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  
Clay Classifications
  
CH: Fat clay
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
NOx  Nitrogen oxides
NOV  New Orleans to Venice Project
O3  Ozone
Pb  Lead
PDT  Project Delivery Team
PI  Plasticity index
PM  Particulate matter
PPM  Parts per million
The Section 404 program for the evaluation of permits for the discharge of dredged or fill material was originally enacted as part of the Federal Water Pollution Amendments of 1972.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.
APPENDIX B: PUBLIC COMMENT AND RESPONSES
SUMMARY
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  
Administrative Assistant

CAJ: vr
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!!!!!
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: Barry Pilson
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
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: Cameron Barr
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
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.
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 development 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
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 Duplessis. Eastover has approximately 300 properties but only 12 people filed a lawsuit. I have contacted the FBI to investigate Ms. Duplessis and the misuse of her office. In closing once again I want ier 29
I am opposed to the digging of burrow pits in the New Orleans East community, especially in the Eastover subdivision.
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
100% in support of Eastover pit.
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
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.
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.
Dear Mr. Owen,

I am unable to make tonight's 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
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: Cleo Cage
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 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 taxpayers of the United States. I am one of those taxpayers. 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
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 its 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
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: [Redacted]
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)
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 classsifed and re evaluated to have it declared wet,
part of our louisiana coast that lies outside the flood protection
levee and not destroyed.
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 endangerment 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
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
I am OPPOSED to this project due to the impact on surrounding neighborhoods and the negative environmental impact. I urge that you not approve this project.
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
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 forwarded 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,

[Signature]
Bryant J. Celestine
Historic Preservation Officer

Telephone: 936 – 563 – 1181
celestine.bryant@actribe.org
Fax: 936 – 563 – 1183
August 17, 2009

Mr. Gib Owen
U.S. Army Corps of Engineers
Planning, Programs and Project Management Division
Environmental Planning and Compliance Branch
CEMN-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

Total Pages Scanned: 2
No. Remote Station Start Time Duration Page Mode Job Type Result
001 8622088 08-17 04:20PM 00'56 002/002 EC HS CP

Abbreviations:
HS=Host Send  PI=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
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
CEMN-PM-R5
Post Office Box 60267
New Orleans, Louisiana 70160-0267

RE: Draft Individual Environmental Report #29

Dear Mr. Owen:

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

More in particular, I call your attention to the second
paragraph on page 98 of the draft EIR #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
- **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.

MS. ALLEN:
Good evening. Thank you for attending this evening's meeting on Individual Environmental Report. That is IER 29, and also our New Orleans Risk Reduction Project. I am Nancy Allen. I'm the Chief of Public Affairs for the Hurricane Protection Office.

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

If you have your Blackberry's or cell phones with you please set them to vibrate or turn them off. Also please note that we have emergency exits in the back of
The primary purpose of tonight's meeting is to discuss IER 29. This is the environmental document for three contractors supplied borrow pits in New Orleans East -- sorry. One in New Orleans East, Eastover Phase 2 and then Tammany Holding in Slidell and Willow Bend Phase

2. We are also going to update you on some of our current and upcoming work in New Orleans East. Work on the levees, flood walls, floodgates and structures that are going to provide the one hundred year risk reduction to this area of the city. Tonight we're going to have with us
Colonel Robert Sinkler, who is the Commander of the Hurricane Protection Office, and Jason Cade, who is the senior project manager for levees and flood walls in New Orleans East. Later on I'm going to introduce some of our other team members. We do have some elected officials and staff with us tonight. We have State Senator Duplessis. Did I say that correctly? Hue Truong from Congressman Gow's (ph) office, if I am saying that right, and Devona Dolliole from Congressman Arnie Fielkow's office. We thank you for being with us this evening. Are there any other elected officials or staff representatives that I missed?

I'm going to ask that you let us go through our entire presentation, it's very short, before asking questions. We do have a number of project managers here to answer your questions and we will do that after the presentation. You will have
approximately three to five minutes to make your presentations or comments, and, again, I just can't stress enough please hold them and make them for the microphone in on orderly fashion so we can get everything on the record. We really want your input. We want to hear what you have to say. We want to answer your questions. We only ask that we all respect each other and allow us to hear all of you. So I'm going to turn other to Colonel Sinkler for some brief remarks.

COLONEL SINKLER:
I'm not going to say too much just because we have a lot of people here and I want to make sure we get to everyone. First of all, how many of you are from the New Orleans East area? Okay. How many are you not? Where are you guys from. St. Tammany. Northshore. Okay. Anybody else? Okay. Great. I just want to get a feel for the audience and kind of gather our presentation for
the folks that are sitting out there.

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

We're trying to get a lot of stuff done by 2011, and the Corps of Engineers really has not constructed a project in its history this size in a short of time, so we do appreciate everybody's support and we really prepare the great turn out tonight because we make better decisions with your input, and this is really, as all of you know, a project that we're constructing is -- is really for all of us and for everyone that works, lives behind the hurricane storm damage risk reduction system. I did ask -- I know some of the fliers went out earlier -- early on and we're going to focus heavily on borrow, and that is the primary purpose of this
presentation tonight, but I did want to throw a few slides upfront and just kind of give you an update on what is going on around the Orleans East area, so if you just bear with us and we'll take a few minutes and do that. Thanks.

MS. ALLEN:

We would like to begin our presentation with this slide that we call buying down risk. And this is really just illustrating how everybody shares the responsibility in reducing risk. It is hurricane season, we all have our evacuation plans. Please have your plans ready, have your family ready if that should occur and heed evacuation orders. There is always risk, but there are things that everybody can do to reduce that risk.

This gives you an overview of what we call the hurricane and storm damage risk reduction system. It's a very long title. You will hear it referred to as
the system or the HSDRRS. It features flood walls, levees, surge barriers, pump stations, floodgates, all of the things that work together to reduce risk as a system. It is being designed and constructed for the one hundred year risk reduction. What that means is that we are reducing risk from a storm surge that has a one percent chance of occurring in any given year, so those are some terms that you will hear tonight. And while we're here, we're here to listen to you. We're here to hear your comments and concerns and to answer your questions. We are guided by something call the National Environmental Policy Act, NEPA, which requires us to do these meetings, but we want to be here, we want to hear what you have to say and we're very interested in hearing that so we can make more informed decisions.

With that, I'm going to turn
it over to Jason Cade. Jason is our project manager to give you some updates on the construction that will be happening in your area.

MR. CADE:
All right. Good evening. Again, my name is Jason Cade and I'm going to cover some of the projects that we have occurring in the New Orleans East area. One of the first projects that we have --

AUDIENCE MEMBER:
We can't hear you.

MR. CADE:
I am sorry. The first project that we have is our LPV 108 project. Basically what LPV stands for is Lake Ponchartrain vicinity. So we basically identify all of our projects by project number. This LPV 108 project is from Paris Road to South Point is currently one of our projects that are under construction. And what we're doing is we are raising the existing levee that is out there
to roughly 18 feet. It's been
under construction for the last
eight months or so, and we're
about 90, 95 percent complete
with the project currently.

The next project that I have
is the LPV 113 project. This is
a project that is being done for
NASA, and what we're doing is
we're raising the existing levee
that they have out there that is
along the Michoud Canal. Its
current elevation is roughly 16
feet and we are raising it up to
about 19.5 feet. We're adding
breakwater and stuff of that
nature. And that's been awarded
to Purnell Construction and they
are actually a locally owned and
operated small business here in
New Orleans or New Orleans area.

Next slide. All right. One
of the more impressive projects
that we have underway is our IHNC
surge barrier project. This
project was basically authorized
in 2006. It's one of the largest
design built projects that the
Corps has ever undertaken and we
basically have crews that are working around the clock to have this done by 2011. Basically it's got a lot of impressive features that are taking place and it's definitely a massive project that is underway.

All right. Basically what this map shows is the projects that we have which range from LPV 105, 106, 107, 108, 109, 110, 111 all around the East, and what we identify here are some of our upcoming contracts like LPV 105 contract, LPV 106, 107, 109 and 110, and also the projects that we have that are currently under construction, which is our LPV 108 project and our 113 project, and we have a contract method that is called ECI, which is our 111 project and I will talk a little more later about some of the benefits of using ECI as an approach and how it gives us innovative designs and helps us move the project faster.

All right. One of the projects -- another project that
we have is LPV 105 project. This is at Lakefront. And basically we're doing a couple of different things for this project. One of the things we're doing is we are adding gates at Downman Road and Jordan Boulevard, and we're also building T-walls, existing that is out there. We're going to do offset T-walls and we are taking it up to a rough elevation of 15.5 feet, and we're also doing levee -- basically from where the 105 sign is over is going to be basically just levee project and we're going to have that at roughly 13 feet.

Our next project is LPV 106, and this is our citrus levee, and what we're doing is raising the existing levee that is out there from roughly 11.8 feet up to 13 feet, and we're doing things like we're installing positive cutoff flow valves and things of that nature, and one thing that I would like to point out with this one as well as our previous project is around the December,
January timeframe we expect to be under construction and you will actually see that with a lot of these projects come December, January timeframe they will all be under construction.

All right. Our next project is LPV 107 and this is our Lincoln Beach levee and gate project. Basically what we have there is an existing gate system and what we're going to do is we are going to replace the existing gate with a new -- new gate that is going to be at a higher elevation, and we expect to have that elevation -- it's going to be about 15.5 feet, but the same as the rest of the contracts, around January 2010 we expect to have this project under construction.

Next project we have is our LPV 109.02A project. This is from basically South Point to CSX Railroad, and it runs from this top point all of the way up here all of the way down, and so what -- we have a couple of different
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23 actions that we're doing. The
24 109.02A project is raising the
25 levee from -- raising the

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

Next slide. All right. Our
109 -- LPV 109.02 project, this
is our I-10 crossing. This is
basically by the Bayou Sauvage,
and this is I-10. What we're
doing is -- there's actually an
existing ramp. Probably pretty
hard to see with the eye when you
are driving over there, but right
now it's currently at 13.5 feet
elevation, and what we're going
to do is we are going to raise
that elevation to roughly 16.5
feet, and when we raise it, we'll
tie into the existing 109.02A
levee, and same thing, we expect
to be under construction with
this project roughly by February
2010.

Okay. Next project we have
is our LPV 109.03C project. This
is along Highway 11 and Highway
90. Basically there are existing
gates that we have out there.
You know, through a lot of design
analysis and so forth we
determine that we want to raise
the elevation of these gates that
are out there. What we're going
to do is we are going to have the
existing gates in place, we're
going to make all gates and have
the existing gates remain in
place until the new gates that we're installing are put in place and are tied into the new propose -- the alignment that we're going to have for the LPV 109.02A project.

Next project we have is our LPV 110 project and this is a CSX Railroad gate. The one thing that I like to point out about most of the 109 projects is that they are really in the middle of nowhere. They start off by the Bayou Sauvage, U.S. Fish and Wildlife Reserve and go all of the way down to the GIWW, and so basically this gate right here allows for rail traffic from CSX to entering and exit the city.

So what we have done is we analyzed elevation that we have had there, we determine that he we want to build more T-wall and we want to raise the elevation of the gate that is there from the existing 20 feet to 30 feet, so we're going up basically over 20 feet for this gate. And we expect this contract to be
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 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
ways, cost effective ways and
ways to most importantly reduce
the construction duration to have
this protection in place as soon
as possible, and this one has
actually been awarded and it's
underway right now as we speak.

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

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

All right. Borrow. Borrow
is basically clay material and
what we do is through intense
analysis and research, we
determine the best places to get
our borrow from. Borrow is
basically what the levees are
made out of, just a clay material
that we build our levees systems
out of. We have investigated over four hundred million cubic yards worth of material areas to see what borrow material meets our stringent requirements. Through that process we have identified about 74 million cubic yards that will meet our testing requirements that will be incorporated into our levee system. Currently the Corps, we're looking for approximately 62 million more cubic yards of clay material. Now, quick note, all of this material won't be used in the New Orleans East area. This material will be used throughout our system, you know, and that runs from St. Bernard to New Orleans East, New Orleans metro, so the material can be used in a wide variety of places.

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


closes August 20, 2009. And I

just want to reiterate again as

Nancy said, the whole premise

behind the meeting here is to get

public input. We really want you

guys to provide us your input,

your comments, and if there's

things that we can't answer for

you this evening, we will

definitely and I will definitely

get back with you on anything

that we can't answer.

Sources of borrow. We have

three type of borrow. We have

our government furnish, which is

the material is tested and

acquired by the government. We

have our contractor furnished,

which is the material is tested

by the landowner, he is

responsible for the testing of

the material. He basically
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submits the information on the
material to the government for us
to approve it, and the

acquisition method is between the
contractor and the landowner,
which basically that means that
the contractor buys the land, the
pit from the landowner. The
third method we have is a supply
contract, which is pretty similar
to the contractor furnished.
It's the material tested by the
landowner, submitted -- submit
documentation for the Corps to
review. We make sure that it
meets our stringent requirements
and then the acquisition process,
once again, that's between the --
that's between the landowner and
the Corps.

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

Okay. On this slide this
shows some of the government furnished pits, some of the supply pits and contractor furnished pits. Basically the two government pits that we have are Cummings North and Maynard, and we have actually been using some of the material from these pits on some of our levees, for example, our LPV 106 and our LPV 108 project.

MS. ALLEN:

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

Not going to read through these. We have copies of the presentation and I think we will
get more copies of the presentation. It will be online tomorrow. The presentation will be online tomorrow.

All right. Ways that you can give us your public input. Regular public meetings, make sure you sign in if you didn't sign in coming in, please do that when you leave. Comments can be submitted all of the time at nolaenvironmental.gov and then there's information about how to submit comments on IER public review. We have two websites that you might want to check out. One is, as I mentioned, nolaenvironmental.gov. The other is our Corps of Engineers website, www.mvn.usace.army.mil. All right. We're going to move to our question and answer period. I know a number of you have come to previous meetings so what we thought we would do is kick it off with some questions that we hear frequently. We're going to go ahead and bring some of our folks up to answer these,
and then we'll continue with your questions and comments. We have the facility until 9 p.m. so we're going to keep the floor open and keep working with you. We do have our team available also afterwards. You were handed a questionnaire when you walked in. If you will please fill out that and leave it for us, that will be great. We -- if you -- we want to answer your questions. If you still have a question or a concern when we leave here, please find one of us that I'm about to introduce and ask us. As I mentioned, we will take questions and comments from the microphones. Again, we have someone here recording. It's very important that you line up at the microphones when we ask you to. We wait -- you wait until you are called upon and acknowledged and then we will turn the floor over to you. So, again, please state your name when you make a comment, use the microphone. We ask you to limit
it to three to five minutes because we do have a lot of folks here tonight and we want to hear from you. Please respect each other's time and we look forward to hearing what you have to say.

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

We have from our borrow team, Tutashinda Salaam and Soheila Holley. We have from the real estate team, Joe Kopec and Deana Walker. Some of our geotechnical engineers, Richard Pinner and Ken Tulia (ph). And I think that's it. We have other experts -- and we have Gib Owen from Environmental, who is very important. And I see that we have been joined by councilwoman Clarkson. Thank you for being here. I was going to ask Senator Duplessis to make a few comments and councilwoman Clarkson, if you would like to make some comments before we get started, you are welcome to do that. We are going
to run through some questions and then I will turn it over to you-all.

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

Yeah.

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

MR. PINNER:

Some of the things -- I am a geotechnical engineer. When I say a borrow site it's more than just a hole on the ground. I look at a borrow site that is normally designed by a civil engineer. We look at the first thing is some of the factors we look at is material suitable for levee fill. That's one of the first things that we look for. Next thing that we determine if from our environment people it has been cleared to use as a borrow pit. And the other thing we have to look for, like I said, just not a hole in the ground, we look at, okay, how much borrow material we need for that site, so this is to
determine how big of a borrow site you need. The other things that you might be looking at is staging areas. You know, contractor need to stage his equipment out. He's going to have to stock pile his material. And also process material. When I say process material, you have to dig material out of the ground and you either process it at the borrow site or bring it to his construction site. You need to dry that material out before we put in our levee fill. And also from a geotechnical standpoint, we had to design that borrow pit. We look at -- we inline the system to make sure we don't have any problems and also we make sure that we don't impact the surrounding structures or roadways, and that's part of our design procedure. We look at global stability. We look at seepage, you know, if you have sand underneath your borrow pit, you make sure you don't hit bottom. That's a government
determined borrow pit. If the contractor determine borrow pit, that contractor needs to go through his own procedures. He needs to meet all of the rules and regulations of the city codes and ordinances. That is his responsibility. And that's, you know, some of the factors that we look at for a borrow site and not just a borrow pit.

MS. ALLEN:

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

MR. PINNER:

One of the things that I looked at here is, you know, for government furnished borrow pit, again, we design that pit. When we design that pit, we make sure we don't impact the surrounding structures. Again, adequately design the pit to make sure -- you look at, you know, what impacts you might have on global
stability and how close are your structures. You are going to have some local impact on the groundwater, and that very local next to that borrow pit you design for that conditions.

Again for the contractor borrow pit, he needs to, again, design his own borrow pit. He is responsible for that pit. That is a private pit, it's not owned by the government.

MS. ALLEN:
"Will excavated borrow sites fill with water and where does that water come from?"

MR. PINNER:
Most borrow pits will fill back with water. We have many borrow pits in the New Orleans East, old borrow pits. One of them is Lake Bullard. That is an old borrow pit they used to raise -- you know, build I-10. The water that fills in their borrow pit is the groundwater, is adjacent groundwater. That ground water will seep into that borrow pit.
Also the rain, rainfall in this area also fill in the borrow pits, so over time that borrow pit will fill with water back to the surrounding groundwater in that area. You know, this is -- like I had said, many borrow pits, if you drive around the City of New Orleans you have borrow pits. I think if you go down to Kenilworth you have another lake in that area and also across the interstate along of I-10. Those -- you know, and that definitely will fill with water.

MS. ALLEN:

"Who governs required permits of construction contractors?"

Okay. Our contractors are required to have all applicable local, state, environmental permits, anything that they are required to have they are required to have that and they are required to comply with all local, state and federal laws.

Soheila, I think you are up.

"How does the government" --
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I am sorry, that's a real estate question. Joe is going to answer this.

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

MR. KOPEC:
For the government furnish borrow pits, the compensation is based on the estimate of market value is determined by an appraisal. It's very close to a land transaction where the appraisal estimates the market value of the interest acquired. Generally because of the size of the permits it's expressing so much per acre.

MS. ALLEN:
Jason, "will contracts will be awarded to Louisiana businesses?"

MR. CADE:
That's actually a very good question. Simple answer is yes. I like to point out that the Corps of Engineers has a very, very, very robust small business program, and to that end, our
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system has a rough cost of about $14 billion, and of that $14 billion system, about 1.4 to 1.9 billion is targeted to small business, and there are several different types of small business. You have service disabled Veteran small business. You have a hub zone business, which is underutilized area. You have 8A business, so, yes, basically, as a matter of fact, we do have several contracts right now. Our LPV 108 is a small business contract. The hauler, the people that drive the trucks are from the area and the companies is from the area.

MS. ALLEN:

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

MR. CADE:

Basically for government, for government pits the borrow sites will be fenced during construction. As far as the contractor control pits, the supply contracts, it's up to the contractor to make sure that he
meets all local, federal, state
guidelines that are required for
him to fulfill.

MS. ALLEN:
Thank you. I'm going to ask
Senator Duplessis would like to
make a couple of comments and
then councilwoman Clarkson.

MS. DUPLESSIS:
Thank you very much, and we

want to thank you for coming out
to Eastern New Orleans tonight to
share with us the plans for
hurricane protection and all of
the wonderful things that you are
doing. You know, tonight you are
going to have a variety of
concerns that will be addressed
to the Corps, a lot of which you
probably will not be able to
answer tonight. I think that I'm
going to speak for me, I have a
lot of concerns, many concerns of
a number of which I have placed
in a letter to the Corps, to the
City Hall, to the Mayor, to
anybody that will listen about
the impact that this particular
project in -- at the Eastover
site will have on the community
as a whole, so I'm not going to
got on my high horse yet, I'm
going to let other folk talk
first, but I just want to thank
you for coming out, giving us
information, and hopefully we can
leave the meeting tonight with a
clear direction about how we
feel, truly feel about this
particular project. Thank you.

MS. CLARKSON:
Thank you for this
opportunity. I'm Jackie
Clarkson, your Councilwoman At
Large. And I was thrilled to be
invited because now that I have
the whole city I want to be as
diligent in the East as I have
been in the west, on the westbank
and get to know your issues and I
have been trying to follow them
very closely, but -- but I have
been following the Corps very
closely and they know it, and I
stay pretty much on their necks,
so I'm here to see everything
that will be -- I'm here to hear
everything that will be discussed
tonight in terms of what they are
doing for you. You are the most

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,
as someone that's done it professionally, but since Katrina it's even more critical that we are careful about what we allow to happen in neighborhoods and in order to preserve quality of life and sustainability, so this is critically important to me and I don't understand -- I mean, everything that they are doing out here we're watching, the whole council is watching, and especially as far as flood control and hurricane protection, but the borrow pit is something that I have yet to understand why we're doing, and -- I don't know -- I mean, I don't know if -- and I don't know if I'm right or wrong, I will admit right upfront, but I have no idea why you go into the most elegant, lovely subdivisions in the entire city and start building a hole. I don't get it. So I really, truly don't get it, so I'm here to find out if there is something that I have been missing. I'm going to be very honest with you,
I'm known for that, so I'm here to learn, I'm here to hear your opinions, and my door is open to you, my phone is open to you for anything else that, you know, we have neglected to keep up with out here on your behalf. Thank you again for inviting me.

MS. ALLEN:

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

MS. HOLLEY:

Good afternoon. Soheila Holley, senior project manager for the borrow team. In your response, we mention that there are 60 million cubic yards of material needed for the whole system. In New Orleans East there we need about 10 million cubic yard of material. The material is needed to build the system to reduce risk. We have government furnished sites where the landowners, willing
landowners contacted the Corps
wanted to participated in the
borrow efforts. We did the
testing, we got the proof through
the NEPA process and we are -- we
have acquired them and we're
using them. In case of Eastover,
which I know that's what you are
concerned with, a willing
landowner has contacted us
through their representative and
they want to participate in a
viable borrow method which is
called contractor furnish, and in
this method, the landowner and
the reps, they do the same type
of geotechnical engineering
testing and environmental
checklist and they submit that
data to the Corps for review.
Once that site -- investigation
review is complete then we put it
in an environmental document for
public review, which we have done
in this case, IER 29, which
includes Eastover Phase 2. Once
the commander receives all of the
comments and the commander will
review and analyze all of the
public comments and he will
decide if he wants to -- if it's
deemed important for that
environmental report to be
signed. If that report is signed
that site is considered approved.
Once it's approved then it goes
on a clay source list, which we
make it available to the
construction contractor. Now,
from the beginning we let the
landowners -- in case the
landowners rep, in case of

Eastover 2, we make it clear to
them that the Corps does not
guarantee that that site will
ever be used. That site is only
used and approved by the Corps
saying the material meets our
standards. Once it goes on that
clay source list, we make it
available to the construction
contractor. The construction
contractor can go to any of those
sites, and there are many of
them, 20 plus, to use the
material, and then the
construction contractor will
contact the landowner or the
landowners rep and they will work a deal as far as compensation is concerned. So in general let you know why we are using clay material because you need clay material to build a system. Why with have gone through three methods, traditionally the Corps only use government furnish, but keep in mind at one time we need over one hundred million cubic yard of material. Some contracts been awarded through design, some contracts design sections have changed from levees to flood wall and therefore the quantity has dropped. At this time the remaining contracts for the entire system, all of the parishes is about 60 million cubic yard. That's a very fluent number. That number may go up and down as the design reaches -- go through the final process.

In order to build the system we need the levee and therefore we're dealing with a lot of material in a very compressed time period. Our deadline is
June 2011. We understand, we knew from the get-go that in order for the government -- for the Corps to use the government furnished process is a very lengthy, tedious process. We were not going to be able to have enough suitable material on time so we wouldn't delay any contracts, so out of necessity, we're dealing with a compressed time, I mention again. We were compelled to go through three methods to make sure we have adequate material on time so we don't delay the completion date. And contract furnishes a viable method. The landowner, the rep has contact the Corps. We cannot discriminate to a landowner. We cannot reject their packages. If we receive their packages, we review it. If NEPA standard, we put it out for public review and comments on. And if the document is signed then we have to, by our process to be consistent with all of the landowners to put that site on the list.
Now, Eastover is not the only site. You see Cummings up there in light blue, and that site is still -- still review the package and it will go through the same process. This process is not just in New Orleans. We have it in Jefferson Parish. We have it in St. Bernard. We have it in Plaquemines Parish. Those three borrow methods are viable borrow options in all of those parishes that we are working in.

MS. ALLEN:

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

MR. PATE:
My name is Donnie Pate. I am the original developer and
President of the Eastover Country Club. As usual, Councilwoman Clarkson cuts to the chase. Why would we want to do this in a beautiful subdivision like Eastover. I have been here 25 years, Councilwoman Clarkson, and the hurricane obviously devastated our development, completely destroyed our golf courses, completely destroyed our development. We have been working for the last three years to assist our residents in getting back in the subdivision and we have about 75 percent of our residents back. Unfortunately the Country Club and the golf course has no means to come back other than a project like this that will generate capital for us. We have looked high and low across the country at various sources of capital and there are no sources of capital with which we can rebuild with. If we don't rebuild the Country Club there, our residents in Eastover are looking at somewhere
between 75 and one hundred

million dollar reduction in

property values. We see that
every day as people try to buy
homes in Eastover that used to
sell for six, seven, eight
hundred thousand dollars and they
are buying for three or four
hundred thousand. Our people are
taking a serious hit in value.

The area in Eastover that we are
talking about using and digging
this lake, we called it a lake,
because our company has been
instrumental in building many of
the lakes in New Orleans East;
Lake Forest Estates, Lake
Bullard, and this another
opportunity. We would have liked
nothing better than to remain a
very active 36 hole golf course

where we have brought every type
of golf event from around the
country to our city, the
conventions that come to our city
have used our facility, brought
traffic and brought business to
our community. When we realize
that this was our only option for
rebuilding with, we immediately
formed a committee of our
homeowners, we realized that we
couldn't do this in a vacuum. We
had to do this with the Eastover
Property Owners Association. We
put together various committees
to look at this. Our project was
unanimously approved by the
Eastover Board of Directors and
the Eastover membership in
February of '07. We have been
working at this process now for
about two and a half years. We
formed a committee called the
Eastover Reconstruction Committee
that has worked with us and we
have crafted an actual contract
that says the revenue generated
off this lake that we're going to
be constructing doesn't all come
to us, it -- our lender is going
to want to be repaid for their
mortgage, but we have committed
up to $6 million of these
proceeds to go back into our
community to build our golf
course back and make it what it
was before the storm hit and
therefore helping our residents retain their value there. We would like nothing better than to have never had to go through this process, but we're here and this is our only option to get our facility back to where it was before. We have looked from the design standpoint as the gentleman who was talking about a while ago, we have gone through that exact Corps process. We have taken soil borings. All along the canal where our homes will be overlooking this lake will be constructed a three thousand foot long bulkhead where we will drive sheet piles down into the clay base to prevent any kind of seepage and any kind of erosion of our houses over there. The things that we're going to do around this lake is going to actually add another recreational type facility for our development. We are going to put a two and a half mile jogging trail around this. We're going to dedicate two and a half acres
of land around the lake to the
homeowners association for a
park. I have been here 25 years
and every year I would ask why do
we not have a park for our
children to play in. Everybody
wants a park but nobody wants it
next to their house. This is
going to give us a great
opportunity to address that need
that we have and get that
completed. So would we like to
have never to have do this, yes,
we would have. But we are where
we are and we have got to move
forward. If there were any other
options out there -- when all of
the government programs were put
in place to help homeowners and
individuals, it was fantastic,
and that's why at 75 or 80
percent of our residents are back
in their homes, but when the
national legislation was crafted
to help businesses down here, for
whatever reason, they
specifically excluded golf
courses from being able to tap
into that kind of -- two
21  businesses, golf courses and
casinos were specifically
excluded from being able to
source those capital sources
there and use it to rebuild, so
we are forced to look for our own
sources and this is the best and
most viable option we have.
Thank you very much.
MS. ALLEN:
Thank you, sir. Ma'am.
MS. BELL:
My name is Cynthia Bell and
I'm a resident --
AUDIENCE MEMBER:
Can't hear you. The mic is
not on.
MS. BELL:
My name is Cynthia Bell. I
am a resident of Evangeline Oaks
in New Orleans East and while I
appreciate what Eastover has
said, it is no longer an Eastover
problem, it is now a New Orleans
East problem and we are not here
to speak for the residents of
Eastover, we are here to speak
for the residents of New Orleans
East amass. Do you realize that
where you are proposing this pit

which in the vernacular is a
hole. Where you are proposing
this is where we have been
attempting for two and a half
years to get Six Flags
redeveloped. We have someone who
is willing to step in and
redevelop that, make it a
multi-million project. Okay.
What is that going to do to that?

Excuse me. Excuse me. Excuse me.

(AUDIENCE INTERRUPTION).

MS. BELL:
Am I not asking the
questions? I thought I had the
mic.

MS. ALLEN:
Yes, ma'am. You absolutely
do.

MS. BELL:
My question is is that going
to impact the site of the Six
Flags? That was my question. Is
what you are proposing going to
impact the site of Six Flags.
Will the site of the Eastover borrow pit impact Six Flags.

MR. SALAAM:
The area that is being proposed is not -- it's not --

AUDIENCE MEMBERS:
Can't hear you.

MR. SALAAM:
The area that is being proposed is not the area that -- the Six Flags. The area that is being proposed is inside the Eastover community.

MS. BELL:
Evidently Eastover has a dollar value to it, that's why we have the applause, but those of us in New Orleans East needs to make sure that our system is not going to be impacted also economically. We're trying to get the Plaza back. We're trying to get Joe Brown Park back for everyone not just the residents of Eastover. We're trying to get Joe Brown Park back for everybody in New Orleans East not just for Eastover. What I heard was
Eastover only. I want to know what the impact to this New Orleans East community is going to be not just Eastover.

MS. HOLLEY:

As I mention before, this is important for you guys to remember. We are not -- the Corps is not proposing this site to be excavated to be used. All we are saying this site has got suitable material in it and if the commander signs the document this site will be approved if the construction contractor would like to use it in coordination with the landowner. We are not -- the Corps is not saying that site will be used. That site may never be used. Keep in mind the first phase, the 36.6 acres has been approved through NEPA process since October 2007. To date, the Corps is not aware of that site being excavated used for any Corps projects. We have numerous contractors on this site throughout the parishes all of the way to Mississippi that have
been approved for a long time and none of them have been used. Keep in mind the Corps is not saying that site will be excavated. We told the landowners and the landowners rep this from the get-go that the Corps does not guarantee. This is a business decision you are going to make for this effort. You are going to spend time and effort and money investigating that site. All we can do is allow you to participate in this viable option we made available to the community. Keep in mind this is only a courtesy list that we make available to our construction contractors to speed up the process. A construction contractor may never go to that site, but then again it may. I cannot say strong or lower or medium. Potentially this site, if approved, for example, the dark blue, that is phase one, which I mentioned, that was approved October 2007. That site was approved to be used has been
on our clay source since October 2007. To date we're not aware of anybody excavating that site for any Corps project. The second phase, the 113 acres -- excuse me. The 113 acres if approved through the IER process will be placed on a clay source and available to the construction contractor but we will never know if a construction contractor will go to it or not. Basically I'm going to repeat myself. We could not and will not discriminate against a landowner who wants to participate in this process.

MS. ALLEN:
Ma'am, I think your question was will the borrow pit have an impact on Six Flags. Did you get an answer to your question?

MS. BELL:
My question, will the borrow pit have an impact on New Orleans East as a whole, not just Eastover.

MR. OWEN:
Good evening. My name is Gib Owen. I am the environmental
team leader for this. There will be impacts to New Orleans East temporary. Initially during the construction, you will see a lot of truck traffic. You are going to see dirt on the roads. We have construction requirements that that will be cleaned. You are going to see road damage.

Working with the local governments to work through how that's going to be taken care of. There will be noise. There will be vibration. There are going to be a lot temporary impacts. We do not foresee any long term impacts to New Orleans East.

MS. BELL: (No microphone used)

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

MR. OWEN:
There is no vote. This is a federal decision being made.

MS. BELL: (No microphone)

You said you had meetings.

MR. OWEN:

We had numerous public meetings and everybody was invited to come to those public meetings. There is no vote. This is an open decision. We're taking peoples comments. Based on those comments, based on the technical engineering and environmental impacts, a decision will be made.

MS. BELL: (No microphone)

So the people of New Orleans East, other than Eastover, say we don't want this borrow pit in our area, we don't want this truck traffic in our area, we have no say in it at all, that's what you are telling me?

MR. OWEN:

We are listening to your comments. This is a balancing act. We have to build this system. There is going to be impact, there is going to be
truck traffic. It has to come
from somewhere. It has to come
from some borrow. If not this
one, another one, but we are
listening to the people.

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

AUDIENCE MEMBER:
My question has been and is
what's going to happen to the
under groundwater. If it's all
going -- how low is our
groundwater? If it's all going to
filling up these pits that you
are digging, you are going to
need a levee ten times that much
because we are going to be down
that much far. Our lands are
subsiding now. The more you dry
it out the further down we
subside it. I need to know how
much of our groundwater is going
to be placed in these pits?

MR. PINNER:
The groundwater in the general area will not be impacted. It would be the local groundwater in the vicinity of that borrow pit will be impacted temporarily. You know, groundwater through rainfall -- every time it rains, and also got Lake Ponchartrain, you know, more or less putting, you know, restoring our groundwater. The only reason why our groundwater is down at minus four or minus five is because we pump our groundwater down. They turn those pump stations off that groundwater will rise above our ground surface in this area. So we get -- the groundwater is refurbished between rainfall, Lake Ponchartrain, GIWW, all of the waterways in this area, so in -- generally we're not impacting groundwater. Like I said, temporary impact around that borrow pit.

AUDIENCE MEMBER:

So I don't need to worry about my lots continuing to
subside five miles away?

MR. PINNER:

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.

AUDIENCE MEMBER:

I'm taking you at your word.

MS. ALLEN:

Sir.

MR. WALSH:

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

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.

MR. SALAAM:

It's Maynard, sir.
MR. WALSH:

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 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.
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
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:
As Mr. Pinner mentioned in case of the furnish when we have control over it, for example, Cummings and Maynard, the Corps of Engineers will provide that pit to the construction contractor. Therefore Mr. Pinner's team will design it properly, make sure there are no impact, make sure it's sloped properly and make sure there's no failure within the pit or around. It in case of contractor furnish site that, as Mr. Pinner mentioned, that is the responsibility of the contractors. And that's why is called contractor furnish, and the construction contractor has to comply with all of the local, state permits and ordinance. He is liable for and he has to make sure that he follows the procedures.

MS. ALLEN:
Yes, sir.
MR. HENRY:
My name is Troy Henry and I share the reconstruction Eastover
understand this was a very, very irritative process that the residents participated in as far as going forward on what do we do with the reconstruction of our community. We all knew it was devastated. We all knew that we wanted to move into a golf course community and we also knew that we didn't have the funds necessary and able to build the golf course back to where it needed to be on its own as well as to basically revitalize the properties as a whole. So a team of residents came together to work with the developer to come up with the scenario where we could still live in the golf course community at the same point in time have our community revitalized, and the alternative that we came up with was to have something that we thought would enhance the community like a
recreational lake, so this lake
would give us the ability, as
Donnie has already talked about,
with the jogging track and some
of the other things around it,
but if you look at the photo and
this is the standard that we are
going to hold the contractors and
other developers to as residents.
In addition to that we're also
going to have the Country Club
that is now back open again and
restored, in addition to that, a
new Country Club. So I think that
our alternative is to kind of
continue to have Eastover looked
the way it looks today, and that
was the desire of the community.
The community said, look, we want
our community back to the
prominence that it was before to
preserve our property values and
the way to do that without having
us to now jack up our association
fees to some ridiculous amount

was to be able to do it in a way
where we can enhance the
community while at the same point in time accomplishing the goals and objectives of our property values. I think we did that. We negotiated with the developer. We negotiated with the property owners association to make sure that we held their feet to the fire and then we are going to implement a contract as a result of that to make sure that everybody lives up to the obligations that we have laid out for them. So I think we have tried to do what is in the best interest of every resident, every resident's property values or our alternative, in my opinion is is we let the community look the way it looks now and none of us are enjoying the benefits associated with that, and that is decrease property values and decrease maintenance and a golf course and golf course community and country club that is totally abandoned and with no other hope of it being restored, okay. We talked to financier yesterday who took
back 30 different golf courses throughout the community this year as a result of this economy, so it's not like there's a bunch of people lined up to buy properties for golf courses today. It's a tough economy and Donny's talked a little bit about that. I'm not singing anybody's tune but I want my property back to how it can be best restored, and I see this as a viable alternative. I see it as a viable -- what I have seen is the only alternative, and I think it's been well done, well thought out, and I think we need to thoroughly consider it. Not only consider it, but let's execute it. We are not going to please everybody. I know there's some people that violently disagree. I got neighbors and friends of mine that disagree with my perspective on it and many of ours -- the majority perspective, but at the same point in time we have to do something four years later, right, and right now what we have
done is nothing and right now
this gives us hope and an
opportunity to restore our
property values. That's why I'm
supporting it. I don't have a
question for y'all. I'm making a
comment. Thank you.

MS. ALLEN:
Thank you.

MS. TOLLIVER:
My name is Kathy Tolliver. I
am a resident of Eastover
subdivision and also a realtor
who makes my livelihood in New
Orleans East. First of all, I

would like to say that I'm
thankful that the Army Corps is
finally moving forward at full
speed ahead to improve our levee
protection in eastern New
Orleans. We realize this is
systematic process and has taken
time, however, we need to improve
flood protection and heighten
fortified strength of levee
sooner rather than later. I think
that it's prudent that the Army
Corps utilize or at least utilize
some borrow material from the
nearby vicinity, borrow sites at Eastover, etc., to reduce the impact on transportation and shipping material to East New Orleans, levee locations to be rebuilt. That is a sustainable practice that reduces pollution, air and noise and traffic and reduces the transportation cost rather than just shipping massive amounts of materials in when suitable clay may be available at closer sites to our levees. It's my understanding that creating a large lake adjacent to the subdivision will act as a retention pond that can potentially assist in flood control in the area and that that lake will be connected to the drainage canals that the Sewerage and Water Board can pump water out of the area, so if you have someone like to comment on that, we have been told that it can actually be a positive thing for flood control in the area as opposed to negative. It's also our understanding that the
developer is building a bulkhead
that will be built next to the
adjacent properties to the lake
and they are going to have about
a $25 million liability policy
put in place just to cover any
potential damage of structure to

nearby properties. Can you
provide any input on necessary
engineering controls that should
be put in place to ensure that
there is minimal impact upon
water table and potential
subsidence in the vicinity
especially to nearby properties.
As a realtor and as a homeowner
I'm interested in my property
value and my neighbors and my
community's property values
increasing and not decreasing.
we have been in a down market.
The values have been down since
Katrina, I think most people have
dealt with the property matter
realize that whether they are
trying to refinance, get an
appraisal or whatever on their
properties, so we are trying to
do something to improve or
property values because we realize being on a golf course, near a golf course is much more valuable than being on an abandoned piece of property that has overgrown weeds and coyotes running all over. We are very interested in our community at large, not just Eastover, and there is a concept in real estate called appreciation, not depreciation where if you live nearby a community that has higher property values it tends to increase your property value, so our goal is to improve the property values and to retain and make Eastover better than it ever was before. That's our goal is to make it not just as good as it was but better than it's ever been, so if anyone can comment about any potential, you know, input on engineering controls because we are going to have a lake after that borrow pit. It's not going to be a hole left in the ground. They are developing
a lake to beautify our community,
and I realize New Orleans was
built upon several lakes. I mean
Lake Bullard, Lake Carmel, Lake
Forest, so, I mean, New Orleans
East is full of lots of lakes and
that's one of the unique features
of our community. However, we
want to be comfortable that our
surrounding neighbors and
residents property are safe and
secure because they are concerned
and we are concerned as well.

MS. HOLLEY:
Yes. Yes. As I mention in
case of governed furnish like
Cummings and Maynard, okay --

AUDIENCE MEMBERS:
We can hear you.

MS. HOLLEY: (No microphone)
As we mentioned in case of
government furnish and Mr. Pinner
our geotechnical chief mentioned
as well, we make sure we design
-- we make sure we design that

pit from engineering point of
view, look at the sand layers, we
look at making sure we design properly, we scope it properly. Make sure there is no failure within the pit. Make sure no impacts outside. In case of contractor, Mr. Cade mentioned, he proposed some ideas what we are going to do, that's the conversation is to take place with the landowner representative. As we mention, our construction contractor has to comply, even though he doesn't have the design to us in case of contractor furnish, we cannot dictate a private landowner how to utilize his land. Now, he or she, the construction contractor has to comply with all of the permits and all of the requirements required by the local, state entities. He has got to design it properly. He has to get all of the impacts make sure there are no impacts because he will be liable. The landowner will be liable. That will take place between the construction contract and
landowner, the design of that area. That is something that the Corps cannot dictate to a private landowner how to do with private land. The same way we cannot dictate to a landowner when you put a pool in. That is not something that we don't have any rights to that land, we don't own the land; therefore we can get anything on liability. We can -- in case of government furnish when we provide the site to the construction contractor used, we take that responsibility and we'll look at it. In case of contractor furnish, the name comes from contractor furnish. The construction contractor is bringing that borrow to the site, so he or she is responsible to make sure he is complying with all of the permits from environmental and engineering point of view. I think Mr. Pate mentioned that they have ideas and they already looked into it. They are going to design it properly and propose action for
MS. WALL:

My name is Tangee Wall. Resident of Eastover and I'm also here for twofold purpose to speak also as a board member for the East New Orleans Neighborhood Advisory Commission. There are many people here tonight that don't live in Eastover. I would like to see by a show of hands those who do not live in Eastover. Okay. Quite a substantial number of people who have concern that goes beyond Eastover. Now, I live in Eastover and I have heard the proponents for this whole thing speak only about the good of Eastover and I'm a resident and I love my community. I have come back twice, okay. I have invested twice in my home, so of course I care about it, but I care more about the greater good of this community and that's why I fight every day for the community. Ms. Bell when she spoke may have misunderstood a
little bit about the Six Flags site being the proposed site, but she was not mistaken about the fact that it does impact the quality of life for all of eastern New Orleans. This is not just about the borrow pit being dug or not, about who is going to make a whole lot of money. That is pretty much what it is about, but it doesn't really matter if our quality of life is totally destroyed by something like this. Now, there were many residents in Eastover and we were divided, that's admittedly so. There were those of us who took this very seriously and we filed a lawsuit. We also hired a structural engineer, and I don't see any structural engineers report that Eastover has provided. If this is a safe project, if it's something so good that is to only propose plan to restore Eastover and we only talking Eastover to restore to the golf course, and God knows I want the golf course, it was great, but not at the
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expense and on the backs of the people of Eastern New Orleans as far as quality of life. We have a structural engineering report from Mr. Julian. He was hired and he was a part of instrumental and strategic part of a lawsuit that was filed and the judge ruled on our behalf. I would like to read a little bit of what a true structural engineers report says which are facts. Specific areas of concern and potential risks. The main risk as the excavation proceeds, the excavation will find it necessary to continually dewater the excavation. Keeping the hole as dry as possible to facilitate a workable environment. This may cause a significant reduction in the water table which can have a draw down effect on the groundwater conditions. Removing moisture from the clay soils can result in desiccation of the clays which causes shrinkage. That shrinkage is what causes pavements to settle. This effect
may also cause down drag on foundation piles, which can cause settlement of structures. Time 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 residually. 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,
it can be even greater than it was before but this is not the answer. And I would like for the Corps to really consider the fact that I have asked and I have also submitted the judgment that was rendered on favor of the residents of Eastover, concerned residents, I have asked Mr. Gib Owen to place that in his file and record and I think he is here tonight and received that report from me. You have received it, have you, Mr. Owen.

MR. OWEN:
Yes. It is in the record.

MS. WALL:
It is on the record, and that is the true spoke person for what this is about. So much so that a lawsuit has been filed and the judge thought enough of the report here and it's public information enough to realize that there's so much risk that this is not the alternative. And please do not on the backs of the people of this community, not
just Eastover, do something like this so that just the handful of people and cronies and all of their co-conspirators can make a whole lot money on the backs of the residents. Thank you.

MS. ALLEN:
I need to let you know that that report has been entered into the record, correct, Gib. Okay. Thank you. Yes, ma'am. Hello.

MS. GUERIN:
My name is Terrie Guerin. I am a member of Eastover and I am on the Board of Directors for Eastover Association. I wanted to let you know as residents here in Eastover, not just Eastover but Eastern New Orleans period, that when the Board of Directors met on several occasions about this project it wasn't to put money in the pockets of certain people that own the property, it was because we had the property and the soil that was viable for this project. Don't think for a moment that anybody stood in that meeting and said we want to, you
know, grab all we can because we need the money. Yes, we do need the money. Eastern New Orleans needs this project to take place because it will be viable to us as a community. If you look at Lake Bullard that was dug, did any home on the second phase of Eastover develop any foundation cracks and structural damage, no, it did not. No, it did not. It was before but there was a lake that was done after the fact also. After the fact also. But if you talk about pavement damage there was a road that was built, that was a street that was paved, and there was no foundation destruction to that either, and the reason why I come to you with that information is this, there are lakes that have been dug all over Eastern New Orleans, and I realize the fact that a lot of it was built and dug prior to any property being built in that area. But let me tell you something, what other -- the project that is going to be built
is closer to the facility that is
going to be levee -- that the
dirt is needed to rebuild the
levees. We are the closest
possible location, that is why we
went to a contractual agreement
stating we have the dirt, let's
test our soil to see if the soil
is good soil because we are
closest to the property. And the
two outcome of it is this that we
do need the resources from this
project to rebuild the community.
I'm a homeowner. I'm a homeowner

that is concerned that if that
project does not take place, that
there is no contingency in place
to back up what we need to
rebuild the community, and if
Eastern New Orleans would like to
rebuild in the future, we need to
start somewhere. What is the
plan in place, residents? What
is the plan that you have in
place to make Eastover an Eastern
New Orleans what it used to be
prior to the storm without the
resources from this project.
Thank you.
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 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
also own property in Eastover and
I get up every morning and I look
across the street at the vacant
gulf course, at the dilapidated
golf course. The dilapidated
community of Eastover. I look at
it every day. I walk outside of
my doors because I live across
the street from this. I own
property over there. And my
comments -- this is a comment
period is no, no, no, no, no to
borrow pits in Eastern New
Orleans. There is a city
ordinance section 66249 which
says, excavation of ponds to be
filled or fenced. Every owner,
occupant or lease lot located in
the residential neighborhood
which is in the past has been or
shall hereafter be used for a
borrow pit for the excavation of
soil or other materials thereby
causing a pond or depression in
which water accumulates and
stands shall cause the same to be
filled with soil or other solid
filling or waste material other
than that described in section
And I said all of that to say this, I am not in favor of a borrow pit being dug even though I own property in Eastover because I own property throughout all of Eastern New Orleans and I don't want to have the negative impact that is going to be received by the residents of Eastern New Orleans and I don't want that effect upon us. Thank you.

MS. DUPLESSIS:
Hello. Thank you. I'm Senator Ann Duplessis and I am also going to stand up and talk to you about why I am not in favor of having a borrow pit built in that area, dug in that area. First of all we talked a lot about what this new and improved Eastover is going to look like when and if the developers, the contractors get any of the dollars that they said
they are going to get. The first reality, people, is that before Katrina the golf course didn't work. What makes you think as you all said that we're in a down economy that you close 30 golf courses across the city and the state that Country Club golf course that when and if you rebuild another golf course that you can keep the doors open. You can't. Where is your right. The plan, Donnie Pate, that says, I can cash flow this new and improved golf course that you say you are going to build, there is none. So first thing that we need to really understand is that we couldn't cash flow a golf course pre-Katrina in this down economy, what makes you think that we are going to cash flow a golf course after Katrina. The second thing is that we talked about the borrow pits and the holes and the water and all of the environmental potential impact and the structure -- the
potential structural impact that we have not seen any document counter, but let's talk about those holes and let's talk about the water that's going to sit in those holes and the mosquitos and the disease, it ain't going to stay in Eastover, right. Where those mosquitos going to go. Okay. It ain't Eastover, that's the only subdivision around where he talking about building these borrow pits. It's McKendall Estates, okay, so you guys got to think long and hard. This ain't an Eastover thing, this is an Eastern New Orleans thing. I have spent, and I got to tell you I have been given permission by Representative Cedric Richmond, that he is on our side with this because he has done his due diligence also, that we have been traveling -- you have seen -- you looking at their various opportunities for investors to bring quality things to Eastover -- I mean, to the East. We have been fighting with an image

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

this is for Eastover, it ain't
for y'all. It ain't for y'all,
it's Eastover, all right. So
y'all got to build your own golf
course and y'all own clubhouse.
He ain't made no promises to
y'all. You got $6 million to
build a golf course. Where is
the money to build a lake and the
cute little pit stuff that he
talking about and the trees and
Where is that money. And let's go back. I want to take you back just two more minutes. Bear with me. Yes. Two years ago when we were hit with we're closing the golf course because we can't make it work, the neighborhood community went into that little bitty old house in the front and we were outraged and we said, hell, no, you are going to open that golf course. We bought into it. I didn't mean to say hell, sorry. We bought into it and we're paying $1200 a year plus -- 1600. I pay 12. I ain't got no discount. They won't let me get away it. We then said, okay, let's do a plan. I was the original chairman of bringing that group together and we brought that group together and that group -- and this was when we didn't know what we know today. We were told the only way we're going to be able to rebuild and then they brought some old pictures of a clubhouse that they
been having for 20 years and say, this is what our clubhouse going to look like, and said -- we said, well, let's talk about it. We were open. We didn't know what we know today. That was when the project was 36 acres, ten, 15 feet deep. Today the project is 126 acres, 30 feet deep. 30 feet deep. Come on, guys. Do you have a picture of what real a borrow site looks like. I sent one out and it ain't pretty. So the project went -- when we were all in agreement and all singing cumbaya and saying oh, yeah, we are going to get some money and we going to get us a golf course and all of that, the project, that's it. We were saying, okay, that will work, but it evolved out of greed to something totally different. So that's what caused us to pause and say wait a minute, we need to understand this better before we trust Donnie Pate, where is the insurance. The insurance -- it was ten, he raised it to $25
million. $25 million ain't going to fix the streets in Eastover if and when they begin to buckle and how many of y'all million dollar houses. How many. You got one million. Who else. You got a million. I mean, come on. You have been promised. I mean, come on. $25 million ain't going to do a thing for an insurance policy that's been payable to his company. Who is going to be the beneficiary of that insurance policy. The association -- the association is defunct. There ain't no association. There is no association. And that story going to come out later. So the bottom line is --

AUDIENCE MEMBER:

What have you done up in Baton Rouge besides ask for a pay raise. You ask for a pay raise. What have you done?

(ENTIRE AUDIENCE INTERRUPTS ALL AT THE SAME TIME.)

AUDIENCE MEMBER:

We have nothing out here. What have you done. You have
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asked us not to come back.

MS. DUPLESSIS:

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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advised us not to come back to
New Orleans. You advised
everybody not to come back to the
city.

(AUDIENCE INTERRUPTION).

MS. ALLEN:

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

MS. DUCREE:

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

natural wetlands will be
destroyed. My question is will
you mitigate the destroyed
wetlands in Orleans Parish or
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will you mitigate in other parish
or will you exempt a mitigation.

MS. ALLEN:
Gib Owen is going to speak to
mitigation.

MR. OWEN:
Right now we have made
estimates of about four thousand
acres of wetlands being impacted
for the whole system. Our goal
is to mitigate as close as
possible to the area, so if the
impact occurs say at Bayou
Sauvage we will mitigate at Bayou
Sauvage. We can't guarantee that
for every single project because
we want to build some big
restoration project so that the
area benefits. But we are not
exempting in any way whatsoever
from mitigation.

MS. DUCREE:
Okay. Your mitigation site
that you are proposing for that
is the U.S. Wildlife and
Fisheries site; is that correct?

MR. OWEN:
That is one of them that we
are looking at right now. There
will be multiple. We're actually looking at the Audubon Nature Center and helping them rebuild.

MS. DUCREE:
Do you propose that they will stop from mitigating on that site because it is a refuge?

MR. OWEN:
No. We have been working very closely with them and they are working very well to make it happen.

MS. DUCREE:
May I ask you who'd you contact at Wildlife and Fisheries?

MR. OWEN:
There's two or three. Ken Luxemburg (ph) is the guy at the local refuge here.

MS. DUCREE:
What about the U.S. refuge that you are speaking to. Not the local.

MR. OWEN:
That is the U.S. refuge.

MS. DUCREE:
Yes, I know the U.S. refuge but you are speaking about the
one that's locally here in New Orleans. I'm talking about from headquarters who did you speak to.

MR. OWEN:

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

MS. DUCREE:

Have you been in contact with the City Department of
Environmental Affairs about this site also.

MR. OWEN:

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

MS. DUCREE:

Okay.

MS. ALLEN:

On August 31st we are going to have a public meeting specifically addressed at mitigation for the entire system, correct, Cheryn? So 6:30 -- 6 to 6:30 will be the open house and presentation at 6:30. It's at
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our headquarters building. Okay.

It's 1 to 4 on Monday, August

31st; is that correct, Cheryn?

Please look at nolaenvironmental

for the latest. Sir.

AUDIENCE MEMBER:

You know, the first thing

that I would like to mention is I

think that, you know, there's a

couple of things that we all

agree on, and what we all agree

on is that we all like to see New

Orleans East revitalized to a

state better than it was before

Katrina, and the other thing that

we all agree on is that we would

like all like to see Eastover at

a state also better than it was

before Katrina. What some of us

disagree on are the question that

someone was asked was what would

happen if you built 120 acre hole

150 feet away from our homes.

And so we ask that question. We

ask that question for two years.

I applaud the Corps of Engineers

for all of the effort that they

put into studying in what type of

play will be best for building a
levee. What I guess the thing that I question is two things. One, that the Corps says that they accept absolutely no liability whatsoever, it's all on the contractor and so since we couldn't get the Corps to answer that question and since we couldn't get the contractor to answer that question we took our own money and paid a structural engineer to tell us, hey, you know what, maybe this thing is a good thing for our community. Maybe this thing is a good thing for our subdivision. But we wanted to know what happens when you dig 120 acre hole 150 feet from your home. We did the study, we got the response from the structural engineer. I guess my question right now is just one thing, has this -- has the Corps ever built 100 acre hole right next to a bunch of homes and streets, and if they have, where and what's the result and what's the outcome. Thank you.

MS. ALLEN:
Richard, do you have any comparison that you could give us or just a little more specifics to provide some more details.

MR. PINNER:

I can't give you specific examples like that, but like I said, with anything else you have to design your pit properly, and one of the impact I said earlier, we do have impact on the local, you know, the groundwater in the vicinity of that borrow pit and that's got to be properly designed. You had to make sure what we call radius of influence, that the size of the hole, the depth of the groundwater you are drawing down you got to see what impact, how far it goes out away from that hole and when you got a very good clay material that impact is less than -- if you have a sandpit, that sandpit goes out farther from that borrow pit. That is what an -- engineering
need to come in and design that pit properly, and you also need a geotechnical engineer, not a structural engineer to make the type of determination how far that impacts.

MS. ALLEN:
Sir.

AUDIENCE MEMBER:
How are you doing? I am an Eastover resident but this forum is not about Eastover. It's about levee protection, am I correct?

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

AUDIENCE MEMBER:
It's about levee protection for the entire New Orleans East area. And the environmental concerns this gentleman already talked about, you got up there with a study that a structure engineer supposed to put together a two page letter. He had concerns but his concerns wasn't answered and to come out here and, you know, concerns -- his concerns wasn't answered because
if you read the entire letter that you sent out to everybody, I mean, this is worse than what they doing Obama. You are trying to scare everybody -- you are trying to scare everybody. This is politics. This is between a certain group of individuals and the Eastover Board. It doesn't belong here. It doesn't belong here. It doesn't belong here. Let's talk about levee protection. Let's talk about the environmental impact. Let's talk about getting New Orleans East back together.

MS. ALLEN:

Ma'am.

AUDIENCE MEMBER:

I wanted to commend my neighbor for his comments also because it really should not have gone on the personal level and needs to be -- it needs to stay on the effect on the environment, which has been addressed, and my question is the background information that I'm sure is available publicly that supports
that this study have been done
and shows that the local impact
is going to be limited and the
structurals within the vicinity
are also not going to be highly
impacted. Is that available on
the websites or someplace.

MS. ALLEN:
Soheila, can you please speak
to what is available in IER 29
regarding contractor furnished
borrow pits.

MS. HOLLEY:
As we said, the only thing
that we know about Eastover is
how much -- you know, how much --
they are shown on the board --

AUDIENCE MEMBER:
I'm not asking about
Eastover. I am talking about the
pit and the local environmental
effect, what the is radius of
influence by digging a hole and
from there you can look at the
map and see how it will affect
Eastover.

MS. HOLLEY: (No microphone)
What the IER contains --
information on the IER shows what
the -- (inaudible) has been improved environmentally. Now, before they excavate that pit they have to -- they have to design it, they have to look at the borings. They have to look at the surroundings before they excavate it. They have to design it. That information is not in the IER because IER is an environmental report. It's not a design, so the engineering data is all about environmental impact.

Gib, you want to elaborate on that.

AUDIENCE MEMBER:

Where can it be found publicly? Can you make that information available?

MS. HOLLEY:

Okay. As far as the Eastover is concerned, we don't know if that site is going to be used or not. If that site is going to be used then that data has to come from the landowner.

AUDIENCE MEMBER:

I'm not asking that. What I am asking is that there is a
model of the pit being dug,
there's a local sphere of
influence, radius of influence
that's been evaluated by
scientists and engineers,
hydrologists, structural
engineers, etc., and there's also
a global sphere of influence that
has been analyzed. If you look

at the hole we can map it out on
how that is going to effect
Eastover. We just want to know
what is the numbers, okay. Now,
as far as being an Eastover
resident, I think that our
representative needs to represent
the majority of our constituents,
which we voted on. I also would
like to say that we all are in
the same boat together. We all
flooded together. We all took
losses together. We all decided
to come back together. We have
the same risk. We want to see
the entire Eastern New Orleans
developed. To say that the golf
course didn't flourish before
Katrina, well, New Orleans East
sank before Katrina, too, but we
are trying to make a difference, and if Eastover doesn't come back, which is that -- and the surrounding community surrounding Eastover, that is the heartbeat.

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

(Audience interrupts)

MS. ALLEN:

Please let her finish her comment. Please let her finish. She has the microphone on the floor.

AUDIENCE MEMBER:

I am not putting a hat on Eastover. Eastern area -- okay. It's all in the vote together, we are all in the East together. The surrounding neighborhood surrounding Eastover are all pretty much the same. My point being that if we don't develop something that is bigger and better than what we had before then we have nothing. And your concerns cannot be based on half truths and innuendos and it is
that they are accusing Obama
administration of having because
it's half truths.

MS. ALLEN:
Thank you. Sir.

MR. COPELAND:
For the record, my name is
Sherman Copeland and I am the
Chairman of the Board of Eastover
Property Owners Association. I'm
also President of the New Orleans
East Business Association, and I
really came here tonight to
listen. I'm trying as best I
could not to get to the mic but
there's some facts that need to
be understood. And the facts
that need to be understood are
the following. Whether or not
the dirt comes out of the
proposed Eastover site you still
going to have trucks. I don't
care where you get the dirt from
you are going to have trucks.
None of those trucks under this
plan is going through anybody's
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subdivision, not Eastover, not
McKendall, nobody else's, okay.
Jackie when you came in council
person you made an observation,
you said it shouldn't go on
there, why are we doing this.
Well, we doing it because
unlike --

MS. CLARKSON:
I didn't say shouldn't. I
asked why. I didn't say shouldn't
anything.

MR. COPELAND:
Let me tell you why we are
able to do this because unlike
the westbank golf courses, they
got public money. Our taxpayers
money subsidize them and had a
negative impact not from the
city, from the state, and
negative impact on Eastover. We
can't get that. We not a public
golf course. Ann asked the
question, she said, well, you

 couldn't maintain the golf course
before Katrina, how you are going
to maintain after Katrina, simple
math. If we successfully get
this we have no debt. If you
don't have any debt on the golf course you don't have a problem. It will more than succeed. Now, as far as my good friend Kerwin (ph) engineers report, let me say this to you, I know Kerwin. I'm a contractor. I work with Kerwin. I know a lot of engineers. What he gave you was his opinion. That's what he gave you. No engineer is going to put his license on the line with the fact the Corps can't answer. Let me tell you how it works and let me tell you what I'm doing as Chairman of the Board. We have found the best and brightest contractor. The Corps, to my knowledge, they didn't build Lake Bullard. That's not what they do. They contract people to do that. We find the best and the brightest contractor, very skillful at building lakes to build that lake and insisted that they put an up $25 million liability, and not for Donnie Pate, for the property owners, okay. And so what I'm trying to
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leave you with is that this is not about Eastover, this is about the survival of the East because when we got Rigolee (ph) coming in here when we were working together and we were bringing the East back, you know what he said, he said, make sure the Corps fix the levees, make sure the city do the infrastructure and tell them get the hell out of the way and let it takes its course. Now, we going to get a hospital. We ought to stop arguing with everybody about who is right and who is wrong. You know, I did

politics for 20 years, I'm as good as anybody. This is not about politics. This is about the survival of the economy of peoples property in Eastern New Orleans and the quality of life and the hope that the Corps and the general when you make that consideration you look at the facts, you look at the facts, you look at the facts, you take all of the emotion away, take all of the politics away and make the
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 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
any kind of impact there. You are not standing to get mosquitos at all for any substantial period of time. The evidence is there that will be taken care of. The question is of trust, and we don't trust anyone at all, we will never, ever move forward.

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

MS. MCARTHUR:
My name is McArthur. I have a couple of questions. One thing is the Corps is saying they are responsible for their sites that they purchased. Okay. You are saying that the contractor sites have to get federal, state and local permits and guidelines on their sites. Did y'all invite anybody from the local, state or the federal departments that is of these permits to come to this meeting to let us know what goes on with these contractor sites?
MS. ALLEN:

No. We did not invite anybody with the contractor, that would permit the contractor. No.

Nobody is here this evening.

MS. MCARTHUR:

Can I suggest y'all do it for now on.

MS. ALLEN:

Absolutely.

MR. OWEN:

Let me tell you one thing. We have a mailing list of over seven thousand. A lot of people you are talking about are on that list so, yes, they are invited to this. It's their choice. They know about these meetings. They can make the choice to come or not.

MS. MCARTHUR:

With that I wanted to know, too, the gentleman said that he is obviously going through the process already to get his site approved, so forth, except for the other area around it. He is saying he is going to give $25 million for insurance purposes or
liability purposes. Was that one of the requirements from the state or federal?

AUDIENCE MEMBER: (No microphone)
Homeowners requirement. It was the property owners requirement. The board chose to do it.

MS. MCARTHUR:
So the state, federal nobody requires you hold liability for that location?

AUDIENCE MEMBER: (No microphone)
I don't know what they require. We have to do it on our own because the property owners (inaudible) --

MS. MCARTHUR:
Anywhere in the permit --

AUDIENCE MEMBER:
I don't know. I can't answer that.

MS. ALLEN:

Ma'am, we can try and get you
an answer to that question. I don’t think anyone here has it, but if you would make sure one of us has your contact info we can follow up with you.

MS. MCArTHUR:

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

MS. HOLLEY:

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

AUDIENCE MEMBER:
You said that.

MS. HOLLEY:

We have to be careful of the words we choose. Phase 2 is under investigation. Until Colonel Lee receives all of the comments --

AUDIENCE MEMBER:
The dark blue section.

MS. HOLLEY:
is under investigation until the public review is done, is closed and the commander receives all of the comments and reviews it and then he decides if he is going to sign the IER or not. Then if he signs it, the site, the second phase will be approved. At this point the second phase is not approved.

AUDIENCE MEMBER:
I am not even talking about the second phase. Talking about any -- phase one even. You know --

MS. HOLLEY:
You were talking to Mr. Pate about Eastover.

AUDIENCE MEMBER:
I didn't say Eastover. I said any contractor site.

MS. HOLLEY:
Just want to clarify that point for Eastover.
when they broke y'all are exempt from those liabilities. Are y'all exempt from these liabilities.

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

        COLONEL SINKLER:
        You know the same liability situation. If the federal government constructs anything there are -- it's a very similar situation is what most of you are aware of in regards to liability with levees so anything -- anything that is constructed by the federal government is handled very similar to the way the levees were handled in New Orleans.

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

        COLONEL SINKLER:
        No, we are not totally exempt from liability. And what I can do if you are interested is I can have our legal staff put together a brief and just email it out and
let everybody take a look at it.
Can you hear me okay back there.
I will be happy to do that but I
am not going to speak for our
legal staff at all.

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

COLONEL SINKLER:
No one's here tonight.

MS. MCARTHUR:
I'm requesting that at all

meetings that you have somebody
from the legal staff, try to
request that somebody from the
federal government, I mean, I
know you said you invite them but
this pertains to them, too, and
we can't get all of the answers
that the public wants to know
because they are not here and
this -- you know, the things that
they are allowing, the federal,
state, local, whoever it is for
all of these different contractor
sites, if they are responsible
for giving the permits, whatever
else, the people need to know and
they should have someone here. I
know you said you invite them.
what can the public do to insist
that they get here for the
meeting.

MS. ALLEN:
we can do a better job to
make sure we have the staff. I
urge you to follow up. If you
get invited to meetings I urge
you to follow up with your local
officials and urge them to be
here.

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

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

MR. KOPEC:
Properties that were
purchased by the Corps if we use
this contractor furnish material
was based on the estimate of market value based on an appraisal. The system negotiations with the property owner, all that information is contained in the public deed which is recorded in the local courthouse. In that deed you will find maps showing what was required. One thing when you buy land for a borrow pit, let's say you buy one hundred acres, that one hundred acres will not be dug out completely. You probably have certain areas that will be set aside for temporary easements, for access working the dirt, stockpiling storage, so kind of misleading when you look at what is different in the deed, add up those total acres and divide. Some are temporary and will expire in three, five, maybe ten years. All of that information is contained in the deed which is recorded, true purchase price in that deed along with plats, deed description, information who the owner was,
MS. MCARTHUR:
Are you saying that the total
might be because of how deep they
dig up or based on what they
purchase.

MR. KOPEC:
Government furnish pit is
valued based on estimate -- just
like when you buy a house, you
get an appraisal, right.

MS. MCARTHUR:
So if you have a total I can
divide that by the amount of
acres y'all purchase and that's
what I would get per acre?

MR. KOPEC:
You have to look at the
allocation of the acres you
acquire. Maybe in that deed
there might be one hundred acres
which says perpetual borrow
easement or fee. If we buy in
fee the property transfers to the
government. We might buy it as a

perpetual levee easement. Okay.
We might also buy four or five or

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

MS. ALLEN:
That's all a matter of the
public record. It's contained
within the deed at the
courthouse. Ma'am, we need to
move on to some other folks. If
you want to wait, we can get the
rest of your questions
afterwards. Yes, ma'am.

MS. HAROLD:
My name is Cheryl Harold. I
live in New Orleans East and I am
a sitting here listening to all
of this. Most of the people in
here is educated. Most of the
people in here want to sit here
would -- how do y'all think we
should be believing what y'all
saying now. We have been
fighting trying to get levees back here since Betsy. I was in high school. So, I mean, why should we sit here, because of the levees we wouldn't be in this situation that we in right now. So we guarantee that y'all giving us that y'all going to do right or do right by us or do what y'all supposed to since 1965. Because if it wouldn't have been did in the first place the money that y'all got to do it that got missing or got lost or got whatever -- everybody is educated. I don't believe y'all sitting here listening to these people feeding this to y'all and we have been having this problem since 1965. I was in 12th grade. I don't understand this. I don't understand none of y'all. What made y'all think we can trust the Corps of Engineers in 2009. That's all I got to say.

MR. WALSH:

My name is Bill Walsh. I want to mention that -- I mean, she said it all. I mean, the Army
Corps does not have a good track record here and I think if you --
I hate to use the politicians quote, but Ronald Reagan, trust but verify, and I think the issue we have here good, a example, you said you are not familiar with Eastover. Who is responsible for the cleaning of the drainage ditches in New Orleans East after Katrina? What was that an Army Corps project?

MS. ALLEN:

No. That was not work completed by the Army Corps of Engineers after Hurricane Katrina.

MR. WALSH:

All of that debris from the drainage canals was dumped in New Orleans East and I am a New Orleans East resident and am tired of being dumped on. The trash and debris that is out of those drainage canals all over New Orleans East was dumped in that same area along I-10 Service Road and along the end of Bullard and Chef Highway. So we...
constantly get dumped on and I
think that's why people are
upset.

MS. CLARKSON:
I'm Jackie Clarkson and I was
privileged to speak to you at the
beginning as your Councilwoman At
Large, and I would just like to
say for the record as your
Councilwoman At Large I am not
only legitimate in being here,

I'm not here as a westbanker.
I'm here as your Councilwoman At
Large. I'm not only eligible to
be here, you should demand that
I'm here, okay. And I'm supposed
to be here learning your issues
and hearing from sides and asking
-- asking on your behalf the
why's, okay. I have plenty more
why's, but I think y'all had
enough for tonight. But for the
record, the westbank golf courses
that I have represented and still
do, Lakewood and English Turn,
one that was severely damaged and
one that was partially damaged in
Katrina have not had any
government money to restore them.
IER 29 BORROW MEETING.txt

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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want that on the record. Where
there has possibly been state
money has been at the TP golf
course in Westwego. That is not
Orleans Parish and I want to put
that on the record because I take
all of this very seriously. I'm
not out here because my westbank
golf courses are okay and I don't
care about your golf course.
This has nothing to do with the
golf course. This has to do with
what is happening to this New
Orleans East community, what is
the environmental impact, what is
the -- who has all of the facts,
who can we guaran -- who is going
to guarantee what and how do I
best represent all of you and I
try to do that very thoroughly
and very methodically as I have
done as a councilwoman and state
legislature for 20 years and as a professional realtor and business woman for 40 years, so if that's wrong, I don't think it is, I take my licks, okay. But that's why I'm here and I stand very justified in doing it. And, lastly, I would also like to say to you that there is a lot of hope going on out here. Don't give up over one issue. Fight the good fight for whatever you believe in and stand tall for your community. We have a hospital coming out here. The city's playing a big role there. We have Joe Brown Park coming back. The city is playing a big role, and yesterday I chaired a meeting that shows that you are getting one of the five design built libraries, and in my opinion, yours will be the greatest state of the art, best of the five and it will be complete by we hope at this point it is on line to be complete by May or June of next year, so
plenty is coming, trust us, and
cfight your good fight, and I will
be back and I will ask why.
Thank you.

MS. ALLEN:
Thank you. Go hey, ma'am.

MS. MORGAN:
My name is Gilda Morgan. I
live at 5951 Eastover Drive and I
just want to let the Corps know
that I do not want a borrow pit
built in my neighborhood just for
the record. No. 2, $25 million
that Mr. Pate is putting up for
Eastover for damages only
represents about 50 houses in
Eastover and it represents 50
cheap houses and I am one of the
cheap houses. My house is under
five hundred thousand, so I
consider me the little house on
the hill sitting next to the big
houses on the hill. Mr.
Blackwell said he was number
seven in Eastover. Well, I want
to let you know I was the last
one in Eastover before the storm,
so I'm building, twice, too. But I do not want structural damage to my house because I want to live in a safe community and I do not, for the record, for everybody to know I don't care anything about a golf club. I don't care anything about the golf course. Anybody that know me already knows this. As far as I'm concerned they can flatten the golf course and put houses up on it. That's my opinion. There's always a second choice on what to do. Any businessman, any businessman that only has one outlet is a poor businessman. Any rat that only has one hole is a poor rat. That's a poorest group of rat if you only have one hole because you got to have two. You got to have a backup plan. And evidently these people don't have a backup plan, but what I do want to know is what happened to the dirt that is staged from this hole, No. 1, who is going to remove the dirt that is left over there. If we sitting back
IER 29 BORROW MEETING.txt

waiting on Mr. Pate to move it
and all other things that he got
and I don't want to get into his
business finances like he don't
want to get mine, but he is
already in debt. He can't afford
to do anything for us. This
money is going to pay for the
debt that he is probably already
in and he is going to leave us
dry and high.

AUDIENCE MEMBER:
My question is, and I'm glad
our council person is still here.
I quoted an ordinance of -- a
city ordinance stating that any
excavation that happens needed to
be backfilled and I want to know
from the Corps if there is a city
ordinance that says it has to be
backfilled with solid material,
how can Eastover build a lake.
Thank you.

MS. HOLLEY:
All right. Corps of
Engineers, at this point we're
not authorized to backfill any of
our pits so the governed
furnished site that are going to
be excavated they will not be
backfilled unless there is a
project need. In case of
contractor furnish site, that
site will be excavated by the
construction contractor, we
talked about it. He has got to
get it coordinated with the
landowner and then the excavated
site is inherited by the
landowner and the excavated site
is inherited by the landowner,
the landowner and construction
contractor they have to comply
with all of the local ordinance.

Whatever is in the ordinance in
Orleans Parish they have to
comply with. The construction
contractor in our contract says
he has to comply with all of the
local permits. Whatever is on the
paper he has to comply with it.

MS. DUPLESSIS:
Okay. We have a city
ordinance that says they must
backfill so that means they can't
build a lake.

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

MS. DUPLESSIS:

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.

MS. HOLLEY:

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.

MS. DUPLESSIS:

Stockpile. Exactly. So the
question is we don't have a plan for a lake that he can't build because we have an ordinance. We don't have a plan for financing the removal or remediation of the mounds of dirt that will just stay there. I mean, think about this, guys. Y'all got to really think about this. Visualize what our community is going to look like and our hope that the contractor will do the right thing and our hope that the contractor will take some of that $25 million that they are going to get from the profits of this borrow pit purchase, dirt purchase and they are going to remove at some point in life all of the stockpiles of dirt. Think about the other thing. We got a lot of undeveloped land along Bullard and Chef and Read and they got to stay within a certain vicinity. You got a lot of those landowners who are not getting revenue right now, so what a wonderful way to get revenue now
is to lease their land that is
along Bullard, that is
undeveloped or along Read that's
undeveloped for those trucks to
stage, and for those trucks to
dump their dirt like what's
happening in the Plaza right now.
You see the dirt dump. So think
about when we say this is going
to impact all of the East, you
got a lot of people -- landowners
who are not getting revenue right
now. What a wonderful way for
the next two years to get some
revenue from the Corps or
whomever else because those
tucks, be it ten thousand
tucks, 20 thousand trucks will
have to be staged somewhere in
the East. Those trucks and the
dirt that they dig or excavate,
whatever they do it, will have to
be staged somewhere. Whose
responsibility will it be. These
are all of the questions that we
have not gotten answers to and
that's why we ask the Corps
pause. Give -- ask the
contractor to come back. I got a three inch thick, and y'all got half of this, of questions that have never been answered. Use your intellect folk, we got plenty of it. Where is the dirt going to go. Where are the trucks going to be staged. Who is going to remove it.

MS. HOLLEY:

Make a comment to that. We have stated upfront there will be impacts of traffic. There will be trucks on the road regardless of what borrow method is used, regardless of where the site is. We are putting down the system to reduce risk. There will be construction. There will be impact to traffic. There will be impact, there will be noise. There will be deterioration of roads. That is a part of construction regardless of what borrow site is used, regardless of what method is used and we have stuck to that. What we're trying to do is as the lady earlier mentioned, which I have
mentioned before, in order to minimize that impact we identify in case of government furnish, which we have in case of those green sites, we try to idea sites in a close vicinity of our levee alignment. Making sure there's less haul distance, less deterioration to roads, less traffic. That's what we do as part of minimizing impact. Now in case of Eastover, they have contact us. They want to participate. It just happens that their site is also in a close vicinity. We don't know if it's going to be used or not that. Depends on the construction contractor and the landowner.

MS. HEISSER:
My name is Joan Heisser, and I'm a resident of Eastern New Orleans for over 32 years. I love our community. I love all of my neighbors and I love the people in Eastover. I have friends on both sides pro and con. I hate to see the division of the community for one thing.
But we all have the same common
goal and the same concern, the
environmental impact that this is
going to have on our community.
And I don't know if that's been
addressed properly. Has an
Environmental Impact Study been
done by the committee from
Eastover for the pros and the
cons? And we need to know that,
and if it is, it needs to be made
publicly so that we can address
the issue to see whether or not
there is a negative impact. And

another issue that I would like
to have addressed, since the City
of New Orleans has not been a
part of this, Ms. Clarkson, you
are here, I would like to know do
they need a permit to build this
lake as far as for the City of
New Orleans? What is the
permitting process? What is the
public input on that? Also I
would like to know who is going
to pay for the damage of the
roads. You know, for the trucks
that is going to come in and out
of the subdivision an on to
stretches. Who is going to pay for that? Is money in place to restore that? You know, that's what I need to know.

MR. OWEN: (No microphone)

In regards to the environmental use, you asked if the local homeowners association has --

MS. HEISSER:

Well, the homeowners association is sort of split so --

MR. OWEN:

I can't tell you if they done any environmental --

MS. HEISSER:

I think Mr. Pate can address that whether or not he has done an environmental impact, you know, on his behalf, and I think that Senator Duplessis, I don't know if she has done an environmental impact.

MS. DUPLESSIS: (No microphone)

we have got the closest thing where we got a certified letter from the engineer who stamped it
to give an opinion.

MS. HEISSER:
Is that an Environmental Impact Study?

MS. DUPLESSIS:
It has some information on the environmental stuff on there also.

MR. OWEN: (No microphone)
The federal government and the IER is the environmental impact for the federal government and we're -- that's one thing we're here tonight is to tell you what you have seen in IER 29, what environmental impact we see. As far as anybody else, we don't know.

MS. HEISSER:
You said that it's minimal damage. What does that mean, minimal?

MR. OWEN:
We are saying long term we do not see any adverse impact to New Orleans East.

MS. HEISSER:
Can you put that in writing to us.
MR. OWEN:

It is in writing. That's exactly what it says in the IER.

MS. HEISSER:

That it's not going to negatively impact and subside the land in the community. See because we have a community out here and I just want to say this, ladies and gentlemen, because I'm a realtor and I'm very concerned about property values and quality of life in the community. We have a subdivision called Village de l'Est in New Orleans East. If you go in that community you can see the foundations of the properties. The houses are not cracking or falling apart, but the land subsides all of the time, and every year those people who live in that community have to backfill their land and, you know, I mean, it's quite expensive. The streets are sinking, so we want to be assured that that's not going to happen.
in the rest of New Orleans East. We have no problem with lakes because we love lakes. I live on one. I lived on one for over 30 years and it's great living. New Orleans East is great living; however, we do have a problem if this lake that's being dug is going to cause subsidence to the neighboring properties of Eastover and the community, and that's the main concern. We could care less if Mr. Pate is making 25 or 50 or 100 million dollars as long as he puts back into the community what he says he is going to do. And Eastover is one of the premier subdivisions. My husband used to belong to the golf course. Now he has to go all of the way uptown to Audubon Park to play. He was one of the big supporters of Eastover. I sold property to some people who bought purposely because of the golf course. We want to see the golf course and the clubhouse come back. But we
And I think together as a community I don't want to see Eastover split or New Orleans East split. We're only strong when we're unified so I just hope that we can all come together on this issue.

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

MS. HEISSER:
When words you use like if or -- those are escape words.

MR. OWEN:
We use that because we don't issue the permit.

MS. HEISSER:
Well, the City of New Orleans will have to issue a permit I assume and some criteria will have to be set in place, and I
guess we would have to go to our city council people and find and the permitting department to find out what that might be. What about the environmental study, Mr. Pate, do you have it.

MR. PATE:
We did two environmental studies as part of our submission with the Corps.

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

MS. HEISSER:
Can you put it on the website.

MS. ALLEN:
Yes, ma'am. All OF our --

MS. HEISSER:
We can review it and see what that --

MS. ALLEN:
All of our IER's are available at nolaenvironmental.gov. You want to look at IER 19 and IER 29.
IER 29 is what we are currently under public review. IER 19 has
already been approved. I want to correct one thing you said. We're very involved with the city, with the state, with the levee board, with the Sewerage and Water Board. We meet with them constantly. Our project managers meet with them constantly. We briefed the city council last week. We brief the mayor on a monthly basis on the system overall. I am saying from a systemwide, all of our projects, including all of our borrow projects, we are hand in hand with our federal, state and local partners, so I just want to make sure that you understand that. We are communicating with our partners on all issues. First I do want to recognize Representative Badon is here. I hope I pronounced your name correctly. Badon. Thank you, sir. Turn the mic to this gentleman right here who has been waiting for a very long time.

AUDIENCE MEMBER:

Very brief. I want to
reference slide 19. I have a
direct question. You list the
areas there one being of St.
Tammany and St. John. My question
is what type of areas are these,
are they similar to all type
environment or --

MR. OWEN:
The Tammany Holdings is the
residential area being developed.

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

AUDIENCE MEMBER:
It's not currently developed?

MR. OWEN:
It is partially. They are
digging lakes and ponds and
putting homes around it. Willow
Bend is St. John County and right
now is rural area. There are some
homes not directly adjacent to it
but not that far away. Thousand,
two thousand feet.

AUDIENCE MEMBER:
One other quick thing.

MR. OWEN:
as you see, I mean, every one of those names on there represents a pit that's either been investigated and approved or being investigated right now. the three circles are the three sites we are looking at right now.

audience member: the question is there seems to be some concern has this ever been done before of this magnitude and this type of residential area and so forth, and looking at your slide, I'm trying to get clarification.

mr. owen: there are borrow pits around that are near residential areas.

ms. holley: (no microphone)

it shows the map of all of the parishes; jefferson, orleans, st. bernard, plaquemines, you will see all of the government sites. we have about 50 sites, about half and half, and they all have obviously their own circumstances you have some vicinity --
AUDIENCE MEMBER:

So some of these are in development and not currently in place according to what you are saying.

MR. OWEN: (No microphone)

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

AUDIENCE MEMBER:

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

MR. OWEN:
Right. What we're doing instead of EIS, we have implemented an alternative arrangement. It is an authorized way of doing EIS type thing. IER is an EIS.

AUDIENCE MEMBER:
Okay. It's the same thing.

MR. OWEN:
Same level of detail.

AUDIENCE MEMBER:
So you are not required.

MR. OWEN:
That's correct. We have an alternative arrangement, which is you do either EA, environmental assessments; you do Environmental Impact Statements. In this case you are also allowed to do an alternative arrangement. This emergency we did an alternative arrangement.

AUDIENCE MEMBER:
My final comment, I have a question. How much is the borrow pit project worth in dollars? How
much money are we talking about?

MS. HOLLEY:

As far as government furnish --

AUDIENCE MEMBER:

Eastover. Contractor furnished.

MS. HOLLEY:

We have paid a variety of costs as far as contractor furnished. It varies and a lot factors are involved. Main thing is that haul distance and the availability. So we have, as far as the contract that we have awarded through contract furnish process, we have paid a variety of range, and also basically get one line item which says compacted fill, which includes material, excavation, transportation, placement and compaction. That's what we get.

So is the -- cost of the Corps has gotten so far the process is is the combination of that cost. we have -- and we have paid a range, a big range. Depending on what -- where the site was, the
size of it. Fair market value. Just like when you buy a house.

AUDIENCE MEMBER:

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

MS. HOLLEY:

I couldn't make that estimation mainly because, as we said, the compensation method is strictly between the construction contractor and the landowner and it can happen in any method. It can happen per acreage, cubic yard. It's whatever they decide.

Now, what we did we did a line item from construction contracted and we look to see if that's reasonable and if the total cost for that living range is within that acceptable range is yes or no. But that -- what you ask me is something we are not going to know until the contract is awarded and the construction contract is -- that's going to
vary and depends on what they work out.

MS. ALLEN:
Joe, do you have --

MR. KOPEC:
The compensation for a contractor pit is the result of negotiations between the contractor and the landowner. On the government furnish pit it's the same as if you wanted to buy a piece of property. You will go out and get an appraisal. The appraisal tell you what the property is worth. That's how we handle acquisition for the government pits. But these contractor pits is whatever negotiations of the result between the two parties involved. we're not a part of those negotiations.

AUDIENCE MEMBER:
The reason I'm saying that is in the Environmental site assessment, which is not an Environmental Impact Study, I think sometimes that's confused, we have not seen an Environmental
Impact Study which I think the young lady had asked previously, I think Ms. Heisser asked about environmental impact. In your environmental site assessment study Eastover was considered as units, I believe was the term in that document, valued at $96,000. So that's a gross erroneous value for what was called a unit as oppose to a residential home.

MR. OWEN:
The IER is equivalent to an Environmental Impact Statement. The value you are seeing in there is based on block grant size. That's set by another agency. We just reported what the average value of home was in the block grant.

AUDIENCE MEMBER:
Well, that in no way reflects Eastover. 96,000 may not reflect the average home in East New Orleans.

MR. OWEN:
There is a statement in here and I don't remember the exact page that tells you the value of
the homes goes from the low three, four hundreds to eight hundred.

AUDIENCE MEMBER:

No. Well, in the

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

MR. OWEN:

That's the block grant.

AUDIENCE MEMBER:

I understand. But, again, I don't believe that's accurate in defining in any way, shape or form the value of even an average home in anywhere in Eastern New Orleans, so that's a gross misrepresentation as far as we're concerned. That's one of the things that I would like to say. Also, I mean, I know that compliance and transparency should always be a part of any type of project especially when the Corps is involved and you have got your regulations. I would like to understand how does the city ordinance come into play
when the proposed filling is with a lake and it's not with a solid soil as referenced in city ordinance section 66-249.

MR. OWEN:
As you heard tonight, the landowner will have to get all local, state permits.

AUDIENCE MEMBER:
City as well. Okay. So this is a true on the books city ordinance which says by right of this ordinance that a lake cannot happen.

MR. OWEN:
That's an issue between the landowner and the city.

AUDIENCE MEMBER:
I understand. But the Corps is involved.

MR. OWEN:
No.

AUDIENCE MEMBER:
You are involved as far as being able to excavate the levee.

MR. OWEN:
No. We're not involved in 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 between the city and the landowner when he moves forward to get his permits to excavate.

AUDIENCE MEMBER:
Another thing, too. I don't believe that there's been any structural study done as a part of any environment. If you want to call the site assessment an Environmental Impact Study. It only speaks to the wildlife, the birds and snakes and that kind of thing but nothing about people, and it does not speak to any potential damage to the structure of the homes that are in that nearby proximity and I think that is a major issue.

MR. OWEN:

The IER -- the environmental process looks at the impacts to the human environment. People are part of that human environment. The bugs and bunnies are, too. The report clearly talks about that. It talks about socioeconomics. It is in there and it says very clearly if the pit is designed appropriately we do not envision there will be any structural problems.

AUDIENCE MEMBER:

Not envision but you still
have not given us any guarantees. And of course I think someone mention in this process -- and how long is the excavation process from how long, two years, three years, minimum.

MR. OWEN:
If he gets a contract, how long that contract is.

AUDIENCE MEMBER:
Again, I think the people have to understand here tonight that you are not talking about whether we want a beautiful lake or all of these things corrected or not. The process is a lengthy one, and in the interim period a lot can happen. Another storm can come through, contractors can go bankrupt. People can disappear who are in the interim process, haulers can certainly disappear. There are no assurances of the protection of the people and I think the Corps can do all of what it proposes in these levees after a tremendous disaster should be very much concerned more so not in just
your government furnished sites
but in the contracted furnished
sites on the welfare of the
people that these things impact.

MR. OWEN:
we have --

AUDIENCE MEMBER:
Whether or not you say it's
mandated that you have to look at
structure or any of those things,
you are only looking at the
quality of the clay. The quality
of the clay may not be in the
best interest for -- in this
instance for the residents of
Eastern New Orleans.

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

AUDIENCE MEMBER:
I think in closing, too, with
the structural engineers report,
Mr. Julian, I think Mr. Copeland
refers to him as a good friend.
Well, regardless of being a good friend, he is a professional and he did supply a report that was accepted in the court of law by a judge that said he gave credence to the fact that there is potential risk, so much so that we did receive that judgment as what you have in your report, so please bear that in mind that whether it's a friend or anyone or not or whether or not they consider it a true report, he is a professional and his report stood in the court of law and he did say there is risk. Thank you.

MR. OWEN:

We are aware of that.

MS. MCARTHUR:

My name is McArthur again. I have a couple of questions. All of the levees that y'all still have to fill up and make higher do they have canals running all alongside of most of them, waterways.

MR. OWEN:

Adjacent.

MS. MCARTHUR:
To the levees.

MR. OWEN:

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

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
there are multitude of methods.

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

MS. MCARTHUR:
And I had asked y'all before about asking representatives the federal and state. Did y'all just send little cards like y'all sent to the public or did you send a letter requesting that someone represent their departments to answer the questions on the board with y'all for the public.

MR. OWEN:
They get the card.

MS. MCARTHUR:
Can y'all please send them a letter requesting instead of
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sending a card.

MR. OWEN:

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

MS. MCARTHRU:

The representatives that are
here for the different areas, can
you all request it for the people,
all of the departments, too?

MS. DUPLESSIS:

Absolutely. Absolutely. I
will make sure. I will make sure
that I convene a meeting. I will
ask our local because this is a
local issue. I will ask -- I
know that I already had
conversations with Councilman

Ernie --

MS. MCARTHRU:

I don't mean just the
council. I am talking about the
permits department. The Homeland
Security, whatever it is with the city that makes the decisions for this. You know, whoever the permit, whoever the contractors have to go to for all of that.

MS. DUPLESSIS:
That's a great idea and I am going to make sure that I do that.

MS. MCARTHUR:
And request that the Corps get that meeting, too.

MS. ALLEN:
I'm hearing from my Colonel over here that we're going to do a different way of notification for public meetings. We're going to send personal invites and calls and whatever we need to do.

MS. MCARTHUR:

Another thing that I wanted to make a comment. I know the Corps is doing the best they can based on information that they have nowadays. I know every year they doing trial and error and the engineers find out later on that that was wrong, you know, under all of the rules we have...
learned in school and so forth, that's what we do, I guess, but -- and they just people like us, they have the expertise and we relying on them but they are people like us, and they live in this area, too, so, you know, don't put all of the blame on the individuals.

MS. HOLLEY:

I appreciate the kind comments, but I want to clarify. We are not using trial and error. We have engineer requirement and engineer process that we follow. From designer pit, from investigating pit there is no trial and error. We have professional engineer the --

MS. MCARTHUR:

It changes by things that happen.

MS. HOLLEY:

We have professional engineers so it's a process we are using engineering requirement and techniques. No trial and error.
I want to say, too. All of this work that we're doing under the hundred year plan with the city y'all just put out something to congress or y'all change it to call something else. I want to let everyone know and let all of your neighbors know to write a letter to congress even though the time is up to send it to y'all to please insist that congress make the Corps protect the city from the Gulf coming into the lake because if they don't stop the Gulf coming into the lake all of the levees they built everywhere are not protected. If the sea rises like they said and so forth, if the lake gets pushed in with more lake, Gulf water because of the wetlands being destroyed, the levees could fail again. They could be overtopped, and unless we get protection from the Gulf stopping into the lake, it's -- the levees that we have aren't enough.

MS. ALLEN:
You are right. That's the LACPR study. LACPR, Louisiana Coastal Protection --

MS. MCARTHUR:

I suggest everybody write congress because these levees aren't enough, and I'm sure y'all all know that. Unless you write them, congress is not going to do anything about it, I don't think. That's it.

MR. COLLIER:

My name is Wayne Collier. I will be very briefly. I raised my family in Michoud Boulevard, but I'm appearing hearing because I want to make clear to everyone here I represent Tammany Holding Corporation that has the acreage and part of the IER No. 29 and this company -- we're in the business of moving dirt. For the last ten years our company has moved more than 35 cubic yards of material, and if you drive over the twin span and you look to your right as far as you can see, it's called Lakeshore, that's our development. The pit that we
have identified that's on the screen right now I think you can see is and will be developed in an otherwise currently vacant area. We are not proposing, if we were, we probably have a lot of people from St. Tammany Parish here, we are not proposing to build our pit and excavate in an existing residential community. And I'm not making that comment disparagingly about the Eastover site. I'm saying as a matter of fact we have the good fortune as a company that bought three thousand acres and we have a lot of land to be able to avail the Corps of the benefit of our material, and one of the other -- we actually, quite honestly, and we have sought approval for three hundred acres about 27 million cubic yards. If needed, we could expand the pit. All I'm saying is that I wouldn't want the record to be left tonight without it being clear about what Tammany Holdings part of this is, and one of the other factors that I think
was raised tonight by a lot of elected officials and community leaders, the work that is being done to improve our levees to protect the City of New Orleans and New Orleans East is very important. We have a distinct advantage over some other providers of clay material. If you look at where it's going, we're on the water. We can barge material to some of these sites. It may or may not be practical. We have to have the people to do the work, agree with this, but, quite honestly, we're very excited about having our pits approved so that the Corps can get down to the business that it's so wants to do because we work very well with the people in the Corps. It's just an arduous process, and at the end of the day we all want these levees to be constructed and we all want to be safe and do our part.
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MR. HAMILTON:

Greg Hamilton. 5600 Bundy Road. Just point of clarification. I believe you said the levee projects in New Orleans East require about ten million cubic yards of fill. Are you going to limit the extraction from all of the borrow pits in New Orleans East to that ten million cubic yards?

MR. OWEN:

If it's improved government furnish it could go anywhere in the system. If it's approved contractor furnish that contractor could take it anywhere in the system. It could go outside of New Orleans East if that's what you are asking.

MR. HAMILTON:

You possibly could extract just as much as you can get from New Orleans East well beyond the ten million cubic yards?

MR. OWEN:

There could be -- there is a potential the material would be dug in New Orleans east and moved
out of this area.

MR. HAMILTON:
Thank you. Thank you.

MR. DEMI (ph):

My name is Lucien Demi (ph). As this young lady said, they have borrow pits in Plaquemines Parish. I'm born and raised all of my life in Plaquemines Parish. When you talk about borrow pits in Plaquemines Parish has no -- I mean, has nothing to do concern with New Orleans East. Plaquemines Parish, a levee here and a levee there, and, I mean, the levees are right there close -- you are on the highway and see a boat lift. You look to the right and see one levee and you look to the left and see another levee. The people after the hurricane, the people they claim they weren't going back because they said they weren't going to let the people live back there. So the people, some of the people have money, went back there and bought up the land. When I say bought, these people had deep
pockets. They bought up the land for a cheap price. Two years later that land, the land that they use to borrow pits in Plaquemines Parish, the people that own it now is making millions and millions of dollars and it was done because they bought the land cheap from the owners who have been owning it for 50, 60, 100 hundred years within the family. I own property down there myself. But they bought it real cheap and the reason why they bought it they knew they were educated, a lot people I know were not. They bought this land for one purpose to make big dollars. They dug these borrow pits, sold it to the Corps of Engineers for big millions and millions of dollars and what it's about, the dollar. Believe me. I know it because I got property down there but they wouldn't buy mine because mine is too small, but they are making money by selling the mud to the Corps and -- but when you talk
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about Plaquemines Parish nothing like here. It don't have a subdivision in Plaquemines Parish with $200,000 house. They might not have a house in Plaquemines Parish worth $200,000, so you are not talking anything when you talk about Plaquemines Parish concern about New Orleans East. Together. Two different things.

AUDIENCE MEMBER:

My question is about the size

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

MR. OWEN:

The original --

MS. HOLLEY:

What is approved on the IER No. 19, the approved area environmentally is 36.6 acres. That was the dark blue or what is yellow now. The remaining is 113.

AUDIENCE MEMBER:

The yellow is approved, right?
MS. HOLLEY:

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 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.
MR. OWEN:

The yellow area was approved almost a year ago is 36 acres.
what we're looking at tonight is

an additional 113 acres.

MS. DUPLESSIS:

One last thing question about the St. Bernard that y'all need to understand and Plaquemines Parish. Right now St. Bernard and Plaquemines Parish are suing the Corps. There is a lawsuit right now because of the shrinkage and the damage that has happened in those two parishes. I don't know if you remember about seven months ago Billy Nungesser and Craig Tafaro came to speak to us and the retired corporal or general or somebody, Starkle with the Corps, who was a retired general with the Corps came to us and said you do not want this in your community. You do not want this in your backyard. We are suing today. I think it was St. Bernard Parish where the borrow pits were out far beyond where residents live but now because of
those borrow pits those houses
that are existing are now
shifting towards the borrow pits.
So now the city -- the parish
both parish are having to come up
with dollars to sue the Corps or
somebody to help with those
homeowners and the damages that
those communities are now seeing,
so I want y'all understand what
is occurring right now. We had
two people who were unsolicited
who came out, two very credible
people who are experienced in
what we are going to experience
if this happens that told us you
don't want it.

MR. OWEN:
I would like to correct one
thing. We're not aware of any
lawsuit that you are talking
about.

MS. DUPLESSIS:
Yeah. St. Bernard.

MR. OWEN:

We are not aware of any suit.

MS. CLARKSON:
I would like to make one last statement that Ms. -- I would like to make one last statement in reference to Ms. Heisser said earlier about the city, the Corps, yes, does come and report to us every time we ask, they have been very good with that. We have not had a formal report to the city council on this issue since I'm back as Council At Large, and that's almost two years. So I wouldn't have -- so I have to say when they say they come and report to us, not on every issue for every neighborhood and everything. That would be full time at our council meetings if they did, so I'm not criticizing them for that. I am just telling you that we have not had a formal presentation on this at the city council and I had a lot of unanswered questions, that's why I'm here tonight. I was thrilled to be invited. I have never been told I should come or that it was any responsibility to be here.
And so if you all feel that you want other elected officials to show up here, city, state and federal then you get, you know, you make sure you demand that of the Corps invites them, but also as far as the permitting and what is happening, what will have to happen, there is an ordinance, that is real. It's on the books, and as far as the permitting process or any other further information for the city, the normal process for this has been the lead has always been the district council person, not just for out here, in every part of the city. As the Councilmen At Large I defer to the district council person to always take this lead. However, if you want to come to my -- I'm not going to step in and take your district council person's lead here any more than I do anywhere in the city. However, my office is totally available to anybody that chooses to come and get your information. Thank you.
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 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
in the East for more than 50 years. I also have my business here. I have been servicing the East as an attorney for almost 40 years. Having said that giving you my background I would like the Corps to know that my AOL address is still jgoldberglawfirm@aol.com because I never received answers to the questions that I asked at the last go round. Now, with my legal training maybe this is my really concern. We are talking about the onuses on the landowner and the contractor to do what is right. We all know that the Corps has an immunity from suit. I don't believe the landowner and the contractor would have an immunity from suit, but I don't see anything in IER 29, and like Dr. Blackwell, I have read this from front page to back page and all of the attachments and indexes and so forth. I know every word it says. Having said that, I don't see anything which requires the contractor and
landowner to put any bonds up or to do anything to protect us if they should in fact do something that causes us damage. But more in particular since we are here about the IER 29, let me read to you from page 98 and then you will know what my comments is because I'm not sure everybody in here has read it and I'm not implying that anybody has not done their homework. All I'm implying is I did mine, and this is what it says. The proposed Eastover Phase 2 borrow area could be designed to not directly or indirectly damage nearby structures. Encourage borrow site sidewall erosion are increased flood risk. However, and that's a big word like "if" and "but," however, the landowner and the contractor, not the CEMVN, and CEMVN you can read that as Corps, are responsible for borrow site design. If, here is that word, if the borrow area is not designed by the landowner and his contractor in such a
fashion, here it comes, folks, it could potentially cause damage to neighboring homes. Now, let me tell you, the Corps is telling us that there is a possibility for damage to our home if the landowner and the contractor don't properly design this. It doesn't talk about damage to Eastover homes, it could be homes anywhere in the East the way I'm reading this. Folks, please, for God sakes if you are going to come here and be active get this material and read it because the Corps has condemned this project themselves right here on page 98, for those of you -- for those of you who remember the original meeting at Eastover when this first came out, everybody with the exception of yours truly, either voted in favor of this project, or stood there and sat there like cigar store Indians. The only one who said no was yours truly. And I said it loud and clear, and the reason I was
worried was I didn't have any
information to tell me at that
time what impact would have on my
home. I am not going to tell you
the value of my home because I
don't know where Eril Williams
is. But I got to tell you like
everybody else, my home is an
investment and a major investment
for me. More than that it's a
quality of life for me, and I
have been out here a long time, I
have seen a lot of things council
person Clarkson and Senator
Duplessis come and go, come and
go through this East. I was here
before NASA was here, so I can
tell you now I was here through
Betsy. I know what happened to
us in Betsy, I know what areas
flooded, I know what areas didn't
flood. That is how -- because
our councilman Kelly caught the
areas that were ponding, he broke
the levees and flooded other

areas to -- and so forth and so
on. But I know the history of
this area politically and I know what went on in Betsy and I can tell you this is not going to be nothing nice as we say vernacular out of the mouths of the Corps.

MS. ALLEN:
I'm going to let this young lady make one more comment and we are going to wrap it up for the evening. We'll be here afterwards for questions. After she speaks, I'm going to ask Colonel Sinkler to come up and make any closing remarks.

AUDIENCE MEMBER:
Did I hear you, Jackie, say "if" and "however" are big words. Let's face it, if you don't put pilings under your house your house is going to shift. There is "if" with consequences, so I'm just saying --

MS. GOLDBERG:

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

AUDIENCE MEMBER:
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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 a hang around up here. If there are any questions that you guys have for us we'll be happy to answer. Thank you 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.)
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
no way interested in the outcome of this event.

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RACHEL Y. TORRES, CCR, RPR
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.

MS. ALLEN:
Good evening. Thank you for attending this evening's meeting on Individual Environmental Report. That is IER 29, and also our New Orleans Risk Reduction Project. I am Nancy Allen. I'm the Chief of Public Affairs for the Hurricane Protection Office.

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

If you have your Blackberry's or cell phones with you please set them to vibrate or turn them off. Also please note that we have emergency exits in the back of
the room, anything should happen
please exit in an orderly
fashion. I do want to tell
everybody that we do have a court
reporter here. It's very
important that if you want to
make a comment or question that
you do so from the mic so that
she can properly record
everything that takes place
tonight.

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

We are also going to update
you on some of our current and
upcoming work in New Orleans
East. Work on the levees, flood
walls, floodgates and structures
that are going to provide the one
hundred year risk reduction to
this area of the city. Tonight
we're going to have with us
Colonel Robert Sinkler, who is the Commander of the Hurricane Protection Office, and Jason Cade, who is the senior project manager for levees and flood walls in New Orleans East. Later on I'm going to introduce some of our other team members. We do have some elected officials and staff with us tonight. We have State Senator Duplessis. Did I say that correctly? Hue Truong from Congressman Gow's (ph) office, if I am saying that right, and Devona Doliole from Congressman Arnie Fielkow's office. We thank you for being with us this evening. Are there any other elected officials or staff representatives that I missed?

I'm going to ask that you let us go through our entire presentation, it's very short, before asking questions. We do have a number of project managers here to answer your questions and we will do that after the presentation. You will have
approximately three to five minutes to make your presentations or comments, and, again, I just can't stress enough please hold them and make them for the microphone in on orderly fashion so we can get everything on the record. We really want your input. We want to hear what you have to say. We want to answer your questions. We only ask that we all respect each other and allow us to hear all of you. So I'm going to turn other to Colonel Sinkler for some brief remarks.

COLONEL SINKLER:
I'm not going to say too much just because we have a lot of people here and I want to make sure we get to everyone. First of all, how many of you are from the New Orleans East area? Okay. How many are you not? Where are you guys from. St. Tammany. Northshore. Okay. Anybody else? Okay. Great. I just want to get a feel for the audience and kind of gather our presentation for
the folks that are sitting out
there.

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

We're trying to get a lot of
stuff done by 2011, and the Corps
of Engineers really has not
constructed a project in its
history this size in a short of
time, so we do appreciate
everybody's support and we really
prepare the great turn out
tonight because we make better
decisions with your input, and
this is really, as all of you
know, a project that we're
constructing is -- is really for
all of us and for everyone that
works, lives behind the hurricane
storm damage risk reduction
system. I did ask -- I know some
of the fliers went out earlier --
early on and we're going to focus
heavily on borrow, and that is
the primary purpose of this
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presentation tonight, but I did
want to throw a few slides
upfront and just kind of give you
an update on what is going on

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

MS. ALLEN:

We would like to begin our
presentation with this slide that
we call buying down risk. And
this is really just illustrating
how everybody shares the
responsibility in reducing risk.
It is hurricane season, we all
have our evacuation plans.
Please have your plans ready,
have your family ready if that
should occur and heed evacuation
orders. There is always risk,
but there are things that
everybody can do to reduce that
risk.

This gives you an overview of
what we call the hurricane and
storm damage risk reduction
system. It's a very long title.
You will hear it referred to as
the system or the HSDRRS. It features flood walls, levees, surge barriers, pump stations, floodgates, all of the things that work together to reduce risk as a system. It is being designed and constructed for the one hundred year risk reduction. What that means is that we are reducing risk from a storm surge that has a one percent chance of occurring in any given year, so those are some terms that you will hear tonight. And while we're here, we're here to listen to you. We're here to hear your comments and concerns and to answer your questions. We are guided by something called the National Environmental Policy Act, NEPA, which requires us to do these meetings, but we want to be here, we want to hear what you have to say and we're very interested in hearing that so we can make more informed decisions. With that, I'm going to turn
it over to Jason Cade. Jason is our project manager to give you some updates on the construction that will be happening in your area.

MR. CADE:

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

AUDIENCE MEMBER:

We can't hear you.

MR. CADE:

I am sorry. The first project that we have is our LPV 108 project. Basically what LPV stands for is Lake Ponchartrain vicinity. So we basically identify all of our projects by project number. This LPV 108 project is from Paris Road to South Point is currently one of our projects that are under construction. And what we're doing is we are raising the existing levee that is out there
to roughly 18 feet. It's been under construction for the last eight months or so, and we're about 90, 95 percent complete with the project currently.

The next project that I have is the LPV 113 project. This is a project that is being done for NASA, and what we're doing is we're raising the existing levee that they have out there that is along the Michoud Canal. Its current elevation is roughly 16 feet and we are raising it up to about 19.5 feet. We're adding breakwater and stuff of that nature. And that's been awarded to Purnell Construction and they are actually a locally owned and operated small business here in New Orleans or New Orleans area.

Next slide. All right. One of the more impressive projects that we have underway is our IHNC surge barrier project. This project was basically authorized in 2006. It's one of the largest design built projects that the Corps has ever undertaken and we
basically have crews that are working around the clock to have this done by 2011. Basically it's got a lot of impressive features that are taking place and it's definitely a massive project that is underway.

All right. Basically what this map shows is the projects that we have which range from LPV 105, 106, 107, 108, 109, 110, 111 all around the East, and what we identify here are some of our upcoming contracts like LPV 105 contract, LPV 106, 107, 109 and 110, and also the projects that we have that are currently under construction, which is our LPV 108 project and our 113 project, and we have a contract method that is called ECI, which is our 111 project and I will talk a little more later about some of the benefits of using ECI as an approach and how it gives us innovative designs and helps us move the project faster.

All right. One of the projects -- another project that
we have is LPV 105 project. This is at Lakefront. And basically we're doing a couple of different things for this project. One of the things we're doing is we are adding gates at Downman Road and Jordan Boulevard, and we're also building T-walls, existing that is out there. We're going to do offset T-walls and we are taking it up to a rough elevation of 15.5 feet, and we're also doing levee -- basically from where the 105 sign is over is going to be basically just levee project and we're going to have that at roughly 13 feet.

Our next project is LPV 106, and this is our citrus levee, and what we're doing is raising the existing levee that is out there from roughly 11.8 feet up to 13 feet, and we're doing things like we're installing positive cutoff flow valves and things of that nature, and one thing that I would like to point out with this one as well as our previous project is around the December,
January timeframe we expect to be under construction and you will actually see that with a lot of these projects come December, January timeframe they will all be under construction.

All right. Our next project is LPV 107 and this is our Lincoln Beach levee and gate project. Basically what we have there is an existing gate system and what we're going to do is we are going to replace the existing gate with a new -- new gate that is going to be at a higher elevation, and we expect to have that elevation -- it's going to be about 15.5 feet, but the same as the rest of the contracts, around January 2010 we expect to have this project under construction.

Next project we have is our LPV 109.02A project. This is from basically South Point to CSX Railroad, and it runs from this top point all of the way up here all of the way down, and so what -- we have a couple of different
actions that we're doing. The 109.02A project is raising the levee from -- raising the northern portion of the current levee from elevation 13 to 22 feet is what it is now. We're taking it all of the way up to roughly 15 to 28 feet. We're -- same thing, we expect to be under construction with this one by March, but we are also using some innovative approaches that we expect to get us under construction a lot sooner such as early sand placement and things of that nature. So though we're saying we won't be in construction until March, we will actually have construction activities underway here and in actually about less than a month here, I believe, at this point.

Next slide. All right. Our 109 -- LPV 109.02 project, this is our I-10 crossing. This is basically by the Bayou Sauvage, and this is I-10. What we're doing is -- there's actually an
existing ramp. Probably pretty hard to see with the eye when you are driving over there, but right now it's currently at 13.5 feet elevation, and what we're going to do is we are going to raise that elevation to roughly 16.5 feet, and when we raise it, we'll tie into the existing 109.02A levee, and same thing, we expect to be under construction with this project roughly by February 2010.

Okay. Next project we have is our LPV 109.03C project. This is along Highway 11 and Highway 90. Basically there are existing gates that we have out there. You know, through a lot of design analysis and so forth we determine that we want to raise the elevation of these gates that are out there. What we're going to do is we are going to have the existing gates in place, we're going to make all gates and have the existing gates remain in place.
place until the new gates that we're installing are put in place and are tied into the new propose -- the alignment that we're going to have for the LPV 109.02A project.

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

we want to raise the elevation of the gate that is there from the existing 20 feet to 30 feet, so we're going up basically over 20 feet for this gate. And we expect this contract to be
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 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
ways, cost effective ways and ways to most importantly reduce the construction duration to have this protection in place as soon as possible, and this one has actually been awarded and it's underway right now as we speak.

All right. Our LPV 111.02, this is Pump Station 15. This is also part of our ECI contract. So the same premise. We expect to have a far better, more informed design. We expect to reduce the construction duration. What's out there now is an existing T-wall. We are -- the T-wall is roughly 24 foot elevation and we're going to raise that T-wall to roughly 30, 30.5 foot elevation.

All right. Borrow. Borrow is basically clay material and what we do is through intense analysis and research, we determine the best places to get our borrow from. Borrow is basically what the levees are made out of, just a clay material that we build our levees systems...
out of. We have investigated over four hundred million cubic yards worth of material areas to see what borrow material meets our stringent requirements. Through that process we have identified about 74 million cubic yards that will meet our testing requirements that will be incorporated into our levee system. Currently the Corps, we're looking for approximately 62 million more cubic yards of clay material. Now, quick note, all of this material won't be used in the New Orleans East area. This material will be used throughout our system, you know, and that runs from St. Bernard to New Orleans East, New Orleans metro, so the material can be used in a wide variety of places.

All right. Individual Environmental Report No. 29, IER is titled: Contractor Furnish borrow Material No. 4, and we're investigating environmentally what sites that we're clearing and that's basically our Eastover
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
closes August 20, 2009. And I
just want to reiterate again as
Nancy said, the whole premise
behind the meeting here is to get
public input. We really want you
guys to provide us your input,
your comments, and if there's
things that we can't answer for
you this evening, we will
definitely and I will definitely
get back with you on anything
that we can't answer.
Sources of borrow. We have
three type of borrow. We have
our government furnish, which is
the material is tested and
acquired by the government. We
have our contractor furnished,
which is the material is tested
by the landowner, he is
responsible for the testing of
the material. He basically
acquisition method is between the contractor and the landowner, which basically that means that the contractor buys the land, the pit from the landowner. The third method we have is a supply contract, which is pretty similar to the contractor furnished. It's the material tested by the landowner, submitted -- submit documentation for the Corps to review. We make sure that it meets our stringent requirements and then the acquisition process, once again, that's between the -- that's between the landowner and the Corps.

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

Okay. On this slide this
shows some of the government furnished pits, some of the supply pits and contractor furnished pits. Basically the two government pits that we have are Cummings North and Maynard, and we have actually been using some of the material from these pits on some of our levees, for example, our LPV 106 and our LPV 108 project.

MS. ALLEN:

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

Not going to read through these. We have copies of the presentation and I think we will
get more copies of the presentation. It will be online tomorrow. The presentation will be online tomorrow.

All right. Ways that you can give us your public input. Regular public meetings, make sure you sign in if you didn't sign in coming in, please do that when you leave. Comments can be submitted all of the time at nolaenvironmental.gov and then there's information about how to submit comments on IER public review. We have two websites that you might want to check out. One is, as I mentioned, nolaenvironmental.gov. The other is our Corps of Engineers website, www.mvn.usace.army.mil. All right. We're going to move to our question and answer period. I know a number of you have come to previous meetings so what we thought we would do is kick it off with some questions that we hear frequently. We're going to go ahead and bring some of our folks up to answer these,
and then we'll continue with your questions and comments. We have the facility until 9 p.m. so we're going to keep the floor open and keep working with you. We do have our team available also afterwards. You were handed a questionnaire when you walked in. If you will please fill out that and leave it for us, that will be great. We -- if you -- we want to answer your questions. If you still have a question or a concern when we leave here, please find one of us that I'm about to introduce and ask us. As I mentioned, we will take questions and comments from the microphones. Again, we have someone here recording. It's very important that you line up at the microphones when we ask you to. We wait -- you wait until you are called upon and acknowledged and then we will turn the floor over to you. So, again, please state your name when you make a comment, use the microphone. We ask you to limit
it to three to five minutes
because we do have a lot of folks
here tonight and we want to hear
from you. Please respect each
other's time and we look forward
to hearing what you have to say.

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

We have from our borrow team,
Tutashinda Salaam and Soheila
Holley. We have from the real
estate team, Joe Kopec and Deana
Walker. Some of our geotechnical
engineers, Richard Pinner and Ken
Tulia (ph). And I think that's
it. We have other experts -- and
we have Gib Owen from
Environmental, who is very
important. And I see that we
have been joined by councilwoman
Clarkson. Thank you for being
here. I was going to ask Senator
Duplessis to make a few comments
and councilwoman Clarkson, if you
would like to make some comments
before we get started, you are
welcome to do that. We are going
to run through some questions and
then I will turn it over to
you-all.

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

Yeah.

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

MR. PINNER:

Some of the things -- I am a
gotechnical engineer. When I say
a borrow site it's more than just
a hole on the ground. I look at
a borrow site that is normally
designed by a civil engineer. We
look at the first thing is some
of the factors we look at is
material suitable for levee fill.
That's one of the first things
that we look for. Next thing
that we determine if from our
environment people it has been
cleared to use as a borrow pit.
And the other thing we have to
look for, like I said, just not a
hole in the ground, we look at,
okay, how much borrow material we
need for that site, so this is to
determine how big of a borrow site you need. The other things that you might be looking at is staging areas. You know, contractor need to stage his equipment out. He's going to have to stock pile his material. And also process material. When I say process material, you have to dig material out of the ground and you either process it at the borrow site or bring it to his construction site. You need to dry that material out before we put in our levee fill. And also from a geotechnical standpoint, we had to design that borrow pit. We look at -- we inline the system to make sure we don't have any problems and also we make sure that we don't impact the surrounding structures or roadways, and that's part of our design procedure. We look at global stability. We look at seepage, you know, if you have sand underneath your borrow pit, you make sure you don't hit bottom. That's a government
determined borrow pit. If the contractor determine borrow pit, that contractor needs to go through his own procedures. He needs to meet all of the rules and regulations of the city codes and ordinances. That is his responsibility. And that's, you know, some of the factors that we look at for a borrow site and not just a borrow pit.

MS. ALLEN:
Another question we hear frequently, "how will the stability of homes be impacted by excavated borrow sites?"

MR. PINNER:
One of the things that I looked at here is, you know, for government furnished borrow pit, again, we design that pit. When we design that pit, we make sure we don't impact the surrounding structures. Again, adequately design the pit to make sure -- you look at, you know, what impacts you might have on global
stability and how close are your structures. You are going to have some local impact on the groundwater, and that very local next to that borrow pit you design for that conditions. Again for the contractor borrow pit, he needs to, again, design his own borrow pit. He is responsible for that pit. That is a private pit, it's not owned by the government.

MS. ALLEN:
"Will excavated borrow sites fill with water and where does that water come from?"

MR. PINNER:
Most borrow pits will fill back with water. We have many borrow pits in the New Orleans East, old borrow pits. One of them is Lake Bullard. That is an old borrow pit they used to raise -- you know, build I-10. The water that fills in their borrow pit is the groundwater, is adjacent groundwater. That ground water will seep into that borrow
Also the rain, rainfall in this area also fill in the borrow pits, so over time that borrow pit will fill with water back to the surrounding groundwater in that area. You know, this is -- like I had said, many borrow pits, if you drive around the City of New Orleans you have borrow pits. I think if you go down to Kenilworth you have another lake in that area and also across the interstate along of I-10. Those -- you know, and that definitely will fill with water.

MS. ALLEN:

"Who governs required permits of construction contractors?"

Okay. Our contractors are required to have all applicable local, state, environmental permits, anything that they are required to have they are required to have that and they are required to comply with all local, state and federal laws.

Soheila, I think you are up.

"How does the government" --
I am sorry, that's a real estate question. Joe is going to answer this.

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

MR. KOPEC:

For the government furnish borrow pits, the compensation is based on the estimate of market value is determined by an appraisal. It's very close to a land transaction where the appraisal estimates the market value of the interest acquired. Generally because of the size of the permits it's expressing so much per acre.

MS. ALLEN:

Jason, "will contracts will be awarded to Louisiana businesses?"

MR. CADE:

That's actually a very good question. Simple answer is yes. I like to point out that the Corps of Engineers has a very, very, very robust small business program, and to that end, our
system has a rough cost of about $14 billion, and of that $14 billion system, about 1.4 to 1.9 billion is targeted to small business, and there are several different types of small business. You have service disabled Veteran small business. You have a hub zone business, which is underutilized area. You have 8A business, so, yes, basically, as a matter of fact, we do have several contracts right now. Our LPV 108 is a small business contract. The hauler, the people that drive the trucks are from the area and the companies is from the area.

MS. ALLEN:
Thank you. "And will borrow sites be fenced?"

MR. CADE:
Basically for government, for government pits the borrow sites will be fenced during construction. As far as the contractor control pits, the supply contracts, it's up to the contractor to make sure that he
meets all local, federal, state
guidelines that are required for
him to fulfill.

MS. ALLEN:

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

MS. DUPLESSIS:

Thank you very much, and we
want to thank you for coming out
to Eastern New Orleans tonight to
share with us the plans for
hurricane protection and all of
the wonderful things that you are
doing. You know, tonight you are
going to have a variety of
concerns that will be addressed
to the Corps, a lot of which you
probably will not be able to
answer tonight. I think that I'm
going to speak for me, I have a
lot of concerns, many concerns of
a number of which I have placed
in a letter to the Corps, to the
City Hall, to the Mayor, to
anybody that will listen about
the impact that this particular
project in -- at the Eastover
site will have on the community as a whole, so I'm not going to get on my high horse yet, I'm going to let other folk talk first, but I just want to thank you for coming out, giving us information, and hopefully we can leave the meeting tonight with a clear direction about how we feel, truly feel about this particular project. Thank you.

   MS. CLARKSON:
   Thank you for this opportunity. I'm Jackie Clarkson, your Councilwoman At Large. And I was thrilled to be invited because now that I have the whole city I want to be as diligent in the East as I have been in the west, on the westbank and get to know your issues and I have been trying to follow them very closely, but -- but I have been following the Corps very closely and they know it, and I stay pretty much on their necks, so I'm here to see everything that will be -- I'm here to hear everything that will be discussed
tonight in terms of what they are
doing for you. You are the most

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,
as someone that's done it
professionally, but since Katrina
it's even more critical that we
are careful about what we allow
to happen in neighborhoods and in
order to preserve quality of life
and sustainability, so this is
critically important to me and I
don't understand -- I mean,
everything that they are doing
out here we're watching, the
whole council is watching, and
especially as far as flood
control and hurricane protection,
but the borrow pit is something
that I have yet to understand why
we're doing, and -- I don't know
-- I mean, I don't know if -- and
I don't know if I'm right or
wrong, I will admit right
upfront, but I have no idea why
you go into the most elegant,
lovely subdivisions in the entire
city and start building a hole.
I don't get it. So I really,

truly don't get it, so I'm here
to find out if there is something
that I have been missing. I'm
going to be very honest with you,
I'm known for that, so I'm here to learn, I'm here to hear your opinions, and my door is open to you, my phone is open to you for anything else that, you know, we have neglected to keep up with out here on your behalf. Thank you again for inviting me.

MS. ALLEN:

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

MS. HOLLEY:

Good afternoon. Soheila Holley, senior project manager for the borrow team. In your response, we mention that there are 60 million cubic yards of material needed for the whole system. In New Orleans East there we need about 10 million cubic yard of material. The material is needed to build the system to reduce risk. We have government furnished sites where the landowners, willing
landowners contacted the Corps wanted to participated in the borrow efforts. We did the testing, we got the proof through the NEPA process and we are -- we have acquired them and we're using them. In case of Eastover, which I know that's what you are concerned with, a willing landowner has contacted us through their representative and they want to participate in a viable borrow method which is called contractor furnish, and in this method, the landowner and the reps, they do the same type of geotechnical engineering testing and environmental checklist and they submit that data to the Corps for review. Once that site -- investigation review is complete then we put it in an environmental document for public review, which we have done in this case, IER 29, which includes Eastover Phase 2. Once the commander receives all of the comments and the commander will review and analyze all of the
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1 public comments and he will
2 decide if he wants to -- if it's
3 deemed important for that
4 environmental report to be
5 signed. If that report is signed
6 that site is considered approved.
7 Once it's approved then it goes
8 on a clay source list, which we
9 make it available to the
10 construction contractor. Now,
11 from the beginning we let the
12 landowners -- in case the
13 landowners rep, in case of
14

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
landowners rep and they will work a deal as far as compensation is concerned. So in general let you know why we are using clay material because you need clay material to build a system. Why with have gone through three methods, traditionally the Corps only use government furnish, but keep in mind at one time we need over one hundred million cubic yard of material. Some contracts been awarded through design, some contracts design sections have changed from levees to flood wall and therefore the quantity has dropped. At this time the remaining contracts for the entire system, all of the parishes is about 60 million cubic yard. That's a very fluent number. That number may go up and down as the design reaches -- go through the final process.

In order to build the system we need the levee and therefore we're dealing with a lot of material in a very compressed time period. Our deadline is
June 2011. We understand, we knew from the get-go that in order for the government -- for the Corps to use the government furnished process is a very lengthy, tedious process. We were not going to be able to have enough suitable material on time so we wouldn't delay any contracts, so out of necessity, we're dealing with a compressed time, I mention again. We were compelled to go through three methods to make sure we have adequate material on time so we don't delay the completion date. And contract furnishes a viable method. The landowner, the rep has contact the Corps. We cannot discriminate to a landowner. We cannot reject their packages. If we receive their packages, we review it. If NEPA standard, we put it out for public review and comments on. And if the document is signed then we have to, by our process to be consistent with all of the landowners to put that site on the list.
Now, Eastover is not the only site. You see Cummings up there in light blue, and that site is still -- still review the package and it will go through the same process. This process is not just in New Orleans. We have it in Jefferson Parish. We have it in St. Bernard. We have it in Plaquemines Parish. Those three borrow methods are viable borrow options in all of those parishes that we are working in.

MS. ALLEN:

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

MR. PATE:

My name is Donnie Pate. I am the original developer and
President of the Eastover Country
Club. As usual, Councilwoman Clarkson cuts to the chase. Why
would we want to do this in a beautiful subdivision like
Eastover. I have been here 25 years, Councilwoman Clarkson, and
the hurricane obviously devastated our development,
completely destroyed our golf courses, completely destroyed our
development. We have been working for the last three years
to assist our residents in getting back in the subdivision
and we have about 75 percent of our residents back.
Unfortunately the Country Club and the golf course has no means
to come back other than a project like this that will generate
capital for us. We have looked high and low across the country
at various sources of capital and there are no sources of capital
with which we can rebuild with.
If we don't rebuild the Country Club there, our residents in
Eastover are looking at somewhere
between 75 and one hundred million dollar reduction in property values. We see that every day as people try to buy homes in Eastover that used to sell for six, seven, eight hundred thousand dollars and they are buying for three or four hundred thousand. Our people are taking a serious hit in value. The area in Eastover that we are talking about using and digging this lake, we called it a lake, because our company has been instrumental in building many of the lakes in New Orleans East; Lake Forest Estates, Lake Bullard, and this another opportunity. We would have liked nothing better than to remain a very active 36 hole golf course where we have brought every type of golf event from around the nation to our city, the conventions that come to our city have used our facility, brought traffic and brought business to our community. When we realize that this was our only option for
rebuilding with, we immediately
formed a committee of our
homeowners, we realized that we
couldn't do this in a vacuum. We
had to do this with the Eastover
Property Owners Association. We
put together various committees
to look at this. Our project was
unanimously approved by the
Eastover Board of Directors and
the Eastover membership in
February of '07. We have been
working at this process now for
about two and a half years. We
formed a committee called the
Eastover Reconstruction Committee
that has worked with us and we
have crafted an actual contract
that says the revenue generated
off this lake that we're going to
be constructing doesn't all come
to us, it -- our lender is going
to want to be repaid for their
mortgage, but we have committed
up to $6 million of these
proceeds to go back into our
community to build our golf
course back and make it what it
was before the storm hit and
therefore helping our residents retain their value there. We would like nothing better than to have never had to go through this process, but we're here and this is our only option to get our facility back to where it was before. We have looked from the design standpoint as the gentleman who was talking about a while ago, we have gone through that exact Corps process. We have taken soil borings. All along the canal where our homes will be overlooking this lake will be constructed a three thousand foot long bulkhead where we will drive sheet piles down into the clay base to prevent any kind of seepage and any kind of erosion of our houses over there. The things that we're going to do around this lake is going to actually add another recreational type facility for our development. We are going to put a two and a half mile jogging trail around this. We're going to dedicate two and a half acres
of land around the lake to the homeowners association for a park. I have been here 25 years and every year I would ask why do we not have a park for our children to play in. Everybody wants a park but nobody wants it next to their house. This is going to give us a great opportunity to address that need that we have and get that completed. So would we like to have never to have do this, yes, we would have. But we are where we are and we have got to move forward. If there were any other options out there -- when all of the government programs were put in place to help homeowners and individuals, it was fantastic, and that's why at 75 or 80 percent of our residents are back in their homes, but when the national legislation was crafted to help businesses down here, for whatever reason, they specifically excluded golf courses from being able to tap into that kind of -- two
businesses, golf courses and casinos were specifically excluded from being able to source those capital sources there and use it to rebuild, so we are forced to look for our own sources and this is the best and most viable option we have.

Thank you very much.

MS. ALLEN:
Thank you, sir. Ma'am.

MS. BELL:
My name is Cynthia Bell and I'm a resident --

AUDIENCE MEMBER:
Can't hear you. The mic is not on.

MS. BELL:
My name is Cynthia Bell. I am a resident of Evangeline Oaks in New Orleans East and while I appreciate what Eastover has said, it is no longer an Eastover problem, it is now a New Orleans East problem and we are not here to speak for the residents of Eastover, we are here to speak for the residents of New Orleans East amass. Do you realize that
where you are proposing this pit which in the vernacular is a
hole. Where you are proposing this is where we have been
attempting for two and a half years to get Six Flags
redeveloped. We have someone who is willing to step in and
redevelop that, make it a multi-million project. Okay.
What is that going to do to that?
Excuse me. Excuse me. Excuse me.
(AUDIENCE INTERRUPTION).
MS. BELL:
Am I not asking the questions? I thought I had the mic.
MS. ALLEN:
Yes, ma'am. You absolutely do.
MS. BELL:
My question is is that going to impact the site of the Six
Flags? That was my question. Is what you are proposing going to impact the site of Six Flags.
Will the site of the Eastover borrow pit impact Six Flags.

MR. SALAAM:
The area that is being proposed is not -- it's not --

AUDIENCE MEMBERS:
Can't hear you.

MR. SALAAM:
The area that is being proposed is not the area that -- the Six Flags. The area that is being proposed is inside the Eastover community.

MS. BELL:
Evidently Eastover has a dollar value to it, that's why we have the applause, but those of us in New Orleans East needs to make sure that our system is not going to be impacted also economically. We're trying to get the Plaza back. We're trying to get Joe Brown Park back for everyone not just the residents of Eastover. We're trying to get Joe Brown Park back for everybody in New Orleans East not just for Eastover. What I heard was
Eastover only. I want to know what the impact to this New Orleans East community is going to be not just Eastover.

MS. HOLLEY:
     As I mention before, this is important for you guys to remember. We are not -- the Corps is not proposing this site to be excavated to be used. All we are saying this site has got suitable material in it and if the commander signs the document this site will be approved if the construction contractor would like to use it in coordination with the landowner. We are not -- the Corps is not saying that site will be used. That site may never be used. Keep in mind the first phase, the 36.6 acres has been approved through NEPA process since October 2007. To date, the Corps is not aware of that site being excavated used for any Corps projects. We have numerous contractors on this site throughout the parishes all of the way to Mississippi that have...
been approved for a long time and none of them have been used. Keep in mind the Corps is not saying that site will be excavated. We told the landowners and the landowners rep this from the get-go that the Corps does not guarantee. This is a business decision you are going to make for this effort. You are going to spend time and effort and money investigating that site. All we can do is allow you to participate in this viable option we made available to the community. Keep in mind this is only a courtesy list that we make available to our construction contractors to speed up the process. A construction contractor may never go to that site, but then again it may. I cannot say strong or lower or medium. Potentially this site, if approved, for example, the dark blue, that is phase one, which I mentioned, that was approved October 2007. That site was approved to be used has been
on our clay source since October 2007. To date we're not aware of anybody excavating that site for any Corps project. The second phase, the 113 acres -- excuse me. The 113 acres if approved through the IER process will be placed on a clay source and available to the construction contractor but we will never know if a construction contractor will go to it or not. Basically I'm going to repeat myself. We could not and will not discriminate against a landowner who wants to participate in this process.

MS. ALLEN:
Ma'am, I think your question was will the borrow pit have an impact on Six Flags. Did you get an answer to your question?

MS. BELL:
My question, will the borrow pit have an impact on New Orleans East as a whole, not just Eastover.

MR. OWEN:
Good evening. My name is Gib Owen. I am the environmental
team leader for this. There will be impacts to New Orleans East temporary. Initially during the construction, you will see a lot of truck traffic. You are going to see dirt on the roads. We have construction requirements that that will be cleaned. You are going to see road damage.

Working with the local governments to work through how that's going to be taken care of. There will be noise. There will be vibration. There are going to be a lot temporary impacts. We do not foresee any long term impacts to New Orleans East.

MS. BELL: (No microphone used)

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

MR. OWEN:
There is no vote. This is a federal decision being made.

Ms. Bell: (No microphone)

You said you had meetings.

Mr. Owen:

We had numerous public meetings and everybody was invited to come to those public meetings. There is no vote. This is an open decision. We're taking people’s comments. Based on those comments, based on the technical engineering and environmental impacts, a decision will be made.

Ms. Bell: (No microphone)

So the people of New Orleans East, other than Eastover, say we don't want this borrow pit in our area, we don't want this truck traffic in our area, we have no say in it at all, that's what you are telling me?

Mr. Owen:

We are listening to your comments. This is a balancing act. We have to build this system. There is going to be impact, there is going to be
truck traffic. It has to come
from somewhere. It has to come
from some borrow. If not this
one, another one, but we are
listening to the people.

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

AUDIENCE MEMBER:
My question has been and is
what's going to happen to the
under groundwater. If it's all
going -- how low is our
groundwater? If it's all going to
filling up these pits that you
are digging, you are going to
need a levee ten times that much
because we are going to be down
that much far. Our lands are
subsiding now. The more you dry
it out the further down we
subside it. I need to know how
much of our groundwater is going
to be placed in these pits?

MR. PINNER:
The groundwater in the general area will not be impacted. It would be the local groundwater in the vicinity of that borrow pit will be impacted temporarily. You know, groundwater through rainfall -- every time it rains, and also got Lake Ponchartrain, you know, more or less putting, you know, restoring our groundwater. The only reason why our groundwater is down at minus four or minus five is because we pump our groundwater down. They turn those pump stations off that groundwater will rise above our ground surface in this area. So we get -- the groundwater is refurbished between rainfall, Lake Ponchartrain, GIWW, all of the waterways in this area, so in -- generally we're not impacting groundwater. Like I said, temporary impact around that borrow pit.

AUDIENCE MEMBER:
So I don't need to worry about my lots continuing to
subside five miles away?

MR. PINNER:

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.

AUDIENCE MEMBER:

I'm taking you at your word.

MS. ALLEN:

Sir.

MR. WALSH:

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 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.

MR. SALAAM:

It's Maynard, sir.
MR. WALSH:

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 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.
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 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:
As Mr. Pinner mentioned in case of the furnish when we have control over it, for example, Cummings and Maynard, the Corps of Engineers will provide that pit to the construction contractor. Therefore Mr. Pinner's team will design it properly, make sure there are no impact, make sure it's sloped properly and make sure there's no failure within the pit or around. It in case of contractor furnish site that, as Mr. Pinner mentioned, that is the responsibility of the contractors. And that's why is called contractor furnish, and the construction contractor has to comply with all of the local, state permits and ordinance. He is liable for and he has to make sure that he follows the procedures.

MS. ALLEN:
Yes, sir.

MR. HENRY:
My name is Troy Henry and I share the reconstruction Eastover
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property owners reconstruction
committee as it relates to this.
I think we need to do a little
bit of history lesson and

understand this was a very, very
irritative process that the
residents participated in as far
as going forward on what do we do
with the reconstruction of our
community. We all knew it was
devastated. We all knew that we
wanted to move into a golf course
community and we also knew that
we didn't have the funds
necessary and able to build the
golf course back to where it
needed to be on its own as well
as to basically revitalize the
properties as a whole. So a team
of residents came together to
work with the developer to come
up with the scenario where we
could still live in the golf
course community at the same
point in time have our community
revitalized, and the alternative
that we came up with was to have
something that we thought would
enhance the community like a
recreational lake, so this lake would give us the ability, as Donnie has already talked about, with the jogging track and some of the other things around it, but if you look at the photo and this is the standard that we are going to hold the contractors and other developers to as residents. In addition to that we're also going to have the Country Club that is now back open again and restored, in addition to that, a new Country Club. So I think that our alternative is to kind of continue to have Eastover looked the way it looks today, and that was the desire of the community. The community said, look, we want our community back to the prominence that it was before to preserve our property values and the way to do that without having us to now jack up our association fees to some ridiculous amount was to be able to do it in a way where we can enhance the
community while at the same point
in time accomplishing the goals
and objectives of our property
values. I think we did that. We
negotiated with the developer.
We negotiated with the property
owners association to make sure
that we held their feet to the
fire and then we are going to
implement a contract as a result
of that to make sure that
everybody lives up to the
obligations that we have laid out
for them. So I think we have
tried to do what is in the best
interest of every resident, every
resident's property values or our
alternative, in my opinion is is
we let the community look the way
it looks now and none of us are
enjoying the benefits associated
with that, and that is decrease
property values and decrease

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

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back 30 different golf courses throughout the community this year as a result of this economy, so it's not like there's a bunch of people lined up to buy properties for golf courses today. It's a tough economy and Donny's talked a little bit about that. I'm not singing anybody's tune but I want my property back to how it can be best restored, and I see this as a viable alternative. I see it as a viable -- what I have seen is the only alternative, and I think it's been well done, well thought out, and I think we need to thoroughly consider it. Not only consider it, but let's execute it. We are not going to please everybody. I know there's some people that violently disagree. I got neighbors and friends of mine that disagree with my perspective on it and many of ours -- the majority perspective, but at the same point in time we have to do something four years later, right, and right now what we have
done is nothing and right now
this gives us hope and an
opportunity to restore our
property values. That's why I'm
supporting it. I don't have a
question for y'all. I'm making a
comment. Thank you.
    MS. ALLEN:
    Thank you.
    MS. TOLLIVER:
    My name is Kathy Tolliver. I
am a resident of Eastover
subdivision and also a realtor
who makes my livelihood in New
Orleans East. First of all, I
would like to say that I'm
thankful that the Army Corps is
finally moving forward at full
speed ahead to improve our levee
protection in eastern New
Orleans. We realize this is
systematic process and has taken
time, however, we need to improve
flood protection and heighten
fortified strength of levee
sooner rather than later. I think
that it's prudent that the Army
Corps utilize or at least utilize
some borrow material from the
nearby vicinity, borrow sites at Eastover, etc., to reduce the impact on transportation and shipping material to East New Orleans, levee locations to be rebuilt. That is a sustainable practice that reduces pollution, air and noise and traffic and reduces the transportation cost rather than just shipping massive amounts of materials in when suitable clay may be available at closer sites to our levees. It's my understanding that creating a large lake adjacent to the subdivision will act as a retention pond that can potentially assist in flood control in the area and that that lake will be connected to the drainage canals that the Sewerage and Water Board can pump water out of the area, so if you have someone like to comment on that, we have been told that it can actually be a positive thing for flood control in the area as opposed to negative. It's also our understanding that the
developer is building a bulkhead
that will be built next to the
adjacent properties to the lake
and they are going to have about
a $25 million liability policy
put in place just to cover any
potential damage of structure to

nearby properties. Can you
provide any input on necessary
engineering controls that should
be put in place to ensure that
there is minimal impact upon
water table and potential
subsidence in the vicinity
especially to nearby properties.
As a realtor and as a homeowner
I'm interested in my property
value and my neighbors and my
community's property values
increasing and not decreasing.
we have been in a down market.
The values have been down since
Katrina, I think most people have
dealt with the property matter
realize that whether they are
trying to refinance, get an
appraisal or whatever on their
properties, so we are trying to
do something to improve or
property values because we realize being on a golf course, near a golf course is much more valuable than being on an abandoned piece of property that has overgrown weeds and coyotes running all over. We are very interested in our community at large, not just Eastover, and there is a concept in real estate called appreciation, not depreciation where if you live nearby a community that has higher property values it tends to increase your property value, so our goal is to improve the property values and to retain and make Eastover better than it ever was before. That's our goal is to make it not just as good as it was but better than it's ever been, so if anyone can comment about any potential, you know, input on engineering controls because we are going to have a lake after that borrow pit. It's not going to be a hole left in the ground. They are developing
a lake to beautify our community,
and I realize New Orleans was
built upon several lakes. I mean
Lake Bullard, Lake Carmel, Lake
Forest, so, I mean, New Orleans
East is full of lots of lakes and
that's one of the unique features
of our community. However, we
want to be comfortable that our
surrounding neighbors and
residents property are safe and
secure because they are concerned
and we are concerned as well.

MS. HOLLEY:
Yes. Yes. As I mention in
case of governed furnish like
Cummings and Maynard, okay --

AUDIENCE MEMBERS:
We can hear you.

MS. HOLLEY: (No microphone)
As we mentioned in case of
government furnish and Mr. Pinner
our geotechnical chief mentioned
as well, we make sure we design
-- we make sure we design that

pit from engineering point of
view, look at the sand layers, we
look at making sure we design properly, we scope it properly. Make sure there is no failure within the pit. Make sure no impacts outside. In case of contractor, Mr. Cade mentioned, he proposed some ideas what we are going to do, that's the conversation is to take place with the landowner representative. As we mention, our construction contractor has to comply, even though he doesn't have the design to us in case of contractor furnish, we cannot dictate a private landowner how to utilize his land. Now, he or she, the construction contractor has to comply with all of the permits and all of the requirements required by the local, state entities. He has got to design it properly. He has to get all of the impacts make sure there are no impacts because he will be liable. The landowner will be liable. That will take place between the construction contract and
landowner, the design of that area. That is something that the Corps cannot dictate to a private landowner how to do with private land. The same way we cannot dictate to a landowner when you put a pool in. That is not something that we don't have any rights to that land, we don't own the land; therefore we can get anything on liability. We can -- in case of government furnish when we provide the site to the construction contractor used, we take that responsibility and we'll look at it. In case of contractor furnish, the name comes from contractor furnish. The construction contractor is bringing that borrow to the site, so he or she is responsible to make sure he is complying with all of the permits from environmental and engineering point of view. I think Mr. Pate mentioned that they have ideas and they already looked into it. They are going to design it properly and propose action for
MS. WALL:

My name is Tangee Wall. Resident of Eastover and I'm also here for twofold purpose to speak also as a board member for the East New Orleans Neighborhood Advisory Commission. There are many people here tonight that don't live in Eastover. I would like to see by a show of hands those who do not live in Eastover. Okay. Quite a substantial number of people who have concern that goes beyond Eastover. Now, I live in Eastover and I have heard the proponents for this whole thing speak only about the good of Eastover and I'm a resident and I love my community. I have come back twice, okay. I have invested twice in my home, so of course I care about it, but I care more about the greater good of this community and that's why I fight every day for the community. Ms. Bell when she spoke may have misunderstood a
little bit about the Six Flags site being the proposed site, but she was not mistaken about the fact that it does impact the quality of life for all of eastern New Orleans. This is not just about the borrow pit being dug or not, about who is going to make a whole lot of money. That is pretty much what it is about, but it doesn't really matter if our quality of life is totally destroyed by something like this. Now, there were many residents in Eastover and we were divided, that's admittedly so. There were those of us who took this very seriously and we filed a lawsuit. We also hired a structural engineer, and I don't see any structural engineers report that Eastover has provided. If this is a safe project, if it's something so good that is to only propose plan to restore Eastover and we only talking Eastover to restore to the golf course, and God knows I want the golf course, it was great, but not at the
expense and on the backs of the people of Eastern New Orleans as far as quality of life. We have a structural engineering report from Mr. Julian. He was hired and he was a part of instrumental and strategic part of a lawsuit that was filed and the judge ruled on our behalf. I would like to read a little bit of what a true structural engineers report says which are facts. Specific areas of concern and potential risks. The main risk as the excavation proceeds, the excavation will find it necessary to continually dewater the excavation. Keeping the hole as dry as possible to facilitate a workable environment. This may cause a significant reduction in the water table which can have a draw down effect on the groundwater conditions. Removing moisture from the clay soils can result in desiccation of the clays which causes shrinkage. That shrinkage is what causes pavements to settle. This effect
may also cause down drag on foundation piles, which can cause settlement of structures. Time 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,
it can be even greater than it was before but this is not the answer. And I would like for the Corps to really consider the fact that I have asked and I have also submitted the judgment that was rendered on favor of the residents of Eastover, concerned residents, I have asked Mr. Gib Owen to place that in his file and record and I think he is here tonight and received that report from me. You have received it, have you, Mr. Owen.

MR. OWEN:
Yes. It is in the record.

MS. WALL:
It is on the record, and that is the true spoke person for what this is about. So much so that a lawsuit has been filed and the judge thought enough of the report here and it's public information enough to realize that there's so much risk that this is not the alternative. And please do not do not on the backs of the people of this community, not
just Eastover, do something like this so that just the handful of people and cronies and all of their co-conspirators can make a whole lot money on the backs of the residents. Thank you.

MS. ALLEN:

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

MS. GUERIN:

My name is Terrie Guerin. I am a member of Eastover and I am on the Board of Directors for Eastover Association. I wanted to let you know as residents here in Eastover, not just Eastover but Eastern New Orleans period, that when the Board of Directors met on several occasions about this project it wasn't to put money in the pockets of certain people that own the property, it was because we had the property and the soil that was viable for this project. Don't think for a moment that anybody stood in that meeting and said we want to, you
know, grab all we can because we need the money. Yes, we do need the money. Eastern New Orleans needs this project to take place because it will be viable to us as a community. If you look at Lake Bullard that was dug, did any home on the second phase of Eastover develop any foundation cracks and structural damage, no, it did not. No, it did not. It was before but there was a lake that was done after the fact also. After the fact also. But if you talk about pavement damage there was a road that was built, that was a street that was paved, and there was no foundation destruction to that either, and the reason why I come to you with that information is this, there are lakes that have been dug all over Eastern New Orleans, and I realize the fact that a lot of it was built and dug prior to any property being built in that area. But let me tell you something, what other -- the project that is going to be built...
is closer to the facility that is
going to be levee -- that the
dirt is needed to rebuild the
levees. We are the closest
possible location, that is why we
went to a contractual agreement
stating we have the dirt, let's
test our soil to see if the soil
is good soil because we are
closest to the property. And the
two outcome of it is this that we
do need the resources from this
project to rebuild the community.
I'm a homeowner. I'm a homeowner
that is concerned that if that
project does not take place, that
there is no contingency in place
to back up what we need to
rebuild the community, and if
Eastern New Orleans would like to
rebuild in the future, we need to
start somewhere. What is the
plan in place, residents? What
is the plan that you have in
place to make Eastover an Eastern
New Orleans what it used to be
prior to the storm without the
resources from this project.
Thank you.
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 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
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also own property in Eastover and
I get up every morning and I look
across the street at the vacant
gulf course, at the dilapidated
golf course. The dilapidated
community of Eastover. I look at
it every day. I walk outside of
my doors because I live across
the street from this. I own
property over there. And my
comments -- this is a comment
period is no, no, no, no, no to
borrow pits in Eastern New
Orleans. There is a city
ordinance section 66249 which
says, excavation of ponds to be
filled or fenced. Every owner,
occupant or lease lot located in
the residential neighborhood
which is in the past has been or
shall hereafter be used for a
borrow pit for the excavation of
soil or other materials thereby
causing a pond or depression in
which water accumulates and
stands shall cause the same to be
filled with soil or other solid
filling or waste material other
than that described in section
66, and you can go read it yourself. That section 66249.

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

MS. DUPLESSIS:

Hello. Thank you. I'm Senator Ann Duplessis and I am also going to stand up and talk to you about why I am not in favor of having a borrow pit built in that area, dug in that area. First of all we talked a lot about what this new and improved Eastover is going to look like when and if the developers, the contractors get any of the dollars that they said
they are going to get. The first reality, people, is that before Katrina the golf course didn't work. What makes you think as you all said that we're in a down economy that you close 30 golf courses across the city and the state that Country Club golf course that when and if you rebuild another golf course that you can keep the doors open. You can't. Where is your right. The plan, Donnie Pate, that says, I can cash flow this new and improved golf course that you say you are going to build, there is none. So first thing that we need to really understand is that we couldn't cash flow a golf course pre-Katrina in this down economy, what makes you think that we are going to cash flow a golf course after Katrina. The second thing is that we talked about the borrow pits and the holes and the water and all of the environmental potential impact and the structure -- the
potential structural impact that we have not seen any document counter, but let's talk about those holes and let's talk about the water that's going to sit in those holes and the mosquitos and the disease, it ain't going to stay in Eastover, right. Where those mosquitos going to go. Okay. It ain't Eastover, that's the only subdivision around where he talking about building these borrow pits. It's McKendall Estates, okay, so you guys got to think long and hard. This ain't an Eastover thing, this is an Eastern New Orleans thing. I have spent, and I got to tell you I have been given permission by Representative Cedric Richmond, that he is on our side with this because he has done his due diligence also, that we have been traveling -- you have seen -- you looking at their various opportunities for investors to bring quality things to Eastover -- I mean, to the East. We have
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problem. We have been fighting
with a problem that all you got
to do go out in the East and they
got land so you can put
landfills, you can put
gasification stuff, you can put
borrow pits. You can let the
trucks, 50,000 of them roll on
down the highway and we suppose
to sit two or three years and say
after all of that is done we're
going to have a beautiful
community. Donnie Pate said he
is going to give us $6 million.
He going to put $6 million in an
escrow and I going to tell the
rest of y'all and McKendall and
all of the other subdivisions,

this is for Eastover, it ain't
for y'all. It ain't for y'all,
it's Eastover, all right. So
y'all got to build your own golf
course and y'all own clubhouse.
He ain't made no promises to
y'all. You got $6 million to
build a golf course. Where is
the money to build a lake and the
cute little pit stuff that he
talking about and the trees and
Where is that money. And let's go back. I want to take you back just two more minutes. Bear with me. Yes. Two years ago when we were hit with we're closing the golf course because we can't make it work, the neighborhood community went into that little bitty old house in the front and we were outraged and we said, hell, no, you are going to open that golf course. We bought into it. I didn't mean to say hell, sorry. We bought into it and we're paying $1200 a year plus -- 1600. I pay 12. I ain't got no discount. They won't let me get away it. We then said, okay, let's do a plan. I was the original chairman of bringing that group together and we brought that group together and that group -- and this was when we didn't know what we know today. We were told the only way we're going to be able to rebuild and then they brought some old pictures of a clubhouse that they
been having for 20 years and say, this is what our clubhouse going to look like, and said -- we said, well, let's talk about it. We were open. We didn't know what we know today. That was when the project was 36 acres, ten, 15 feet deep. Today the project is 126 acres, 30 feet deep. 30 feet deep. Come on, guys. Do you have a picture of what real a borrow site looks like. I sent one out and it ain't pretty. So the project went -- when we were all in agreement and all singing cumbaya and saying oh, yeah, we are going to get some money and we going to get us a golf course and all of that, the project, that's it. We were saying, okay, that will work, but it evolved out of greed to something totally different. So that's what caused us to pause and say wait a minute, we need to understand this better before we trust Donnie Pate, where is the insurance. The insurance -- it was ten, he raised it to $25
$25 million ain't going to fix the streets in Eastover if and when they begin to buckle and how many of y'all million dollar houses. How many. You got one million. Who else. You got a million. I mean, come on. You have been promised. I mean, come on. $25 million ain't going to do a thing for an insurance policy that's been payable to his company. Who is going to be the beneficiary of that insurance policy. The association -- the association is defunct. There ain't no association. There is no association. And that story going to come out later. So the bottom line is --

AUDIENCE MEMBER:

What have you done up in Baton Rouge besides ask for a pay raise. You ask for a pay raise. What have you done?

(ENTIRE AUDIENCE INTERRUPTS ALL AT THE SAME TIME.)

AUDIENCE MEMBER:

We have nothing out here. What have you done. You have
asked us not to come back.

MS. DUPLESSIS:

Maybe you don't believe I

have not done anything --

(AUDIENCE INTERRUPTS ALL AT THE

SAME TIME).

MS. DUPLESSIS:

The bottom line is -- the

bottom line is this ain't about

my performance tonight. We are

going -- we talk about my

performance. Whether you like it

or not, it ain't about my

performance so don't let these

folk deter the subject and the

object. The bottom line is it

ain't about my performance, it's

about protecting the investment

of the folk in Eastern New

Orleans, protecting our

investment in Eastover, and if we

think we can trust them to do the

right thing I am so sorry, okay.

If you think we can trust them to

do the right thing.

AUDIENCE MEMBER:

You stood in Baton Rouge and
advised us not to come back to New Orleans. You advised everybody not to come back to the city.

(AUDIENCE INTERRUPTION).

MS. ALLEN:
Excuse me. Excuse me. We all have our chances to say something. There are people that have been waiting at the mics for quite a while. I would like to ask that everybody please respect each other. I'm going to turn the mic over to this young lady over here. We're going to continue in an orderly fashion. Please. Everybody gets their chance. Ma'am, three to five minutes. We're going to try to stick to three to five minutes.

MS. DUCREE:
My question is very short. Promise. I'm Corinne Ducree and I have a question. As you know when levees are constructed

natural wetlands will be destroyed. My question is will you mitigate the destroyed wetlands in Orleans Parish or
will you mitigate in other parish
or will you exempt a mitigation.

MS. ALLEN:

Gib Owen is going to speak to mitigation.

MR. OWEN:

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

MS. DUCREE:

Okay. Your mitigation site that you are proposing for that is the U.S. Wildlife and Fisheries site; is that correct?

MR. OWEN:

That is one of them that we are looking at right now. There
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will be multiple. We're actually looking at the Audubon Nature Center and helping them rebuild.

MS. DUCREE:
Do you propose that they will stop from mitigating on that site because it is a refuge?

MR. OWEN:
No. We have been working very closely with them and they are working very well to make it happen.

MS. DUCREE:
May I ask you who'd you contact at Wildlife and Fisheries?

MR. OWEN:
There's two or three. Ken Luxemburg (ph) is the guy at the local refuge here.

MS. DUCREE:
What about the U.S. refuge that you are speaking to. Not the local.

MR. OWEN:
That is the U.S. refuge.

MS. DUCREE:
Yes, I know the U.S. refuge but you are speaking about the
one that's locally here in New Orleans. I'm talking about from headquarters who did you speak to.

MR. OWEN:
We work with Jim Boggs and his folks out of Lafayette, and also had some contact with the regional office in Atlanta.

MS. DUCREE:
Have you been in contact with the City Department of Environmental Affairs about this site also.

MR. OWEN:
Not that I know of. We have worked with the city as far as the Audubon area because that area is owned by the city.

MS. DUCREE:
Okay.

MS. ALLEN:
On August 31st we are going to have a public meeting specifically addressed at mitigation for the entire system, correct, Cheryn? So 6:30 -- 6 to 6:30 will be the open house and presentation at 6:30. It's at
Our headquarters building. Okay. It's 1 to 4 on Monday, August 31st; is that correct, Cheryn? Please look at nolaenvironmental for the latest. Sir.

AUDIENCE MEMBER:

You know, the first thing that I would like to mention is I think that, you know, there's a couple of things that we all agree on, and what we all agree on is that we all like to see New Orleans East revitalized to a state better than it was before Katrina, and the other thing that we all agree on is that we would like all like to see Eastover at a state also better than it was before Katrina. What some of us disagree on are the question that someone was asked was what would happen if you built 120 acre hole 150 feet away from our homes. And so we ask that question. We ask that question for two years. I applaud the Corps of Engineers for all of the effort that they put into studying in what type of play will be best for building a
levee. What I guess the thing
that I question is two things.
One, that the Corps says that
they accept absolutely no
liability whatsoever, it's all on

the contractor and so since we
couldn't get the Corps to answer
that question and since we
couldn't get the contractor to
answer that question we took our
own money and paid a structural
engineer to tell us, hey, you
know what, maybe this thing is a
good thing for our community.
Maybe this thing is a good thing
for our subdivision. But we
wanted to know what happens when
you dig 120 acre hole 150 feet
from your home. We did the
study, we got the response from
the structural engineer. I guess
my question right now is just one
thing, has this -- has the Corps
ever built 100 acre hole right
next to a bunch of homes and
streets, and if they have, where
and what's the result and what's
the outcome. Thank you.

MS. ALLEN:
Richard, do you have any comparison that you could give us or just a little more specifics to provide some more details.

MR. PINNER:

I can't give you specific examples like that, but like I said, with anything else you have to design your pit properly, and one of the impact I said earlier, we do have impact on the local, you know, the groundwater in the vicinity of that borrow pit and that's got to be properly designed. You had to make sure what we call radius of influence, that the size of the hole, the depth of the groundwater you are drawing down you got to see what impact, how far it goes out away from that hole and when you got a very good clay material that impact is less than -- if you have a sandpit, that sandpit goes out farther from that borrow pit. That is what an -- engineering
need to come in and design that
pit properly, and you also need a
gеotechnical engineer, not a
structural engineer to make the
type of determination how far
that impacts.

MS. ALLEN:
Sir.

AUDIENCE MEMBER:
How are you doing? I am an
Eastover resident but this forum
is not about Eastover. It's
about levee protection, am I
correct?

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

AUDIENCE MEMBER:
It's about levee protection
for the entire New Orleans East
area. And the environmental
concerns this gentleman already
talked about, you got up there
with a study that a structure
engineer supposed to put together
a two page letter. He had
concerns but his concerns wasn't
answered and to come out here
and, you know, concerns -- his
cconcerns wasn't answered because
if you read the entire letter
that you sent out to everybody, I
mean, this is worse than what
they doing Obama. You are trying
to scare everybody -- you are
trying to scare everybody. This
is politics. This is between a
certain group of individuals and
the Eastover Board. It doesn't
belong here. It doesn't belong
here. It doesn't belong here.
Let's talk about levee
protection. Let's talk about the
environmental impact. Let's talk
about getting New Orleans East
back together.

MS. ALLEN:
Ma'am.

AUDIENCE MEMBER:
I wanted to commend my
neighbor for his comments also

because it really should not have
gone on the personal level and
needs to be -- it needs to stay
on the effect on the environment,
which has been addressed, and my
question is the background
information that I'm sure is
available publicly that supports
that this study have been done and shows that the local impact is going to be limited and the structurals within the vicinity are also not going to be highly impacted. Is that available on the websites or someplace.

MS. ALLEN:

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

MS. HOLLEY:

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

AUDIENCE MEMBER:

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

MS. HOLLEY: (No microphone)

What the IER contains -- information on the IER shows what
the -- (inaudible) has been improved environmentally. Now, before they excavate that pit they have to -- they have to design it, they have to look at the borings. They have to look at the surroundings before they excavate it. They have to design it. That information is not in the IER because IER is an environmental report. It's not a design, so the engineering data is all about environmental impact. Gib, you want to elaborate on that.

AUDIENCE MEMBER:
Where can it be found publicly? Can you make that information available?

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

AUDIENCE MEMBER:
I'm not asking that. What I am asking is that there is a
model of the pit being dug, there's a local sphere of influence, radius of influence that's been evaluated by scientists and engineers, hydrologists, structural engineers, etc., and there's also a global sphere of influence that has been analyzed. If you look at the hole we can map it out on how that is going to effect Eastover. We just want to know what is the numbers, okay. Now, as far as being an Eastover resident, I think that our representative needs to represent the majority of our constituents, which we voted on. I also would like to say that we all are in the same boat together. We all flooded together. We all took losses together. We all decided to come back together. We have the same risk. We want to see the entire Eastern New Orleans developed. To say that the golf course didn't flourish before Katrina, well, New Orleans East sank before Katrina, too, but we
are trying to make a difference,

and if Eastover doesn't come

back, which is that -- and the

surrounding community surrounding

Eastover, that is the heartbeat.

If we can't make it, the rest of

the East isn't going to make it

either, so it is to our benefit

--

(Audience interrupts)

MS. ALLEN:

Please let her finish her

comment. Please let her finish.

She has the microphone on the

floor.

AUDIENCE MEMBER:

I am not putting a hat on

Eastover. Eastern area -- okay.

It's all in the vote together, we

are all in the East together.

The surrounding neighborhood

surrounding Eastover are all

pretty much the same. My point

being that if we don't develop

something that is bigger and

better than what we had before

then we have nothing. And your

concerns cannot be based on half

truths and innuendos and it is
very much like the death panels

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

MS. ALLEN:
Thank you, Sir.

MR. COPELAND:
For the record, my name is
Sherman Copeland and I am the
Chairman of the Board of Eastover
Property Owners Association. I'm also President of the New Orleans
East Business Association, and I really came here tonight to
listen. I'm trying as best I
could not to get to the mic but
there's some facts that need to
be understood. And the facts
that need to be understood are
the following. Whether or not
the dirt comes out of the
proposed Eastover site you still
going to have trucks. I don't
care where you get the dirt from
you are going to have trucks.
None of those trucks under this
plan is going through anybody's
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subdivision, not Eastover, not McKendall, nobody else's, okay. Jackie when you came in council person you made an observation, you said it shouldn't go on there, why are we doing this. Well, we doing it because unlike --

MS. CLARKSON:
I didn't say shouldn't. I asked why. I didn't say shouldn't anything.

MR. COPELAND:
Let me tell you why we are able to do this because unlike the westbank golf courses, they got public money. Our taxpayers money subsidize them and had a negative impact not from the city, from the state, and negative impact on Eastover. We can't get that. We not a public golf course. Ann asked the question, she said, well, you

couldn't maintain the golf course before Katrina, how you are going to maintain after Katrina, simple math. If we successfully get this we have no debt. If you
don't have any debt on the golf course you don't have a problem. It will more than succeed. Now, as far as my good friend Kerwin (ph) engineers report, let me say this to you, I know Kerwin. I'm a contractor. I work with Kerwin. I know a lot of engineers. What he gave you was his opinion. That's what he gave you. No engineer is going to put his license on the line with the fact the Corps can't answer. Let me tell you how it works and let me tell you what I'm doing as Chairman of the Board. We have found the best and brightest contractor. The Corps, to my knowledge, they didn't build Lake Bullard. That's not what they do. They contract people to do that. We find the best and the brightest contractor, very skillful at building lakes to build that lake and insisted that they put an up $25 million liability, and not for Donnie Pate, for the property owners, okay. And so what I'm trying to
leave you with is that this is
not about Eastover, this is about
the survival of the East because
when we got Rigolee (ph) coming
in here when we were working
together and we were bringing the
East back, you know what he said,
he said, make sure the Corps fix
the levees, make sure the city do
the infrastructure and tell them
get the hell out of the way and
let it takes its course. Now, we
going to get a hospital. We
ought to stop arguing with
everybody about who is right and
who is wrong. You know, I did
politics for 20 years, I'm as
good as anybody. This is not
about politics. This is about
the survival of the economy of
peoples property in Eastern New
Orleans and the quality of life
and the hope that the Corps and
the general when you make that
consideration you look at the
facts, you look at the facts, you
look at the facts, you take all
of the emotion away, take all of
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 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
We are concerned about the entire New Orleans East as well as Eastover. We have got to start somewhere to bring back a whole quality of life in New Orleans East. Thank you.

MS. MCFARLURE:

My name is McFarlure. I have a couple of questions. One thing is the Corps is saying they are responsible for their sites that they purchased. Okay. You are saying that the contractor sites have to get federal, state and local permits and guidelines on their sites. Did y'all invite anybody from the local, state or the federal departments that is of these permits to come to this meeting to let us know what goes on with these contractor sites?
MS. ALLEN:
No. We did not invite anybody with the contractor, that would permit the contractor. No.

Nobody is here this evening.

MS. MCARTHUR:
Can I suggest y'all do it for now on.

MS. ALLEN:
Absolutely.

MR. OWEN:
Let me tell you one thing. We have a mailing list of over seven thousand. A lot of people you are talking about are on that list so, yes, they are invited to this. It's their choice. They know about these meetings. They can make the choice to come or not.

MS. MCARTHUR:
With that I wanted to know, too, the gentleman said that he is obviously going through the process already to get his site approved, so forth, except for the other area around it. He is saying he is going to give $25 million for insurance purposes or
liability purposes. Was that one
of the requirements from the
state or federal?

AUDIENCE MEMBER: (No
microphone)

Homeowners requirement. It
was the property owners
requirement. The board chose to
do it.

MS. MCARTHUR:

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

AUDIENCE MEMBER: (No
microphone)

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

MS. MCARTHUR:

Anywhere in the permit --

AUDIENCE MEMBER:

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

MS. ALLEN:

Ma'am, we can try and get you
an answer to that question. I
don't think anyone here has it,
but if you would make sure one of
us has your contact info we can
follow up with you.

MS. MCARTHUR:

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

MS. HOLLEY:

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

AUDIENCE MEMBER:
You said that.

MS. HOLLEY:

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

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

AUDIENCE MEMBER:
The dark blue section.

MS. HOLLEY:

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is under investigation until the public review is done, is closed and the commander receives all of the comments and reviews it and then he decides if he is going to sign the IER or not. Then if he signs it, the site, the second phase will be approved. At this point the second phase is not approved.

AUDIENCE MEMBER:
I am not even talking about the second phase. Talking about any -- phase one even. You know --

MS. HOLLEY:
You were talking to Mr. Pate about Eastover.

AUDIENCE MEMBER:
I didn't say Eastover. I said any contractor site.

MS. HOLLEY:
Just want to clarify that point for Eastover.

MS. MCARTHUR:
Next question, what liability are y'all holding for yourselves because obviously with the levees...
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when they broke y'all are exempt from those liabilities. Are y'all exempt from these liabilities.

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

COLONEL SINKLER:
You know the same liability situation. If the federal government constructs anything there are -- it's a very similar situation is what most of you are aware of in regards to liability with levees so anything -- anything that is constructed by the federal government is handled very similar to the way the levees were handled in New Orleans.

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

COLONEL SINKLER:
No, we are not totally exempt from liability. And what I can do if you are interested is I can have our legal staff put together a brief and just email it out and
let everybody take a look at it.
Can you hear me okay back there.
I will be happy to do that but I
am not going to speak for our
legal staff at all.

MS. MCArTHUR:
No one from the legal staff
is here.

COLONEL SINKLER:
No one's here tonight.

MS. MCArTHUR:
I'm requesting that at all
meetings that you have somebody
from the legal staff, try to
request that somebody from the
federal government, I mean, I
know you said you invite them but
this pertains to them, too, and
we can't get all of the answers
that the public wants to know
because they are not here and
this -- you know, the things that
they are allowing, the federal,
state, local, whoever it is for
all of these different contractor
sites, if they are responsible
for giving the permits, whatever
else, the people need to know and
they should have someone here. I
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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

get invited to meetings I urge
you to follow up with your local
officials and urge them to be
here.

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

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

MR. KOPEC:
Properties that were
purchased by the Corps if we use
this contractor furnish material
was based on the estimate of market value based on an appraisal. The system negotiations with the property

owner, all that information is contained in the public deed which is recorded in the local courthouse. In that deed you will find maps showing what was required. One thing when you buy land for a borrow pit, let's say you buy one hundred acres, that one hundred acres will not be dug out completely. You probably have certain areas that will be set aside for temporary easements, for access working the dirt, stockpiling storage, so kind of misleading when you look at what is different in the deed, add up those total acres and divide. Some are temporary and will expire in three, five, maybe ten years. All of that information is contained in the deed which is recorded, true purchase price in that deed along with plats, deed description, information who the owner was,
his name, address, etc.

MS. MCARTHUR:

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

MR. KOPEC:

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

MS. MCARTHUR:

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

MR. KOPEC:

You have to look at the allocation of the acres you acquire. Maybe in that deed there might be one hundred acres which says perpetual borrow easement or fee. If we buy in fee the property transfers to the government. We might buy it as a perpetual levee easement. Okay.

We might also buy four or five or
several estates which are
temporary in nature. Those by
nature of being temporary would
be a value less than the overall
fee value of the property, so if
you add everything up and divide
you will get a higher average
price per acre than was actually
paid for the pit itself. See me
after.

MS. ALLEN:
That's all a matter of the
public record. It's contained
within the deed at the
courthouse. Ma'am, we need to
move on to some other folks. If
you want to wait, we can get the
rest of your questions
afterwards. Yes, ma'am.

MS. HAROLD:
My name is Cheryl Harold. I
live in New Orleans East and I am
a sitting here listening to all

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

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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

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

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

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

MS. ALLEN:

No. That was not work completed by the Army Corps of Engineers after Hurricane Katrina.

MR. WALSH:

All of that debris from the drainage canals was dumped in New Orleans East and I am a New Orleans East resident and am tired of being dumped on. The trash and debris that is out of those drainage canals all over New Orleans East was dumped in that same area along I-10 Service Road and along the end of Bullard and Chef Highway. So we
constantly get dumped on and I think that's why people are upset.

MS. CLARKSON:

I'm Jackie Clarkson and I was privileged to speak to you at the beginning as your Councilwoman At Large, and I would just like to say for the record as your Councilwoman At Large I am not only legitimate in being here, I'm not here as a westbanker. I'm here as your Councilwoman At Large. I'm not only eligible to be here, you should demand that I'm here, okay. And I'm supposed to be here learning your issues and hearing from sides and asking -- asking on your behalf the why's, okay. I have plenty more why's, but I think y'all had enough for tonight. But for the record, the westbank golf courses that I have represented and still do, Lakewood and English Turn, one that was severely damaged and one that was partially damaged in Katrina have not had any government money to restore them.
Now, we had no flooding but we had the winds, we sit between Plaquemines and St. Bernard. We had some serious wind damage in Algiers, but we have not used any of your taxpayers money city or state for those golf courses. I want that on the record. Where there has possibly been state money has been at the TP golf course in Westwego. That is not Orleans Parish and I want to put that on the record because I take all of this very seriously. I'm not out here because my westbank golf courses are okay and I don't care about your golf course. This has nothing to do with the golf course. This has to do with what is happening to this New Orleans East community, what is the environmental impact, what is the -- who has all of the facts, who can we guaran -- who is going to guarantee what and how do I best represent all of you and I try to do that very thoroughly and very methodically as I have done as a councilwoman and state
legislature for 20 years and as a
professional realtor and business
woman for 40 years, so if that's
wrong, I don't think it is, I
take my licks, okay. But that's
why I'm here and I stand very
justified in doing it. And,
lastly, I would also like to say
to you that there is a lot of
hope going on out here. Don't
give up over one issue. Fight
the good fight for whatever you
believe in and stand tall for
your community. We have a
hospital coming out here. The
city's playing a big role there.
We have Joe Brown Park coming
back. The city is playing a big
role, and yesterday I chaired a
meeting that shows that you are
getting one of the five design
built libraries, and in my
opinion, yours will be the
greatest state of the art, best
of the five and it will be
complete by we hope at this point
it is on line to be complete by
May or June of next year, so
plenty is coming, trust us, and
fight your good fight, and I will
be back and I will ask why.
Thank you.

MS. ALLEN:
Thank you. Go hey, ma'am.

MS. MORGAN:
My name is Gilda Morgan. I
live at 5951 Eastover Drive and I
just want to let the Corps know
that I do not want a borrow pit
built in my neighborhood just for
the record. No. 2, $25 million
that Mr. Pate is putting up for
Eastover for damages only
represents about 50 houses in
Eastover and it represents 50
cheap houses and I am one of the
cheap houses. My house is under
five hundred thousand, so I
consider me the little house on
the hill sitting next to the big
houses on the hill. Mr.
Blackwell said he was number
seven in Eastover. Well, I want
to let you know I was the last
one in Eastover before the storm,
so I'm building, twice, too. But I do not want structural damage to my house because I want to live in a safe community and I do not, for the record, for everybody to know I don't care anything about a golf club. I don't care anything about the golf course. Anybody that know me already knows this. As far as I'm concerned they can flatten the golf course and put houses up on it. That's my opinion. There's always a second choice on what to do. Any businessman, any businessman that only has one outlet is a poor businessman. Any rat that only has one hole is a poor rat. That's a poorest group of rat if you only have one hole because you got to have two. You got to have a backup plan. And evidently these people don't have a backup plan, but what I do want to know is what happened to the dirt that is staged from this hole, No. 1, who is going to remove the dirt that is left over there. If we sitting back
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waiting on Mr. Pate to move it
and all other things that he got
and I don't want to get into his
business finances like he don't
want to get mine, but he is
already in debt. He can't afford
to do anything for us. This
money is going to pay for the
debt that he is probably already
in and he is going to leave us
dry and high.

AUDIENCE MEMBER:
My question is, and I'm glad
our council person is still here.
I quoted an ordinance of -- a
city ordinance stating that any
excavation that happens needed to
be backfilled and I want to know
from the Corps if there is a city
ordinance that says it has to be
backfilled with solid material,
how can Eastover build a lake.
Thank you.

MS. HOLLEY:
All right. Corps of
Engineers, at this point we're
not authorized to backfill any of
our pits so the governed
furnished site that are going to
be excavated they will not be
backfilled unless there is a
project need. In case of
contractor furnish site, that
site will be excavated by the
construction contractor, we
talked about it. He has got to
get it coordinated with the
landowner and then the excavated
site is inherited by the
landowner and the excavated site
is inherited by the landowner,
the landowner and construction
contractor they have to comply
with all of the local ordinance.

Whatever is in the ordinance in
Orleans Parish they have to
comply with. The construction
contractor in our contract says
he has to comply with all of the
local permits. Whatever is on the
paper he has to comply with it.

MS. DUPLESSIS:
Okay. We have a city
ordinance that says they must
backfill so that means they can't
build a lake.

MS. HOLLEY:
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:
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
MS. HOOLEY:
That's to be determined. All depends on what the construction contractor --

MS. DUPLESSIS:
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.

MS. HOOLEY:
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.

MS. DUPLESSIS:
Stockpile. Exactly. So the
question is we don't have a plan for a lake that he can't build because we have an ordinance. We don't have a plan for financing the removal or remediation of the mounds of dirt that will just stay there. I mean, think about this, guys. Y'all got to really think about this. Visualize what our community is going to look like and our hope that the contractor will do the right thing and our hope that the contractor will take some of that $25 million that they are going to get from the profits of this borrow pit purchase, dirt purchase and they are going to remove at some point in life all of the stockpiles of dirt. Think about the other thing. We got a lot of undeveloped land along Bullard and Chef and Read and they got to stay within a certain vicinity. You got a lot of those landowners who are not getting revenue right now, so what a wonderful way to get revenue now
is to lease their land that is
along Bullard, that is
undevleoped or along Read that's
undevleoped for those trucks to
stage, and for those trucks to
dump their dirt like what's
happening in the Plaza right now.
You see the dirt dump. So think
about when we say this is going
to impact all of the East, you
got a lot of people -- landowners
who are not getting revenue right
now. What a wonderful way for
the next two years to get some
revenue from the Corps or
whomever else because those
trucks, be it ten thousand
trucks, 20 thousand trucks will
have to be staged somewhere in
the East. Those trucks and the
dirt that they dig or excavate,
whatever they do it, will have to
be staged somewhere. Whose
responsibility will it be. These
are all of the questions that we
have not gotten answers to and
that's why we ask the Corps
pause. Give -- ask the
contractor to come back. I got a three inch thick, and y'all got half of this, of questions that have never been answered. Use your intellect folk, we got plenty of it. Where is the dirt going to go. Where are the trucks going to be staged. Who is going to remove it.

MS. HOLLEY:

Make a comment to that. We have stated upfront there will be impacts of traffic. There will be trucks on the road regardless of what borrow method is used, regardless of where the site is. We are putting down the system to reduce risk. There will be construction. There will be impact to traffic. There will be impact, there will be noise. There will be deterioration of roads. That is a part of construction regardless of what borrow site is used, regardless of what method is used and we have stuck to that. What we're trying to do is as the lady earlier mentioned, which I have
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mentioned before, in order to
minimize that impact we identify
in case of government furnish,
which we have in case of those
green sites, we try to idea sites
in a close vicinity of our levee
alignment. Making sure there's
less haul distance, less
deterioration to roads, less
traffic. That's what we do as
part of minimizing impact. Now
in case of Eastover, they have
contact us. They want to
participate. It just happens
that their site is also in a
close vicinity. We don't know if
it's going to be used or not
that. Depends on the construction

MS. HEISSER:
My name is Joan Heisser, and
I'm a resident of Eastern New
Orleans for over 32 years. I
love our community. I love all
of my neighbors and I love the
people in Eastover. I have
friends on both sides pro and
con. I hate to see the division
of the community for one thing.
But we all have the same common goal and the same concern, the environmental impact that this is going to have on our community. And I don't know if that's been addressed properly. Has an Environmental Impact Study been done by the committee from Eastover for the pros and the cons? And we need to know that, and if it is, it needs to be made publicly so that we can address the issue to see whether or not there is a negative impact. And another issue that I would like to have addressed, since the City of New Orleans has not been a part of this, Ms. Clarkson, you are here, I would like to know do they need a permit to build this lake as far as for the City of New Orleans? What is the permitting process? What is the public input on that? Also I would like to know who is going to pay for the damage of the roads. You know, for the trucks that is going to come in and out of the subdivision an on to
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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
to give an opinion.

MS. HEISSER:

Is that an Environmental Impact Study?

MS. DUPLESSIS:

It has some information on the environmental stuff on there also.

MR. OWEN: (No microphone)

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

MS. HEISSER:

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

MR. OWEN:

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

MS. HEISSER:

Can you put that in writing to us.
MR. OWEN:
It is in writing. That's exactly what it says in the IER.

MS. HEISSER:
That it's not going to negatively impact and subside the land in the community. See because we have a community out here and I just want to say this, ladies and gentlemen, because I'm a realtor and I'm very concerned about property values and quality of life in the community. We have a subdivision called village de l'Est in New Orleans East. If you go in that community you can see the foundations of the properties. The houses are not cracking or falling apart, but the land subsides all of the time, and every year those people who live in that community have to backfill their land and, you know, I mean, it's quite expensive. The streets are sinking, so we want to be assured that that's not going to happen.
in the rest of New Orleans East.
we have no problem with lakes
because we love lakes. I live on
one. I lived on one for over 30
years and it's great living. New
Orleans East is great living;
however, we do have a problem if
this lake that's being dug is
going to cause subsidence to the
neighboring properties of
Eastover and the community, and
that's the main concern. We
could care less if Mr. Pate is
making 25 or 50 or 100 million
dollars as long as he puts back
into the community what he says
he is going to do. And Eastover
is one of the premier
subdivisions. My husband used to
belong to the golf course. Now
he has to go all of the way
uptown to Audubon Park to play.
He was one of the big supporters
of Eastover. I sold property to
some people who bought purposely

because of the golf course. We
want to see the golf course and
the clubhouse come back. But we
want assurance and guarantees.
And I think together as a community I don't want to see Eastover split or New Orleans East split. We're only strong when we're unified so I just hope that we can all come together on this issue.

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

MS. HEISSER:
When words you use like if or -- those are escape words.

MR. OWEN:

We use that because we don't issue the permit.

MS. HEISSER:
Well, the City of New Orleans will have to issue a permit I assume and some criteria will have to be set in place, and I
guess we would have to go to our
city council people and find and
the permitting department to find
out what that might be. What
about the environmental study,
Mr. Pate, do you have it.

MR. PATE:
We did two environmental
studies as part of our submission
with the Corps.

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

MS. HEISSER:
Can you put it on the
website.

MS. ALLEN:
Yes, ma'am. All OF our --

MS. HEISSER:
We can review it and see what
that --

MS. ALLEN:
All of our IER's are
available at
nolaenvironmental.gov. You want
to look at IER 19 and IER 29.
IER 29 is what we are currently
under public review. IER 19 has
already been approved. I want to correct one thing you said. We're very involved with the city, with the state, with the levee board, with the Sewerage and Water Board. We meet with them constantly. Our project managers meet with them constantly. We briefed the city council last week. We brief the mayor on a monthly basis on the system overall. I am saying from a systemwide, all of our projects, including all of our borrow projects, we are hand in hand with our federal, state and local partners, so I just want to make sure that you understand that. We are communicating with our partners on all issues. First I do want to recognize Representative Badon is here. I hope I pronounced your name correctly. Badon. Thank you, sir. Turn the mic to this gentleman right here who has been waiting for a very long time.

AUDIENCE MEMBER:

Very brief. I want to
reference slide 19. I have a direct question. You list the areas there one being of St. Tammany and St. John. My question is what type of areas are these, are they similar to all type environment or --

MR. OWEN:
The Tammany Holdings is the residential area being developed.

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

AUDIENCE MEMBER:
It's not currently developed?

MR. OWEN:
It is partially. They are digging lakes and ponds and putting homes around it. Willow Bend is St. John County and right now is rural area. There are some homes not directly adjacent to it but not that far away. Thousand, two thousand feet.

AUDIENCE MEMBER:
One other quick thing.

MR. OWEN:
As you see, I mean, every one of those names on there represents a pit that's either been investigated and approved or being investigated right now. The three circles are the three sites we are looking at right now.

AUDIENCE MEMBER:
The question is there seems to be some concern has this ever been done before of this magnitude and this type of residential area and so forth, and looking at your slide, I'm trying to get clarification.

MR. OWEN:
There are borrow pits around that are near residential areas.

MS. HOLLEY: (No microphone)
It shows the map of all of the parishes; Jefferson, Orleans, St. Bernard, Plaquemines, you will see all of the government sites. We have about 50 sites, about half and half, and they all have obviously their own circumstances you have some vicinity --
AUDIENCE MEMBER:

So some of these are in development and not currently in place according to what you are saying.

MR. OWEN: (No microphone)

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

AUDIENCE MEMBER:

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

MR. OWEN:
Right. What we're doing instead of EIS, we have implemented an alternative arrangement. It is an authorized way of doing EIS type thing. IER is an EIS.

AUDIENCE MEMBER:
Okay. It's the same thing.

MR. OWEN:
Same level of detail.

AUDIENCE MEMBER:
So you are not required.

MR. OWEN:
That's correct. We have an alternative arrangement, which is you do either EA, environmental assessments; you do Environmental Impact Statements. In this case you are also allowed to do an alternative arrangement. This emergency we did an alternative arrangement.

AUDIENCE MEMBER:
My final comment, I have a question. How much is the borrow pit project worth in dollars?
much money are we talking about?

MS. HOLLEY:

As far as government furnish --

AUDIENCE MEMBER:

Eastover. Contractor furnished.

MS. HOLLEY:

We have paid a variety of costs as far as contractor furnished. It varies and a lot factors are involved. Main thing is that haul distance and the availability. So we have, as far as the contract that we have awarded through contract furnish process, we have paid a variety of range, and also basically get one line item which says compacted fill, which includes material, excavation,

transportation, placement and compaction. That's what we get.

So is the -- cost of the Corps has gotten so far the process is is the combination of that cost. we have -- and we have paid a range, a big range. Depending on what -- where the site was, the
size of it. Fair market value. Just like when you buy a house.

AUDIENCE MEMBER:
Specifically, though, because of the amount of proposed borrow that is being proposed to be excavated, how would you guesstimate what you typically paid per cubic feet or whatever.

MS. HOLLEY:
I couldn't make that estimation mainly because, as we said, the compensation method is strictly between the construction contractor and the landowner and it can happen in any method. It can happen per acreage, cubic yard. It's whatever they decide.

Now, what we did we did a line item from construction contracted and we look to see if that's reasonable and if the total cost for that living range is within that acceptable range is yes or no. But that -- what you ask me is something we are not going to know until the contract is awarded and the construction contract is -- that's going to
vary and depends on what they work out.

MS. ALLEN:

Joe, do you have --

MR. KOPEC:

The compensation for a contractor pit is the result of negotiations between the contractor and the landowner. On the government furnish pit it's the same as if you wanted to buy a piece of property. You will go out and get an appraisal. The appraisal tell you what the property is worth. That's how we handle acquisition for the government pits. But these contractor pits is whatever negotiations of the result between the two parties involved. We're not a part of those negotiations.

AUDIENCE MEMBER:

The reason I'm saying that is in the Environmental site assessment, which is not an Environmental Impact Study, I think sometimes that's confused, we have not seen an Environmental
Impact Study which I think the young lady had asked previously, I think Ms. Heisser asked about environmental impact. In your environmental site assessment study Eastover was considered as units, I believe was the term in that document, valued at $96,000. So that's a gross erroneous value for what was called a unit as oppose to a residential home.

MR. OWEN:
The IER is equivalent to an Environmental Impact Statement. The value you are seeing in there is based on block grant size. That's set by another agency. We just reported what the average value of home was in the block grant.

AUDIENCE MEMBER:
Well, that in no way reflects Eastover. 96,000 may not reflect the average home in East New Orleans.

MR. OWEN:
There is a statement in here and I don't remember the exact page that tells you the value of...
the homes goes from the low three, four hundreds to eight hundred.

AUDIENCE MEMBER:
No. well, in the

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

MR. OWEN:
That's the block grant.

AUDIENCE MEMBER:
I understand. But, again, I don't believe that's accurate in defining in any way, shape or form the value of even an average home in anywhere in Eastern New Orleans, so that's a gross misrepresentation as far as we're concerned. That's one of the things that I would like to say. Also, I mean, I know that compliance and transparency should always be a part of any type of project especially when the Corps is involved and you have got your regulations. I would like to understand how does the city ordinance come into play
when the proposed filling is with a lake and it's not with a solid soil as referenced in city ordinance section 66-249.

MR. OWEN:

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

AUDIENCE MEMBER:

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

MR. OWEN:

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

AUDIENCE MEMBER:

I understand. But the Corps is involved.

MR. OWEN:

No.

AUDIENCE MEMBER:

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

MR. OWEN:
No. We're not involved in 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 between the city and the landowner when he moves forward to get his permits to excavate.

AUDIENCE MEMBER:
Another thing, too. I don't believe that there's been any structural study done as a part of any environment. If you want to call the site assessment an Environmental Impact Study. It only speaks to the wildlife, the birds and snakes and that kind of thing but nothing about people, and it does not speak to any potential damage to the structure of the homes that are in that nearby proximity and I think that is a major issue.

MR. OWEN:

The IER -- the environmental process looks at the impacts to the human environment. People are part of that human environment. The bugs and bunnies are, too. The report clearly talks about that. It talks about socioeconomics. It is in there and it says very clearly if the pit is designed appropriately we do not envision there will be any structural problems.

AUDIENCE MEMBER:

Not envision but you still
have not given us any guarantees. And of course I think someone mention in this process -- and how long is the excavation process from how long, two years, three years, minimum.

MR. OWEN:
If he gets a contract, how long that contract is.

AUDIENCE MEMBER:
Again, I think the people have to understand here tonight that you are not talking about whether we want a beautiful lake or all of these things corrected or not. The process is a lengthy one, and in the interim period a lot can happen. Another storm can come through, contractors can go bankrupt. People can disappear who are in the interim process, haulers can certainly disappear. There are no assurances of the protection of the people and I think the Corps can do all of what it proposes in these levees after a tremendous disaster should be very much concerned more so not in just
your government furnished sites
but in the contracted furnished
sites on the welfare of the
people that these things impact.

MR. OWEN:
we have --

AUDIENCE MEMBER:
Whether or not you say it's
mandated that you have to look at
structure or any of those things,
you are only looking at the
quality of the clay. The quality
of the clay may not be in the

best interest for -- in this
instance for the residents of
Eastern New Orleans.

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

AUDIENCE MEMBER:
I think in closing, too, with
the structural engineers report,
Mr. Julian, I think Mr. Copeland
refers to him as a good friend.
Well, regardless of being a good friend, he is a professional and he did supply a report that was accepted in the court of law by a judge that said he gave credence to the fact that there is potential risk, so much so that we did receive that judgment as what you have in your report, so please bear that in mind that whether it's a friend or anyone or not or whether or not they consider it a true report, he is a professional and his report stood in the court of law and he did say there is risk. Thank you.

MR. OWEN:
We are aware of that.

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

MR. OWEN:
Adjacent.

MS. MCARTHUR:
To the levees.

MR. OWEN:

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

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
There are multitude of methods.

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

Ms. McArthur:
And I had asked y'all before about asking representatives the federal and state. Did y'all just send little cards like y'all sent to the public or did you send a letter requesting that someone represent their departments to answer the questions on the board with y'all for the public.

Mr. Owen:
They get the card.

Ms. McArthur:
Can y'all please send them a letter requesting instead of
sending a card.

MR. OWEN:

What I would suggest is that you all ask for meetings specifically with them. That's what I would suggest because you are wanting to ask them very specific questions about their process. They need to come and explain their process. This forum is to talk about IER.

MS. MCARTHUR:

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

MS. DUPLESSIS:

Absolutely. Absolutely. I will make sure. I will make sure that I convene a meeting. I will ask our local because this is a local issue. I will ask -- I know that I already had conversations with Councilman Ernie --

MS. MCARTHUR:

I don't mean just the council. I am talking about the permits department. The Homeland
Security, whatever it is with the city that makes the decisions for this. You know, whoever the permit, whoever the contractors have to go to for all of that.

MS. DUPLESSIS:
That's a great idea and I am going to make sure that I do that.

MS. MCARTHRU:
And request that the Corps get that meeting, too.

MS. ALLEN:
I'm hearing from my Colonel over here that we're going to do a different way of notification for public meetings. We're going to send personal invites and calls and whatever we need to do.

MS. MCARThUR:

Another thing that I wanted to make a comment. I know the Corps is doing the best they can based on information that they have nowadays. I know every year they doing trial and error and the engineers find out later on that that was wrong, you know, under all of the rules we have
learned in school and so forth, that's what we do, I guess, but -- and they just people like us, they have the expertise and we relying on them but they are people like us, and they live in this area, too, so, you know, don't put all of the blame on the individuals.

MS. HOLLEY:

I appreciate the kind comments, but I want to clarify. We are not using trial and error. We have engineer requirement and engineer process that we follow. From designer pit, from investigating pit there is no trial and error. We have professional engineer the --

MS. MCARTHUR:

It changes by things that happen.

MS. HOLLEY:

We have professional engineers so it's a process we are using engineering requirement and techniques. No trial and error.

MS. MCARTHUR:

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I want to say, too. All of this work that we're doing under the hundred year plan with the city y'all just put out something to congress or y'all change it to call something else. I want to let everyone know and let all of your neighbors know to write a letter to congress even though the time is up to send it to y'all to please insist that congress make the Corps protect the city from the Gulf coming into the lake because if they don't stop the Gulf coming into the lake all of the levees they built everywhere are not protected. If the sea rises like they said and so forth, if the lake gets pushed in with more lake, Gulf water because of the wetlands being destroyed, the levees could fail again. They could be overtopped, and unless we get protection from the Gulf stopping into the lake, it's -- the levees that we have aren't enough.

MS. ALLEN:
You are right. That's the LACPR study. LACPR, Louisiana Coastal Protection --

MS. MCARTHUR:

I suggest everybody write congress because these levees aren't enough, and I'm sure y'all all know that. Unless you write them, congress is not going to do anything about it, I don't think. That's it.

MR. COLLIER:

My name is Wayne Collier. I will be very briefly. I raised my family in Michoud Boulevard, but I'm appearing hearing because I want to make clear to everyone here I represent Tammany Holding Corporation that has the acreage and part of the IER No. 29 and this company -- we're in the business of moving dirt. For the last ten years our company has moved more than 35 cubic yards of material, and if you drive over the twin span and you look to your right as far as you can see, it's called Lakeshore, that's our development. The pit that we
have identified that's on the
screen right now I think you can
see is and will be developed in
an otherwise currently vacant
area. We are not proposing, if
we were, we probably have a lot
of people from St. Tammany Parish
here, we are not proposing to
build our pit and excavate in an
existing residential community.
And I'm not making that comment
disparagingly about the Eastover
site. I'm saying as a matter of
fact we have the good fortune as
a company that bought three
thousand acres and we have a lot
of land to be able to avail the
Corps of the benefit of our
material, and one of the other --
we actually, quite honestly, and
we have sought approval for three
hundred acres about 27 million
cubic yards. If needed, we could
expand the pit. All I'm saying
is that I wouldn't want the
record to be left tonight without
it being clear about what Tammany
Holdings part of this is, and one
of the other factors that I think
was raised tonight by a lot of elected officials and community leaders, the work that is being done to improve our levees to protect the City of New Orleans and New Orleans East is very important. We have a distinct advantage over some other providers of clay material. If you look at where it's going, we're on the water. We can barge material to some of these sites. It may or may not be practical. We have to have the people to do the work, agree with this, but, quite honestly, we're very excited about having our pits approved so that the Corps can get down to the business that it's so wants to do because we work very well with the people in the Corps. It's just an arduous process, and at the end of the day we all want these levees to be constructed and we all want to be safe and do our part.
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MR. HAMILTON:

Greg Hamilton. 5600 Bundy Road. Just point of clarification. I believe you said the levee projects in New Orleans East require about ten million cubic yards of fill. Are you going to limit the extraction from all of the borrow pits in New Orleans East to that ten million cubic yards?

MR. OWEN:

If it's improved government furnish it could go anywhere in the system. If it's approved contractor furnish that contractor could take it anywhere in the system. It could go outside of New Orleans East if that's what you are asking.

MR. HAMILTON:

You possibly could extract just as much as you can get from New Orleans East well beyond the ten million cubic yards?

MR. OWEN:

There could be -- there is a potential the material would be dug in New Orleans east and moved
out of this area.

MR. HAMILTON:
Thank you. Thank you.

MR. DEMI (ph):
My name is Lucien Demi (ph).

As this young lady said, they have borrow pits in Plaquemines Parish. I'm born and raised all of my life in Plaquemines Parish. When you talk about borrow pits in Plaquemines Parish has no -- I mean, has nothing to do concern with New Orleans East. Plaquemines Parish, a levee here and a levee there, and, I mean, the levees are right there close -- you are on the highway and see a boat lift. You look to the right and see one levee and you look to the left and see another levee. The people after the hurricane, the people they claim they weren't going back because they said they weren't going to let the people live back there. So the people, some of the people have money, went back there and bought up the land. When I say bought, these people had deep
pockets. They bought up the land for a cheap price. Two years later that land, the land that they use to borrow pits in Plaquemines Parish, the people that own it now is making millions and millions of dollars and it was done because they bought the land cheap from the owners who have been owning it for 50, 60, 100 hundred years within the family. I own property down there myself. But they bought it real cheap and the reason why they bought it they knew they were educated, a lot people I know were not. They bought this land for one purpose to make big dollars. They dug these borrow pits, sold it to the Corps of Engineers for big millions and millions of dollars and what it's about, the dollar. Believe me. I know it because I got property down there but they wouldn't buy mine because mine is too small, but they are making money by selling the mud to the Corps and -- but when you talk
about Plaquemines Parish nothing like here. It don't have a subdivision in Plaquemines Parish with $200,000 house. They might not have a house in Plaquemines Parish worth $200,000, so you are not talking anything when you talk about Plaquemines Parish concern about New Orleans East. Together. Two different things.

AUDIENCE MEMBER:

My question is about the size of the borrow pit. I have heard the senators say I think one hundred acres, 120, 126 acres, but I also heard 30 acres. How big is that?

MR. OWEN:

The original --

MS. HOLLEY:

What is approved on the IER No. 19, the approved area environmentally is 36.6 acres. That was the dark blue or what is yellow now. The remaining is 113.

AUDIENCE MEMBER:

The yellow is approved, right?
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 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.

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

The yellow is 36 acres.

And the blue is 120.
MR. OWEN:

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

what we're looking at tonight is an additional 113 acres.

MS. DUPLESSIS:

One last thing question about the St. Bernard that y'all need to understand and Plaquemines Parish. Right now St. Bernard and Plaquemines Parish are suing the Corps. There is a lawsuit right now because of the shrinkage and the damage that has happened in those two parishes. I don't know if you remember about seven months ago Billy Nungesser and Craig Tafaro came to speak to us and the retired corporal or general or somebody, Starkle with the Corps, who was a retired general with the Corps came to us and said you do not want this in your community. You do not want this in your backyard. We are suing today. I think it was St. Bernard Parish where the borrow pits were out far beyond where residents live but now because of
those borrow pits those houses
that are existing are now
shifting towards the borrow pits.
So now the city -- the parish
both parish are having to come up
with dollars to sue the Corps or
somebody to help with those
homeowners and the damages that
those communities are now seeing,
so I want y'all understand what
is occurring right now. We had
two people who were unsolicited
who came out, two very credible
people who are experienced in
what we are going to experience
if this happens that told us you
don't want it.

MR. OWEN:
I would like to correct one
thing. We're not aware of any
lawsuit that you are talking
about.

MS. DUPLESSIS:
Yeah. St. Bernard.

MR. OWEN:

We are not aware of any suit.

MS. CLARKSON:

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I would like to make one last statement that Ms. -- I would like to make one last statement in reference to Ms. Heisser said earlier about the city, the Corps, yes, does come and report to us every time we ask, they have been very good with that. We have not had a formal report to the city council on this issue since I'm back as Council At Large, and that's almost two years. So I wouldn't have -- so I have to say when they say they come and report to us, not on every issue for every neighborhood and everything. That would be full time at our council meetings if they did, so I'm not criticizing them for that. I am just telling you that we have not had a formal presentation on this at the city council and I had a lot of unanswered questions, that's why I'm here tonight. I was thrilled to be invited. I have never been told I should come or that it was any responsibility to be here.
And so if you all feel that you want other elected officials to show up here, city, state and federal then you get, you know, you make sure you demand that of the Corps invites them, but also as far as the permitting and what is happening, what will have to happen, there is an ordinance, that is real. It's on the books, and as far as the permitting process or any other further information for the city, the normal process for this has been the lead has always been the district council person, not just for out here, in every part of the city. As the Councilmen At Large I defer to the district council person to always take this lead. However, if you want to come to my -- I'm not going to step in and take your district council person's lead here any more than I do anywhere in the city. However, my office is totally available to anybody that chooses to come and get your information. Thank you.
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
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
Page 176
in the East for more than 50
years. I also have my business
here. I have been servicing the
East as an attorney for almost 40
years. Having said that giving
you my background I would like
the Corps to know that my AOL
address is still
jgoldberglawfirm@aol.com because
I never received answers to the
questions that I asked at the
last go round. Now, with my legal
training maybe this is my really
concern. We are talking about
the onuses on the landowner and
the contractor to do what is
right. We all know that the
Corps has an immunity from suit.
I don't believe the landowner and
the contractor would have an
immunity from suit, but I don't
see anything in IER 29, and like
Dr. Blackwell, I have read this
from front page to back page and
all of the attachments and
indexes and so forth. I know
every word it says. Having said
that, I don't see anything which
requires the contractor and
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landowner to put any bonds up or
to do anything to protect us if
they should in fact do something
that causes us damage. But more
in particular since we are here
about the IER 29, let me read to
you from page 98 and then you

will know what my comments is
because I'm not sure everybody in
here has read it and I'm not
implying that anybody has not
done their homework. All I'm
implying is I did mine, and this
is what it says. The proposed
Eastover Phase 2 borrow area
could be designed to not directly
or indirectly damage nearby
structures. Encourage borrow
site sidewall erosion are
increased flood risk. However,
and that's a big word like "if"
and "but," however, the landowner
and the contractor, not the
CEMVN, and CEMVN you can read
that as Corps, are responsible
for borrow site design. If, here
is that word, if the borrow area
is not designed by the landowner
and his contractor in such a
fashion, here it comes, folks, it could potentially cause damage to neighboring homes. Now, let me tell you, the Corps is telling us that there is a possibility for damage to our home if the landowner and the contractor don't properly design this. It doesn't talk about damage to Eastover homes, it could be homes anywhere in the East the way I'm reading this. Folks, please, for God sakes if you are going to come here and be active get this material and read it because the Corps has condemned this project themselves right here on page 98, for those of you -- for those of you who remember the original meeting at Eastover when this first came out, everybody with the exception of yours truly, either voted in favor of this project, or stood there and sat there like cigar store Indians. The only one who said no was yours truly. And I said it loud and clear, and the reason I was
worried was I didn't have any
information to tell me at that
time what impact would have on my
home. I am not going to tell you
the value of my home because I
don't know where Eril Williams
is. But I got to tell you like
everybody else, my home is an
investment and a major investment
for me. More than that it's a
quality of life for me, and I
have been out here a long time, I
have seen a lot of things council
person Clarkson and Senator
Duplessis come and go, come and
go through this East. I was here
before NASA was here, so I can
tell you now I was here through
Betsy. I know what happened to
us in Betsy, I know what areas
flooded, I know what areas didn't
flood. That is how -- because
our councilman Kelly caught the
areas that were ponding, he broke
the levees and flooded other
areas to -- and so forth and so
on. But I know the history of
this area politically and I know what went on in Betsy and I can tell you this is not going to be nothing nice as we say vernacular out of the mouths of the Corps.

MS. ALLEN:
I'm going to let this young lady make one more comment and we are going to wrap it up for the evening. We'll be here afterwards for questions. After she speaks, I'm going to ask Colonel Sinkler to come up and make any closing remarks.

AUDIENCE MEMBER:
Did I hear you, Jackie, say "if" and "however" are big words. Let's face it, if you don't put pilings under your house your house is going to shift. There is "if" with consequences, so I'm just saying --

MS. GOLDBERG:

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

AUDIENCE MEMBER:
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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 a hang around up
here. If there are any questions
that you guys have for us we'll
be happy to answer. Thank you
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
no way interested in the outcome of this event.

--------------------------
RACHEL Y. TORRES, CCR, RPR
CERTIFIED COURT REPORTER
## APPENDIX C: MEMBERS OF INTERAGENCY ENVIRONMENTAL TEAM

<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
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<tbody>
<tr>
<td>Kyle Balkum</td>
<td>Louisiana Dept. of Wildlife and Fisheries</td>
</tr>
<tr>
<td>Catherine Breaux</td>
<td>U.S. Fish and Wildlife Service</td>
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<tr>
<td>Mike Carloss</td>
<td>Louisiana Dept. of Wildlife and Fisheries</td>
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<tr>
<td>David Castellanos</td>
<td>U.S. Fish and Wildlife Service</td>
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<td>Frank Cole</td>
<td>Louisiana Department of Natural Resources</td>
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<td>Greg Ducote</td>
<td>Louisiana Department of Natural Resources</td>
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<tr>
<td>John Ettinger</td>
<td>U.S. Environmental Protection Agency</td>
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<tr>
<td>David Felder</td>
<td>U.S. Fish and Wildlife Service</td>
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<tr>
<td>Michelle Fischer</td>
<td>U.S. Geologic Survey</td>
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<tr>
<td>Deborah Fuller</td>
<td>U.S. Fish and Wildlife Service</td>
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<td>Mandy Green</td>
<td>Louisiana Department of Natural Resources</td>
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<td>Jeffrey Fuller</td>
<td>Louisiana Department of Natural Resources</td>
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<tr>
<td>Richard Hartman</td>
<td>NOAA National Marine Fisheries Service</td>
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<td>Brian Heimann</td>
<td>Louisiana Dept. of Wildlife and Fisheries</td>
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<td>Jeffrey Hill</td>
<td>NOAA National Marine Fisheries Service</td>
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<tr>
<td>Christina Hunnicutt</td>
<td>U.S. Geologic Survey</td>
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<tr>
<td>Barbara Keeler</td>
<td>U.S. Environmental Protection Agency</td>
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<td>Kirk Kilgen</td>
<td>Louisiana Department of Natural Resources</td>
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<td>Tim Killeen</td>
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<td>Brian Lezina</td>
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<td>Brian Marks</td>
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<td>Ismail Merhi</td>
<td>Louisiana Department of Natural Resources</td>
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<td>David Muth</td>
<td>U.S. National Park Service</td>
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<td>Clint Padgett</td>
<td>U.S. Geologic Survey</td>
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<tr>
<td>Jamie Phillippe</td>
<td>Louisiana Dept. of Environmental Quality</td>
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<td>Molly Reif</td>
<td>U.S. Geologic Survey</td>
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<td>Kevin Roy</td>
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<td>Manuel Ruiz</td>
<td>Louisiana Dept. of Wildlife and Fisheries</td>
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<td>Reneé Sanders</td>
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<td>Angela Trahan</td>
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<tr>
<td>Patrick Williams</td>
<td>NOAA National Marine Fisheries Service</td>
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APPENDIX D: INTERAGENCY CORRESPONDENCE
Colonel Richard P. Wagenaar  
District Commander  
U.S. Army Corps of Engineers  
Post Office Box 0267  
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 (50 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 SH-1V slope, per recommendation I, 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 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,

[Signature]
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
### MAMMALS
- Bear, Louisiana*  
  (*Ursus americanus luteus)
- Manatee, West Indian  
  (*Trichechus manatus)

### BIRDS
- Eagle, bald  
  (*Haliaeetus leucocephalus*)
- Pelican, brown  
  (*Pelecanus occidentalis*)
- Plover, piping**  
  (*Charadrius melodus*)
- Woodpecker, red-cockaded  
  (*Campephilus principalis*)

### REPTILES
- Tortoise, gopher  
  (*Gopherus polyphemus*)
- Turtle, ridged map* (map turtle)  
  (*Graptemys pseudogeographica*)
- Turtle, keeled mud  
  (*Caretta caretta*)

### FISH
- Shrimp, Gulf**  
  (*Penaeus aztecus*)
- Sturgeon, pallid  
  (*Acipenser oxyrhyncus desotoi*)

### INVERTEBRATES
- Mussel, infra-red headsplitter  
  (*Potamilus inflatus*)

### PLANTS
- Louisiana quillwort  
  (*Isoetes louisianensis*)

### GENERAL DISTRIBUTION IN LOUISIANA

<table>
<thead>
<tr>
<th>Taxon</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bear, Louisiana</td>
<td>Entire state</td>
</tr>
<tr>
<td>Manatee, West Indian</td>
<td>Lake Pontchartrain &amp; tributaries on North shore; rare along Gulf coast</td>
</tr>
<tr>
<td>Eagle, bald</td>
<td>Entire state</td>
</tr>
<tr>
<td>Pelican, brown</td>
<td>Coast</td>
</tr>
<tr>
<td>Plover, piping</td>
<td>Coast</td>
</tr>
<tr>
<td>Woodpecker, red-cockaded</td>
<td>Entire state except Dwn</td>
</tr>
<tr>
<td>Tortoise, gopher</td>
<td>Washington, St. Tammany, and Tangipahoa Parishes</td>
</tr>
<tr>
<td>Turtle, ridged map</td>
<td>Pearl and Bogue Chitto Rivers</td>
</tr>
<tr>
<td>Turtle, keeled mud</td>
<td>Potential Nesting on Chandeleur Isl.</td>
</tr>
<tr>
<td>Shrimp, Gulf</td>
<td>Pearl River &amp; Lake Pontchartrain tributaries</td>
</tr>
<tr>
<td>Sturgeon, pallid</td>
<td>Mississippi River &amp; tributaries</td>
</tr>
<tr>
<td>Mussel, infra-red headsplitter</td>
<td>Amite River</td>
</tr>
<tr>
<td>Louisiana quillwort</td>
<td>Washington and St. Tammany Parishes</td>
</tr>
</tbody>
</table>

*Indicates proposed critical habitat  
**Indicates designated critical habitat
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
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 sheetpyle, 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>
<thead>
<tr>
<th>Site</th>
<th>Parish</th>
<th>Total Site Area (acres)</th>
<th>BLH Habitat Impacted (acres)</th>
<th>AAHUs Lost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastover Phase II</td>
<td>Orleans</td>
<td>151</td>
<td>43.2</td>
<td>9</td>
</tr>
<tr>
<td>Tammany Holding Corporation</td>
<td>St. Tammany</td>
<td>355</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3C Riverside Properties Phase III</td>
<td>St. Charles</td>
<td>590</td>
<td>248</td>
<td>122.8</td>
</tr>
<tr>
<td>Willow Bend Phase II</td>
<td>St. John the Baptist</td>
<td>560</td>
<td>76.2</td>
<td>42.09</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>1656</strong></td>
<td><strong>367.4</strong></td>
<td><strong>174.3</strong></td>
</tr>
</tbody>
</table>

**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,

[Signature]
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


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,

Miles M. Croom  
Assistant Regional Administrator  
Habitat Conservation Division

c:  
FWS, Lafayette  
EPA, Dallas  
LA DNR, Consistency  
F/SER46, Swafford  
Files
August 17, 2009

Mr. Gib Owen
U.S. Army Corps of Engineers
Planning, Programs and Project Management Division
CEMV-PN-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 livestock and timber. It does not include land already in or committed to urban development or water storage;
(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.
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
MAP LEGEND

Area of Interest (AOI)

Soils

Soil Map Units

Soil Ratings

Prime farmland if subsided, completely removing the root inhibiting soil layer

Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

Prime farmland if irrigated and reclaimed of excess sodium salts and sodium

Farmland of statewide importance

Farmland of local importance

Farmland of unique importance

Not rated or not available

Political Features

Cities

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

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


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

<table>
<thead>
<tr>
<th>Map unit symbol</th>
<th>Map unit name</th>
<th>Rating</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
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<tbody>
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<td>CmA</td>
<td>Cancienne silt loam, 0 to 1 percent slopes</td>
<td>All areas are prime farmland</td>
<td>33.2</td>
<td>6.0%</td>
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<td>CnA</td>
<td>Cancienne silty clay loam, 0 to 1 percent slopes</td>
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<td>7.1</td>
<td>1.3%</td>
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<td>GrA</td>
<td>Gramercy silty clay, 0 to 1 percent slopes</td>
<td>All areas are prime farmland</td>
<td>311.9</td>
<td>56.0%</td>
</tr>
<tr>
<td>SkA</td>
<td>Schiever clay, 0 to 1 percent slopes</td>
<td>All areas are prime farmland</td>
<td>204.4</td>
<td>36.7%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td></td>
<td><strong>556.6</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

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
MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Units

Soil Ratings
- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

- Prime farmland if subssoiled, completely removing the root inhibiting soil layer
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance
- Farmland of local importance
- Farmland of unique importance
- Not rated or not available

Political Features
- Cities

Transportation
- Rails
- 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
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              | Allemanda 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
MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Units

Soil Ratings
- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

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
Coordinate System: UTM Zone 18N NA83

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.
Farmland Classification

<table>
<thead>
<tr>
<th>Map unit symbol</th>
<th>Map unit name</th>
<th>Rating</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad</td>
<td>Allemands muck, drained</td>
<td>Not prime farmland</td>
<td>413.2</td>
<td>59.4%</td>
</tr>
<tr>
<td>Ha</td>
<td>Harahan clay</td>
<td>All areas are prime farmland</td>
<td>254.7</td>
<td>36.6%</td>
</tr>
<tr>
<td>Mt</td>
<td>Myatt fine sandy loam</td>
<td>Not prime farmland</td>
<td>27.2</td>
<td>3.9%</td>
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<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td></td>
<td><strong>695.0</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

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
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
contact Habitat Section biologist Chris Davis at 225-765-2642 should you need further assistance.

Sincerely,

Kyle F. Balkum
Biologist Program Manager

cd

c: Chris Davis, Biologist
USFWS Ecological Services
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,

[Signature]

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
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
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, fur-bearers, 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 sheetpiles, 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

<table>
<thead>
<tr>
<th>Site</th>
<th>Parish</th>
<th>Total Site Area (acres)</th>
<th>BLH Habitat Impacted (acres)</th>
<th>AAHUs Lost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastover Phase II</td>
<td>Orleans</td>
<td>113</td>
<td>31.1</td>
<td>6.5</td>
</tr>
<tr>
<td>Tammany Holding Corp.</td>
<td>St. Tammany</td>
<td>291</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Willow Bend Phase II</td>
<td>St. John the Baptist</td>
<td>496</td>
<td>76.2</td>
<td>42.1</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>900</td>
<td>107.3</td>
<td>48.6</td>
</tr>
</tbody>
</table>

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,

[Signature]

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
LITERATURE CITED


Louisiana Department of Natural Resources. 1994. Habitat assessment models for fresh swamp and bottomland hardwoods within the Louisiana coastal zone. Louisiana Department of Natural Resources, Baton Rouge, Louisiana. 10 pp.


APPENDIX E: CEMVN BORROW AREA INDEX MAP