
19 resident's property values or our
20 alternative, in my opinion is is
21 we let the community look the way
22 it looks now and none of us are
23 enjoying the benefits associated
24 with that, and that is decrease
25 property values and decrease

♀

74

1 maintenance and a golf course and
2 golf course community and country
3 club that is totally abandoned
4 and with no other hope of it
5 being restored, okay. We talked
6 to financier yesterday who took

7 back 30 different golf courses
8 throughout the community this
9 year as a result of this economy,
10 so it's not like there's a bunch
11 of people lined up to buy
12 properties for golf courses
13 today. It's a tough economy and
14 Donny's talked a little bit about
15 that. I'm not singing anybody's
16 tune but I want my property back
17 to how it can be best restored,
18 and I see this as a viable
19 alternative. I see it as a viable
20 -- what I have seen is the only
21 alternative, and I think it's
22 been well done, well thought out,
23 and I think we need to thoroughly
24 consider it. Not only consider
25 it, but let's execute it. We are

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♀

1 not going to please everybody. I
2 know there's some people that
3 violently disagree. I got
4 neighbors and friends of mine
5 that disagree with my perspective
6 on it and many of ours -- the
7 majority perspective, but at the
8 same point in time we have to do
9 something four years later,
10 right, and right now what we have

11 done is nothing and right now
12 this gives us hope and an
13 opportunity to restore our
14 property values. That's why I'm
15 supporting it. I don't have a
16 question for y'all. I'm making a
17 comment. Thank you.

18 MS. ALLEN:

19 Thank you.

20 MS. TOLLIVER:

21 My name is Kathy Tolliver. I
22 am a resident of Eastover
23 subdivision and also a realtor
24 who makes my livelihood in New
25 Orleans East. First of all, I

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1 would like to say that I'm
2 thankful that the Army Corps is
3 finally moving forward at full
4 speed ahead to improve our levee
5 protection in eastern New
6 Orleans. We realize this is
7 systematic process and has taken
8 time, however, we need to improve
9 flood protection and heighten
10 fortified strength of levee
11 sooner rather than later. I think
12 that it's prudent that the Army
13 Corps utilize or at least utilize
14 some borrow material from the

15 nearby vicinity, borrow sites at
16 Eastover, etc., to reduce the
17 impact on transportation and
18 shipping material to East New
19 Orleans, levee locations to be
20 rebuilt. That is a sustainable
21 practice that reduces pollution,
22 air and noise and traffic and
23 reduces the transportation cost
24 rather than just shipping massive
25 amounts of materials in when

♀

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1 suitable clay may be available at
2 closer sites to our levees. It's
3 my understanding that creating a
4 large lake adjacent to the
5 subdivision will act as a
6 retention pond that can
7 potentially assist in flood
8 control in the area and that that
9 lake will be connected to the
10 drainage canals that the Sewerage
11 and Water Board can pump water
12 out of the area, so if you have
13 someone like to comment on that,
14 we have been told that it can
15 actually be a positive thing for
16 flood control in the area as
17 opposed to negative. It's also
18 our understanding that the

19 developer is building a bulkhead
20 that will be built next to the
21 adjacent properties to the lake
22 and they are going to have about
23 a \$25 million liability policy
24 put in place just to cover any
25 potential damage of structure to

78

♀

1 nearby properties. Can you
2 provide any input on necessary
3 engineering controls that should
4 be put in place to ensure that
5 there is minimal impact upon
6 water table and potential
7 subsidence in the vicinity
8 especially to nearby properties.
9 As a realtor and as a homeowner
10 I'm interested in my property
11 value and my neighbors and my
12 community's property values
13 increasing and not decreasing.
14 We have been in a down market.
15 The values have been down since
16 Katrina, I think most people have
17 dealt with the property matter
18 realize that whether they are
19 trying to refinance, get an
20 appraisal or whatever on their
21 properties, so we are trying to
22 do something to improve or

23 property values because we
24 realize being on a golf course,
25 near a golf course is much more

79

1 valuable than being on an
2 abandoned piece of property that
3 has overgrown weeds and coyotes
4 running all over. We are very
5 interested in our community at
6 large, not just Eastover, and
7 there is a concept in real estate
8 called appreciation, not
9 depreciation where if you live
10 nearby a community that has
11 higher property values it tends
12 to increase your property value,
13 so our goal is to improve the
14 property values and to retain and
15 make Eastover better than it ever
16 was before. That's our goal is to
17 make it not just as good as it
18 was but better than it's ever
19 been, so if anyone can comment
20 about any potential, you know,
21 input on engineering controls
22 because we are going to have a
23 lake after that borrow pit. It's
24 not going to be a hole left in
25 the ground. They are developing

80

1 a lake to beautify our community,
2 and I realize New Orleans was
3 built upon several lakes. I mean
4 Lake Bullard, Lake Carmel, Lake
5 Forest, so, I mean, New Orleans
6 East is full of lots of lakes and
7 that's one of the unique features
8 of our community. However, we
9 want to be comfortable that our
10 surrounding neighbors and
11 residents property are safe and
12 secure because they are concerned
13 and we are concerned as well.

14 MS. HOLLEY:

15 Yes. Yes. As I mention in
16 case of governed furnish like
17 Cummings and Maynard, okay --

18 AUDIENCE MEMBERS:

19 We can hear you.

20 MS. HOLLEY: (No microphone)

21 As we mentioned in case of
22 government furnish and Mr. Pinner
23 our geotechnical chief mentioned
24 as well, we make sure we design
25 -- we make sure we design that

81

1 pit from engineering point of
2 view, look at the sand layers, we

3 look at making sure we design
4 properly, we scope it properly.
5 Make sure there is no failure
6 within the pit. Make sure no
7 impacts outside. In case of
8 contractor, Mr. Cade mentioned,
9 he proposed some ideas what we
10 are going to do, that's the
11 conversation is to take place
12 with the landowner
13 representative. As we mention,
14 our construction contractor has
15 to comply, even though he doesn't
16 have the design to us in case of
17 contractor furnish, we cannot
18 dictate a private landowner how
19 to utilize his land. Now, he or
20 she, the construction contractor
21 has to comply with all of the
22 permits and all of the
23 requirements required by the
24 local, state entities. He has
25 got to design it properly. He

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1 has to get all of the impacts
2 make sure there are no impacts
3 because he will be liable. The
4 landowner will be liable. That
5 will take place between the
6 construction contract and

7 landowner, the design of that
8 area. That is something that the
9 Corps cannot dictate to a private
10 landowner how to do with private
11 land. The same way we cannot
12 dictate to a landowner when you
13 put a pool in. That is not
14 something that we don't have any
15 rights to that land, we don't own
16 the land; therefore we can get
17 anything on liability. We can --
18 in case of government furnish
19 when we provide the site to the
20 construction contractor used, we
21 take that responsibility and
22 we'll look at it. In case of
23 contractor furnish, the name
24 comes from contractor furnish.
25 The construction contractor is

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1 bringing that borrow to the site,
2 so he or she is responsible to
3 make sure he is complying with
4 all of the permits from
5 environmental and engineering
6 point of view. I think Mr. Pate
7 mentioned that they have ideas
8 and they already looked into it.
9 They are going to design it
10 properly and propose action for

11 IER 29 BORROW MEETING.txt
that site.

12 MS. WALL:

13 My name is Tangee Wall.
14 Resident of Eastover and I'm also
15 here for twofold purpose to speak
16 also as a board member for the
17 East New Orleans Neighborhood
18 Advisory Commission. There are
19 many people here tonight that
20 don't live in Eastover. I would
21 like to see by a show of hands
22 those who do not live in
23 Eastover. Okay. Quite a
24 substantial number of people who
25 have concern that goes beyond

84

1 Eastover. Now, I live in
2 Eastover and I have heard the
3 proponents for this whole thing
4 speak only about the good of
5 Eastover and I'm a resident and I
6 love my community. I have come
7 back twice, okay. I have
8 invested twice in my home, so of
9 course I care about it, but I
10 care more about the greater good
11 of this community and that's why
12 I fight every day for the
13 community. Ms. Bell when she
14 spoke may have misunderstood a

15 little bit about the Six Flags
16 site being the proposed site, but
17 she was not mistaken about the
18 fact that it does impact the
19 quality of life for all of
20 eastern New Orleans. This is not
21 just about the borrow pit being
22 dug or not, about who is going to
23 make a whole lot of money. That
24 is pretty much what it is about,
25 but it doesn't really matter if

85

♀

1 our quality of life is totally
2 destroyed by something like this.
3 Now, there were many residents in
4 Eastover and we were divided,
5 that's admittedly so. There were
6 those of us who took this very
7 seriously and we filed a lawsuit.
8 We also hired a structural
9 engineer, and I don't see any
10 structural engineers report that
11 Eastover has provided. If this
12 is a safe project, if it's
13 something so good that is to only
14 propose plan to restore Eastover
15 and we only talking Eastover to
16 restore to the golf course, and
17 God knows I want the golf course,
18 it was great, but not at the

IER 29 BORROW MEETING.txt
19 expense and on the backs of the
20 people of Eastern New Orleans as
21 far as quality of life. We have
22 a structural engineering report
23 from Mr. Julian. He was hired
24 and he was a part of instrumental
25 and strategic part of a lawsuit

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1 that was filed and the judge
2 ruled on our behalf. I would
3 like to read a little bit of what
4 a true structural engineers
5 report says which are facts.
6 Specific areas of concern and
7 potential risks. The main risk
8 as the excavation proceeds, the
9 excavation will find it necessary
10 to continually dewater the
11 excavation. Keeping the hole as
12 dry as possible to facilitate a
13 workable environment. This may
14 cause a significant reduction in
15 the water table which can have a
16 draw down effect on the
17 groundwater conditions. Removing
18 moisture from the clay soils can
19 result in desiccation of the
20 clays which causes shrinkage.
21 That shrinkage is what causes
22 pavements to settle. This effect

IER 29 BORROW MEETING.txt
may also cause down drag on

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foundation piles, which can cause
settlement of structures. Time

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is a factor. The longer the hole
stays open and dewatered the more
groundwater will flow away from
surrounding pavements and
foundations. This can have a
worse effect on surrounding
foundations and pavements than a
drought can. Now, this is from a
structural engineers report. Has
the Corps done one? Has Mr.
Donnie Pate done one? The
residents -- concerned residents
of Eastover paid their own money
because they believe in this that
this is something so devastating,
not just to the homes in
Eastover, but to this entire
community that is trying to come
back economically and
residentially. We cannot sit
here and ignore the fact that
this -- the Eastover is not an
island. It is in the middle of
Eastern New Orleans, and, yes, it
is a viable community, and, yes,

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1 it can be even greater than it
2 was before but this is not the
3 answer. And I would like for the
4 Corps to really consider the fact
5 that I have asked and I have also
6 submitted the judgment that was
7 rendered on favor of the
8 residents of Eastover, concerned
9 residents, I have asked Mr. Gib
10 Owen to place that in his file
11 and record and I think he is here
12 tonight and received that report
13 from me. You have received it,
14 have you, Mr. Owen.

15 MR. OWEN:

16 Yes. It is in the record.

17 MS. WALL:

18 It is on the record, and that
19 is the true spoke person for what
20 this is about. So much so that a
21 lawsuit has been filed and the
22 judge thought enough of the
23 report here and it's public
24 information enough to realize
25 that there's so much risk that

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1 this is not the alternative. And
2 please do not on the backs of the
3 people of this community, not

4 just Eastover, do something like
5 this so that just the handful of
6 people and cronies and all of
7 their co-conspirators can make a
8 whole lot money on the backs of
9 the residents. Thank you.

10 MS. ALLEN:

11 I need to let you know that
12 that report has been entered into
13 the record, correct, Gib. Okay.
14 Thank you. Yes, ma'am. Hello.

15 MS. GUERIN:

16 My name is Terrie Guerin. I
17 am a member of Eastover and I am
18 on the Board of Directors for
19 Eastover Association. I wanted
20 to let you know as residents here
21 in Eastover, not just Eastover
22 but Eastern New Orleans period,
23 that when the Board of Directors
24 met on several occasions about
25 this project it wasn't to put

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1 money in the pockets of certain
2 people that own the property, it
3 was because we had the property
4 and the soil that was viable for
5 this project. Don't think for a
6 moment that anybody stood in that
7 meeting and said we want to, you

8 know, grab all we can because we
9 need the money. Yes, we do need
10 the money. Eastern New Orleans
11 needs this project to take place
12 because it will be viable to us
13 as a community. If you look at
14 Lake Bullard that was dug, did
15 any home on the second phase of
16 Eastover develop any foundation
17 cracks and structural damage, no,
18 it did not. No, it did not. It
19 was before but there was a lake
20 that was done after the fact
21 also. After the fact also. But
22 if you talk about pavement damage
23 there was a road that was built,
24 that was a street that was paved,
25 and there was no foundation

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1 destruction to that either, and
2 the reason why I come to you with
3 that information is this, there
4 are lakes that have been dug all
5 over Eastern New Orleans, and I
6 realize the fact that a lot of it
7 was built and dug prior to any
8 property being built in that
9 area. But let me tell you
10 something, what other -- the
11 project that is going to be built

12 is closer to the facility that is
13 going to be levee -- that the
14 dirt is needed to rebuilt the
15 levees. We are the closest
16 possible location, that is why we
17 went to a contractual agreement
18 stating we have the dirt, let's
19 test our soil to see if the soil
20 is good soil because we are
21 closest to the property. And the
22 two outcome of it is this that we
23 do need the resources from this
24 project to rebuild the community.
25 I'm a homeowner. I'm a homeowner

92

♀

1 that is concerned that if that
2 project does not take place, that
3 there is no contingency in place
4 to back up what we need to
5 rebuild the community, and if
6 Eastern New Orleans would like to
7 rebuild in the future, we need to
8 start somewhere. What is the
9 plan in place, residents? What
10 is the plan that you have in
11 place to make Eastover an Eastern
12 New Orleans what it used to be
13 prior to the storm without the
14 resources from this project.
15 Thank you.

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MS. ALLEN:

Ma'am.

MS. HALL:

Good evening. My name is
Trina Hall, and prior to
Hurricane Katrina I owned several
properties in Eastern New Orleans
throughout the course of Eastern
New Orleans, and with that said,
every property that I owned in

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Eastern New Orleans flooded. Not
only that, I listened to my
public officials, I listened to
leaders in this community say
Trina, come on back home and
rebuild. Trina came back home
not only listened to the
political leaders and the other
leaders throughout this city say
come on back to New Orleans and
rebuild, we are going to build
bigger, stronger and better, but
Trina listened to her heart and
she said, I'm going back to New
Orleans because I love New
Orleans, not only New Orleans but
I love Eastern New Orleans. So I
also own property not just
throughout Eastern New Orleans, I

20 also own property in Eastover and
21 I get up every morning and I look
22 across the street at the vacant
23 gulf course, at the dilapidated
24 golf course. The dilapidated
25 community of Eastover. I look at

94

♀

1 it every day. I walk outside of
2 my doors because I live across
3 the street from this. I own
4 property over there. And my
5 comments -- this is a comment
6 period is no, no, no, no, no to
7 borrow pits in Eastern New
8 Orleans. There is a city
9 ordinance section 66249 which
10 says, excavation of ponds to be
11 filled or fenced. Every owner,
12 occupant or lease lot located in
13 the residential neighborhood
14 which is in the past has been or
15 shall hereafter be used for a
16 borrow pit for the excavation of
17 soil or other materials thereby
18 causing a pond or depression in
19 which water accumulates and
20 stands shall cause the same to be
21 filled with soil or other solid
22 filling or waste material other
23 than that described in section

24 66, and you can go read it
25 yourself. That section 66249.

95

1 And I said all of that to say
2 this, I am not in favor of a
3 borrow pit being dug even though
4 I own property in Eastover
5 because I own property throughout
6 all of Eastern New Orleans and I
7 don't want to have the negative
8 impact that is going to be
9 received by the residents of
10 Eastern New Orleans and I don't
11 want that effect upon us. Thank
12 you.

13 MS. DUPLESSIS:

14 Hello. Thank you. I'm
15 Senator Ann Duplessis and I am
16 also going to stand up and talk
17 to you about why I am not in
18 favor of having a borrow pit
19 built in that area, dug in that
20 area. First of all we talked a
21 lot about what this new and
22 improved Eastover is going to
23 look like when and if the
24 developers, the contractors get
25 any of the dollars that they said

96

1 they are going to get. The first
2 reality, people, is that before
3 Katrina the golf course didn't
4 work. What makes you think as
5 you all said that we're in a down
6 economy that you close 30 golf
7 courses across the city and the
8 state that Country Club golf
9 course that when and if you
10 rebuild another golf course that
11 you can keep the doors open. You
12 can't. Where is your right. The
13 plan, Donnie Pate, that says, I
14 can cash flow this new and
15 improved golf course that you say
16 you are going to build, there is
17 none. So first thing that we
18 need to really understand is that
19 we couldn't cash flow a golf
20 course pre-Katrina in this down
21 economy, what makes you think
22 that we are going to cash flow a
23 golf course after Katrina. The
24 second thing is that we talked
25 about the borrow pits and the

♀

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1 holes and the water and all of
2 the environmental potential
3 impact and the structure -- the

4 potential structural impact that
5 we have not seen any document
6 counter, but let's talk about
7 those holes and let's talk about
8 the water that's going to sit in
9 those holes and the mosquitos and
10 the disease, it ain't going to
11 stay in Eastover, right. Where
12 those mosquitos going to go.
13 Okay. It ain't Eastover, that's
14 the only subdivision around where
15 he talking about building these
16 borrow pits. It's McKendall
17 Estates, okay, so you guys got to
18 think long and hard. This ain't
19 an Eastover thing, this is an
20 Eastern New Orleans thing. I
21 have spent, and I got to tell you
22 I have been given permission by
23 Representative Cedric Richmond,
24 that he is on our side with this
25 because he has done his due

♀

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1 diligence also, that we have been
2 traveling -- you have seen -- you
3 looking at their various
4 opportunities for investors to
5 bring quality things to Eastover
6 -- I mean, to the East. We have
7 been fighting with an image

8 problem. We have been fighting
9 with a problem that all you got
10 to do go out in the East and they
11 got land so you can put
12 landfills, you can put
13 gasification stuff, you can put
14 borrow pits. You can let the
15 trucks, 50,000 of them roll on
16 down the highway and we suppose
17 to sit two or three years and say
18 after all of that is done we're
19 going to have a beautiful
20 community. Donnie Pate said he
21 is going to give us \$6 million.
22 He going to put \$6 million in an
23 escrow and I going to tell the
24 rest of y'all and McKendall and
25 all of the other subdivisions,

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♀

1 this is for Eastover, it ain't
2 for y'all. It ain't for y'all,
3 it's Eastover, all right. So
4 y'all got to build your own golf
5 course and y'all own clubhouse.
6 He ain't made no promises to
7 y'all. You got \$6 million to
8 build a golf course. Where is
9 the money to build a lake and the
10 cute little pit stuff that he
11 talking about and the trees and

12 the parks and the walking trails.
13 where is that money. And let's
14 go back. I want to take you back
15 just two more minutes. Bear with
16 me. Yes. Two years ago when we
17 were hit with we're closing the
18 golf course because we can't make
19 it work, the neighborhood
20 community went into that little
21 bitty old house in the front and
22 we were outraged and we said,
23 hell, no, you are going to open
24 that golf course. We bought into
25 it. I didn't mean to say hell,

♀

100

1 sorry. We bought into it and
2 we're paying \$1200 a year plus --
3 1600. I pay 12. I ain't got no
4 discount. They won't let me get
5 away it. We then said, okay,
6 let's do a plan. I was the
7 original chairman of bringing
8 that group together and we
9 brought that group together and
10 that group -- and this was when
11 we didn't know what we know
12 today. We were told the only way
13 we're going to be able to rebuild
14 and then they brought some old
15 pictures of a clubhouse that they

IER 29 BORROW MEETING.txt
16 been having for 20 years and say,
17 this is what our clubhouse going
18 to look like, and said -- we
19 said, well, let's talk about it.
20 we were open. we didn't know
21 what we know today. That was
22 when the project was 36 acres,
23 ten, 15 feet deep. Today the
24 project is 126 acres, 30 feet
25 deep. 30 feet deep. Come on,

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♀
1 guys. Do you have a picture of
2 what real a borrow site looks
3 like. I sent one out and it
4 ain't pretty. So the project
5 went -- when we were all in
6 agreement and all singing cumbaya
7 and saying oh, yeah, we are going
8 to get some money and we going to
9 get us a golf course and all of
10 that, the project, that's it. we
11 were saying, okay, that will
12 work, but it evolved out of greed
13 to something totally different.
14 So that's what caused us to pause
15 and say wait a minute, we need to
16 understand this better before we
17 trust Donnie Pate, where is the
18 insurance. The insurance -- it
19 was ten, he raised it to \$25

20 million. \$25 million ain't going
21 to fix the streets in Eastover if
22 and when they begin to buckle and
23 how many of y'all million dollar
24 houses. How many. You got one
25 million. Who else. You got a

♀

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1 million. I mean, come on. You
2 have been promised. I mean, come
3 on. \$25 million ain't going to
4 do a thing for an insurance
5 policy that's been payable to his
6 company. Who is going to be the
7 beneficiary of that insurance
8 policy. The association -- the
9 association is defunct. There
10 ain't no association. There is
11 no association. And that story
12 going to come out later. So the
13 bottom line is --

14 AUDIENCE MEMBER:

15 what have you done up in
16 Baton Rouge besides ask for a pay
17 raise. You ask for a pay raise.
18 what have you done?

19 (ENTIRE AUDIENCE INTERRUPTS
20 ALL AT THE SAME TIME.)

21 AUDIENCE MEMBER:

22 we have nothing out here.
23 what have you done. You have

24 IER 29 BORROW MEETING.txt
asked us not to come back.

25 MS. DUPLESSIS:

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1 Maybe you don't believe I
2 have not done anything --
3 (AUDIENCE INTERRUPTS ALL AT THE
4 SAME TIME).

5 MS. DUPLESSIS:

6 The bottom line is -- the
7 bottom line is this ain't about
8 my performance tonight. We are
9 going -- we talk about my
10 performance. Whether you like it
11 or not, it ain't about my
12 performance so don't let these
13 folk deter the subject and the
14 object. The bottom line is it
15 ain't about my performance, it's
16 about protecting the investment
17 of the folk in Eastern New
18 Orleans, protecting our
19 investment in Eastover, and if we
20 think we can trust them to do the
21 right thing I am so sorry, okay.
22 If you think we can trust them to
23 do the right thing.

24 AUDIENCE MEMBER:

25 You stood in Baton Rouge and

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1 advised us not to come back to
2 New Orleans. You advised
3 everybody not to come back to the
4 city.

5 (AUDIENCE INTERRUPTION).

6 MS. ALLEN:

7 Excuse me. Excuse me. We
8 all have our chances to say
9 something. There are people that
10 have been waiting at the mics for
11 quite a while. I would like to
12 ask that everybody please respect
13 each other. I'm going to turn
14 the mic over to this young lady
15 over here. We're going to
16 continue in an orderly fashion.
17 Please. Everybody gets their
18 chance. Ma'am, three to five
19 minutes. We're going to try to
20 stick to three to five minutes.

21 MS. DUCREE:

22 My question is very short.
23 Promise. I'm Corinne Ducree and
24 I have a question. As you know
25 when levees are constructed

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1 natural wetlands will be
2 destroyed. My question is will
3 you mitigate the destroyed
4 wetlands in Orleans Parish or

5 will you mitigate in other parish
6 or will you exempt a mitigation.

7 MS. ALLEN:

8 Gib Owen is going to speak to
9 mitigation.

10 MR. OWEN:

11 Right now we have made
12 estimates of about four thousand
13 acres of wetlands being impacted
14 for the whole system. Our goal
15 is to mitigate as close as
16 possible to the area, so if the
17 impact occurs say at Bayou
18 Sauvage we will mitigate at Bayou
19 Sauvage. We can't guarantee that
20 for every single project because
21 we want to build some big
22 restoration project so that the
23 area benefits. But we are not
24 exempting in any way whatsoever
25 from mitigation.

♀

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1 MS. DUCREE:

2 Okay. Your mitigation site
3 that you are proposing for that
4 is the U.S. wildlife and
5 Fisheries site; is that correct?

6 MR. OWEN:

7 That is one of them that we
8 are looking at right now. There

9 will be multiple. We're actually
10 looking at the Audubon Nature
11 Center and helping them rebuild.

12 MS. DUCREE:

13 Do you propose that they will
14 stop from mitigating on that site
15 because it is a refuge?

16 MR. OWEN:

17 No. We have been working
18 very closely with them and they
19 are working very well to make it
20 happen.

21 MS. DUCREE:

22 May I ask you who'd you
23 contact at wildlife and
24 Fisheries?

25 MR. OWEN:

♀

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1 There's two or three. Ken
2 Luxemburg (ph) is the guy at the
3 local refuge here.

4 MS. DUCREE:

5 What about the U.S. refuge
6 that you are speaking to. Not
7 the local.

8 MR. OWEN:

9 That is the U.S. refuge.

10 MS. DUCREE:

11 Yes, I know the U.S. refuge
12 but you are speaking about the

13 one that's locally here in New
14 Orleans. I'm talking about from
15 headquarters who did you speak
16 to.

17 MR. OWEN:

18 We work with Jim Boggs and
19 his folks out of Lafayette, and
20 also had some contact with the
21 regional office in Atlanta.

22 MS. DUCREE:

23 Have you been in contact with
24 the City Department of
25 Environmental Affairs about this

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♀
1 site also.

2 MR. OWEN:

3 Not that I know of. We have
4 worked with the city as far as
5 the Audubon area because that
6 area is owned by the city.

7 MS. DUCREE:

8 Okay.

9 MS. ALLEN:

10 On August 31st we are going
11 to have a public meeting
12 specifically addressed at
13 mitigation for the entire system,
14 correct, Cheryn? So 6:30 -- 6 to
15 6:30 will be the open house and
16 presentation at 6:30. It's at

17 our headquarters building. Okay.
18 It's 1 to 4 on Monday, August
19 31st; is that correct, Cheryn?
20 Please look at nolaenvironmental
21 for the latest. Sir.

22 AUDIENCE MEMBER:

23 You know, the first thing
24 that I would like to mention is I
25 think that, you know, there's a

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1 couple of things that we all
2 agree on, and what we all agree
3 on is that we all like to see New
4 Orleans East revitalized to a
5 state better than it was before
6 Katrina, and the other thing that
7 we all agree on is that we would
8 like all like to see Eastover at
9 a state also better than it was
10 before Katrina. What some of us
11 disagree on are the question that
12 someone was asked was what would
13 happen if you built 120 acre hole
14 150 feet away from our homes.
15 And so we ask that question. We
16 ask that question for two years.
17 I applaud the Corps of Engineers
18 for all of the effort that they
19 put into studying in what type of
20 play will be best for building a

21 levee. What I guess the thing
22 that I question is two things.
23 One, that the Corps says that
24 they accept absolutely no
25 liability whatsoever, it's all on

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1 the contractor and so since we
2 couldn't get the Corps to answer
3 that question and since we
4 couldn't get the contractor to
5 answer that question we took our
6 own money and paid a structural
7 engineer to tell us, hey, you
8 know what, maybe this thing is a
9 good thing for our community.
10 Maybe this thing is a good thing
11 for our subdivision. But we
12 wanted to know what happens when
13 you dig 120 acre hole 150 feet
14 from your home. We did the
15 study, we got the response from
16 the structural engineer. I guess
17 my question right now is just one
18 thing, has this -- has the Corps
19 ever built 100 acre hole right
20 next to a bunch of homes and
21 streets, and if they have, where
22 and what's the result and what's
23 the outcome. Thank you.

24 MS. ALLEN:

25

Richard, do you have any

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1 comparison that you could give us
2 or just a little more specifics
3 to provide some more details.

4 MR. PINNER:

5 I can't give you specific
6 examples like that, but like I
7 said, with anything else you have
8 to design your pit properly, and
9 one of the impact I said earlier,
10 we do have impact on the local,
11 you know, the groundwater in the
12 vicinity of that borrow pit and
13 that's got to be properly
14 designed. You had to make sure
15 what we call radius of influence,
16 that the size of the hole, the
17 depth of the groundwater you are
18 drawing down you got to see what
19 impact, how far it goes out away
20 from that hole and when you got a
21 very good clay material that
22 impact is less than -- if you
23 have a sandpit, that sandpit goes
24 out farther from that borrow pit.
25 That is what an -- engineering

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1 IER 29 BORROW MEETING.txt
2 need to come in and design that
3 pit properly, and you also need a
4 geotechnical engineer, not a
5 structural engineer to make the
6 type of determination how far
7 that impacts.

8 MS. ALLEN:

9 Sir.

10 AUDIENCE MEMBER:

11 How are you doing? I am an
12 Eastover resident but this forum
13 is not about Eastover. It's
14 about levee protection, am I
15 correct?

16 (Audience erupts into
17 comments all at the same time.)

18 AUDIENCE MEMBER:

19 It's about levee protection
20 for the entire New Orleans East
21 area. And the environmental
22 concerns this gentleman already
23 talked about, you got up there
24 with a study that a structure
25 engineer supposed to put together
a two page letter. He had

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1 concerns but his concerns wasn't
2 answered and to come out here
3 and, you know, concerns -- his
4 concerns wasn't answered because

IER 29 BORROW MEETING.txt
5 if you read the entire letter
6 that you sent out to everybody, I
7 mean, this is worse than what
8 they doing Obama. You are trying
9 to scare everybody -- you are
10 trying to scare everybody. This
11 is politics. This is between a
12 certain group of individuals and
13 the Eastover Board. It doesn't
14 belong here. It doesn't belong
15 here. It doesn't belong here.
16 Let's talk about levee
17 protection. Let's talk about the
18 environmental impact. Let's talk
19 about getting New Orleans East
20 back together.

21 MS. ALLEN:

22 Ma'am.

23 AUDIENCE MEMBER:

24 I wanted to commend my
25 neighbor for his comments also

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1 because it really should not have
2 gone on the personal level and
3 needs to be -- it needs to stay
4 on the effect on the environment,
5 which has been addressed, and my
6 question is the background
7 information that I'm sure is
8 available publicly that supports

9 IER 29 BORROW MEETING.txt
that this study have been done
10 and shows that the local impact
11 is going to be limited and the
12 structural within the vicinity
13 are also not going to be highly
14 impacted. Is that available on
15 the websites or someplace.

16 MS. ALLEN:

17 Soheila, can you please speak
18 to what is available in IER 29
19 regarding contractor furnished
20 borrow pits.

21 MS. HOLLEY:

22 As we said, the only thing
23 that we know about Eastover is
24 how much -- you know, how much --
25 they are shown on the board --

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1 AUDIENCE MEMBER:

2 I'm not asking about
3 Eastover. I am talking about the
4 pit and the local environmental
5 effect, what the is radius of
6 influence by digging a hole and
7 from there you can look at the
8 map and see how it will affect
9 Eastover.

10 MS. HOLLEY: (No microphone)

11 what the IER contains --
12 information on the IER shows what

13 the -- (inaudible) has been
14 improved environmentally. Now,
15 before they excavate that pit
16 they have to -- they have to
17 design it, they have to look at
18 the borings. They have to look
19 at the surroundings before they
20 excavate it. They have to design
21 it. That information is not in
22 the IER because IER is an
23 environmental report. It's not a
24 design, so the engineering data
25 is all about environmental

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♀
1 impact. Gib, you want to
2 elaborate on that.

3 AUDIENCE MEMBER:
4 where can it be found
5 publicly? Can you make that
6 information available?

7 MS. HOLLEY:
8 Okay. As far as the Eastover
9 is concerned, we don't know if
10 that site is going to be used or
11 not. If that site is going to be
12 used then that data has to come
13 from the landowner.

14 AUDIENCE MEMBER:
15 I'm not asking that. What I
16 am asking is that there is a

17 model of the pit being dug,
18 there's a local sphere of
19 influence, radius of influence
20 that's been evaluated by
21 scientists and engineers,
22 hydrologists, structural
23 engineers, etc., and there's also
24 a global sphere of influence that
25 has been analyzed. If you look

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1 at the hole we can map it out on
2 how that is going to effect
3 Eastover. We just want to know
4 what is the numbers, okay. Now,
5 as far as being an Eastover
6 resident, I think that our
7 representative needs to represent
8 the majority of our constituents,
9 which we voted on. I also would
10 like to say that we all are in
11 the same boat together. We all
12 flooded together. We all took
13 losses together. We all decided
14 to come back together. We have
15 the same risk. We want to see
16 the entire Eastern New Orleans
17 developed. To say that the golf
18 course didn't flourish before
19 Katrina, well, New Orleans East
20 sank before Katrina, too, but we

IER 29 BORROW MEETING.txt
21 are trying to make a difference,
22 and if Eastover doesn't come
23 back, which is that -- and the
24 surrounding community surrounding
25 Eastover, that is the heartbeat.

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♀
1 If we can't make it, the rest of
2 the East isn't going to make it
3 either, so it is to our benefit
4 --

5 (Audience interrupts)

6 MS. ALLEN:

7 Please let her finish her
8 comment. Please let her finish.
9 She has the microphone on the
10 floor.

11 AUDIENCE MEMBER:

12 I am not putting a hat on
13 Eastover. Eastern area -- okay.
14 It's all in the vote together, we
15 are all in the East together.
16 The surrounding neighborhood
17 surrounding Eastover are all
18 pretty much the same. My point
19 being that if we don't develop
20 something that is bigger and
21 better than what we had before
22 then we have nothing. And your
23 concerns cannot be based on half
24 truths and innuendos and it is

1 that they are accusing Obama
2 administration of having because
3 it's half truths.

4 MS. ALLEN:
5 Thank you. Sir.

6 MR. COPELAND:
7 For the record, my name is
8 Sherman Copeland and I am the
9 Chairman of the Board of Eastover
10 Property Owners Association. I'm
11 also President of the New Orleans
12 East Business Association, and I
13 really came here tonight to
14 listen. I'm trying as best I
15 could not to get to the mic but
16 there's some facts that need to
17 be understood. And the facts
18 that need to be understood are
19 the following. Whether or not
20 the dirt comes out of the
21 proposed Eastover site you still
22 going to have trucks. I don't
23 care where you get the dirt from
24 you are going to have trucks.
25 None of those trucks under this

1 plan is going through anybody's

2 subdivision, not Eastover, not
3 Mckendall, nobody else's, okay.
4 Jackie when you came in council
5 person you made an observation,
6 you said it shouldn't go on
7 there, why are we doing this.
8 well, we doing it because
9 unlike --

10 MS. CLARKSON:

11 I didn't say shouldn't. I
12 asked why. I didn't say shouldn't
13 anything.

14 MR. COPELAND:

15 Let me tell you why we are
16 able to do this because unlike
17 the westbank golf courses, they
18 got public money. Our taxpayers
19 money subsidize them and had a
20 negative impact not from the
21 city, from the state, and
22 negative impact on Eastover. We
23 can't get that. We not a public
24 golf course. Ann asked the
25 question, she said, well, you

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1 couldn't maintain the golf course
2 before Katrina, how you are going
3 to maintain after Katrina, simple
4 math. If we successfully get
5 this we have no debt. If you

6 don't have any debt on the golf
7 course you don't have a problem.
8 It will more than succeed. Now,
9 as far as my good friend Kerwin
10 (ph) engineers report, let me say
11 this to you, I know Kerwin. I'm
12 a contractor. I work with Kerwin.
13 I know a lot of engineers. What
14 he gave you was his opinion.
15 That's what he gave you. No
16 engineer is going to put his
17 license on the line with the fact
18 the Corps can't answer. Let me
19 tell you how it works and let me
20 tell you what I'm doing as
21 Chairman of the Board. We have
22 found the best and brightest
23 contractor. The Corps, to my
24 knowledge, they didn't build Lake
25 Bullard. That's not what they

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1 do. They contract people to do
2 that. We find the best and the
3 brightest contractor, very
4 skillful at building lakes to
5 build that lake and insisted that
6 they put an up \$25 million
7 liability, and not for Donnie
8 Pate, for the property owners,
9 okay. And so what I'm trying to

10 leave you with is that this is
11 not about Eastover, this is about
12 the survival of the East because
13 when we got Rigolee (ph) coming
14 in here when we were working
15 together and we were bringing the
16 East back, you know what he said,
17 he said, make sure the Corps fix
18 the levees, make sure the city do
19 the infrastructure and tell them
20 get the hell out of the way and
21 let it takes its course. Now, we
22 going to get a hospital. We
23 ought to stop arguing with
24 everybody about who is right and
25 who is wrong. You know, I did

♀

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1 politics for 20 years, I'm as
2 good as anybody. This is not
3 about politics. This is about
4 the survival of the economy of
5 peoples property in Eastern New
6 Orleans and the quality of life
7 and the hope that the Corps and
8 the general when you make that
9 consideration you look at the
10 facts, you look at the facts, you
11 look at the facts, you take all
12 of the emotion away, take all of
13 the politics away and make the

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right decision.
MS. ALLEN:
Thank you, sir.
MR. BLACKWELL:
My name is James E.
Blackwell. I have been a
resident of Eastover since 1989.
Our house was the 7th house
actually built in Eastover. I
want you to know that I have read
IER 29. I am aware of all of the
impact studies that you have done

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17

and I applaud you for them. I do
not see any evidence from anyone
here, disregard all of the
emotions and all of the
accusations of political capital
gain, I don't see any evidence
that the quality of life of New
Orleans East will be
substantially damaged by
borrowing those pits in Eastover.
Furthermore, if one listen very
carefully, if one reads all of
the reports that have been sent
in, it is estimated by Donnie
Pate that our -- our lake --
water lake will be drained
immediately, there will not be

18 any kind of impact there. You
19 are not standing to get mosquitos
20 at all for any substantial period
21 of time. The evidence is there
22 that will be taken care of. The
23 question is of trust, and we
24 don't trust anyone at all, we
25 will never, ever move forward.

125

♀
1 We are concerned about the entire
2 New Orleans East as well as
3 Eastover. We have got to start
4 somewhere to bring back a whole
5 quality of life in New Orleans
6 East. Thank you.

7 MS. MCARTHUR:

8 My name is McArthur. I have a
9 couple of questions. One thing
10 is the Corps is saying they are
11 responsible for their sites that
12 they purchased. Okay. You are
13 saying that the contractor sites
14 have to get federal, state and
15 local permits and guidelines on
16 their sites. Did y'all invite
17 anybody from the local, state or
18 the federal departments that is
19 of these permits to come to this
20 meeting to let us know what goes
21 on with these contractor sites?

22

MS. ALLEN:

23

No. We did not invite

24

anybody with the contractor, that

25

would permit the contractor. No.

126

♀

1

Nobody is here this evening.

2

MS. MCARTHUR:

3

Can I suggest y'all do it for

4

now on.

5

MS. ALLEN:

6

Absolutely.

7

MR. OWEN:

8

Let me tell you one thing.

9

We have a mailing list of over

10

seven thousand. A lot of people

11

you are talking about are on that

12

list so, yes, they are invited to

13

this. It's their choice. They

14

know about these meetings. They

15

can make the choice to come or

16

not.

17

MS. MCARTHUR:

18

With that I wanted to know,

19

too, the gentleman said that he

20

is obviously going through the

21

process already to get his site

22

approved, so forth, except for

23

the other area around it. He is

24

saying he is going to give \$25

25

million for insurance purposes or

♀

1 liability purposes. was that one
2 of the requirements from the
3 state or federal?

4 AUDIENCE MEMBER: (No
5 microphone)

6 Homeowners requirement. It
7 was the property owners
8 requirement. The board chose to
9 do it.

10 MS. MCARTHUR:

11 So the state, federal nobody
12 requires you hold liability for
13 that location?

14 AUDIENCE MEMBER: (No
15 microphone)

16 I don't know what they
17 require. we have to do it on our
18 own because the property owners
19 (inaudible) --

20 MS. MCARTHUR:

21 Anywhere in the permit --

22 AUDIENCE MEMBER:

23 I don't know. I can't answer
24 that.

25 MS. ALLEN:

♀

1 Ma'am, we can try and get you

IER 29 BORROW MEETING.txt
2 an answer to that question. I
3 don't think anyone here has it,
4 but if you would make sure one of
5 us has your contact info we can
6 follow up with you.

7 MS. MCARTHUR:

8 The reason for that question
9 is any company can fold up at any
10 time and if that company folds up
11 then who is going to be liable
12 for the problems that the other
13 people in the areas have.

14 MS. HOLLEY:

15 I want to clarify a point you
16 mention about the site being
17 approved. Please keep in mind
18 the site is not approved until
19 the commander receives all of the
20 input --

21 AUDIENCE MEMBER:

22 You said that.

23 MS. HOLLEY:

24 we have to be careful of the
25 words we choose. Phase 2 is under

129

1 investigation. Until Colonel Lee
2 receives all of the comments --

3 AUDIENCE MEMBER:

4 The dark blue section.

5 MS. HOLLEY:

IER 29 BORROW MEETING.txt
Dark blue, correct. Phase 2

6
7 is under investigation until the
8 public review is done, is closed
9 and the commander receives all of
10 the comments and reviews it and
11 then he decides if he is going to
12 sign the IER or not. Then if he
13 signs it, the site, the second
14 phase will be approved. At this
15 point the second phase is not
16 approved.

17 AUDIENCE MEMBER:

18 I am not even talking about
19 the second phase. Talking about
20 any -- phase one even. You
21 know --

22 MS. HOLLEY:

23 You were talking to Mr. Pate
24 about Eastover.

25 AUDIENCE MEMBER:

130

1 I didn't say Eastover. I
2 said any contractor site.

3 MS. HOLLEY:

4 Just want to clarify that
5 point for Eastover.

6 MS. MCARTHUR:

7 Next question, what liability
8 are y'all holding for yourselves
9 because obviously with the levees

IER 29 BORROW MEETING.txt
10 when they broke y'all are exempt
11 from those liabilities. Are
12 y'all exempt from these
13 liabilities.

14 MS. ALLEN:
15 Colonel Sinkler, can you
16 answer that question.

17 COLONEL SINKLER:
18 You know the same liability
19 situation. If the federal
20 government constructs anything
21 there are -- it's a very similar
22 situation is what most of you are
23 aware of in regards to liability
24 with levees so anything --
25 anything that is constructed by

131

1 the federal government is handled
2 very similar to the way the
3 levees were handled in New
4 Orleans.

5 MS. MCARTHUR:
6 So y'all are exempt from
7 liability.

8 COLONEL SINKLER:
9 No, we are not totally exempt
10 from liability. And what I can
11 do if you are interested is I can
12 have our legal staff put together
13 a brief and just email it out and

14 let everybody take a look at it.
15 Can you hear me okay back there.
16 I will be happy to do that but I
17 am not going to speak for our
18 legal staff at all.

19 MS. MCARTHUR:
20 No one from the legal staff
21 is here.

22 COLONEL SINKLER:
23 No one's here tonight.

24 MS. MCARTHUR:
25 I'm requesting that at all

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♀

1 meetings that you have somebody
2 from the legal staff, try to
3 request that somebody from the
4 federal government, I mean, I
5 know you said you invite them but
6 this pertains to them, too, and
7 we can't get all of the answers
8 that the public wants to know
9 because they are not here and
10 this -- you know, the things that
11 they are allowing, the federal,
12 state, local, whoever it is for
13 all of these different contractor
14 sites, if they are responsible
15 for giving the permits, whatever
16 else, the people need to know and
17 they should have someone here. I

IER 29 BORROW MEETING.txt
18 know you said you invite them.
19 what can the public do to insist
20 that they get here for the
21 meeting.

22 MS. ALLEN:
23 We can do a better job to
24 make sure we have the staff. I
25 urge you to follow up. If you

133

♀
1 get invited to meetings I urge
2 you to follow up with your local
3 officials and urge them to be
4 here.

5 MS. MCARTHUR:
6 I got a couple more
7 questions. The sites that y'all
8 have purchased is there a way to
9 find out what you paid per acre
10 for those sites because it is
11 public money that is paid for
12 these programs so I think the
13 public should be able --

14 MS. ALLEN:
15 Member of our real estate
16 staff is going to answer that
17 question.

18 MR. KOPEC:
19 Properties that were
20 purchased by the Corps if we use
21 this contractor furnish material

IER 29 BORROW MEETING.txt
22 was based on the estimate of
23 market value based on an
24 appraisal. The system
25 negotiations with the property

134

1 owner, all that information is
2 contained in the public deed
3 which is recorded in the local
4 courthouse. In that deed you
5 will find maps showing what was
6 required. One thing when you buy
7 land for a borrow pit, let's say
8 you buy one hundred acres, that
9 one hundred acres will not be dug
10 out completely. You probably
11 have certain areas that will be
12 set aside for temporary
13 easements, for access working the
14 dirt, stockpiling storage, so
15 kind of misleading when you look
16 at what is different in the deed,
17 add up those total acres and
18 divide. Some are temporary and
19 will expire in three, five, maybe
20 ten years. All of that
21 information is contained in the
22 deed which is recorded, true
23 purchase price in that deed along
24 with plats, deed description,
25 information who the owner was,

1 his name, address, etc.

2 MS. MCARTHUR:

3 Are you saying that the total
4 might be because of how deep they
5 dig up or based on what they
6 purchase.

7 MR. KOPEC:

8 Government furnish pit is
9 valued based on estimate -- just
10 like when you buy a house, you
11 get an appraisal, right.

12 MS. MCARTHUR:

13 So if you have a total I can
14 divide that by the amount of
15 acres y'all purchase and that's
16 what I would get per acre?

17 MR. KOPEC:

18 You have to look at the
19 allocation of the acres you
20 acquire. Maybe in that deed
21 there might be one hundred acres
22 which says perpetual borrow
23 easement or fee. If we buy in
24 fee the property transfers to the
25 government. We might buy it as a

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1 perpetual levee easement. Okay.

2 we might also buy four or five or

3 several estates which are
4 temporary in nature. Those by
5 nature of being temporary would
6 be a value less than the overall
7 fee value of the property, so if
8 you add everything up and divide
9 you will get a higher average
10 price per acre than was actually
11 paid for the pit itself. See me
12 after.

13 MS. ALLEN:

14 That's all a matter of the
15 public record. It's contained
16 within the deed at the
17 courthouse. Ma'am, we need to
18 move on to some other folks. If
19 you want to wait, we can get the
20 rest of your questions
21 afterwards. Yes, ma'am.

22 MS. HAROLD:

23 My name is Cheryl Harold. I
24 live in New Orleans East and I am
25 a sitting here listening to all

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1 of this. Most of the people in
2 here is educated. Most of the
3 people in here want to sit here
4 would -- how do y'all think we
5 should be believing what y'all
6 saying now. We have been

7 fighting trying to get levees
8 back here since Betsy. I was in
9 high school. So, I mean, why
10 should we sit here, because of
11 the levees we wouldn't be in this
12 situation that we in right now.
13 So we guarantee that y'all giving
14 us that y'all going to do right
15 or do right by us or do what
16 y'all supposed to since 1965.
17 Because if it wouldn't have been
18 did in the first place the money
19 that y'all got to do it that got
20 missing or got lost or got
21 whatever -- everybody is
22 educated. I don't believe y'all
23 sitting here listening to these
24 people feeding this to y'all and
25 we have been having this problem

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1 since 1965. I was in 12th grade.
2 I don't understand this. I don't
3 understand none of y'all. What
4 made y'all think we can trust the
5 Corps of Engineers in 2009.
6 That's all I got to say.

7 MR. WALSH:
8 My name is Bill Walsh. I want
9 to mention that -- I mean, she
10 said it all. I mean, the Army

11 Corps does not have a good track
12 record here and I think if you --
13 I hate to use the politicians
14 quote, but Ronald Reagan, trust
15 but verify, and I think the issue
16 we have here good, a example, you
17 said you are not familiar with
18 Eastover. Who is responsible for
19 the cleaning of the drainage
20 ditches in New Orleans East after
21 Katrina? What was that an Army
22 Corps project?

23 MS. ALLEN:

24 No. That was not work
25 completed by the Army Corps of

139

1 Engineers after Hurricane
2 Katrina.

3 MR. WALSH:

4 All of that debris from the
5 drainage canals was dumped in New
6 Orleans East and I am a New
7 Orleans East resident and am
8 tired of being dumped on. The
9 trash and debris that is out of
10 those drainage canals all over
11 New Orleans East was dumped in
12 that same area along I-10 Service
13 Road and along the end of Bullard
14 and Chef Highway. So we

15 constantly get dumped on and I
16 think that's why people are
17 upset.

18 MS. CLARKSON:

19 I'm Jackie Clarkson and I was
20 privileged to speak to you at the
21 beginning as your Councilwoman At
22 Large, and I would just like to
23 say for the record as your
24 Councilwoman At Large I am not
25 only legitimate in being here,

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1 I'm not here as a westbanker.
2 I'm here as your Councilwoman At
3 Large. I'm not only eligible to
4 be here, you should demand that
5 I'm here, okay. And I'm supposed
6 to be here learning your issues
7 and hearing from sides and asking
8 -- asking on your behalf the
9 why's, okay. I have plenty more
10 why's, but I think y'all had
11 enough for tonight. But for the
12 record, the westbank golf courses
13 that I have represented and still
14 do, Lakewood and English Turn,
15 one that was severely damaged and
16 one that was partially damaged in
17 Katrina have not had any
18 government money to restore them.

19 Now, we had no flooding but we
20 had the winds, we sit between
21 Plaquemines and St. Bernard. We
22 had some serious wind damage in
23 Algiers, but we have not used any
24 of your taxpayers money city or
25 state for those golf courses. I

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1 want that on the record. Where
2 there has possibly been state
3 money has been at the TP golf
4 course in Westwego. That is not
5 Orleans Parish and I want to put
6 that on the record because I take
7 all of this very seriously. I'm
8 not out here because my westbank
9 golf courses are okay and I don't
10 care about your golf course.
11 This has nothing to do with the
12 golf course. This has to do with
13 what is happening to this New
14 Orleans East community, what is
15 the environmental impact, what is
16 the -- who has all of the facts,
17 who can we guaran -- who is going
18 to guarantee what and how do I
19 best represent all of you and I
20 try to do that very thoroughly
21 and very methodically as I have
22 done as a councilwoman and state

23 legislature for 20 years and as a
24 professional realtor and business
25 woman for 40 years, so if that's

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1 wrong, I don't think it is, I
2 take my licks, okay. But that's
3 why I'm here and I stand very
4 justified in doing it. And,
5 lastly, I would also like to say
6 to you that there is a lot of
7 hope going on out here. Don't
8 give up over one issue. Fight
9 the good fight for whatever you
10 believe in and stand tall for
11 your community. We have a
12 hospital coming out here. The
13 city's playing a big role there.
14 We have Joe Brown Park coming
15 back. The city is playing a big
16 role, and yesterday I chaired a
17 meeting that shows that you are
18 getting one of the five design
19 built libraries, and in my
20 opinion, yours will be the
21 greatest state of the art, best
22 of the five and it will be
23 complete by we hope at this point
24 it is on line to be complete by
25 May or June of next year, so

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1 plenty is coming, trust us, and
2 fight your good fight, and I will
3 be back and I will ask why.

4 Thank you.

5 MS. ALLEN:

6 Thank you. Go hey, ma'am.

7 MS. MORGAN:

8 My name is Gilda Morgan. I
9 live at 5951 Eastover Drive and I
10 just want to let the Corps know
11 that I do not want a borrow pit
12 built in my neighborhood just for
13 the record. No. 2, \$25 million
14 that Mr. Pate is putting up for
15 Eastover for damages only
16 represents about 50 houses in
17 Eastover and it represents 50
18 cheap houses and I am one of the
19 cheap houses. My house is under
20 five hundred thousand, so I
21 consider me the little house on
22 the hill sitting next to the big
23 houses on the hill. Mr.
24 Blackwell said he was number
25 seven in Eastover. Well, I want

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1 to let you know I was the last
2 one in Eastover before the storm,

3 so I'm building, twice, too. But
4 I do not want structural damage
5 to my house because I want to
6 live in a safe community and I do
7 not, for the record, for
8 everybody to know I don't care
9 anything about a golf club. I
10 don't care anything about the
11 golf course. Anybody that know me
12 already knows this. As far as
13 I'm concerned they can flatten
14 the golf course and put houses up
15 on it. That's my opinion.
16 There's always a second choice on
17 what to do. Any businessman, any
18 businessman that only has one
19 outlet is a poor businessman.
20 Any rat that only has one hole is
21 a poor rat. That's a poorest
22 group of rat if you only have one
23 hole because you got to have two.
24 You got to have a backup plan.
25 And evidently these people don't

145

♀

1 have a backup plan, but what I do
2 want to know is what happened to
3 the dirt that is staged from this
4 hole, No. 1, who is going to
5 remove the dirt that is left over
6 there. If we sitting back

IER 29 BORROW MEETING.txt
7 waiting on Mr. Pate to move it
8 and all other things that he got
9 and I don't want to get into his
10 business finances like he don't
11 want to get mine, but he is
12 already in debt. He can't afford
13 to do anything for us. This
14 money is going to pay for the
15 debt that he is probably already
16 in and he is going to leave us
17 dry and high.

18 AUDIENCE MEMBER:

19 My question is, and I'm glad
20 our council person is still here.
21 I quoted an ordinance of -- a
22 city ordinance stating that any
23 excavation that happens needed to
24 be backfilled and I want to know
25 from the Corps if there is a city

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1 ordinance that says it has to be
2 backfilled with solid material,
3 how can Eastover build a lake.
4 Thank you.

5 MS. HOLLEY:

6 All right. Corps of
7 Engineers, at this point we're
8 not authorized to backfill any of
9 our pits so the governed
10 furnished site that are going to

11 be excavated they will not be
12 backfilled unless there is a
13 project need. In case of
14 contractor furnish site, that
15 site will be excavated by the
16 construction contractor, we
17 talked about it. He has got to
18 get it coordinated with the
19 landowner and then the excavated
20 site is inherited by the
21 landowner and the excavated site
22 is inherited by the landowner,
23 the landowner and construction
24 contractor they have to comply
25 with all of the local ordinance.

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♀

1 whatever is in the ordinance in
2 Orleans Parish they have to
3 comply with. The construction
4 contractor in our contract says
5 he has to comply with all of the
6 local permits. whatever is on the
7 paper he has to comply with it.

8 MS. DUPLESSIS:

9 Okay. We have a city
10 ordinance that says they must
11 backfill so that means they can't
12 build a lake.

13 MS. HOLLEY:

14 That's --

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MS. DUPLESSIS:

Right?

MS. HOLLEY:

If there is such an ordinance.

MS. DUPLESSIS:

There is.

MS. HOLLEY:

Then he is going to comply with it.

MS. DUPLESSIS:

♀

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So that mean, folk, there ain't going to be no lake. One question I really would like to ask and you didn't answer the question as it relates to the dirt and the stockpile of dirt. when and if they begin to dig the dirt has to be staged. That means piles of dirt; is that correct? Staged somewhere near the site; is that correct?

MS. HOLLEY:

That is going to be a part of construction contractors responsibility.

MS. DUPLESSIS:

Answer my question. So there will be 30 feet of dirt

IER 29 BORROW MEETING.txt
potentially.

19

MS. HOLLEY:

20

That's to be determined.

21

That's to be determined. All
depends on what the construction
contractor --

22

23

24

MS. DUPLESSIS:

25

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♀

So you will have staged dirt
near the construction site; is
that correct? Is that correct?
where else are you going to put
the dirt. You going to dig it
and what you going to do with it.

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MS. HOLLEY:

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Let me see if I understand
what you are saying. The area
that is going to be approved
environmentally if the commander
signs that, the construction
contractor has to stay within
that area. Now as far as he is
going to decide how much material
he needs to excavate at each
time, how he is going to compile
it, and he has to also, just like
he designs the pit, he is going
to design his stockpile.

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MS. DUPLESSIS:

21

Stockpile. Exactly. So the

22

23 question is we don't have a plan
24 for a lake that he can't build
25 because we have an ordinance. We

150

♀

1 don't have a plan for financing
2 the removal or remediation of the
3 mounds of dirt that will just
4 stay there. I mean, think about
5 this, guys. Y'all got to really
6 think about this. Visualize what
7 our community is going to look
8 like and our hope that the
9 contractor will do the right
10 thing and our hope that the
11 contractor will take some of that
12 \$25 million that they are going
13 to get from the profits of this
14 borrow pit purchase, dirt
15 purchase and they are going to
16 remove at some point in life all
17 of the stockpiles of dirt. Think
18 about the other thing. We got a
19 lot of undeveloped land along
20 Bullard and Chef and Read and
21 they got to stay within a certain
22 vicinity. You got a lot of those
23 landowners who are not getting
24 revenue right now, so what a
25 wonderful way to get revenue now

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1 is to lease their land that is
2 along Bullard, that is
3 undeveloped or along Read that's
4 undeveloped for those trucks to
5 stage, and for those trucks to
6 dump their dirt like what's
7 happening in the Plaza right now.
8 You see the dirt dump. So think
9 about when we say this is going
10 to impact all of the East, you
11 got a lot of people -- landowners
12 who are not getting revenue right
13 now. What a wonderful way for
14 the next two years to get some
15 revenue from the Corps or
16 whomever else because those
17 trucks, be it ten thousand
18 trucks, 20 thousand trucks will
19 have to be staged somewhere in
20 the East. Those trucks and the
21 dirt that they dig or excavate,
22 whatever they do it, will have to
23 be staged somewhere. Whose
24 responsibility will it be. These
25 are all of the questions that we

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1 have not gotten answers to and
2 that's why we ask the Corps
3 pause. Give -- ask the

4 contractor to come back. I got a
5 three inch thick, and y'all got
6 half of this, of questions that
7 have never been answered. Use
8 your intellect folk, we got
9 plenty of it. where is the dirt
10 going to go. where are the
11 trucks going to be staged. who
12 is going to remove it.

13 MS. HOLLEY:

14 Make a comment to that. We
15 have stated upfront there will be
16 impacts of traffic. There will
17 be trucks on the road regardless
18 of what borrow method is used,
19 regardless of where the site is.
20 We are putting down the system to
21 reduce risk. There will be
22 construction. There will be
23 impact to traffic. There will be
24 impact, there will be noise.
25 There will be deterioration of

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1 roads. That is a part of
2 construction regardless of what
3 borrow site is used, regardless
4 of what method is used and we
5 have stuck to that. what we're
6 trying to do is as the lady
7 earlier mentioned, which I have

8 mentioned before, in order to
9 minimize that impact we identify
10 in case of government furnish,
11 which we have in case of those
12 green sites, we try to idea sites
13 in a close vicinity of our levee
14 alignment. Making sure there's
15 less haul distance, less
16 deterioration to roads, less
17 traffic. That's what we do as
18 part of minimizing impact. Now
19 in case of Eastover, they have
20 contact us. They want to
21 participate. It just happens
22 that their site is also in a
23 close vicinity. We don't know if
24 it's going to be used or not
25 that. Depends on the construction

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1 contractor and the landowner.
2 MS. HEISSER:
3 My name is Joan Heisser, and
4 I'm a resident of Eastern New
5 Orleans for over 32 years. I
6 love our community. I love all
7 of my neighbors and I love the
8 people in Eastover. I have
9 friends on both sides pro and
10 con. I hate to see the division
11 of the community for one thing.

12 But we all have the same common
13 goal and the same concern, the
14 environmental impact that this is
15 going to have on our community.
16 And I don't know if that's been
17 addressed properly. Has an
18 Environmental Impact Study been
19 done by the committee from
20 Eastover for the pros and the
21 cons? And we need to know that,
22 and if it is, it needs to be made
23 publicly so that we can address
24 the issue to see whether or not
25 there is a negative impact. And

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†

1 another issue that I would like
2 to have addressed, since the City
3 of New Orleans has not been a
4 part of this, Ms. Clarkson, you
5 are here, I would like to know do
6 they need a permit to build this
7 lake as far as for the City of
8 New Orleans? What is the
9 permitting process? What is the
10 public input on that? Also I
11 would like to know who is going
12 to pay for the damage of the
13 roads. You know, for the trucks
14 that is going to come in and out
15 of the subdivision an on to

16 streets. Who is going to pay for
17 that? Is money in place to
18 restore that? You know, that's
19 what I need to know.

20 MR. OWEN: (No microphone)
21 In regards to the
22 environmental use, you asked if
23 the local homeowners association
24 has --

25 MS. HEISSER:

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1 well, the homeowners
2 association is sort of split so
3 --

4 MR. OWEN:
5 I can't tell you if they done
6 any environmental --

7 MS. HEISSER:
8 I think Mr. Pate can address
9 that whether or not he has done
10 an environmental impact, you
11 know, on his behalf, and I think
12 that Senator Duplessis, I don't
13 know if she has done an
14 environmental impact.

15 MS. DUPLESSIS: (No
16 microphone)
17 we have got the closest thing
18 where we got a certified letter
19 from the engineer who stamped it

20 to give an opinion.

21 MS. HEISSER:

22 Is that an Environmental

23 Impact Study?

24 MS. DUPLESSIS:

25 It has some information on

157

1 the environmental stuff on there
2 also.

3 MR. OWEN: (No microphone)

4 The federal government and
5 the IER is the environmental
6 impact for the federal government
7 and we're -- that's one thing
8 we're here tonight is to tell you
9 what you have seen in IER 29,
10 what environmental impact we see.
11 As far as anybody else, we don't
12 know.

13 MS. HEISSER:

14 You said that it's minimal
15 damage. What does that mean,
16 minimal?

17 MR. OWEN:

18 We are saying long term we do
19 not see any adverse impact to New
20 Orleans East.

21 MS. HEISSER:

22 Can you put that in writing
23 to us.

24

MR. OWEN:

25

It is in writing. That's

158

1

exactly what it says in the IER.

2

MS. HEISSER:

3

That it's not going to

4

negatively impact and subside the

5

land in the community. See

6

because we have a community out

7

here and I just want to say this,

8

ladies and gentlemen, because I'm

9

a realtor and I'm very concerned

10

about property values and quality

11

of life in the community. We

12

have a subdivision called Village

13

de l'Est in New Orleans East. If

14

you go in that community you can

15

see the foundations of the

16

properties. The houses are not

17

cracking or falling apart, but

18

the land subsides all of the

19

time, and every year those people

20

who live in that community have

21

to backfill their land and, you

22

know, I mean, it's quite

23

expensive. The streets are

24

sinking, so we want to be assured

25

that that's not going to happen

159

1 in the rest of New Orleans East.
2 we have no problem with lakes
3 because we love lakes. I live on
4 one. I lived on one for over 30
5 years and it's great living. New
6 Orleans East is great living;
7 however, we do have a problem if
8 this lake that's being dug is
9 going to cause subsidence to the
10 neighboring properties of
11 Eastover and the community, and
12 that's the main concern. We
13 could care less if Mr. Pate is
14 making 25 or 50 or 100 million
15 dollars as long as he puts back
16 into the community what he says
17 he is going to do. And Eastover
18 is one of the premier
19 subdivisions. My husband used to
20 belong to the golf course. Now
21 he has to go all of the way
22 uptown to Audubon Park to play.
23 He was one of the big supporters
24 of Eastover. I sold property to
25 some people who bought purposely

160

1 because of the golf course. We
2 want to see the golf course and
3 the clubhouse come back. But we

IER 29 BORROW MEETING.txt
4 want assurance and guarantees.
5 And I think together as a
6 community I don't want to see
7 Eastover split or New Orleans
8 East split. We're only strong
9 when we're unified so I just hope
10 that we can all come together on
11 this issue.

12 MR. OWEN:
13 what we say in IER 29 where
14 Mr. Pinner and I and Soheila
15 said, if the pit is designed
16 appropriately there will not be
17 -- should not be any impact.
18 It's the landowners
19 responsibility by doing his local
20 permits and everything else to do
21 that engineering properly.

22 MS. HEISSER:
23 when words you use like if or
24 -- those are escape words.

25 MR. OWEN:

1 we use that because we don't
2 issue the permit.

3 MS. HEISSER:
4 well, the City of New Orleans
5 will have to issue a permit I
6 assume and some criteria will
7 have to be set in place, and I

♀

161

IER 29 BORROW MEETING.txt
8 guess we would have to go to our
9 city council people and find and
10 the permitting department to find
11 out what that might be. what
12 about the environmental study,
13 Mr. Pate, do you have it.

14 MR. PATE:
15 we did two environmental
16 studies as part of our submission
17 with the Corps.

18 MS. ALLEN:
19 That is included in IER 29
20 and 19. IER 29 we have copies of
21 it at the front desk.

22 MS. HEISSER:
23 Can you put it on the
24 website.

25 MS. ALLEN:

162

1 Yes, ma'am. All OF our --
2 MS. HEISSER:
3 we can review it and see what
4 that --
5 MS. ALLEN:
6 All of our IER's are
7 available at
8 nolaenvironmental.gov. You want
9 to look at IER 19 and IER 29.
10 IER 29 is what we are currently
11 under public review. IER 19 has

12 already been approved. I want to
13 correct one thing you said.
14 We're very involved with the
15 city, with the state, with the
16 levee board, with the Sewerage
17 and Water Board. We meet with
18 them constantly. Our project
19 managers meet with them
20 constantly. We briefed the city
21 council last week. We brief the
22 mayor on a monthly basis on the
23 system overall. I am saying from
24 a systemwide, all of our
25 projects, including all of our

163

♀

1 borrow projects, we are hand in
2 hand with our federal, state and
3 local partners, so I just want to
4 make sure that you understand
5 that. We are communicating with
6 our partners on all issues.
7 First I do want to recognize
8 Representative Badon is here. I
9 hope I pronounced your name
10 correctly. Badon. Thank you,
11 sir. Turn the mic to this
12 gentleman right here who has been
13 waiting for a very long time.

AUDIENCE MEMBER:

15 Very brief. I want to

IER 29 BORROW MEETING.txt
16 reference slide 19. I have a
17 direct question. You list the
18 areas there one being of St.
19 Tammany and St. John. My question
20 is what type of areas are these,
21 are they similar to all type
22 environment or --

23 MR. OWEN:

24 The Tammany Holdings is the
25 residential area being developed.

164

♀
1 It's just -- if you go across the
2 I-10 bridge it's the big
3 subdivision that is being
4 developed on the east side of
5 I-10.

6 AUDIENCE MEMBER:

7 It's not currently developed?

8 MR. OWEN:

9 It is partially. They are
10 digging lakes and ponds and
11 putting homes around it. Willow
12 Bend is St. John County and right
13 now is rural area. There are some
14 homes not directly adjacent to it
15 but not that far away. Thousand,
16 two thousand feet.

17 AUDIENCE MEMBER:

18 One other quick thing.

19 MR. OWEN:

20 As you see, I mean, every one
21 of those names on there
22 represents a pit that's either
23 been investigated and approved or
24 being investigated right now.
25 The three circles are the three

165

♀
1 sites we are looking at right
2 now.

3 AUDIENCE MEMBER:

4 The question is there seems
5 to be some concern has this ever
6 been done before of this
7 magnitude and this type of
8 residential area and so forth,
9 and looking at your slide, I'm
10 trying to get clarification.

11 MR. OWEN:

12 There are borrow pits around
13 that are near residential areas.

14 MS. HOLLEY: (No microphone)

15 It shows the map of all of
16 the parishes; Jefferson, Orleans,
17 St. Bernard, Plaquemines, you
18 will see all of the government
19 sites. We have about 50 sites,
20 about half and half, and they all
21 have obviously their own
22 circumstances you have some
23 vicinity --

24

25

So some of these are in

166

1

development and not currently in
place according to what you are
saying.

2

3

4

MR. OWEN: (No microphone)

5

6

There are some that have
residential homes nearby. There
are some that plan to be
residential.

7

8

9

AUDIENCE MEMBER:

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25

One last quick thing. Any
requirements -- I'm just reading
some of this right quick and then
I have a quick question. Title 1
of EPA contains a declaration of
national environmental policy
which requires the federal
government to use all practical
means to create and maintain
conditions of which man and
nature can exist in productive
harmony, and I'm not going to
continue to read that, and it
says it goes on to talk about
Environment Impact Statements,
EIS. My question is where is

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1 this available to us, was it done
2 by you guys.

3 MR. OWEN:

4 Right. What we're doing
5 instead of EIS, we have
6 implemented an alternative
7 arrangement. It is an authorized
8 way of doing EIS type thing. IER
9 is an EIS.

10 AUDIENCE MEMBER:

11 Okay. It's the same thing.

12 MR. OWEN:

13 Same level of detail.

14 AUDIENCE MEMBER:

15 So you are not required.

16 MR. OWEN:

17 That's correct. We have an
18 alternative arrangement, which is
19 you do either EA, environmental
20 assessments; you do Environmental
21 Impact Statements. In this case
22 you are also allowed to do an
23 alternative arrangement. This
24 emergency we did an alternative
25 arrangement.

♀

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1 AUDIENCE MEMBER:

2 My final comment, I have a
3 question. How much is the borrow
4 pit project worth in dollars? How

5 much money are we talking about?

6 MS. HOLLEY:

7 As far as government

8 furnish --

9 AUDIENCE MEMBER:

10 Eastover. Contractor

11 furnished.

12 MS. HOLLEY:

13 We have paid a variety of

14 costs as far as contractor

15 furnished. It varies and a lot

16 factors are involved. Main thing

17 is that haul distance and the

18 availability. So we have, as far

19 as the contract that we have

20 awarded through contract furnish

21 process, we have paid a variety

22 of range, and also basically get

23 one line item which says

24 compacted fill, which includes

25 material, excavation,

♀

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1 transportation, placement and

2 compaction. That's what we get.

3 So is the -- cost of the Corps

4 has gotten so far the process is

5 is the combination of that cost.

6 we have -- and we have paid a

7 range, a big range. Depending on

8 what -- where the site was, the

9 size of it. Fair market value.
10 Just like when you buy a house.

11 AUDIENCE MEMBER:

12 Specifically, though, because
13 of the amount of proposed borrow
14 that is being proposed to be
15 excavated, how would you
16 guesstimate what you typically
17 paid per cubic feet or whatever.

18 MS. HOLLEY:

19 I couldn't make that
20 estimation mainly because, as we
21 said, the compensation method is
22 strictly between the construction
23 contractor and the landowner and
24 it can happen in any method. It
25 can happen per acreage, cubic

170

1 yard. It's whatever they decide.
2 Now, what we did we did a line
3 item from construction contracted
4 and we look to see if that's
5 reasonable and if the total cost
6 for that living range is within
7 that acceptable range is yes or
8 no. But that -- what you ask me
9 is something we are not going to
10 know until the contract is
11 awarded and the construction
12 contract is -- that's going to

13 vary and depends on what they
14 work out.

15 MS. ALLEN:

16 Joe, do you have --

17 MR. KOPEC:

18 The compensation for a
19 contractor pit is the result of
20 negotiations between the
21 contractor and the landowner. On
22 the government furnish pit it's
23 the same as if you wanted to buy
24 a piece of property. You will go
25 out and get an appraisal. The

171

♀

1 appraisal tell you what the
2 property is worth. That's how we
3 handle acquisition for the
4 government pits. But these
5 contractor pits is whatever
6 negotiations of the result
7 between the two parties involved.
8 We're not a part of those
9 negotiations.

10 AUDIENCE MEMBER:

11 The reason I'm saying that is
12 in the Environmental site
13 assessment, which is not an
14 Environmental Impact Study, I
15 think sometimes that's confused,
16 we have not seen an Environmental

17 Impact Study which I think the
18 young lady had asked previously,
19 I think Ms. Heisser asked about
20 environmental impact. In your
21 environmental site assessment
22 study Eastover was considered as
23 units, I believe was the term in
24 that document, valued at \$96,000.
25 so that's a gross erroneous value

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1 for what was called a unit as
2 oppose to a residential home.

3 MR. OWEN:

4 The IER is equivalent to an
5 Environmental Impact Statement.
6 The value you are seeing in there
7 is based on block grant size.
8 That's set by another agency. We
9 just reported what the average
10 value of home was in the block
11 grant.

12 AUDIENCE MEMBER:

13 well, that in no way reflects
14 Eastover. 96,000 may not reflect
15 the average home in East New
16 Orleans.

17 MR. OWEN:

18 There is a statement in here
19 and I don't remember the exact
20 page that tells you the value of

21 the homes goes from the low
22 three, four hundreds to eight
23 hundred.

24 AUDIENCE MEMBER:

25 No. Well, in the

173

1 Environmental Site Assessment
2 that we were distributed it
3 values and call it a unit at
4 96,000.

5 MR. OWEN:

6 That's the block grant.

7 AUDIENCE MEMBER:

8 I understand. But, again, I
9 don't believe that's accurate in
10 defining in any way, shape or
11 form the value of even an average
12 home in anywhere in Eastern New
13 Orleans, so that's a gross
14 misrepresentation as far as we're
15 concerned. That's one of the
16 things that I would like to say.
17 Also, I mean, I know that
18 compliance and transparency
19 should always be a part of any
20 type of project especially when
21 the Corps is involved and you
22 have got your regulations. I
23 would like to understand how does
24 the city ordinance come into play

♀ 25 when the proposed filling is with
174

1 a lake and it's not with a solid
2 soil as referenced in city
3 ordinance section 66-249.

4 MR. OWEN:

5 As you heard tonight, the
6 landowner will have to get all
7 local, state permits.

8 AUDIENCE MEMBER:

9 City as well. Okay. So this
10 is a true on the books city
11 ordinance which says by right of
12 this ordinance that a lake cannot
13 happen.

14 MR. OWEN:

15 That's an issue between the
16 landowner and the city.

17 AUDIENCE MEMBER:

18 I understand. But the Corps
19 is involved.

20 MR. OWEN:

21 No.

22 AUDIENCE MEMBER:

23 You are involved as far as
24 being able to excavate the levee.

25 MR. OWEN:

♀ 175

IER 29 BORROW MEETING.txt
No. We're not involved in

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that piece of it.

AUDIENCE MEMBER:

I understand. But I don't think that you would be in the business of being in non-compliance with a city ordinance. I don't think that you would.

MR. OWEN:

We are approving it for the potential use. If he can get all of his permits and everything and then he gets a contract, he can move forward. He has to do that.

AUDIENCE MEMBER:

Again, I think that compliance with city ordinance whether you all or Mr. Pate, I think that no one is above the law whether it's city, state or federal.

MR. OWEN:

And we are telling very clearly tonight that is an issue

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between the city and the landowner when he moves forward to get his permits to excavate.

AUDIENCE MEMBER:

IER 29 BORROW MEETING.txt
Another thing, too. I don't

5
6 believe that there's been any
7 structural study done as a part
8 of any environment. If you want
9 to call the site assessment an
10 Environmental Impact Study. It
11 only speaks to the wildlife, the
12 birds and snakes and that kind of
13 thing but nothing about people,
14 and it does not speak to any
15 potential damage to the structure
16 of the homes that are in that
17 nearby proximity and I think that
18 is a major issue.

19 MR. OWEN:

20 The IER -- the environmental
21 process looks at the impacts to
22 the human environment. People
23 are part of that human
24 environment. The bugs and bunnies
25 are, too. The report clearly

177

1 talks about that. It talks about
2 socioeconomics. It is in there
3 and it says very clearly if the
4 pit is designed appropriately we
5 do not envision there will be an
6 structural problems.

7 AUDIENCE MEMBER:

8 Not envision but you still

9 IER 29 BORROW MEETING.txt
have not given us any guarantees.
10 And of course I think someone
11 mention in this process -- and
12 how long is the excavation
13 process from how long, two years,
14 three years, minimum.

15 MR. OWEN:

16 If he gets a contract, how
17 long that contract is.

18 AUDIENCE MEMBER:

19 Again, I think the people
20 have to understand here tonight
21 that you are not talking about
22 whether we want a beautiful lake
23 or all of these things corrected
24 or not. The process is a lengthy
25 one, and in the interim period a

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1 lot can happen. Another storm
2 can come through, contractors can
3 go bankrupt. People can
4 disappear who are in the interim
5 process, haulers can certainly
6 disappear. There are no
7 assurances of the protection of
8 the people and I think the Corps
9 can do all of what it proposes in
10 these levees after a tremendous
11 disaster should be very much
12 concerned more so not in just

IER 29 BORROW MEETING.txt
13 your government furnished sites
14 but in the contracted furnished
15 sites on the welfare of the
16 people that these things impact.

17 MR. OWEN:
18 We have --

19 AUDIENCE MEMBER:
20 whether or not you say it's
21 mandated that you have to look at
22 structure or any of those things,
23 you are only looking at the
24 quality of the clay. The quality
25 of the clay may not be in the

179

♀
1 best interest for -- in this
2 instance for the residents of
3 Eastern New Orleans.

4 MR. OWEN:
5 That's exactly what we
6 address in the IER. We discuss
7 that in detail and we could not
8 -- the determination at this
9 point is that there will be no
10 long term impact to the people of
11 Eastern New Orleans.

12 AUDIENCE MEMBER:
13 I think in closing, too, with
14 the structural engineers report,
15 Mr. Julian, I think Mr. Copeland
16 refers to him as a good friend.

17 well, regardless of being a good
18 friend, he is a professional and
19 he did supply a report that was
20 accepted in the court of law by a
21 judge that said he gave credence
22 to the fact that there is
23 potential risk, so much so that
24 we did receive that judgment as
25 what you have in your report, so

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♀

1 please bear that in mind that
2 whether it's a friend or anyone
3 or not or whether or not they
4 consider it a true report, he is
5 a professional and his report
6 stood in the court of law and he
7 did say there is risk. Thank you.

8 MR. OWEN:
9 We are aware of that.

10 MS. MCARTHUR:
11 My name is McArthur again. I
12 have a couple of questions. All
13 of the levees that y'all still
14 have to fill up and make higher
15 do they have canals running all
16 alongside of most of them,
17 waterways.

18 MR. OWEN:
19 Adjacent.

20 MS. MCARTHUR:

IER 29 BORROW MEETING.txt
To the levees.

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MR. OWEN:

Some do. Not all. More so
probably on the westbank than
over here on the East.

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MS. MCARTHUR:

My question is the Bonnet
Carre Spillway has plenty of mud.
I know y'all using it for a lot
of y'all projects.

MR. OWEN:

We are bringing five million
yards of material out of Bonnet
Carre Spillway.

MS. MCARTHUR:

Correct. So couldn't you get
more out of that Bonnet Carre
Spillway and wouldn't be
affecting neighborhoods. I mean,
put it by barge, bring it along
the lake, bringing it down the
canal.

MR. OWEN:

Barge is not practical. We
could bring more material from
Bonnet Carre. There will be more
impacts to the roads, more
transportation, more congestion.
It's a bigger cost. We're saying

IER 29 BORROW MEETING.txt
there are multitude of methods.

25

♀

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1 You may use government furnish to
2 build some of this. That would
3 be probably from Bonnet Carre or
4 from one of the two sites if we
5 go forward with this. You are
6 also having the potential for
7 contractor furnish. We are also
8 investigating the supply contract
9 purpose, too. That material may
10 come in by truck or barge.

11 MS. MCARTHUR:

12 And I had asked y'all before
13 about asking representatives the
14 federal and state. Did y'all
15 just send little cards like y'all
16 sent to the public or did you
17 send a letter requesting that
18 someone represent their
19 departments to answer the
20 questions on the board with y'all
21 for the public.

22 MR. OWEN:

23 They get the card.

24 MS. MCARTHUR:

25 Can y'all please send them a

♀

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1 letter requesting instead of

2 sending a card.

3 MR. OWEN:

4 what I would suggest is that
5 you all ask for meetings
6 specifically with them. That's
7 what I would suggest because you
8 are wanting to ask them very
9 specific questions about their
10 process. They need to come and
11 explain their process. This
12 forum is to talk about IER.

13 MS. MCARTHUR:

14 The representatives that are
15 here for the different areas, can
16 y'all request it for the people,
17 all of the departments, too?

18 MS. DUPLESSIS:

19 Absolutely. Absolutely. I
20 will make sure. I will make sure
21 that I convene a meeting. I will
22 ask our local because this is a
23 local issue. I will ask -- I
24 know that I already had
25 conversations with Councilman

♀

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1 Ernie --

2 MS. MCARTHUR:

3 I don't mean just the
4 council. I am talking about the
5 permits department. The Homeland

6 Security, whatever it is with the
7 city that makes the decisions for
8 this. You know, whoever the
9 permit, whoever the contractors
10 have to go to for all of that.

11 MS. DUPLESSIS:

12 That's a great idea and I am
13 going to make sure that I do
14 that.

15 MS. MCARTHUR:

16 And request that the Corps
17 get that meeting, too.

18 MS. ALLEN:

19 I'm hearing from my Colonel
20 over here that we're going to do
21 a different way of notification
22 for public meetings. We're going
23 to send personal invites and
24 calls and whatever we need to do.

25 MS. MCARTHUR:

♀

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1 Another thing that I wanted
2 to make a comment. I know the
3 Corps is doing the best they can
4 based on information that they
5 have nowadays. I know every year
6 they doing trial and error and
7 the engineers find out later on
8 that that was wrong, you know,
9 under all of the rules we have

10 learned in school and so forth,
11 that's what we do, I guess, but
12 -- and they just people like us,
13 they have the expertise and we
14 relying on them but they are
15 people like us, and they live in
16 this area, too, so, you know,
17 don't put all of the blame on the
18 individuals.

19 MS. HOLLEY:

20 I appreciate the kind
21 comments, but I want to clarify.
22 We are not using trial and error.
23 We have engineer requirement and
24 engineer process that we follow.
25 From designer pit, from

186

1 investigating pit there is no
2 trial and error. We have
3 professional engineer the --

4 MS. MCARTHUR:

5 It changes by things that
6 happen.

7 MS. HOLLEY:

8 we have professional
9 engineers so it's a process we
10 are using engineering requirement
11 and techniques. No trial and
12 error.

13 MS. MCARTHUR:

14 I want to say, too. All of
15 this work that we're doing under
16 the hundred year plan with the
17 city y'all just put out something
18 to congress or y'all change it to
19 call something else. I want to
20 let everyone know and let all of
21 your neighbors know to write a
22 letter to congress even though
23 the time is up to send it to
24 y'all to please insist that
25 congress make the Corps protect

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1 the city from the Gulf coming
2 into the lake because if they
3 don't stop the Gulf coming into
4 the lake all of the levees they
5 built everywhere are not
6 protected. If the sea rises like
7 they said and so forth, if the
8 lake gets pushed in with more
9 lake, Gulf water because of the
10 wetlands being destroyed, the
11 levees could fail again. They
12 could be overtopped, and unless
13 we get protection from the Gulf
14 stopping into the lake, it's --
15 the levees that we have aren't
16 enough.

17 MS. ALLEN:

18 You are right. That's the
19 LACPR study. LACPR, Louisiana
20 Coastal Protection --

21 MS. MCARTHUR:

22 I suggest everybody write
23 congress because these levees
24 aren't enough, and I'm sure y'all
25 all know that. Unless you write

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1 them, congress is not going to do
2 anything about it, I don't think.
3 That's it.

4 MR. COLLIER:

5 My name is Wayne Collier. I
6 will be very briefly. I raised my
7 family in Michoud Boulevard, but
8 I'm appearing hearing because I
9 want to make clear to everyone
10 here I represent Tammany Holding
11 Corporation that has the acreage
12 and part of the IER No. 29 and
13 this company -- we're in the
14 business of moving dirt. For the
15 last ten years our company has
16 moved more than 35 cubic yards of
17 material, and if you drive over
18 the twin span and you look to
19 your right as far as you can see,
20 it's called Lakeshore, that's our
21 development. The pit that we

22 have identified that's on the
23 screen right now I think you can
24 see is and will be developed in
25 an otherwise currently vacant

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1 area. We are not proposing, if
2 we were, we probably have a lot
3 of people from St. Tammany Parish
4 here, we are not proposing to
5 build our pit and excavate in an
6 existing residential community.
7 And I'm not making that comment
8 disparagingly about the Eastover
9 site. I'm saying as a matter of
10 fact we have the good fortune as
11 a company that bought three
12 thousand acres and we have a lot
13 of land to be able to avail the
14 Corps of the benefit of our
15 material, and one of the other --
16 we actually, quite honestly, and
17 we have sought approval for three
18 hundred acres about 27 million
19 cubic yards. If needed, we could
20 expand the pit. All I'm saying
21 is that I wouldn't want the
22 record to be left tonight without
23 it being clear about what Tammany
24 Holdings part of this is, and one
25 of the other factors that I think

♀

1 was raised tonight by a lot of
2 elected officials and community
3 leaders, the work that is being
4 done to improve our levees to
5 protect the City of New Orleans
6 and New Orleans East is very
7 important. We have a distinct
8 advantage over some other
9 providers of clay material. If
10 you look at where it's going,
11 we're on the water. We can barge
12 material to some of these sites.
13 It may or may not be practical.
14 We have to have the people to do
15 the work, agree with this, but,
16 quite honestly, we're very
17 excited about having our pits
18 approved so that the Corps can
19 get down to the business that
20 it's so wants to do because we
21 work very well with the people in
22 the Corps. It's just an arduous
23 process, and at the end of the
24 day we all want these levees to
25 be constructed and we all want to

♀

1 be safe and do our part.

IER 29 BORROW MEETING.txt
MR. HAMILTON:

2
3 Greg Hamilton. 5600 Bundy
4 Road. Just point of
5 clarification. I believe you
6 said the levee projects in New
7 Orleans East require about ten
8 million cubic yards of fill. Are
9 you going to limit the extraction
10 from all of the borrow pits in
11 New Orleans East to that ten
12 million cubic yards?

13 MR. OWEN:
14 If it's improved government
15 furnish it could go anywhere in
16 the system. If it's approved
17 contractor furnish that
18 contractor could take it anywhere
19 in the system. It could go
20 outside of New Orleans East if
21 that's what you are asking.

22 MR. HAMILTON:
23 You possibly could extract
24 just as much as you can get from
25 New Orleans East well beyond the

192

1 ten million cubic yards?

2 MR. OWEN:
3 There could be -- there is a
4 potential the material would be
5 dug in New Orleans east and moved

6 IER 29 BORROW MEETING.txt
out of this area.

7 MR. HAMILTON:

8 Thank you. Thank you.

9 MR. DEMI (ph):

10 My name is Lucien Demi (ph).

11 As this young lady said, they
12 have borrow pits in Plaquemines
13 Parish. I'm born and raised all
14 of my life in Plaquemines Parish.
15 When you talk about borrow pits
16 in Plaquemines Parish has no -- I
17 mean, has nothing to do concern
18 with New Orleans East.

19 Plaquemines Parish, a levee here
20 and a levee there, and, I mean,
21 the levees are right there close
22 -- you are on the highway and see
23 a boat lift. You look to the
24 right and see one levee and you
25 look to the left and see another

193

1 levee. The people after the
2 hurricane, the people they claim
3 they weren't going back because
4 they said they weren't going to
5 let the people live back there.
6 So the people, some of the people
7 have money, went back there and
8 bought up the land. When I say
9 bought, these people had deep

10 pockets. They bought up the land
11 for a cheap price. Two years
12 later that land, the land that
13 they use to borrow pits in
14 Plaquemines Parish, the people
15 that own it now is making
16 millions and millions of dollars
17 and it was done because they
18 bought the land cheap from the
19 owners who have been owning it
20 for 50, 60, 100 hundred years
21 within the family. I own
22 property down there myself. But
23 they bought it real cheap and the
24 reason why they bought it they
25 knew they were educated, a lot

♀

194

1 people I know were not. They
2 bought this land for one purpose
3 to make big dollars. They dug
4 these borrow pits, sold it to the
5 Corps of Engineers for big
6 millions and millions of dollars
7 and what it's about, the dollar.
8 Believe me. I know it because I
9 got property down there but they
10 wouldn't buy mine because mine is
11 too small, but they are making
12 money by selling the mud to the
13 Corps and -- but when you talk

IER 29 BORROW MEETING.txt
14 about Plaquemines Parish nothing
15 like here. It don't have a
16 subdivision in Plaquemines Parish
17 with \$200,000 house. They might
18 not have a house in Plaquemines
19 Parish worth \$200,000, so you are
20 not talking anything when you
21 talk about Plaquemines Parish
22 concern about New Orleans East.
23 Together. Two different things.

24 AUDIENCE MEMBER:
25 My question is about the size

195

♀
1 of the borrow pit. I have heard
2 the senators say I think one
3 hundred acres, 120, 126 acres,
4 but I also heard 30 acres. How
5 big is that?

6 MR. OWEN:

7 The original --

8 MS. HOLLEY:

9 what is approved on the IER
10 No. 19, the approved area
11 environmentally is 36.6 acres.
12 That was the dark blue or what is
13 yellow now. The remaining is
14 113.

15 AUDIENCE MEMBER:

16 The yellow is approved,
17 right?

IER 29 BORROW MEETING.txt
MS. HOLLEY:

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19
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25

That is approve. Is that all
going to be all borrow area, no.
You are going to have setbacks.
You are going to design it, so
the area that you eventually end
up up as a borrow site is going
to be much smaller than that blue

♀

196

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line or yellow line. That's the
maximum boundary of what is
environmentally approved. Not
all of the soil in that area is
suitable and the landowner knows
it because they have the borings,
so the construction contract can
only excavate the area that is
suitable and eventually at the
end if the site is excavated it's
going to be much smaller than
that maximum boundary.

AUDIENCE MEMBER:

So that begs the question.
why keep hearing 100 acres, 126.
If that's -- I thought that was
36 acres. Just the yellow --

MR. OWEN:

The yellow is 36 acres.

AUDIENCE MEMBER:

And the blue is 120.

IER 29 BORROW MEETING.txt
MR. OWEN:

22

23

The yellow area was approved
almost a year ago is 36 acres.

24

25

what we're looking at tonight is

197

♀

1

an additional 113 acres.

2

MS. DUPLESSIS:

3

One last thing question about

4

the St. Bernard that y'all need

5

to understand and Plaquemines

6

Parish. Right now St. Bernard and

7

Plaquemines Parish are suing the

8

Corps. There is a lawsuit right

9

now because of the shrinkage and

10

the damage that has happened in

11

those two parishes. I don't know

12

if you remember about seven

13

months ago Billy Nungesser and

14

Craig Tafaro came to speak to us

15

and the retired corporal or

16

general or somebody, Starkle with

17

the Corps, who was a retired

18

general with the Corps came to us

19

and said you do not want this in

20

your community. You do not want

21

this in your backyard. We are

22

suing today. I think it was St.

23

Bernard Parish where the borrow

24

pits were out far beyond where

25

residents live but now because of

♀

1 those borrow pits those houses
2 that are existing are now
3 shifting towards the borrow pits.
4 So now the city -- the parish
5 both parish are having to come up
6 with dollars to sue the Corps or
7 somebody to help with those
8 homeowners and the damages that
9 those communities are now seeing,
10 so I want y'all understand what
11 is occurring right now. We had
12 two people who were unsolicited
13 who came out, two very credible
14 people who are experienced in
15 what we are going to experience
16 if this happens that told us you
17 don't want it.

18 MR. OWEN:

19 I would like to correct one
20 thing. We're not aware of any
21 lawsuit that you are talking
22 about.

23 MS. DUPLESSIS:

24 Yeah. St. Bernard.

25 MR. OWEN:

199

1 We are not aware of any suit.

2 MS. CLARKSON:

3 I would like to make one last
4 statement that Ms. -- I would
5 like to make one last statement
6 in reference to Ms. Heisser said
7 earlier about the city, the
8 Corps, yes, does come and report
9 to us every time we ask, they
10 have been very good with that.
11 we have not had a formal report
12 to the city council on this issue
13 since I'm back as Council At
14 Large, and that's almost two
15 years. So I wouldn't have -- so
16 I have to say when they say they
17 come and report to us, not on
18 every issue for every
19 neighborhood and everything.
20 That would be full time at our
21 council meetings if they did, so
22 I'm not criticizing them for
23 that. I am just telling you that
24 we have not had a formal
25 presentation on this at the city

200

♀

1 council and I had a lot of
2 unanswered questions, that's why
3 I'm here tonight. I was thrilled
4 to be invited. I have never been
5 told I should come or that it was
6 any responsibility to be here.

7 And so if you all feel that you
8 want other elected officials to
9 show up here, city, state and
10 federal then you get, you know,
11 you make sure you demand that of
12 the Corps invites them, but also
13 as far as the permitting and what
14 is happening, what will have to
15 happen, there is an ordinance,
16 that is real. It's on the books,
17 and as far as the permitting
18 process or any other further
19 information for the city, the
20 normal process for this has been
21 the lead has always been the
22 district council person, not just
23 for out here, in every part of
24 the city. As the Councilmen At
25 Large I defer to the district

201

♀

1 council person to always take
2 this lead. However, if you want
3 to come to my -- I'm not going to
4 step in and take your district
5 council person's lead here any
6 more than I do anywhere in the
7 city. However, my office is
8 totally available to anybody that
9 chooses to come and get your
10 information. Thank you.

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MS. DUPLESSIS:

I personally invited every council person and every elected official in the City of New Orleans. I personally sent out a letter. The ones that responded to me was council lady Clarkson, councilman Arnie Fielkow, and he was here. He was here. He wasn't here. He had a representative, but he called me and he was called out somewhere under an emergency, but he did personally call me and say, look, I have a representative and we

202

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gave her your card, who will be here and answer any questions and will let you know that we are in a hundred percent support. Cedric Richmond was not able to come tonight but he had a prior engagement, but he too said he was in one hundred percent support of us not doing this borrow pit. And I don't know Austin is here.

MS. GOLDBERG:

My name is Jacquelyn Goldberg. I have been a resident

15 in the East for more than 50
16 years. I also have my business
17 here. I have been servicing the
18 East as an attorney for almost 40
19 years. Having said that giving
20 you my background I would like
21 the Corps to know that my AOL
22 address is still
23 jgoldberglawfirm@aol.com because
24 I never received answers to the
25 questions that I asked at the

203

♀

1 last go round. Now, with my legal
2 training maybe this is my really
3 concern. We are talking about
4 the onuses on the landowner and
5 the contractor to do what is
6 right. We all know that the
7 Corps has an immunity from suit.
8 I don't believe the landowner and
9 the contractor would have an
10 immunity from suit, but I don't
11 see anything in IER 29, and like
12 Dr. Blackwell, I have read this
13 from front page to back page and
14 all of the attachments and
15 indexes and so forth. I know
16 every word it says. Having said
17 that, I don't see anything which
18 requires the contractor and

19 landowner to put any bonds up or
20 to do anything to protect us if
21 they should in fact do something
22 that causes us damage. But more
23 in particular since we are here
24 about the IER 29, let me read to
25 you from page 98 and then you

204

1 will know what my comments is
2 because I'm not sure everybody in
3 here has read it and I'm not
4 implying that anybody has not
5 done their homework. All I'm
6 implying is I did mine, and this
7 is what it says. The proposed
8 Eastover Phase 2 borrow area
9 could be designed to not directly
10 or indirectly damage nearby
11 structures. Encourage borrow
12 site sidewall erosion are
13 increased flood risk. However,
14 and that's a big word like "if"
15 and "but," however, the landowner
16 and the contractor, not the
17 CEMVN, and CEMVN you can read
18 that as Corps, are responsible
19 for borrow site design. If, here
20 is that word, if the borrow area
21 is not designed by the landowner
22 and his contractor in such a

23 fashion, here it comes, folks, it
24 could potentially cause damage to
25 neighboring homes. Now, let me

205

1 tell you, the Corps is telling us
2 that there is a possibility for
3 damage to our home if the
4 landowner and the contractor
5 don't properly design this. It
6 doesn't talk about damage to
7 Eastover homes, it could be homes
8 anywhere in the East the way I'm
9 reading this. Folks, please, for
10 God sakes if you are going to
11 come here and be active get this
12 material and read it because the
13 Corps has condemned this project
14 themselves right here on page 98,
15 for those of you -- for those of
16 you who remember the original
17 meeting at Eastover when this
18 first came out, everybody with
19 the exception of yours truly,
20 either voted in favor of this
21 project, or stood there and sat
22 there like cigar store Indians.
23 The only one who said no was
24 yours truly. And I said it loud
25 and clear, and the reason I was

206

1 worried was I didn't have any
2 information to tell me at that
3 time what impact would have on my
4 home. I am not going to tell you
5 the value of my home because I
6 don't know where Eril Williams
7 is. But I got to tell you like
8 everybody else, my home is an
9 investment and a major investment
10 for me. More than that it's a
11 quality of life for me, and I
12 have been out here a long time, I
13 have seen a lot of things council
14 person Clarkson and Senator
15 Duplessis come and go, come and
16 go through this East. I was here
17 before NASA was here, so I can
18 tell you now I was here through
19 Betsy. I know what happened to
20 us in Betsy, I know what areas
21 flooded, I know what areas didn't
22 flood. That is how -- because
23 our councilman Kelly caught the
24 areas that were ponding, he broke
25 the levees and flooded other

207

1 areas to -- and so forth and so
2 on. But I know the history of

3 IER 29 BORROW MEETING.txt
this area politically and I know
4 what went on in Betsy and I can
5 tell you this is not going to be
6 nothing nice as we say vernacular
7 out of the mouths of the Corps.

8 MS. ALLEN:

9 I'm going to let this young
10 lady make one more comment and we
11 are going to wrap it up for the
12 evening. We'll be here
13 afterwards for questions. After
14 she speaks, I'm going to ask
15 Colonel Sinkler to come up and
16 make any closing remarks.

17 AUDIENCE MEMBER:

18 Did I hear you, Jackie, say
19 "if" and "however" are big words.
20 Let's face it, if you don't put
21 pilings under your house your
22 house is going to shift. There
23 is "if" with consequences, so I'm
24 just saying --

25 MS. GOLDBERG:

208

1 Ma'am, my house has a test
2 pile. Let me tell you right now.
3 Every pile in my house was driven
4 the point of refusal when it was
5 thrown topped.

6 AUDIENCE MEMBER:

IER 29 BORROW MEETING.txt
Exactly. I said if you didn't

put that in there your house
might shift and has all of Corps
said that if it is not designed
properly you are going to have a
problem.

MS. ALLEN:

Let me -- we can continue
these discussions after we close.
I want to remind you that all of
our documentation is available on
nolaenvironmental.gov.

COLONEL SINKLER:

Everyone from the Corps of
Engineers is here tonight. We
are going to hang around up
here. If there are any questions
that you guys have for us we'll
be happy to answer. Thank you

209

for coming. want to let everyone
know that you can still make
comments on our website. Thank
you.

(Whereupon the meeting has concluded at 9:27
p.m.)

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REPORTER'S CERTIFICATE

I, RACHEL Y. TORRES, a Certified Court Reporter, do hereby certify that the within witness, after having been first duly sworn to testify to the truth, did testify as hereinabove set forth.

That the testimony was reported by me in shorthand and transcribed under my personal direction and supervision, and is a true and correct transcript, to the best of my ability and understanding; that I am not of counsel, not related to counsel or the parties hereto, and in

15 no way interested in the outcome of this event.

16

17

18

19

RACHEL Y. TORRES, CCR, RPR

20

CERTIFIED COURT REPORTER

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IER 29 BORROW AND NEW ORLEANS EAST
CONSTRUCTION PUBLIC MEETING TAKEN AT THE CHURCH
AT NEW ORLEANS, 11700 CHEF MENTEUR HIGHWAY, NEW
ORLEANS, LOUISIANA 70129 ON THE 13TH DAY OF
AUGUST 2009 COMMENCING AT 6:30 P.M.

♀

1

MS. ALLEN:

2 Good evening. Thank you for
3 attending this evening's meeting
4 on Individual Environmental
5 Report. That is IER 29, and also
6 our New Orleans Risk Reduction
7 Project. I am Nancy Allen. I'm
8 the Chief of Public Affairs for
9 the Hurricane Protection Office.

10 Since 2007 we have had 70
11 meetings at which we have
12 discussed borrow and more than 25
13 meetings to discuss work in New
14 Orleans East. We have also
15 talked to a number of
16 neighborhood associations in
17 civic group meetings. If this is
18 your first time, we thank you for
19 being here, for coming out
20 tonight, and if you have been
21 with us before, we want to thank
22 you for your continued support
23 and involvement. I'm just going
24 to do a housekeeping things and
25 then we're going to get started.

3

1 If you have your Blackberry's or
2 cell phones with you please set
3 them to vibrate or turn them off.
4 Also please note that we have
5 emergency exits in the back of

6 the room, anything should happen
7 please exit in an orderly
8 fashion. I do want to tell
9 everybody that we do have a court
10 reporter here. It's very
11 important that if you want to
12 make a comment or question that
13 you do so from the mic so that
14 she can properly record
15 everything that takes place
16 tonight.

17 The primary purpose of
18 tonight's meeting is to discuss
19 IER 29. This is the
20 environmental document for three
21 contractors supplied borrow pits
22 in New Orleans East -- sorry.
23 One in New Orleans East, Eastover
24 Phase 2 and then Tammany Holding
25 in Slidell and Willow Bend Phase

4

1 2. We are also going to update
2 you on some of our current and
3 upcoming work in New Orleans
4 East. Work on the levees, flood
5 walls, floodgates and structures
6 that are going to provide the one
7 hundred year risk reduction to
8 this area of the city. Tonight
9 we're going to have with us

10 Colonel Robert Sinkler, who is
11 the Commander of the Hurricane
12 Protection Office, and Jason
13 Cade, who is the senior project
14 manager for levees and flood
15 walls in New Orleans East. Later
16 on I'm going to introduce some of
17 our other team members. We do
18 have some elected officials and
19 staff with us tonight. We have
20 State Senator Duplessis. Did I
21 say that correctly? Hue Truong
22 from Congressman Gow's (ph)
23 office, if I am saying that
24 right, and Devona Dolliole from
25 Congressman Arnie Fielkow's

♀

5

1 office. We thank you for being
2 with us this evening. Are there
3 any other elected officials or
4 staff representatives that I
5 missed?

6 I'm going to ask that you let
7 us go through our entire
8 presentation, it's very short,
9 before asking questions. We do
10 have a number of project managers
11 here to answer your questions and
12 we will do that after the
13 presentation. You will have

14 approximately three to five
15 minutes to make your
16 presentations or comments, and,
17 again, I just can't stress enough
18 please hold them and make them
19 for the microphone in on orderly
20 fashion so we can get everything
21 on the record. We really want
22 your input. We want to hear what
23 you have to say. We want to
24 answer your questions. We only
25 ask that we all respect each

6

♀

1 other and allow us to hear all of
2 you. So I'm going to turn other
3 to Colonel Sinkler for some brief
4 remarks.

5 COLONEL SINKLER:

6 I'm not going to say too much
7 just because we have a lot of
8 people here and I want to make
9 sure we get to everyone. First of
10 all, how many of you are from the
11 New Orleans East area? Okay.
12 How many are you not? Where are
13 you guys from. St. Tammany.
14 Northshore. Okay. Anybody else?
15 Okay. Great. I just want to get
16 a feel for the audience and kind
17 of gather our presentation for

IER 29 BORROW MEETING.txt
18 the folks that are sitting out
19 there.

20 The most important thing for
21 us is to make the best decision
22 as possible as we're finishing up
23 the hurricane storm damage risk
24 reduction system. As you know,
25 we have a real short timeline.

7

1 We're trying to get a lot of
2 stuff done by 2011, and the Corps
3 of Engineers really has not
4 constructed a project in its
5 history this size in a short of
6 time, so we do appreciate
7 everybody's support and we really
8 prepare the great turn out
9 tonight because we make better
10 decisions with your input, and
11 this is really, as all of you
12 know, a project that we're
13 constructing is -- is really for
14 all of us and for everyone that
15 works, lives behind the hurricane
16 storm damage risk reduction
17 system. I did ask -- I know some
18 of the fliers went out earlier --
19 early on and we're going to focus
20 heavily on borrow, and that is
21 the primary purpose of this

IER 29 BORROW MEETING.txt
22 presentation tonight, but I did
23 want to throw a few slides
24 upfront and just kind of give you
25 an update on what is going on

8

1 around the Orleans East area, so
2 if you just bear with us and
3 we'll take a few minutes and do
4 that. Thanks.

5 MS. ALLEN:

6 We would like to begin our
7 presentation with this slide that
8 we call buying down risk. And
9 this is really just illustrating
10 how everybody shares the
11 responsibility in reducing risk.
12 It is hurricane season, we all
13 have our evacuation plans.
14 Please have your plans ready,
15 have your family ready if that
16 should occur and heed evacuation
17 orders. There is always risk,
18 but there are things that
19 everybody can do to reduce that
20 risk.

21 This gives you an overview of
22 what we call the hurricane and
23 storm damage risk reduction
24 system. It's a very long title.
25 You will hear it referred to as

1 the system or the HSDRRS. It
2 features flood walls, levees,
3 surge barriers, pump stations,
4 floodgates, all of the things
5 that work together to reduce risk
6 as a system. It is being
7 designed and constructed for the
8 one hundred year risk reduction.
9 What that means is that we are
10 reducing risk from a storm surge
11 that has a one percent chance of
12 occurring in any given year, so
13 those are some terms that you
14 will hear tonight. And while
15 we're here, we're here to listen
16 to you. We're here to hear your
17 comments and concerns and to
18 answer your questions. We are
19 guided by something call the
20 National Environmental Policy
21 Act, NEPA, which requires us to
22 do these meetings, but we want to
23 be here, we want to hear what you
24 have to say and we're very
25 interested in hearing that so we

10

1 can make more informed decisions.
2 With that, I'm going to turn

3 it over to Jason Cade. Jason is
4 our project manager to give you
5 some updates on the construction
6 that will be happening in your
7 area.

8 MR. CADE:

9 All right. Good evening.
10 Again, my name is Jason Cade and
11 I'm going to cover some of the
12 projects that we have occurring
13 in the New Orleans East area.
14 One of the first projects that we
15 have --

16 AUDIENCE MEMBER:

17 We can't hear you.

18 MR. CADE:

19 I am sorry. The first
20 project that we have is our LPV
21 108 project. Basically what LPV
22 stands for is Lake Ponchartrain
23 vicinity. So we basically
24 identify all of our projects by
25 project number. This LPV 108

11

1 project is from Paris Road to
2 South Point is currently one of
3 our projects that are under
4 construction. And what we're
5 doing is we are raising the
6 existing levee that is out there

7 to roughly 18 feet. It's been
8 under construction for the last
9 eight months or so, and we're
10 about 90, 95 percent complete
11 with the project currently.

12 The next project that I have
13 is the LPV 113 project. This is
14 a project that is being done for
15 NASA, and what we're doing is
16 we're raising the existing levee
17 that they have out there that is
18 along the Michoud Canal. Its
19 current elevation is roughly 16
20 feet and we are raising it up to
21 about 19.5 feet. We're adding
22 breakwater and stuff of that
23 nature. And that's been awarded
24 to Purnell Construction and they
25 are actually a locally owned and

12

1 operated small business here in
2 New Orleans or New Orleans area.

3 Next slide. All right. One
4 of the more impressive projects
5 that we have underway is our IHNC
6 surge barrier project. This
7 project was basically authorized
8 in 2006. It's one of the largest
9 design built projects that the
10 Corps has ever undertaken and we

11 basically have crews that are
12 working around the clock to have
13 this done by 2011. Basically
14 it's got a lot of impressive
15 features that are taking place
16 and it's definitely a massive
17 project that is underway.

18 All right. Basically what
19 this map shows is the projects
20 that we have which range from LPV
21 105, 106, 107, 108, 109, 110, 111
22 all around the East, and what we
23 identify here are some of our
24 upcoming contracts like LPV 105
25 contract, LPV 106, 107, 109 and

13

1 110, and also the projects that
2 we have that are currently under
3 construction, which is our LPV
4 108 project and our 113 project,
5 and we have a contract method
6 that is called ECI, which is our
7 111 project and I will talk a
8 little more later about some of
9 the benefits of using ECI as an
10 approach and how it gives us
11 innovative designs and helps us
12 move the project faster.

13 All right. One of the
14 projects -- another project that

15 we have is LPV 105 project. This
16 is at Lakefront. And basically
17 we're doing a couple of different
18 things for this project. One of
19 the things we're doing is we are
20 adding gates at Downman Road and
21 Jordan Boulevard, and we're also
22 building T-walls, existing that
23 is out there. We're going to do
24 offset T-walls and we are taking
25 it up to a rough elevation of

14

♀
1 15.5 feet, and we're also doing
2 levee -- basically from where the
3 105 sign is over is going to be
4 basically just levee project and
5 we're going to have that at
6 roughly 13 feet.

7 Our next project is LPV 106,
8 and this is our citrus levee, and
9 what we're doing is raising the
10 existing levee that is out there
11 from roughly 11.8 feet up to 13
12 feet, and we're doing things like
13 we're installing positive cutoff
14 flow valves and things of that
15 nature, and one thing that I
16 would like to point out with this
17 one as well as our previous
18 project is around the December,

19 January timeframe we expect to be
20 under construction and you will
21 actually see that with a lot of
22 these projects come December,
23 January timeframe they will all
24 be under construction.

25 All right. Our next project

15

1 is LPV 107 and this is our
2 Lincoln Beach levee and gate
3 project. Basically what we have
4 there is an existing gate system
5 and what we're going to do is we
6 are going to replace the existing
7 gate with a new -- new gate that
8 is going to be at a higher
9 elevation, and we expect to have
10 that elevation -- it's going to
11 be about 15.5 feet, but the same
12 as the rest of the contracts,
13 around January 2010 we expect to
14 have this project under
15 construction.

16 Next project we have is our
17 LPV 109.02A project. This is
18 from basically South Point to CSX
19 Railroad, and it runs from this
20 top point all of the way up here
21 all of the way down, and so what
22 -- we have a couple of different

23 actions that we're doing. The
24 109.02A project is raising the
25 levee from -- raising the

16

1 northern portion of the current
2 levee from elevation 13 to 22
3 feet is what it is now. We're
4 taking it all of the way up to
5 roughly 15 to 28 feet. We're --
6 same thing, we expect to be under
7 construction with this one by
8 March, but we are also using some
9 innovative approaches that we
10 expect to get us under
11 construction a lot sooner such as
12 early sand placement and things
13 of that nature. So though we're
14 saying we won't be in
15 construction until March, we will
16 actually have construction
17 activities underway here and in
18 actually about less than a month
19 here, I believe, at this point.

20 Next slide. All right. Our
21 109 -- LPV 109.02 project, this
22 is our I-10 crossing. This is
23 basically by the Bayou Sauvage,
24 and this is I-10. What we're
25 doing is -- there's actually an

17

1 existing ramp. Probably pretty
2 hard to see with the eye when you
3 are driving over there, but right
4 now it's currently at 13.5 feet
5 elevation, and what we're going
6 to do is we are going to raise
7 that elevation to roughly 16.5
8 feet, and when we raise it, we'll
9 tie into the existing 109.02A
10 levee, and same thing, we expect
11 to be under construction with
12 this project roughly by February
13 2010.

14 Okay. Next project we have
15 is our LPV 109.03C project. This
16 is along Highway 11 and Highway
17 90. Basically there are existing
18 gates that we have out there.
19 You know, through a lot of design
20 analysis and so forth we
21 determine that we want to raise
22 the elevation of these gates that
23 are out there. What we're going
24 to do is we are going to have the
25 existing gates in place, we're

18

1 going to make all gates and have
2 the existing gates remain in

IER 29 BORROW MEETING.txt
3 place until the new gates that
4 we're installing are put in place
5 and are tied into the new propose
6 -- the alignment that we're going
7 to have for the LPV 109.02A
8 project.

9 Next project we have is our
10 LPV 110 project and this is a CSX
11 Railroad gate. The one thing
12 that I like to point out about
13 most of the 109 projects is that
14 they are really in the middle of
15 nowhere. They start off by the
16 Bayou Sauvage, U.S. Fish and
17 wildlife Reserve and go all of
18 the way down to the GIWW, and so
19 basically this gate right here
20 allows for rail traffic from CSX
21 to entering and exit the city.
22 So what we have done is we
23 analyzed elevation that we have
24 had there, we determine that he
25 we want to build more T-wall and

19

1 we want to raise the elevation of
2 the gate that is there from the
3 existing 20 feet to 30 feet, so
4 we're going up basically over 20
5 feet for this gate. And we
6 expect this contract to be

IER 29 BORROW MEETING.txt
awarded by February 2010.

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All right. Next project we have is our LPV 111.01 project, and this is from basically where the CSX Railroad was where I pointed on the other slide along the Michoud canal. Now, what we're doing for this project -- let me cover elevations first. Raising it from roughly 19 feet to 24 and 27 feet along that alignment. This is one of the contracts that we're using our ECI process and basically what ECI is is Early Contractor Involvement, and the traditional method of construction is design, bid, build. You design it, you bid the job and then you build

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it. What the ECI process does is allows us to design and build simultaneously. Now, on top of that it also gives us a more informed design. It not only allows us to start construction early but it allows us to have the construction contractor as well as the designer in the same room and come up with innovative

IER 29 BORROW MEETING.txt
11 ways, cost effective ways and
12 ways to most importantly reduce
13 the construction duration to have
14 this protection in place as soon
15 as possible, and this one has
16 actually been awarded and it's
17 underway right now as we speak.

18 All right. Our LPV 111.02,
19 this is Pump Station 15. This is
20 also part of our ECI contract.
21 So the same premise. We expect
22 to have a far better, more
23 informed design. We expect to
24 reduce the construction duration.
25 what's out there now is an

21

1 existing T-wall. We are -- the
2 T-wall is roughly 24 foot
3 elevation and we're going to
4 raise that T-wall to roughly 30,
5 30.5 foot elevation.

6 All right. Borrow. Borrow
7 is basically clay material and
8 what we do is through intense
9 analysis and research, we
10 determine the best places to get
11 our borrow from. Borrow is
12 basically what the levees are
13 made out of, just a clay material
14 that we build our levees systems

IER 29 BORROW MEETING.txt
15 out of. We have investigated
16 over four hundred million cubic
17 yards worth of material areas to
18 see what borrow material meets
19 our stringent requirements.
20 Through that process we have
21 identified about 74 million cubic
22 yards that will meet our testing
23 requirements that will be
24 incorporated into our levee
25 system. Currently the Corps,

22

♀
1 we're looking for approximately
2 62 million more cubic yards of
3 clay material. Now, quick note,
4 all of this material won't be
5 used in the New Orleans East
6 area. This material will be used
7 throughout our system, you know,
8 and that runs from St. Bernard to
9 New Orleans East, New Orleans
10 metro, so the material can be
11 used in a wide variety of places.

12 All right. Individual
13 Environmental Report No. 29, IER
14 is titled: Contractor Furnish
15 borrow Material No. 4, and we're
16 investigating environmentally
17 what sites that we're clearing
18 and that's basically our Eastover

IER 29 BORROW MEETING.txt
Phase 2, which is Orleans Parish.
Tammany Holding Company, and
that's in St. Tammany Parish.
willow Bend Phase 2, and that's
in St. John Parish. Release for
public comment period on July 22,
2009 and the comment period

23

1 closes August 20, 2009. And I
2 just want to reiterate again as
3 Nancy said, the whole premise
4 behind the meeting here is to get
5 public input. We really want you
6 guys to provide us your input,
7 your comments, and if there's
8 things that we can't answer for
9 you this evening, we will
10 definitely and I will definitely
11 get back with you on anything
12 that we can't answer.

13 Sources of borrow. We have
14 three type of borrow. We have
15 our government furnish, which is
16 the material is tested and
17 acquired by the government. We
18 have our contractor furnished,
19 which is the material is tested
20 by the landowner, he is
21 responsible for the testing of
22 the material. He basically

IER 29 BORROW MEETING.txt
23 submits the information on the
24 material to the government for us
25 to approve it, and the

24

♀
1 acquisition method is between the
2 contractor and the landowner,
3 which basically that means that
4 the contractor buys the land, the
5 pit from the landowner. The
6 third method we have is a supply
7 contract, which is pretty similar
8 to the contractor furnished.
9 It's the material tested by the
10 landowner, submitted -- submit
11 documentation for the Corps to
12 review. We make sure that it
13 meets our stringent requirements
14 and then the acquisition process,
15 once again, that's between the --
16 that's between the landowner and
17 the Corps.

18 All right. On this map this
19 basically shows -- it shows where
20 the different pits are located.
21 It shows where Willow Bend Phase
22 2 is, where the Eastover Phase 2
23 pit is as well as where the
24 Tammany Holding pit is.

25 Okay. On this slide this

25

1 shows some of the government
2 furnished pits, some of the
3 supply pits and contractor
4 furnished pits. Basically the
5 two government pits that we have
6 are Cummings North and Maynard,
7 and we have actually been using
8 some of the material from these
9 pits on some of our levees, for
10 example, our LPV 106 and our LPV
11 108 project.

12 MS. ALLEN:

13 As Jason mentioned, we have
14 IER 29 currently out for public
15 review, and then IER 30, which
16 covers contractor furnished
17 borrow material No. 5 was
18 released yesterday and it will be
19 -- tomorrow, sorry. It will be
20 released tomorrow and there will
21 be a 30 day public comment
22 period. All of our copies are
23 available at
24 nolaenvironmental.gov. We have
25 several upcoming public meetings.

26

1 Not going to read through these.
2 We have copies of the
3 presentation and I think we will

4 get more copies of the
5 presentation. It will be online
6 tomorrow. The presentation will
7 be online tomorrow.

8 All right. Ways that you can
9 give us your public input.
10 Regular public meetings, make
11 sure you sign in if you didn't
12 sign in coming in, please do that
13 when you leave. Comments can be
14 submitted all of the time at
15 nolaenvironmental.gov and then
16 there's information about how to
17 submit comments on IER public
18 review. We have two websites
19 that you might want to check out.
20 One is, as I mentioned,
21 nolaenvironmental.gov. The other
22 is our Corps of Engineers
23 website, www.mvn.usace.army.mill.
24 All right. We're going to move
25 to our question and answer

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1 period. I know a number of you
2 have come to previous meetings so
3 what we thought we would do is
4 kick it off with some questions
5 that we hear frequently. We're
6 going to go ahead and bring some
7 of our folks up to answer these,

8 and then we'll continue with your
9 questions and comments. We have
10 the facility until 9 p.m. so
11 we're going to keep the floor
12 open and keep working with you.
13 We do have our team available
14 also afterwards. You were handed
15 a questionnaire when you walked
16 in. If you will please fill out
17 that and leave it for us, that
18 will be great. We -- if you --
19 we want to answer your questions.
20 If you still have a question or a
21 concern when we leave here,
22 please find one of us that I'm
23 about to introduce and ask us.
24 As I mentioned, we will take
25 questions and comments from the

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1 microphones. Again, we have
2 someone here recording. It's
3 very important that you line up
4 at the microphones when we ask
5 you to. We wait -- you wait
6 until you are called upon and
7 acknowledged and then we will
8 turn the floor over to you. So,
9 again, please state your name
10 when you make a comment, use the
11 microphone. We ask you to limit

12 it to three to five minutes
13 because we do have a lot of folks
14 here tonight and we want to hear
15 from you. Please respect each
16 other's time and we look forward
17 to hearing what you have to say.

18 I'm going to introduce some
19 of our team members and then we
20 are going to get started on a few
21 of these questions.

22 We have from our borrow team,
23 Tutashinda Salaam and Soheila
24 Holley. We have from the real
25 estate team, Joe Kopec and Deana

29

1 walker. Some of our geotechnical
2 engineers, Richard Pinner and Ken
3 Tulia (ph). And I think that's
4 it. We have other experts -- and
5 we have Gib Owen from
6 Environmental, who is very
7 important. And I see that we
8 have been joined by councilwoman
9 Clarkson. Thank you for being
10 here. I was going to ask Senator
11 Duplessis to make a few comments
12 and councilwoman Clarkson, if you
13 would like to make some comments
14 before we get started, you are
15 welcome to do that. We are going

16 to run through some questions and
17 then I will turn it over to
18 you-all.

19 Okay. So some of the
20 questions that we have heard, and
21 ask Richard if you will come up.
22 Yeah.

23 "What factors are considered
24 when designing a borrow site?"

25 MR. PINNER:

30

1 Some of the things -- I am a
2 geotechnical engineer. When I say
3 a borrow site it's more than just
4 a hole on the ground. I look at
5 a borrow site that is normally
6 designed by a civil engineer. We
7 look at the first thing is some
8 of the factors we look at is
9 material suitable for levee fill.
10 That's one of the first things
11 that we look for. Next thing
12 that we determine if from our
13 environment people it has been
14 cleared to use as a borrow pit.
15 And the other thing we have to
16 look for, like I said, just not a
17 hole in the ground, we look at,
18 okay, how much borrow material we
19 need for that site, so this is to

20 determine how big of a borrow
21 site you need. The other things
22 that you might be looking at is
23 staging areas. You know,
24 contractor need to stage his
25 equipment out. He's going to

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1 have to stock pile his material.
2 And also process material. When
3 I say process material, you have
4 to dig material out of the ground
5 and you either process it at the
6 borrow site or bring it to his
7 construction site. You need to
8 dry that material out before we
9 put in our levee fill. And also
10 from a geotechnical standpoint,
11 we had to design that borrow pit.
12 we look at -- we inline the
13 system to make sure we don't have
14 any problems and also we make
15 sure that we don't impact the
16 surrounding structures or
17 roadways, and that's part of our
18 design procedure. We look at
19 global stability. We look at
20 seepage, you know, if you have
21 sand underneath your borrow pit,
22 you make sure you don't hit
23 bottom. That's a government

24 determined borrow pit. If the
25 contractor determine borrow pit,
32

1 that contractor needs to go
2 through his own procedures. He
3 needs to meet all of the rules
4 and regulations of the city codes
5 and ordinances. That is his
6 responsibility. And that's, you
7 know, some of the factors that we
8 look at for a borrow site and not
9 just a borrow pit.

10 MS. ALLEN:

11 Another question we hear
12 frequently, "how will the
13 stability of homes be impacted by
14 excavated borrow sites?"

15 MR. PINNER:

16 One of the things that I
17 looked at here is, you know, for
18 government furnished borrow pit,
19 again, we design that pit. When
20 we design that pit, we make sure
21 we don't impact the surrounding
22 structures. Again, adequately
23 design the pit to make sure --
24 you look at, you know, what
25 impacts you might have on global

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1 stability and how close are your
2 structures. You are going to
3 have some local impact on the
4 groundwater, and that very local
5 next to that borrow pit you
6 design for that conditions.
7 Again for the contractor borrow
8 pit, he needs to, again, design
9 his own borrow pit. He is
10 responsible for that pit. That is
11 a private pit, it's not owned by
12 the government.

13 MS. ALLEN:

14 "Will excavated borrow sites
15 fill with water and where does
16 that water come from?"

17 MR. PINNER:

18 Most borrow pits will fill
19 back with water. We have many
20 borrow pits in the New Orleans
21 East, old borrow pits. One of
22 them is Lake Bullard. That is an
23 old borrow pit they used to raise
24 -- you know, build I-10. The
25 water that fills in their borrow

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1 pit is the groundwater, is
2 adjacent groundwater. That ground
3 water will seep into that borrow

IER 29 BORROW MEETING.txt
4 pit. Also the rain, rainfall in
5 this area also fill in the borrow
6 pits, so over time that borrow
7 pit will fill with water back to
8 the surrounding groundwater in
9 that area. You know, this is --
10 like I had said, many borrow
11 pits, if you drive around the
12 City of New Orleans you have
13 borrow pits. I think if you go
14 down to Kenilworth you have
15 another lake in that area and
16 also across the interstate along
17 of I-10. Those -- you know, and
18 that definitely will fill with
19 water.

20 MS. ALLEN:
21 "Who governs required permits
22 of construction contractors?"
23 Okay. Our contractors are
24 required to have all applicable
25 local, state, environmental

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1 permits, anything that they are
2 required to have they are
3 required to have that and they
4 are required to comply with all
5 local, state and federal laws.
6 Soheila, I think you are up.

7 "How does the government" --

8 I am sorry, that's a real estate
9 question. Joe is going to answer
10 this.

11 "How does the government
12 determine the price that will be
13 paid for borrow?"

14 MR. KOPEC:

15 For the government furnish
16 borrow pits, the compensation is
17 based on the estimate of market
18 value is determined by an
19 appraisal. It's very close to a
20 land transaction where the
21 appraisal estimates the market
22 value of the interest acquired.
23 Generally because of the size of
24 the permits it's expressing so
25 much per acre.

♀

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1 MS. ALLEN:

2 Jason, "will contracts will
3 be awarded to Louisiana
4 businesses?"

5 MR. CADE:

6 That's actually a very good
7 question. Simple answer is yes.
8 I like to point out that the
9 Corps of Engineers has a very,
10 very, very robust small business
11 program, and to that end, our

IER 29 BORROW MEETING.txt
12 system has a rough cost of about
13 \$14 billion, and of that \$14
14 billion system, about 1.4 to 1.9
15 billion is targeted to small
16 business, and there are several
17 different types of small
18 business. You have service
19 disabled veteran small business.
20 You have a hub zone business,
21 which is underutilized area. You
22 have 8A business, so, yes,
23 basically, as a matter of fact,
24 we do have several contracts
25 right now. Our LPV 108 is a

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1 small business contract. The
2 hauler, the people that drive the
3 trucks are from the area and the
4 companies is from the area.

5 MS. ALLEN:

6 Thank you. "And will borrow
7 sites be fenced?"

8 MR. CADE:

9 Basically for government, for
10 government pits the borrow sites
11 will be fenced during
12 construction. As far as the
13 contractor control pits, the
14 supply contracts, it's up to the
15 contractor to make sure that he

16 IER 29 BORROW MEETING.txt
17 meets all local, federal, state
18 guidelines that are required for
19 him to fulfill.

19 MS. ALLEN:

20 Thank you. I'm going to ask
21 Senator Duplessis would like to
22 make a couple of comments and
23 then councilwoman Clarkson.

24 MS. DUPLESSIS:

25 Thank you very much, and we

38

1 want to thank you for coming out
2 to Eastern New Orleans tonight to
3 share with us the plans for
4 hurricane protection and all of
5 the wonderful things that you are
6 doing. You know, tonight you are
7 going to have a variety of
8 concerns that will be addressed
9 to the Corps, a lot of which you
10 probably will not be able to
11 answer tonight. I think that I'm
12 going to speak for me, I have a
13 lot of concerns, many concerns of
14 a number of which I have placed
15 in a letter to the Corps, to the
16 City Hall, to the Mayor, to
17 anybody that will listen about
18 the impact that this particular
19 project in -- at the Eastover

IER 29 BORROW MEETING.txt
20 site will have on the community
21 as a whole, so I'm not going to
22 get on my high horse yet, I'm
23 going to let other folk talk
24 first, but I just want to thank
25 you for coming out, giving us

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♀
1 information, and hopefully we can
2 leave the meeting tonight with a
3 clear direction about how we
4 feel, truly feel about this
5 particular project. Thank you.

6 MS. CLARKSON:

7 Thank you for this
8 opportunity. I'm Jackie
9 Clarkson, your Councilwoman At
10 Large. And I was thrilled to be
11 invited because now that I have
12 the whole city I want to be as
13 diligent in the East as I have
14 been in the west, on the westbank
15 and get to know your issues and I
16 have been trying to follow them
17 very closely, but -- but I have
18 been following the Corps very
19 closely and they know it, and I
20 stay pretty much on their necks,
21 so I'm here to see everything
22 that will be -- I'm here to hear
23 everything that will be discussed

IER 29 BORROW MEETING.txt
tonight in terms of what they are
doing for you. You are the most

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vulnerable part of our city. You
are a very priceless part of our
city. We want every inch and
every one of you back. We want
sustainability. We want --
that's why the master plan, and I
know it's been controversial out
here and I'm the author, but the
reason as a 40 year realtor for a
master plan with a comprehensive
zoning code, the force of law is
you don't get projects you don't
want, you don't get landfills.
You don't get borrow pits if they
are not supposed to be there. You
don't get bars instead of grocery
stores. That's what it's all
about. That's what it's all
about and putting it in stone,
and that's why I'm determined to
get that done for this city
because Katrina taught us a good
lesson. We were already not
using solid principles in our
zoning approaches, in my opinion,

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1 as someone that's done it
2 professionally, but since Katrina
3 it's even more critical that we
4 are careful about what we allow
5 to happen in neighborhoods and in
6 order to preserve quality of life
7 and sustainability, so this is
8 critically important to me and I
9 don't understand -- I mean,
10 everything that they are doing
11 out here we're watching, the
12 whole council is watching, and
13 especially as far as flood
14 control and hurricane protection,
15 but the borrow pit is something
16 that I have yet to understand why
17 we're doing, and -- I don't know
18 -- I mean, I don't know if -- and
19 I don't know if I'm right or
20 wrong, I will admit right
21 upfront, but I have no idea why
22 you go into the most elegant,
23 lovely subdivisions in the entire
24 city and start building a hole.
25 I don't get it. So I really,

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1 truly don't get it, so I'm here
2 to find out if there is something
3 that I have been missing. I'm
4 going to be very honest with you,

5 I'm known for that, so I'm here
6 to learn, I'm here to hear your
7 opinions, and my door is open to
8 you, my phone is open to you for
9 anything else that, you know, we
10 have neglected to keep up with
11 out here on your behalf. Thank
12 you again for inviting me.

13 MS. ALLEN:

14 Thank you, ma'am. Okay. I
15 think we're going to start Q and
16 A and Councilwoman Clarkson has
17 so elegantly asked the first
18 question, and I think Soheila
19 might like to speak to that.

20 MS. HOLLEY:

21 Good afternoon. Soheila
22 Holley, senior project manager
23 for the borrow team. In your
24 response, we mention that there
25 are 60 million cubic yards of

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1 material needed for the whole
2 system. In New Orleans East
3 there we need about 10 million
4 cubic yard of material. The
5 material is needed to build the
6 system to reduce risk. We have
7 government furnished sites where
8 the landowners, willing

9 landowners contacted the Corps
10 wanted to participated in the
11 borrow efforts. We did the
12 testing, we got the proof through
13 the NEPA process and we are -- we
14 have acquired them and we're
15 using them. In case of Eastover,
16 which I know that's what you are
17 concerned with, a willing
18 landowner has contacted us
19 through their representative and
20 they want to participate in a
21 viable borrow method which is
22 called contractor furnish, and in
23 this method, the landowner and
24 the reps, they do the same type
25 of geotechnical engineering

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1 testing and environmental
2 checklist and they submit that
3 data to the Corps for review.
4 Once that site -- investigation
5 review is complete then we put it
6 in an environmental document for
7 public review, which we have done
8 in this case, IER 29, which
9 includes Eastover Phase 2. Once
10 the commander receives all of the
11 comments and the commander will
12 review and analyze all of the

13 public comments and he will
14 decide if he wants to -- if it's
15 deemed important for that
16 environmental report to be
17 signed. If that report is signed
18 that site is considered approved.
19 Once it's approved then it goes
20 on a clay source list, which we
21 make it available to the
22 construction contractor. Now,
23 from the beginning we let the
24 landowners -- in case the
25 landowners rep, in case of

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1 Eastover 2, we make it clear to
2 them that the Corps does not
3 guarantee that that site will
4 ever be used. That site is only
5 used and approved by the Corps
6 saying the material meets our
7 standards. Once it goes on that
8 clay source list, we make it
9 available to the construction
10 contractor. The construction
11 contractor can go to any of those
12 sites, and there are many of
13 them, 20 plus, to use the
14 material, and then the
15 construction contractor will
16 contact the landowner or the

17 landowners rep and they will work
18 a deal as far as compensation is
19 concerned. So in general let you
20 know why we are using clay
21 material because you need clay
22 material to build a system. why
23 with have gone through three
24 methods, traditionally the Corps
25 only use government furnish, but

46

1 keep in mind at one time we need
2 over one hundred million cubic
3 yard of material. Some contracts
4 been awarded through design, some
5 contracts design sections have
6 changed from levees to flood wall
7 and therefore the quantity has
8 dropped. At this time the
9 remaining contracts for the
10 entire system, all of the
11 parishes is about 60 million
12 cubic yard. That's a very fluent
13 number. That number may go up
14 and down as the design reaches --
15 go through the final process.

16 In order to build the system
17 we need the levee and therefore
18 we're dealing with a lot of
19 material in a very compressed
20 time period. Our deadline is

21 June 2011. We understand, we
22 knew from the get-go that in
23 order for the government -- for
24 the Corps to use the government
25 furnished process is a very

47

1 lengthy, tedious process. We
2 were not going to be able to have
3 enough suitable material on time
4 so we wouldn't delay any
5 contracts, so out of necessity,
6 we're dealing with a compressed
7 time, I mention again. We were
8 compelled to go through three
9 methods to make sure we have
10 adequate material on time so we
11 don't delay the completion date.
12 And contract furnishes a viable
13 method. The landowner, the rep
14 has contact the Corps. We cannot
15 discriminate to a landowner. We
16 cannot reject their packages. If
17 we receive their packages, we
18 review it. If NEPA standard, we
19 put it out for public review and
20 comments on. And if the document
21 is signed then we have to, by our
22 process to be consistent with all
23 of the landowners to put that
24 site on the list.

25

Now, Eastover is not the only

48

1 site. You see Cummings up there
2 in light blue, and that site is
3 still -- still review the package
4 and it will go through the same
5 process. This process is not
6 just in New Orleans. We have it
7 in Jefferson Parish. We have it
8 in St. Bernard. We have it in
9 Plaquemines Parish. Those three
10 borrow methods are viable borrow
11 options in all of those parishes
12 that we are working in.

13

MS. ALLEN:

14

Thank you. Okay. I'm going
15 to ask again that you come to the
16 microphones. Please wait until I
17 call on you. Please give us your
18 name and stick to three to five
19 minutes for comments so that we
20 have time to adequately address
21 everybody's comments, and I'm
22 going to start with you, sir.

23

MR. PATE:

24

My name is Donnie Pate. I am
25 the original developer and

49

1 President of the Eastover Country
2 Club. As usual, Councilwoman
3 Clarkson cuts to the chase. Why
4 would we want to do this in a
5 beautiful subdivision like
6 Eastover. I have been here 25
7 years, Councilwoman Clarkson, and
8 the hurricane obviously
9 devastated our development,
10 completely destroyed our golf
11 courses, completely destroyed our
12 development. We have been
13 working for the last three years
14 to assist our residents in
15 getting back in the subdivision
16 and we have about 75 percent of
17 our residents back.
18 Unfortunately the Country Club
19 and the golf course has no means
20 to come back other than a project
21 like this that will generate
22 capital for us. We have looked
23 high and low across the country
24 at various sources of capital and
25 there are no sources of capital

50

1 with which we can rebuild with.
2 If we don't rebuild the Country
3 Club there, our residents in
4 Eastover are looking at somewhere

5 between 75 and one hundred
6 million dollar reduction in
7 property values. We see that
8 every day as people try to buy
9 homes in Eastover that used to
10 sell for six, seven, eight
11 hundred thousand dollars and they
12 are buying for three or four
13 hundred thousand. Our people are
14 taking a serious hit in value.
15 The area in Eastover that we are
16 talking about using and digging
17 this lake, we called it a lake,
18 because our company has been
19 instrumental in building many of
20 the lakes in New Orleans East;
21 Lake Forest Estates, Lake
22 Bullard, and this another
23 opportunity. We would have liked
24 nothing better than to remain a
25 very active 36 hole golf course

51

1 where we have brought every type
2 of golf event from around the
3 nation to our city, the
4 conventions that come to our city
5 have used our facility, brought
6 traffic and brought business to
7 our community. When we realize
8 that this was our only option for

9 rebuilding with, we immediately
10 formed a committee of our
11 homeowners, we realized that we
12 couldn't do this in a vacuum. We
13 had to do this with the Eastover
14 Property Owners Association. We
15 put together various committees
16 to look at this. Our project was
17 unanimously approved by the
18 Eastover Board of Directors and
19 the Eastover membership in
20 February of '07. We have been
21 working at this process now for
22 about two and a half years. We
23 formed a committee called the
24 Eastover Reconstruction Committee
25 that has worked with us and we

♀

52

1 have crafted an actual contract
2 that says the revenue generated
3 off this lake that we're going to
4 be constructing doesn't all come
5 to us, it -- our lender is going
6 to want to be repaid for their
7 mortgage, but we have committed
8 up to \$6 million of these
9 proceeds to go back into our
10 community to build our golf
11 course back and make it what it
12 was before the storm hit and

13 therefore helping our residents
14 retain their value there. We
15 would like nothing better than to
16 have never had to go through this
17 process, but we're here and this
18 is our only option to get our
19 facility back to where it was
20 before. We have looked from the
21 design standpoint as the
22 gentleman who was talking about a
23 while ago, we have gone through
24 that exact Corps process. We
25 have taken soil borings. All

♀

53

1 along the canal where our homes
2 will be overlooking this lake
3 will be constructed a three
4 thousand foot long bulkhead where
5 we will drive sheet piles down
6 into the clay base to prevent any
7 kind of seepage and any kind of
8 erosion of our houses over there.
9 The things that we're going to do
10 around this lake is going to
11 actually add another recreational
12 type facility for our
13 development. We are going to put
14 a two and a half mile jogging
15 trail around this. We're going
16 to dedicate two and a half acres

17 of land around the lake to the
18 homeowners association for a
19 park. I have been here 25 years
20 and every year I would ask why do
21 we not have a park for our
22 children to play in. Everybody
23 wants a park but nobody wants it
24 next to their house. This is
25 going to give us a great

♀

54

1 opportunity to address that need
2 that we have and get that
3 completed. So would we like to
4 have never to have do this, yes,
5 we would have. But we are where
6 we are and we have got to move
7 forward. If there were any other
8 options out there -- when all of
9 the government programs were put
10 in place to help homeowners and
11 individuals, it was fantastic,
12 and that's why at 75 or 80
13 percent of our residents are back
14 in their homes, but when the
15 national legislation was crafted
16 to help businesses down here, for
17 whatever reason, they
18 specifically excluded golf
19 courses from being able to tap
20 into that kind of -- two

IER 29 BORROW MEETING.txt
21 businesses, golf courses and
22 casinos were specifically
23 excluded from being able to
24 source those capital sources
25 there and use it to rebuild, so

55

1 we are forced to look for our own
2 sources and this is the best and
3 most viable option we have.
4 Thank you very much.

5 MS. ALLEN:

6 Thank you, sir. Ma'am.

7 MS. BELL:

8 My name is Cynthia Bell and
9 I'm a resident --

10 AUDIENCE MEMBER:

11 Can't hear you. The mic is
12 not on.

13 MS. BELL:

14 My name is Cynthia Bell. I
15 am a resident of Evangeline Oaks
16 in New Orleans East and while I
17 appreciate what Eastover has
18 said, it is no longer an Eastover
19 problem, it is now a New Orleans
20 East problem and we are not here
21 to speak for the residents of
22 Eastover, we are here to speak
23 for the residents of New Orleans
24 East amass. Do you realize that

1 which in the vernacular is a
2 hole. where you are proposing
3 this is where we have been
4 attempting for two and a half
5 years to get Six Flags
6 redeveloped. we have someone who
7 is willing to step in and
8 redevelop that, make it a
9 multi-million project. Okay.
10 what is that going to do to that?
11 Excuse me. Excuse me. Excuse me.

12 (AUDIENCE INTERRUPTION).

13 MS. BELL:

14 Am I not asking the
15 questions? I thought I had the
16 mic.

17 MS. ALLEN:

18 Yes, ma'am. You absolutely
19 do.

20 MS. BELL:

21 My question is is that going
22 to impact the site of the Six
23 Flags? That was my question. Is
24 what you are proposing going to
25 impact the site of Six Flags.

1 MS. ALLEN:

2 Will the site of the Eastover
3 borrow pit impact Six Flags.

4 MR. SALAAM:

5 The area that is being
6 proposed is not -- it's not --

7 AUDIENCE MEMBERS:

8 Can't hear you.

9 MR. SALAAM:

10 The area that is being
11 proposed is not the area that --
12 the Six Flags. The area that is
13 being proposed is inside the
14 Eastover community.

15 MS. BELL:

16 Evidently Eastover has a
17 dollar value to it, that's why we
18 have the applause, but those of
19 us in New Orleans East needs to
20 make sure that our system is not
21 going to be impacted also
22 economically. We're trying to
23 get the Plaza back. We're trying
24 to get Joe Brown Park back for
25 everyone not just the residents

58

1 of Eastover. We're trying to get
2 Joe Brown Park back for everybody
3 in New Orleans East not just for
4 Eastover. What I heard was
5 pertaining to Eastover and

6 Eastover only. I want to know
7 what the impact to this New
8 Orleans East community is going
9 to be not just Eastover.

10 MS. HOLLEY:

11 As I mention before, this is
12 important for you guys to
13 remember. We are not -- the
14 Corps is not proposing this site
15 to be excavated to be used. All
16 we are saying this site has got
17 suitable material in it and if
18 the commander signs the document
19 this site will be approved if the
20 construction contractor would
21 like to use it in coordination
22 with the landowner. We are not
23 -- the Corps is not saying that
24 site will be used. That site may
25 never be used. Keep in mind the

59

♀

1 first phase, the 36.6 acres has
2 been approved through NEPA
3 process since October 2007. To
4 date, the Corps is not aware of
5 that site being excavated used
6 for any Corps projects. We have
7 numerous contractors on this site
8 throughout the parishes all of
9 the way to Mississippi that have

10 been approved for a long time and
11 none of them have been used.
12 Keep in mind the Corps is not
13 saying that site will be
14 excavated. We told the
15 landowners and the landowners rep
16 this from the get-go that the
17 Corps does not guarantee. This
18 is a business decision you are
19 going to make for this effort.
20 You are going to spend time and
21 effort and money investigating
22 that site. All we can do is
23 allow you to participate in this
24 viable option we made available
25 to the community. Keep in mind

60

♀

1 this is only a courtesy list that
2 we make available to our
3 construction contractors to speed
4 up the process. A construction
5 contractor may never go to that
6 site, but then again it may. I
7 cannot say strong or lower or
8 medium. Potentially this site,
9 if approved, for example, the
10 dark blue, that is phase one,
11 which I mentioned, that was
12 approved October 2007. That site
13 was approved to be used has been

14 on our clay source since October
15 2007. To date we're not aware of
16 anybody excavating that site for
17 any Corps project. The second
18 phase, the 113 acres -- excuse
19 me. The 113 acres if approved
20 through the IER process will be
21 placed on a clay source and
22 available to the construction
23 contractor but we will never know
24 if a construction contractor will
25 go to it or not. Basically I'm

61

1 going to repeat myself. We could
2 not and will not discriminate
3 against a landowner who wants to
4 participate in this process.

5 MS. ALLEN:

6 Ma'am, I think your question
7 was will the borrow pit have an
8 impact on Six Flags. Did you get
9 an answer to your question?

10 MS. BELL:

11 My question, will the borrow
12 pit have an impact on New Orleans
13 East as a whole, not just
14 Eastover.

15 MR. OWEN:

16 Good evening. My name is Gib
17 Owen. I am the environmental

18 team leader for this. There will
19 be impacts to New Orleans East
20 temporary. Initially during the
21 construction, you will see a lot
22 of truck traffic. You are going
23 to see dirt on the roads. We
24 have construction requirements
25 that that will be cleaned. You

62

1 are going to see road damage.
2 working with the local
3 governments to work through how
4 that's going to be taken care of.
5 There will be noise. There will
6 be vibration. There are going to
7 be a lot temporary impacts. We
8 do not foresee any long term
9 impacts to New Orleans East.

10 MS. BELL: (No microphone
11 used)

12 If that's the case, if there
13 is going to be truck traffic, if
14 there going to be noise it's
15 going to impact New Orleans East,
16 why wasn't it open to the entire
17 New Orleans East community to
18 vote yeah or nay on it? why only
19 Eastover? Landowners, yes but
20 not the only --

21 MR. OWEN:

22 There is no vote. This is a
23 federal decision being made.

24 MS. BELL: (No microphone)
25 You said you had meetings.

63

♀

1 MR. OWEN:
2 We had numerous public
3 meetings and everybody was
4 invited to come to those public
5 meetings. There is no vote.
6 This is an open decision. We're
7 taking peoples comments. Based
8 on those comments, based on the
9 technical engineering and
10 environmental impacts, a decision
11 will be made.

12 MS. BELL: (No microphone)
13 So the people of New Orleans
14 East, other than Eastover, say we
15 don't want this borrow pit in our
16 area, we don't want this truck
17 traffic in our area, we have no
18 say in it at all, that's what you
19 are telling me?

20 MR. OWEN:
21 We are listening to your
22 comments. This is a balancing
23 act. We have to build this
24 system. There is going to be
25 impact, there is going to be

♀

1 truck traffic. It has to come
2 from somewhere. It has to come
3 from some borrow. If not this
4 one, another one, but we are
5 listening to the people.

6 MS. ALLEN:
7 We need to move on to another
8 comment. You are welcome to back
9 up once everybody is done. Ma'am.

10 AUDIENCE MEMBER:
11 My question has been and is
12 what's going to happen to the
13 under groundwater. If it's all
14 going -- how low is our
15 groundwater? If it's all going to
16 filling up these pits that you
17 are digging, you are going to
18 need a levee ten times that much
19 because we are going to be down
20 that much far. Our lands are
21 subsiding now. The more you dry
22 it out the further down we
23 subside it. I need to know how
24 much of our groundwater is going
25 to be placed in these pits?

1 MR. PINNER:

2 The groundwater in the
3 general area will not be
4 impacted. It would be the local
5 groundwater in the vicinity of
6 that borrow pit will be impacted
7 temporarily. You know,
8 groundwater through rainfall --
9 every time it rains, and also got
10 Lake Ponchartrain, you know, more
11 or less putting, you know,
12 restoring our groundwater. The
13 only reason why our groundwater
14 is down at minus four or minus
15 five is because we pump our
16 groundwater down. They turn
17 those pump stations off that
18 groundwater will rise above our
19 ground surface in this area. So
20 we get -- the groundwater is
21 refurbished between rainfall,
22 Lake Ponchartrain, GIWW, all of
23 the waterways in this area, so in
24 -- generally we're not impacting
25 groundwater. Like I said,

66

1 temporary impact around that
2 borrow pit.

3 AUDIENCE MEMBER:

4 So I don't need to worry
5 about my lots continuing to

IER 29 BORROW MEETING.txt
subside five miles away?

6

7

MR. PINNER:

8

Correct. You had to look at

9

is how they pump the city down.

10

If they lower your groundwater in

11

the canal and keep on pumping it

12

for year after year that's impact

13

your groundwater. If you turn

14

the pump station off right now

15

your groundwater rise, rise above

16

ground -- ground surface.

17

AUDIENCE MEMBER:

18

I'm taking you at your word.

19

MS. ALLEN:

20

Sir.

21

MR. WALSH:

22

Yeah. Hi. My name is Bill

23

walsh and I live in New Orleans

24

East in the area the gentleman

25

refers to as no man's land. I

67

♀

1

happen to drive past this area

2

daily, twice daily and I do drive

3

past one of your current borrow

4

sites, one I think you call

5

Cummings South. It looks like

6

it's been abandoned for at least

7

a year.

8

MR. SALAAM:

9

It's Maynard, sir.

IER 29 BORROW MEETING.txt
MR. WALSH:

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That's the one at Almonaster
and -- it's the 15,000 block of
Chef Menteur Highway on the left
hand side on the lakeside. It's
one of the Cummings properties.

MR. SALAAM:

That's not a Corps
excavation.

MS. ALLEN:

We are not excavating from
that site right now.

MR. WALSH:

Then I think what you need to
so is -- everything looks good on
paper, looks good on your slide

68

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presentation, but you need to get
guarantees -- you know, I read
into your presentation in that
the Corps is kind of -- could
slide any liabilities back to the
contractor. I mean, what's to
insure that the contractor is
going to build to the Corps
standards. They are doing all of
the testing. We have in the past
have had contractors filling
levee walls with paper down in
St. Bernard.

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MS. ALLEN:

Liabilities.

MS. HOLLEY:

If you are asking who is going to insure, the contractors is going to do the right by picking the right material. Those sites, borrow sites that are approved we have already looked at the data and approved them. We made sure that it meets the strength and it does not

69

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impact the environment in the areas that's been excavated. That was your question, how we are going to insure the construction contractor is building from the -- through the stability of material, building the levees.

MR. WALSH:

After it's constructed to make sure it's correctly built.

MS. HOLLEY:

Are you talking about the levee or the pit.

MR. WALSH:

The walls along the pit.

MS. HOLLEY:

IER 29 BORROW MEETING.txt
As Mr. Pinner mentioned in

18
19 case of the furnish when we have
20 control over it, for example,
21 Cummings and Maynard, the Corps
22 of Engineers will provide that
23 pit to the construction
24 contractor. Therefore Mr.
25 Pinner's team will design it

70

♀

1 properly, make sure there are no
2 impact, make sure it's sloped
3 properly and make sure there's no
4 failure within the pit or around.
5 It in case of contractor furnish
6 site that, as Mr. Pinner
7 mentioned, that is the
8 responsibility of the
9 contractors. And that's why is
10 called contractor furnish, and
11 the construction contractor has
12 to comply with all of the local,
13 state permits and ordinance. He
14 is liable for and he has to make
15 sure that he follows the
16 procedures.

17 MS. ALLEN:

18 Yes, sir.

19 MR. HENRY:

20 My name is Troy Henry and I
21 share the reconstruction Eastover

IER 29 BORROW MEETING.txt
22 property owners reconstruction
23 committee as it relates to this.
24 I think we need to do a little
25 bit of history lesson and

71

1 understand this was a very, very
2 irritative process that the
3 residents participated in as far
4 as going forward on what do we do
5 with the reconstruction of our
6 community. We all knew it was
7 devastated. We all knew that we
8 wanted to move into a golf course
9 community and we also knew that
10 we didn't have the funds
11 necessary and able to build the
12 golf course back to where it
13 needed to be on its own as well
14 as to basically revitalize the
15 properties as a whole. So a team
16 of residents came together to
17 work with the developer to come
18 up with the scenario where we
19 could still live in the golf
20 course community at the same
21 point in time have our community
22 revitalized, and the alternative
23 that we came up with was to have
24 something that we thought would
25 enhance the community like a

1 recreational lake, so this lake
2 would give us the ability, as
3 Donnie has already talked about,
4 with the jogging track and some
5 of the other things around it,
6 but if you look at the photo and
7 this is the standard that we are
8 going to hold the contractors and
9 other developers to as residents.
10 In addition to that we're also
11 going to have the Country Club
12 that is now back open again and
13 restored, in addition to that, a
14 new Country Club. So I think that
15 our alternative is to kind of
16 continue to have Eastover looked
17 the way it looks today, and that
18 was the desire of the community.
19 The community said, look, we want
20 our community back to the
21 prominence that it was before to
22 preserve our property values and
23 the way to do that without having
24 us to now jack up our association
25 fees to some ridiculous amount

♀

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1 was to be able to do it in a way
2 where we can enhance the

3 community while at the same point
4 in time accomplishing the goals
5 and objectives of our property
6 values. I think we did that. We
7 negotiated with the developer.
8 we negotiated with the property
9 owners association to make sure
10 that we held their feet to the
11 fire and then we are going to
12 implement a contract as a result
13 of that to make sure that
14 everybody lives up to the
15 obligations that we have laid out
16 for them. So I think we have
17 tried to do what is in the best
18 interest of every resident, every
19 resident's property values or our
20 alternative, in my opinion is is
21 we let the community look the way
22 it looks now and none of us are
23 enjoying the benefits associated
24 with that, and that is decrease
25 property values and decrease

♀

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1 maintenance and a golf course and
2 golf course community and country
3 club that is totally abandoned
4 and with no other hope of it
5 being restored, okay. We talked
6 to financier yesterday who took

7 back 30 different golf courses
8 throughout the community this
9 year as a result of this economy,
10 so it's not like there's a bunch
11 of people lined up to buy
12 properties for golf courses
13 today. It's a tough economy and
14 Donny's talked a little bit about
15 that. I'm not singing anybody's
16 tune but I want my property back
17 to how it can be best restored,
18 and I see this as a viable
19 alternative. I see it as a viable
20 -- what I have seen is the only
21 alternative, and I think it's
22 been well done, well thought out,
23 and I think we need to thoroughly
24 consider it. Not only consider
25 it, but let's execute it. We are

75

♀

1 not going to please everybody. I
2 know there's some people that
3 violently disagree. I got
4 neighbors and friends of mine
5 that disagree with my perspective
6 on it and many of ours -- the
7 majority perspective, but at the
8 same point in time we have to do
9 something four years later,
10 right, and right now what we have

11 done is nothing and right now
12 this gives us hope and an
13 opportunity to restore our
14 property values. That's why I'm
15 supporting it. I don't have a
16 question for y'all. I'm making a
17 comment. Thank you.

18 MS. ALLEN:

19 Thank you.

20 MS. TOLLIVER:

21 My name is Kathy Tolliver. I
22 am a resident of Eastover
23 subdivision and also a realtor
24 who makes my livelihood in New
25 Orleans East. First of all, I

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1 would like to say that I'm
2 thankful that the Army Corps is
3 finally moving forward at full
4 speed ahead to improve our levee
5 protection in eastern New
6 Orleans. We realize this is
7 systematic process and has taken
8 time, however, we need to improve
9 flood protection and heighten
10 fortified strength of levee
11 sooner rather than later. I think
12 that it's prudent that the Army
13 Corps utilize or at least utilize
14 some borrow material from the

15 nearby vicinity, borrow sites at
16 Eastover, etc., to reduce the
17 impact on transportation and
18 shipping material to East New
19 Orleans, levee locations to be
20 rebuilt. That is a sustainable
21 practice that reduces pollution,
22 air and noise and traffic and
23 reduces the transportation cost
24 rather than just shipping massive
25 amounts of materials in when

♀

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1 suitable clay may be available at
2 closer sites to our levees. It's
3 my understanding that creating a
4 large lake adjacent to the
5 subdivision will act as a
6 retention pond that can
7 potentially assist in flood
8 control in the area and that that
9 lake will be connected to the
10 drainage canals that the Sewerage
11 and Water Board can pump water
12 out of the area, so if you have
13 someone like to comment on that,
14 we have been told that it can
15 actually be a positive thing for
16 flood control in the area as
17 opposed to negative. It's also
18 our understanding that the

19 developer is building a bulkhead
20 that will be built next to the
21 adjacent properties to the lake
22 and they are going to have about
23 a \$25 million liability policy
24 put in place just to cover any
25 potential damage of structure to

78

♀

1 nearby properties. Can you
2 provide any input on necessary
3 engineering controls that should
4 be put in place to ensure that
5 there is minimal impact upon
6 water table and potential
7 subsidence in the vicinity
8 especially to nearby properties.
9 As a realtor and as a homeowner
10 I'm interested in my property
11 value and my neighbors and my
12 community's property values
13 increasing and not decreasing.
14 We have been in a down market.
15 The values have been down since
16 Katrina, I think most people have
17 dealt with the property matter
18 realize that whether they are
19 trying to refinance, get an
20 appraisal or whatever on their
21 properties, so we are trying to
22 do something to improve or

23 property values because we
24 realize being on a golf course,
25 near a golf course is much more

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1 valuable than being on an
2 abandoned piece of property that
3 has overgrown weeds and coyotes
4 running all over. We are very
5 interested in our community at
6 large, not just Eastover, and
7 there is a concept in real estate
8 called appreciation, not
9 depreciation where if you live
10 nearby a community that has
11 higher property values it tends
12 to increase your property value,
13 so our goal is to improve the
14 property values and to retain and
15 make Eastover better than it ever
16 was before. That's our goal is to
17 make it not just as good as it
18 was but better than it's ever
19 been, so if anyone can comment
20 about any potential, you know,
21 input on engineering controls
22 because we are going to have a
23 lake after that borrow pit. It's
24 not going to be a hole left in
25 the ground. They are developing

80

1 a lake to beautify our community,
2 and I realize New Orleans was
3 built upon several lakes. I mean
4 Lake Bullard, Lake Carmel, Lake
5 Forest, so, I mean, New Orleans
6 East is full of lots of lakes and
7 that's one of the unique features
8 of our community. However, we
9 want to be comfortable that our
10 surrounding neighbors and
11 residents property are safe and
12 secure because they are concerned
13 and we are concerned as well.

14 MS. HOLLEY:

15 Yes. Yes. As I mention in
16 case of governed furnish like
17 Cummings and Maynard, okay --

18 AUDIENCE MEMBERS:

19 We can hear you.

20 MS. HOLLEY: (No microphone)

21 As we mentioned in case of
22 government furnish and Mr. Pinner
23 our geotechnical chief mentioned
24 as well, we make sure we design
25 -- we make sure we design that

81

1 pit from engineering point of
2 view, look at the sand layers, we

3 look at making sure we design
4 properly, we scope it properly.
5 Make sure there is no failure
6 within the pit. Make sure no
7 impacts outside. In case of
8 contractor, Mr. Cade mentioned,
9 he proposed some ideas what we
10 are going to do, that's the
11 conversation is to take place
12 with the landowner
13 representative. As we mention,
14 our construction contractor has
15 to comply, even though he doesn't
16 have the design to us in case of
17 contractor furnish, we cannot
18 dictate a private landowner how
19 to utilize his land. Now, he or
20 she, the construction contractor
21 has to comply with all of the
22 permits and all of the
23 requirements required by the
24 local, state entities. He has
25 got to design it properly. He

♀

82

1 has to get all of the impacts
2 make sure there are no impacts
3 because he will be liable. The
4 landowner will be liable. That
5 will take place between the
6 construction contract and

7 landowner, the design of that
8 area. That is something that the
9 Corps cannot dictate to a private
10 landowner how to do with private
11 land. The same way we cannot
12 dictate to a landowner when you
13 put a pool in. That is not
14 something that we don't have any
15 rights to that land, we don't own
16 the land; therefore we can get
17 anything on liability. We can --
18 in case of government furnish
19 when we provide the site to the
20 construction contractor used, we
21 take that responsibility and
22 we'll look at it. In case of
23 contractor furnish, the name
24 comes from contractor furnish.
25 The construction contractor is

♀

83

1 bringing that borrow to the site,
2 so he or she is responsible to
3 make sure he is complying with
4 all of the permits from
5 environmental and engineering
6 point of view. I think Mr. Pate
7 mentioned that they have ideas
8 and they already looked into it.
9 They are going to design it
10 properly and propose action for

11 IER 29 BORROW MEETING.txt
that site.

12 MS. WALL:

13 My name is Tangee Wall.
14 Resident of Eastover and I'm also
15 here for twofold purpose to speak
16 also as a board member for the
17 East New Orleans Neighborhood
18 Advisory Commission. There are
19 many people here tonight that
20 don't live in Eastover. I would
21 like to see by a show of hands
22 those who do not live in
23 Eastover. Okay. Quite a
24 substantial number of people who
25 have concern that goes beyond

84

1 Eastover. Now, I live in
2 Eastover and I have heard the
3 proponents for this whole thing
4 speak only about the good of
5 Eastover and I'm a resident and I
6 love my community. I have come
7 back twice, okay. I have
8 invested twice in my home, so of
9 course I care about it, but I
10 care more about the greater good
11 of this community and that's why
12 I fight every day for the
13 community. Ms. Bell when she
14 spoke may have misunderstood a

15 little bit about the Six Flags
16 site being the proposed site, but
17 she was not mistaken about the
18 fact that it does impact the
19 quality of life for all of
20 eastern New Orleans. This is not
21 just about the borrow pit being
22 dug or not, about who is going to
23 make a whole lot of money. That
24 is pretty much what it is about,
25 but it doesn't really matter if

85

♀

1 our quality of life is totally
2 destroyed by something like this.
3 Now, there were many residents in
4 Eastover and we were divided,
5 that's admittedly so. There were
6 those of us who took this very
7 seriously and we filed a lawsuit.
8 We also hired a structural
9 engineer, and I don't see any
10 structural engineers report that
11 Eastover has provided. If this
12 is a safe project, if it's
13 something so good that is to only
14 propose plan to restore Eastover
15 and we only talking Eastover to
16 restore to the golf course, and
17 God knows I want the golf course,
18 it was great, but not at the

IER 29 BORROW MEETING.txt
19 expense and on the backs of the
20 people of Eastern New Orleans as
21 far as quality of life. We have
22 a structural engineering report
23 from Mr. Julian. He was hired
24 and he was a part of instrumental
25 and strategic part of a lawsuit

86

♀
1 that was filed and the judge
2 ruled on our behalf. I would
3 like to read a little bit of what
4 a true structural engineers
5 report says which are facts.
6 Specific areas of concern and
7 potential risks. The main risk
8 as the excavation proceeds, the
9 excavation will find it necessary
10 to continually dewater the
11 excavation. Keeping the hole as
12 dry as possible to facilitate a
13 workable environment. This may
14 cause a significant reduction in
15 the water table which can have a
16 draw down effect on the
17 groundwater conditions. Removing
18 moisture from the clay soils can
19 result in desiccation of the
20 clays which causes shrinkage.
21 That shrinkage is what causes
22 pavements to settle. This effect

IER 29 BORROW MEETING.txt
may also cause down drag on

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foundation piles, which can cause
settlement of structures. Time

87

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is a factor. The longer the hole
stays open and dewatered the more
groundwater will flow away from
surrounding pavements and
foundations. This can have a
worse effect on surrounding
foundations and pavements than a
drought can. Now, this is from a
structural engineers report. Has
the Corps done one? Has Mr.
Donnie Pate done one? The
residents -- concerned residents
of Eastover paid their own money
because they believe in this that
this is something so devastating,
not just to the homes in
Eastover, but to this entire
community that is trying to come
back economically and
residentially. We cannot sit
here and ignore the fact that
this -- the Eastover is not an
island. It is in the middle of
Eastern New Orleans, and, yes, it
is a viable community, and, yes,

88

♀

1 it can be even greater than it
2 was before but this is not the
3 answer. And I would like for the
4 Corps to really consider the fact
5 that I have asked and I have also
6 submitted the judgment that was
7 rendered on favor of the
8 residents of Eastover, concerned
9 residents, I have asked Mr. Gib
10 Owen to place that in his file
11 and record and I think he is here
12 tonight and received that report
13 from me. You have received it,
14 have you, Mr. Owen.

15 MR. OWEN:

16 Yes. It is in the record.

17 MS. WALL:

18 It is on the record, and that
19 is the true spoke person for what
20 this is about. So much so that a
21 lawsuit has been filed and the
22 judge thought enough of the
23 report here and it's public
24 information enough to realize
25 that there's so much risk that

89

1 this is not the alternative. And
2 please do not on the backs of the
3 people of this community, not

4 just Eastover, do something like
5 this so that just the handful of
6 people and cronies and all of
7 their co-conspirators can make a
8 whole lot money on the backs of
9 the residents. Thank you.

10 MS. ALLEN:

11 I need to let you know that
12 that report has been entered into
13 the record, correct, Gib. Okay.
14 Thank you. Yes, ma'am. Hello.

15 MS. GUERIN:

16 My name is Terrie Guerin. I
17 am a member of Eastover and I am
18 on the Board of Directors for
19 Eastover Association. I wanted
20 to let you know as residents here
21 in Eastover, not just Eastover
22 but Eastern New Orleans period,
23 that when the Board of Directors
24 met on several occasions about
25 this project it wasn't to put

♀

90

1 money in the pockets of certain
2 people that own the property, it
3 was because we had the property
4 and the soil that was viable for
5 this project. Don't think for a
6 moment that anybody stood in that
7 meeting and said we want to, you

8 know, grab all we can because we
9 need the money. Yes, we do need
10 the money. Eastern New Orleans
11 needs this project to take place
12 because it will be viable to us
13 as a community. If you look at
14 Lake Bullard that was dug, did
15 any home on the second phase of
16 Eastover develop any foundation
17 cracks and structural damage, no,
18 it did not. No, it did not. It
19 was before but there was a lake
20 that was done after the fact
21 also. After the fact also. But
22 if you talk about pavement damage
23 there was a road that was built,
24 that was a street that was paved,
25 and there was no foundation

♀

91

1 destruction to that either, and
2 the reason why I come to you with
3 that information is this, there
4 are lakes that have been dug all
5 over Eastern New Orleans, and I
6 realize the fact that a lot of it
7 was built and dug prior to any
8 property being built in that
9 area. But let me tell you
10 something, what other -- the
11 project that is going to be built

12 is closer to the facility that is
13 going to be levee -- that the
14 dirt is needed to rebuilt the
15 levees. We are the closest
16 possible location, that is why we
17 went to a contractual agreement
18 stating we have the dirt, let's
19 test our soil to see if the soil
20 is good soil because we are
21 closest to the property. And the
22 two outcome of it is this that we
23 do need the resources from this
24 project to rebuild the community.
25 I'm a homeowner. I'm a homeowner

92

†

1 that is concerned that if that
2 project does not take place, that
3 there is no contingency in place
4 to back up what we need to
5 rebuild the community, and if
6 Eastern New Orleans would like to
7 rebuild in the future, we need to
8 start somewhere. What is the
9 plan in place, residents? What
10 is the plan that you have in
11 place to make Eastover an Eastern
12 New Orleans what it used to be
13 prior to the storm without the
14 resources from this project.
15 Thank you.

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MS. ALLEN:

Ma'am.

MS. HALL:

Good evening. My name is
Trina Hall, and prior to
Hurricane Katrina I owned several
properties in Eastern New Orleans
throughout the course of Eastern
New Orleans, and with that said,
every property that I owned in

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Eastern New Orleans flooded. Not
only that, I listened to my
public officials, I listened to
leaders in this community say
Trina, come on back home and
rebuild. Trina came back home
not only listened to the
political leaders and the other
leaders throughout this city say
come on back to New Orleans and
rebuild, we are going to build
bigger, stronger and better, but
Trina listened to her heart and
she said, I'm going back to New
Orleans because I love New
Orleans, not only New Orleans but
I love Eastern New Orleans. So I
also own property not just
throughout Eastern New Orleans, I

20 also own property in Eastover and
21 I get up every morning and I look
22 across the street at the vacant
23 gulf course, at the dilapidated
24 golf course. The dilapidated
25 community of Eastover. I look at

94

♀

1 it every day. I walk outside of
2 my doors because I live across
3 the street from this. I own
4 property over there. And my
5 comments -- this is a comment
6 period is no, no, no, no, no to
7 borrow pits in Eastern New
8 Orleans. There is a city
9 ordinance section 66249 which
10 says, excavation of ponds to be
11 filled or fenced. Every owner,
12 occupant or lease lot located in
13 the residential neighborhood
14 which is in the past has been or
15 shall hereafter be used for a
16 borrow pit for the excavation of
17 soil or other materials thereby
18 causing a pond or depression in
19 which water accumulates and
20 stands shall cause the same to be
21 filled with soil or other solid
22 filling or waste material other
23 than that described in section

24 66, and you can go read it
25 yourself. That section 66249.

95

♀

1 And I said all of that to say
2 this, I am not in favor of a
3 borrow pit being dug even though
4 I own property in Eastover
5 because I own property throughout
6 all of Eastern New Orleans and I
7 don't want to have the negative
8 impact that is going to be
9 received by the residents of
10 Eastern New Orleans and I don't
11 want that effect upon us. Thank
12 you.

13 MS. DUPLESSIS:

14 Hello. Thank you. I'm
15 Senator Ann Duplessis and I am
16 also going to stand up and talk
17 to you about why I am not in
18 favor of having a borrow pit
19 built in that area, dug in that
20 area. First of all we talked a
21 lot about what this new and
22 improved Eastover is going to
23 look like when and if the
24 developers, the contractors get
25 any of the dollars that they said

♀

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1 they are going to get. The first
2 reality, people, is that before
3 Katrina the golf course didn't
4 work. What makes you think as
5 you all said that we're in a down
6 economy that you close 30 golf
7 courses across the city and the
8 state that Country Club golf
9 course that when and if you
10 rebuild another golf course that
11 you can keep the doors open. You
12 can't. Where is your right. The
13 plan, Donnie Pate, that says, I
14 can cash flow this new and
15 improved golf course that you say
16 you are going to build, there is
17 none. So first thing that we
18 need to really understand is that
19 we couldn't cash flow a golf
20 course pre-Katrina in this down
21 economy, what makes you think
22 that we are going to cash flow a
23 golf course after Katrina. The
24 second thing is that we talked
25 about the borrow pits and the

♀

97

1 holes and the water and all of
2 the environmental potential
3 impact and the structure -- the

4 potential structural impact that
5 we have not seen any document
6 counter, but let's talk about
7 those holes and let's talk about
8 the water that's going to sit in
9 those holes and the mosquitos and
10 the disease, it ain't going to
11 stay in Eastover, right. Where
12 those mosquitos going to go.
13 Okay. It ain't Eastover, that's
14 the only subdivision around where
15 he talking about building these
16 borrow pits. It's McKendall
17 Estates, okay, so you guys got to
18 think long and hard. This ain't
19 an Eastover thing, this is an
20 Eastern New Orleans thing. I
21 have spent, and I got to tell you
22 I have been given permission by
23 Representative Cedric Richmond,
24 that he is on our side with this
25 because he has done his due

♀

98

1 diligence also, that we have been
2 traveling -- you have seen -- you
3 looking at their various
4 opportunities for investors to
5 bring quality things to Eastover
6 -- I mean, to the East. We have
7 been fighting with an image

8 problem. We have been fighting
9 with a problem that all you got
10 to do go out in the East and they
11 got land so you can put
12 landfills, you can put
13 gasification stuff, you can put
14 borrow pits. You can let the
15 trucks, 50,000 of them roll on
16 down the highway and we suppose
17 to sit two or three years and say
18 after all of that is done we're
19 going to have a beautiful
20 community. Donnie Pate said he
21 is going to give us \$6 million.
22 He going to put \$6 million in an
23 escrow and I going to tell the
24 rest of y'all and McKendall and
25 all of the other subdivisions,

99

♀

1 this is for Eastover, it ain't
2 for y'all. It ain't for y'all,
3 it's Eastover, all right. So
4 y'all got to build your own golf
5 course and y'all own clubhouse.
6 He ain't made no promises to
7 y'all. You got \$6 million to
8 build a golf course. Where is
9 the money to build a lake and the
10 cute little pit stuff that he
11 talking about and the trees and

12 the parks and the walking trails.
13 where is that money. And let's
14 go back. I want to take you back
15 just two more minutes. Bear with
16 me. Yes. Two years ago when we
17 were hit with we're closing the
18 golf course because we can't make
19 it work, the neighborhood
20 community went into that little
21 bitty old house in the front and
22 we were outraged and we said,
23 hell, no, you are going to open
24 that golf course. We bought into
25 it. I didn't mean to say hell,

100

♀

1 sorry. We bought into it and
2 we're paying \$1200 a year plus --
3 1600. I pay 12. I ain't got no
4 discount. They won't let me get
5 away it. We then said, okay,
6 let's do a plan. I was the
7 original chairman of bringing
8 that group together and we
9 brought that group together and
10 that group -- and this was when
11 we didn't know what we know
12 today. We were told the only way
13 we're going to be able to rebuild
14 and then they brought some old
15 pictures of a clubhouse that they

IER 29 BORROW MEETING.txt
16 been having for 20 years and say,
17 this is what our clubhouse going
18 to look like, and said -- we
19 said, well, let's talk about it.
20 we were open. we didn't know
21 what we know today. That was
22 when the project was 36 acres,
23 ten, 15 feet deep. Today the
24 project is 126 acres, 30 feet
25 deep. 30 feet deep. Come on,

101

♀
1 guys. Do you have a picture of
2 what real a borrow site looks
3 like. I sent one out and it
4 ain't pretty. So the project
5 went -- when we were all in
6 agreement and all singing cumbaya
7 and saying oh, yeah, we are going
8 to get some money and we going to
9 get us a golf course and all of
10 that, the project, that's it. we
11 were saying, okay, that will
12 work, but it evolved out of greed
13 to something totally different.
14 So that's what caused us to pause
15 and say wait a minute, we need to
16 understand this better before we
17 trust Donnie Pate, where is the
18 insurance. The insurance -- it
19 was ten, he raised it to \$25

20 million. \$25 million ain't going
21 to fix the streets in Eastover if
22 and when they begin to buckle and
23 how many of y'all million dollar
24 houses. How many. You got one
25 million. Who else. You got a

♀

102

1 million. I mean, come on. You
2 have been promised. I mean, come
3 on. \$25 million ain't going to
4 do a thing for an insurance
5 policy that's been payable to his
6 company. Who is going to be the
7 beneficiary of that insurance
8 policy. The association -- the
9 association is defunct. There
10 ain't no association. There is
11 no association. And that story
12 going to come out later. So the
13 bottom line is --

14 AUDIENCE MEMBER:

15 what have you done up in
16 Baton Rouge besides ask for a pay
17 raise. You ask for a pay raise.
18 what have you done?

19 (ENTIRE AUDIENCE INTERRUPTS
20 ALL AT THE SAME TIME.)

21 AUDIENCE MEMBER:

22 we have nothing out here.
23 what have you done. You have

24 IER 29 BORROW MEETING.txt
asked us not to come back.

25 MS. DUPLESSIS:

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1 Maybe you don't believe I
2 have not done anything --
3 (AUDIENCE INTERRUPTS ALL AT THE
4 SAME TIME).

5 MS. DUPLESSIS:

6 The bottom line is -- the
7 bottom line is this ain't about
8 my performance tonight. We are
9 going -- we talk about my
10 performance. Whether you like it
11 or not, it ain't about my
12 performance so don't let these
13 folk deter the subject and the
14 object. The bottom line is it
15 ain't about my performance, it's
16 about protecting the investment
17 of the folk in Eastern New
18 Orleans, protecting our
19 investment in Eastover, and if we
20 think we can trust them to do the
21 right thing I am so sorry, okay.
22 If you think we can trust them to
23 do the right thing.

24 AUDIENCE MEMBER:

25 You stood in Baton Rouge and

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1 advised us not to come back to
2 New Orleans. You advised
3 everybody not to come back to the
4 city.

5 (AUDIENCE INTERRUPTION).

6 MS. ALLEN:

7 Excuse me. Excuse me. We
8 all have our chances to say
9 something. There are people that
10 have been waiting at the mics for
11 quite a while. I would like to
12 ask that everybody please respect
13 each other. I'm going to turn
14 the mic over to this young lady
15 over here. We're going to
16 continue in an orderly fashion.
17 Please. Everybody gets their
18 chance. Ma'am, three to five
19 minutes. We're going to try to
20 stick to three to five minutes.

21 MS. DUCREE:

22 My question is very short.
23 Promise. I'm Corinne Ducree and
24 I have a question. As you know
25 when levees are constructed

105

1 natural wetlands will be
2 destroyed. My question is will
3 you mitigate the destroyed
4 wetlands in Orleans Parish or

5 will you mitigate in other parish
6 or will you exempt a mitigation.

7 MS. ALLEN:

8 Gib Owen is going to speak to
9 mitigation.

10 MR. OWEN:

11 Right now we have made
12 estimates of about four thousand
13 acres of wetlands being impacted
14 for the whole system. Our goal
15 is to mitigate as close as
16 possible to the area, so if the
17 impact occurs say at Bayou
18 Sauvage we will mitigate at Bayou
19 Sauvage. We can't guarantee that
20 for every single project because
21 we want to build some big
22 restoration project so that the
23 area benefits. But we are not
24 exempting in any way whatsoever
25 from mitigation.

♀

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1 MS. DUCREE:

2 Okay. Your mitigation site
3 that you are proposing for that
4 is the U.S. wildlife and
5 Fisheries site; is that correct?

6 MR. OWEN:

7 That is one of them that we
8 are looking at right now. There

9 will be multiple. We're actually
10 looking at the Audubon Nature
11 Center and helping them rebuild.

12 MS. DUCREE:

13 Do you propose that they will
14 stop from mitigating on that site
15 because it is a refuge?

16 MR. OWEN:

17 No. We have been working
18 very closely with them and they
19 are working very well to make it
20 happen.

21 MS. DUCREE:

22 May I ask you who'd you
23 contact at wildlife and
24 Fisheries?

25 MR. OWEN:

♀

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1 There's two or three. Ken
2 Luxemburg (ph) is the guy at the
3 local refuge here.

4 MS. DUCREE:

5 What about the U.S. refuge
6 that you are speaking to. Not
7 the local.

8 MR. OWEN:

9 That is the U.S. refuge.

10 MS. DUCREE:

11 Yes, I know the U.S. refuge
12 but you are speaking about the

13 one that's locally here in New
14 Orleans. I'm talking about from
15 headquarters who did you speak
16 to.

17 MR. OWEN:

18 We work with Jim Boggs and
19 his folks out of Lafayette, and
20 also had some contact with the
21 regional office in Atlanta.

22 MS. DUCREE:

23 Have you been in contact with
24 the City Department of
25 Environmental Affairs about this

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1 site also.

2 MR. OWEN:

3 Not that I know of. We have
4 worked with the city as far as
5 the Audubon area because that
6 area is owned by the city.

7 MS. DUCREE:

8 Okay.

9 MS. ALLEN:

10 On August 31st we are going
11 to have a public meeting
12 specifically addressed at
13 mitigation for the entire system,
14 correct, Cheryn? So 6:30 -- 6 to
15 6:30 will be the open house and
16 presentation at 6:30. It's at

17 our headquarters building. Okay.
18 It's 1 to 4 on Monday, August
19 31st; is that correct, Cheryn?
20 Please look at nolaenvironmental
21 for the latest. Sir.

22 AUDIENCE MEMBER:

23 You know, the first thing
24 that I would like to mention is I
25 think that, you know, there's a

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1 couple of things that we all
2 agree on, and what we all agree
3 on is that we all like to see New
4 Orleans East revitalized to a
5 state better than it was before
6 Katrina, and the other thing that
7 we all agree on is that we would
8 like all like to see Eastover at
9 a state also better than it was
10 before Katrina. What some of us
11 disagree on are the question that
12 someone was asked was what would
13 happen if you built 120 acre hole
14 150 feet away from our homes.
15 And so we ask that question. We
16 ask that question for two years.
17 I applaud the Corps of Engineers
18 for all of the effort that they
19 put into studying in what type of
20 play will be best for building a

21 levee. What I guess the thing
22 that I question is two things.
23 One, that the Corps says that
24 they accept absolutely no
25 liability whatsoever, it's all on

110

1 the contractor and so since we
2 couldn't get the Corps to answer
3 that question and since we
4 couldn't get the contractor to
5 answer that question we took our
6 own money and paid a structural
7 engineer to tell us, hey, you
8 know what, maybe this thing is a
9 good thing for our community.
10 Maybe this thing is a good thing
11 for our subdivision. But we
12 wanted to know what happens when
13 you dig 120 acre hole 150 feet
14 from your home. We did the
15 study, we got the response from
16 the structural engineer. I guess
17 my question right now is just one
18 thing, has this -- has the Corps
19 ever built 100 acre hole right
20 next to a bunch of homes and
21 streets, and if they have, where
22 and what's the result and what's
23 the outcome. Thank you.

24 MS. ALLEN:

25

Richard, do you have any

111

1 comparison that you could give us
2 or just a little more specifics
3 to provide some more details.

4 MR. PINNER:

5 I can't give you specific
6 examples like that, but like I
7 said, with anything else you have
8 to design your pit properly, and
9 one of the impact I said earlier,
10 we do have impact on the local,
11 you know, the groundwater in the
12 vicinity of that borrow pit and
13 that's got to be properly
14 designed. You had to make sure
15 what we call radius of influence,
16 that the size of the hole, the
17 depth of the groundwater you are
18 drawing down you got to see what
19 impact, how far it goes out away
20 from that hole and when you got a
21 very good clay material that
22 impact is less than -- if you
23 have a sandpit, that sandpit goes
24 out farther from that borrow pit.
25 That is what an -- engineering

112

1 IER 29 BORROW MEETING.txt
2 need to come in and design that
3 pit properly, and you also need a
4 geotechnical engineer, not a
5 structural engineer to make the
6 type of determination how far
7 that impacts.

8 MS. ALLEN:

9 Sir.

10 AUDIENCE MEMBER:

11 How are you doing? I am an
12 Eastover resident but this forum
13 is not about Eastover. It's
14 about levee protection, am I
15 correct?

16 (Audience erupts into
17 comments all at the same time.)

18 AUDIENCE MEMBER:

19 It's about levee protection
20 for the entire New Orleans East
21 area. And the environmental
22 concerns this gentleman already
23 talked about, you got up there
24 with a study that a structure
25 engineer supposed to put together
a two page letter. He had

113

1 concerns but his concerns wasn't
2 answered and to come out here
3 and, you know, concerns -- his
4 concerns wasn't answered because

IER 29 BORROW MEETING.txt
5 if you read the entire letter
6 that you sent out to everybody, I
7 mean, this is worse than what
8 they doing Obama. You are trying
9 to scare everybody -- you are
10 trying to scare everybody. This
11 is politics. This is between a
12 certain group of individuals and
13 the Eastover Board. It doesn't
14 belong here. It doesn't belong
15 here. It doesn't belong here.
16 Let's talk about levee
17 protection. Let's talk about the
18 environmental impact. Let's talk
19 about getting New Orleans East
20 back together.

21 MS. ALLEN:

22 Ma'am.

23 AUDIENCE MEMBER:

24 I wanted to commend my
25 neighbor for his comments also

114

1 because it really should not have
2 gone on the personal level and
3 needs to be -- it needs to stay
4 on the effect on the environment,
5 which has been addressed, and my
6 question is the background
7 information that I'm sure is
8 available publicly that supports

9 IER 29 BORROW MEETING.txt
that this study have been done
10 and shows that the local impact
11 is going to be limited and the
12 structural within the vicinity
13 are also not going to be highly
14 impacted. Is that available on
15 the websites or someplace.

16 MS. ALLEN:

17 Soheila, can you please speak
18 to what is available in IER 29
19 regarding contractor furnished
20 borrow pits.

21 MS. HOLLEY:

22 As we said, the only thing
23 that we know about Eastover is
24 how much -- you know, how much --
25 they are shown on the board --

115

1 AUDIENCE MEMBER:

2 I'm not asking about
3 Eastover. I am talking about the
4 pit and the local environmental
5 effect, what the is radius of
6 influence by digging a hole and
7 from there you can look at the
8 map and see how it will affect
9 Eastover.

10 MS. HOLLEY: (No microphone)

11 what the IER contains --
12 information on the IER shows what

13 the -- (inaudible) has been
14 improved environmentally. Now,
15 before they excavate that pit
16 they have to -- they have to
17 design it, they have to look at
18 the borings. They have to look
19 at the surroundings before they
20 excavate it. They have to design
21 it. That information is not in
22 the IER because IER is an
23 environmental report. It's not a
24 design, so the engineering data
25 is all about environmental

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♀
1 impact. Gib, you want to
2 elaborate on that.

3 AUDIENCE MEMBER:
4 where can it be found
5 publicly? Can you make that
6 information available?

7 MS. HOLLEY:
8 Okay. As far as the Eastover
9 is concerned, we don't know if
10 that site is going to be used or
11 not. If that site is going to be
12 used then that data has to come
13 from the landowner.

14 AUDIENCE MEMBER:
15 I'm not asking that. What I
16 am asking is that there is a

17 model of the pit being dug,
18 there's a local sphere of
19 influence, radius of influence
20 that's been evaluated by
21 scientists and engineers,
22 hydrologists, structural
23 engineers, etc., and there's also
24 a global sphere of influence that
25 has been analyzed. If you look

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♀

1 at the hole we can map it out on
2 how that is going to effect
3 Eastover. We just want to know
4 what is the numbers, okay. Now,
5 as far as being an Eastover
6 resident, I think that our
7 representative needs to represent
8 the majority of our constituents,
9 which we voted on. I also would
10 like to say that we all are in
11 the same boat together. We all
12 flooded together. We all took
13 losses together. We all decided
14 to come back together. We have
15 the same risk. We want to see
16 the entire Eastern New Orleans
17 developed. To say that the golf
18 course didn't flourish before
19 Katrina, well, New Orleans East
20 sank before Katrina, too, but we

IER 29 BORROW MEETING.txt
21 are trying to make a difference,
22 and if Eastover doesn't come
23 back, which is that -- and the
24 surrounding community surrounding
25 Eastover, that is the heartbeat.

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♀
1 If we can't make it, the rest of
2 the East isn't going to make it
3 either, so it is to our benefit
4 --

5 (Audience interrupts)

6 MS. ALLEN:

7 Please let her finish her
8 comment. Please let her finish.
9 She has the microphone on the
10 floor.

11 AUDIENCE MEMBER:

12 I am not putting a hat on
13 Eastover. Eastern area -- okay.
14 It's all in the vote together, we
15 are all in the East together.
16 The surrounding neighborhood
17 surrounding Eastover are all
18 pretty much the same. My point
19 being that if we don't develop
20 something that is bigger and
21 better than what we had before
22 then we have nothing. And your
23 concerns cannot be based on half
24 truths and innuendos and it is

1 that they are accusing Obama
2 administration of having because
3 it's half truths.

4 MS. ALLEN:
5 Thank you. Sir.

6 MR. COPELAND:
7 For the record, my name is
8 Sherman Copeland and I am the
9 Chairman of the Board of Eastover
10 Property Owners Association. I'm
11 also President of the New Orleans
12 East Business Association, and I
13 really came here tonight to
14 listen. I'm trying as best I
15 could not to get to the mic but
16 there's some facts that need to
17 be understood. And the facts
18 that need to be understood are
19 the following. Whether or not
20 the dirt comes out of the
21 proposed Eastover site you still
22 going to have trucks. I don't
23 care where you get the dirt from
24 you are going to have trucks.
25 None of those trucks under this

1 plan is going through anybody's

2 subdivision, not Eastover, not
3 McKendall, nobody else's, okay.
4 Jackie when you came in council
5 person you made an observation,
6 you said it shouldn't go on
7 there, why are we doing this.
8 well, we doing it because
9 unlike --

10 MS. CLARKSON:

11 I didn't say shouldn't. I
12 asked why. I didn't say shouldn't
13 anything.

14 MR. COPELAND:

15 Let me tell you why we are
16 able to do this because unlike
17 the westbank golf courses, they
18 got public money. Our taxpayers
19 money subsidize them and had a
20 negative impact not from the
21 city, from the state, and
22 negative impact on Eastover. We
23 can't get that. We not a public
24 golf course. Ann asked the
25 question, she said, well, you

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1 couldn't maintain the golf course
2 before Katrina, how you are going
3 to maintain after Katrina, simple
4 math. If we successfully get
5 this we have no debt. If you

6 don't have any debt on the golf
7 course you don't have a problem.
8 It will more than succeed. Now,
9 as far as my good friend Kerwin
10 (ph) engineers report, let me say
11 this to you, I know Kerwin. I'm
12 a contractor. I work with Kerwin.
13 I know a lot of engineers. What
14 he gave you was his opinion.
15 That's what he gave you. No
16 engineer is going to put his
17 license on the line with the fact
18 the Corps can't answer. Let me
19 tell you how it works and let me
20 tell you what I'm doing as
21 Chairman of the Board. We have
22 found the best and brightest
23 contractor. The Corps, to my
24 knowledge, they didn't build Lake
25 Bullard. That's not what they

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1 do. They contract people to do
2 that. We find the best and the
3 brightest contractor, very
4 skillful at building lakes to
5 build that lake and insisted that
6 they put an up \$25 million
7 liability, and not for Donnie
8 Pate, for the property owners,
9 okay. And so what I'm trying to

10 leave you with is that this is
11 not about Eastover, this is about
12 the survival of the East because
13 when we got Rigolee (ph) coming
14 in here when we were working
15 together and we were bringing the
16 East back, you know what he said,
17 he said, make sure the Corps fix
18 the levees, make sure the city do
19 the infrastructure and tell them
20 get the hell out of the way and
21 let it takes its course. Now, we
22 going to get a hospital. We
23 ought to stop arguing with
24 everybody about who is right and
25 who is wrong. You know, I did

♀

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1 politics for 20 years, I'm as
2 good as anybody. This is not
3 about politics. This is about
4 the survival of the economy of
5 peoples property in Eastern New
6 Orleans and the quality of life
7 and the hope that the Corps and
8 the general when you make that
9 consideration you look at the
10 facts, you look at the facts, you
11 look at the facts, you take all
12 of the emotion away, take all of
13 the politics away and make the

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right decision.
MS. ALLEN:
Thank you, sir.
MR. BLACKWELL:
My name is James E.
Blackwell. I have been a
resident of Eastover since 1989.
Our house was the 7th house
actually built in Eastover. I
want you to know that I have read
IER 29. I am aware of all of the
impact studies that you have done

124

♀

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and I applaud you for them. I do
not see any evidence from anyone
here, disregard all of the
emotions and all of the
accusations of political capital
gain, I don't see any evidence
that the quality of life of New
Orleans East will be
substantially damaged by
borrowing those pits in Eastover.
Furthermore, if one listen very
carefully, if one reads all of
the reports that have been sent
in, it is estimated by Donnie
Pate that our -- our lake --
water lake will be drained
immediately, there will not be

18 any kind of impact there. You
19 are not standing to get mosquitos
20 at all for any substantial period
21 of time. The evidence is there
22 that will be taken care of. The
23 question is of trust, and we
24 don't trust anyone at all, we
25 will never, ever move forward.

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♀
1 We are concerned about the entire
2 New Orleans East as well as
3 Eastover. We have got to start
4 somewhere to bring back a whole
5 quality of life in New Orleans
6 East. Thank you.

7 MS. MCARTHUR:

8 My name is McArthur. I have a
9 couple of questions. One thing
10 is the Corps is saying they are
11 responsible for their sites that
12 they purchased. Okay. You are
13 saying that the contractor sites
14 have to get federal, state and
15 local permits and guidelines on
16 their sites. Did y'all invite
17 anybody from the local, state or
18 the federal departments that is
19 of these permits to come to this
20 meeting to let us know what goes
21 on with these contractor sites?

22

MS. ALLEN:

23

No. We did not invite

24

anybody with the contractor, that

25

would permit the contractor. No.

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♀

1

Nobody is here this evening.

2

MS. MCARTHUR:

3

Can I suggest y'all do it for

4

now on.

5

MS. ALLEN:

6

Absolutely.

7

MR. OWEN:

8

Let me tell you one thing.

9

We have a mailing list of over

10

seven thousand. A lot of people

11

you are talking about are on that

12

list so, yes, they are invited to

13

this. It's their choice. They

14

know about these meetings. They

15

can make the choice to come or

16

not.

17

MS. MCARTHUR:

18

With that I wanted to know,

19

too, the gentleman said that he

20

is obviously going through the

21

process already to get his site

22

approved, so forth, except for

23

the other area around it. He is

24

saying he is going to give \$25

25

million for insurance purposes or

♀

1 liability purposes. was that one
2 of the requirements from the
3 state or federal?

4 AUDIENCE MEMBER: (No
5 microphone)

6 Homeowners requirement. It
7 was the property owners
8 requirement. The board chose to
9 do it.

10 MS. MCARTHUR:

11 So the state, federal nobody
12 requires you hold liability for
13 that location?

14 AUDIENCE MEMBER: (No
15 microphone)

16 I don't know what they
17 require. we have to do it on our
18 own because the property owners
19 (inaudible) --

20 MS. MCARTHUR:

21 Anywhere in the permit --

22 AUDIENCE MEMBER:

23 I don't know. I can't answer
24 that.

25 MS. ALLEN:

1 Ma'am, we can try and get you

2 IER 29 BORROW MEETING.txt
an answer to that question. I
3 don't think anyone here has it,
4 but if you would make sure one of
5 us has your contact info we can
6 follow up with you.

7 MS. MCARTHUR:

8 The reason for that question
9 is any company can fold up at any
10 time and if that company folds up
11 then who is going to be liable
12 for the problems that the other
13 people in the areas have.

14 MS. HOLLEY:

15 I want to clarify a point you
16 mention about the site being
17 approved. Please keep in mind
18 the site is not approved until
19 the commander receives all of the
20 input --

21 AUDIENCE MEMBER:

22 You said that.

23 MS. HOLLEY:

24 we have to be careful of the
25 words we choose. Phase 2 is under

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1 investigation. Until Colonel Lee
2 receives all of the comments --

3 AUDIENCE MEMBER:

4 The dark blue section.

5 MS. HOLLEY:

IER 29 BORROW MEETING.txt
Dark blue, correct. Phase 2

6
7 is under investigation until the
8 public review is done, is closed
9 and the commander receives all of
10 the comments and reviews it and
11 then he decides if he is going to
12 sign the IER or not. Then if he
13 signs it, the site, the second
14 phase will be approved. At this
15 point the second phase is not
16 approved.

17 AUDIENCE MEMBER:

18 I am not even talking about
19 the second phase. Talking about
20 any -- phase one even. You
21 know --

22 MS. HOLLEY:

23 You were talking to Mr. Pate
24 about Eastover.

25 AUDIENCE MEMBER:

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1 I didn't say Eastover. I
2 said any contractor site.

3 MS. HOLLEY:

4 Just want to clarify that
5 point for Eastover.

6 MS. MCARTHUR:

7 Next question, what liability
8 are y'all holding for yourselves
9 because obviously with the levees

IER 29 BORROW MEETING.txt
10 when they broke y'all are exempt
11 from those liabilities. Are
12 y'all exempt from these
13 liabilities.

14 MS. ALLEN:
15 Colonel Sinkler, can you
16 answer that question.

17 COLONEL SINKLER:
18 You know the same liability
19 situation. If the federal
20 government constructs anything
21 there are -- it's a very similar
22 situation is what most of you are
23 aware of in regards to liability
24 with levees so anything --
25 anything that is constructed by

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1 the federal government is handled
2 very similar to the way the
3 levees were handled in New
4 Orleans.

5 MS. MCARTHUR:
6 So y'all are exempt from
7 liability.

8 COLONEL SINKLER:
9 No, we are not totally exempt
10 from liability. And what I can
11 do if you are interested is I can
12 have our legal staff put together
13 a brief and just email it out and

14 let everybody take a look at it.
15 Can you hear me okay back there.
16 I will be happy to do that but I
17 am not going to speak for our
18 legal staff at all.

19 MS. MCARTHUR:
20 No one from the legal staff
21 is here.

22 COLONEL SINKLER:
23 No one's here tonight.

24 MS. MCARTHUR:
25 I'm requesting that at all

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♀

1 meetings that you have somebody
2 from the legal staff, try to
3 request that somebody from the
4 federal government, I mean, I
5 know you said you invite them but
6 this pertains to them, too, and
7 we can't get all of the answers
8 that the public wants to know
9 because they are not here and
10 this -- you know, the things that
11 they are allowing, the federal,
12 state, local, whoever it is for
13 all of these different contractor
14 sites, if they are responsible
15 for giving the permits, whatever
16 else, the people need to know and
17 they should have someone here. I

IER 29 BORROW MEETING.txt
18 know you said you invite them.
19 what can the public do to insist
20 that they get here for the
21 meeting.

22 MS. ALLEN:
23 We can do a better job to
24 make sure we have the staff. I
25 urge you to follow up. If you

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♀
1 get invited to meetings I urge
2 you to follow up with your local
3 officials and urge them to be
4 here.

5 MS. MCARTHUR:
6 I got a couple more
7 questions. The sites that y'all
8 have purchased is there a way to
9 find out what you paid per acre
10 for those sites because it is
11 public money that is paid for
12 these programs so I think the
13 public should be able --

14 MS. ALLEN:
15 Member of our real estate
16 staff is going to answer that
17 question.

18 MR. KOPEC:
19 Properties that were
20 purchased by the Corps if we use
21 this contractor furnish material

IER 29 BORROW MEETING.txt
22 was based on the estimate of
23 market value based on an
24 appraisal. The system
25 negotiations with the property

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1 owner, all that information is
2 contained in the public deed
3 which is recorded in the local
4 courthouse. In that deed you
5 will find maps showing what was
6 required. One thing when you buy
7 land for a borrow pit, let's say
8 you buy one hundred acres, that
9 one hundred acres will not be dug
10 out completely. You probably
11 have certain areas that will be
12 set aside for temporary
13 easements, for access working the
14 dirt, stockpiling storage, so
15 kind of misleading when you look
16 at what is different in the deed,
17 add up those total acres and
18 divide. Some are temporary and
19 will expire in three, five, maybe
20 ten years. All of that
21 information is contained in the
22 deed which is recorded, true
23 purchase price in that deed along
24 with plats, deed description,
25 information who the owner was,

1 his name, address, etc.

2 MS. MCARTHUR:

3 Are you saying that the total
4 might be because of how deep they
5 dig up or based on what they
6 purchase.

7 MR. KOPEC:

8 Government furnish pit is
9 valued based on estimate -- just
10 like when you buy a house, you
11 get an appraisal, right.

12 MS. MCARTHUR:

13 So if you have a total I can
14 divide that by the amount of
15 acres y'all purchase and that's
16 what I would get per acre?

17 MR. KOPEC:

18 You have to look at the
19 allocation of the acres you
20 acquire. Maybe in that deed
21 there might be one hundred acres
22 which says perpetual borrow
23 easement or fee. If we buy in
24 fee the property transfers to the
25 government. We might buy it as a

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1 perpetual levee easement. Okay.

2 we might also buy four or five or

3 several estates which are
4 temporary in nature. Those by
5 nature of being temporary would
6 be a value less than the overall
7 fee value of the property, so if
8 you add everything up and divide
9 you will get a higher average
10 price per acre than was actually
11 paid for the pit itself. See me
12 after.

13 MS. ALLEN:

14 That's all a matter of the
15 public record. It's contained
16 within the deed at the
17 courthouse. Ma'am, we need to
18 move on to some other folks. If
19 you want to wait, we can get the
20 rest of your questions
21 afterwards. Yes, ma'am.

22 MS. HAROLD:

23 My name is Cheryl Harold. I
24 live in New Orleans East and I am
25 a sitting here listening to all

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1 of this. Most of the people in
2 here is educated. Most of the
3 people in here want to sit here
4 would -- how do y'all think we
5 should be believing what y'all
6 saying now. We have been

7 fighting trying to get levees
8 back here since Betsy. I was in
9 high school. So, I mean, why
10 should we sit here, because of
11 the levees we wouldn't be in this
12 situation that we in right now.
13 So we guarantee that y'all giving
14 us that y'all going to do right
15 or do right by us or do what
16 y'all supposed to since 1965.
17 Because if it wouldn't have been
18 did in the first place the money
19 that y'all got to do it that got
20 missing or got lost or got
21 whatever -- everybody is
22 educated. I don't believe y'all
23 sitting here listening to these
24 people feeding this to y'all and
25 we have been having this problem

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1 since 1965. I was in 12th grade.
2 I don't understand this. I don't
3 understand none of y'all. What
4 made y'all think we can trust the
5 Corps of Engineers in 2009.
6 That's all I got to say.

7 MR. WALSH:
8 My name is Bill Walsh. I want
9 to mention that -- I mean, she
10 said it all. I mean, the Army

11 Corps does not have a good track
12 record here and I think if you --
13 I hate to use the politicians
14 quote, but Ronald Reagan, trust
15 but verify, and I think the issue
16 we have here good, a example, you
17 said you are not familiar with
18 Eastover. Who is responsible for
19 the cleaning of the drainage
20 ditches in New Orleans East after
21 Katrina? What was that an Army
22 Corps project?

23 MS. ALLEN:

24 No. That was not work
25 completed by the Army Corps of

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1 Engineers after Hurricane
2 Katrina.

3 MR. WALSH:

4 All of that debris from the
5 drainage canals was dumped in New
6 Orleans East and I am a New
7 Orleans East resident and am
8 tired of being dumped on. The
9 trash and debris that is out of
10 those drainage canals all over
11 New Orleans East was dumped in
12 that same area along I-10 Service
13 Road and along the end of Bullard
14 and Chef Highway. So we

15 constantly get dumped on and I
16 think that's why people are
17 upset.

18 MS. CLARKSON:

19 I'm Jackie Clarkson and I was
20 privileged to speak to you at the
21 beginning as your Councilwoman At
22 Large, and I would just like to
23 say for the record as your
24 Councilwoman At Large I am not
25 only legitimate in being here,

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1 I'm not here as a westbanker.
2 I'm here as your Councilwoman At
3 Large. I'm not only eligible to
4 be here, you should demand that
5 I'm here, okay. And I'm supposed
6 to be here learning your issues
7 and hearing from sides and asking
8 -- asking on your behalf the
9 why's, okay. I have plenty more
10 why's, but I think y'all had
11 enough for tonight. But for the
12 record, the westbank golf courses
13 that I have represented and still
14 do, Lakewood and English Turn,
15 one that was severely damaged and
16 one that was partially damaged in
17 Katrina have not had any
18 government money to restore them.

19 Now, we had no flooding but we
20 had the winds, we sit between
21 Plaquemines and St. Bernard. We
22 had some serious wind damage in
23 Algiers, but we have not used any
24 of your taxpayers money city or
25 state for those golf courses. I

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1 want that on the record. Where
2 there has possibly been state
3 money has been at the TP golf
4 course in Westwego. That is not
5 Orleans Parish and I want to put
6 that on the record because I take
7 all of this very seriously. I'm
8 not out here because my westbank
9 golf courses are okay and I don't
10 care about your golf course.
11 This has nothing to do with the
12 golf course. This has to do with
13 what is happening to this New
14 Orleans East community, what is
15 the environmental impact, what is
16 the -- who has all of the facts,
17 who can we guaran -- who is going
18 to guarantee what and how do I
19 best represent all of you and I
20 try to do that very thoroughly
21 and very methodically as I have
22 done as a councilwoman and state

23 legislature for 20 years and as a
24 professional realtor and business
25 woman for 40 years, so if that's

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1 wrong, I don't think it is, I
2 take my licks, okay. But that's
3 why I'm here and I stand very
4 justified in doing it. And,
5 lastly, I would also like to say
6 to you that there is a lot of
7 hope going on out here. Don't
8 give up over one issue. Fight
9 the good fight for whatever you
10 believe in and stand tall for
11 your community. We have a
12 hospital coming out here. The
13 city's playing a big role there.
14 We have Joe Brown Park coming
15 back. The city is playing a big
16 role, and yesterday I chaired a
17 meeting that shows that you are
18 getting one of the five design
19 built libraries, and in my
20 opinion, yours will be the
21 greatest state of the art, best
22 of the five and it will be
23 complete by we hope at this point
24 it is on line to be complete by
25 May or June of next year, so

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1 plenty is coming, trust us, and
2 fight your good fight, and I will
3 be back and I will ask why.

4 Thank you.

5 MS. ALLEN:

6 Thank you. Go hey, ma'am.

7 MS. MORGAN:

8 My name is Gilda Morgan. I
9 live at 5951 Eastover Drive and I
10 just want to let the Corps know
11 that I do not want a borrow pit
12 built in my neighborhood just for
13 the record. No. 2, \$25 million
14 that Mr. Pate is putting up for
15 Eastover for damages only
16 represents about 50 houses in
17 Eastover and it represents 50
18 cheap houses and I am one of the
19 cheap houses. My house is under
20 five hundred thousand, so I
21 consider me the little house on
22 the hill sitting next to the big
23 houses on the hill. Mr.
24 Blackwell said he was number
25 seven in Eastover. Well, I want

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1 to let you know I was the last
2 one in Eastover before the storm,

3 so I'm building, twice, too. But
4 I do not want structural damage
5 to my house because I want to
6 live in a safe community and I do
7 not, for the record, for
8 everybody to know I don't care
9 anything about a golf club. I
10 don't care anything about the
11 golf course. Anybody that know me
12 already knows this. As far as
13 I'm concerned they can flatten
14 the golf course and put houses up
15 on it. That's my opinion.
16 There's always a second choice on
17 what to do. Any businessman, any
18 businessman that only has one
19 outlet is a poor businessman.
20 Any rat that only has one hole is
21 a poor rat. That's a poorest
22 group of rat if you only have one
23 hole because you got to have two.
24 You got to have a backup plan.
25 And evidently these people don't

145

♀

1 have a backup plan, but what I do
2 want to know is what happened to
3 the dirt that is staged from this
4 hole, No. 1, who is going to
5 remove the dirt that is left over
6 there. If we sitting back

IER 29 BORROW MEETING.txt
7 waiting on Mr. Pate to move it
8 and all other things that he got
9 and I don't want to get into his
10 business finances like he don't
11 want to get mine, but he is
12 already in debt. He can't afford
13 to do anything for us. This
14 money is going to pay for the
15 debt that he is probably already
16 in and he is going to leave us
17 dry and high.

18 AUDIENCE MEMBER:

19 My question is, and I'm glad
20 our council person is still here.
21 I quoted an ordinance of -- a
22 city ordinance stating that any
23 excavation that happens needed to
24 be backfilled and I want to know
25 from the Corps if there is a city

146

1 ordinance that says it has to be
2 backfilled with solid material,
3 how can Eastover build a lake.
4 Thank you.

5 MS. HOLLEY:

6 All right. Corps of
7 Engineers, at this point we're
8 not authorized to backfill any of
9 our pits so the governed
10 furnished site that are going to

11 be excavated they will not be
12 backfilled unless there is a
13 project need. In case of
14 contractor furnish site, that
15 site will be excavated by the
16 construction contractor, we
17 talked about it. He has got to
18 get it coordinated with the
19 landowner and then the excavated
20 site is inherited by the
21 landowner and the excavated site
22 is inherited by the landowner,
23 the landowner and construction
24 contractor they have to comply
25 with all of the local ordinance.

147

♀

1 whatever is in the ordinance in
2 Orleans Parish they have to
3 comply with. The construction
4 contractor in our contract says
5 he has to comply with all of the
6 local permits. whatever is on the
7 paper he has to comply with it.

8 MS. DUPLESSIS:
9 Okay. We have a city
10 ordinance that says they must
11 backfill so that means they can't
12 build a lake.

13 MS. HOLLEY:
14 That's --

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MS. DUPLESSIS:

Right?

MS. HOLLEY:

If there is such an ordinance.

MS. DUPLESSIS:

There is.

MS. HOLLEY:

Then he is going to comply with it.

MS. DUPLESSIS:

♀

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So that mean, folk, there ain't going to be no lake. One question I really would like to ask and you didn't answer the question as it relates to the dirt and the stockpile of dirt. When and if they begin to dig the dirt has to be staged. That means piles of dirt; is that correct? Staged somewhere near the site; is that correct?

MS. HOLLEY:

That is going to be a part of construction contractors responsibility.

MS. DUPLESSIS:

Answer my question. So there will be 30 feet of dirt

IER 29 BORROW MEETING.txt
potentially.

19

MS. HOLLEY:

20

That's to be determined.

21

That's to be determined. All
depends on what the construction
contractor --

22

23

24

MS. DUPLESSIS:

25

149

♀

So you will have staged dirt
near the construction site; is
that correct? Is that correct?
where else are you going to put
the dirt. You going to dig it
and what you going to do with it.

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MS. HOLLEY:

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Let me see if I understand
what you are saying. The area
that is going to be approved
environmentally if the commander
signs that, the construction
contractor has to stay within
that area. Now as far as he is
going to decide how much material
he needs to excavate at each
time, how he is going to compile
it, and he has to also, just like
he designs the pit, he is going
to design his stockpile.

9

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MS. DUPLESSIS:

21

Stockpile. Exactly. So the

22

23 question is we don't have a plan
24 for a lake that he can't build
25 because we have an ordinance. We

150

♀

1 don't have a plan for financing
2 the removal or remediation of the
3 mounds of dirt that will just
4 stay there. I mean, think about
5 this, guys. Y'all got to really
6 think about this. Visualize what
7 our community is going to look
8 like and our hope that the
9 contractor will do the right
10 thing and our hope that the
11 contractor will take some of that
12 \$25 million that they are going
13 to get from the profits of this
14 borrow pit purchase, dirt
15 purchase and they are going to
16 remove at some point in life all
17 of the stockpiles of dirt. Think
18 about the other thing. We got a
19 lot of undeveloped land along
20 Bullard and Chef and Read and
21 they got to stay within a certain
22 vicinity. You got a lot of those
23 landowners who are not getting
24 revenue right now, so what a
25 wonderful way to get revenue now

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1 is to lease their land that is
2 along Bullard, that is
3 undeveloped or along Read that's
4 undeveloped for those trucks to
5 stage, and for those trucks to
6 dump their dirt like what's
7 happening in the Plaza right now.
8 You see the dirt dump. So think
9 about when we say this is going
10 to impact all of the East, you
11 got a lot of people -- landowners
12 who are not getting revenue right
13 now. What a wonderful way for
14 the next two years to get some
15 revenue from the Corps or
16 whomever else because those
17 trucks, be it ten thousand
18 trucks, 20 thousand trucks will
19 have to be staged somewhere in
20 the East. Those trucks and the
21 dirt that they dig or excavate,
22 whatever they do it, will have to
23 be staged somewhere. Whose
24 responsibility will it be. These
25 are all of the questions that we

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1 have not gotten answers to and
2 that's why we ask the Corps
3 pause. Give -- ask the

4 contractor to come back. I got a
5 three inch thick, and y'all got
6 half of this, of questions that
7 have never been answered. Use
8 your intellect folk, we got
9 plenty of it. Where is the dirt
10 going to go. Where are the
11 trucks going to be staged. Who
12 is going to remove it.

13 MS. HOLLEY:

14 Make a comment to that. We
15 have stated upfront there will be
16 impacts of traffic. There will
17 be trucks on the road regardless
18 of what borrow method is used,
19 regardless of where the site is.
20 We are putting down the system to
21 reduce risk. There will be
22 construction. There will be
23 impact to traffic. There will be
24 impact, there will be noise.
25 There will be deterioration of

153

1 roads. That is a part of
2 construction regardless of what
3 borrow site is used, regardless
4 of what method is used and we
5 have stuck to that. What we're
6 trying to do is as the lady
7 earlier mentioned, which I have

8 mentioned before, in order to
9 minimize that impact we identify
10 in case of government furnish,
11 which we have in case of those
12 green sites, we try to idea sites
13 in a close vicinity of our levee
14 alignment. Making sure there's
15 less haul distance, less
16 deterioration to roads, less
17 traffic. That's what we do as
18 part of minimizing impact. Now
19 in case of Eastover, they have
20 contact us. They want to
21 participate. It just happens
22 that their site is also in a
23 close vicinity. We don't know if
24 it's going to be used or not
25 that. Depends on the construction

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1 contractor and the landowner.
2 MS. HEISSER:
3 My name is Joan Heisser, and
4 I'm a resident of Eastern New
5 Orleans for over 32 years. I
6 love our community. I love all
7 of my neighbors and I love the
8 people in Eastover. I have
9 friends on both sides pro and
10 con. I hate to see the division
11 of the community for one thing.

12 But we all have the same common
13 goal and the same concern, the
14 environmental impact that this is
15 going to have on our community.
16 And I don't know if that's been
17 addressed properly. Has an
18 Environmental Impact Study been
19 done by the committee from
20 Eastover for the pros and the
21 cons? And we need to know that,
22 and if it is, it needs to be made
23 publicly so that we can address
24 the issue to see whether or not
25 there is a negative impact. And

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†

1 another issue that I would like
2 to have addressed, since the City
3 of New Orleans has not been a
4 part of this, Ms. Clarkson, you
5 are here, I would like to know do
6 they need a permit to build this
7 lake as far as for the City of
8 New Orleans? What is the
9 permitting process? What is the
10 public input on that? Also I
11 would like to know who is going
12 to pay for the damage of the
13 roads. You know, for the trucks
14 that is going to come in and out
15 of the subdivision an on to

16 streets. Who is going to pay for
17 that? Is money in place to
18 restore that? You know, that's
19 what I need to know.

20 MR. OWEN: (No microphone)
21 In regards to the
22 environmental use, you asked if
23 the local homeowners association
24 has --

25 MS. HEISSER:

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1 well, the homeowners
2 association is sort of split so
3 --

4 MR. OWEN:
5 I can't tell you if they done
6 any environmental --

7 MS. HEISSER:
8 I think Mr. Pate can address
9 that whether or not he has done
10 an environmental impact, you
11 know, on his behalf, and I think
12 that Senator Duplessis, I don't
13 know if she has done an
14 environmental impact.

15 MS. DUPLESSIS: (No
16 microphone)
17 we have got the closest thing
18 where we got a certified letter
19 from the engineer who stamped it

20 to give an opinion.

21 MS. HEISSER:

22 Is that an Environmental

23 Impact Study?

24 MS. DUPLESSIS:

25 It has some information on

157

1 the environmental stuff on there
2 also.

3 MR. OWEN: (No microphone)

4 The federal government and
5 the IER is the environmental
6 impact for the federal government
7 and we're -- that's one thing
8 we're here tonight is to tell you
9 what you have seen in IER 29,
10 what environmental impact we see.
11 As far as anybody else, we don't
12 know.

13 MS. HEISSER:

14 You said that it's minimal
15 damage. What does that mean,
16 minimal?

17 MR. OWEN:

18 We are saying long term we do
19 not see any adverse impact to New
20 Orleans East.

21 MS. HEISSER:

22 Can you put that in writing
23 to us.

24

MR. OWEN:

25

It is in writing. That's

158

1

exactly what it says in the IER.

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MS. HEISSER:

3

That it's not going to

4

negatively impact and subside the

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land in the community. See

6

because we have a community out

7

here and I just want to say this,

8

ladies and gentlemen, because I'm

9

a realtor and I'm very concerned

10

about property values and quality

11

of life in the community. We

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have a subdivision called Village

13

de l'Est in New Orleans East. If

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you go in that community you can

15

see the foundations of the

16

properties. The houses are not

17

cracking or falling apart, but

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the land subsides all of the

19

time, and every year those people

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who live in that community have

21

to backfill their land and, you

22

know, I mean, it's quite

23

expensive. The streets are

24

sinking, so we want to be assured

25

that that's not going to happen

159

1 in the rest of New Orleans East.
2 we have no problem with lakes
3 because we love lakes. I live on
4 one. I lived on one for over 30
5 years and it's great living. New
6 Orleans East is great living;
7 however, we do have a problem if
8 this lake that's being dug is
9 going to cause subsidence to the
10 neighboring properties of
11 Eastover and the community, and
12 that's the main concern. We
13 could care less if Mr. Pate is
14 making 25 or 50 or 100 million
15 dollars as long as he puts back
16 into the community what he says
17 he is going to do. And Eastover
18 is one of the premier
19 subdivisions. My husband used to
20 belong to the golf course. Now
21 he has to go all of the way
22 uptown to Audubon Park to play.
23 He was one of the big supporters
24 of Eastover. I sold property to
25 some people who bought purposely

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1 because of the golf course. We
2 want to see the golf course and
3 the clubhouse come back. But we

IER 29 BORROW MEETING.txt
4 want assurance and guarantees.
5 And I think together as a
6 community I don't want to see
7 Eastover split or New Orleans
8 East split. We're only strong
9 when we're unified so I just hope
10 that we can all come together on
11 this issue.

12 MR. OWEN:
13 what we say in IER 29 where
14 Mr. Pinner and I and Soheila
15 said, if the pit is designed
16 appropriately there will not be
17 -- should not be any impact.
18 It's the landowners
19 responsibility by doing his local
20 permits and everything else to do
21 that engineering properly.

22 MS. HEISSER:
23 when words you use like if or
24 -- those are escape words.

25 MR. OWEN:

1 we use that because we don't
2 issue the permit.

3 MS. HEISSER:
4 well, the City of New Orleans
5 will have to issue a permit I
6 assume and some criteria will
7 have to be set in place, and I

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♀

IER 29 BORROW MEETING.txt
8 guess we would have to go to our
9 city council people and find and
10 the permitting department to find
11 out what that might be. what
12 about the environmental study,
13 Mr. Pate, do you have it.

14 MR. PATE:
15 we did two environmental
16 studies as part of our submission
17 with the Corps.

18 MS. ALLEN:
19 That is included in IER 29
20 and 19. IER 29 we have copies of
21 it at the front desk.

22 MS. HEISSER:
23 Can you put it on the
24 website.

25 MS. ALLEN:

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1 Yes, ma'am. All OF our --
2 MS. HEISSER:
3 we can review it and see what
4 that --
5 MS. ALLEN:
6 All of our IER's are
7 available at
8 nolaenvironmental.gov. You want
9 to look at IER 19 and IER 29.
10 IER 29 is what we are currently
11 under public review. IER 19 has

12 already been approved. I want to
13 correct one thing you said.
14 We're very involved with the
15 city, with the state, with the
16 levee board, with the Sewerage
17 and Water Board. We meet with
18 them constantly. Our project
19 managers meet with them
20 constantly. We briefed the city
21 council last week. We brief the
22 mayor on a monthly basis on the
23 system overall. I am saying from
24 a systemwide, all of our
25 projects, including all of our

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♀

1 borrow projects, we are hand in
2 hand with our federal, state and
3 local partners, so I just want to
4 make sure that you understand
5 that. We are communicating with
6 our partners on all issues.
7 First I do want to recognize
8 Representative Badon is here. I
9 hope I pronounced your name
10 correctly. Badon. Thank you,
11 sir. Turn the mic to this
12 gentleman right here who has been
13 waiting for a very long time.

AUDIENCE MEMBER:

15 Very brief. I want to

IER 29 BORROW MEETING.txt
16 reference slide 19. I have a
17 direct question. You list the
18 areas there one being of St.
19 Tammany and St. John. My question
20 is what type of areas are these,
21 are they similar to all type
22 environment or --

23 MR. OWEN:

24 The Tammany Holdings is the
25 residential area being developed.

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1 It's just -- if you go across the
2 I-10 bridge it's the big
3 subdivision that is being
4 developed on the east side of
5 I-10.

6 AUDIENCE MEMBER:

7 It's not currently developed?

8 MR. OWEN:

9 It is partially. They are
10 digging lakes and ponds and
11 putting homes around it. Willow
12 Bend is St. John County and right
13 now is rural area. There are some
14 homes not directly adjacent to it
15 but not that far away. Thousand,
16 two thousand feet.

17 AUDIENCE MEMBER:

18 One other quick thing.

19 MR. OWEN:

20 As you see, I mean, every one
21 of those names on there
22 represents a pit that's either
23 been investigated and approved or
24 being investigated right now.
25 The three circles are the three

165

♀
1 sites we are looking at right
2 now.

3 AUDIENCE MEMBER:

4 The question is there seems
5 to be some concern has this ever
6 been done before of this
7 magnitude and this type of
8 residential area and so forth,
9 and looking at your slide, I'm
10 trying to get clarification.

11 MR. OWEN:

12 There are borrow pits around
13 that are near residential areas.

14 MS. HOLLEY: (No microphone)

15 It shows the map of all of
16 the parishes; Jefferson, Orleans,
17 St. Bernard, Plaquemines, you
18 will see all of the government
19 sites. We have about 50 sites,
20 about half and half, and they all
21 have obviously their own
22 circumstances you have some
23 vicinity --

24

25

So some of these are in

166

1

development and not currently in
place according to what you are
saying.

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MR. OWEN: (No microphone)

5

6

There are some that have
residential homes nearby. There
are some that plan to be
residential.

7

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AUDIENCE MEMBER:

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One last quick thing. Any
requirements -- I'm just reading
some of this right quick and then
I have a quick question. Title 1
of EPA contains a declaration of
national environmental policy
which requires the federal
government to use all practical
means to create and maintain
conditions of which man and
nature can exist in productive
harmony, and I'm not going to
continue to read that, and it
says it goes on to talk about
Environment Impact Statements,
EIS. My question is where is

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1 this available to us, was it done
2 by you guys.

3 MR. OWEN:

4 Right. What we're doing
5 instead of EIS, we have
6 implemented an alternative
7 arrangement. It is an authorized
8 way of doing EIS type thing. IER
9 is an EIS.

10 AUDIENCE MEMBER:

11 Okay. It's the same thing.

12 MR. OWEN:

13 Same level of detail.

14 AUDIENCE MEMBER:

15 So you are not required.

16 MR. OWEN:

17 That's correct. We have an
18 alternative arrangement, which is
19 you do either EA, environmental
20 assessments; you do Environmental
21 Impact Statements. In this case
22 you are also allowed to do an
23 alternative arrangement. This
24 emergency we did an alternative
25 arrangement.

♀

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1 AUDIENCE MEMBER:

2 My final comment, I have a
3 question. How much is the borrow
4 pit project worth in dollars? How

5 much money are we talking about?

6 MS. HOLLEY:

7 As far as government

8 furnish --

9 AUDIENCE MEMBER:

10 Eastover. Contractor

11 furnished.

12 MS. HOLLEY:

13 We have paid a variety of

14 costs as far as contractor

15 furnished. It varies and a lot

16 factors are involved. Main thing

17 is that haul distance and the

18 availability. So we have, as far

19 as the contract that we have

20 awarded through contract furnish

21 process, we have paid a variety

22 of range, and also basically get

23 one line item which says

24 compacted fill, which includes

25 material, excavation,

♀

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1 transportation, placement and

2 compaction. That's what we get.

3 So is the -- cost of the Corps

4 has gotten so far the process is

5 is the combination of that cost.

6 we have -- and we have paid a

7 range, a big range. Depending on

8 what -- where the site was, the

9 size of it. Fair market value.
10 Just like when you buy a house.

11 AUDIENCE MEMBER:

12 Specifically, though, because
13 of the amount of proposed borrow
14 that is being proposed to be
15 excavated, how would you
16 guesstimate what you typically
17 paid per cubic feet or whatever.

18 MS. HOLLEY:

19 I couldn't make that
20 estimation mainly because, as we
21 said, the compensation method is
22 strictly between the construction
23 contractor and the landowner and
24 it can happen in any method. It
25 can happen per acreage, cubic

170

1 yard. It's whatever they decide.
2 Now, what we did we did a line
3 item from construction contracted
4 and we look to see if that's
5 reasonable and if the total cost
6 for that living range is within
7 that acceptable range is yes or
8 no. But that -- what you ask me
9 is something we are not going to
10 know until the contract is
11 awarded and the construction
12 contract is -- that's going to

13 vary and depends on what they
14 work out.

15 MS. ALLEN:

16 Joe, do you have --

17 MR. KOPEC:

18 The compensation for a
19 contractor pit is the result of
20 negotiations between the
21 contractor and the landowner. On
22 the government furnish pit it's
23 the same as if you wanted to buy
24 a piece of property. You will go
25 out and get an appraisal. The

171

1 appraisal tell you what the
2 property is worth. That's how we
3 handle acquisition for the
4 government pits. But these
5 contractor pits is whatever
6 negotiations of the result
7 between the two parties involved.
8 We're not a part of those
9 negotiations.

10 AUDIENCE MEMBER:

11 The reason I'm saying that is
12 in the Environmental site
13 assessment, which is not an
14 Environmental Impact Study, I
15 think sometimes that's confused,
16 we have not seen an Environmental

17 Impact Study which I think the
18 young lady had asked previously,
19 I think Ms. Heisser asked about
20 environmental impact. In your
21 environmental site assessment
22 study Eastover was considered as
23 units, I believe was the term in
24 that document, valued at \$96,000.
25 so that's a gross erroneous value

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1 for what was called a unit as
2 oppose to a residential home.

3 MR. OWEN:

4 The IER is equivalent to an
5 Environmental Impact Statement.
6 The value you are seeing in there
7 is based on block grant size.
8 That's set by another agency. We
9 just reported what the average
10 value of home was in the block
11 grant.

12 AUDIENCE MEMBER:

13 well, that in no way reflects
14 Eastover. 96,000 may not reflect
15 the average home in East New
16 Orleans.

17 MR. OWEN:

18 There is a statement in here
19 and I don't remember the exact
20 page that tells you the value of

21 the homes goes from the low
22 three, four hundreds to eight
23 hundred.

24 AUDIENCE MEMBER:

25 No. Well, in the

173

1 Environmental Site Assessment
2 that we were distributed it
3 values and call it a unit at
4 96,000.

5 MR. OWEN:

6 That's the block grant.

7 AUDIENCE MEMBER:

8 I understand. But, again, I
9 don't believe that's accurate in
10 defining in any way, shape or
11 form the value of even an average
12 home in anywhere in Eastern New
13 Orleans, so that's a gross
14 misrepresentation as far as we're
15 concerned. That's one of the
16 things that I would like to say.
17 Also, I mean, I know that
18 compliance and transparency
19 should always be a part of any
20 type of project especially when
21 the Corps is involved and you
22 have got your regulations. I
23 would like to understand how does
24 the city ordinance come into play

♀ 25 when the proposed filling is with
174

1 a lake and it's not with a solid
2 soil as referenced in city
3 ordinance section 66-249.

4 MR. OWEN:

5 As you heard tonight, the
6 landowner will have to get all
7 local, state permits.

8 AUDIENCE MEMBER:

9 City as well. Okay. So this
10 is a true on the books city
11 ordinance which says by right of
12 this ordinance that a lake cannot
13 happen.

14 MR. OWEN:

15 That's an issue between the
16 landowner and the city.

17 AUDIENCE MEMBER:

18 I understand. But the Corps
19 is involved.

20 MR. OWEN:

21 No.

22 AUDIENCE MEMBER:

23 You are involved as far as
24 being able to excavate the levee.

25 MR. OWEN:

♀ 175

IER 29 BORROW MEETING.txt
No. We're not involved in

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that piece of it.

AUDIENCE MEMBER:

I understand. But I don't think that you would be in the business of being in non-compliance with a city ordinance. I don't think that you would.

MR. OWEN:

We are approving it for the potential use. If he can get all of his permits and everything and then he gets a contract, he can move forward. He has to do that.

AUDIENCE MEMBER:

Again, I think that compliance with city ordinance whether you all or Mr. Pate, I think that no one is above the law whether it's city, state or federal.

MR. OWEN:

And we are telling very clearly tonight that is an issue

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between the city and the landowner when he moves forward to get his permits to excavate.

AUDIENCE MEMBER:

5 Another thing, too. I don't
6 believe that there's been any
7 structural study done as a part
8 of any environment. If you want
9 to call the site assessment an
10 Environmental Impact Study. It
11 only speaks to the wildlife, the
12 birds and snakes and that kind of
13 thing but nothing about people,
14 and it does not speak to any
15 potential damage to the structure
16 of the homes that are in that
17 nearby proximity and I think that
18 is a major issue.

19 MR. OWEN:

20 The IER -- the environmental
21 process looks at the impacts to
22 the human environment. People
23 are part of that human
24 environment. The bugs and bunnies
25 are, too. The report clearly

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1 talks about that. It talks about
2 socioeconomics. It is in there
3 and it says very clearly if the
4 pit is designed appropriately we
5 do not envision there will be an
6 structural problems.

7 AUDIENCE MEMBER:

8 Not envision but you still

9 IER 29 BORROW MEETING.txt
have not given us any guarantees.
10 And of course I think someone
11 mention in this process -- and
12 how long is the excavation
13 process from how long, two years,
14 three years, minimum.

15 MR. OWEN:

16 If he gets a contract, how
17 long that contract is.

18 AUDIENCE MEMBER:

19 Again, I think the people
20 have to understand here tonight
21 that you are not talking about
22 whether we want a beautiful lake
23 or all of these things corrected
24 or not. The process is a lengthy
25 one, and in the interim period a

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1 lot can happen. Another storm
2 can come through, contractors can
3 go bankrupt. People can
4 disappear who are in the interim
5 process, haulers can certainly
6 disappear. There are no
7 assurances of the protection of
8 the people and I think the Corps
9 can do all of what it proposes in
10 these levees after a tremendous
11 disaster should be very much
12 concerned more so not in just

IER 29 BORROW MEETING.txt
13 your government furnished sites
14 but in the contracted furnished
15 sites on the welfare of the
16 people that these things impact.

17 MR. OWEN:
18 We have --

19 AUDIENCE MEMBER:
20 whether or not you say it's
21 mandated that you have to look at
22 structure or any of those things,
23 you are only looking at the
24 quality of the clay. The quality
25 of the clay may not be in the

179

♀
1 best interest for -- in this
2 instance for the residents of
3 Eastern New Orleans.

4 MR. OWEN:
5 That's exactly what we
6 address in the IER. We discuss
7 that in detail and we could not
8 -- the determination at this
9 point is that there will be no
10 long term impact to the people of
11 Eastern New Orleans.

12 AUDIENCE MEMBER:
13 I think in closing, too, with
14 the structural engineers report,
15 Mr. Julian, I think Mr. Copeland
16 refers to him as a good friend.

17 well, regardless of being a good
18 friend, he is a professional and
19 he did supply a report that was
20 accepted in the court of law by a
21 judge that said he gave credence
22 to the fact that there is
23 potential risk, so much so that
24 we did receive that judgment as
25 what you have in your report, so

180

♀

1 please bear that in mind that
2 whether it's a friend or anyone
3 or not or whether or not they
4 consider it a true report, he is
5 a professional and his report
6 stood in the court of law and he
7 did say there is risk. Thank you.

8 MR. OWEN:
9 We are aware of that.

10 MS. MCARTHUR:
11 My name is McArthur again. I
12 have a couple of questions. All
13 of the levees that y'all still
14 have to fill up and make higher
15 do they have canals running all
16 alongside of most of them,
17 waterways.

18 MR. OWEN:
19 Adjacent.

20 MS. MCARTHUR:

IER 29 BORROW MEETING.txt
To the levees.

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MR. OWEN:

Some do. Not all. More so
probably on the westbank than
over here on the East.

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MS. MCARTHUR:

My question is the Bonnet
Carre Spillway has plenty of mud.
I know y'all using it for a lot
of y'all projects.

MR. OWEN:

We are bringing five million
yards of material out of Bonnet
Carre Spillway.

MS. MCARTHUR:

Correct. So couldn't you get
more out of that Bonnet Carre
Spillway and wouldn't be
affecting neighborhoods. I mean,
put it by barge, bring it along
the lake, bringing it down the
canal.

MR. OWEN:

Barge is not practical. We
could bring more material from
Bonnet Carre. There will be more
impacts to the roads, more
transportation, more congestion.
It's a bigger cost. We're saying

IER 29 BORROW MEETING.txt
there are multitude of methods.

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♀

182

1 You may use government furnish to
2 build some of this. That would
3 be probably from Bonnet Carre or
4 from one of the two sites if we
5 go forward with this. You are
6 also having the potential for
7 contractor furnish. We are also
8 investigating the supply contract
9 purpose, too. That material may
10 come in by truck or barge.

11 MS. MCARTHUR:

12 And I had asked y'all before
13 about asking representatives the
14 federal and state. Did y'all
15 just send little cards like y'all
16 sent to the public or did you
17 send a letter requesting that
18 someone represent their
19 departments to answer the
20 questions on the board with y'all
21 for the public.

22 MR. OWEN:

23 They get the card.

24 MS. MCARTHUR:

25 Can y'all please send them a

♀

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1 letter requesting instead of

2 sending a card.

3 MR. OWEN:

4 what I would suggest is that
5 you all ask for meetings
6 specifically with them. That's
7 what I would suggest because you
8 are wanting to ask them very
9 specific questions about their
10 process. They need to come and
11 explain their process. This
12 forum is to talk about IER.

13 MS. MCARTHUR:

14 The representatives that are
15 here for the different areas, can
16 y'all request it for the people,
17 all of the departments, too?

18 MS. DUPLESSIS:

19 Absolutely. Absolutely. I
20 will make sure. I will make sure
21 that I convene a meeting. I will
22 ask our local because this is a
23 local issue. I will ask -- I
24 know that I already had
25 conversations with Councilman

♀

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1 Ernie --

2 MS. MCARTHUR:

3 I don't mean just the
4 council. I am talking about the
5 permits department. The Homeland

6 Security, whatever it is with the
7 city that makes the decisions for
8 this. You know, whoever the
9 permit, whoever the contractors
10 have to go to for all of that.

11 MS. DUPLESSIS:

12 That's a great idea and I am
13 going to make sure that I do
14 that.

15 MS. MCARTHUR:

16 And request that the Corps
17 get that meeting, too.

18 MS. ALLEN:

19 I'm hearing from my Colonel
20 over here that we're going to do
21 a different way of notification
22 for public meetings. We're going
23 to send personal invites and
24 calls and whatever we need to do.

25 MS. MCARTHUR:

♀

185

1 Another thing that I wanted
2 to make a comment. I know the
3 Corps is doing the best they can
4 based on information that they
5 have nowadays. I know every year
6 they doing trial and error and
7 the engineers find out later on
8 that that was wrong, you know,
9 under all of the rules we have

10 learned in school and so forth,
11 that's what we do, I guess, but
12 -- and they just people like us,
13 they have the expertise and we
14 relying on them but they are
15 people like us, and they live in
16 this area, too, so, you know,
17 don't put all of the blame on the
18 individuals.

19 MS. HOLLEY:

20 I appreciate the kind
21 comments, but I want to clarify.
22 We are not using trial and error.
23 We have engineer requirement and
24 engineer process that we follow.
25 From designer pit, from

186

1 investigating pit there is no
2 trial and error. We have
3 professional engineer the --

4 MS. MCARTHUR:

5 It changes by things that
6 happen.

7 MS. HOLLEY:

8 we have professional
9 engineers so it's a process we
10 are using engineering requirement
11 and techniques. No trial and
12 error.

13 MS. MCARTHUR:

14 I want to say, too. All of
15 this work that we're doing under
16 the hundred year plan with the
17 city y'all just put out something
18 to congress or y'all change it to
19 call something else. I want to
20 let everyone know and let all of
21 your neighbors know to write a
22 letter to congress even though
23 the time is up to send it to
24 y'all to please insist that
25 congress make the Corps protect

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1 the city from the Gulf coming
2 into the lake because if they
3 don't stop the Gulf coming into
4 the lake all of the levees they
5 built everywhere are not
6 protected. If the sea rises like
7 they said and so forth, if the
8 lake gets pushed in with more
9 lake, Gulf water because of the
10 wetlands being destroyed, the
11 levees could fail again. They
12 could be overtopped, and unless
13 we get protection from the Gulf
14 stopping into the lake, it's --
15 the levees that we have aren't
16 enough.

17 MS. ALLEN:

18 You are right. That's the
19 LACPR study. LACPR, Louisiana
20 Coastal Protection --

21 MS. MCARTHUR:

22 I suggest everybody write
23 congress because these levees
24 aren't enough, and I'm sure y'all
25 all know that. Unless you write

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1 them, congress is not going to do
2 anything about it, I don't think.
3 That's it.

4 MR. COLLIER:

5 My name is Wayne Collier. I
6 will be very briefly. I raised my
7 family in Michoud Boulevard, but
8 I'm appearing hearing because I
9 want to make clear to everyone
10 here I represent Tammany Holding
11 Corporation that has the acreage
12 and part of the IER No. 29 and
13 this company -- we're in the
14 business of moving dirt. For the
15 last ten years our company has
16 moved more than 35 cubic yards of
17 material, and if you drive over
18 the twin span and you look to
19 your right as far as you can see,
20 it's called Lakeshore, that's our
21 development. The pit that we

22 have identified that's on the
23 screen right now I think you can
24 see is and will be developed in
25 an otherwise currently vacant

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1 area. We are not proposing, if
2 we were, we probably have a lot
3 of people from St. Tammany Parish
4 here, we are not proposing to
5 build our pit and excavate in an
6 existing residential community.
7 And I'm not making that comment
8 disparagingly about the Eastover
9 site. I'm saying as a matter of
10 fact we have the good fortune as
11 a company that bought three
12 thousand acres and we have a lot
13 of land to be able to avail the
14 Corps of the benefit of our
15 material, and one of the other --
16 we actually, quite honestly, and
17 we have sought approval for three
18 hundred acres about 27 million
19 cubic yards. If needed, we could
20 expand the pit. All I'm saying
21 is that I wouldn't want the
22 record to be left tonight without
23 it being clear about what Tammany
24 Holdings part of this is, and one
25 of the other factors that I think

♀

1 was raised tonight by a lot of
2 elected officials and community
3 leaders, the work that is being
4 done to improve our levees to
5 protect the City of New Orleans
6 and New Orleans East is very
7 important. We have a distinct
8 advantage over some other
9 providers of clay material. If
10 you look at where it's going,
11 we're on the water. We can barge
12 material to some of these sites.
13 It may or may not be practical.
14 We have to have the people to do
15 the work, agree with this, but,
16 quite honestly, we're very
17 excited about having our pits
18 approved so that the Corps can
19 get down to the business that
20 it's so wants to do because we
21 work very well with the people in
22 the Corps. It's just an arduous
23 process, and at the end of the
24 day we all want these levees to
25 be constructed and we all want to

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1 be safe and do our part.

IER 29 BORROW MEETING.txt
MR. HAMILTON:

2
3 Greg Hamilton. 5600 Bundy
4 Road. Just point of
5 clarification. I believe you
6 said the levee projects in New
7 Orleans East require about ten
8 million cubic yards of fill. Are
9 you going to limit the extraction
10 from all of the borrow pits in
11 New Orleans East to that ten
12 million cubic yards?

13 MR. OWEN:

14 If it's improved government
15 furnish it could go anywhere in
16 the system. If it's approved
17 contractor furnish that
18 contractor could take it anywhere
19 in the system. It could go
20 outside of New Orleans East if
21 that's what you are asking.

22 MR. HAMILTON:

23 You possibly could extract
24 just as much as you can get from
25 New Orleans East well beyond the

192

1 ten million cubic yards?

2 MR. OWEN:

3 There could be -- there is a
4 potential the material would be
5 dug in New Orleans east and moved

6 IER 29 BORROW MEETING.txt
out of this area.

7 MR. HAMILTON:

8 Thank you. Thank you.

9 MR. DEMI (ph):

10 My name is Lucien Demi (ph).

11 As this young lady said, they
12 have borrow pits in Plaquemines
13 Parish. I'm born and raised all
14 of my life in Plaquemines Parish.
15 When you talk about borrow pits
16 in Plaquemines Parish has no -- I
17 mean, has nothing to do concern
18 with New Orleans East.

19 Plaquemines Parish, a levee here
20 and a levee there, and, I mean,
21 the levees are right there close
22 -- you are on the highway and see
23 a boat lift. You look to the
24 right and see one levee and you
25 look to the left and see another

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1 levee. The people after the
2 hurricane, the people they claim
3 they weren't going back because
4 they said they weren't going to
5 let the people live back there.
6 So the people, some of the people
7 have money, went back there and
8 bought up the land. When I say
9 bought, these people had deep

10 pockets. They bought up the land
11 for a cheap price. Two years
12 later that land, the land that
13 they use to borrow pits in
14 Plaquemines Parish, the people
15 that own it now is making
16 millions and millions of dollars
17 and it was done because they
18 bought the land cheap from the
19 owners who have been owning it
20 for 50, 60, 100 hundred years
21 within the family. I own
22 property down there myself. But
23 they bought it real cheap and the
24 reason why they bought it they
25 knew they were educated, a lot

♀

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1 people I know were not. They
2 bought this land for one purpose
3 to make big dollars. They dug
4 these borrow pits, sold it to the
5 Corps of Engineers for big
6 millions and millions of dollars
7 and what it's about, the dollar.
8 Believe me. I know it because I
9 got property down there but they
10 wouldn't buy mine because mine is
11 too small, but they are making
12 money by selling the mud to the
13 Corps and -- but when you talk

14 IER 29 BORROW MEETING.txt
about Plaquemines Parish nothing
15 like here. It don't have a
16 subdivision in Plaquemines Parish
17 with \$200,000 house. They might
18 not have a house in Plaquemines
19 Parish worth \$200,000, so you are
20 not talking anything when you
21 talk about Plaquemines Parish
22 concern about New Orleans East.
23 Together. Two different things.

24 AUDIENCE MEMBER:
25 My question is about the size

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♀
1 of the borrow pit. I have heard
2 the senators say I think one
3 hundred acres, 120, 126 acres,
4 but I also heard 30 acres. How
5 big is that?

6 MR. OWEN:

7 The original --

8 MS. HOLLEY:

9 what is approved on the IER
10 No. 19, the approved area
11 environmentally is 36.6 acres.
12 That was the dark blue or what is
13 yellow now. The remaining is
14 113.

15 AUDIENCE MEMBER:

16 The yellow is approved,
17 right?

IER 29 BORROW MEETING.txt
MS. HOLLEY:

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That is approve. Is that all
going to be all borrow area, no.
You are going to have setbacks.
You are going to design it, so
the area that you eventually end
up up as a borrow site is going
to be much smaller than that blue

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line or yellow line. That's the
maximum boundary of what is
environmentally approved. Not
all of the soil in that area is
suitable and the landowner knows
it because they have the borings,
so the construction contract can
only excavate the area that is
suitable and eventually at the
end if the site is excavated it's
going to be much smaller than
that maximum boundary.

AUDIENCE MEMBER:

So that begs the question.
why keep hearing 100 acres, 126.
If that's -- I thought that was
36 acres. Just the yellow --

MR. OWEN:

The yellow is 36 acres.

AUDIENCE MEMBER:

And the blue is 120.

1 those borrow pits those houses
2 that are existing are now
3 shifting towards the borrow pits.
4 So now the city -- the parish
5 both parish are having to come up
6 with dollars to sue the Corps or
7 somebody to help with those
8 homeowners and the damages that
9 those communities are now seeing,
10 so I want y'all understand what
11 is occurring right now. We had
12 two people who were unsolicited
13 who came out, two very credible
14 people who are experienced in
15 what we are going to experience
16 if this happens that told us you
17 don't want it.

18 MR. OWEN:

19 I would like to correct one
20 thing. We're not aware of any
21 lawsuit that you are talking
22 about.

23 MS. DUPLESSIS:

24 Yeah. St. Bernard.

25 MR. OWEN:

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1 We are not aware of any suit.

2 MS. CLARKSON:

3 I would like to make one last
4 statement that Ms. -- I would
5 like to make one last statement
6 in reference to Ms. Heisser said
7 earlier about the city, the
8 Corps, yes, does come and report
9 to us every time we ask, they
10 have been very good with that.
11 we have not had a formal report
12 to the city council on this issue
13 since I'm back as Council At
14 Large, and that's almost two
15 years. So I wouldn't have -- so
16 I have to say when they say they
17 come and report to us, not on
18 every issue for every
19 neighborhood and everything.
20 That would be full time at our
21 council meetings if they did, so
22 I'm not criticizing them for
23 that. I am just telling you that
24 we have not had a formal
25 presentation on this at the city

200

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1 council and I had a lot of
2 unanswered questions, that's why
3 I'm here tonight. I was thrilled
4 to be invited. I have never been
5 told I should come or that it was
6 any responsibility to be here.

7 And so if you all feel that you
8 want other elected officials to
9 show up here, city, state and
10 federal then you get, you know,
11 you make sure you demand that of
12 the Corps invites them, but also
13 as far as the permitting and what
14 is happening, what will have to
15 happen, there is an ordinance,
16 that is real. It's on the books,
17 and as far as the permitting
18 process or any other further
19 information for the city, the
20 normal process for this has been
21 the lead has always been the
22 district council person, not just
23 for out here, in every part of
24 the city. As the Councilmen At
25 Large I defer to the district

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1 council person to always take
2 this lead. However, if you want
3 to come to my -- I'm not going to
4 step in and take your district
5 council person's lead here any
6 more than I do anywhere in the
7 city. However, my office is
8 totally available to anybody that
9 chooses to come and get your
10 information. Thank you.

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MS. DUPLESSIS:

I personally invited every council person and every elected official in the City of New Orleans. I personally sent out a letter. The ones that responded to me was council lady Clarkson, councilman Arnie Fielkow, and he was here. He was here. He wasn't here. He had a representative, but he called me and he was called out somewhere under an emergency, but he did personally call me and say, look, I have a representative and we

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gave her your card, who will be here and answer any questions and will let you know that we are in a hundred percent support. Cedric Richmond was not able to come tonight but he had a prior engagement, but he too said he was in one hundred percent support of us not doing this borrow pit. And I don't know Austin is here.

MS. GOLDBERG:

My name is Jacquelyn Goldberg. I have been a resident

15 in the East for more than 50
16 years. I also have my business
17 here. I have been servicing the
18 East as an attorney for almost 40
19 years. Having said that giving
20 you my background I would like
21 the Corps to know that my AOL
22 address is still
23 jgoldberglawfirm@aol.com because
24 I never received answers to the
25 questions that I asked at the

203

♀

1 last go round. Now, with my legal
2 training maybe this is my really
3 concern. We are talking about
4 the onuses on the landowner and
5 the contractor to do what is
6 right. We all know that the
7 Corps has an immunity from suit.
8 I don't believe the landowner and
9 the contractor would have an
10 immunity from suit, but I don't
11 see anything in IER 29, and like
12 Dr. Blackwell, I have read this
13 from front page to back page and
14 all of the attachments and
15 indexes and so forth. I know
16 every word it says. Having said
17 that, I don't see anything which
18 requires the contractor and

19 landowner to put any bonds up or
20 to do anything to protect us if
21 they should in fact do something
22 that causes us damage. But more
23 in particular since we are here
24 about the IER 29, let me read to
25 you from page 98 and then you

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1 will know what my comments is
2 because I'm not sure everybody in
3 here has read it and I'm not
4 implying that anybody has not
5 done their homework. All I'm
6 implying is I did mine, and this
7 is what it says. The proposed
8 Eastover Phase 2 borrow area
9 could be designed to not directly
10 or indirectly damage nearby
11 structures. Encourage borrow
12 site sidewall erosion are
13 increased flood risk. However,
14 and that's a big word like "if"
15 and "but," however, the landowner
16 and the contractor, not the
17 CEMVN, and CEMVN you can read
18 that as Corps, are responsible
19 for borrow site design. If, here
20 is that word, if the borrow area
21 is not designed by the landowner
22 and his contractor in such a

23 fashion, here it comes, folks, it
24 could potentially cause damage to
25 neighboring homes. Now, let me

205

1 tell you, the Corps is telling us
2 that there is a possibility for
3 damage to our home if the
4 landowner and the contractor
5 don't properly design this. It
6 doesn't talk about damage to
7 Eastover homes, it could be homes
8 anywhere in the East the way I'm
9 reading this. Folks, please, for
10 God sakes if you are going to
11 come here and be active get this
12 material and read it because the
13 Corps has condemned this project
14 themselves right here on page 98,
15 for those of you -- for those of
16 you who remember the original
17 meeting at Eastover when this
18 first came out, everybody with
19 the exception of yours truly,
20 either voted in favor of this
21 project, or stood there and sat
22 there like cigar store Indians.
23 The only one who said no was
24 yours truly. And I said it loud
25 and clear, and the reason I was

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1 worried was I didn't have any
2 information to tell me at that
3 time what impact would have on my
4 home. I am not going to tell you
5 the value of my home because I
6 don't know where Eril Williams
7 is. But I got to tell you like
8 everybody else, my home is an
9 investment and a major investment
10 for me. More than that it's a
11 quality of life for me, and I
12 have been out here a long time, I
13 have seen a lot of things council
14 person Clarkson and Senator
15 Duplessis come and go, come and
16 go through this East. I was here
17 before NASA was here, so I can
18 tell you now I was here through
19 Betsy. I know what happened to
20 us in Betsy, I know what areas
21 flooded, I know what areas didn't
22 flood. That is how -- because
23 our councilman Kelly caught the
24 areas that were ponding, he broke
25 the levees and flooded other

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1 areas to -- and so forth and so
2 on. But I know the history of

3 IER 29 BORROW MEETING.txt
this area politically and I know
4 what went on in Betsy and I can
5 tell you this is not going to be
6 nothing nice as we say vernacular
7 out of the mouths of the Corps.

8 MS. ALLEN:

9 I'm going to let this young
10 lady make one more comment and we
11 are going to wrap it up for the
12 evening. We'll be here
13 afterwards for questions. After
14 she speaks, I'm going to ask
15 Colonel Sinkler to come up and
16 make any closing remarks.

17 AUDIENCE MEMBER:

18 Did I hear you, Jackie, say
19 "if" and "however" are big words.
20 Let's face it, if you don't put
21 pilings under your house your
22 house is going to shift. There
23 is "if" with consequences, so I'm
24 just saying --

25 MS. GOLDBERG:

208

1 Ma'am, my house has a test
2 pile. Let me tell you right now.
3 Every pile in my house was driven
4 the point of refusal when it was
5 thrown topped.

6 AUDIENCE MEMBER:

IER 29 BORROW MEETING.txt
Exactly. I said if you didn't

put that in there your house
might shift and has all of Corps
said that if it is not designed
properly you are going to have a
problem.

MS. ALLEN:

Let me -- we can continue
these discussions after we close.
I want to remind you that all of
our documentation is available on
nolaenvironmental.gov.

COLONEL SINKLER:

Everyone from the Corps of
Engineers is here tonight. We
are going to hang around up
here. If there are any questions
that you guys have for us we'll
be happy to answer. Thank you

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for coming. want to let everyone
know that you can still make
comments on our website. Thank
you.

(Whereupon the meeting has concluded at 9:27
p.m.)

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REPORTER'S CERTIFICATE

I, RACHEL Y. TORRES, a Certified Court Reporter, do hereby certify that the within witness, after having been first duly sworn to testify to the truth, did testify as hereinabove set forth.

That the testimony was reported by me in shorthand and transcribed under my personal direction and supervision, and is a true and correct transcript, to the best of my ability and understanding; that I am not of counsel, not related to counsel or the parties hereto, and in

15 no way interested in the outcome of this event.

16

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RACHEL Y. TORRES, CCR, RPR

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CERTIFIED COURT REPORTER

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APPENDIX C: MEMBERS OF INTERAGENCY ENVIRONMENTAL TEAM

Kyle Balkum	Louisiana Dept. of Wildlife and Fisheries
Catherine Breaux	U.S. Fish and Wildlife Service
Mike Carloss	Louisiana Dept. of Wildlife and Fisheries
David Castellanos	U.S. Fish and Wildlife Service
Frank Cole	Louisiana Department of Natural Resources
Greg Ducote	Louisiana Department of Natural Resources
John Ettinger	U.S. Environmental Protection Agency
David Felder	U.S. Fish and Wildlife Service
Michelle Fischer	U.S. Geologic Survey
Deborah Fuller	U.S. Fish and Wildlife Service
Mandy Green	Louisiana Department of Natural Resources
Jeffrey Harris	Louisiana Department of Natural Resources
Richard Hartman	NOAA National Marine Fisheries Service
Brian Heimann	Louisiana Dept. of Wildlife and Fisheries
Jeffrey Hill	NOAA National Marine Fisheries Service
Christina Hunnicutt	U.S. Geologic Survey
Barbara Keeler	U.S. Environmental Protection Agency
Kirk Kilgen	Louisiana Department of Natural Resources
Tim Killeen	Louisiana Department of Natural Resources
Brian Lezina	Louisiana Dept. of Wildlife and Fisheries
Brian Marks	Louisiana Dept. of Wildlife and Fisheries
Ismail Merhi	Louisiana Department of Natural Resources
David Muth	U.S. National Park Service
Clint Padgett	U.S. Geologic Survey
Jamie Phillippe	Louisiana Dept. of Environmental Quality
Molly Reif	U.S. Geologic Survey
Kevin Roy	U.S. Fish and Wildlife Service
Manuel Ruiz	Louisiana Dept. of Wildlife and Fisheries
Reneé Sanders	Louisiana Department of Natural Resources
Angela Trahan	U.S. Fish and Wildlife Service
Nancy Walters	U.S. Fish and Wildlife Service
David Walther	U.S. Fish and Wildlife Service
Patrick Williams	NOAA National Marine Fisheries Service

APPENDIX D: INTERAGENCY CORRESPONDENCE



United States Department of the Interior

FISH AND WILDLIFE SERVICE

646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506
August 7, 2006

Colonel Richard P. Wagenaar
District Commander
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Wagenaar:

As you know, the U.S. Fish and Wildlife Service (Service) is assisting the U.S. Army Corps of Engineers (Corps) in assessing impacts of, and mitigation requirements for, borrow sites which are needed to complete authorized improvements, and to construct Federal and non-Federal hurricane/flood protection levees in southern Louisiana. Those improvements to hurricane and flood control projects are authorized by the Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico (Public Laws 109-148, PL 84-99 and PL 109 234 (4th supplemental)). This letter is provided in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), Fish and Wildlife Coordination Act (FWCA, 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), but it does not constitute the final report of the Secretary of the Interior as required by Section 2(b) of the Fish and Wildlife Coordination Act.

Through the efforts of Task Force Guardian, the Corps has restored Hurricane Katrina-damaged hurricane/flood protection projects to their authorized or previously permitted/constructed protection levels. Identification of borrow areas needed to complete those repairs utilized a protocol that prioritized selection of those sites in the following order: existing commercial pits, upland sources, previously disturbed/manipulated wetlands within a levee system, and low-quality wetlands outside a levee system. The Service supports the use of such protocols to avoid and minimize impacts to wetlands and bottomland hardwoods within project areas. Avoidance and minimization of those impacts helps to provide consistency with restoration strategies and compliments the authorized hurricane protection efforts. Such consistency is also required by Section 303(d)(1) of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA).

Accordingly, the Service recommends that prior to utilizing borrow sites every effort should be made to reduce impacts by using sheetpile and/or floodwalls to increase levee heights wherever feasible. In addition, the Service recommends that the following protocol be adopted and utilized to identify borrow sources in descending order of priority:

1. Permitted commercial sources, authorized borrow sources for which environmental clearance and mitigation have been completed, or non-functional levees after newly constructed adjacent levees are providing equal protection.
2. Areas under forced drainage that are protected from flooding by levees, and that are:
 - a) non-forested (e.g., pastures, fallow fields, abandoned orchards, former urban areas) and non-wetlands;
 - b) wetland forests dominated by exotic tree species (i.e., Chinese tallow-trees) or non-forested wetlands(e.g., wet pastures), excluding marshes;
 - c) disturbed wetlands (e.g., hydrologically altered, artificially impounded).
3. Sites that are outside a forced drainage system and levees, and that are:
 - a) non-forested (e.g., pastures fallow fields, abandoned orchards, former urban areas) and non-wetlands;
 - b) wetland forests dominated by exotic tree species (i.e., Chinese tallow-trees) or non-forested wetlands(e.g., wet pastures), excluding marshes;
 - c) disturbed wetlands (e.g., hydrologically altered, artificially impounded).

Notwithstanding this protocol, the location, size and configuration of borrow sites within the landscape is also critically important. Coastal ridges, natural levee flanks and other geographic features that provide forested/wetland habitats and/or potential barriers to hurricane surges should not be utilized as borrow sources, especially where such uses would diminish the natural functions and values of those landscape features.

To assist in expediting the identification of borrow sites, the Service recommends that immediately after the initial identification of a new borrow site the Corps should initiate informal consultation with the Service regarding potential impacts to federally listed threatened or endangered species. To aid you in complying with those proactive consultation responsibilities, the Service has enclosed a list of threatened and endangered species and their critical habitats within the coastal parishes of the New Orleans District.

The Service offers the following additional recommendations for reducing borrow site impacts on fish and wildlife resources and, where feasible, enhancing those resources. However, these additional recommendations should not be implemented if they would result in the expansion of existing borrow pits or construction of new borrow pits in wetlands or bottomland hardwoods.

1. A minimum of 30 percent of the borrow pits' edge should slope no greater than 5 horizontal (H):1 vertical (V), starting from the water line down to a depth of approximately 5 feet.

2. Most of the woody vegetation removed during clearing and grubbing should be placed into the deepest parts of the borrow pits and the remaining debris should be placed in the water along the borrow pit shorelines, excluding those areas where the 5H:1V slope, per recommendation 1, have been constructed.

3. Following construction, perimeter levees (if constructed) around each borrow pit should be gapped at 25-foot intervals with an 8-foot-wide breach, the bottom elevation of which should be level with the adjacent natural ground elevation.

When avoidance and minimization of bottomland hardwood and wetland impacts is not practicable, all unavoidable net losses of those habitats should be fully offset via compensatory mitigation. Such compensatory mitigation should be sited within the watershed and/or hydrologic unit where the impact occurred, and should be completed concurrently with borrow operations, or as soon thereafter as possible.

The combined need for borrow necessary to complete authorized improvements to and construction of Federal and non-Federal hurricane/flood protection levees, and the potential construction of levees capable of withstanding a category 5 hurricane, will require substantial amounts of borrow. It is highly likely such amounts would exceed local availability. In the case of ongoing hurricane/flood protection projects (e.g., Morganza to the Gulf) the search for levee-building material has been conducted primarily on project-by-project basis. In the context of such project-by-project searches for borrow material, the least-expensive and easiest sources of borrow material are usually located within wetlands and/or bottomland hardwoods, adjacent to the proposed levee. Such on-site sources, however, often involve adverse impacts to wetlands, thus exacerbating the overall wetland loss problem in all coastal basins, especially those in the deltaic plain of southeast Louisiana. In short, while such on-site sources are relatively inexpensive, they will frequently be inconsistent with coastal restoration efforts and, to the extent that wetlands will be adversely impacted, use of those sites will be counterproductive with respect to minimizing wetland impacts and attaining the goal of increasing non-structural hurricane protection within a sustainable ecosystem.

Large-scale, off-site borrow sources could have the potential to reduce environmental impacts from levees and expedite project-by-project environmental review. Such potential "programmatic" borrow sources could include uplands along the Mississippi River, beneficial use of sediments dredged for navigation purposes (including the mining of disposal sites), the Mississippi River, and offshore deposits (e.g., Ship Shoal). As part of the planning process, we recommend that the Corps begin investigating the practicability of various large-scale, off-site borrow sources and actively involve all resource agencies with the Protection and Restoration Office's Borrow Team efforts.

Programmatic planning would be essential to identify borrow sites of acceptable quantity and quality, while avoiding and/or minimizing adverse environmental impacts. We therefore recommend that a plan be developed that integrates borrow resources, uses, and needs for various programs and activities. Guiding principles should be developed to identify borrow resources, borrow-site designs, and prioritize uses to avoid competing for resources, maximize benefits with those resources, and avoid adverse environmental impacts.

We appreciate the opportunity to provide this planning-aid letter and would be pleased to assist your agency in further identification of potential borrow sources. Should you or your staff have any questions regarding this letter, please contact David Walther (337/291-3122) of this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell C. Watson". The signature is written in a cursive style with a large initial "R" and a long horizontal flourish extending to the right.

Russell C. Watson
Supervisor
Louisiana Field Office

Enclosure

cc: National Marine Fisheries Service, Baton Rouge, LA
EPA, Dallas, TX
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources, CMD, Baton Rouge, LA
LA Dept. of Natural Resources, CRD, Baton Rouge, LA

Threatened and Endangered Species in Coastal Louisiana – FWS Responsibility

MAMMALS

Bear, Louisiana*
(*Ursus americanus luteolus*)
Manatee, West Indian
(*Trichechus manatus*)

GENERAL DISTRIBUTION IN LOUISIANA

T Entire state
E Lake Pontchartrain & tributaries on North shore;
rare along Gulf coast

BIRDS

Eagle, bald
(*Haliaeetus leucocephalus*)
Pelican, brown
(*Pelecanus occidentalis*)
Plover, piping**
(*Charadrius melodus*)

Woodpecker, red-cockaded
(*Campephilus principalis*)

T Entire state
E Coast
T Coast
E Entire state except Delta

REPTILES

Tortoise, gopher
(*Gopherus polyphemus*)
Turtle, ringed map (=sawback)
(*Graptemys oculifera*)
Turtle, loggerhead sea
(*Caretta caretta*)

T Washington, St. Tammany, and Tangipahoa
Parishes
T Pearl and Bogue Chitto Rivers
T Potential Nesting on Chandeleuer Is.

FISH

Sturgeon, Gulf**
(*Acipenser oxyrinchus desotoi*)
Sturgeon, pallid
(*Scaphirhynchus albus*)

T Pearl River & Lake Pontchartrain tributaries
E Mississippi River & tributaries

INVERTEBRATES

Mussel, inflated heelsplitter
(*Potamilus inflatus*)

T Amite River

PLANTS

Louisiana quillwort
(*Isoetes louisianensis*)

E Washington and St. Tammany Parishes

*Indicates proposed critical habitat

**Indicates designated critical habitat



United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506
May 26, 2009



Colonel Alvin B. Lee
District Engineer
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Lee:

Please reference the Individual Environmental Report (IER) 29, entitled "Pre-approved Contractor Furnished Borrow Material #4, Orleans, St. Charles, St. John the Baptist, and St. Tammany Parishes, Louisiana". That IER addresses impacts resulting from the excavation of government-furnished borrow sites which will be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. Work associated with that IER is being conducted in response to Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4). That law authorized the Corps of Engineers (Corps) to upgrade the Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity hurricane protection projects in the Greater New Orleans area to provide protection against a 100-year hurricane event. This draft report contains an analysis of the impacts on fish and wildlife resources that would result from excavation of those borrow sites and provides recommendations to minimize and/or mitigate project impacts on those resources.

The proposed project was authorized by Supplemental 4 which directed the Corps to proceed with engineering, design, and modification (and construction where necessary) of the Lake Pontchartrain and Vicinity and the West Bank and Vicinity Hurricane Protection Projects so those projects would provide 100-year hurricane protection. Procedurally, project construction has been authorized in the absence of the report of the Secretary of the Interior that is required by Section 2(b) of the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). In this case, the authorization process has prevented our agencies from following the normal procedures for fully complying with the FWCA. The FWCA requires that our Section 2(b) report be made an integral part of any report supporting further project authorization or administrative approval. Therefore, to fulfill the coordination and reporting requirements of the FWCA, the U.S. Fish and Wildlife Service (Service) will be providing post-authorization 2(b) reports for individual IERs.

This draft report incorporates and supplements our FWCA Reports that addressed impacts and mitigation features for the Westbank and Vicinity of New Orleans (dated November 10, 1986, August 22, 1994, November 15, 1996, and June 20, 2005) and the Lake Pontchartrain and Vicinity Hurricane (dated July 25, 1984, and January 17, 1992) Protection projects. It also supplements our August 7, 2006, Planning-aid Letter to the Corps providing recommendations for minimizing impacts to fish and

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wildlife resources from borrow site selection and use. This report, however, does not constitute the report of the Secretary of the Interior as required by Section 2(b) of the FWCA. This report has been provided to the Louisiana Department of Wildlife and Fisheries and the National Marine Fisheries Service; their comments will be incorporated into our final report.

DESCRIPTION OF THE STUDY AREA

The study area is primarily located within the Mississippi River Deltaic Plain of the Lower Mississippi River Ecosystem. Portions of Orleans, St. Charles, St. John the Baptist, and St. Tammany Parishes are included in the study area. Higher elevations occur on the natural levees of the Mississippi River and its distributaries. Developed lands are primarily associated with natural levees, but extensive wetlands have been leveed and drained to accommodate residential, commercial, and agricultural development. Federal, State, and local levees have been installed for flood protection purposes, often with negative effects on adjacent wetlands. Navigation channels such as the Gulf Intracoastal Waterway and the Mississippi River – Gulf Outlet are also prominent landscape features, as are extensive oil and gas industry access channels and pipeline canals. Extensive wetlands and associated shallow open waters dominate the landscape outside the flood control levees. Major water bodies include Lake Pontchartrain located north of the project area, the Mississippi River which bisects the project area, and Lake Borgne which is located on the eastern edge of the project area.

FISH AND WILDLIFE HABITATS AND RESOURCES

Habitat types at and in the vicinity of the borrow sites include forested wetlands (i.e., bottomland hardwoods and/or swamps), non-wet bottomland hardwoods, upland forests, scrub-shrub, marsh, open water, and developed areas. Due to urban development and a forced-drainage system with the levee system, the hydrology of much of the forested habitat has been altered. The forced-drainage system has been in operation for many years, and subsidence is evident throughout the area.

Wetlands (forested, marsh, and scrub-shrub) within the study area provide plant detritus to adjacent coastal waters and thereby contribute to the production of commercially and recreationally important fishes and shellfishes. Wetlands in the project area also provide valuable water quality functions such as reduction of excessive dissolved nutrient levels, filtering of waterborne contaminants, and removal of suspended sediment. In addition, coastal wetlands buffer storm surges reducing their damaging effect to man-made infrastructure within the coastal area.

Factors that will strongly influence future fish and wildlife resource conditions include freshwater input and loss of coastal wetlands. Depending upon the deterioration rate of marshes, the frequency of occasional short-term saltwater events may increase. Under that scenario, tidal action in the project area may increase gradually as the buffering effect of marshes is lost, and use of that area by estuarine-dependent fishes and shellfish tolerant of saltwater conditions would likely increase. Regardless of which of the above factors ultimately has the greatest influence, freshwater wetlands within and adjacent to the project area will probably experience losses due to development, subsidence, and erosion.

Forested wetlands in the area are divided into two major types; bottomland hardwood forests and cypress-tupelo swamps. Bottomland hardwood forests are found at higher elevations (Mississippi River and former distributary channel levees) in the project area, while cypress-tupelo swamps are located along the flanks of larger distributary ridges as a transition zone between bottomland hardwoods and lower-elevation marsh, scrub-shrub habitats, or open water.

Non-wet bottomland hardwoods within the project area also provide habitat for wildlife resources. Between 1932 and 1984, the acreage of bottomland hardwoods in Louisiana declined by 45 percent (Rudis and Birdsey 1986). By 1970, Jefferson Parish was classified as entirely urban or nonforested in the U.S. Forest Service's forest inventory with most of this loss resulting from development within non-wet areas inside the hurricane protection levees. A large percentage of the original bottomland hardwoods within the Mississippi River floodplain acreage in the Deltaic Plain are located within a levee system, especially those at higher elevations. However, losses of that habitat type are not regulated or mitigated with the exception of impacts resulting from Corps projects as required by Section 906(b) of the Water Resources Development Act of 1986.

Upland forests in the area are primarily comprised of pine forests. An ongoing trend within those forested areas is their conversion to loblolly pine plantations; such plantations provide lower quality wildlife habitat as compared to naturally regenerated pine forests.

Dead-end canals and small bayous are typically shallow and their bottoms may be filled in to varying degrees with semi-fluid organic material. Drainage canals enclosed within the hurricane protection projects or within developed areas are stagnant except when pumps are operating to remove rain water. Runoff from developed areas has likely reduced the habitat value of that aquatic habitat by introducing various urban pollutants, such as oil, grease, and excessive nutrients. Clearing and development has eliminated much of the riparian habitat that would normally provide shade and structure for many aquatic species.

Some of the waterbodies in the project area meet criteria for primary and secondary contact recreation and partially meet criteria for fish and wildlife propagation; while others do not meet the latter criteria. Causes for not fully meeting fish and wildlife propagation criteria include excessive nutrients, organic enrichment, low dissolved oxygen levels, flow and habitat alteration, pathogens and noxious aquatic plants. Sources of those problems include hydromodification, habitat modification, recreational activities, and unspecified upstream inputs. Municipal point sources, urban runoff, storm sewers, and onsite wastewater treatment systems are also known contributors to poor water quality in the area.

Developed habitats in the study area include residential and commercial areas, as well as roads and existing levees. Those habitats do not support significant wildlife use. Most of the development is located on higher elevations of the project area; however, vast acreages of swamp and marsh have been placed under forced drainage systems and developed. A smaller acreage of wetlands has been filled for development. Agricultural lands occur throughout the area; agriculture includes sugarcane farming, cattle production, and haying.

Endangered and Threatened Species

To aid the Corps in complying with their proactive consultation responsibilities under the Endangered Species Act (ESA), the Service provided a list of threatened and endangered species and their critical habitats within the coastal parishes of the New Orleans District. Private contractors have conducted ESA consultation on each borrow site as they were identified and determined that, at this time, no threatened or endangered species or their critical habitat were located within any proposed borrow site. If a proposed borrow site is changed significantly or relocated, or excavation is not implemented within 1 year, we recommend that the Corps request that the contractor reinitiate coordination with this office to ensure that the proposed project would not adversely affect any Federally listed threatened or endangered species or their habitat.

Future Fish and Wildlife Resources

The combination of subsidence and sea level rise results in higher water levels, stressing most non-fresh marsh plants and forested wetlands leading to plant death and conversion to open water. Other major causes of wetland losses within the study area include altered hydrology, storms, saltwater intrusion (caused by marine processes invading fresher wetlands), shoreline erosion, herbivory, and development activities including the direct and indirect impacts of dredge and fill (Louisiana Coastal Wetlands Conservation and Restoration Task Force and the Wetlands Conservation and Restoration Authority 1998). The continued conversion of wetlands and forested habitats to open water or developed land represents the most serious fish and wildlife-related problem in the study area. Habitat losses could be expected to cause declines in the area's carrying capacity for migratory waterfowl, wading birds, other migratory birds, alligators, furbearers, and game mammals.

ALTERNATIVES UNDER CONSIDERATION

The proposed borrow sites have been located in areas that minimize impacts to wetlands and impacts to non-wet bottomland hardwoods have also been avoided to the extent practicable. Use of adjacent borrow, the typical construction method, has been limited because of soil conditions (i.e., insufficient clay content), thus impacts resulting from expansion of borrow sites into wetlands has been avoided in some areas.

PROJECT IMPACTS

Excavation of borrow sites will result in the conversion of terrestrial habitat into open-water areas. Because agricultural, pasture, cleared land habitats have a reduced value to fish and wildlife resources and are not a declining or limited habitat type, impacts associated with conversion of those habitats to open-water were quantified only by acreage as part of the total site. The land type and acreage of each proposed borrow site is listed below (Table 1). Wetland areas were determined by the Corps regulatory program. It has been determined that the portions of the IER 29 borrow sites to be impacted do not contain any jurisdictional wetlands, but some sites do contain non-wet bottomland hardwood (BLH); therefore, mitigation will be required.

FISH AND WILDLIFE CONSERVATION MEASURES

To minimize wetland and bottomland hardwood impacts, the Service recommends that prior to utilizing borrow sites, every effort should be made to reduce impacts by using sheetpile, floodwalls, geotextile, or some combination thereof, to increase levee heights wherever feasible. In addition, the Service recommends that the previous protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter should continue to be utilized as a guide in locating future borrow-sites.

MITIGATION MEASURES

The President's Council on Environmental Quality defined the term "mitigation" in the National Environmental Policy Act regulations to include:

(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments.

The Service supports and adopts this definition of mitigation and considers its specific elements to represent the desirable sequence of steps in the mitigation planning process. Based on current and expected future without-project conditions, the planning goal of the Service is to develop a balanced project, i.e., one that is responsive to demonstrated hurricane protection needs while addressing the co-equal need for fish and wildlife resource conservation.

The Service's Mitigation Policy (Federal Register, Volume 46, No. 15, January 23, 1981) identifies four resource categories that are used to ensure that the level of mitigation recommended by Service biologists will be consistent with the fish and wildlife resource values involved. Considering the high value of forested areas (wet and non-wet) and marsh for fish and wildlife and the relative scarcity of that habitat type, those wetlands are usually designated as Resource Category 2 habitats, the mitigation goal for which is no net loss of in-kind habitat value. Degraded bottomland hardwood forest (e.g. dominated by exotic species) and any wet pastures that may be impacted, however, are placed in Resource Category 3 due to their reduced value to wildlife, fisheries and lost/degraded wetland functions. The mitigation goal for Resource Category 3 habitats is no net loss of habitat value.

The Service used the Habitat Assessment Methodology (HAM) to quantify the negative impacts of the project and benefits of anticipated mitigation measures (Appendix). The habitat assessment models for swamps and bottomland hardwoods within the Louisiana Coastal Zone utilized in this evaluation are modified from those developed in the Service's Habitat Evaluation Procedures (HEP). For each habitat type, those models define an assemblage of variables considered important to the suitability of an area to support a diversity of fish and wildlife species (Louisiana Department of Natural Resources 1994; U.S. Fish and Wildlife Service 1980). The HAM, however, is a community-level evaluation instead of the species-based approach used with HEP. Further explanation of how impacts/benefits are assessed

with HAM and an explanation of the assumptions affecting habitat suitability (i.e., quality) index (HIS) values for each target year are available for review at Service's Lafayette, Louisiana, field office.

Table 1: Contractor-furnished Borrow Sites

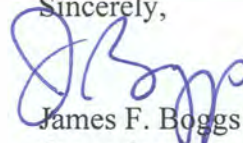
Site	Parish	Total Site Area (acres)	BLH Habitat Impacted (acres)	AAHUs Lost
Eastover Phase II	Orleans	151	43.2	9
Tammany Holding Corporation	St. Tammany	355	0	0
3C Riverside Properties Phase III	St. Charles	590	248	122.8
Willow Bend Phase II	St. John the Baptist	560	76.2	42.09
Total		1656	367.4	174.3

SERVICE POSITION AND RECOMMENDATIONS

Excavation of borrow sites result in the loss of 367.4 acres of bottomland hardwoods for a total loss of 174.3 AAHUs. The Service does not object to the use of the proposed borrow sites provided the following fish and wildlife recommendations are implemented concurrently with project implementation:

1. The private contractor shall provide 174.3 AAHUs to compensate for the unavoidable, project-related loss of forested lands. The Service, National Marine Fisheries Service, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Natural Resources should be consulted regarding the adequacy of any proposed alternative mitigation sites.
2. The protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter (attached) should be utilized as a guide for locating future borrow-sites and expanding existing sites.
3. Any proposed change in borrow site features, locations or plans shall be coordinated in advance with the Service, NMFS, LDWF, and LDNR.
4. If a proposed borrow site is changed significantly or excavation is not implemented within one year, we recommend that the Corps notify the contractor to reinitiate coordination with David Castellanos (337/291-3112) of this office to ensure that the proposed project would not adversely affect any federally listed threatened or endangered species or their habitat.

Sincerely,



James F. Boggs
Supervisor
Louisiana Field Office

cc: Ms. Danielle Tommaso, CEMVN, New Orleans, LA
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD/CRD), Baton Rouge, LA

LITERATURE CITED

Louisiana Coastal Wetlands Conservation and Restoration Task Force and the Wetlands Conservation and Restoration Authority. 1998. Coast 2050: Towards a Sustainable Coastal Louisiana. Louisiana Department of Natural Resources. Baton Rouge, LA. 161 p.

Rudis, V. A., and Birdsey, R. A. 1986 Forest Resources and Current Conditions in the Lower Mississippi Valley. Resour. Bull. SO-116. New Orleans, La: U.S. Department of Agriculture, Forest Service, Southern Forest Experiment Station. 7 p.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

August 12, 2009 F/SER46/RH:jk
225/389-0508

Mr. Gib Owen
Environmental Planning and Compliance Branch
Planning, Programs, and Management Division
New Orleans District, U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Mr. Owen:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the draft **Individual Environmental Report (IER) #29** titled "Contractor Furnished Borrow Material #4; Orleans, St. John the Baptist and St. Tammany Parishes, Louisiana." The draft IER evaluates and quantifies the impacts associated with the use of three contractor-furnished borrow sites to restore levees to the 100-year level of hurricane protection.

NMFS has reviewed the draft IER and agrees that none of the borrow sites are located in areas classified as essential fish habitat or supportive of marine fishery resources. As such, we have no comments to provide on the draft IER.

We appreciate the opportunity to review and comment on the draft IER.

Sincerely,

for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette
EPA, Dallas
LA DNR, Consistency
F/SER46, Swafford
Files



United States Department of Agriculture



Natural Resources Conservation Service
3737 Government Street
Alexandria, LA 71302

318-473-7757
318-473-7603

August 17, 2009

Mr. Gib Owen
U.S. Army Corps of Engineers
Planning, Programs and Project Management Division
CEMVN-PM-RS
P. O. Box 60267
New Orleans, Louisiana 70160-0267

Dear Mr. Owen;

**Re: IER#29 Pre-approved Contractor Furnished Borrow Material #4
Orleans, St. John the Baptist and St. Tammany Parishes**

I am in receipt of your request for comments relative to the IER#29 Pre-approved Contractor Furnished Borrow Material #4 - Orleans, St. John the Baptist and St. Tammany Parishes, Louisiana. I have reviewed the impacts to prime or unique farmland or farmland of state wide importance.

The Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549 final rules and regulations were published in the Federal Register on June 17, 1994. These rules state that projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance.

(1) The term "farmland" includes all land defined as follows:

(A) Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary. Prime farmland includes land that possesses the above characteristics but is being used currently to produce live stock and timber. It does not include land already in or committed to urban development or water storage;

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(B) Unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables; and

(C) Farmland, other than prime or unique farmland, that is of statewide or local importance for the production of food feed, fiber, forage, or oilseed crops, as determined by the appropriate State or unit of local government agency or agencies, and that the Secretary determines should be considered as farmland for the purposes of this subtitle;

Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

NRCS policy clarifies the Rule by stating that activities not subject to FPPA include:

- (1) Federal permitting and licensing
- (2) Projects planned and completed without the assistance of a Federal agency
- (3) Projects on land already in urban development or used for water storage
- (4) Construction within an existing right-of-way purchased on or before August 4, 1984
- (5) Construction for national defense purposes
- (6) Construction of on-farm structures needed for farm operations
- (7) Surface mining, where restoration to agricultural use is planned
- (8) Construction of new minor secondary structures such as a garage or storage shed.

An analysis of each proposed borrow area is as follows:

1. Proposed Willow Bend Phase II Borrow Area – all of the soil of this proposed borrow area are classified as prime farmland. A review of aerial photographs of the area indicates the land use is currently cropland. Therefore, no exceptions apply and this proposed borrow area is classified as “Prime Farmland”.

2. Proposed Eastover Phase II Borrow Area – Approximately sixty-eight percent of this proposed borrow area is classified as prime farmland. A review of aerial photographs of the area, however, indicates the entire area appears to be on land already in urban development. Therefore, the third exception listed above can be cited to determine that this area is exempt from the rules and regulations of the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549.

3. Proposed St. Tammany Holding - Approximately thirty-seven percent of this proposed borrow area is classified as prime farmland. A review of aerial photographs of the area, however, indicates the entire area appears to be on land already in urban development. Therefore, the third exception listed above can be cited to determine that this area is exempt from the rules and regulations of the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549.

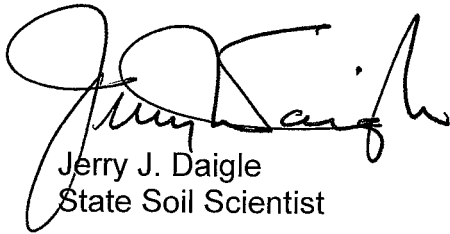
Farmland classification maps of each of the proposed borrow areas are attached to this correspondence for your use.

Please keep in mind that the U.S. Congress found that (1) the Nation's farmland is a unique natural resource and provides the food and fiber necessary for the continued welfare of the people of the United States; (2) each year, a large amount of the Nation's farmland is irrevocably converted from actual or potential agricultural use to nonagricultural use; (3) continued decrease in the Nation's farmland base may threaten the ability of the United States to produce food and fiber in sufficient quantities to meet domestic needs and the demands of our export markets; (4) the extensive use of farmland for nonagricultural purposes undermines the economic base of many rural areas; (5) Federal actions, in many cases, result in the conversion of farmland to nonagricultural uses where alternative actions would be preferred; and (6) the Department of Agriculture and other Federal agencies should take steps to assure that the actions of the Federal Government do not cause United States farmland to be irreversibly converted to nonagricultural uses in cases in which other national interest do not override the importance of the protection of farmland nor otherwise outweigh the benefits of maintaining farmland resources.

IER#29 Pre-approved Contractor Furnished Borrow Material #4 - Orleans, St. John the Baptist and St.
Tammany Parishes, Louisiana
August 17, 2009
Page 4

Also be mindful that the purpose of this subtitle is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. We are confident the U.S. Army Corps of Engineers will do their part to preserve this valuable natural resource.

Respectfully;
























Jerry J. Daigle
State Soil Scientist

Attachments

Farmland Classification—St. John the Baptist Parish, Louisiana
(CENVM-IER#29: Willow Bend - Phase II Borrow Area)



MAP LEGEND

 Area of Interest (AOI)	 Prime farmland if subsoiled, completely removing the root inhibiting soil layer
 Soils	 Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
 Soil Map Units	 Prime farmland if irrigated and reclaimed of excess salts and sodium
Soil Ratings	 Farmland of statewide importance
 Not prime farmland	 Farmland of local importance
 All areas are prime farmland	 Farmland of unique importance
 Prime farmland if drained	 Not rated or not available
 Prime farmland if protected from flooding or not frequently flooded during the growing season	Political Features
 Prime farmland if irrigated	 Cities
 Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season	Transportation
 Prime farmland if irrigated and drained	 Rails
 Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season	 Interstate Highways

MAP INFORMATION

Map Scale: 1:13,700 if printed on A size (8.5" x 11") sheet.
The soil surveys that comprise your AOI were mapped at 1:24,000. Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: St. John the Baptist Parish, Louisiana
Survey Area Data: Version 8, Jun 19, 2009
Date(s) aerial images were photographed: 1998

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — St. John the Baptist Parish, Louisiana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CmA	Cancienne silt loam, 0 to 1 percent slopes	All areas are prime farmland	33.2	6.0%
CnA	Cancienne silty clay loam, 0 to 1 percent slopes	All areas are prime farmland	7.1	1.3%
GrA	Gramercy silty clay, 0 to 1 percent slopes	All areas are prime farmland	311.9	56.0%
SkA	Schriever clay, 0 to 1 percent slopes	All areas are prime farmland	204.4	36.7%
Totals for Area of Interest			556.6	100.0%

Description

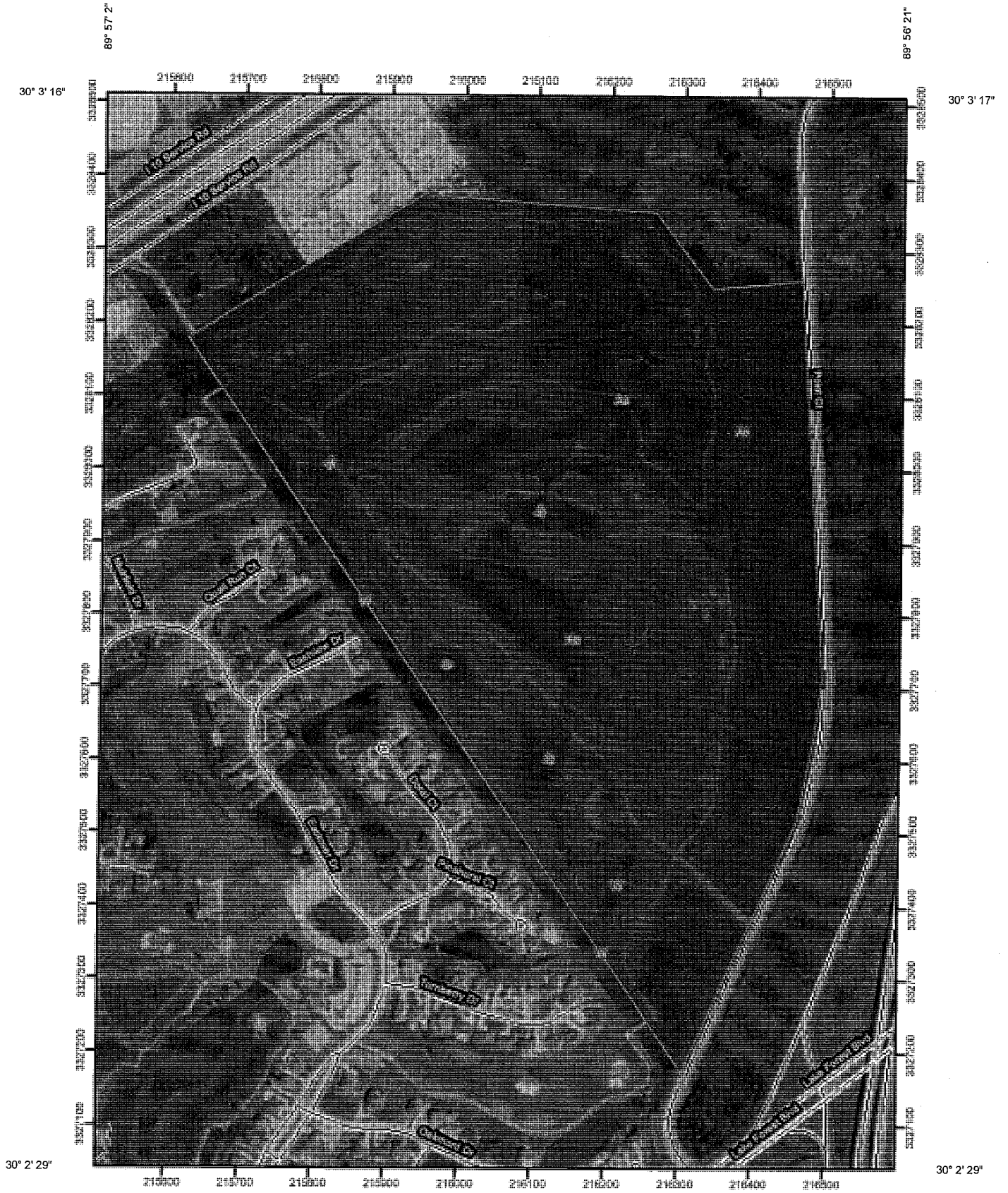
Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

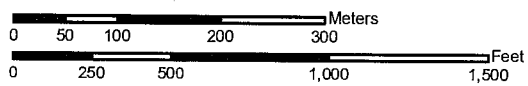
Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

























Farmland Classification—Orleans Parish, Louisiana
(CENVM-IER#29: Eastover Phase II)



Map Scale: 1:7,010 if printed on A size (8.5" x 11") sheet



MAP LEGEND

 Area of Interest (AOI)	 Prime farmland if subsolled, completely removing the root inhibiting soil layer
 Soils	 Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
 Soil Map Units	 Prime farmland if irrigated and reclaimed of excess salts and sodium
Soil Ratings	 Farmland of statewide importance
 Not prime farmland	 Farmland of local importance
 All areas are prime farmland	 Farmland of unique importance
 Prime farmland if drained	 Not rated or not available
 Prime farmland if protected from flooding or not frequently flooded during the growing season	Political Features
 Prime farmland if irrigated	 Cities
 Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season	Transportation
 Prime farmland if irrigated and drained	 Rails
 Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season	 Interstate Highways
	 US Routes
	 Major Roads
	 Local Roads

MAP INFORMATION

Map Scale: 1:7,010 if printed on A size (8.5" x 11") sheet.
 The soil surveys that comprise your AOI were mapped at 1:24,000.
 Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 16N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Orleans Parish, Louisiana
 Survey Area Data: Version 6, Oct 10, 2008

Date(s) aerial images were photographed: 9/20/2007

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — Orleans Parish, Louisiana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ae	Allemands muck, drained	Not prime farmland	37.5	25.6%
Ha	Harahan clay	All areas are prime farmland	100.0	68.3%
W	Water	Not prime farmland	9.0	6.2%
Totals for Area of Interest			146.5	100.0%

Description

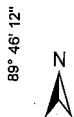
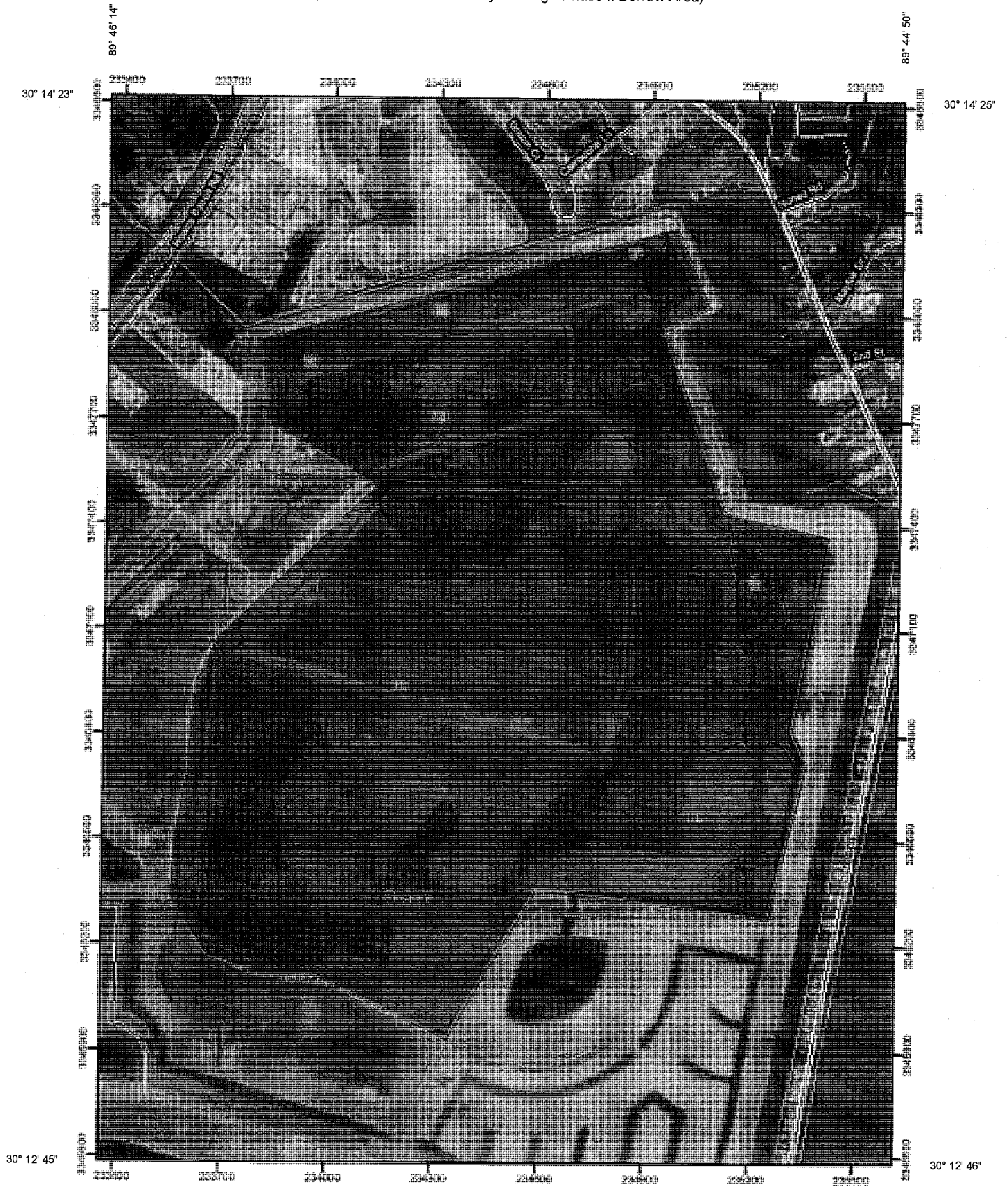
Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

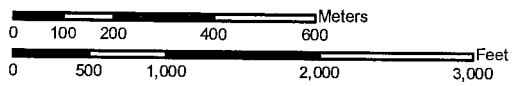
Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Farmland Classification—St Tammany Parish, Louisiana
(CEMVN-IER#29: Tammany Holding - Phase II Borrow Area)



Map Scale: 1:14,500 if printed on A size (8.5" x 11") sheet.



MAP INFORMATION

Map Scale: 1:14,500 if printed on A size (8.5" x 11") sheet.
The soil surveys that comprise your AOI were mapped at 1:24,000.
Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 16N NAD83



































This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: St Tammany Parish, Louisiana
Survey Area Data: Version 5, Apr 13, 2007

Date(s) aerial images were photographed: 9/20/2007

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

MAP LEGEND

	Area of Interest (AOI)		US Routes
	Area of Interest (AOI)		Major Roads
	Soils		Local Roads
	Soil Map Units		
	Not prime farmland		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	All areas are prime farmland		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Prime farmland if drained		Farmland of statewide importance
	Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of local importance
	Prime farmland if irrigated		Farmland of unique importance
	Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Not rated or not available
	Prime farmland if irrigated and drained		
	Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		Political Features
			Cities
			Water Features
			Oceans
			Streams and Canals
			Transportation
			Rails
			Interstate Highways

Farmland Classification

Farmland Classification— Summary by Map Unit — St Tammany Parish, Louisiana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ad	Allemands muck, drained	Not prime farmland	413.2	59.4%
Ha	Harahan clay	All areas are prime farmland	254.7	36.6%
Mt	Myatt fine sandy loam	Not prime farmland	27.2	3.9%
Totals for Area of Interest			695.0	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



BOBBY JINDAL
GOVERNOR

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

ROBERT J. BARHAM
SECRETARY

JIMMY L. ANTHONY
ASSISTANT SECRETARY

August 20, 2009

Mr. Gib Owen
Planning, Programs, and Project Management Division
United States Army Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267

RE: *Application Number: IER # 29 Contractor Furnished Borrow Material #4*
Applicant: U. S. Army Corps of Engineers-New Orleans District
Public Notice Date: July 22, 2009

Dear Mr. Owen:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the above referenced Public Notice. Based upon this review, the following has been determined:

The public notice indicates that all three (3) proposed borrow sites may affect adjacent jurisdictional wetlands by "changing the hydrology and nutrient dynamics in the vicinity." Applicants shall provide adequate and appropriate mitigation not only for direct impacts, but also for indirect impacts to wetland functions.

The Willow Bend Phase II site is located in an undeveloped area with forested wetland areas located immediately south of the proposed borrow area. LDWF believes that excavating > 500 acres of uplands, in such close proximity to forested wetlands, will indirectly affect the wetlands by altering existing hydrology. Therefore LDWF recommends that the Army Corps of Engineers work with the regulatory agencies to quantify possible indirect impacts and then determine appropriate avoidance, minimization, and/or mitigation measures.

LDWF does not have the same concerns with the Eastover Phase II and Tammany Holding sites, as they are located within developed areas and less likely to affect forested wetlands.

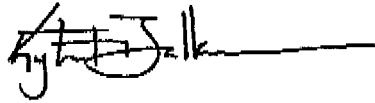
The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to

Page 2

Application Number: IER # 29 Contractor Furnished Borrow Material #4
August 20, 2009

contact Habitat Section biologist Chris Davis at 225-765-2642 should you need further assistance.

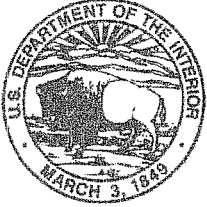
Sincerely,

A handwritten signature in black ink, appearing to read "Kyle F. Balkum", followed by a horizontal line extending to the right.

Kyle F. Balkum
Biologist Program Manager

cd

c: Chris Davis, Biologist
USFWS Ecological Services



United States Department of the Interior

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



August 20, 2009

Colonel Alvin B. Lee
District Engineer
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Lee:

The U.S. Fish and Wildlife Service (Service) has reviewed the July 22, 2009, draft Individual Environmental Report (IER), "Contractor Furnished Borrow Material # 4, Orleans, St. John the Baptist, and St. Tammany Parishes, Louisiana" (IER #29), transmitted to our office via a letter from Ms. Joan M. Exnicios, Chief of your Environmental Planning and Compliance Branch. That study addresses impacts resulting from the excavation of borrow material at several sites that will be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. Work associated with that IER is being conducted in response to Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4). That law authorized the U.S. Army Corps of Engineers (Corps) to upgrade two existing hurricane protection projects (i.e., Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity) in the Greater New Orleans area to provide protection against a 100-year hurricane event. The Service submits the following comments in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321- 4347).

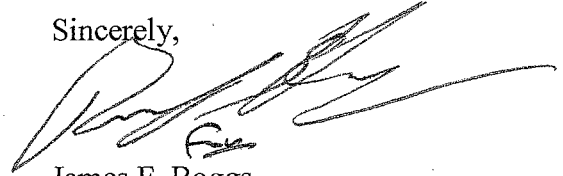
The IER is well-written and provides a good description of fish and wildlife resources in the project area and project impacts on those resources. Bottomland hardwood (BLH) forest in the project area provides habitat for Federal trust species including wading birds and neotropical migrants. The proposed project would impact BLH; however, the Corps has indicated that mitigation for all impacts will be implemented.

As indicated in the IER, there is a potential for hydrologic modifications caused by borrow material excavation at the Willow Bend site to impact nearby, jurisdiction wetlands located outside of the project area. A reduction or interception of rainfall runoff could result in a decrease in downstream jurisdictional wetlands by conversion into less hydric habitat types. These effects may be difficult to describe and quantify; however, potential impacts due to hydrology modifications caused by borrow material excavation should be discussed here and in future borrow IERs because of the close proximity of wetlands, and other fish and wildlife habitat, to some proposed borrow sites. Therefore, the Service recommends an investigation to

determine the extent of potential hydrologic changes due to borrow excavation. The Service would be pleased to participate in the effort.

The Service thus far does not object to the proposed features in IER #29. Thank you for the opportunity to provide comments on the draft IER. If you or your staff has any questions regarding our comments, please contact David Castellanos (337-291-3112) of this office.

Sincerely,



James F. Boggs
Supervisor
Louisiana Field Office

cc: Ms. Danielle Tommaso, CEMVN-PM-RS, New Orleans, LA
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD), Baton Rouge, LA
OCPR, Baton Rouge, LA

-----Original Message-----

From: Diane Hewitt
Sent: Wednesday, August 26, 2009 10:29 AM
To: Owen, Gib A MVN
Subject: DEQ SOV:90728/1855 USACE DRAFT IER #29

August 26, 2009

Gib Owen, USACE
CEMVN-PM-RS
P.O. Box 60267
New Orleans, LA 70160-0267
gib.a.owen@usace.army.mil

RE:
90728/1855 USACE DRAFT IER #29
Notice of Availability & Draft FONSI
St. John the Baptist, St. Tammany
Parishes

Dear Mr. Owen:

The Department of Environmental Quality (LDEQ), Offices of Environmental Assessment and Environmental Services have received your request for comments on the above referenced project. Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.

There were no objections based on the information in the document submitted to us. However, the following comments have been included below. Should you encounter a problem during the implementation of this project, please notify LDEQ's Single-Point-of-contact (SPOC) at (225) 219-3640.

The Office of Environmental Services/Permits Division recommends that you investigate the following requirements that may influence your proposed project:

* If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.

* If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.

* LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permit Division at (225) 219-3181 to determine if your proposed improvements require one of these permits.

* All precautions should be observed to control nonpoint source pollution from construction activities.

* If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly to inquire about the possible necessity for permits. If a Corps permit is required, part of the

application process may involve a water quality certification from LDEQ.

* All precautions should be observed to protect the groundwater of the region.

* Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.

* Any renovation or remodeling must comply with LAC 33:III.Chapter 28.Lead-Based Paint Activities, LAC 33:III.Chapter 27.Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation), and LAC 33:III.5151.Emission Standard for Asbestos for any renovations or demolitions.

* If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

Currently, St. John the Baptist and St. Tammany Parishes are classified as attainment parishes with the National Ambient Air Quality Standards for all criteria air pollutants.

Please forward all future requests to Ms. Diane Hewitt, LDEQ/Performance Management/ P.O. Box 4301, Baton Rouge, LA 70821-4301, and your request will be processed as quickly as possible.

If you have any questions, please feel free to contact me at (225) 219-4079 or by email at diane.hewitt@la.gov. Permitting questions should be directed to the Office of Environmental Services at (225) 219-3181.

Sincerely,

Diane Hewitt
LDEQ/Community and Industry Relations
Business and Community Outreach Division Office of the Secretary P.O.
Box 4301 (602 N. 5th Street) Baton Rouge, LA 70821-4301
Phone: 225-219-4079
Fx: 225-325-8208
Email: diane.hewitt@la.gov



United States Department of the Interior

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



September 3, 2009

Colonel Alvin B. Lee
District Engineer
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Lee:

Please reference the Individual Environmental Report (IER) 29, entitled "Pre-approved Contractor Furnished Borrow Material #4, Orleans, St. Charles, St. John the Baptist, and St. Tammany Parishes, Louisiana." That IER addresses impacts resulting from the excavation of government-furnished borrow sites which will be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. Work associated with that IER is being conducted in response to Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4). That law authorized the Corps of Engineers (Corps) to upgrade the Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity hurricane protection projects in the Greater New Orleans area to provide protection against a 100-year hurricane event. This draft report contains an analysis of the impacts on fish and wildlife resources that would result from excavation of those borrow sites and provides recommendations to minimize and/or mitigate project impacts on those resources.

The proposed project was authorized by Supplemental 4 which directed the Corps to proceed with engineering, design, and modification (and construction where necessary) of the Lake Pontchartrain and Vicinity and the West Bank and Vicinity Hurricane Protection Projects so those projects would provide 100-year hurricane protection. Procedurally, project construction has been authorized in the absence of the report of the Secretary of the Interior that is required by Section 2(b) of the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). In this case, the authorization process has prevented our agencies from following the normal procedures for fully complying with the FWCA. The FWCA requires that our Section 2(b) report be made an integral part of any report supporting further project authorization or administrative approval. Therefore, to fulfill the coordination and reporting requirements of the FWCA, the U.S. Fish and Wildlife Service (Service) will be providing post-authorization 2(b) reports for individual IERs.

This final report incorporates and supplements our FWCA Reports that addressed impacts and mitigation features for the Westbank and Vicinity of New Orleans (dated November 10, 1986, August 22, 1994, November 15, 1996, and June 20, 2005) and the Lake Pontchartrain and Vicinity Hurricane (dated July 25, 1984, and January 17, 1992) Protection projects. It also supplements our August 7, 2006, Planning-aid Letter to the Corps providing recommendations for minimizing impacts to fish and wildlife resources from borrow site selection and use. This report constitutes the report of the

Secretary of the Interior as required by Section 2(b) of the FWCA. It has been provided to the Louisiana Department of Wildlife and Fisheries and the National Marine Fisheries Service, and their comments, if any, have been incorporated into the report.

DESCRIPTION OF THE STUDY AREA

The study area is primarily located within the Mississippi River Deltaic Plain of the Lower Mississippi River Ecosystem. Portions of Orleans, St. Charles, St. John the Baptist, and St. Tammany Parishes are included in the study area. Higher elevations occur on the natural levees of the Mississippi River and its distributaries. Developed lands are primarily associated with natural levees, but extensive wetlands have been leveed and drained to accommodate residential, commercial, and agricultural development. Federal, State, and local levees have been installed for flood protection purposes, often with negative effects on adjacent wetlands. Navigation channels such as the Gulf Intracoastal Waterway and the Mississippi River – Gulf Outlet are also prominent landscape features, as are extensive oil and gas industry access channels and pipeline canals. Extensive wetlands and associated shallow open waters dominate the landscape outside the flood control levees. Major water bodies include Lake Pontchartrain located north of the project area, the Mississippi River which bisects the project area, and Lake Borgne which is located on the eastern edge of the project area.

FISH AND WILDLIFE HABITATS AND RESOURCES

Habitat types at and in the vicinity of the borrow sites include forested wetlands (i.e., bottomland hardwoods and/or swamps), non-wet bottomland hardwoods, scrub-shrub, marsh, open water, and developed areas. Due to urban development and a forced-drainage system within the levee system, the hydrology of much of the forested habitat has been altered. The forced-drainage system has been in operation for many years, and subsidence is evident throughout the area.

Wetlands (forested, marsh, and scrub-shrub) within the study area provide plant detritus to adjacent coastal waters and thereby contribute to the production of commercially and recreationally important fishes and shellfishes. Wetlands in the project area also provide valuable water quality functions such as reduction of excessive dissolved nutrient levels, filtering of waterborne contaminants, and removal of suspended sediment. In addition, coastal wetlands buffer storm surges reducing their damaging effect to man-made infrastructure within the coastal area.

Factors that will strongly influence future fish and wildlife resource conditions include freshwater input and loss of coastal wetlands. Depending upon the deterioration rate of marshes, the frequency of occasional short-term saltwater events may increase. Under that scenario, tidal action in the project area may increase gradually as the buffering effect of marshes is lost, and use of that area by estuarine-dependent fishes and shellfish tolerant of saltwater conditions would likely increase. Regardless of which of the above factors ultimately has the greatest influence, freshwater wetlands within and adjacent to the project area will probably experience losses due to development, subsidence, and erosion.

Forested wetlands in the area are divided into two major types; bottomland hardwood forests and cypress-tupelo swamps. Bottomland hardwood forests are found at higher elevations (Mississippi River and former distributary channel levees) in the project area, while cypress-tupelo swamps are

located along the flanks of larger distributary ridges as a transition zone between bottomland hardwoods and lower-elevation marsh, scrub-shrub habitats, or open water.

Non-wet bottomland hardwoods within the project area also provide habitat for wildlife resources. Between 1932 and 1984, the acreage of bottomland hardwoods in Louisiana declined by 45 percent (Rudis and Birdsey 1986). By 1970, Jefferson Parish was classified as entirely urban or nonforested in the U.S. Forest Service's forest inventory with most of this loss resulting from development within non-wet areas inside the hurricane protection levees. A large percentage of the original bottomland hardwoods within the Mississippi River floodplain acreage in the Deltaic Plain are located within a levee system, especially those at higher elevations. However, losses of that habitat type are not regulated or mitigated with the exception of impacts resulting from Corps projects as required by Section 906(b) of the Water Resources Development Act of 1986.

Dead-end canals and small bayous are typically shallow and their bottoms may be filled in to varying degrees with semi-fluid organic material. Drainage canals enclosed within the hurricane protection projects or within developed areas are stagnant except when pumps are operating to remove rain water. Runoff from developed areas has likely reduced the habitat value of that aquatic habitat by introducing various urban pollutants, such as oil, grease, and excessive nutrients. Clearing and development has eliminated much of the riparian habitat that would normally provide shade and structure for many aquatic species.

Some of the waterbodies in the project area meet criteria for primary and secondary contact recreation and partially meet criteria for fish and wildlife propagation; while others do not meet the latter criteria. Causes for not fully meeting fish and wildlife propagation criteria include excessive nutrients, organic enrichment, low dissolved oxygen levels, flow and habitat alteration, pathogens and noxious aquatic plants. Sources of those problems include hydromodification, habitat modification, recreational activities, and unspecified upstream inputs. Municipal point sources, urban runoff, storm sewers, and onsite wastewater treatment systems are also known contributors to poor water quality in the area.

Developed habitats in the study area include residential and commercial areas, as well as roads and existing levees. Those habitats do not support significant wildlife use. Most of the development is located on higher elevations of the project area; however, vast acreages of swamp and marsh have been placed under forced drainage systems and developed. A smaller acreage of wetlands has been filled for development. Agricultural lands occur throughout the area; agriculture includes sugarcane farming, cattle production, and haying.

Endangered and Threatened Species

To aid the Corps in complying with their proactive consultation responsibilities under the Endangered Species Act (ESA), the Service provided a list of threatened and endangered species and their critical habitats within the coastal parishes of the New Orleans District. Private contractors have conducted ESA consultation on each borrow site as they were identified and determined that, at this time, no threatened or endangered species or their critical habitat were located within any proposed borrow site. If a proposed borrow site is changed significantly or relocated, or excavation is not implemented within 1 year, we recommend that the Corps request that the contractor reinitiate coordination with this office to ensure that the proposed project would not adversely affect any Federally listed threatened or

endangered species or their habitat.

Future Fish and Wildlife Resources

The combination of subsidence and sea level rise results in higher water levels, stressing most non-fresh marsh plants and forested wetlands leading to plant death and conversion to open water. Other major causes of wetland losses within the study area include altered hydrology, storms, saltwater intrusion (caused by marine processes invading fresher wetlands), shoreline erosion, herbivory, and development activities including the direct and indirect impacts of dredge and fill (Louisiana Coastal Wetlands Conservation and Restoration Task Force and the Wetlands Conservation and Restoration Authority 1998). The continued conversion of wetlands and forested habitats to open water or developed land represents the most serious fish and wildlife-related problem in the study area. Habitat losses could be expected to cause declines in the area's carrying capacity for migratory waterfowl, wading birds, other migratory birds, alligators, furbearers, and game mammals.

ALTERNATIVES UNDER CONSIDERATION

The proposed borrow sites have been located in areas that minimize impacts to wetlands and impacts to non-wet bottomland hardwoods have also been avoided to the extent practicable. Use of adjacent borrow, the typical construction method, has been limited because of soil conditions (i.e., insufficient clay content), thus impacts resulting from expansion of borrow sites into wetlands has been avoided in some areas.

PROJECT IMPACTS

Excavation of borrow sites would result in the conversion of terrestrial habitat into open-water areas. Because agricultural, pasture, cleared land habitats have a reduced value to fish and wildlife resources and are not a declining or limited habitat type, impacts associated with conversion of those habitats to open-water were quantified only by acreage as part of the total site. The land type and acreage of each proposed borrow site is listed below (Table 1). Jurisdictional wetlands were determined by the Corps regulatory program. It has been determined that the IER 29 borrow sites do not contain any jurisdictional wetlands; however, the Willow Bend Phase II site does contain non-wet bottomland hardwood (BLH); therefore, mitigation would be required.

As indicated in the IER, there is a potential for hydrologic modifications caused by borrow material excavation at the Willow Bend site to impact nearby, jurisdiction wetlands located outside of the project area. A reduction or interception of rainfall runoff could result in a decrease in downstream jurisdictional wetlands by conversion into less hydric habitat types. These effects may be difficult to describe and quantify; however, potential impacts due to hydrology modifications caused by borrow material excavation should be discussed here and in future borrow IERs because of the close proximity of wetlands, and other fish and wildlife habitat, to some proposed borrow sites. Therefore, the Service recommends an investigation to determine the extent of potential hydrologic changes due to borrow excavation. The Service would be pleased to participate in the effort. To further protect jurisdictional wetlands located near the project area, the Service recommends the designation of a 100 foot "no excavation" buffer zone between the jurisdictional wetlands and the borrow site to help preserve the water quality of the wetlands.

FISH AND WILDLIFE CONSERVATION MEASURES

To minimize wetland and bottomland hardwood impacts, the Service recommends that prior to utilizing borrow sites, every effort should be made to reduce impacts by using sheetpile, floodwalls, geotextile, or some combination thereof, to increase levee heights wherever feasible. In addition, the Service recommends that the previous protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter should continue to be utilized as a guide in locating future borrow-sites.

MITIGATION MEASURES

The President's Council on Environmental Quality defined the term "mitigation" in the National Environmental Policy Act regulations to include:

(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments.

The Service supports and adopts this definition of mitigation and considers its specific elements to represent the desirable sequence of steps in the mitigation planning process. Based on current and expected future without-project conditions, the planning goal of the Service is to develop a balanced project, i.e., one that is responsive to demonstrated hurricane protection needs while addressing the co-equal need for fish and wildlife resource conservation.

The Service's Mitigation Policy (Federal Register, Volume 46, No. 15, January 23, 1981) identifies four resource categories that are used to ensure that the level of mitigation recommended by Service biologists will be consistent with the fish and wildlife resource values involved. Considering the high value of forested areas (wet and non-wet) and marsh for fish and wildlife and the relative scarcity of that habitat type, those wetlands are usually designated as Resource Category 2 habitats, the mitigation goal for which is no net loss of in-kind habitat value. Degraded bottomland hardwood forest (e.g. dominated by exotic species) and any wet pastures that may be impacted, however, are placed in Resource Category 3 due to their reduced value to wildlife, fisheries and lost/degraded wetland functions. The mitigation goal for Resource Category 3 habitats is no net loss of habitat value.

The Service used the Habitat Assessment Methodology (HAM) to quantify the impacts to forested habitats. Those habitat assessment models utilized in this evaluation are modified from those developed in the Service's Habitat Evaluation Procedures (HEP). However, both models are community-level evaluations instead of the species-based approach used with HEP. For each habitat type, those models define an assemblage of variables considered important to the suitability of an area to support a diversity of fish and wildlife species (Louisiana Department of Natural Resources 1994; U.S. Fish and Wildlife Service 1980). A Habitat Suitability Index (HIS) is calculated from all of the model variables to represent the overall value of the wetland habitat quality. The product of an HIS value and the acreage of available habitat for a given target year is known as the Habitat Unit (HU),

and is the basic unit for measuring project effects on fish and wildlife habitat. HUs are annualized over the project life to determine the Average Annual Habitat Units (AAHUs) available for each habitat type. The change (increase or decrease) in AAHUs for the future with-project scenario, compared to the future without-project conditions, provides a measure of anticipated impacts. A net gain in AAHUs indicates that the project is beneficial to the fish and wildlife community within that habitat type; a net loss of AAHUs indicates that the project would adversely impact fish and wildlife resources. Further explanation of how impacts/benefits are assessed and an explanation of the assumptions affecting the HSI values for each target year are available for review at Service's Lafayette, Louisiana, field office.

Table 1: Contractor-furnished Borrow Sites

Site	Parish	Total Site Area (acres)	BLH Habitat Impacted (acres)	AAHUs Lost
Eastover Phase II	Orleans	113	31.1	6.5
Tammany Holding Corporation	St. Tammany	291	0	0
Willow Bend Phase II	St. John the Baptist	496	76.2	42.1
Total		900	107.3	48.6

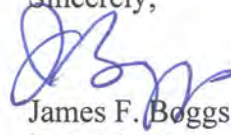
SERVICE POSITION AND RECOMMENDATIONS

Excavation of borrow sites would result in the loss of 107.3 acres of bottomland hardwoods for a total loss of 48.6 AAHUs. The Service does not object to the use of the proposed borrow sites provided the following fish and wildlife recommendations are implemented concurrently with project implementation:

1. The private contractor shall provide 48.6 AAHUs to compensate for the unavoidable, project-related loss of forested lands. Such compensation can be obtained from any approved mitigation bank. Verification of purchased mitigation credits should be provided to the Service by the mitigation banker. The Service, National Marine Fisheries Service, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Natural Resources should be consulted regarding the adequacy of any proposed alternative mitigation sites.
2. The protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter (attached) should be utilized as a guide for locating future borrow-sites and expanding existing sites.
3. Any proposed change in borrow site features, locations or plans shall be coordinated in advance with the Service, NMFS, LDWF, and LDNR.
4. Because of the potential for hydrologic modifications caused by borrow material excavation at the Willow Bend site to impact nearby, jurisdictional wetlands outside of the project area, the Service recommends that the Corps conduct an investigation to determine the extent of these potential impacts. The Service also recommends that a buffer zone of at least 100 feet be designated between the borrow site and any jurisdictional wetlands in which no excavation would be allowed.

5. If a proposed borrow site is changed significantly or excavation is not implemented within one year, we recommend that the Corps notify the contractor to reinitiate coordination with David Castellanos (337/291-3112) of this office to ensure that the proposed project would not adversely affect any federally listed threatened or endangered species or their habitat.

Sincerely,



James F. Boggs
Supervisor
Louisiana Field Office

cc: Ms. Danielle Tommaso, CEMVN-PM-RS, New Orleans, LA
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD/CRD), Baton Rouge, LA

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APPENDIX E: CEMVN BORROW AREA INDEX MAP

